

Report

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Report to: **Estates Committee**
Date of Meeting: **23 August 2005**
Report by: **Executive Director (Enterprise Resources)**

Subject: **Amendment to Licence Agreement - Proposed
Development of Community Garden - Ground at Lanark
Moor Park, Lanark - Clydesdale Community Initiatives**

1 Purpose of Report

1.1 The purpose of the report is to:-

- ♦ seek approval for the amendment of a licence agreement to Clydesdale Community Initiatives for the purposes of a contractor's compound area, construction access and path at Lanark Moor Park, Lanark. This is an amendment to the licence agreement already approved by the Estates Committee at its meeting on 5 April 2005, for the development of a community garden at Lanark Moor Park. All areas to be utilised will be embodied within a single licence agreement.

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) to amend the proposed licence agreement with Clydesdale Community Initiatives for ground (development of a community garden, contractor's compound area, construction access and path) at Lanark Moor Park, Lanark on the undernoted terms and conditions be approved;
- (2) that the Executive Director (Enterprise Resources), in consultation with the Head of Legal Services if appropriate, is authorised to conclude the necessary legal agreements on behalf of the Council.

3 Background

- 3.1 The contractor's compound (Area 4 on the plan) and construction access (Area 3) linking the compound to the garden development area are required for the safe delivery and storage of construction materials. The proposed new path (Area 1) will link the proposed sensory garden to existing footpaths within the main park area and facilitate disabled access/egress.
- 3.2 The site areas are held in the Common Good Account and Finance and IT Resources supports the additional proposals. Consultations with Planning and Legal Services (Title Report) and Community Resources are also supportive.
- 3.3 Clydesdale Community Initiatives is a partnership organisation of local voluntary groups providing positive activities for young people from socially excluded backgrounds and is led by "Covey", a group supported by Social Work Resources.

4 Licence Terms and Conditions

4.1 The terms and conditions for the three additional areas - contractor's compound area, construction access and path, will be on the same terms and conditions approved by Committee on 5 April 2005 for the development of the community garden. All areas to be utilised will be included within the one formal licence agreement. The terms for the licence are:-

1. The licence agreement will be on an annual basis from a date of entry to be agreed.
2. The licence fee shall be £1 per annum if asked.
3. The ground areas are detailed on the attached plan.
4. The ground will be used solely for the development of a community garden, contractor's compound area, construction access and path, and the licensee will meet all costs associated with the development of these and the maintenance thereafter. The licensee will arrange his own public liability insurance to a minimum figure of £2 million.
5. All development details and plans shall be forwarded to South Lanarkshire Council's Community Resources for prior approval, as Ground Landlord. The licensee shall be responsible for the obtaining of all necessary permissions in respect of the proposed development.
6. South Lanarkshire Council will have the option to terminate the agreement, on serving six months written notice in the event of the ground areas being required for redevelopment purposes.
7. At the termination of the licence, howsoever determined, the licensee shall if required by South Lanarkshire Council reinstate the site (or any portion thereof) to its original condition. This to the entire satisfaction of South Lanarkshire Council, and at no cost to the Council.
8. On completion of the construction works the licensee will relinquish its rights to use the contractors compound and construction access areas (Areas 4 and 3) and fully reinstate to the satisfaction of the Council and at no cost to the Council.
9. The licensee shall be responsible for meeting all Health and Safety requirements and other regulations applying in respect of its operations on the Council's land.
10. The licensee shall also absolve South Lanarkshire Council entirely from any claims arising from its operations on the Council's land.
11. Each party shall be responsible for its own legal and administrative expenses.

5 Employee Implications

5.1 There are no personnel implications for the Council.

6 Financial Implications

6.1 There are no financial implications for the Council. The estimated cost of the development is £11,000 which will be funded through external sources.

7 Other Implications

7.1 None.

8 Consultation

8.1 Consultations with Finance and IT Resources, Planning, Legal Services (Title Report) and Community Resources support the proposal.

Iain Urquhart
Executive Director (Enterprise Resources)
28 July 2005

Link(s) to Council Objectives

- Better Leisure and Recreational Facilities
- Supporting our Communities where social exclusion exists

Previous References

- Report to Estates Committee - 5 April 2005 - Proposed Development of Community Garden (approved)

List of Background Papers

- Location Plan

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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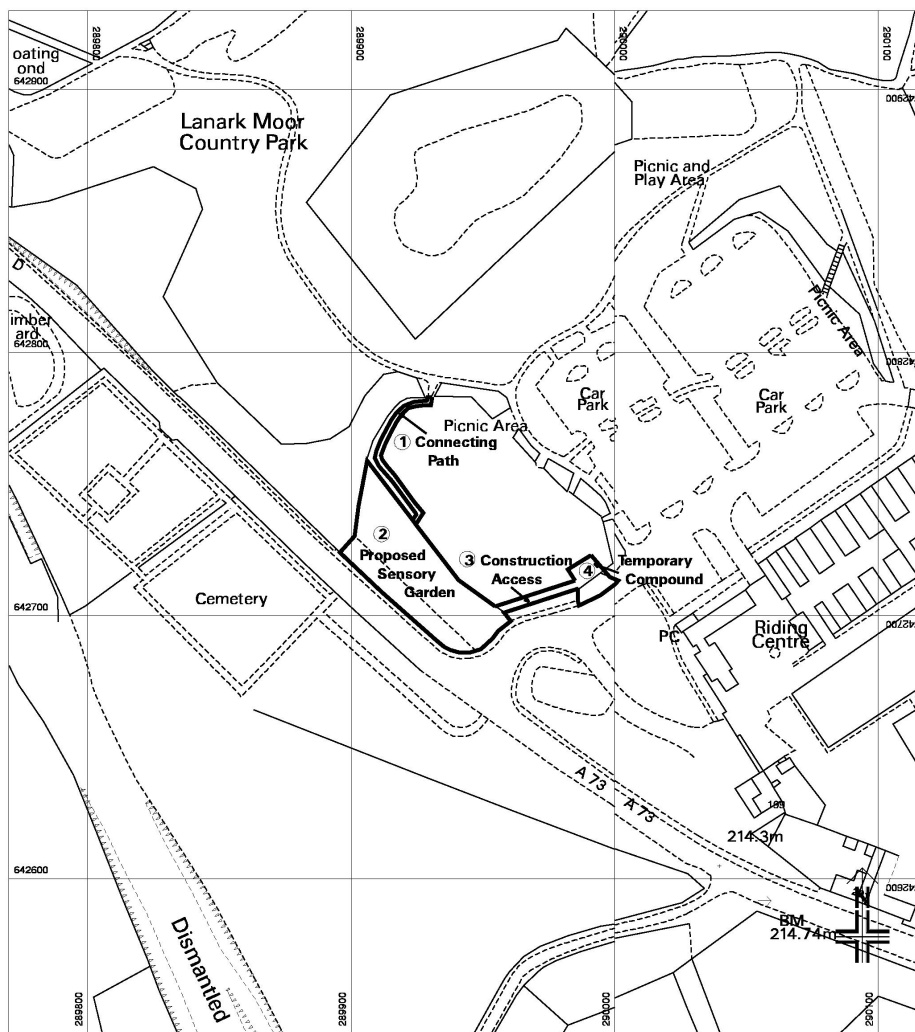
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LOCATION PLAN

Lanark Moor Sensory Garden
Hyndford Road, Lanark



ESTATES SERVICES



* Site is indicative only.

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