

Cheltenham Borough Council

Cabinet – 10th October 2017

Facilitating a long term solution for Gloucester Road Primary School to have a playing field

Accountable member	Cllr Rowena Hay
Accountable officer	David Roberts
Ward(s) affected	St Peters Ward and Oakley Ward
Key/Significant Decision	Yes
Executive summary	A proposal to secure a long term solution for Gloucester Road Primary School to have a playing field at Alstone Lane and satisfy the County Councils requirements for a school playing field provision.
Recommendations	<p>1.To approve the release of the restrictive covenant described in the report on the land owned by Clifton Diocese described in the Background paper in order to secure a long lease of land at Alstone Croft Playing Field for Gloucester Road Primary school as consideration for the release of certain requirements for the provision of a playing field contained in an Agreement dated 21 December 2001 with Gloucestershire County Council</p> <p>2. To delegate authority to the Head of Property and Asset Management, in consultation with the Cabinet Member Finance and the Borough Solicitor to negotiate and conclude such documents as may be necessary or advisable to put into effect the transaction described in recommendation 1.</p>
Financial implications	<p>The solution proposed by this report to provide a long term school playing field on Alstone Croft playing field, is likely to have minimal financial impact on this Council.</p> <p>Contact officer: Sarah Didcote, Sarah.Didcote@cheltenham.gov.uk, 01242 264125</p>

Legal implications	<p>Release of the restrictive covenant is a “disposal of land” within the meaning of s123 Local Government Act 1972, so best consideration has to be obtained. In this circular transaction, the consideration will, in effect, be the release by the County of the Authority’s obligations under the 2001 Agreement following the grant of the lease enabled by the release of the restrictive covenant.</p> <p>The County will need to be satisfied that the terms of the lease meet its requirements. The school may also need to be a party to, or at least involved in, the transaction, depending on its legal status.</p> <p>Contact officer: Rose Gemmell, rose.gemmell@teWKesbury.gov.uk, 01684 272014</p>
HR implications (including learning and organisational development)	N/A
Key risks	Set out in Appendix 3
Corporate and community plan Implications	None
Environmental and climate change implications	None
Property/Asset Implications	<p>As outlined in this report</p> <p>Contact officer: David Roberts@chEltenham.gov.uk</p>

1. Background

- 1.1 On 31 October 1956 Cheltenham Borough Council conveyed land to Clifton Diocese. The Conveyance imposed a restriction on the Diocese “not to use the land for any building thereon otherwise than for the purpose of religious worship”.
- 1.2 On the 21st December 2001 Cheltenham Borough Council (CBC) agreed and entered into a legally binding agreement with Gloucestershire County Council (GCC) to provide a school playing field for Gloucester Road primary school (The School). The reason that CBC entered into this agreement was to facilitate and bring forward the Waitrose Development.
- 1.3 Please refer to the attached plan in Appendix 1 for further clarity, where:
- 1 = Gloucester Road School (The School), shaded blue
 - 2 = Former Playing Field (Waitrose development, shaded orange
 - 3 = Alstone Croft playing field owned by Clifton Diocese (CD), shaded green
 - 4 = Colletts Drive, owned by Cheltenham borough Council (CBC), shaded red
 - The yellow circle an area which is within an acceptable walking distance from the school for a school playing field.
- 1.4 The main driver of the agreement is for CBC to provide The School (No. 1, shaded blue on the attached plan appendix 1) with a playing field. The land owned by CBC at Collett’s Drive is considered to be unsuitable for the purpose.
- 1.5 CBC has still to fulfil its obligations under the agreement, to provide a school playing field. In the meantime Gloucester Road Primary School has been using a sports Ground at Alstone Croft on a short term lease (now expired). Half of Alstone Croft Playing field is owned by Clifton Diocese, and the remaining half owned by Gloucester Diocese.
- 1.6 Clifton Diocese (owner of half of the Alstone Croft Playing field) has indicated that it is willing to provide a 125 year lease to GCC, which would be sufficient to meet the playing field requirements under the 2001 Agreement, provided CBC releases the restriction set out in paragraph 1.1. GCC could then offer Gloucester Road School a playing field at Alstone Lane on a more permanent basis; in return CBC would require its obligations under the 2001 Agreement to be deemed to be satisfied.

2. Consultation and feedback

- 2.1 Ward Members, AMWG, Exec Board and the Cabinet Member for Finance have been consulted with regard to the content of this report.

3. Performance Monitoring-monitoring and review

- 3.1 Any outcomes and impacts for the Council resulting from the ongoing negotiations between the three parties will be monitored and reviewed regularly on a weekly basis. The property team will keep the Cabinet Member for Finance informed of progress at regular intervals.

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Appendices	<ol style="list-style-type: none">1. Plan2. Background Paper - Exempt3. Risk Assessment -Exempt4. Diagram showing the proposed transaction between all parties - Exempt
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