

BIG LOTTERY FUND CHILDREN'S PLAY PROGRAMME – GRANT OF LEASES AT SEASCALE AND BRISCOE MOUNT, EGREMONT

EXECUTIVE MEMBERS: Councillor Hugh Branney, Portfolio Holder for Leisure and Cultural

LEAD OFFICER: Cath Coombs, Acting Head of Leisure and Environmental Services.

REPORT AUTHOR: Clinton Boyce, Legal Services Manager.

SUMMARY: To advise Members of (a) action taken under the Executive's urgent business procedure in respect of the grant of a lease to Seascale Parish Council to enable the Seascale Wheeled Activity project to proceed to construction; and (b) to seek approval to the grant of a lease, at less than best value, in respect of a proposed play area at Briscoe Mount, Egremont.

RECOMMENDATION: (a) that the urgent action, at Appendix A to the report, in respect of the Seascale Wheeled Activity project, is noted; and
(b) that (i) a lease of the area shown hatched on the plan at Appendix B to the report being land at Briscoe Mount, Egremont, is granted on the terms set out in paragraph 2 of the report; (ii) any amendment to those terms be delegated to the Acting Head of Leisure and Environmental Services in consultation with the Head of Finance and Management Information Services and the Portfolio Holder for Leisure and Cultural; and (iii) the dedication of the land for play area use as set out in paragraph 2.3 of the report is agreed.

1. BACKGROUND AND CURRENT POSITION

- 1.1 Members will recall receiving from the Big Lottery Fund in December 2007 a grant of £200,000 for the creation of five new play areas over a period of 3 years at Hensingham, Gosforth, Seascale, Egremont and Cleator Moor. At Council on the 24th February 2009 an update was given on progress being made. Briefly, Hensingham has been completed; Gosforth was in the process of being constructed Seascale was ready to start; Egremont was nearly ready to start and Cleator Moor was being progressed.
- 1.2 Shortly after the Council meeting the Seascale project, being a wheeled activity site, made rapid progress to the point that the contractor was ready to start on site on the 6th April. At this point the formal grant offer had not been made nor had a lease been granted to the Parish Council to enable the project to proceed. In order to achieve the start date of the 6th April the procedure permitted under the Executive's urgent business procedure was utilised. A copy of the urgent action as signed off is attached at Appendix A. That document provides the detailed background to this

project and the terms of the lease granted. Construction started on the 6th April and the project will be completed for the summer months. Formal opening will take place on the 5th July.

- 1.3 The proposed play area at Briscoe Mount, Egremont, is now ready to move to the construction stage. This will be located on land owned by the Council, such area being shown edged red on the plan attached at Appendix B. Paragraph 2 of the report provides detailed information on this project.

2. BRISCOE MOUNT, EGREMONT PLAY AREA

- 2.1 This project will be managed by the Brisco Play Association ('the Association'). The project has a total cost of approximately £43,000 including VAT. This cost will be totally supported by a grant from the Big Lottery Fund ('the Fund'). This Council is accountable body to that Fund and the terms and conditions imposed by the Fund will be mirrored in a grant offer to the Association.

- 2.2 In addition to being accountable body for the grant it is also intended that the Council grants a lease of the land shown hatched on the plan at Appendix B to the Association on the following main terms:

Landlord:	Copeland Borough Council
Tenant:	The trustees of the Association
Property:	Land at Brisco Mount, Egremont shown hatched on the attached Plan;
Rent:	One peppercorn per annum;
Lease period:	10 years;
Permitted Use:	As a play area for children under the age of 14 years;
Repairs:	Tenant is obliged to keep the play equipment in good and substantial repair and condition; Tenant to keep property generally in a neat and tidy condition with the grass cut regularly and litter removed on a regular basis; Tenant to install a fence around the play area; and
Insurance:	Tenant is obliged to insure and indemnify the Council against claims, etc;

- 2.3 In addition both the Council and the Association will be required to dedicate the land for a period of 5 years for use as a play area. This is a requirement of the Fund and was required in respect of the other completed play areas. Given that the lease is for 10 years and the lifespan of the equipment estimated at 15 years this dedication does not cause a problem.

