



Havering
LONDON BOROUGH

11/83+
app

Notice of executive decision by individual Cabinet member

THIS IS NOT A KEY DECISION

Subject Heading:	Hylands Park, Osborne Road, Hornchurch Proposed grant of lease of a Sports Pavilion & Cricket Practice Nets (and an associated pitches licence) to Hornchurch Athletic Sports Club 'In principle' decision to grant a 25 year lease, which is a 'deemed disposal' under S.123 of the Local Government Act 1972.
Cabinet Members:	Councillor Andrew Curtin: Cabinet Member for Towns and Communities, with special responsibility for Culture Councillor Roger Ramsey: Cabinet Member for Value
CMT Lead:	Cynthia Griffin, Group Director – Culture and Community
Report Author and contact details:	Garry Green LBH Property Strategy Manager Tollgate House 96-98 Market Place Romford Tel: 01708 43 2566 E-mail: Garry.Green@haverling.gov.uk
Policy context:	Corporate Asset Management that sets out policies for the efficient management of Council property assets
Financial summary:	Final terms yet to be agreed.
Forward Plan entry number:	
Relevant OSC:	Town and Communities Overview and Scrutiny Committee
Is this a Strategic Decision?	No
If it is a Strategic Decision, when should this matter be reviewed?	Not applicable
Is it an urgent decision? If so, please refer to the note at the end	No

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	[√]
Excellence in education and learning	[]
Opportunities for all through economic, social and cultural activity	[√]
Value and enhance the life of every individual	[]
High customer satisfaction and a stable council tax	[√]

SUMMARY

This is an 'in principle' decision to grant a 25 year lease to Hornchurch Athletic Sports Club (HASC) following public consultation for a 'deemed disposal' as defined by S.123 of the Local Government Act 1972, being a lease being granted in excess of 7 years of part of a 'pleasure ground' that is held under Section 164 of the Public Health Act 1875. No objections or representations were received from the public consultation.

There is also to be an associated use of a cricket pitch and a football pitch which is proposed to be covered in a separate licence to HASC, for a term of 5 years.

Part A

DETAIL OF THE DECISION

1. Having advertised in two consecutive editions of the Romford Recorder the Council's intention to grant a 25 year lease to Hornchurch Athletic Sports Club for the sports pavilion and cricket practice nets, as identified in red on the attached plan sps 0699/1, within the pleasure gardens known as Hylands Park, Osborne Road, Hornchurch and, having received no objections or representations, it is agreed 'in principle' to grant the 25 year lease, and the associated 5 year licence for use of a cricket and a football pitch.
2. The Property Strategy Manager, in consultation with the Assistant Chief Executive (Legal & Democratic Services), are hereby authorised to deal with matters arising and thereafter to complete the 25 year lease and the associated 5 year licence.

AUTHORITY UNDER WHICH DECISION IS MADE

Functions delegated on 27th May 2010 by Councillor Michael White, as Leader of the Council, to -

Councillor Roger Ramsey as Cabinet Member for Value: Financial Services, Exchequer Services, Asset Management & Procurement - Constitution Part 3, paragraph 2.5 (a) to (o); (q); (t) to (z)

(q) "To agree minor matters and urgent and urgent or routine policy matters."

- (t) "To approve the 'in principle' decision of the Council disposing of an interest in property or land where the disposal or acquisition receipt is not considered likely to exceed £1,000,000."

Councillor Andrew Curtin, as Cabinet Member for Towns & communities with special responsibility for Culture: Culture & Leisure - Constitution Part 3, paragraph 2.5 (a) to (g); (i) to (l); (n): (o); (q)

- (i) "To review customer satisfaction, results of consultation with stakeholders and the efficiency of service provision generally and to agree arrangements for continuous improvements to be made."
- (j) "To consider and recommend plans in respect of the portfolio allocated."
- (k) "To consider the needs of the allocated service for particular properties and to make recommendations to the Cabinet as appropriate."
- (l) "To promote effective relationships and partnerships between the Council and all other bodies and agencies affecting the community."
- (q) "To agree minor matters and urgent or routine policy matters".

