

TITLE OF REPORT : BURNS ROAD RECREATION GROUND AND BMX TRACK

**REPORT OF THE HEAD OF FINANCE, PERFORMANCE & ASSET
MANAGEMENT**

1. SUMMARY

- 1.1 To seek the Committee's views on proposals to grant a long term lease of Burns Road Recreation Ground to Royston BMX Club prior to consideration by Cabinet.

2. FORWARD PLAN

- 2.1 This report contains a recommendation on a key decision that was first notified to the public on the forward plan July 2012.

3. BACKGROUND

- 3.1 The District Council owns the recreation ground at Burns Road, Royston, as identified outlined on the attached plan.
- 3.2 For a number of years the Royston BMX Club have been using part of the Burns Road recreation ground for a BMX track. Burns Road is classified as public open space. The track has proved popular over the years and has co existed with the normal public use of the recreation ground.
- 3.3 The club would like to rebuild the BMX track and improve the facilities to bring it up to the latest requirements of the sport. The new track will be located in approximately the same position as the existing one. In order to construct the new track the Club plan to seek external funding. In support of their plans and the requirements of the funders, the BMX Club have requested a long term lease of the Burns Road Recreation Ground from the District Council.

4. ISSUES

- 4.1 Royston BMX Club wish to lease the whole of the recreation ground. If this was granted then arrangements would be required to make certain that public access is maintained. The lease will also put in place suitable arrangements for grounds maintenance, insurance and hours of use.

- 4.2 Burns Road Recreation Ground is public open space. The granting of a long term lease of public open space is likely to be a disposal that will require advertisements in a local newspaper inviting comments or objections from the public.

5. LEGAL IMPLICATIONS

- 5.1 The Area Committee has within its terms of reference to consider the policies and actions of Cabinet as to their appropriateness to needs and aspirations of the local community.
- 5.2 For leases of over 7 years of Public Open Space it is necessary to advertise the proposals in a local paper.
- 5.3 There maybe specific legal implications relevant to the letting of the property. Issues such as (without limitation) covenants on title, easements burdening the land, and rights of third parties, may complicate or prohibit long term letting. Such issues will be identified in any Cabinet report recommending disposal.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 Long term leasing of assets reduces the risk to the Council arising from the duties under the Occupiers Liability Act 1957 and 1984. The Council is currently maintaining property insurance cover for the Recreation Ground. Subject to agreeing terms with the BMX club, leasing of assets would remove the insurance costs as well as general maintenance responsibilities and costs of the land.
- 6.2 In order to protect the Councils' interests the BMX Club are requested to ensure adequate insurance cover in the event of injury to members of the public arising form the new facilities.

7. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 7.1 The Council's Asset Disposal Strategy, approved in July 2004, sets out that consultation should follow the following process; *"the relevant Ward Member(s) will be consulted on any proposals and consideration be given to wider community consultation. Following consultation a report on the officers recommendations will be presented to the appropriate Area Committee for their views before seeking approval from the relevant delegated Member or Committee"*.
- 7.2 As part of the consultation Royston Area Committee's views are sought. Its recommendations will be reported to Cabinet.

8. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 8.1 There are no human resource or equality implications arising from this report.

9. RECOMMENDATIONS

- 9.1 That as part of the consultation process, the Committee gives its views to Cabinet on the proposal to lease Burns Road Recreation Ground to Royston BMX Club.

10. REASONS FOR RECOMMENDATIONS

- 10.1 To promote or improve social well being and enable improvements to the Burns Road BMX track to take place.

11. LOCATION PLAN

- 11.1 A plan is attached at Appendix A for identification purposes only.

12. REPORT AUTHOR

- 12.1 David Charlton, Senior Estates Surveyor
Tel: 01462 474320 Email: david.charlton@north-herts.gov

13. CONTRIBUTORS

- 13.1 Michelle Thrale, Property Solicitor
Tel: 01462 474218 Email: michelle.thrale@north-herts-gov.uk
- 13.2 Andrew Cavanagh, Head of Finance, Performance & Asset Management,
Tel: 01462 474243 Email: andrew.cavanagh@north-herts-gov.uk

14. BACKGROUND PAPERS

- 14.1 Land holding records.

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