

 <b>Executive Report</b> <b>4<sup>th</sup> January 2018</b>	<b>Agenda Item No.</b>  <b>Urgent (Public)</b>
<b>Title</b>	Newbold Comyn Golf Course
<b>For further information about this report please contact</b>	Andrew Jones, Deputy Chief Executive <a href="mailto:Andrew.jones@warwickdc.gov.uk">Andrew.jones@warwickdc.gov.uk</a>
<b>Wards of the District directly affected</b>	Clarendon
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A
<b>Background Papers</b>	Finance & Audit Nov. '13; Mar. '14; Nov. '15. Executive April '14.

<b>Contrary to the policy framework:</b>	No	
<b>Contrary to the budgetary framework:</b>	No	
<b>Key Decision?</b>	No	
<b>Included within the Forward Plan? (If yes include reference number)</b>	No	
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	No	
N/A		
<b>Officer/ Councillor Approval</b>	<b>Date</b>	<b>Name</b>
Deputy Chief Executive	2 <sup>nd</sup> January 2018	Andrew Jones
Head of Service	2 <sup>nd</sup> January 2018	Rose Winship
CMT	2 <sup>nd</sup> January 2018	Chris Elliott Bill Hunt Andrew Jones
Section 151 Officer	2 <sup>nd</sup> January 2018	Mike Snow
Monitoring Officer	2 <sup>nd</sup> January 2018	Andrew Jones (author)
Portfolio Holder(s)	2 <sup>nd</sup> January 2018	Councillor Coker
<b>Consultation &amp; Community Engagement</b>		
N/A		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps (if not final decision please set out below).</b>		

## 1. **SUMMARY**

- 1.1 The report recommends that the Council enters into negotiations with Mack Trading (Heaton Park) Ltd to end the contractual relationship between the parties.
- 1.2 The report also recommends that should those negotiations prove unsuccessful then the Council commences legal action against Mack Trading (Heaton Park) Ltd.

## 2. **RECOMMENDATIONS**

- 2.1 That Executive notes that Mack Trading (Heaton Park) Ltd (hereafter referred to as Mack) has ceased the operation of the golf course at Newbold Comyn, despite written notice from this Council on 7<sup>th</sup> November 2017 that such action would be in breach of contract, Mack having made its staff redundant with effect from 31<sup>st</sup> December 2017.
- 2.2 That Executive notes that following a meeting between Deputy Chief Executive (DCX) (AJ), the Portfolio Holder for Culture (and supported by Warwickshire County Council Legal Services (WCCLS)) and a director of Mack, Mack has requested that a negotiated settlement is reached whereby the contractual arrangement between Warwick District Council (WDC) and Mack is terminated with immediate effect.
- 2.3 That having considered all the circumstances of the matter, Executive agrees to enter into negotiations to end the contractual relationship between WDC and Mack, granting delegated authority to DCX (AJ), in consultation with the Portfolio Holder for Culture and WCCLS, to agree the terms of settlement but should terms not be agreed between the parties within a period of two months, DCX (AJ) consults with the Portfolio Holder for Culture and WCCLS to commence legal proceedings against Mack for breach of contract.
- 2.4 Subject to agreeing recommendation 2.3, Executive agrees to maintain the golf course to a reasonable but non-playable standard whilst the negotiations continue and/ or until a further report can be considered by Executive advising of the outcome of the negotiations and recommended next steps and that the financing of this maintenance is drawn down from the Contingency Budget by DCX (AJ) and the Head of Finance up to a maximum of £50,000.

## 3. **NOTE**

- 3.1 There are no decisions to be made by Executive in respect of this public report as a comprehensive report addressing the recommendations is produced in the Private and Confidential section of this agenda. The recommendations have been reproduced above so that the public is clear about the steps the Council is being asked to take.