

18 July 2016**Agenda Item: 5c****REPORT OF SERVICE DIRECTOR ENVIRONMENT, TRANSPORT &
PROPERTY****PLAYING FIELD AT BUTT CLOSE, EAST BRIDGFORD****Purpose of the Report**

1. To seek approval to enter into negotiations with East Bridgford Parish Council for the disposal of Butt Close Playing Field.
2. To seek delegated authority to the Director of Place in Consultation with the Chair or Vice Chair of the Finance & Property Committee to approve the disposal within the parameters set out in this report.

Information and Advice

3. Butt Close Playing Field East Bridgford is leased to East Bridgford Parish Council for a term of 25 years from August 2009, which reserves the right for the nearby school to use as playing fields.
4. The lease is at a rent payable of £350 per annum, with maintenance responsibilities split between the parties. The Parish Council is responsible for the cricket square and the County Council for the mowing of the remainder of the playing field and of all of the maintenance to the hedges and fences. The approximate cost to the County Council for the maintenance liability is £1,400 per annum.
5. At the time of entering into the lease the aim of the County Council was to secure long term use of the playing field for the local primary school. The funding of the County Council maintenance liability was originally through an additional payment into the schools budget which had been top sliced from the County wide general school funding. At the time schools were funded according to their area of buildings and grounds and this additional allocation reflected that their playing field was detached and therefore not otherwise included in their budget. Two things have changed since the lease was entered into, firstly the funding of schools and academies is now on a per pupil basis and secondly the school has become an Academy.
6. The academy (St Peter's C of E) receives its funding directly from the Education Funding Agency (EFA) and it is deemed that there is an allowance within the per pupil funding for the provision of appropriate playing fields. The Academy is funded on the same basis as other schools and academies within the County which either pay for the maintenance of their own playing fields or acquire the use of third parties land.

7. A further consideration in the existing situation is that the lease specifically refers to use of the playing field by pupils of East Bridgford Church of England School, however since their conversion to an Academy this school is no longer a legal entity. The rights of the lease could not be passed to successors in title and the school and the Department for Education were advised during the conversion process that a new arrangement with the Parish Council would be necessary.
8. The County Council therefore has a small income from this site but holds a greater annual maintenance liability and the school mentioned in the lease no longer exists.
9. The proposal at this site is to transfer the Council's reversionary freehold ownership of the playing fields to the Parish Council for a peppercorn. The Parish Council would take on sole responsibility for the site and would be able to make arrangements at a local level with the Academy for their usage.
10. The transfers potentially represents a sale at less than best value, as defined by s123 Local Government Act 1972. Paragraph 20.3.6.1 of the Council's Financial Regulations provide that, where only one party is interested or is to be invited to submit a signed contract, the Service Director, Transport, Property and Environment, in consultation with the Chairman of Finance and Property Committee shall take a decision after discussing the circumstances with the Group Manager for Legal Services and the Section 151 Officer.
11. The circumstances which permit the Authority to depart from the requirement to achieve best value are contained in the General Consent Order [The Local Government Act 1972: General Disposal Consent (England 2003)]. The Order lays down no specific process, but simply requires that the following matters are considered:-
 - 11.a.i. The local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;
 - 11.a.i.1. The promotion or improvement of economic well-being;
 - 11.a.i.2. The promotion or improvement of social well-being; and
 - 11.a.i.3. The promotion or improvement of environmental well-being
 - 11.a.ii. The difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).
12. This proposal satisfies both Paragraphs 11a.i and 11.a.ii.
13. The transfers will be subject to restrictive covenants restricting the usage to sporting and recreational use and by a right of pre-emption for the Council to buy back the freehold interest in the property at the purchase price should the Parish Council wish to dispose of the playing fields in the future.

14. The transfer will also be subject to Section 77 of the Schools Standards & Framework Act 1998, which seeks to protect the use of playing fields by schools, academies and the community.

Other Options Considered

15. Continuing with the current arrangement will not address the maintenance funding issues that exist for the County Council.
16. Sale on the open market is not considered viable due to the aim of retaining the existing use on the site, Section 77 considerations, likely Sport England objections, difficulty in obtaining planning change of use and the existing lease to the Parish Council which has a further 18 years till to run.

Reason/s for Recommendation/s

17. The current position at this site confers liability on NCC where there is no longer any effective budget provision within the County Council to meet them. The proposal to transfer the site will eliminate any future budget and management responsibility for the County Council.
18. The transfer will ensure that the site continues to be made available to local people for sporting and recreational use.

Statutory and Policy Implications

19. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That approval is given to enter into negotiations with East Bridgford Parish Council for the disposal of Butt Close Playing Field.
- 2) That delegated authority is given to the Director of Place in Consultation with the Chair or Vice Chair of the Finance & Property Committee to approve the terms of disposal within the parameters set out in this report.

Jas Hundal

Service Director – Environment, Transport & Property

For any enquiries about this report please contact: Gerry McKeown 0115 977 3617

Constitutional Comments (SOM 13.06.2016)

20. The recommendation falls within the remit of the Finance and Property Committee.

When disposing of land the Council is required to obtain the best price reasonably obtainable on the open market and where only one party is interested or is to be invited to submit a signed contract, the Service Director, Environment, Transport & Property in consultation with the Chairman of Finance and Property Committee shall take a decision after discussing the circumstances with the Group Manager for Legal Services and the Section 151 Officer, and therefore the Committee should satisfy themselves of these points. The sale will also be subject to obtaining s77 consent to sell and cannot proceed if this consent is not forthcoming.

Financial Comments (RK 04.07.2016)

21. The financial implications are set out in the report.

Background Papers and Published Documents

22. None.

Electoral Division(s) and Member(s) Affected

23. Ward(s): Radcliffe on Trent
Member(s): Councillor Mrs Kay Cutts

File ref.: /GM/SB/02985
SP: 3013
Properties affected: 02985 - Playing Field

GMCK 15/6/16