

Agenda



Delegated Decisions - Joint Cabinet Member for Assets, Equalities & Member Development (Deputy Leader), Streetscene and Culture & Leisure

Date: Tuesday, 26 February 2019

To: Councillors M Whitcutt, R Jeavons, D Harvey

Item		Wards Affected
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Report

**Cabinet Member for Assets & Member Development (Deputy Leader),
Cabinet Member for Streetscene
Cabinet Member for Culture and Leisure**

Part 1

Date: 27 February 2019

Subject **Westfield Changing Rooms, Newport**

Purpose To seek approval from the Cabinet Member for Assets and Member Development (Deputy Leader), Cabinet Member for City Services and Cabinet Member for Culture and Leisure to declare the property surplus to the Council's requirements and agree its disposal by way of a lease on terms to be agreed by the Head of Law & Regulation.

Author Housing and Assets Manager

Ward Malpas

Summary The changing rooms at Westfield Playing Fields are available for use. Terms have been offered and agreed by the proposed new tenants, Crindau Corinthians.

Proposal That the changing rooms at Westfield be declared surplus and disposed of by way of a lease to be agreed by the Head of Law and Regulation.

Action by Head of Regeneration, Investment and Housing.

Timetable Immediate

This report was prepared after consultation with:

- Strategic Director – Place, Newport City Council
- Housing & Assets Manager, Newport City Council
- Head of Law & Regulation, Newport City Council
- Head of Finance, Newport City Council
- Head of People and Business Change
- Property Manager, Newport City Council
- Parks & Recreation Manager, Newport City Council
- Estates Portfolio Officer, Newport Norse
- Service Manager Environment & Leisure, Newport City Council

Signed

Background

The Council owns the changing rooms and playing fields at Westfield on Darwin Drive. The changing rooms and playing fields have been used in the past by football clubs for practice games and matches.

The Council's registered title falls under title number CYM707728, CYM423368, CYM406113.

The building known as Westfield Changing Rooms is a former storage container converted for use by the previous occupiers and are located adjacent to the football pitch. There is one building on site which is accessible via a ramp

The playing fields at Westfield Playing Fields are widely used and there is a requirement for use of the changing rooms themselves. Although the changing facilities are appropriated to Streetscene City Services, they perform a sport and leisure function.

City Services have been engaged in discussions with Crindau Corinthians Football Team who are keen to take occupation of the changing rooms on a long term basis. The club are currently based in Shaftesbury Park Changing Rooms which are in good condition but the club have asked to move as they currently share those facilities with another team. They are prepared to take a long lease on the changing rooms. The lease does not allow them to prevent public access to or across the pitch when the pitch is not in use.

By offering Crindau Corinthians (the club), the opportunity to move from their current home at Shaftesbury Park Changing Rooms, it allows the club to remain in operation and secures their long term future.

In offering the club a fifteen-year lease, the club has the long term security to stay in occupation and develop their club. The annual rent is minimal and has been set at £100 per annum. The rental sums can be channelled back into the parks budget. With the club taking all responsibilities for the changing rooms, the Council will exclude itself from all responsibilities thus protecting its long-term financial interests and making a cost saving. It is proposed that the lease will have the protection of the Landlord and Tenant 1954, meaning that the club will have security of tenure providing them protection in the long term and allowing the Council to offer a further lease thus securing the long-term use of the site.

By leasing the changing rooms to the club, it allows them the opportunity to develop and potentially increase the number of teams within the club offering greater integration with the local community who may wish to become members of the club. The introduction of the football club to the playing fields at Westfield will enable people to be healthy, independent and resilient as part of an active and healthier Wales. The playing fields will provide a safe and green space for football and other outdoor activities to take place. The club can help to build a more cohesive community by encouraging people to join them in playing football and using the playing fields for other activities.

