EXECUTIVE SUMMARY:

Cobham Recreation Ground returned to the Council’s management in March 2010 following ongoing concerns relating to the management of the Recreation Ground by the previous lessee Spring Board Cobham.

The lack of investment by the Spring Board Cobham (“the Trust”) over the duration of the lease has lead to a general deterioration of various park infrastructure facilities. Capital funding of £48,575 is requested to restore and replace various neglected park infrastructure facilities that have been identified within the report.

RECOMMENDATION: THAT

A) THE PROPOSED REINSTATEMENT WORKS TO THE FACILITIES OF COBHAM RECREATION GROUND ARE NOTED.

B) TO AGREE THE WORKS TO REINSTATE THE RECREATION GROUND TOTALLING £48,575 BE FUNDED PARTLY FROM EXISTING SECTION 106 MONIES OF £14,175 AND THE REMAINING £34,400 TO BE ALLOCATED FROM THE 2010/11 CORPORATE INITIATIVES CAPITAL BUDGET.

REPORT:

1. Background

1.1. The Trust was granted a lease for the management of the Cobham Recreation Ground in 1998 for a period of 25 years.

1.2. In recent years the Council has received an increasing number of complaints about the upkeep and maintenance of the Recreation Ground from Members and local residents. In response to this, more formal monitoring of the Recreation Ground was carried out, resulting in various correspondences with the Trust requiring them to carry out reparation works identified in accordance with the lease.
1.3. Numerous maintenance and health and safety concerns have been recorded on the Recreation Ground as a part of these inspections. Where the Trust failed to carry out these works the Council had no option but to remedy the outstanding works and charged the Trust in accordance with the terms of the lease.

1.4. On 23 November 2009 the Trust was issued with a Section 146 Notice, under the Law of Property Act 1925. This Notice incorporated a formal schedule of dilapidations, and gave the Trust twelve weeks until 15 February 2010 to carry out the necessary works to bring the Recreation Ground up to an acceptable standard. At the request of the Trust this deadline was extended by the Council until Friday 19 February to allow more time for the works to be carried out.

1.5. An inspection was undertaken on Friday 19 February 2010 however it was found that a large proportion of works remained uncompleted, and as such the lessee was in breach of the Section 146 Notice together with the terms of the lease.

1.6. As a result, and as advised and in accordance with the Section 146 Notice the decision was taken to terminate the Lease and to take back the management of the Cobham Recreation Ground within the Council.

2. Ongoing management of the Recreation Ground.

2.1. Since March 2010, Burleys have carried out the grounds maintenance at Cobham Recreation Ground as a variation to the existing contract. These works have been carried out within the current budget formerly allocated to the Trust of £29,400 plus the annual RPI.

2.2. All of the previous sports pitch hirers have been contacted and transferred across under the new management arrangements with bookings taking place alongside the existing sports pitch bookings within Leisure and Cultural Services.

3. Proposed works to reinstate the Recreation Ground

3.1. The lack of investment by the Trust over the duration of the lease has lead to a general deterioration of various park infrastructure facilities. Capital funding of £48,575 is now requested to restore and replace various neglected park infrastructure facilities that have been identified in Appendix ‘A’.

3.2. Following advice from Legal Services, is it proposed not to initiate further litigation to pursue the Trust for damages for deterioration. It is understood from various correspondence with third parties that the Trust are in financial difficulties. It was suggested that further litigation would be uneconomical for Elmbridge to pursue.

3.3. The improvements shown in Appendix ‘A’ are required to bring the standard of infrastructure facilities up to the same standard found throughout Elmbridge’s other managed green spaces and to halt the decline in the facility.
3.4. The capital investment would be used to restore key infrastructure facilities such as notice boards, tennis courts, various boundary fencing and a new pedestrian footpath.

3.5. It would be possible to extend the life of the existing tennis court in the short term (up to 5 years) for the lower cost of £5,000. This would include remarking and reapplying the colour coating to the playing surface, however a full resurfacing (£20,000) will be required in the medium to long term.

3.6. There is currently no capital budget allocated to carry out these works. The revenue items as identified in Appendix ‘A’ will be funded from within existing budgets.

4. Other issues

4.1. Following arbitration in July 2003, the Trust was successful in sub-letting part of the car park to a firm of local solicitors. With the termination of the lease with Springboard, any under lease granted will also have terminated.

