

| Report of | Meeting | Date |
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| Chief Executive (Introduced by the Executive Member for Resources) | Executive Cabinet | 24 November 2011 |

GRANT OF A LEASE, LAND AT BALSHAW LANE EUXTON CHORLEY COUNCIL TO EUXTON PARISH COUNCIL

PURPOSE OF REPORT

1. To seek approval for the terms agreed for the grant of a 25 year lease to Euxton Parish Council on land at Balshaw Lane, Euxton for the creation of a Skate Park.

RECOMMENDATION(S)

2. That the terms provisionally agreed for a Lease of land at Balshaw Lane Euxton to Euxton Parish Council for the provision of a skate park be approved and,
3. Liberata Property Services be authorised to instruct the Head of Governance (Legal Services) to proceed with the drafting of the Lease, with the Lease to be signed once the Parish Council has secured full funding for the project.

EXECUTIVE SUMMARY OF REPORT

4. Chorley Council owns land at Balshaw Lane Euxton. The land currently provides car parking, amenity open space and access to Yarrow Valley Country Park.
5. A consultation exercise carried out by Euxton Parish Council has identified a lack of leisure facilities and activities for young people in the village of Euxton.
6. As a result, further public consultation has been carried out and it has been suggested that a skate park would meet the needs of young people in Euxton.
7. Terms have been proposed, and accepted for the grant of a 25 year lease to enable the creation of a skate park by Euxton parish Council as follows:
 1. Demised land – land shown edged red on the attached plan
 2. Lessor – Chorley Borough Council
 3. Lessee – Euxton Parish Council
 4. Term – 25 years from a date to be agreed. Anticipated start on site Spring/Summer 2012
 5. Rent – Peppercorn Rent
 6. Rates – Lessee to be responsible for payment of all rates, taxes, charges and outgoings levied on the land
 7. Use – The Lessee to use the land for the construction and use of a skate park, in accordance with approved planning consent 10/00316/FUL
 8. Works – The lessee to carry out the necessary works to create a skate park in accordance with approved planning consent – 10/00316/FUL

9. Repair – The Lessee to be responsible for maintaining the land, fences and all structures erected on the land in good repair and condition throughout the period of the Lease. The Lessee to keep the land free of litter, detritus and weeds throughout the Lease term
10. Alienation - Absolute bar on assigning or subletting the site
11. Insurance – The Lessee shall maintain appropriate public liability (£10,000,000 (ten million pounds) minimum) and shall indemnify the Lessor against all actions, claims, damages, etc arising out of the tenancy
12. Access – The lessee shall gain access to the land over the adjacent car park only
13. Planning Consent – The Lessee shall comply at its own expense and cost to all conditions and terms of the approved planning consent 10/00316/FUL
14. Trees – The lessee shall not cut, damage, or harm any surrounding trees without the prior written consent of the Lessor
15. Fees – Each party shall bear its own costs
16. Management Plan – The lessee shall provide a management plan to be agreed with the Lessor to ensure the facility operates in an inclusive way
17. Termination – The Lease will be terminated in the event that The Parish Council:
 - do not comply with the terms of the management plan proposed by the Council
 - cease to operate the skatepark or fail to run it in a safe condition.

In these circumstances the Lease would end, Council would take back the facilities and continue to run it as a skatepark for the benefit of the residents of Chorley.
18. Any other terms and conditions as may be required by the Council's Legal Services

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| Confidential report Please bold as appropriate | Yes | No |
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| Key Decision? Please bold as appropriate | Yes | No |
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REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

8. To enable the delivery and continued provision of recreational facilities for the people of Chorley.
9. The site is ideally located to provide the facilities for the young people of Euxton and in doing so meet an identified need for recreational activity.
10. The location is easily accessible to residents of Chorley as it is on a main road with existing car parking facilities and a bus stop adjacent to allow access via public transport.
11. The site is in a good location away from residential properties but safe and protected for young people to use.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

12. If the site were not made available to the Parish Council, they would have to search for an alternative site, which might not provide as well in terms of location and accessibility.

CORPORATE PRIORITIES

13. This report relates to the following Strategic Objectives:

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| Strong Family Support | | Education and Jobs | |
| Being Healthy | x | Pride in Quality Homes and Clean Neighbourhoods | |
| Safe Respectful Communities | x | Quality Community Services and Spaces | x |
| Vibrant Local Economy | | Thriving Town Centre, Local Attractions and Villages | |
| A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money | | | x |

BACKGROUND

14. In 2002 Euxton Parish Council carried out a public consultation exercise with residents of Euxton to discover residents' perceptions of Euxton.
15. One of the findings of the survey was that residents identified a lack of activities and facilities for young people in the village. To meet this need it was suggested that a skate park would be a popular facility amongst younger village residents.
16. Subsequently, further consultation has been carried out with residents invited to submit ideas, plans and suggestions for design proposals for the skate park. These ideas have formed part of the submission for planning permission submitted and approved in 2010.
17. Euxton Parish Council has secured funding for the construction and operation of the skate park and, subject to the completion of the Lease, works are due to commence on site in Spring / Summer 2012.
18. It is intended that the park will be open to the general public every day from dawn until dusk. The facility will be used by members of Euxton Skate Park Group, but will be equally available for any other individual or group wishing to use it.
19. The skate park will be promoted by Chorley Council throughout the Borough as a recreational facility available for all users. Euxton Parish Council will also advertise availability via their quarterly newsletter.

IMPLICATIONS OF REPORT

20. This report has implications in the following areas and the relevant Directors' comments are included:

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| Finance | x | Customer Services | |
| Human Resources | | Equality and Diversity | |
| Legal | x | Integrated Impact Assessment required? | |
| No significant implications in this area | | Policy and Communications | |

COMMENTS OF THE STATUTORY FINANCE OFFICER

21. In cases such as this, when council-owned assets are to be used for the benefit of the community, it is valid to accept a peppercorn rent rather than charging a commercial rent. It is unlikely that this site could be used for a commercial purpose, so the council is not forgoing any income, and is helping to provide a facility for the benefit of Euxton and the wider borough.

22. The council has awarded Euxton Parish Council's scheme a grant of £30,000 from the Play and Recreation Fund. This would be financed from developers' S106 contributions received for the purpose of providing play and recreation facilities. At present the grant is included within the 2011/12 revenue budget. This report suggests that implementation of the project would commence in the Spring or Summer of 2012, which suggests that at least some of the grant could be rephased to 2012/13. Phasing of the council's financial contribution to the project may not become clear for some time, but would be reported in revenue budget monitoring reports as appropriate.

COMMENTS OF THE MONITORING OFFICER

23. There are no concerns with this proposal.

There are no background papers to this report.

| Report Author | Ext | Date | Doc ID |
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| Catherine Jagger | 515275 | 01 November 2011 | *** |