Utilising the changing rooms which were previously refurbished will prevent vandalism from occurring and allow the site to be secured by the way of a fence which the Council will install themselves and is currently at the planning stage. The cost of this will be met through capital made available as part of last year's Medium Term Financial Planning quotes together. The fence will remain the Council's responsibility unless damaged from the inside by the tenant. The area within the fenced area will be the responsibility of the tenant including meeting the cost of repairs required as the result of any antisocial behaviour that may occur. Under the terms of the lease is proposed that the tenant must seek permission from the landlord to make any alterations on site.

The path indicated on the plan denotes a right of way to the building, which is not the responsibility of the tenant under the proposed lease. The access remains in Council ownership and responsibility as the Council still require access to reach the playground. There is no mechanism in the lease to recoup costs back for maintenance because of their use on site. These would have to be expressly agreed in amended terms with the tenant prior to the lease being finalised. The main road way is adopted and is maintained by the Council.

By working with Crindau Corinthians, the Council would be encouraging local people to achieve their wellbeing goals by becoming more active by taking part in sporting activity, therefore working toward achieving wellbeing goals. The club have been involved in the decision making process to take the changing rooms.

There are no staffing implications as a result of this proposal.

Financial Summary

- The changing rooms require an electrical survey before letting is finalised in order to ensure occupier safety.
- Moving forward, should Crindau Corinthians take a lease all costs including that of maintenance for the changing rooms would be borne by them thus saving the Council money throughout the term of the agreement.

Risks

That Crindau Corinthians do not maintain the changing rooms or fold thus ending the lease and responsibility for maintaining the site falls to the Council once again.

Links to Council Policies and Priorities

- Asset Management Plan
- Property Rationalisation Programme
- Medium Term Revenue Plan (MTRP)

Options Available and considered

- That the changing rooms at Westfield be declared surplus and is disposed by way of a lease to Crindau Corinthians.
- Take no action.

Preferred Option and Why

That the changing rooms at Westfield be declared surplus and disposed of on terms to be agreed by the Head of Law and Regulation to Crindau Corinthians.

Comments of Chief Financial Officer

The leasing of this asset will benefit the Council by securing on going income for the service area. The lease will also transfer all costs to the lessee, any financial responsibility to the Council as a result of maintenance costs will be minimised.

Comments of Monitoring Officer

The proposed action is in accordance with the Council's statutory powers under sections 122 and 123 of the Local Government Act 1972 to re-appropriate and dispose of property. If the changing rooms are to be leased to Crindau Corinthians FC on a full repairing and insuring lease for a term of 15 years and with the right to renew under the Landlord & Tenant Act 1954, then this will constitute a "disposal" of the land and buildings for the purposes of the 1972 Act. The Football Club will be granted exclusive use and occupation of the site and the changing rooms for the duration of their lease, subject to compliance with the terms of the lease. Therefore, the property will need to be re-appropriated under section 122 from operational use by City Services to general corporate asset management functions and declared surplus to the Council's requirements. Although there is a requirement under section 123 to secure the best price reasonably obtainable for the grant of the lease, the Council is able to take account of the wider community benefits and the repairing obligations being taken on by the Football Club, when agreeing the terms. Any disposal would be conditional upon planning consent being secured to fence off the site. Because this is just a disposal of the changing rooms and the playing fields will remain available for

general public use, then there will not be any requirement to give public notice of the loss of any public open space or engage in wider public consultation under the Playing Fields Measure.

Comments of Head of People and Business Change

There are no staffing implications arising from this report.

The Well-being of Future Generations (Wales) Act 2015 has been considered when writing this report. The five ways of working of the sustainable development principle have been reflected in the main body of the report (long term, prevention, integration, collaboration and involvement).

Comments of Cabinet Member

Cabinet Member for Assets and Member Development has been briefed on the report.

Cabinet Member for Streetscene has been briefed on this report.

Cabinet Member for Culture and Leisure has been briefed on this report.

Local issues – Comments of Ward Member

No comments received.

