

**19 September 2017**

**Policy, Projects & Resources Committee**

**Seymour Pavilion and Playing Fields**

**Report of:** *John Chance (Section 151 Officer)*

**Wards Affected:** *Ingatestone*

**This report is:** *Public*

**1. Executive Summary**

- 1.1 This report considers the granting of a 25-year lease on the above property to Ingatestone and Fryerning Parish Council.

**2. Recommendation(s)**

- 2.1 That a new lease be granted in accordance with the terms set out in Heads of Terms attached (Appendix A).**

**3. Introduction and Background**

- 3.1 Ingatestone & Fryerning Parish Council was formed in 1895, following the passing of the Local Government Act in 1894. The Act created civil parishes, separating them from the church, giving them surprisingly few duties but many and wide-ranging powers to work for the benefit of their communities. Ingatestone & Fryerning Parish Council got to work straight away to acquire land for allotments in 1895 and a cemetery at Fryerning in 1899.
- 3.2 Boundary changes in 1972 meant that the Parish became part of the Brentwood District, rather than Chelmsford, and Ingatestone & Fryerning Parish Council is the largest of the nine parishes within the Borough of Brentwood.
- 3.3 The modern parish council is a corporate body with the power to raise money by taxation (the precept). It is an elected tier of local government and has an important role to play in representing the interests of the community it serves to improve quality of life.

- 3.4 Ingatestone & Fryerning Parish Council has eleven elected members and four co-opted members. The Council's responsibilities include:
- Fryerning cemetery
  - Fairfield Recreation Ground
- 3.5 Its income is made up mainly from the precept, a discretionary grant from Brentwood Borough Council and burial fees. We have also been successful in recent years in obtaining capital grants for specific projects.
- 3.6 Its office at Suite 1, 4 The Limes, Ingatestone, Essex, CM4 0BE is run by three part time staff; A Parish Clerk who is also the Responsible Financial Officer, an Assistant Clerk who is responsible for cemetery management and an Administrative Assistant.
- 3.7 The Parish Council wish to take a lease on the Pavilion and playing fields which will enable them to apply for Football Association grant to refurbish the Pavilion to modern standards. This will improve the facilities for the local community to enjoy.
- 3.8 The Football Association's requirements, in terms of the tenure required by the Parish Council for the giving of grants, are set out in Appendix 3.
- 3.9 Approval is therefore sought for the granting of a new 25-year lease to the Parish Council on the basis outlined in the Heads of Terms in Appendix 1.
- 3.10 In granting the lease there will be monetary savings to the Council.
- 3.11 The current expenditure and income on the Playing Fields is as follows:

#### Expenditure

- Grass Cutting of pitches and surrounds [based on 19 visits a year] £11,248.00
- Spiking of pitches [based on 6 visits a year] £1,776.00
- Marking out of pitches [based on 20 visits a season] £3,500
- Putting up of football posts [based on once a year] £252.00
- Taking down of football posts [Based on once a year] £252.00The above includes labour, machinery and materials.
- Not included is the unforeseen such as tree works or capital works to infrastructure such as fencing, gates and car park etc. This would be ad hoc as and when needed.
- £3,500 was spent on the Pavilion in 2016 and a further £2,500 has been spent this year so far.

- The Council are also responsible for the cleaning of the Pavilion which costs £220 per month.

#### Income

- The football pitches will generate £3,236.00 this season.

### **4 Issue, Options and Analysis of Options**

4.1 At its meeting on 27<sup>th</sup> March 2015 the Councils Asset and Enterprise Committee adopted a 'Disposals at Less than Best Consideration' policy.

4.2 This is a disposal at less than best consideration and in order to comply with Council policy and sections 123(1) and (2) of the Local Government Act 1972 it is necessary to undertake an assessment of the extent to which the organisations activities contribute towards achieving the Council's aims and objectives. In undertaking the assessment it is also necessary to:

- Include a copy of the organisation's constitution and three years of accounts.
- Set out the extent to which the organisation is proactive in seeking to share and make available the assets to other community and voluntary sector uses on a not for profit basis
- Confirmation that the organisation will submit its activities and accounts on an annual basis or when required by the Council.

4.3 The assessment can be found at Appendix B.

### **5 Reasons for Recommendation**

5.1 That a new lease for the Parish Council be put in place on the basis outlined in Appendix A to ensure that this asset is managed by the local community for community use.

### **6 Consultation**

6.1 No formal consultation has been undertaken regarding the proposed rebuilding works.

## **7 References to Corporate Plan**

- 7.1 Value for Money: policies that invest in key services to create opportunity for all, provide better value for Brentwood's taxpayers and enhance the Borough's infrastructure whilst modernising and transforming Brentwood Borough Council. We will re-prioritise and focus our resources and be innovative in our approach.
- 7.2 Our Borough: Policies which promote our environment, support sustainable growth, and safeguard our high-quality environment including heritage and countryside. We will provide responsive, accessible and forward thinking services for vulnerable residents, supporting people back into work and providing good quality housing making Brentwood our residents' Borough of Choice.

## **8 Implications**

### **Financial Implications**

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- 8.1 The rental income is at less than best consideration, however, the council can now save money on maintaining the grounds as this responsibility passes to the parish council. Furthermore, the lease, let at less than best value, does facilitate a valuable addition to the community, which the local residents will benefit from.

### **Legal Implications**

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- 8.2 Relevant in the event of a proposed disposal of a lease interest at less than best consideration or market value, the General Disposal Consent (England) 2003 provides there is no need to seek the specific consent of the Secretary of State provided that the purpose for which the interest in the land is being disposed of by way of the lease is likely to contribute to the "promotion or improvement" of the economic, social, or environmental well-being of the area and the difference in unrestricted value of the lease of the land and the actual price paid for the lease (if any) is not more than £2 million. Government guidance (Circular 06/2003) states that 'In determining whether or not to dispose of land for less than the best consideration reasonably obtainable, and whether or not any specific

proposal to take such action falls within the terms of the Consent, the authority should ensure that it complies with normal and prudent commercial practices, including obtaining the view of a professionally qualified valuer as to the likely amount of the undervalue’.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None

## **9 Background Papers**

9.1 See Appendices

## **10 Appendices to this report**

Appendix A - Heads or Terms with plan of proposed demise.

Appendix B - Assessment of the extent to which the organisations activities contribute towards achieving the Council’s aims and objectives. Including details received from Ingatestone and Fryerning Parish Council. This includes the Parish Council’s accounts.

Appendix C - Essex Football Association Grant Requirements

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