

Decision No: CAB055 - 09/2008

Forward Plan No: CS03049

This record relates to A01 on the agenda for the Decision-Making

RECORD OF EXECUTIVE DECISION**29/09/2008****DECISION-MAKER:**

THE CABINET

PORTFOLIO AREA:

Children's Services

SUBJECT:Appropriation of Land at Riverside Park for use by Bitterne
Park Infant, Junior and Secondary Schools**AUTHOR:**

Richard Hards

THE DECISION

To approve the proposals / recommendations contained in the report without modification as set out below.

- (i) That the appropriation of land shaded in green on the attached plan (Appendix 1) from public open space holding powers to use for Educational purposes under the Education Acts proceed to statutory consultation and advertisement and subject to receiving no objections such appropriation take place;
- (ii) In the event that objections to the proposed appropriation are received, to submit those representations to Cabinet for final determination;
- (iii) To authorise the Solicitor to the Council following consultation with the Executive Director for Children's Services and Learning and the Cabinet Member for Children's Services to do anything necessary to give effect to the above, including, but not limited to, carrying out statutory consultation processes;
- (iv) To delegate authority to the Executive Director for Children's Services and Learning, in consultation with the Solicitor to the Council, to apply for all necessary consents, including but not limited to planning approval, in order to give effect to the proposals in this report;
- (v) To authorise the erection of a security fence around the land, shaded in green, to ensure the safety of users;

(vi) To agree in principle to divert or stop up the public footpath shown on the attached plan; and

(vii) To delegate authority to the Solicitor to the Council to apply for stopping up or diversion orders under any legislation deemed by him to be appropriate and available in relation to the footway referred to in recommendation (vi) above in order to give effect to the proposals in this report.

REASONS FOR THE DECISION

1. The leisure land in question is next to Bitterne Park Infant and Junior Schools. The Schools can use the park but under the present arrangement this gives the schools great health and safety concerns. The schools have the potential risk of the public using the park whilst PE and other activities are taking place resulting in the schools having to manage that risk and having to ensure that the children are safe at all times. It should also be noted that the area is used for dog walking whose owners do not always take responsibility for disposing of dog excrement.

2. The schools intend to enter into a Community Use Agreement with Sport England so that organised community groups can use their pitches outside of school hours. The improvements to the pitches that the schools are funding and their ongoing management of the facilities will ensure the pitches are maintained in better condition than can currently be expected.

DETAILS OF ANY ALTERNATIVE OPTIONS

1. Not to appropriate the land to Children's Services.
2. To fence off two pitches and make them "Bookable Space" with the schools having priority over bookings.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

CONFLICTS OF INTEREST

The decision-maker(s) did not declare a personal or prejudicial interest in the matters set out in the report

CONFIRMED AS A TRUE RECORD:

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date:

29/09/2008

Decision Maker:

The Cabinet

Proper Officer:

Judy Cordell

SCRUTINY

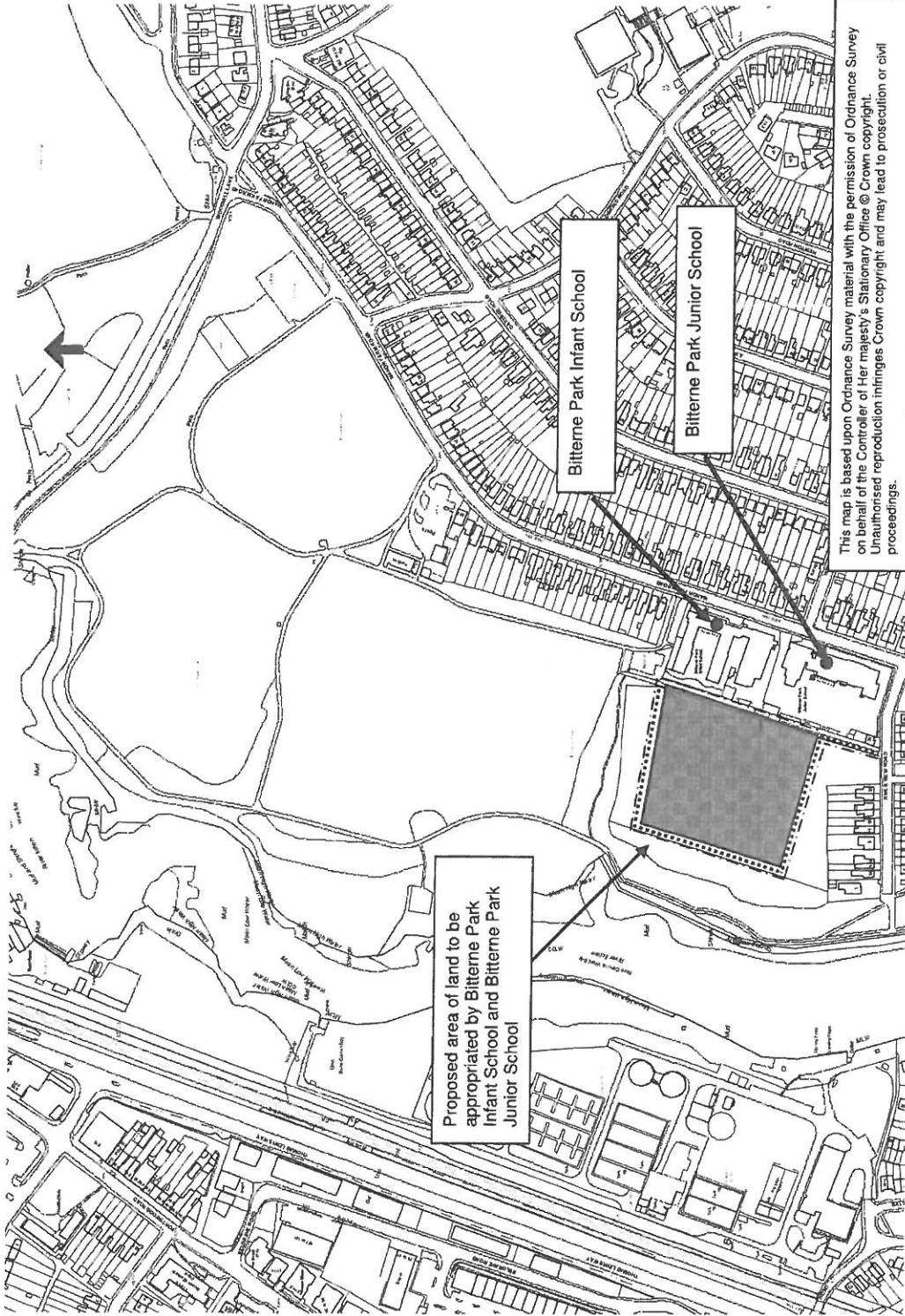
Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny 'Call-In' provisions.

Call-In Period

30 September 2008 to 07 October 2008

Date of Call-in *(if applicable) (this suspends implementation)*Call-in Procedure completed *(if applicable)*Call-in heard by *(if applicable)*Results of Call-in *(if applicable)*

**PROPOSED USE OF LAND AT RIVERSIDE PARK
Bitterne Park Infant & Bitterne Park Junior Schools**



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