Amenities Committee 27 August 2025 ITEM 11

Highcliffe Recreation Ground asset transfer – update

1. Purpose of the report

To update members on recent discussions, and agree a course of action.

2. Options

Members are asked to choose between two options for recommendation:

a) To accept BCP's proposals in full (as listed below), subject to clarification;
b) To accept BCP's proposals in part, subject to clarification (identifying which parts are and are not accepted).

3. Background

Negotiations with BCP to transfer Highcliffe Recreation Ground & Playpark to the Council began in 2019. The rate of progress in these discussions has challenged the patience and commitment of Council members and officers.

During 2024, BCP officers provided a new draft of the Service Level Agreement (SLA), which contained legal clauses not seen before. This necessitated further contractual negotiation.

More recently, the change in personnel during 2024 led to a number of key commercial issues being identified in the SLA, which had not been resolved previously. These were discussed during a meeting between BCP officers and the Council's Acting Clerk, Chair & Vice-Chair in July this year.

The SLA is crucial, because this sets out which services will be delivered to the Council by BCP at no cost, for a period of two years from the transfer date. Any services not listed in the SLA will need to be funded by the Council during that time.

4. Recent developments

The discussion centred around the following outstanding matters:

1. Boundary. The Council has long worked on the basis that the boundary for the land to be transferred was the visible external fencing. At the northern boundary, this is the wooden fence separating the Rec from the grass verge at the side of Lymington Road.

   More recently, BCP have argued that the boundary was understood by them to be the northern side of that grass verge. This would take the Council's boundary up to the pavement of Lymington Road. The additional liabilities for the Council would therefore be:
   - The grass verge;
   - The roadside trees (and any safety matters and risks attached to those);
   - The bus shelter;
   - The highway signs;

- The metal fencing at the two northern entrance points.

This is set out more clearly in Picture 1 & 2 at the end of this paper.

BCP officers argued that the contended land was part of the historic transfer of land, and is defined as part of the Rec under the title. They argued that the administrative process to detach this land from the Rec would be time-consuming and costly. Their alternative proposal is for the Council to accept this land as part of the transfer, subject to some further obligations on BCP:

- BCP would provide a survey for all affected trees, and carry out any maintenance required before the transfer;
- BCP would retain liability for all elements of the bus shelter;
- BCP would also retain liability for all roadside signage.

The Council would take on liability for the grass verge, the metal fencing, and (subject to the above) the roadside trees.

Note: it is not clear why the Council's proposal would incur a costly time-consuming legal process, but BCP's proposal would not. Members and officers will need to satisfy themselves regarding this question.

2. Waste bins. At the last survey there were six (6) bins in the Rec – two on the west pathway, one to the east, and three in the area of the playpark (two inside and one just outside).
   BCP reported to the Council that their approach to discussions was based on only the first three being considered as part of the transfer. BCP has therefore not costed all 6 bins as part of the SLA, and has taken 3 of these out.

   The cost of additional bin lifts is set out below; this would be added to the other parish-wide SLA.

Bin Size	**Refuse**
1100L	£23.20
660L	£18.00
360L	£12.30
240L	-
180L	£10.50
140L	-
23L	-

   Members may wish to consider an option of removing one or two of the playpark bins, as part of a counter-proposal for BCP to take on further liability.

3. Cleaning services. Currently the BCP-wide cleaning contract includes the public toilets in the pavilion at the Rec. Upon transfer, BCP would continue to cover the cost of this provision for the two-year period.

The Council has spent much of the last year trying to gain access to this contract and confirming the specifications. This was mostly closed out during the call, however BCP has still not confirmed the unlocking and locking times for the facilities.
This is contained in an appendix to the contract which has still not been shared with the Council.

It is recommended that the full document be provided as part of any final agreement.

5. Implications and Impact Assessment

Financial

- There is currently no budget set aside, within the 2025/26 financial year, for the costs of maintaining the roadside trees or grass verge. Although BCP would provide entry treecare, there's no guarantee that additional costs would not arise.

Resources

- In any case the Council may need an Amenities Officer in place before taking up the transfer.

Legal

- The liability associated with the roadside trees is very different to those within the Council's current assets. The trees cover the pavement and highway, which is not private land. The risk of injury to members of the public, however unlikely, is elevated. Likewise, the risks and costs associated with having to remove fallen branches from the public highway should also be reflected in any decision.

6. Conclusion

The transfer of the Rec & Playpark has been a key objective of the Council for 6 years, and the parties are potentially close to a resolution. However members are asked to reflect on the pros and cons of the options before them, and to consider the risks, before coming to any collective decision.

Picture 1 – proposed northern boundary

The **green** line represents the boundary previously as previously understood by HWPC. This is the visible fence at the edge of the Rec.

The **red** line represents the boundary proposed by BCP officers. This is the border with the pavement on Lymington Road.



Picture 2 – street view

This shows the area which BCP have proposed the Council would assume liability for.



[Map © Google]