

Extract from minutes of -

PARKS AND LEISURE COMMITTEE

15<sup>TH</sup> SEPTEMBER 2011

**“Facility Management Agreement – Termination of Agreement**

The Committee was reminded that, on its meeting on 11th August, it had noted a report in relation to annual evaluation of Facility Management Agreements which had set out the current position in terms of compliance for the financial year ended March, 2011. The Assistant Director had reported that the club which held the existing facilities for the Dixon Park Playing Fields had failed to provide its financial returns and more recent usage figures. As a consequence, a notice of termination letter had been issued by Legal Services. It had been reported also that the club was working to meet the stipulated requirements within the dictated time frame approved by Legal Services. The previous report had stated that any issues of non-compliance would be addressed through the appropriate channels and might result in the termination of the Facilities Management Agreement for the Dixon Park Playing Fields following advice from Legal Services and authority from the Committee. Council officers had been in communication with the club and had made all reasonable attempts over many months to resolve the situation.

The Committee was advised that the key issue was the non submission of annual accounts by the local football club as required under Clause 14.1 of the Facility Management Agreement. Since 5th July 2010, the Council had issued a number of demands requesting submission of its accounts. The Assistant Director of Parks and Leisure had met with a representative of the club on 14th June, 2011 to discuss the need to provide the accounts and the club had been informed of the possible termination if those were not forthcoming. On 19th July, 2011 the Legal Services had written to the club to once more request the accounts and had warned that failure to comply would result in a termination letter being issued and the club being required to vacate the Dixon Park Playing Fields. To date the club had not provided the required accounts.

Accordingly, it was recommended that, on the basis that the club was in breach of the Facility Management Agreement at the Dixon Park Playing Fields, that steps be taken to terminate the agreement in accordance with Clause 18(i) of the aforementioned Agreement.

The Committee adopted the recommendation but agreed that the club be given until the date of the Council meeting scheduled to be held on 3rd October to submit properly constituted accounts.”