

DECISION-MAKER:	CABINET
SUBJECT:	PROPOSED LEASE OF PART OF MANSEL PARK TO BUSH HILL FC
DATE OF DECISION:	18 SEPTEMBER 2012
REPORT OF:	CABINET MEMBER FOR RESOURCES
STATEMENT OF CONFIDENTIALITY	
Not applicable.	

BRIEF SUMMARY

Bush Hill Football Club are seeking to lease part of Mansel Park for use as a club football pitch.

The use of dedicated and improved facilities will enable the club to retain and attract experienced players, expand their youth teams and offer training and fitness opportunities to the wider community. Improved facilities are also required to allow progression to the higher football leagues.

The park is located on land held under the Southampton (Millbrook) Housing Confirmation Order 1946 and is therefore defined as public open space. Before a lease of open space can be granted the proposal must be advertised with any objections considered by the Council.

As the proposed pitch is close to residential properties it is proposed that local residents will be consulted about the proposal.

Any objections to the advertisement or resulting from other consultations will be reported back to Cabinet for consideration before a final decision is made as to the grant of a lease.

The rent proposed under the lease is considered lower than the market value and consent is also sought to the proposed figure.

RECOMMENDATIONS:

- (i) Subject to the outcome of public advertisement/consultation, in principle to agree to the disposal of part of Mansel Park by a lease to Bush Hill Football Club for a period of 10 years upon such terms as the Senior Manager: Property, Procurement & Contract Management considers reasonable.
- (ii) To authorise the Head of Legal, HR and Democratic Services to advertise the proposed disposal in accordance with Section 123 Local Government Act 1972.
- (iii) Should any objections be received to the public advertisement or as a result of public consultations, to refer these objections to Cabinet for determination. If no objections are received to authorise granting a lease of Mansel Park on the terms set out in this report and as provided at Recommendation (i) above, without further referral to Cabinet, subject to all planning concerns being resolved and planning permission being granted for the proposed use.

- (iv) To approve the rent of £1000 per annum for the site which is less than market value

REASONS FOR REPORT RECOMMENDATIONS

1. To enable the club to expand from their current position. Promotion within the league requires certain ground requirements that can not be presently met. Also to provide wider community facilities and opportunities to the local community.
2. Consultation has been undertaken with relevant officers in the City Council including Property Services and Parks.
3. Some elements of the works require planning permission and this is currently proceeding through the usual planning processes. Further details in relation to planning are considered below.
4. Public consultation will be undertaken and any objections reported back to Cabinet for consideration.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. Not to consider the grant of a lease, however this could prevent the expansion and progression of the football club and limit its membership which would be detrimental for community provisions.

DETAIL (Including consultation carried out)

6. For many years Millbrook has produced successful Football teams, however, retaining the talent season after season has been difficult due to the absence of facilities which allow progression into higher leagues, therefore players have ventured outside of the area sometimes playing in different Towns simply to benefit from the standard of Football and pitches.
7. No successful Senior side other than Bush Hill play their Football in this area, with crowds of up to fifty(50) watching on a match day. The Club feel they can use the success of the club as the spring board to generate more interest in local Football. With the use of a new dedicated pitch and changing facilities the Club intend to introduce a number of youth teams. Training will be held not only for registered players but anyone within the community who wishes to improve their fitness. They will actively seek players from the local community who currently play outside of the area for the reasons outlined above.
8. The Club have in principle, spoken with The Saints Foundation and have agreed upon approval that they too can use the facility for their local youth projects.
9. The club have requested a lease for 10 years which will give sufficient security to help them obtain future funding from the Football Foundation. A 10 year lease will provide them with the knowledge that they have a secure future on the site.
10. Bush Hill FC has submitted an application to Hampshire FA to join the Hampshire Premier Football League. One of the conditions of membership is having their own ground and associated facilities.