- 2.4 As explained at Council on the 24th February the installation of all the play and youth facilities have been strongly supported by the local communities and the facilities support sustainable community play provision across the Borough. Members are asked to approve the grant of the lease and entering into the dedication agreement to enable this project to proceed. Contract standing order 21.3.1 requires disposals at less than valuation to be approved by the Executive. In this case the proper annual rent for a lease of this nature would be approximately £600 per annum. Instead, to support the Association in their work, a peppercorn rent is proposed. This has been the case with the Seascale wheeled activity site. In respect of the Hensingham play area the Council already owned the land; in respect of Gosforth

the land is held by Gosforth Parish Council. The proposed lease at less than best value is permitted by the Secretary of State's General Disposal Consent 2003 in that the lease supports the promotion or improvement of social well-being and is within the specified value.

- 2.5 The Council's Surveyors, Capita Symonds, comments are that a rental of approximately £600 would normally apply and that special attention should be given to the planning status as the proposed site overlaps with adjacent allotments.

3. RECOMMENDATIONS

- 3.1 As set out in the 'Summary and Recommendation' box at the beginning of this report.

4. FINANCIAL AND HUMAN RESOURCES IMPLICATIONS (INCLUDING SOURCES OF FINANCE)

- 4.1 Apart from the loss of rent of approximately £6,000 (over the 10 year lease period) the aim is to ensure that the project is cost neutral to the Council with all costs being borne by the grant from the Fund or from the Association themselves. The Association will be responsible for the future maintenance of the play equipment.

5. PROJECT AND RISK MANAGEMENT

- 5.1 The Association will manage the project. A contractor is in the process of being appointed. The Council, through its Parks Development Officer will oversee the project.

6. IMPACT ON CORPORATE PLAN

- 6.1 The project indirectly supports objectives 2.1.3 (reviewing use of local facilities to ensure that they meet community needs), 3.1.6 (increase tourism, culture and leisure spend), 3.6 (leisure and culture generally and developing interest and capacity amongst residents to take forward sports activities following Copeland led start up projects and removing barriers to participation)

List of Appendices

Appendix A – Urgent action form in respect of Seascale Wheeled Site; and
Appendix B – Plan showing proposed area for Brisco Mount Play Area.

List of Background Documents

As appendices; and
BLF grant approval letter

List of Consultees

Head of Legal & Democratic Services (ref MJ)
Acting Head of Leisure and Environmental Services (ref CC and RM)

Head of Finance and Management Information Systems (ref JC)
 Portfolio Holder
 Capita Symonds (ref BG)

CHECKLIST FOR DEALING WITH KEY ISSUES

Please confirm against the issue if the key issues below have been addressed. This can be by either a short narrative or quoting the paragraph number in the report in which it has been covered.

Impact on Crime and Disorder	N/a
Impact on Sustainability	N/a
Impact on Rural Proofing	N/a
Health and Safety Implications	N/a
Project and Risk Management	Paragraph 5
Impact on Equality and Diversity Issues	N/a
Children and Young Persons Implications	Directly supports leisure for children
Human Rights Act Implications	N/a
Monitoring Officer comments	No further comments
Financial Monitoring Officer comments	The loss of potential income from a commercial rent is explained in the paper - but the benefits to the community and an enhancement of the asset as a result of the lottery scheme at least counter-balance this.

Please say if this report will require the making of a Key Decision NO



Ref Number	Date Issued	Officer/Dept	Rec'd by Secretariat	Reported to the Executive
01/09	2 April 209	C Boyce	7-3-09	26/5/09
Prior to processing this form it must be referenced by the Secretariat				

