



<b>Subject:</b>	Management of Clarendon Playing Fields
<b>Date:</b>	7 December 2021
<b>Reporting Officer:</b>	Ryan Black, Director of Neighbourhood Services
<b>Contact Officer:</b>	Cormac McCann, Lead Officer Community Provision

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Some time in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	To request members approval to proposed changes to the legal agreements affecting Clarendon Playing Fields.
1.2	To seek permission to update previous committee approvals regarding Clarendon Playing Fields as set out below.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is asked to approve: <ul style="list-style-type: none"><li>the variation of the current Facility Management Agreement dated 1<sup>st</sup> October 2005 and associated Assignment and Variation dated 2<sup>nd</sup> June 2008 (the Agreement) to effect transfer of the interest thereunder from Clarendon Development Association, incorporated, (CDA Inc.) to Clarendon Development Association, unincorporated,</li></ul>

	<p>(CDA Uninc.) and that the Agreement would run on a month to month basis (as previously agreed by this Committee on 13<sup>th</sup> October 2015).</p> <ul style="list-style-type: none"> <li>the grant of a 10 year licence to CDA Uninc. for the siting of a portable building at Clarendon Playing Fields, as per the terms of this Committee approval of 13<sup>th</sup> October 2015 (note the said Committee previously approved grant of the said Licence to CDA Inc.</li> </ul>
<b>3.0</b>	<b>Main report</b>
	<u>Key Issues</u>
3.1	<p>The Council entered into a 10 year Facility Management Agreement with Clarendon Development Association in October 2005 and in June 2008 the Facility Management Agreement was varied to:-</p> <ul style="list-style-type: none"> <li>take account of Clarendon Development Association having registered at Companies House as a company limited by guarantee;</li> <li>amend clause 3.1 of the Agreement regarding the term; and</li> <li>amend the 1<sup>st</sup> Schedule of the Agreement relating to the description of the playing facilities.</li> </ul>
3.2	<p>When the Agreement reached its termination date in 2015, approval was granted for a month to month extension by this Committee on 13<sup>th</sup> October 2015 whilst the future management of the asset was considered.</p>
3.3	<p>In May 2017 this Committee approved the termination of the Agreement and, based on the proven track record of community benefit delivered by CDA Inc. at Clarendon Playing Fields, Committee authorised a preferential use agreement for Clarendon Playing Fields to CDA Inc. Community outreach work was to be delivered from the portable building supplied and maintained by CDA Inc. at Clarendon Playing Fields with the grant of a 10 year licence with retrospective approval by Strategic Policy and Resources Committee in November 2017 (the portable building having already been installed at Clarendon Playing Fields by CDA Inc. with planning approval granted in March of that year).</p>
3.4	<p>Negotiations between CDA Inc. and Community &amp; Neighbourhood Service Officers regarding the termination of the Agreement and a move to a preferential use agreement were protracted. The Agreement was never formally terminated and a preferential use agreement was subsequently never entered into.</p>

3.5	<p>The proposed licence for the portable building was also never put in place although CDA Inc. continued to deliver services from it and in March 2020 Council was advised the governance arrangements for CDA Inc. had changed in October 2018 from incorporated to unincorporated and that CDA Uninc. were delivering the said services since October 2018.</p>
3.6	<p>This change has caused delay in issuing the quarterly Agreement payments whilst Community &amp; Neighbourhood Service Officers worked through necessary due diligence assessments for CDA Uninc. That due diligence has been completed to the satisfaction of Community &amp; Neighbourhood Service Officers.</p>
3.7	<p>Members will be aware that Clarendon Playing Fields is one of the sites identified by this Committee to explore pilot community asset transfer arrangements. In the coming months Officers of CNS will be working with Clarendon Development Association (unincorporated) as the current site manager to develop:</p> <ul style="list-style-type: none"><li>• A community benefits realisation plan</li><li>• A business case to demonstrate the organisations long term sustainability</li><li>• Recommended mechanism for of the transfer of the asset to community management assessed against the draft framework.</li></ul>
3.8	<p>Community &amp; Neighbourhood Service Officers are therefore seeking Members approval to transfer the interest falling under the Agreement to CDA Uninc. and to enter into a licence with CDA Uninc. for the siting of the portable building on Council lands at Clarendon Playing Fields as set out above.</p> <p><u>Financial &amp; Resource Implications</u></p>
3.9	<p>All costs for the portable building and otherwise associated with this report shall be met by CDA Uninc..</p>
3.10	<p>CDA Uninc. shall pay a licence fee of £375 per annum to Council for the licence of the land on which the portable building is sited at Clarendon Playing Fields.</p>
3.11	<p>City and Neighbourhood Services will recommence payments aligned to provision of services under the terms of the Agreement, the payments being allocated from the relevant revenue budget, when the transfer of the Agreement to CDA Uninc. has been completed, in accordance with this Report to the the satisfaction of Legal Services.</p>

3.12	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>  None associated with this report.
<b>4.0</b>	<b>Appendices- Documents Attached</b>
	None