

**Report to:** Lead Member for Resources and Climate Change

**Date of meeting:** 16 April 2024

**By:** Chief Operating Officer

**Title:** Joint Use Agreement relating to Lewes Athletic Track, Lewes.

**Purpose:** To seek approval for East Sussex County Council (ESCC) to enter into a 10-year Joint Use Agreement related to Lewes Athletic Track with Lewes District Council, Wave Active Trust, Priory School, and Lewes Athletic Club.

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## RECOMMENDATIONS:

*The Lead Member for Resources and Climate Change is recommended to:*

- 1) Approve the Council entering into a 10-year Joint Use Agreement with Lewes District Council, Wave Active Trust, Priory School and Lewes Athletic Club to facilitate ongoing curriculum and community use of the Lewes Athletic Track facilities; and
- 2) Delegate authority to the Chief Operating Officer to agree the terms of the Joint Use Agreement and to take all actions necessary to give effect to the recommendations in this report.

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## 1 Background

- 1.1 East Sussex County Council (ESCC) is the freehold landowner of the Lewes Athletic Track, which is situated on land behind the Lewes Leisure Centre. The Athletic Track is used by Priory School for curriculum use and, pursuant to a Joint Use Agreement between ESCC, Priory School, East Sussex College, Lewes Athletic Club, Lewes District Council and Wave Active Trust, is also available for community use. The facilities available for community use are:
  - 400m all-weather floodlit running track plus steeplechase water jump pit;
  - Two competition long jump pits;
  - Pole vault, hammer cage and high jump beds;
  - Shot put area;
  - Track Control Centre.
- 1.2 The Athletic Track is compliant with United Kingdom Athletics (UKA) track mark requirements which allows for competition use. It has historically been well-used by the local community, including groups and individuals from outside of the surrounding area of Lewes. There is currently a waiting list for membership.
- 1.3 East Sussex County Council (ESCC) holds a 'Joint Use' (JU) portfolio, comprising 10 assets, including the Lewes Athletics Track. The majority of these JUs relate to the use of facilities by schools for delivery of the curriculum and by the wider community outside of curriculum hours.
- 1.4 The respective assets are run and managed by a wide range of partners including ESCC, District and Borough Councils, town councils and community groups. Operational and financial costs are shared in agreed proportions between the partners who are party to a Joint Use Agreement (JUA). The level of day-to-day maintenance and capital investment required by each of the partners also forms part of the arrangements.

- 1.5 The original 1998 Lewes Athletics Track was grant funded by a range of partner contributions including ESCC, Lewes District Council (LDC), Wave Active Trust, Priory School, Lewes Athletic Club, and other original local partners (including East Sussex College Group). The parties entered into a 21 year Joint Use Agreement (JUA) to regulate the use and maintenance of the Athletics Track in November 1998.
- 1.6 Over the years, the partners have been successful in securing external funding for investment in Lewes Athletic facilities including the Athletic Track. Some of the funding has gone to Lewes Athletic Club and other grant funding has come to ESCC, as landowner. The most significant grant was awarded by Sport England and came with the requirement for a 21-year JUA commitment. The Council duly entered into a grant agreement with Sport England which included clawback provisions, linked to the delivery of specified sport and group use targets. All liabilities under the grant agreement have been discharged, as at the expiry of the JUA on 23 November 2019. Since that date, the joint use arrangements have continued informally by local agreement between the parties whilst the future partnership arrangements have been negotiated.
- 1.7 Two supplemental Agreements to the JUA were entered into, in 2005 and 2015 respectively, which recognised the changing roles of the respective partners, including finance and maintenance arrangements, and formally incorporated Wave Active Trust as a partner.
- 1.8 LDC novated their responsibilities set out in the 1998 Lewes Athletic Track JUA to Wave Active Trust (WAT) in 2006; WAT effectively became an active partner in the Athletic Track arrangements.
- 1.9 East Sussex College served notice on ESCC in 2023 setting out that they no longer use the facility and therefore do not want to be a partner in any new JUA relating to the Athletic Track.

## **2 Supporting information**

- 2.1 There is a Management Liaison Group made up of the partners, which meets regularly to oversee the Track operation. The Athletic Club volunteers are closely involved in the day to day running of the facility, along with identifying any upcoming maintenance projects.
- 2.2 There has been successful floodlight replacement along with a track resurfacing project carried out by the partners in recent years which have been part funded by securing grant contributions.
- 2.3 Given the informal arrangements currently in place, the Lead Member is asked to consider the future arrangements for the Athletics Track with a view to formalising them with the other partners. There are two options for the Lead Member to consider:
  - Option 1 – the Council does not enter into a new JUA. The Council would need to consider how an alternative organisation or operator could run the facilities. As the Council is not a leisure commissioner, it does not have the resources or skills to run Lewes Athletic track for school / curriculum or community use.
  - Option 2 – the Council agrees a new JUA with partners on broadly the same terms as the 2015 supplemental Agreement, building on the successful partnership working to date. There would be no changes to ESCC's current financial contribution (as outlined in the exempt report later on the agenda).
- 2.4 Option 2 is the recommended option and financial impacts of this option are outlined in a separate report as an exempt item later on the agenda.

### ***Financial Implications***

2.5 The partners have reviewed the current arrangements and financial contributions. All parties have agreed to continue with a new 10-year JUA expiring in 2034 based broadly on similar terms and conditions to the previous JUA (as amended by the 2015 Variation).

### **3 Conclusion and reasons for recommendations**

3.1 The ongoing community use of Lewes Athletic Track will continue to benefit users of the Track and residents of East Sussex. The JUA will be based on similar costs to the partners' existing contributions. Financial information relating to this proposal is outlined in an exempt report later on the agenda.

3.2 The Lead Member for Resources and Climate Change is therefore recommended to:

- approve the Council entering into a 10-year Joint Use Agreement (JUA) between East Sussex County Council, Lewes District Council, Wave Active Trust, Priory School, and Lewes Athletic Club to continue ongoing provision for community use of the track whilst retaining Priory School curriculum provision; and
- delegate authority to the Chief Operating Officer to agree the terms of the JUA and to take all actions necessary to give effect to the recommendations in this report.

3.3 If the Lead Member agrees the recommendations above, officers will work with the partners to finalise the Agreement.

**ROS PARKER**  
**Chief Operating Officer**

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### **LOCAL MEMBERS**

Councillor Wendy Maples, Lewes  
Councillor Johnny Denis, Ringmer and Lewes Bridge

### **BACKGROUND DOCUMENTS**

None.