

TORBAY COUNCIL

Report No: **283/2005**

Title: **Lease of Land at Barton Downs Torquay**

To: Executive on 13th September 2005

1. **Purpose**

- 1.1 To seek Member approval to the principal and subsequent grant of a 40-year lease to the Trustees of the Acorn Youth Centre for the playing field and car parking area at Barton Downs.

2. **Relationship to Corporate Priorities**

- 2.1 Creating sustainable communities – The granting of the lease will enable the Acorn Centre to apply for grants, which are unavailable to the Council, to improve Barton Downs for the benefit of the community.

3. **Recommendation(s)**

- 3.1 That the Director of Law and Support, in consultation with the Director of Financial Services, be authorised to grant a 40-year lease to the Trustees of the Acorn Youth Centre, on terms to be agreed, for the land shown edged red on plan EM 1405.
- 3.2 That the Director of Law and Support, in consultation with the Leader of the Council, be authorised to consider any representations received as part of the consultation process.

4. **Reason for Recommendation(s)**

- 4.1 To enable the Trustees of the Acorn Centre to apply for grants to improve the facilities at Barton Downs.
- 4.2 The granting of a 40-year lease needs to be advertised in accordance with the Local Government Act 1972 for the disposal of public open space to give members of the public the opportunity to object to the proposal.

5. **Key Risks associated with the Recommendation(s)**

- 5.1 The Council will still be responsible for any emergency works that may need to be done to the land. This work must be carried out if the lease is granted although the works could be delayed if the lease is not agreed. The risk is therefore deemed to be fairly low.

Likelihood	6	6	12	18	24
	5	5	10	15	20
	4	4	8	12	16
	3	3	6	9	12
	2	2	4X	6	8
	1	1	2	3	4
		1	2	3	4
		Impact			

Low risk
 Intermediate risk
 High risk

The "x" in the above matrix denotes where the author has assessed the level of final risk to fall

6. Alternative Options (if any)

- 6.1 Not to grant the lease to the Trustees of the Acorn Youth Centre. This will mean increased ongoing liabilities for the Council.

7. Background

- 7.1 The Trustees of the Acorn Centre approached the Council to ascertain whether it would be willing to grant a 40-lease for the land shown edged red on plan EM1405 to enable them to apply for grants to improve the facilities.
- 7.2 The Council currently maintains and manage the facilities on the playing fields at Barton Downs with, for example, football clubs hiring pitches directly from the Council. Draft lease terms have been discussed with representatives for the Trustees, which would involve the Trustees leasing the land at an appropriate rent and taking on the maintenance liability and the management for the playing fields, the children's playground and the car parking area shown hatched on plan EM 1405. Consequently subsequent hiring fee income would accrue to the Trustees. It is likely that the Council's net income position will not be changed by this proposal.
- 7.3 It is understood that the Trustees have carried out some public consultation and the results of this consultation shall be available in the Members' Room.
- 7.4 The granting of the 40-year lease will need to be advertised in accordance with the Local Government Act 1972 for the disposal of public open space. Any objections, if any, will need to be considered by Members in due course.
- 7.5 All rights of access across the land will be preserved. The lease shall, however, provide for public access (apart from the interior of any existing or future buildings) at all times except that the Trustees shall be permitted to exclude the public from those areas whilst being used for formal sporting activities.

Sue Cheriton
Assistant Director of Cultural Services

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IMPLICATIONS, CONSULTATION AND OTHER INFORMATION

Part 1

These sections may have been completed by the Report author but must have been agreed by the named officers in the Legal, Finance, Human Resources, Estates and Property and Procurement.

Does the proposal have implications for the following issues? If "Yes" - give details. <i>delete as appropriate</i>		Name of responsible officer
Legal	Yes. - Preparation of Lease as referred to below and deduction of the two freehold titles now required (LR Act 2002).	Dee Brookwell
Financial – Revenue	Yes. – The Council will incur reduced maintenance costs estimated at £4,600 per annum following transfer of the grounds maintenance liability to the Trustees.	Adrian O'Rourke
Financial – Capital Plan	No	Lynette Royce
Human resources	No	Sue Draper
Property	Yes – A lease will enable the Council's asset to be improved over time.	Sam Partridge
Procurement and Efficiency	No	Andy Mitchell

Part 2

The author of the report must complete these sections.

Could this proposal realistically be achieved in a manner that would more effectively: <i>delete as appropriate</i>		
(i)	promote environmental sustainability?	No
(ii)	reduce crime and disorder?	No
(iii)	promote good community relations?	No
(iv)	promote equality of opportunity on grounds of race, gender, disability, age, sexual orientation, religion or belief?	No
(v)	reduce (or eliminate) unlawful discrimination (including indirect discrimination)?	No

If the answer to any of the above questions is "Yes" the author must have addressed the relevant issue/s in the main report and have included a full justification and, where appropriate, an impact assessment.

Part 3

The author of the report must complete this section.

	<i>delete as appropriate</i>	If "Yes", give details
Does the proposal have implications for any other Business Units?	Yes	Legal Services – Preparation of lease. Cultural Services – Reduction in maintenance costs.

Part 4

Is this proposal in accordance with (i.e. not contrary to) the Council's budget or its Policy Framework?	<i>delete as appropriate</i>
	Yes
1.	If "No" - give details of the nature and extent of consultation with stakeholders and the relevant overview and scrutiny body.
2.	If "Yes" - details and outcome of consultation, if appropriate. Consultation with the Trustees of the Acorn Centre and with the general public – outcome of consultation shall be available in the Members' Room.

Part 5

Is the proposal a Key Decision?	<i>delete as appropriate</i>	If "Yes" - give Reference Number
	No	

Part 6

Wards

Watcombe Ward

Appendices

Appendix 1 Plan EM 1405

Documents available in Members' Room

Results of the Public Consultation carried by the Trustees of the Acorn Centre.

Background Papers:

The following documents/files were used to compile this report: T0976AD (a) – contains exempt information by virtue of paragraphs 3, 7 & 9 of Part 1 of Schedule 12A of the Local Government Act 1972.