

Key Decision Required:	No	In the Forward Plan:	No
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CABINET

4 NOVEMBER 2016

REPORT OF THE PORTFOLIO HOLDER FOR ENFORCEMENT AND COMMUNITY SAFETY

A.8 PRINCIPLE OF GRANTING A NEW LEASE, EASTCLIFF PLAYING FIELDS, HOLLAND-ON-SEA

(Report prepared by Andy White)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval for the principle of granting a new lease of land to the rear of Eastcliff Playing Fields, off Dulwich Road, Holland-on-Sea. The site is shown edged red and coloured yellow on the attached Appendix A.

EXECUTIVE SUMMARY

Scott Residential Limited is developing a number of bungalows on land edged green on the plan attached as Appendix A and is under a s106 obligation to provide open space including a basic football pitch and construct a new pavilion on the land shown edged red on the plan and transfer both to the Council. The proposals include provision of a new car park on the land coloured yellow on the plan. Work on the bungalow development is under way.

The Council owns the land shown edged blue on the plan. It leases the land shown coloured yellow on the plan to The Holland Sports Association.

Holland Sports Association has changed to Holland Football Club (“Holland FC”). Holland FC is holding over on a 14 year lease that reached the end of its contractual term on the 30 November 2007. In July 2016 the Council served notice to end that lease in order to facilitate the development of the new facilities.

Holland FC is seeking a new the lease of the land edged red an the land coloured yellow on the plan for a 25 year term which will facilitate the seeking of grant funding for further enhancements to the ground.

Holland FC is building up a fund to improve and develop the main pitch to the standards required for Step 6 Football following its promotion to the Thurlow Nunn Eastern Counties League.

Provisional terms for such a lease have been agreed by officers. Details of the terms are set out in the report in Part B of this agenda.

RECOMMENDATION(S)

That Cabinet approves the principle of granting of a new 25 year lease of the land shown edged red and coloured yellow on the plan attached as Appendix A to Holland Football Club.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Sports activities contribute to the following priorities:

- to promote healthy and active lifestyles
- to reduce health inequalities and disadvantage

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The new lease will provide a rental income to the Council, subject to the Community Assets Rent Offsetting Scheme. Details of the terms of the lease are set out in the report in Part B of this agenda.

Risk

The Holland Sports Association has been the tenant of this facility for the last 35 years and have complied with the lease terms throughout. Its successor, Holland FC, has strong management and has secured promotion in the football hierarchy. Officers therefore consider that there is little risk associated with the grant of the lease.

LEGAL

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district.

Section 123(1) Local Government Act 1972 indicates that, a local authority may dispose of land held by it in any way it wishes so long as (in accordance with section 123 (2)) the land is disposed for a consideration not less than the best that can reasonably be obtained.

The General Disposal Consent Order (England) 2003 gives consent for disposal at below best consideration reasonably obtainable provided that the undervalue is less than £2m and the proposal enhances the environmental economic and social wellbeing of the area.

Section 123(2A) Local Government Act 1972 indicates that, a local authority may not dispose of land held by it without advertising its intention to do so in the local press. Although the red edged land is presently used by Holland FC as a playing pitch it is privately owned and not available generally to the public. The land coloured yellow is already subject to an ongoing lease. Accordingly officers consider that advertisement of the disposal is not necessary.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of Crime and Disorder, Equality and Diversity, Health Inequalities, Consultation and Public Engagement. Any significant issues are set out below.

Holland FC is a successful club which encourages youth and adult participation. The success of the club is likely to have a positive effect on crime and disorder, health inequalities and on public engagement in sport.

Ward

St Paul's Ward (Immediately adjoining St Bartholomew's Ward)

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Tendring District Council owns the freehold of the Eastcliff playing fields shown edged blue on the plan, including the Holland Sports Association site shown shaded yellow.

Scott Residential Limited is developing a number of bungalows on the land shown edged green on the plan and is under a s106 obligation to provide open space land where shown edged red on the plan including the construction of a new pavilion, demolition of the old one and creation of basic pitches. Scott Residential limited will transfer the land shown edged red including both the pitches and new building to the Council.

The Holland Sports Association has been the tenant of the site shaded yellow on the plan attached as Appendix A to the North of Eastcliff Playing Field site since the 1 October 1979. During that time they have used the land as the site for a sports pavilion and car park. The lease has passed its contractual end date and officers have served notices to end it so that the new facilities can be constructed.

Holland Sports Association has evolved into Holland FC. Holland FC has been promoted for 2016/17 to Step 6 within the Football Association's National League System following its promotion to the Thurlow Nunn Eastern Counties League. Holland FC is building up a fund to improve and develop the pitch to the standards required for that league and potential further promotion.