REQUEST FOR AGREEMENT TO URGENT ACTION UNDER EXECUTIVE PROCEDURE RULES

SEASCALE BMX TRACK

STAGE A

Portfolio: Promoting Prosperity (Leisure and Culture)	Originating Officer: Clinton Boyce, Legal Services Manager
Date of next Executive meeting: 21 st April 2009	
Action proposed: To approve the grant of a lease of land situated adjacent Seascale Cricket Ground and shown edged red on the attached plan to Seascale Parish Council on the following terms: Rent: Peppercorn Commencement date: 6 th April 2009 Period: 10 years Repairs: On tenant Insurance: On tenant Permitted use: As a play and activity area for children under the age of 16 years for wheeled cycle activities (excluding motorised cycle activities) Insurance: On tenant Other proposed terms: Fence to be erected to agreed specification Keep area neat and tidy with grass cut/litter removed No alterations, additions, etc to play equipment without consent General indemnity clause No nuisance or annoyance to neighbouring properties.	
In addition the Council will commit the use of the land to play area use for a period of 5 years from the completion of the works. This commitment will be given to the Big Lottery Fund ('BLF').	
Council on the 24 th February 2009 were advised of the current position on the implementation of a £200,000 project involving the creation of 5 new play areas. It was noted that Hensingham had been completed; Gosforth was nearing completion and that Cleator	

Moor and Egremont would be completed during 2009/10. A fifth scheme, Seascale Bike Park was also mentioned in that it 'may be completed during 2009, if the community group can demonstrate it is meeting the Big Lottery funding criteria, otherwise this scheme is planned to be completed in 2010'. Councillor Eastwood at that meeting updated Council on the current position and indicated that rapid progress was being made and that the project could be ready for delivery soon.

Since that meeting progress has continued to the point that the contractor is planning to commence works on the 6th April 2009.

The play area is on this Council's land. To facilitate delivery Seascale Parish Council are willing to oversee the project and take a lease of the property from this Council. Capita Symonds, this Council's surveyors have indicated that the annual market rent for the site under the terms of the lease would be £400. Due to the community benefit and the contribution the project makes to improving social well being it is proposed that the lease be at a peppercorn. This is permitted under the Secretary of State's current General Disposal Consent. Contract Standing Order 21.3 requires leases at less than best consideration to be approved by the Executive. The approval of this lease would therefore normally be approved by the Executive.

Financial/Resource Implications:

Loss of income of £4,000 over a 10 year period. This is not unusual as the Council frequently gives community used assets at peppercorn rents, for example, community centres. It is also intended to lease the Brisco play area (also owned by the Council) to a local community association at a peppercorn rent. Hensingam play area was delivered by Hensingam Community School on the Council's land but ownership of the play equipment passed to this Council on completion. The Council has a valuable role to play in delivering the project as a whole and it would be detrimental to the individual projects to start charging the community a rent.

Reason(s) for urgency:

The project has progressed quickly. Even at the Council meeting in late February there was uncertainty whether it would be delivered in 2009. It is now at a stage where the Parish Council is able to let the building contract now with work starting next week. To do that the lease needs to be in place. If the contractor's date cannot be met the project will be delayed and it is not known when the contractor will be able to start work. It would be beneficial to the community if the play area is delivered for the summer period.

Implications of not taking action before next Executive:

See 'Reason(s) for urgency' above.

Comments of Head of Legal & Democratic Services on grounds of urgency::

I agree that an Urgent Action is justified on the grounds of possible effect on service delivery.

Certified and Agreed as Urgent:

Signed: M. JDC

Dated: 02/04/09

STAGE B

Ref No

01/09

Portfolio Holder

Comments on action proposed:

Action: AGREED/NOT AGREED

Signature: *[Signature]* Dated: 03/04/09

Overview and Scrutiny Chair

Comments on action proposed:

Action: AGREED/NOT AGREED

Signature: *[Signature]* Dated: 03/04/09

Head of Finance and ~~Business Development~~ and Management Information Systems

Comments on action proposed:

The loss of income over the 10 year period is acceptable in light of the benefits both to the community and the enhancement of the asset as a result of the Lottery scheme.

Action: AGREED/NOT AGREED

Signature: *[Signature]* Dated: 02/04/09

Head of Legal and Democratic Services (Monitoring Officer)

Comments on action proposed:

As above

Action: AGREED/NOT AGREED

Signature: M. JDC Dated: 02/04/09

Other Consultees (State Name)

Comments on action proposed:

Action: AGREED/NOT AGREED


Signature:..... Dated:.....