Scrutiny Committees

N/A

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

The Wellbeing of Future Generations (Wales) Act 2015 has been considered by the author and is covered in the background of this report.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

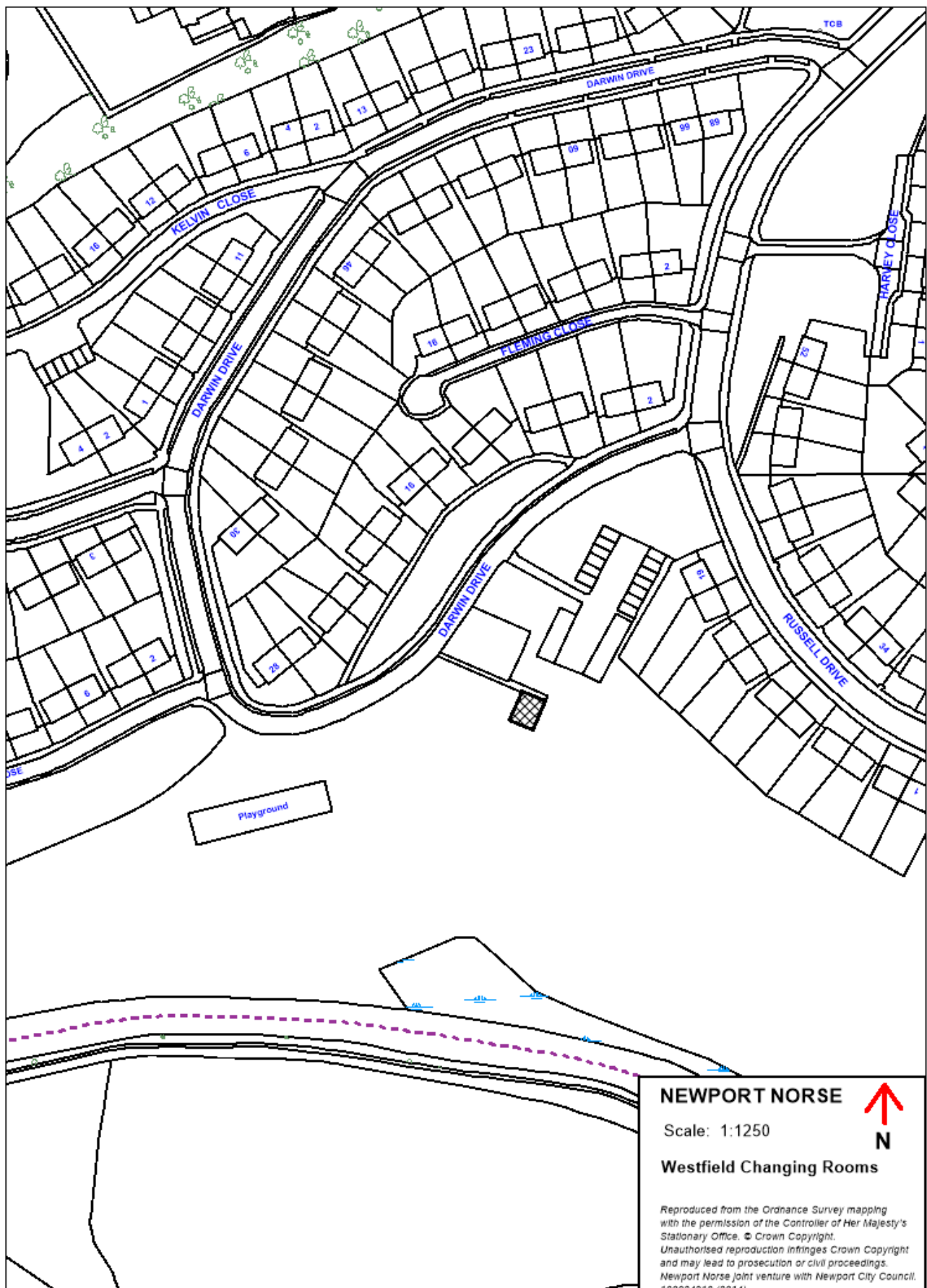
Consultation

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

Site plan and photos

Dated: 12 February 2019



Westfield Changing Rooms Site



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