

DECISION-MAKER:	CABINET
SUBJECT:	PROPOSED LEASE OF PART OF MANSEL PARK TO BUSH HILL FC – CONSIDERATION OF OBJECTIONS RECEIVED
DATE OF DECISION:	18 DECEMBER 2012
REPORT OF:	CABINET MEMBER FOR RESOURCES
STATEMENT OF CONFIDENTIALITY	
Not applicable	

BRIEF SUMMARY

Bush Hill Football Club is 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.

This proposal was considered by Cabinet at its meeting on 18 September 2012 and Cabinet agreed to the grant of a lease in principle subject to there being no objections received under the proposed public consultation.

As Mansel Park is defined as public open space, any proposal to grant a lease of open space must be advertised with any objections considered by the Council.

This report details the results of public consultations in relation to the proposal to lease the land including details of three objections with responses in order that Cabinet may make a final decision in respect of this matter.

RECOMMENDATIONS:

- (i) To consider and determine the objections along with other representations in relation to the proposed disposal of part of Mansel Park by lease to Bush Hill Football Club;
- (ii) If Cabinet decide the benefits of the proposals outweigh the objections, to authorise the grant of a lease of part of Mansel Park (as set out on the plan at Appendix 1) for a period of 10 years subject to planning permission being granted for the proposed use; and
- (iii) To delegate authority to the Senior Manager: Property, Procurement and Contract Management to determine the terms and conditions to be applied to the lease approved at recommendation (ii) above, subject to remaining within the overall proposals for the lease as set out within this report.

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. It is considered that the benefits of the proposal outweigh the grounds of objections.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. 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)

4. A Cabinet report was presented on 18 September 2012 outlining a proposal to grant a lease of part of Mansel Park to the Bush Hill FC.

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.

No successful senior side other than Bush Hill play their football in this area with spectators numbering up to 50 or 60 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.

The Club have in principle, spoken with The Saints Foundation and have agreed that they too can use the facility for their local youth projects.

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.

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.

Plan V3343 attached as Appendix 1 shows the proposed area that is to be leased.

5. The grant of a lease to Bush Hill FC would also be subject to the applicant obtaining planning permission for the proposed use. 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.

6. As Mansel Park is defined as public open space, any proposal to grant a lease of open space must be advertised with any objections considered by the Council.
7. In September and October 2012 a period of public consultation was undertaken by the Council.
 - Letters were sent to The Friends of Mansel Park and SCAPPS (Southampton Common and Park Preservation Society) on 24 September 2012.
 - SCAPPS have advised that they had no objection to the proposed lease.
 - The Friends of Mansel Park advised that they did not receive the Council's formal letter of consultation. This was posted at the same time as the letter to SCAPPS and was sent to the Friends at the Mansel Park Pavilion where they hold their monthly meetings. The reason for non-delivery is not known.
 - However the Friends were otherwise made aware of the proposals by SCAPPS representatives and through informal discussions with Council Officers.
8. The required Statutory notice (Appendix 2) was published twice in the Southern Daily Echo on 2 October and 9 October 2012.
9. During the period of statutory notice three objections were received, each listing a variety of grounds for objection. Two of these objections were from residents who do not live in the immediate vicinity of the park. The third was from the Millbrook Community Association and the Friends of Mansel Park.
10. The following objections were raised:
 - i. Loss of public open space
 - ii. Loss of free access to the land (perception that people would be charged to enter the site)
 - iii. Increase in anti-social behaviour linked to noise, rubbish and increased alcohol consumption
 - iv. Issues with parking with additional vehicles in the area on match days
 - v. Other Pitches already available locally
 - vi. Damage to grass verges around Mansel Park as a result of increased vehicle usage
 - vii. Increased traffic volume in the Millbrook area as a result of spectators visiting the site. Could pose problems for emergency services trying to access narrow roads nearby.
 - viii. Parkland excavated to provide sewerage and other utilities, such as electricity.
 - ix. Loss of the Mansel Park Labyrinth
 - x. The park will be spoilt, public use reduced and wildlife harmed
 - xi. This may lead to other similar applications.

