

**PAPER NO. 2**

**REPORT TO THE EXECUTIVE MEETING OF 10 OCTOBER 2016**

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**Meeting:** Executive  
**Date:** 10 October 2016  
**Subject:** Sir Frank Whittle replica airplane  
**Report of:** Beverley Jolly – Corporate Director  
**Portfolio Holder:** Cllr King  
**Status:** Decision  
**Relevant Ward(s):** Lutterworth wards

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1 Purpose of the Report

- 1.1 To update members on the current position regarding the involvement of the Sir Frank Whittle Commemorative Trust (“The Trust”) with the Sir Frank Whittle replica aeroplane on the Lutterworth roundabout.

2 Recommendations:

- 2.1 **Members agree that the Trust be released from its obligations under the Licence dated 25 April 2003 subject to the Council retaining the sum of £2,000 lodged by the Trust to cover any future costs of removal and disposal of the replica aircraft and the agreement of Leicestershire County Council to release the Trust under the terms of the current licence.**
- 2.2 **Authorise the Corporate Director (BJ) in consultation with the Portfolio holder for Finance, Assets and Commercialisation, the Head of Legal and Democratic Services and Leicestershire County Council to enter into such legal arrangements and take such steps as are necessary to put into effect the decision in 2.1 above and;**
- 2.3 **Authorise the Corporate Director (BJ) to explore what options are available to the Council regarding the future ownership and/or maintenance of the replica aircraft and bring a future report to the Executive for consideration.**

### 3 Summary of Reasons for the Recommendations

- 3.1 Following the completion of approved maintenance to the replica aircraft it is recommended that the Trust is released from its maintenance obligations which will accordingly become the Council's responsibility as the owner of the aircraft.

### 4 Key Facts

- 4.1 On the 25<sup>th</sup> April 2003 Harborough District Council, Leicestershire County Council and the Trustees of the Sir Frank Whittle Commemorative Trust ("the Trust") entered into a Licence regarding the erection and maintenance of the replica jet aircraft at the roundabout south of Lutterworth.
- 4.2 The Licence gave permission for the Trust to erect the aircraft on the roundabout, and the Leicestershire County Council ("the County Council") in its capacity as Highways Authority consented to the placing of the replica aircraft on the roundabout.
- 4.3 Ownership of the replica jet aircraft passed to the District Council. The District Council also insures the replica and as of 7<sup>th</sup> July 2005 agreed to bear the costs of providing that insurance. Maintenance of the replica jet aircraft remained the responsibility of the Trust
- 4.4 In 2010 the Council was contacted by the Trustees of the Trust regarding the future maintenance of the replica jet aircraft, effectively seeking to be released from its maintenance obligations, by either transferring maintenance to a third party or to remove the replica jet aircraft from the roundabout.
- 4.5 At its meeting on 18 February 2013 the Executive resolved to retain the replica aircraft on the Lutterworth roundabout and authorised the Assistant Director – Community Services to enter into negotiations with the Leicestershire County Council around the sponsorship of the roundabout to include maintenance of the replica aircraft. Subject to agreement with the Leicestershire County Council, the Trust would subsequently be released from their maintenance obligations.
- 4.6 To date no formal arrangements have been entered into with the Leicestershire County Council and the Trust has completed a programme of scheduled maintenance on the replica aircraft. These works have been approved by Leicestershire County Council as highways authority, who will also need to approve any future maintenance works as they are responsible for the roundabout. Taking this into consideration and subject to the Council retaining the £2,000 previously lodged with the Council by the Trust to cover the costs of the removal and disposal of the replica aircraft, it is recommended that the Trust be released from its obligations under the Licence.
- 4.7 A copy of the surveyors report following completion of the repairs by the Trust is included as Appendix A.

5 Legal Issues

5.1 As set out in the body of this report

6 Resource Issues

6.1 The Council, as owner of the replica aircraft will be liable for the costs of its future maintenance as well as the cost of insurance.

7 Equality Analysis Implications/Outcomes

7.1 None as far as this report is concerned.

8. Risk Management Implications

8.1 In the event that the Trust are released from their obligations the Council will be responsible for the maintenance and the associated costs as owner of the replica airplane

9 Consultation

9.1 Consultation has taken place with members of the Trust and the portfolio holder.

10. Options

10.1 The Council could decide not to maintain the replica and the Licence agreement provides for the Council to dismantle the replica.

11 Background Papers

11.1 Licence dated 23 April 2003

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**Previous report(s): 14 February 2011, 13<sup>th</sup> February 2013,**

**Information Issued Under Sensitive Issue Procedure: Y/N**

**Ward Members Notified: Y/N**

**Appendices:**

**A. Surveyors report**