

EAST RENFREWSHIRE COUNCIL

CABINET

20 August 2015

Report by Director of Environment

PROPOSED LICENCE TO OCCUPY AT McHAFFIE'S FIELD, NEILSTON

PURPOSE OF REPORT

1. The purpose of this report is to seek Cabinet approval to agree a licence to occupy an area of land at McHaffie's Field, Neilston, to the McHaffies' Field Association.

RECOMMENDATIONS

2. The Cabinet is asked to:
- (a) Approve a licence to occupy an area of land at McHaffie's Field, Neilston, with McHaffies' Field Association; and
 - (b) Delegate to the Director of Environment, in consultation with the Chief Officer – Legal and Procurement, to make the necessary arrangements

BACKGROUND AND REPORT

3. When the new housing development known as "The Pines" in Neilston was developed, planning conditions attached to the development placed conditions on the developer to "provide a play area" and "provide landscaping" in the open space between the Pines and Skyes Terrace/Hamilton Place. The wider area in question is shown in the plan attached as Appendix 1 to this report.

4. This open space had previously been used for many years by the residents as a recreation/kick about area, and the residents had an agreement with the local farmer to cut the grass. Local residents were concerned that the creation of a play area could act as a focal point which could attract anti social behaviour.

5. A public meeting was held in 2004, and the overwhelming view was that residents did not want a play area to be built upon this open space known as McHaffie's Field. Instead, residents wanted to form an Association to negotiate a lease with the Council and manage the ground as had been done previously.

6. In 2005, the Cabinet agreed to enter into a lease with the Association.

7. The open space was still owned by the builders of The Pines development and the Council negotiated a transfer of the land from them, with a consideration of £20,000 being paid to the Council by the Developer. This was in recognition of the saving the developer would achieve by no longer being required to maintain the ground. The transfer of McHaffie's Field and the access road from Kirktonfield Road through Hamilton Place was effective from 31 August 2007. Maintenance responsibility for this area passed to the Council from the date of transfer.

8. A draft lease then was issued to the Chairman of the Association in 2008. A period of protracted communication then took place between the Council and the Association, until the Council received communication from the Chairman of the Association that he had resigned.

9. In 2011, further communication took place with the Association but no response was received. The matter lay dormant again until 2012, when Councillor O'Kane facilitated a meeting between some interested local residents and appropriate staff.

10. At this meeting, the residents indicated that they wanted to proceed to take on the responsibility for the part of McHaffie's Field shown cross hatched in Appendix 1.

11. Given the passage of time which had elapsed however, the terms of the Association's constitution had been breached. As a result, Council Officers advised the residents that it would be necessary for them to take steps to become re-established, including agreeing a new constitution which would give the Association the power to take on responsibility for the land.

12. In 2015, the Council eventually received the full suite of information it had sought in relation to the Association's activities and governance. The concerns in relation to the Association have now been addressed and, following discussion with Legal Services, Council Officers are happy that a licence to occupy the area within McHaffie's Field can now be progressed with the McHaffie's Field Association. This will be at no cost to the Association and, in return, the Council will benefit from no longer having the responsibility for ongoing maintenance.

13. It should however be noted that the Council will continue to have responsibility for the maintenance of the remaining area of land. Agreement will need therefore to be reached with the Association regarding access to the land to be maintained. This requirement will be incorporated into the terms of the licence to occupy.

FINANCE AND EFFICIENCY

14. There are no finance, efficiency or state aid implications arising from this report.

CONSULTATION AND PARTNERSHIP WORKING

15. This proposal has been discussed and agreed between Officers within Environment and Legal Services.

IMPLICATIONS OF THE PROPOSAL

16. There are no IT, staffing, sustainability, equalities or other implications associated with this report.

CONCLUSION

17. The proposed licence to occupy McHaffie's Field will allow the area of land to be formally occupied and maintained by McHaffie's Field Association.

RECOMMENDATIONS

18. The Cabinet is asked to:

- (a) Approve a licence to occupy in relation to an area of land at McHaffie's Field, Neilston, with McHaffies' Field Association; and
- (b) Delegate to the Director of Environment, in consultation with the Chief Officer – Legal and Procurement, to make the necessary arrangements

Director of Environment

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KEY WORDS

McHaffie's Field, Neilson, land, licence, occupy

Appendix I