The full details of the objections together with officer responses are set out in Appendix 3 attached. Copies of the individual letters of objection (with personal details removed) are attached at Appendix 4.

11. During October 2012 notices concerning the proposals to lease the land to the Bush Hill Football Club were also displayed in Millbrook Towers, the Mansel Park 3 pavilion and on notice boards in the park. A copy of this public notice is attached at Appendix 5. No formal comments or objections were received by the Parks Team in response to these notices.

Local ward councillors have undertaken their own informal discussions with residents including those in the blocks of flats adjacent to the proposed pitch and have fed back that the majority of those were either supportive of the proposals or held no particular view and that, of approximately 100 people consulted, only 3 had any objection. The feedback/representations in respect of these informal discussions are attached as Appendix 6.

A Local Ward Member has written to the Chair of the Millbrook Community Association and the Friends of Mansel Park offering to mediate a meeting between the objectors and the proposed lessee in order to alleviate some of the concerns. The results of any such meeting will be reported verbally at Cabinet.

12. Following the public consultation period, the FA development Officer has commented that he is supportive of the proposals as it will allow the Club to develop and progress. He has also has commented that he would like to see the Council set a deadline within the lease for the Club to achieve Charter Standard status and for the Club to put together a development plan looking at youth/ladies football.
13. Objections received are just one of a number of considerations that Cabinet must take into account when deciding this matter. Objections would typically be given greater weight if they were from residents living in the immediate vicinity of the area in question, raised genuine and well-founded concerns about the effect of any proposal, and received directly from the objector rather than via a third party or as part of a petition or similar. Other objections will still be valid, but may be weaker and less persuasive to Cabinet as decision maker.
14. Further dialogue with the applicant following receipt of objections has provided considerable reassurance that principal issues raised by objectors are recognised by the applicant and measures are in hand to effectively manage them. Furthermore the lease terms will include conditions to ensure the site is properly managed and maintained and to ensure the site is used in line with the principles set out in this report.

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.
19. The public will have an opportunity to comment on the design and layout of the pitch/changing room during the planning application consultation process.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

20. 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.
21. Proposals are required to be advertised in a local paper for 2 consecutive weeks followed by a reasonable consultation period. A representation period of 21 days from the publication date of the last advertisement was provided. Cabinet must consider any representations received during this period along with other material considerations.

Other Legal Implications:

22. The proposals in this report have been developed having regard to the Council’s duty under s.17 of the Crime & Disorder Act 1998 to exercise it’s functions with a view to reducing crime and disorder, the need to maintain equality of access to the proposed provision under the Disability Discrimination Act 1995 and equalities legislation. The proposals have also been assessed against the requirements of the Human Rights Act 1998 and are deemed to be necessary and proportional in so far as they may impact upon any individually protected rights.
23. 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:-
 - (i) take into account their general accountability and fiduciary duty to local people;

- (ii) 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;
- (iii) have regard to the transaction in the context of the Community Strategy –
- (iv) the proposals comply with the Community Strategy
- (v) comply with all normal and prudent commercial practices – the proposal reflects common practices associated with other non-profit making sports organisations
- (vi) 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.
- (vii) Comply with EU State Aid Rules – this transaction does comply.

POLICY FRAMEWORK IMPLICATIONS

24. 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.	V3343 – showing the extent of the area subject to the disposal
2.	The Public Notice published in the Southern Daily Echo
3.	A summary schedule of objections and responding comments
4.	Copy of Letters of Objection
5.	The Council Notice erected in the vicinity of Mansel Park
6.	Representations/Feedback from Local Ward Member

Documents In Members' Rooms

1.	None
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Equality Impact Assessment

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

Equality 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)

1.	N/A	
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