

DECISION NOTICE



For office use :
Notice and report e-
mailed to EMT,
Democratic
Services, Comms
Team and Report
Author , on 25.8.16

NOTICE OF DECISION MADE BY PORTFOLIO HOLDER DECISION: Casson 4.15

(To be made available at the main offices of the Council and sent to all members of the Council within 3 working days of the decision.)

The Council's Constitution (Standing Order 28 – Recording of Executive Decisions; Part 3 Section D4 – Delegations to Cabinet members; and Part 4 D Access to Information Procedure Rules) requires that when any decision is made by an individual Portfolio Holder a record of the decision, including a statement of the reasons for it and any alternative options considered and rejected, must be prepared and published normally **within 3 working days**.

In accordance with this requirement notice is hereby given that Councillor A Casson, being the Portfolio Holder for Facilities Management made the decision detailed below on Wednesday 24 August 2016. This decision is not a key decision.

This notice is published on Thursday 25 August 2016.

In accordance with the terms of the Constitution (Part 3 Section D – Overview and Scrutiny (including Call-In Procedures)), the decision detailed below will come into force, and may then be implemented, on Monday 5 September 2016 (i.e. following the expiry of 5 working days following the date of publication of this notice) unless during that period a notice, where either a Ward Representative (in relation to a matter in their ward) or two members of the Performance Monitoring Panel or any three members formally request in writing (requests for Call-In must be given on a form designed for that purpose, and must be signed by each subscriber to the call-in) to the Senior Legal Officer (or such other officer as is nominated by the Senior Legal Officer) before the end of the five clear Working Day period specified in the above paragraph in relation to a particular decision by the Leader, a Cabinet Member or Cabinet, a Sub-Committee of Cabinet or an officer, then that decision shall be referred to the Performance Monitoring Panel. Such request must contain a justifiable reason for the reference and one or more of the signatories to the reference must forward to the Senior Legal Officer at least five clear Working Days before the date of the Committee which is to consider the matter a brief explanation or statement as to the concerns of the signatories in the matter, and what alternative decision(s) that

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member/those members consider should be taken. (The call-in period expires at 5pm on the 5th working day following publication of this notice, or 4.30pm if the 5th working day is a Friday.)

Matter to which decision relates

Land at Moulton Park, Moulton – To agree to grant a Licence for grazing on Council land (report of the Environmental Services and Asset Manager enclosed).

DECISION (IF URGENT PROVIDE REASONS)

- 1) That it is agreed to grant a Licence for grazing on Council land at Moulton Park, Moulton.
- 2) That delegated authority is given to the Environmental Services and Asset Manager to finalise the Licence agreement, in consultation with the Portfolio Holder for Facilities Management.
- 3) That delegated authority is given to the Environmental Services and Asset Manager, in consultation with the Portfolio Holder for Facilities Management, to renew or grant Licences in future years on appropriate terms and conditions.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Do nothing.

REASON OR REASONS FOR THE DECISION

Do nothing – the Council will incur costs of grass cutting and not receive income.

To reduce the Council's site maintenance costs and obtain income.

Conflicts of interest declared by an executive member, relating to the decision, and any dispensations granted

None.

REPORT

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|---|---|------------------|
| 1 | Casson 4.15 - Land at Moulton Park, Moulton - To agree to grant a Licence for grazing on Council land (report of the Environmental Services and Asset Manager enclosed) | (Pages
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SOUTH HOLLAND DISTRICT COUNCIL

Report of: Emily Spicer, Environmental Services and Asset Manager
To: Anthony Casson, Portfolio Holder for Facilities Management
(Author: Eddie Elsley, Estate Management Surveyor)
Subject: Land at Moulton Park, Moulton
Purpose: To agree to grant a Licence for grazing on Council land

Recommendation(s):

