



**Subject:** Lenny Barn Playing Fields - request for use of land  
**Status:** For Publication  
**Report to:** Charitable Trustee Committee  
**Date:** Thursday, 4 September 2014  
**Report of:** Monitoring Officer  
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**Key Decision:** No

## **1 Purpose of Report**

- 1.1 To present a request from Falinge High School for the use of the fenced hard play area on Lenny Barn Playing Fields for the purposes of car parking on not more than six occasions per annum.

## **2 Recommendations**

- 2.1 The Committee consider the request appended to this report and determine whether or not to agree to the request and, if agreeing to the request, determine any conditions that the Committee sees fit.

### **Reason for recommendation**

The Council has delegated the role of Trusteeship of the Lenny Barn Playing Fields to the Charitable Trustee Committee.

## **3 Background**

- 3.1 The purpose of the Lenny Barn Playing Fields Trust is the provision and maintenance of Lenny Barn Playing Fields "for scholars in attendance at Schools" in the area, and for other land falling within the control of the Trust.
- 3.2 The Council is in receipt of an application to the Trust from Falinge Park High School.
- 3.3 At the meeting of the Charitable Trustee Committee on 29<sup>th</sup> May 2012 permission was granted for the temporary use of the existing MUGA (multi use games area) as a site compound and car parking for the construction workers. With the works now concentrated at the rear of the school this area is currently used by the school staff while the new car parking is being developed. Upon the completion of the Building Schools for the Future (BSF) project the MUGA will be remarked out as a games area for school use in the day and for the local community in the evenings and weekends.
- 3.4 Once the school building programme is completed there will be a car park laid out on the new school grounds to the rear of the building to take 102 vehicles, which on a day to day basis is adequate for the schools daily teaching use. However, outside normal teaching time, during the late afternoon and early evening when parents' evenings take place, there is an additional demand on parking spaces. Staff will remain in

school to meet with the pupils' parents, who will also require car parking facilities. In previous years parents' vehicles have been parked on Falinge Road causing congestion to passing traffic on the busy road and annoyance to local residents. Even though the school employs a security team to assist in managing the exercise, this causes great difficulties.

- 3.5 At present, in the evenings and at weekends the school MUGA is available for use by the local community as a games area, through the auspices of the charitable Trust. The school would like to allow parents to park their vehicles on the existing school MUGA when the Parent's evenings take place. The appended plan shows the location of the MUGA, the nearest area to the School bounded in bold. Apart from the MUGA as shown on the plan, there is no suitable alternative car parking available. Parents' evenings take place four times a year, and there is also an open evening which is held once per year. Times are between 15:00 and 18:00hrs (19:00hrs for the open evening).
- 3.6 If permission was granted by the Committee, notices prior to an event would be posted on the MUGA fence to inform users of the temporary measures. The school security team would manage the event; i.e. the correct parking of vehicles, opening and closing of gates between 15.00 and 18.00hrs (19.00hrs for the open evening).
- 3.7 The Director of Children's Services advises that the school (prior to the new build) maintained the MUGA by marking, maintaining the perimeter fence, sweeping as required and de-icing in winter. This is intended to continue.
- 3.8 The Director of Economy and Environment has been consulted on the request and has raised two issues shown below. Also provided are the observations of the Director of Children's Services –

(i) Does the build specification allow for the weight of vehicles being driven onto the MUGA?

Response – Yes, the area will be suitable for car parking. This area has been used for a temporary car park during the construction period. Many HGVs have used the area, as it was also the site compound, without any issues. Before 15<sup>th</sup> September 2014 (final handover date) the contractor will resurface the area and add sports markings.

(ii) What safeguards are in place if a vehicle is leaking fuel or oil?

Response - The school already maintains this area, without assistance from the local authority. They intend to continue and spills, damage, etc. would need to be rectified by the school before they would allow their children to use it for the curriculum.

### **Alternatives considered**

There is no suitable alternative car parking available

## **4 Financial Implications**

- 4.1 There are no financial implications arising from this report.

## **5 Legal Implications**

- 5.1 Lenny Barn Playing Fields was conveyed to the former Rochdale Corporation as a gift subject to the performance and observance of the covenants and conditions contained in a Deed in particular subject to charitable objectives to use the land for educational purposes and to keep the land open for recreational purposes for the benefit of the general public.

The use of the MUGA as a car park in the evenings and at weekends would still be linked to the educational purposes provided for by the charitable objectives and conditions in the Deed albeit such use would prevent recreational purposes during the hours cited above.

It is acknowledged that the proposed use of the MUGA as a car park in the evenings and at weekends will be of major benefit to the local community by providing off-street parking when the Parent's evenings take place. However, Committee needs to be aware that objections may subsequently arise in relation to the use of the MUGA as a car park at such times notwithstanding notices being posted prior to an event or security team management.

The Committee could consider imposing a condition on the use of the MUGA as a car park as requested by the school requiring the school to inspect the MUGA following such use and to ensure that any damage/defect arising from the use as a car park is made good forthwith.

The Council has delegated authority to the Charitable Trustee Committee as a Committee of the Council to discharge its legal duties as charitable trustee in respect of the Lenny Barn playing Fields Trust. The Council has a responsibility to discharge its duties solely in the interests of the charity and where there are competing public interests, to ensure that it seeks independent advice before making any decision.

## **6 Personnel Implications**

6.1 None

## **7 Corporate Priorities**

7.1 The Committee, when acting in its role as Charitable Trustee, is obliged to act in the best interest of the Trust. The establishment of the Committee arose from advice of the Charity Commission to resolve conflict between the executive (generally the Cabinet) who will be pursuing the corporate priorities and the Council's functions acting as a Charitable Trustee, where the interest of the Trust or Bequest may differ.

## **8. Risk Assessment Implications**

8.1 The establishment of the Committee has sought to provide transparency of decision making and differentiate between Executive and Council functions. There existed a risk that the interest of Trusts and Bequests might be treated as subservient to the interests of the eExecutive when considering operational matters. The establishment of the Committee seeks to mitigate that risk by creating a body outside of the Executive to safeguard the interest of the Trusts and Bequests.

## **9. Equalities Impacts**

### **9.1 Workforce Equality Impacts Assessment**

There are no workforce equality issues arising from this report.

### **9.2 Equality/Community Impact Assessments**

There are no significant equality/community issues arising from this report.

There are no background papers