11. Plan V3343 attached shows the proposed area that is to be leased. Changing Rooms are to be erected by the club on the area indicated. The football pitch will be 'fenced off' with a post and rail type barrier with access gaps. Public access will not be prohibited. The fence will help to prevent unauthorised access by bikes, motor bikes etc.
12. Consideration has been given to locating the changing rooms in existing buildings close to the proposed pitch however these have not been suitable because under Hants FA rules the changing facilities have to be within a certain distance of the pitch. There are ongoing discussions with the local police and the Council to ensure all security implications of the proposals are considered and dealt with.
13. Mansel Park is defined as public open space. Before a lease of open space can be granted the proposal must be advertised with any objections considered by the Council. In addition, as the proposed pitch is close to residential properties, local residents will be consulted about the proposal. Any objections to the advertisement or resulting from other consultations will be reported back to Cabinet for consideration before a final decision is made as to the grant of a lease.
14. The grant of a lease to Bush Hills FC would also be subject to the applicant obtaining planning permission for their proposed use. As discussed above, the proposals involve the construction of changing rooms on land currently allocated as open space. The development of open space is contrary to the Development Plan for the city and, if the council minds to permit it, the application will be a departure. This is due to the loss of open space to the changing rooms and hard standing on a protected open space. In order to justify this, the council needs to demonstrate that there are opportunities to replace the quantity of open space lost and show how the proposal improves the quality and accessibility of this open space. An acceptable solution to these issues is under discussion with Planning Officers This is likely to involve the provision of an alternative identified site as replacement open space. The issues have been discussed with the applicant and it has been agreed that the Council will work with the applicant in the submission of the planning application in order to seek an acceptable solution.

RESOURCE IMPLICATIONS

Capital/Revenue

15. The building and maintenance works will be managed and commissioned directly by Bush Hill Football Club using the grant allocated and will therefore not form part of the Council Capital Programme.
16. The advertising, legal and Capita costs are to be met by the football club. The rent payable by the Club will be £1000 per annum and will be attributable to the Housing General Fund Portfolio.

Property/Other

17. Bush Hill Football Club requires a new lease for 10 years. This new lease will be at a rent of £1,000 pa which is equivalent to current charges to Bush Hill for use of the shared pitch at Green Park. This is less than the estimated rental value of the site which is considered to be £ 2000. A lower rental is proposed to help the club keep membership charges down and so help attract

the wider community. The rent will increase annually in line with increases in the retail price index.

18. Bush Hill Football Club will have full repairing and insuring responsibilities for the new premises. The club will erect new changing rooms on site (subject to planning permission and detailed plans being approved by the City Council as Landlord). The new lease will exclude security of tenure under the Landlord and Tenant Act 1954.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

19. The Council is required to advertise proposed disposals of open space land, under section 123(2A) of the Local Government Act 1972, in a local newspaper for 2 consecutive weeks and any objections considered. A “disposal” includes the grant of a lease
20. The Council will be required to consider any objections received to the proposed disposal. If objections are made, a further report will be presented to Cabinet setting out these objections with further recommendations.

Other Legal Implications:

21. With reference to the proposal to let the land at less than market rent - The Local Government Act 1972 General Disposal Consent (England) 2003 enables the Council to dispose of land for less than its full market value where the undervalue (i.e. the value being foregone in the transaction) does not exceed £2 million without the need for obtaining specific consent to the transaction from the Secretary of State. However in reaching any decision to dispose of land at an undervalue Members must:
 - (1) take into account their general accountability and fiduciary duty to local people
 - (2) consider that such disposal will help secure the promotion or improvement of the social economic or environmental well being of the area – this disposal will assist in the provision of improved leisure facilities for the local community.
 - (3) have regard to the transaction in the context of the Community Strategy – the proposals comply with the Community Strategy
 - (4) comply with all normal and prudent commercial practices – the proposal reflects common practices associated with other non-profit making sports organisations
 - (5) Have clear and realistic professional valuation advice available to verify the actual amount of the under value – professional advice has been obtained and the estimated undervalue of this transaction is £1000 per annum.
 - (6) Comply with EU State Aid Rules – this transaction does comply.

POLICY FRAMEWORK IMPLICATIONS

22. The proposals comply with the Community Strategy.

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KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	Redbridge
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SUPPORTING DOCUMENTATION

Appendices

1.	Plan V3343 showing the extent of the area subject to the disposal
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Documents In Members' Rooms

1.	None.
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Integrated Impact Assessment

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	Yes/No
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Other Background Documents

Integrated Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None	
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