

**18 July 2016****Agenda Item: 5b****REPORT OF SERVICE DIRECTOR ENVIRONMENT, TRANSPORT &  
PROPERTY****PLATT LANE PLAYING FIELD KEYWORTH****Purpose of the Report**

1. To seek approval to explore the option to dispose of Platt Lane Playing Field Keyworth to a Charity as detailed in the report.

**Information and Advice**

2. Platt Lane Playing Field is owned by Nottinghamshire County Council as trustee on behalf of the County Council and Keyworth Parish Council. The Parish Council therefore has a beneficial interest in the land by virtue of the County Council holding the property in trust for itself and the Parish Council as beneficial tenants in common, this does not equate to the Parish Council owning or jointly owning the freehold of the property. If the land was ever to be sold then the proceeds of the sale would be split between the County and Parish Councils.
3. The County Councils interest in the property was for the purpose of a school playing field for South Wold School. The school has converted to Foundation status and then became an Academy but did not acquire any interest in Platt Lane. Recent use of the playing field by the Academy has diminished. 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.
4. The County Council funding for the maintenance of the field no longer exists since the school became an Academy. The Academy receives funding for the provision of its playing fields within the budget it receives directly from the Education Funding Agency. The County Councils liability for maintenance is circa £4,000 per annum.
5. The major user of the Playing Field is Keyworth United Community Football Club who were granted a 27 year lease on a small part of the land in 2006 to build a pavilion. The Football Club could become a tenant of the new charity, or the football club could be incorporated into the charity.
6. The Playing Field is managed by a Joint Management Committee (JMC) comprising representation from the school governors and elected Members of the Parish and County Councils.
7. The JMC as constituted does not represent the current use or long term interest in the site. The County Council interest was to secure school playing field use but the

Academy is no longer the major user of the site which has led to a proposal to explore the option of the current active users such as Keyworth United Football Club and Keyworth Cricket Club amongst others forming a new charitable organisation with the aim of securing the long term development of the site for sport and recreation.

8. There are several steps to be taken before successful transfer of the land to a new charity:-
  1. Agreement in principle from Keyworth Parish Council to further explore this option, which was agreed at the Parish Council Meeting on 14 March 2016.
  2. By approving this report equivalent permission is sought from the County Council.
  3. Successfully setting up a new charitable organisation.
  4. Legal work to bring the existing Trust to an end and transferring the property to the new charity.
9. The transfer 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.
10. 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:-
  - 10.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;
    - 10.a.i.1. The promotion or improvement of economic well-being;
    - 10.a.i.2. The promotion or improvement of social well-being; and
    - 10.a.i.3. The promotion or improvement of environmental well-being
  - 10.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).
11. This proposal satisfies both Paragraphs 10.a.i and 10.a.ii.
12. The proposed transfer would restrict the future of the playing fields to sporting and recreational use.

13. 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.
14. The site is very unlikely to ever receive planning permission for any use other than as sports fields, there would be Sport England objections to any change of use and the site is subject to an existing lease.
15. Subject to Committee approval, it is anticipated that the sporting clubs will then have sufficient re-assurance to commence discussions on the creation of the charity. Once achieved the proposal would be to end the existing Trust arrangement and transfer the land at a nominal consideration.
16. A further report will be brought to the Finance & Property Committee to seek approval to more detailed terms when appropriate.

### **Other Options Considered**

17. Continuing with the current arrangement will not address the maintenance funding issues that exist for the County Council.
18. 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 Keyworth United Football Club.

### **Reason/s for Recommendation/s**

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

### **Statutory and Policy Implications**

21. 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 only), the public sector equality duty, safeguarding of children and vulnerable adults, 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 in principle, approval is given to dispose of Platt Lane Playing Field Keyworth to a Charity as detailed in the report, subject to a future report to the Committee on the proposed sale term.

**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)**

22. 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)**

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

### **Background Papers and Published Documents**

24. None.

### **Electoral Division(s) and Member(s) Affected**

24. Ward(s): Keyworth  
Member(s): Councillor John Cottee

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SP: 3012  
Properties affected: 02785 - Platt Lane Playing Fields