**POLICY AND RESOURCES COMMITTEE**

**7 NOVEMBER 2017**

**PART I – NOT DELEGATED**

**8. The Centre – Leisure Management Contract**

(DCES)

1. **Summary**

* 1. This report seeks authority to the appropriation of the land at the Leisure Centre and open space, Gosforth Lane, South Oxhey.

2. **Details**

2.1 At present the Site comprises the leisure centre building and a grassed area (Open Space) to the west of the building. The leisure centre has reached the end of its occupational life. The Site has been identified in the site allocations Local Development Document adopted November 2014 for a leisure centre with potential swimming pool. The proposal for redevelopment will include new sports and swimming facilities together with an onsite car park which is to be located substantially on the Open Space.

2.2 The Council is proposing to enter into a contract with a preferred bidder to design, build, operate and maintain the leisure centre and car park. The Committee will have seen a separate report reporting on the progress of the procurement process.

2.3 A planning application will be made by the preferred developer after due appointment.

2.4 The attached report at appendix A has been prepared by the Council’s external Solicitors, Bond Dickinson.

2.5 A site plan defining the land in question is shown in appendix B.

3. **Reasons for Recommendation**

3.1 It is necessary that Council agrees to the appropriation so that it is in a position to allow the works to proceed following appointment of the preferred operator, subject to planning approval. As part of the site to be developed is open space, notice has to be given to the public of the proposed disposal. Any representations received in respect of the proposed disposal and appropriation will be considered by the Council prior to any disposal.

4. **Policy/Budget Reference and Implications**

4.1 The recommendations in this report are within the Council’s agreed policy and budgets.

5. **Financial Implications**

5.1 None specific, the costs are included within the SOI budget.

6. **Legal**

6.1 Legal implications are contained within the Solicitors’ report at Appendix A.

6.2 Full Council must agree to the appropriation of the land, it is not a delegated decision.

7. **Equal Opportunities, Staffing, Environmental, Community Safety, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications**

7.1 None specific.

8. **Recommendation**

That this Committee recommends to Council that:-

8.1 It resolves to authorise the appropriation of the land at the Leisure Centre and open space (as shown on the plan at Appendix B which is owned freehold by the Council) having first considered any objections received to the same under the provisions of Section 122 of the Local Government Act 1972 to enable the Council to override third party rights and easements pursuant to Section 203 of the Housing and Planning Act 2016;

8.2 It authorises the disposal of the Site as public open space pursuant to s.233 of the Town and Country Planning Act 1990 by virtue of a lease for 20 years to the appointed operator having first considered any objections received to the same;

8.3 That the consideration of any objections be delegated to the Director of Community and Environmental Services in consultation with the Lead Member for Resources and Shared Services; and

8.4 That in doing so the Council has considered the provisions of the Equalities Act 2010 and the Human Rights Act 1998 contained in paragraph 4 of this report so far as they might be applicable in deciding whether or not to authorise the appropriation and resolves the following With regard to Article 1 of Protocol 1 it is considered that in balancing the rights of the individuals who are affected by the appropriation against the benefit to the community of proceeding with the appropriation, the appropriation resulting in the interference with the individuals rights is justified in the interests of providing an essential community use for an enhanced Leisure facility.

Appendices – A - Report by Bond Dickinson

B - Site Plan

Report prepared by: Alan Head, Head of Major Projects