



CABINET REPORT

Report Title	Long Lease of Public Open Space at Stone Circle Road
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AGENDA STATUS: PUBLIC

Expected Date of Decision:	October 2019
Key Decision:	No
Within Policy:	Yes
Policy Document:	No
Directorate:	Deputy Leader
Cabinet Member:	Cllr. P. Larratt,
Ward(s)	Talavera

1. Purpose

- 1.1 To seek the authority of Cabinet to advertise the proposed disposal of public open space at Stone Circle Road in accordance with section 123 (2A) of the Local Government Act 1972 and to seek authority to agree a proposed 25-year lease of area of land designated as public open space to Thorplands 81 to facilitate the football club's expansion.

2. Recommendations

It is recommended that:

- 2.1 Cabinet approve "in principle" the disposal by way of a long lease the land at Stone Circle Road subject to (1) the intended disposal being advertised in accordance with statutory requirements and (2) any objections arising from this process being considered by Cabinet prior to any disposal taking place.

- 2.2 Cabinet authorises the advertisement of the proposed long lease (25 years) of public open space at Stone Circle Road in accordance with the requirements of the Local Government 1972, section 123 (2A) of the local Government Act 1972 as amended by the Local Government Act 1980, relating to the disposal of public open space
- 2.3 Cabinet authorises in the event of there being no objections received to the proposed disposal of public open space, that authority be delegated to the Economic Growth and Regeneration Manager in consultation with the Lead Member for Regeneration and Enterprise, the Chief Finance Officer and Borough Secretary to approve and conclude terms of the long lease to Thorplands 81.

3. Issues and Choices

3.1 Report Background

- 3.1.1 Northampton Borough Council owns approximately 48,000 square metres of land located off Stone Circle Road (shown edged red on the attached plan).
- 3.1.2 The Council acquired the land from Homes England (formerly known as the Northampton Development Corporation) in 1985. The land has a live overage clause which is for a period of 50 years and expires in 2035.
- 3.1.3 The majority of the land in question, has been used by Thorplands 81 for the last 5 years for football pitches with only a small amount unused.
- 3.1.4 The Council has a statutory requirement under Section 123 of the Local Government Act 1972 to advertise its intention to dispose of public open space and consider any considerations which may be made.
- 3.1.5 The Council was approached by Thorplands 81 to discuss the opportunity of them securing a 25-year long lease. The length of the lease is crucial for them, so they can apply for various funding streams.
- 3.1.6 Homes England/legal have been engaged and have confirmed that this agreement or development to enable the community group activity would not trigger the overage clause on the land.
- 3.1.7 It is understood by Thorplands 81 that any future developments on the site will need to get statutory planning approvals.

3.2 Issues

- 3.2.1 The terms are still to be agreed with Thorplands 81. Within the agreement The Council maintains the ability to place controls on the usage of the land and will ensure that suitable provisions are included to protect this as Open Space.
- 3.2.2 This land is designated as Public Open Space. Any proposal to dispose of land designated as Public Open Space will require the Council to comply with S.123 (2A) of the Local Government Act 1972. The Council will be required to

advertise its intention in a local newspaper for two consecutive weeks and to consider any objections prior to any final decision on the disposal is taken.

3.3 Choices (Options)

3.3.1 That the Council could choose to retain control of the land with the associated management costs that include maintenance and repairs.

3.3.2 That the Council, could enter into a 25-year lease with Thorplands 81 subject to no objections received in response to the advertisement of the proposed disposal of public open space off Stone Circle Road.

4. Implications (including financial implications)

4.1 Policy

4.1.1 There are no policy implications from this proposal

4.2 Resources and Risk

4.2.1 Clauses to protect the use of the Open Space will be included within the form of lease in order to protect the land and only community development associated with the Thorplands 81 will be permissible.

4.3 Legal

4.3.1 Legal Services have been consulted, and have advised in relation to the proposed disposal of public open space, that the process of public advertisement and consideration of objections is required to be undertaken pursuant to the provisions of Section 123 (2A) of the Local Government Act 1972,

4.4 Equality

4.4.1 This project will keep the space as public open space and not change the functional use of the area. By enabling Thorplands 81 to access finance they will be able provide facilities to support the community activity enabling increasing provisions within the locality.

4.4.2 Given the small scale of this Disposal an Equality Impact Assessment is not considered necessary.

4.5 Consultees (Internal and External)

4.5.1 Ward Councillors have been consulted previously; no issues/objections had been received.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 This proposal will help a long established community group to make improvements to the local area to enable better use of the space.

4.6.2 The project will also remove liabilities from The Council with Thorplands 81 taking up some of the responsibilities for the up keep of the open space.

4.7 Other Implications

4.7.1 None

5. Background Papers

5.1 N/A

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