

Report



Cabinet Member for Assets, Equalities & Member Development (Deputy Leader)

Part 1

Date: 23 August 2018

Subject Land and Tennis Courts at Crindau Park, Newport

Purpose To seek approval from the Cabinet Member for Assets, Equalities and Member Development (Deputy Leader) to grant a lease for additional land and tennis courts at Crindau Park, Newport to the existing leaseholder, Albion Rovers Football Club.

Author Housing and Assets Manager

Ward Shaftesbury

Summary Newport City Council has received a request to purchase additional land and the tennis courts at Crindau Park from the existing Leaseholder, Albion Rovers Football Club.

Proposal To grant a lease for additional land and tennis courts at Crindau Park, Newport to the existing tenant on terms recommended by Newport Norse and approved 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
- Principal Engineer, Streetscene, Newport City Council
- Head of Law & Regulation, Newport City Council
- Head of Finance - Chief Finance Officer, Newport City Council
- Head of People and Business Change
- Associate Director of Property Services, Newport Norse
- Property Manager, Newport City Council
- Estates Portfolio Officer, Newport Norse
- Chairman of Albion Rovers Football club

Signed

Background

The Council has granted a lease to Albion Rovers football for 25 years from 19th July 2011. The leased area is a total of 654 square meters and is formed of two parcels highlighted in the striped area on the plan.

The current rent paid by the tenant is £1,350 per annum and they have 17 years left on the lease. Albion Rovers are a local club run by members of the local community on a volunteer basis. They are also working with Newport Live to access funding to support the proposals mentioned below.

The tenant has constructed an extension to the side of their existing building. They have obtained planning permission but did not seek landlord's consent before they started works. This has led to constructing majority of the extension outside of their leased demise and encroaching onto public open space. Please see dark shaded area on plan. As the land is public open space, it is required under S123 of the Local Government Act 1972, that before the disposal of any public open space, it is procedure that is has to be advertised to the general public to see if there are any objections or comments. Public Notices need to be placed for two consecutive weeks in the South Wales Argus.

Service Managers have confirmed a wish to support the club's activities by making the additional land available to the club. In order to rectify this issue, Norse and NCC officers have worked with the club and agreed that public notices will be advertised for the extra land that was taken. In addition to the land taken, the public notices will also include the tennis courts that are adjacent to the club. (Shaded grey on the plan). The club have shown interest in these courts for a long time as they would like to convert it into a new 4G pitch, but have never proceeded to application due to the cost of the required Public Notices. Now that it has become an obligation for them to carry out this for the land they have taken without consent, the tennis courts will also be included within the notice. The increase in leased area also will increase the rent.

Service Managers who have been involved from different departments are of the opinion, that the granting of the lease would be in the positive interests of the Council for the long term as the land itself is not in operational use. The tennis courts are not in use either and the addition of a 4G pitch would be welcomed by the local community. This would prevent the tennis courts from deteriorating further and protect the facility in the long term for the benefit of local residents. This also supports one of the objectives of Wellbeing of Future generations by enabling people to have access to facilities in order to be healthy, independent and resilient. The condition of the grounds surrounding the club and the existing pitches are very poor and there have been many complaints from the club in regards to this. Unfortunately, the remedial costs are too high for the council to undertake. Therefore, the potential 4G pitch is very important for the club and the local community.

Leasing the land would also reduce the area of maintenance and so will be cost effective whilst leasing the tennis courts would prevent anti-social behaviour as this is a place where small unwanted gatherings occur. The integrated proposal would also allow the small business to make contributions towards the local economy helping the local community build cohesive and sustainable communities

We understand that the Club have the support of local Ward Members.

Financial Summary

- If the disposal progresses, this would increase the rental income for the Council.
- The maintenance liabilities for the council including landscaping maintenance for the land and cleaning duties for the tennis courts would be reduced.

Risks

- Failure to dispose of the tennis courts will result in the potential deterioration of the courts as they are not being maintained now as well as the risk of anti-social behaviour.

Links to Council Policies and Priorities

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

Options Available and considered

- Decline disposal to the tenant but this would mean taking down the extension.
- Dispose of the land and tennis courts on leased on terms to be agreed by Head of Law and Regulation. This will realise a higher income for the Council albeit relatively small.

Preferred Option and Why

Dispose of the land and tennis courts on leased on terms to be agreed by Head of Law and Regulation.

Comments of Chief Financial Officer

The proposed disposal of land will mean securing additional income, albeit small, for the Council for a number of years. The elimination of future maintenance liabilities is an additional benefit. There are no adverse financial impacts of this plan whilst also generating social benefits for the local area.

Comments of Monitoring Officer

The proposed action is in accordance with the Council's statutory powers to re-appropriate and dispose of surplus land in accordance with sections 122 and 123 of the Local Government Act 1972. The Football club already occupies the adjoining land under the terms of a long lease which still has 17 years left to run. The extension to their existing building has encroached onto the area of adjoining public open space and extends beyond the area of their demise under the current lease. Therefore, to regularise the position, it will be necessary to grant them a further lease of this area of land, for a term equivalent to the unexpired period of their current lease. However, because this is an area of public open space, then the Council is required to publish a notice in two consecutive weeks in a local newspaper under sections 122 (2A) and 123(2A) of the 1972 Act and then consider any objections before appropriating and disposing of the land by way of a long lease to the Football Club. In addition, the Club wishes to lease the tennis courts area for the purposes of developing a 4G pitch. The tennis courts area would not be classed as public open space as the area is enclosed, so it will not be necessary to give public notice of any intended disposal of this area. It is assumed that none of the land which is to be leased to the Football club is classified as "playing field" for the purposes of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 and, therefore, it will not be necessary to consult with the wider community and key stakeholders before agreeing to any disposal. However, under the Children and Families (Wales) Measure 2010, the Council is required to consider the potential loss of any playing area or recreational space in terms of the impact of the loss of any play opportunities for children. The availability of any 4G pitch for the use of the wider community, as opposed to just the Football club, would be a relevant consideration when assessing the impact of these proposals.

