BIG LOTTERY FUND CHILDREN'S PLAY PROGRAMME – GRANT OF LEASE AT SEASCALE

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 action taken under the Executive's urgent business procedure in respect of an amendment to a lease previously granted to Seascale Parish Council for the purposes of the Seascale Wheeled Activity/BMX project
RECOMMENDATION:	That the urgent action, as an Appendix to the report, in respect of the Seascale Wheeled Activity/BMX project, is noted.

1. BACKGROUND AND CURRENT POSITION

- 1.1 Members will recall that a lease was granted to the Seascale Parish Council on the 22nd May 2009 for the purpose of enabling that Council to construct a new BMX track site. The lease was for a period of 10 years from the 6th April 2009. The BMX track has been installed and is fully operational.
- 1.2 Legislation requires tenants of leases which are to last more than 7 years to register them with the Land Registry. A failure to register renders the lease void. The Parish Council attempted to register the lease but due to various procedural complications the Land Registry returned the application shortly before the 2 month period. An alternative to persisting with the application, which was becoming time consuming, was for this Council to re-grant a 7 year lease and the Parish Council requested this. A change in the lease period would not affect the Council. The lease would be for a shorter length of time but this did would not affect this Council's position as (a) obligations of maintenance and reinstatement following termination are included in the lease whether the lease ended in 7 or 10 years time did not matter as the Parish Council are under an obligation to remove the track and reinstate; (b) 7 years is still longer than the required Big Lottery Fund dedication period of 5 years; and (c) the expected life of the track is more than 10 years so at the end of the 7 or 10 year period the question of renewal is likely to arise.
- 1.3 Given the above, the lease was reduced to 7 years under the Council's urgent action procedure a copy of such action being attached as an appendix.

2. **RECOMMENDATIONS**

2.1 Members are asked to note the action taken.

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

3.1 No financial or other implications arise from the action taken.

4. PROJECT AND RISK MANAGEMENT

4.1 No issues arise from the action taken.

5. IMPACT ON CORPORATE PLAN

5.1 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

Urgent action form in respect of Seascale Wheeled Site.

List of Background Documents

As appendix.

List of Consultees

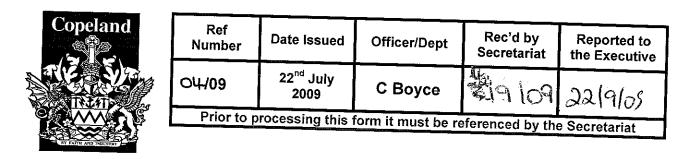
As set out in the urgent action. Head of Legal & Democratic Services (ref MJ) Head of Finance and Management Information Systems (ref JC)

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 4	
Impact on Equality and Diversity Issues	N/a	
Children and Young Persons	Directly supports leisure for children	
Implications		
Human Rights Act Implications	N/a	
Monitoring Officer comments	As set out in the urgent action	
Financial Monitoring Officer comments	As set out in the urgent action	

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



REQUEST FOR AGREEMENT TO URGENT ACTION UNDER EXECUTIVE PROCEDURE RULES

SEASCALE BMX TRACK

STAGE A

Portfolio:	Originating Officer:
Promoting Prosperity (Leisure and Culture)	Clinton Boyce, Legal Services Manager
Date of next Executive meeting:	
28 th July 2009	
Action proposed:	·
To approve a variation to a lease alreation for a lease alreation of the second s	ady granted to adjust the lease period from 10 years to
at a peppercorn rental with restricted	anted to Seascale Parish Council of land situated the purpose of a BMX track, for a period of 10 years, use and repairing and insuring obligations being on the e was the 6 th April 2009 being the date that works
esulting in the lease arguably being w	he lease is registrable with the Parish Council. This is s the 2 month registration period has just elapsed oid. Registering the lease is a legal requirement but d title is not registered and it is peculiar that the law stered title to be registered.
he position can be rectified by the exi- ne parties agreeing that apart from tha	sting lease being varied to a 7 year lease period and It variation the lease continues in full force and effect.
	period is that the land could revert to the Council 3

years earlier. If the tenant does not wish to take a further lease, the Council can under the existing lease, require reinstatement of the land to its previous condition.

Financial/Resource Implications:

None.

Reason(s) for urgency:

An omission to register the lease will result in the lease becoming void. As the track is in full use it is important that the lease is reinstated as a matter of urgency.

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: Apresed that this Florid be treated of "Urgont" or otherwise there would be a servous effort on Service delivory.

Signed: M. Jopa

Certified and Agreed as Urgent:

22 July 2009 Dated:

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STAGE B

	Ref No	04/09
Portfolio Holder		
Comments on action proposed:		
Action: AGREED/NOTAGELED	-	
Signature: HUGH Branner Dated: 24 Fuly	2009.	,
Overview and Scru/tiny Chair	······································	
Comments on action proposed:		
Action: AGREED/NOT.AGREED		
Signature: JAY- Claubban Dated: 24th July 2009		
lead of Finance and Business Development		··
Comments on action proposed:		ļ

STAGE C

Ref No 04/09

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: 24/07/09

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