

Runnymede Borough Council

ENGLEFIELD GREEN COMMITTEE

Wednesday 28 July 2004 at 7.00 p.m.

at the Jurgen Centre, Harvest Road, Englefield Green



Members of the Committee

Councillors J.E. Haas, Miss M.N.Heath, Mrs. C.Y. Jones, H.W.V. Meares, N. Thewlis and K.J.T. Walmsley.

Residents' Representatives: Mrs. M.E.J. Bairstow and A.E. Panter

and all other Members for information

A G E N D A

Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- ii) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr. G. Marson, Committee Section, Department of Administration and Leisure, Civic Offices, Station Road, Addlestone (Tel. 01932 425625). (E-mail: gary.marson@runnymede.gov.uk).**
- iii) Agendas and Minutes are available on a subscription basis. For details, please telephone Mr. B.A. Fleckney on 01932 425620.

LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

- a) Exempt Information
(No reports to be considered under this heading)
- b) Confidential Information
(No reports to be considered under this heading)

1. ELECTION OF CHAIRMAN

To elect a Chairman for the Municipal Year 2004/2005.

(TO RESOLVE)

2. ELECTION OF VICE-CHAIRMAN

To elect a Vice-Chairman for the Municipal Year 2004/2005.

(TO RESOLVE)

3. MINUTES

To confirm and sign, as a correct record, the Minutes of the Meeting of the Committee held on 25 February 2004 (attached at Appendix 'A').

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTERESTS

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

6. ENGLEFIELD GREEN CRICKET PAVILION (DAL)

(Ref: Minutes of Englefield Green Committee, December 2002, page 855, para. 475 and February 2004, page 1325, para. 725)

1. Purpose of Report

1.1 **The purpose of this report is to update Members on the current position regarding the Cricket Pavilion lease arrangements.**

2. Background Information

2.1 The Committee gave detailed consideration to the future arrangements and maintenance of the Pavilion at its meeting in December 2002.

2.2 The Pavilion was erected in the mid 1950's after the former Egham Urban District Council had loaned the cost of the construction to the Englefield Green Football and Cricket Clubs. A 60-year lease was granted in 1957 to Trustees representing both Clubs, with the rent being reduced to a peppercorn once the construction costs had been repaid. The terms of the lease require it to be kept available for both Clubs and other sporting activities which the Council might permit on the Green. Although the Trustees are legally responsible for the management of the facility, this function was, for a time, undertaken on a day-to-day basis on their behalf by a Management Committee drawn from representatives of both Clubs. This has, however, been defunct for many years and the Football Club now plays elsewhere. Thus the Cricket Club has, for a prolonged period, been the only regular user of the Pavilion.

2.3 The Trustees are in breach of a number of the repairing obligations in the lease. Allegations have, from time to time, been made about matters such as health and safety issues. Occasional complaints have also been received about parties held on the premises. However, at the December 2002 meeting the Trustees claimed that they had found it difficult to communicate with the Cricket Club and this was the reason for their relative inactivity. The Cricket Club has effectively managed the facility but as it is not itself responsible for the covenants in the lease it has been difficult to achieve a dialogue about their observance. Of the four Trustees one has passed away and another wishes to retire. Although four is the minimum number of Trustees required by the lease no replacements have been nominated.

- 2.4 At its meeting in December 2002 the Committee decided that it was important to ensure that the Pavilion has a tenant which is actively prepared to accept responsibility for the building and offers clear lines of communication. Various options were considered at the time but the favoured means of achieving this was to secure the termination of the present lease (for breach of covenant or, preferably, by surrender) and grant a new lease direct to the Cricket Club, initially for a three year term. Members felt that such an arrangement would encourage the Club to fully devote its energy and resources to the active management of the facility. The Club itself is now committed to the Green following a two-year period playing elsewhere while the new square was established, and welcomes the opportunity to assume direct responsibility. As Lessee the Club would be better able to access grant funding for improvements.
- 2.5 The Pavilion suffered internal fire damage in August 2003. The Cricket Club is part way through an extensive programme of works to refurbish the building. The Council has made available a grant of £10,000 to help meet the costs incurred, but this cannot be released until the new lease arrangements are in place.

3. Report

- 3.1 Progress on this matter was delayed as a result of the lack of Officer resources but the Trustees have now been written to thanking them for their contribution to the Pavilion and community over past years and seeking their written agreement to surrender the lease.
- 3.2 Mr Read has responded and agreed to surrender, but with a proviso that a new lease satisfactory to the Cricket Club is granted to them. A letter of comfort has been provided giving more detailed proposals and confirming that the Council's intention is to grant initially a short term lease to the Trustees of the Cricket Club.
- 3.3 Mr Rundell has also consented to the surrender of the 60-year lease and had also previously indicated his wish to retire as Trustee.
- 3.4 Mr Humphreys has not, to date, responded. A reminder has been sent providing additional information about the Council's proposals which it is hoped will encourage his agreement.

