

Appendices



Item No.

**NORTHAMPTON**  
BOROUGH COUNCIL

## CABINET REPORT

<b>Report Title</b>	<b>LEASE TO NORTHAMPTONSHIRE COUNTY COUNCIL – LAND AT FAR COTTON RECREATION GROUND</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	1 October 2007
<b>Key Decision:</b>	NO
<b>Listed on Forward Plan:</b>	YES
<b>Within Policy:</b>	YES
<b>Policy Document:</b>	NO
<b>Directorate:</b>	Governance & Resources
<b>Accountable Cabinet Member:</b>	Cllr M Mildren
<b>Ward(s)</b>	Delapre

### 1. Purpose

1.1 To seek authority of Cabinet to this Council granting a lease to Northamptonshire County Council of part of Far Cotton Recreation Ground for use by Queen Eleanor Primary School.

### 2. Recommendations

2.1 That Cabinet confirms that the proposed lease of part of Far Cotton Recreation Ground may be granted to Northamptonshire County Council upon the terms referred to below.

### 3. Issues and Choices

#### 3.1 Report Background

3.1.1 It was proposed by Northamptonshire County Council (NCC) that part of Far Cotton Recreation Ground comprising 1,860 square metres (shown edged red upon the attached plan at Appendix 1), designated as public open space, should be improved and enclosed at their expense to improve sporting facilities for children attending Queen Eleanor Primary School. This Council agreed that land should be let to NCC upon this basis and formally advertised the proposed disposal of public open space. Objections were received to the proposed disposal and these were considered by the then Executive of the Council on 31 January 2005.

3.1.2 The principal concern of objectors was the limitation of public access to the land. The School confirmed that they intended that there should be public access to the facility when not required by the School. It was resolved by the Executive:

*“That having considered the objections to the disposal of the public open space as identified.....the disposal to the County Council (Queen Eleanor Primary School) for a period of 5 years be confirmed.....  
....That the terms of the lease be submitted to the Executive for Agreement before the Licence is granted.”*

3.1.3 The resolution of the basis and terms upon which the public might use the facility outside of school times has proven complex and time consuming to resolve with NCC. For a considerable period of time NCC were unwilling to agree the principle that non-school users should only have to pay similar charges as those levied for the use of comparable facilities on Borough Council owned land. NCC has also consistently raised public liability insurance issues.

3.1.4 Terms have now been resolved to deal with these issues as set out in relevant extracts of the agreed draft lease and ancillary side letter show at Appendix 2 – relating to Use by Community and Third Party Groups of the land when not required for use by Queen Eleanor Lower School.

#### 3.2 Issues

The costs to the public of utilising the playing field facility have now been agreed and will be at a daily rate of £13.10 (plus annual RPI indexation) plus £10 on each occasion to purchase public liability insurance (but only where the user does not carry their own cover) i.e. a total maximum charge of £23.10 per day.

### 3.3 Choices (options)

3.3.1 The Council could choose not to grant the lease on these terms. This would prevent external investment in the land (to create a football mini pitch/ multi-sport pitch). The public would retain unfettered access to the unimproved land but the school would not have the good quality enclosed facility it seeks.

3.3.2 The Council could choose, as recommended, to grant the lease and facilitate the creation of a facility for the school and wider community that would be maintained by NCC. The lease would be for a five year term and would be contracted out of the security of tenure provisions of the Landlord and Tenant Act 1954 Part II. Consequently, NCC and the School would have no statutory right to renew the lease or rights to any compensation upon expiry – should the Council choose not to renew the agreement at that time.

## **4. Implications (including Financial Implications)**

### 4.1 Policy

There are none specifically.

### 4.2 Resources and Risk

The letting of the land would generate a rent of £325 p.a. It would also lead to investment by Northamptonshire County Council in a new facility for use by local school children and the wider community. There are no staffing or financial risks for this Council.

### 4.2 Legal

The relevant legal implications have been considered in this report.

### 4.4 Equality

Access for the general public to the new sporting facility created, in common with similar facilities, will be subject to payment of the hire charge and insurance cover requirements.

#### 4.5 Consultees (Internal and External)

Ward Councillors, Northamptonshire County Council, Head Teacher and Governors of Queen Eleanor Primary School

#### 4.6 How Proposals deliver Priority Outcomes

None specifically.

#### 4.7 Other Implications

None specifically

### 5. Background Papers

ASSET MANAGEMENT FILE 60363/01 & NBC EXECUTIVE MINUTES 31 JANUARY 2005

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