STAGE C

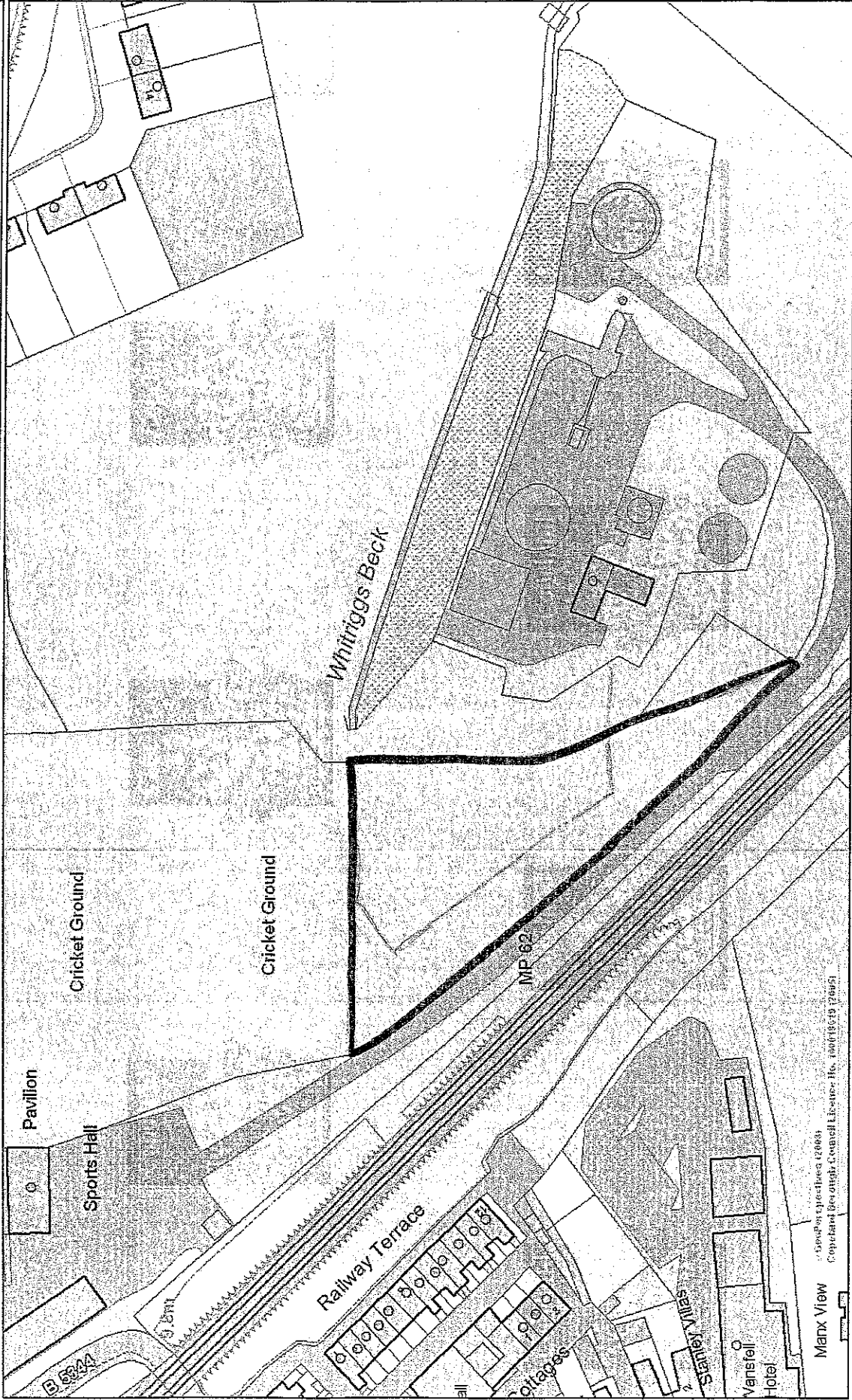
Ref No	01/09
--------	-------

To be completed by Originating Officer

I certify that Stages A and B of this procedure have been completed and the Urgent Action proposed will be implemented on or after the date of this certification

Signature: ..... Dated: 06/04/09.....