STATEMENT OF THE REASONS FOR THE DECISION

HASC was founded in 1936 and currently has the following affiliated clubs –

- Hornchurch Athletic Cricket Club
- Hornchurch Athletic Football Club
- Hornchurch Athletic Darts Club

HASC has been based in Hylands Park since 1952. The current pavilion is believed to have built by the Council c.1964 and has been extended on a number of occasions (c. 1993 and c. 2005).

It is proposed that HASC enters into a 25 year lease of the sports pavilion and cricket practice nets in order that the Club has greater security and control and in order for them to be able to raise funding to make improvements to the facilities, as and when required. HASC's associated use of a cricket and football pitch is proposed to be covered in a separate licence, for a term of 5 years.

As the lease to be granted is in excess of 7 years in duration and the demise is part of a 'pleasure ground' held under Section 164 of the Public Health Act 1875, the proposal is regarded as a 'deemed disposal' as defined by S.123 of the Local Government Act 1972.

Under the 1972 Act the Council is required to invite any objections or representations from the public for the grant of the 25 year lease by advertising the proposal in two consecutive local newspapers.

Member Non-Key Decision

Legal Services placed advertisements in the Romford Recorder on the 13th & 20th May 2011 and this Decision formally records that there have been no objections or representations made in respect of the advertised proposal that require Member consideration.

It is proposed that the Council now finalises the terms of the lease and the associated licence and proceed to complete them. The detail of the final terms for the lease and associated licence is to be dealt with under the Property Strategy Manager's delegations, in conjunction with the Assistant Chief Executive (Legal & Democratic Services).

OTHER OPTIONS CONSIDERED AND REJECTED

Option: To Continue with the existing casual hiring arrangement that Parks Services currently has with the Hornchurch Athletic Club (HASC).

Rejected: The proposed lease of the sports pavilion and cricket practice nets and the proposed associated licence for use of cricket pitch and a football pitch will have HASC taking responsibility for paying a steady rental income to the Council. In respect of the lease of the sports pavilion and cricket practice nets, HASC will be responsible for undertaking repairs and maintenance at their cost. The arrangements will give the Club a more secure basis to use the facilities and, additionally, allow them to raise funds for long term improvements to the premises, as and when required.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKERS

Name: Garry Green

Designation: Property Strategy Manager

Signature:



Date:

19th.8.2011

Part B

LEGAL IMPLICATIONS AND RISKS

The completion of the proposed lease and associated licence is a conventional conveyancing matter and is considered to be low risk.

Ian Burns, Legal Services

FINANCIAL IMPLICATIONS AND RISKS

This 'in principle' decision to grant a 25 year lease and associated 5 year licence for pitches is noted. It is also noted that agreement of the final terms and completion of documents is being delegated to the Property Strategy Manager, in association with the Assistant Chief Executive (Legal and Democratic Services). The income is likely to produce relatively low financial values and low risk.

Dipak Sethi, Culture & Leisure Finance

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no Human Resources issues.

Mark Porter, Human Resources

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The proposed final terms will promote an inclusive membership and access to the sports facilities, in particular to residents within the London Borough of Havering.

BACKGROUND PAPERS

Lease plan sps 0699 / 1

Licence plan sps 0699 / 2 A

1st Notice in Romford Recorder dated 13th May 2011

2nd Notice in Romford Recorder dated 20th May 2011

Member Non-Key Decision

Confirmation of decision

I confirm that I have made this executive decision, in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Signed:



Name: Councillor Andrew Curtin

Portfolio held: Cabinet Member for Towns and Communities, with special responsibility for Culture

Date: 29 Aug 2011

Signed:



Name: Councillor Roger Ramsey

Portfolio held: Cabinet Member for Value

Date: 30 / 8 2011

Lodging this notice

This notice should be delivered to the proper officer, currently the Democratic Services Manager via Ian Buckmaster, in the Town Hall. A copy of this notice should be retained by the individual Cabinet member making the decision in question.

Urgency

Where the executive decision recorded in this notice has been made in accordance with the special urgency provisions of the Overview & Scrutiny Procedure Rules, a copy of the written agreement obtained under rule 18 must be attached to all copies of this notice.

For use in Democratic Services

I confirm that this notice was lodged with me on

31 AUGUST 2011

Signed