Comments of Head of People and Business Change

As required the Well-being of Future Generations (Wales) Act 2015 has been considered when developing this proposal. The five ways of working (sustainable development principle) and the appropriate Well-being Goals have been highlighted in the background of this report.

From an HR perspective there are no staffing implications arising from this report.

Comments of Cabinet Member

Cabinet Member has been briefed on this report.

Local issues – Ward Members

Cllr Paul Cockeram - It's been a long time in the process, but more than happy to support the report.

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 proposal in this report has considered the five ways of working and meets a number of the well-being goals including cohesive communities, vibrant culture and a healthier Wales. The thrust of this report is to regularise an activity that has already taken place as the majority of the building has been constructed. However, the facilities are integrated into the community and are accessed by young people. Local residents wish to see the facility completed as it will provide a key addition to the development of the facilities for people of the area in the longer term. Ward members and multiple service areas within the Council have been involved in this proposal. In addition, Albion Rovers Football club will have more responsibility for some of the grounds maintenance which should allow for the area to be better managed and therefore prevent and reduce anti-social behaviour and other issues.

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.

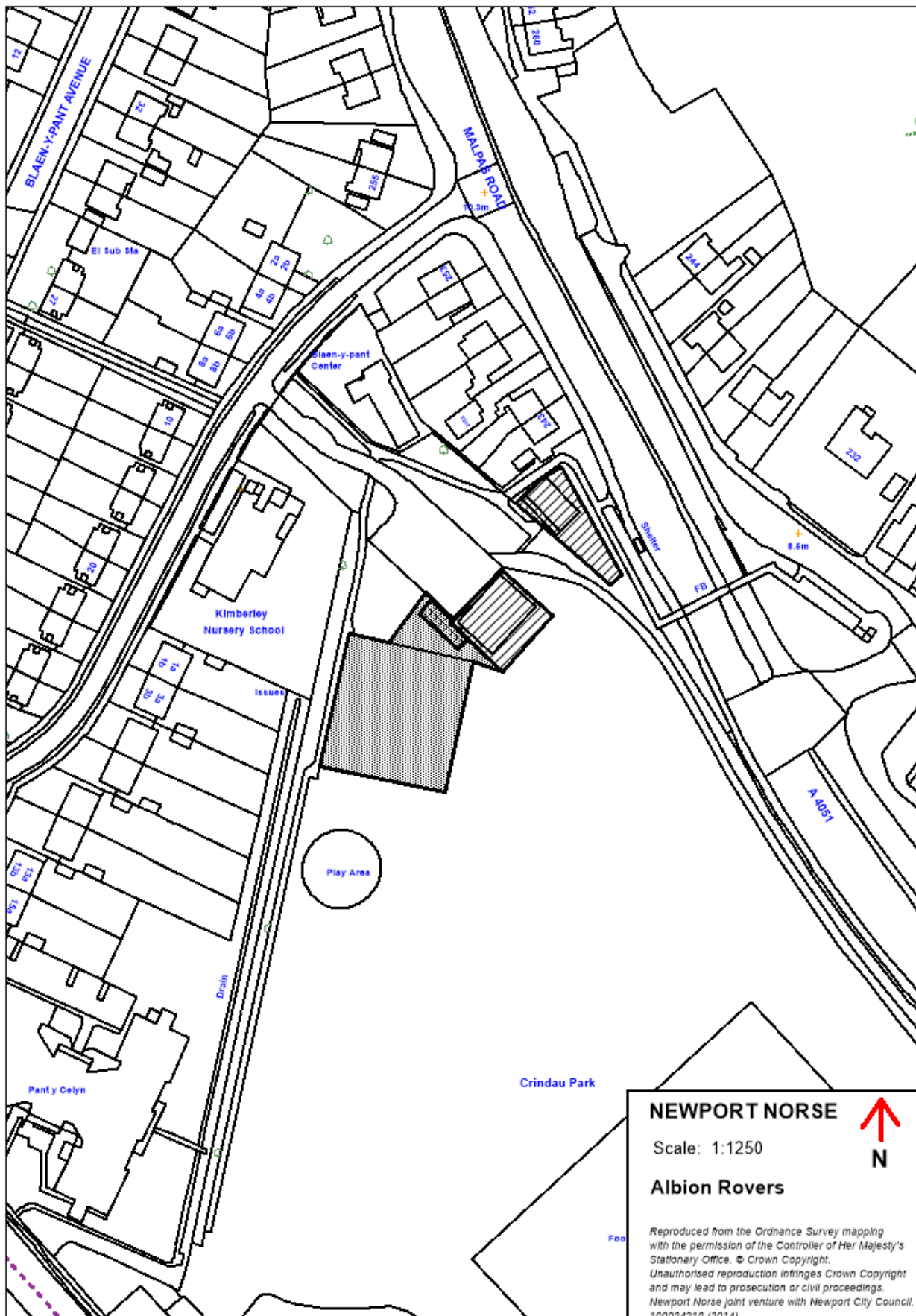
Consultation


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

Background Papers

Site Plan attached

Dated: 23 August 2018



NEWPORT NORSE 
 Scale: 1:1250
Albion Rovers

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