- 1) That it is agreed to grant a Licence for grazing on Council land at Moulton Park, Moulton
- 2) That delegated authority is given to the Environmental Services and Asset Manager to finalise the Licence agreement, in consultation with the Portfolio Holder for Facilities Management.
- 3) That delegated authority is given to the Environmental Services and Asset Manager, in consultation with the Portfolio Holder for Facilities Management, to renew or grant Licences in future years on appropriate terms and conditions

1.0 BACKGROUND

- 1.1 The Council acquired the Freehold interest in Moulton Park, Moulton (being mature fenced parkland) in March 2016
- 1.2 The Council was approached to allow a local farming organisation to graze sheep on the land
- 1.3 Terms have been agreed with the farming organisation to grant a Licence for part of the land for a part of the calendar year

2.0 OPTIONS

- 2.1 Do nothing
- 2.2 To agree to grant a Licence for grazing on Council land

3.0 REASONS FOR RECOMMENDATION(S)

- 3.1 Do nothing: the Council will incur costs of grass cutting and not receive income
- 3.2 To reduce the Council's site maintenance costs and obtain income

4.0 EXPECTED BENEFITS

- 4.1 Reduced costs
- 4.2 Income obtained

5.0 **IMPLICATIONS**

5.1 **Carbon Footprint / Environmental Issues**

- 5.1.1 The Licence will contain obligations and restrictions on the Licensee covering issues such as stock fitness/health, the application of fertilisers or manure, pesticides and other chemical treatment
- 5.1.2 It is believed there are no other Carbon Footprint/Environmental Issues

5.2 **Constitution & Legal**

- 5.2.1 Licences do not give exclusive occupation and the proposed Licence is a short term arrangement enabling the Council to regain possession in the event that an alternative use is identified. It is also likely that any alternative use would require Planning Consent entailing a long lead in and providing ample time to regain possession from the Licensee in future years (if another Licence is granted in future) The Licence will be drafted by Lincolnshire Legal Services.
- 5.2.2 This is an executive function and falls within the delegations to Portfolio Holders in Part 3 of the Constitution

5.3 **Contracts**

- 5.3.1 The Licence is, in law, a contract. The final terms of the Licence are yet to be agreed.

5.4 **Corporate Priorities**

Moulton Park helps to achieve various priorities (for example Pride in South Holland) and it is suggested that the proposal meets or fits with the following priorities:

- 5.4.1 To provide the right services, at the right time and in the right way
- 5.4.2 Ensure that Council services are accessible, customer friendly and responsive to residents and business needs
- 5.4.3 Ensure that the asset base of the council is managed to its maximum

5.5 **Crime and Disorder**

- 5.5.1 It is believed there are no Crime and Disorder issues

5.6 **Equality and Diversity / Human Rights**

- 5.6.1 It is believed there are no equality and Diversity/Human Rights issues

5.7 **Financial**

- 5.7.1 Local land agent advice has been sought on the appropriate Licence Fee bearing mind the that only part of the land can be grazed and for part of the year producing an income in 2016 of £1275
- 5.7.2 The Licence produces income otherwise not receivable by the Council and reduces site maintenance costs during the period of the Licence

5.8 **Health & Wellbeing**

5.8.1 It is believed there are no Health & Well Being Issues

5.9 Reputation

5.9.1 It is believed there are no Reputation Issues

5.10 Risk Management

5.10.1 As mentioned in 5.2.1 above the proposed Licence is short term in the event possession and control of the land is required in the future. The Licence will contain obligations on the Licensee to maintain public liability cover and comply with Health & Safety legislation

5.11 Safeguarding

5.11.1 It is believed there are no Safeguarding Issues

5.12 Staffing

5.12.1 It is believed there are no Staffing Issues

5.13 Stakeholders / Consultation / Timescales

5.13.1 Stakeholders/Consultation is on going

6.0 WARDS/COMMUNITIES AFFECTED

6.1 This matter effects the Moulton Weston & Cowbit Ward

7.0 ACRONYMS

7.1 None

Background papers:- None

Lead Contact Officer

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Key Decision: Yes/ No

Exempt Decision: Yes/ No

This report refers to a Discretionary Service

Appendices attached to this report: None

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