

PART II – INDIVIDUAL CABINET MEMBER’S DECISION

**LEADER
26 SEPTEMBER 2007**

**REPORT OF THE STRATEGIC DIRECTOR OF CORPORATE SERVICES -
SDCS/07/73
HEAD OF LEGAL AND DEMOCRATIC SERVICES - HLDS/07/053
and
HEAD OF PROPERTY SERVICES – HP rp/07/058
on
THE MCCAIN STADIUM, SEAMER ROAD, SCARBOROUGH**

DECISION

That the Council accept the offer of the Liquidator to sell the McCain Stadium to the Council at a “fair market price”.

REASONS FOR DECISION

On 9 July 2007 Council delegated to the Leader authority on behalf of the Council, if so advised, to:

- (a) oppose the Liquidator’s application to the Lands Tribunal for removal of the Council’s covenants upon the ground;
- (b) progress such other arrangements as may facilitate the protection of the interests of the Community in ensuring the continuing provision of land for sport or other pastimes or purposes ancillary thereto; and
- (c) determine whether to exercise the right of pre-emption to purchase the McCain Stadium or otherwise protect the Council’s interest in the ground.

The Leader was required to have regard to advice from the Strategic Director of Corporate Services, the Head of Legal and Democratic Services and the Football Advisory Group comprising the Group Leaders of the Council before making this decision.

On 5 September the Council received an offer from the Liquidator to sell the McCain Stadium to the Council at a “fair market price” in accordance with the right of pre-emption.

On 19 September 2007 the Football Advisory Group unanimously recommended that the Leader accept this offer, subject to first obtaining Counsel’s advice upon the enforceability of the Council’s covenants on the land, to protect the purposes for which the restrictive covenants on the football ground were established the

On 24 September 2007 advice was received from Counsel that provides confidence that the Council is able defeat the Liquidator’s application to the Lands Tribunal to have the Covenants discharged.

This decision is urgent in that a response to the Administrator is required by 30 September 2007.

The Chair of Corporate Strategy Overview and Scrutiny Committee accepts that if authority to accept the Liquidator's offer is delayed this would seriously prejudice the interests of the Council in that the offer would expire.

ANY RELEVANT INTERESTS DECLARED BY CABINET MEMBER AND ANY DISPENSATIONS GRANTED

None.

DATE OF DECISION: 26 September 2007

AGREEMENT OF CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE: 26 September 2007

IMPLEMENTATION DATE 26 September 2007

Signed



**Councillor Fox
Leader of the Council**

.....
Date of signature
26 September 2007
.....

Signed



**Councillor Simpson
Chair of Corporate Strategy O&S
Committee**

.....
Date of signature
25 September 2007
.....