4. Council Policy

- 4.1 The Leaders Position Statement includes the following objectives:
- i) To further the interests and facilities for the youth of the Borough.
 - ii) To continue to progress the availability of sports activities.

5. Legal Implications

- 5.1 In the event that Mr Humphreys will not provide written consent to the surrender it will be necessary to adopt an alternative approach to achieving the termination of the 60-year lease. Forfeiture on the grounds of failure to uphold satisfactorily the repair covenants could be pursued. Alternatively, it may be possible to terminate the lease on the grounds that there are inadequate Trustees of the Pavilion lease, which required a minimum of four.

6. Environmental Implications

- 6.1 A lease to the Cricket Club Trustees, with direct lines of communication and clear responsibilities for lease repair covenants should improve the appearance of the Pavilion through more regular programmed maintenance. It will allow the Council to enforce these repair covenants if maintenance is neglected.

7. Other Issues

The proposed short term lease to the Cricket Club will impose an obligation to make the Pavilion available for alternative uses, agreed by the Council and which do not conflict with the Cricket Club's needs.

OFFICERS' RECOMMENDATION that –

in the event that Mr Humphreys does not provide written consent to a termination of the lease, the Director of Administration and Leisure be instructed to seek termination either by forfeiture, or on the basis that there are no longer an adequate number of Trustees as required under the terms of the lease.

(TO RESOLVE)

Background Papers

Relevant papers on Property Services File 81.15.184.

7. MANAGEMENT AND MAINTENANCE OF THE GREEN (DAL)

(Ref: Minutes of Englefield Green Committee February 2004, page 1085, para 641)

1. Purpose of Report

1.1 **The purpose of this report is to update Members with regard to matters of current interest concerning the management and maintenance of the Green.**

2. Incursion Protection Measures

2.1 At its last meeting the Committee agreed to the installation of two small footbridges over the re-profiled ditches created to deter traveller and vehicular access. The Crown Estate has now consented to the works and the footbridges will be constructed in due course.

3. Condition of the Grass

3.1 At the same meeting the Committee expressed concern as to the condition of the grass on the Green and the presence of moss. Following investigations it has been established that this is due to a compacted layer of soil about 4" below the surface. The Council's grounds maintenance contractor has been instructed to slit the surface of the Green to break through this layer. Attempts have been made to do this on a number of occasions but the ground has proved to be too hard. The Green is being checked on a regular basis and the contractors will undertake the work as soon as the ground conditions are suitable. This will, however, require a sustained period of rain.

4. Public Footpath No.19

4.1 The Rights of Way section at Surrey County Council has informed Officers of its intention to correct the line of Public Footpath 19, which runs through the woodland close to Coopers Hill Lane (a plan is attached at Appendix 'B'). Over the years the footpath has deviated from its definitive line and it is their intention to correct this by creating an access onto Coopers Hill Lane.

5. Horse Route

5.1 The new tarmac footway along Bishopsgate Road was built on the route of an existing horse margin, a grass verge where the riding of horses is permitted. Horse riders have requested that a ride be established through the woods, parallel with the road, by way of a replacement. Approval is sought to work up the detail of such a scheme, including plans and costings, to be presented to the next meeting of the Committee.

OFFICERS' RECOMMENDATION that -

detailed proposals for the creation of a horse route through the woodland area of the Green, parallel with Bishopsgate Road, be presented to the next meeting of the Committee.

(TO RESOLVE)

Background Papers

None stated.

8. URGENT ACTION – STANDING ORDER 42 (DAL)

The following action has been taken after consultation with the Chairman of the Committee, under Standing Order 42.

<u>Officer</u>	<u>Action Taken</u>	<u>Central Index No.</u>
Director of Administration and Leisure	Authorisation for the use of the Green for a childrens charity walk on 30 June 2004 and the Village School Proms on 10 July 2004.	N/A

(FOR INFORMATION)

Background Papers

None stated.

9. EXCLUSION OF PRESS AND PUBLIC

If the Committee is minded to consider any of the foregoing reports in private session, it is the

OFFICERS' RECOMMENDATION that -

where appropriate the press and public be excluded from the meeting during discussion of reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the reports in question would be likely to involve disclosure of exempt information of the description specified in the appropriate paragraphs of Part I of Schedule 12A of the Act.

(TO RESOLVE)

PART II

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