Financial implications:
An annual payment of £29,400 per annum to the Trust has now been withdrawn. Burleys are now maintaining the Recreation Ground under the grounds maintenance contract.

The capital works identified in this report can be funded from the 2010/11 Corporate initiatives capital budget. The revenue elements of the proposed reinstatement works of £7,350 can be met from existing Leisure and Cultural budgets.

Environmental/Sustainability Implications:
As contained within the report

Legal implications:
There is some ongoing correspondence from the Trust disputing our actions under the S146 Notice. The Trust does have the right to apply to the Court to appeal our decision although the Council have not received notice of any proceedings to date.

Confirmation will be sought from legal to confirm that the current correspondence relating to disputed service of the S146 Notice has been resolved before ordering any works.

Equality Implications:
As contained within the report

Risk Implications:
As contained within the report

Community Safety Implications:
Improved facilities for the community providing activities for young people.
Principal Consultees:
Strategic Director – Services
Head of Leisure and Cultural Services
Parks and Recreation Manager
Finance Manager
Estates and Property Manager
Legal Executive
Law Practice Manager

Background papers:
Held in Leisure and Cultural Services

Enclosures/Appendices:
Appendix ‘A’ Proposed improvement works

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## Proposed works to reinstate the Recreation Ground

<table>
<thead>
<tr>
<th>Item</th>
<th>Desc</th>
<th>Capital</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Portsmouth Road Boundary</strong></td>
<td>Replace existing fencing with new 1.2 metre high bow top metal parks fencing</td>
<td>£9,000</td>
<td></td>
</tr>
<tr>
<td><strong>Oakfield car park</strong></td>
<td>To supply and install approx 49 metres of roll post and rail, leaving pedestrian access. To break out and remove existing posts. All post and rail painted in black and supplied with reflectors. Replace three concrete posts with roll top posts with reflectors</td>
<td>£5,075</td>
<td></td>
</tr>
<tr>
<td><strong>Oakfield car park</strong></td>
<td>Re mark parking bays and add hazard areas</td>
<td></td>
<td>£600</td>
</tr>
<tr>
<td><strong>Oakfield car park</strong></td>
<td>Renew edgings of hard standing</td>
<td></td>
<td>£2,500</td>
</tr>
<tr>
<td><strong>Desire Line across ground along lamp post run</strong></td>
<td>Install new 1.2 metre wide tarmacadam path</td>
<td></td>
<td>£3,000</td>
</tr>
<tr>
<td><strong>Redundant slabs/concrete</strong></td>
<td>Lift and dispose off site, bring back to level with spare soil from pile on site, and seed areas</td>
<td></td>
<td>£500</td>
</tr>
<tr>
<td><strong>Lushington Drive entrance</strong></td>
<td>Break out hazardous concrete surface and lay new tarmac wearing course</td>
<td></td>
<td>£250</td>
</tr>
<tr>
<td><strong>Tennis Court fencing</strong></td>
<td>To carry out further works to those sections which were not renovated in 2009</td>
<td></td>
<td>£500</td>
</tr>
<tr>
<td><strong>Tennis Court Surfacing</strong></td>
<td>Complete resurfacing, colour coating and re marking</td>
<td></td>
<td>£20,000</td>
</tr>
<tr>
<td><strong>Notice boards</strong></td>
<td>Supply and install 4 No new boards, one for each entrance, to replace two existing</td>
<td></td>
<td>£10,000</td>
</tr>
<tr>
<td><strong>Height barrier</strong></td>
<td>Repair damaged new height barrier.</td>
<td></td>
<td>£550</td>
</tr>
<tr>
<td><strong>Fencing - boundary with Oakfield Service Road</strong></td>
<td>Repair chain link fence</td>
<td></td>
<td>£450</td>
</tr>
<tr>
<td><strong>Fencing - boundary with Lushington Drive and Village Hall</strong></td>
<td>To break out and reset gate posts and re hang gates, rub down gates and fencing with T wash, and paint in black 54 metres of gates/railings.</td>
<td></td>
<td>£2,000</td>
</tr>
<tr>
<td><strong>Football Pitches</strong></td>
<td>Supply and install new goal sockets and posts</td>
<td></td>
<td>£1,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>£48,575</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>£7,350</td>
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