Holland FC seeks a new lease of both the yellow coloured land (as the existing lease) and the red edged land which is to be transferred to the Council. Provisional terms for such a lease have been agreed by officers. Details of the terms are set out in the report in Part B of this agenda.

CURRENT POSITION

Work on the housing is under way.

Officers have served formal notices to end the existing lease in January 2017.

Officers have provisionally agreed terms for a lease of the land edged red and the land shaded yellow to Holland Football Club. Details are set out in the report in Part B of this Agenda.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

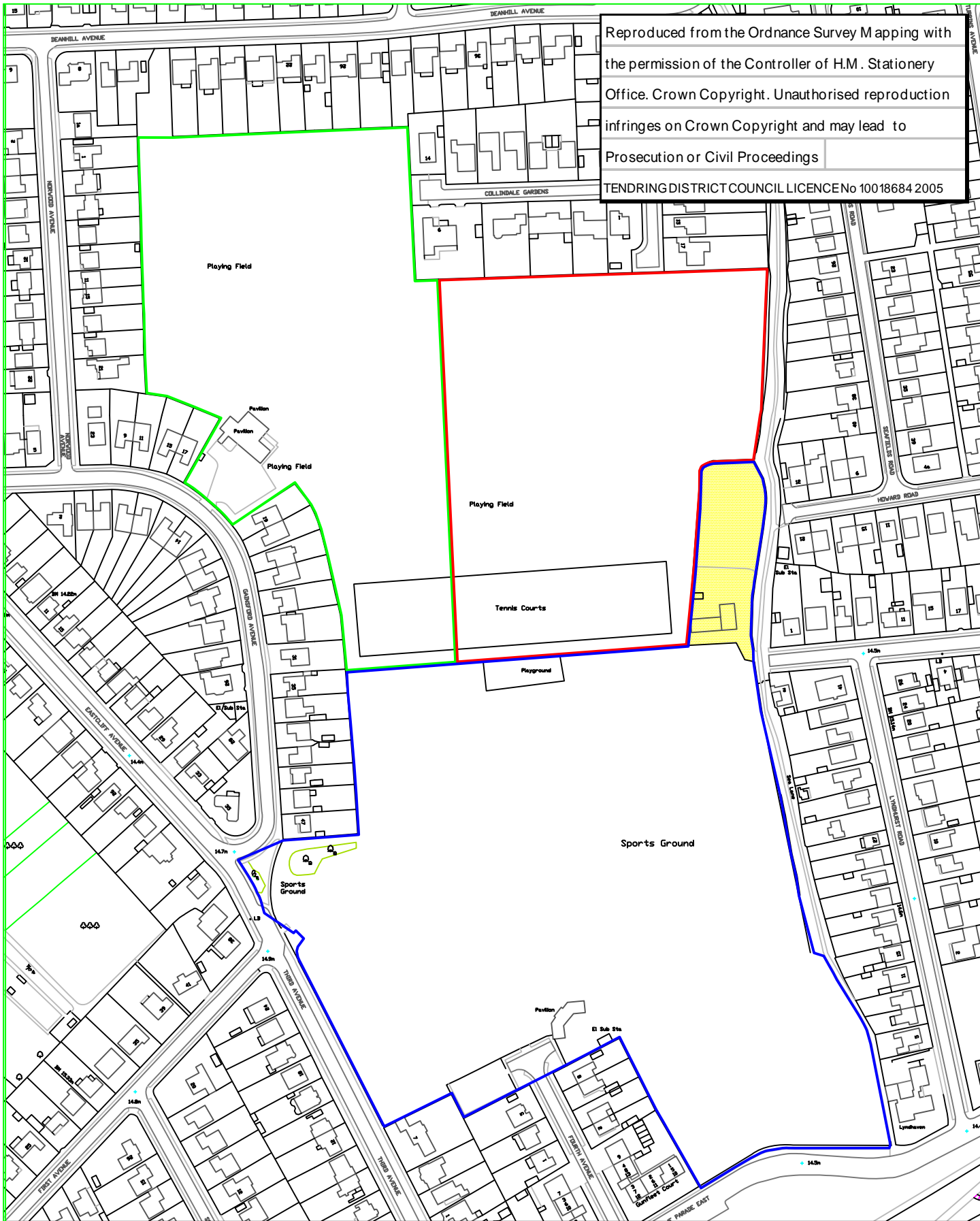
BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A – Location plan.

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 TENDRING DISTRICT COUNCIL LICENCE No 10018684 2005



TENDRING DISTRICT COUNCIL

M. KNAPPETT
 BA(hons). DMS.
 CORPORATE DIRECTOR: CORPORATE SERVICES

title: LAND OFF GAINSFORD AVENUE
 CLACTON ON SEA

drawing:
 LOCATION PLAN

scale: 1:2500

drawn by: AR WHITE

date: 21 AUG 14