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|-------------------------|---------------------------------------------------|
| <b>Meeting</b>          | Full Council                                      |
| <b>Date</b>             | 28 <sup>th</sup> April 2026                       |
| <b>Report Title</b>     | Francomes Play Area                               |
| <b>Agenda Reference</b> | 21                                                |
| <b>Author</b>           | Laura Cutter, Deputy Clerk, HR & Services Manager |

## Officers Recommendations:

1. To note the report taken to Full Council on 24<sup>th</sup> March 2026 with updates on actions assigned to the Officers.
2. To note further updates received from Swindon Borough Council.
3. To consider sending original communications that went to the North Swindon Development Company, to Persimmon Homes and continue to pursue a response and action.

## Recent update from Swindon Borough Council Ward Councillors

Following land ownership investigations, it has been confirmed that Persimmon own the land where Francomes play area sits. This has been a verbal update and documentation is expected to follow in due course.

*Action: Send the original introductory letter explaining the issues at Francomes Play Area and the photographs to be sent to Persimmon requesting action to be taken. Consider a press release and letter drop to residents if no response.*

## Full Council 24<sup>th</sup> March 2026

### FC 214

### FRANCOMES PLAY AREA

Members received an update on Francomes Play Area following a recent site visit. The primary issue is determining who holds ultimate responsibility for the park's upkeep; until confirmation is received from SBC, no further progress can be made. Members also noted concerns regarding the storm drain, which will require further investigation. It was agreed that the play area must remain closed pending a detailed response from SBC. Members concluded that there is no benefit for the Parish Council to assume responsibility for the project until substantive information is provided, including clarification of land ownership.

**Proposed: Councillor R Worman**

**Seconded: Councillor R Hailstone**

**Vote: Agreed Unanimously.**

**RESOLVED: To the following:**

1. The park should remain closed until SBC can confirm ultimate ownership and responsibility.
2. No press release to be issued at this stage.
3. Not progress with £1 land transfer.
4. Not to progress a business case.

## Background

For several years the Council has been trying to establish contact with the landowners of Francomes Play Area to no avail. The Play Area has been inspected regularly with general repairs such as broken glass, litter, etc being actioned by the Parks & Open Spaces Team.

In November 2025, Councillor Leigh Jackson, raised further concerns about the safety of Francomes Play Area as the equipment and surface had continued to deteriorate. Councillor Jackson presented a report to January's Parks & Open Spaces Committee in January 2026, see report here: <https://haydonwick.gov.uk/wp-content/uploads/2024/05/Agenda-13b-North-Swindon-Development-Company-Ltd.pdf>

## **Insurance**

Following the meeting in January 2026, Officers queried the legalities with the Council's insurance provider and received the following advice:

### **1. Liability under your current policy**

If the play area is not within your remit and ownership was never formally transferred, your responsibility—and insurance cover—may be limited. However, if you act under a duty of care (e.g. closing or removing unsafe equipment), your policy will usually respond, provided your actions are reasonable and in the public interest. Please ensure all steps are documented, including your safety report and attempts to contact Swindon Borough Council.

### **2. Legal risks**

As the land is not owned or managed by your organisation, removing equipment could expose you to legal risks, including trespass or conversion claims, particularly without owner consent. Insurance cannot cover unlawful acts. Zurich cannot provide legal advice, so independent legal advice is strongly recommended before proceeding.

### **3. Volunteer cover**

Volunteers acting under the Parish Council's direction are generally covered by your public liability insurance for accidents occurring during the work. Ensure a risk assessment is completed and volunteers are properly briefed.

Since then, the Council has been liaising with Swindon Borough Council's Legal Department and obtained contact with the Project Manager for the North Swindon Development Company.

A press release, social media post and a letter to the North Swindon Development Company was distributed in December 2025.

### Summary for Full Council

| Issue / Topic                           | Summary                                                                                                                     | Implications                                                       | Recommended Actions for Council                                                                                                   |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <b>Closure of Francomes Play Area</b>   | Play area is currently closed due to health & safety risks; signage in place.                                               | Ongoing risk to public safety; reputational risk if not addressed. | Maintain closure; ensure regular inspections and clear signage remain in place.                                                   |
| <b>Unclear Land Ownership</b>           | Land not owned by SBC; ownership unresolved for several years. Potential transfer required.                                 | Legal uncertainty; limits ability to act; delays resolution.       | Continue legal investigations; confirm ownership; prepare (this) report for Full Council (24 March 2026).                         |
| <b>Potential Land Transfer (£1 fee)</b> | SBC may support transfer at £1, but Parish would take full responsibility (likely via lease). No funding support available. | Significant financial liability despite low transfer cost.         | Evaluate whether to accept transfer; seek legal advice on liabilities; clarify rights (e.g. ability to close site post-transfer). |
| <b>Cost Considerations</b>              | Estimated £20k to remove equipment and return to grass; ~£80k for full refurbishment; ongoing maintenance costs high.       | Budget pressure; no current allocation for 2026.                   | Conduct cost-benefit analysis; explore external funding (grants, partnerships); consider phased or minimal intervention options.  |
| <b>Legal &amp; Insurance Risks</b>      | Removing equipment without ownership could lead to legal claims; insurance won't cover unlawful acts.                       | Exposure to legal action; financial risk.                          | Obtain independent legal advice before any physical works; document all actions and decisions.                                    |
| <b>Duty of Care Actions</b>             | Council has maintained site (repairs, inspections) despite unclear ownership.                                               | May create perceived responsibility.                               | Continue documenting all maintenance and safety actions; ensure risk assessments are up to date.                                  |
| <b>Volunteer Involvement</b>            | Volunteers are covered under insurance if properly managed.                                                                 | Risk if poorly supervised.                                         | Ensure formal risk assessments; provide clear briefings and supervision for volunteers.                                           |

| <b>Issue / Topic</b>                      | <b>Summary</b>                                                                           | <b>Implications</b>                                | <b>Recommended Actions for Council</b>                                                               |
|-------------------------------------------|------------------------------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------------------------------------------------------|
| <b>Stakeholder Engagement</b>             | Ongoing communication with SBC, developers, and ward councillor; slow progress.          | Delays in resolution; dependency on third parties. | Arrange multi-party meeting (Council, SBC, developers); escalate through ward councillors if needed. |
| <b>Community Communication</b>            | Press release and consultation with residents planned.                                   | Public concern and expectation management.         | Proceed with consultation; issue press release; provide transparent updates to residents.            |
| <b>Background &amp; Historical Issues</b> | Long-standing issue with failed attempts to contact landowners; deterioration over time. | Indicates systemic/legacy problem.                 | Review archived planning documents; establish full history to inform decision-making.                |
| <b>Full Council</b>                       | Report and background data to be presented on 24 March 2026.                             | Key decision point.                                | See Officer's Recommendations contained in the associated report.                                    |
| <b>Full Council</b>                       | Report further updates.                                                                  | Key decision point.                                | See Officer's Recommendations contained in this report, above.                                       |