Seascale Bike Park



Manx View
 Geoprospectives (2008)
 Copeland Borough Council Licence No. 10019619 (2005)



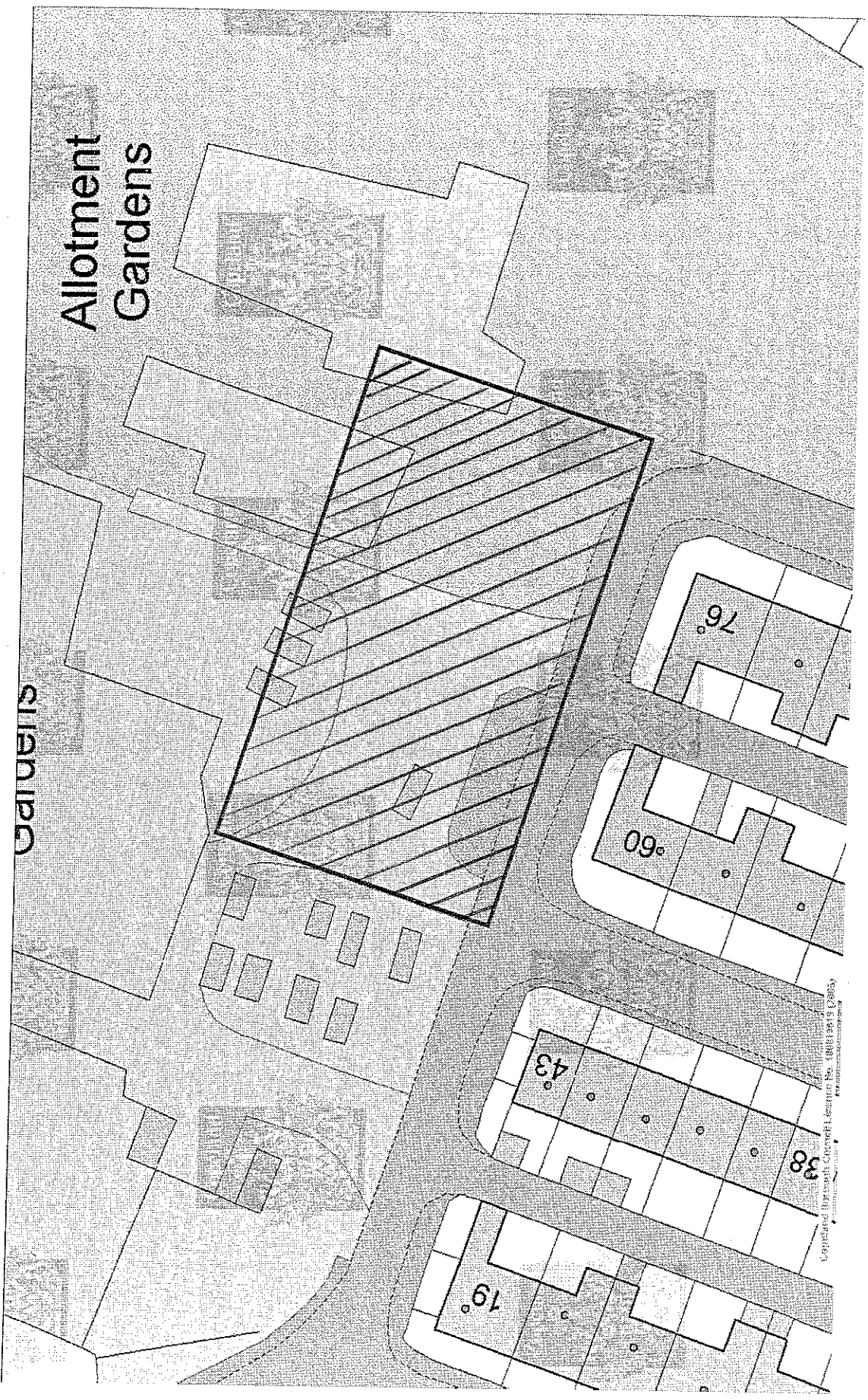
Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005). Aerial Imagery - © Geoprospectives (2008).

Scale 1/1250

Centre = 303923 E 500947 N

Date 23/3/2009

Briscoe Mount Egremont



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).