

REPORT OF THE LEADER OF THE COUNTY COUNCIL**PLATT LANE PLAYING FIELD, KEYWORTH – PROPOSED LEASE TO
KEYWORTH SPORTS ASSOCIATION****Purpose of the Report**

1. This Report is seeking approval to lease Platt Lane Playing Field, Keyworth to Keyworth Sports Association in order that external funding can be accessed to improve sporting facilities at the site and ensure its long term future.
2. To allow approval of the detail of the transaction and outcomes arising to be delegated to the Corporate Director, Place in consultation with the Chair or Vicechair

Information

3. The Council own the freehold of Platt Lane Playing Field (c15.16 acres) shown highlighted in bold on the attached plan. The site comprises a small grounds maintenance depot with the remainder of the site laid out with football pitches, a cricket square and two pavilions. The 1970s timber pavilion was erected by the Parish Council and is in poor condition. The second brick built pavilion was built in 2010 by Keyworth United Football Club. The property is within the green belt.
4. The Council acquired the Property in the 1970s as a playing field for use by South Wold School. In addition, a Joint User Scheme with Keyworth and Normanton on the Wolds Parish Councils permitted community use. Keyworth Parish Council has managed the Property via a trust arrangement with the Council since the property was acquired.
5. The Council entered into a 25 year lease in 2010 with Keyworth United Community Football Club of the area forming the footprint of the modern pavilion shown hatched on the attached plan to allow them to construct it and use in connection with their sporting activities on a full repairing and insuring lease. The club are liable for maintenance of just the clubhouse building. The Management Committee allow other users of the wider playing field and older pavilion via hiring agreements. South Wold School did use the Field through one such hiring agreement but have subsequently relinquished their use of the Property. Currently the grounds maintenance costs for 2019/20 are £21,220 which the Council is liable for and under the proposed transaction detailed below would now be met by Keyworth Sports Association.
6. A new organisation Keyworth Sports Association, comprising Keyworth United Community Football Club and the local cricket club, was recently established to enable national funding to be obtained to improve the facilities including a county level cricket facility and improved football provision. As a condition of funding Keyworth Sports

Association need to have a long term interest in the sports facilities. Therefore, it is intended that the Council take a surrender of the existing lease to Keyworth United Community Football Club and enter into a 99 year lease with Keyworth Sports Association of the larger site outlined in bold on the attached plan at a peppercorn rent. Keyworth Sports Association will be responsible for the repair and maintenance of the Property. Consultation has been held with Keyworth Parish Council who are supportive of the proposal. Keyworth Sports Association will continue to allow community use of the site and wish to increase use and access.

7. S77 consent under School Standards and Framework Act 1998, will be required from the Secretary of State for Education to a leasehold disposal of the site due to the Property being used by a maintained school within the past 10 years. Accordingly, this proposal is subject to obtaining this consent.
8. As the proposed lease is a peppercorn rent, this will be a disposal of land at less than best consideration. Under Local Government Act 1972: General Disposal Consent (England) 2003, Secretary of States consent is deemed to be granted if the extent of the undervalue does not exceed £2 million and the disposal contributes to the promotion or improvement of the economic, social or environmental well-being. The proposed disposal meets that criteria as the undervalue is £6,000 pa over a 99 year period as this represents the rent the Council are foregoing. The capital value of the Property as at 31 March 2019 is £120,000. In addition, this proposal will allow improvement of the current facilities which will provide greater opportunities for the local community and other users which will enhance their health and wellbeing. It will also ensure that the site continues to be used for public recreation in the future.
9. The proposed leasehold disposal is via private treaty. S.17.5.5.2 of the Council's Financial Regulations allows the matter to be dealt with in this way provided that special circumstances exist that identify there is only likely to be one potential party to enter into the transaction. The Property is within the green belt with use of the site limited and a change of use unlikely to attract other interest in the site. In addition, the new organisation Keyworth Sports Association incorporates the current main sports clubs already using and having a legal interest in the site through the existing lease and they are also responsible for the maintenance of part of the site incorporated in their lease. The longer term of the proposed lease, as has been previously stated, will allow access to funding not available under the current shorter term lease. If this proposal was not to progress the Council would continue with the existing lease in place and the status quo would remain with the current users. Accordingly, the Property would hold no interest to another user as the current user's legal interest would pertain.
10. Under S. 17 of the Council's Financial Regulations the Service Director for Economic Growth has sought approval from the S. 151 Officer and Group Manager for Legal Services to the proposed disposal being via private treaty.
11. This proposal is subject to further advice in respect of state aid rules and their application.

Other Options Considered

The following additional options have been considered:

12. Maintaining the current arrangements would not enable a funding application to be made and result in facilities being unimproved, leading to a deterioration in the facilities currently offered.
13. A previous Report to Finance and Property Committee on 18 July 2016 sought approval to a freehold disposal of the Property to a charity, to be established. Keyworth Sports Association has been established as a company limited by guarantee, and not a charity, in order to benefit from financial incentives available to it. As a result, a long leasehold disposal is considered more appropriate, so the Council can retain control under a lease to ensure that the community and sports use is continued in the future.

Reason/s for Recommendation/s

14. A long leasehold disposal of the Property to Keyworth Sports Association will enable them to access national funding streams not open to the Council. This will result in a much improved facility and allow continued and increased community use at a time when Council resources are limited or reducing.
15. Keyworth Sports Association comprise existing clubs who use and manage current facilities as part of the Management Committee.
16. The proposed lease will allow the Council to retain control over the future use of the Property to ensure sports provision and community use is maintained and increased.

Statutory and Policy Implications

17. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) To seek approval for a New Lease to Keyworth Sports Association on the terms outlined within this report in order that external funding can be accessed to improve sporting facilities at the site and to ensure its long term future.
- 2) To delegate authority to the Corporate Director for Place in consultation with the Chair or Vicechair to approve any amendments required to the proposed transaction arising from the S.77 application and state aid advice, if necessary.

Councillor Mrs Kay Cutts
Leader of the County Council

For any enquiries about this report please contact:
David Hughes, Service Director - Investment & Growth
Tel: 0115 9773825

Constitutional Comments (CEH 10/06/2019)

18. The recommendations fall within the delegation to Policy Committee under its terms of reference in the Constitution.

Financial Comments (RWK 23/05/2019)

19. If the lease detailed in the report is approved the County Council will no longer be responsible for meeting annual maintenance costs of the land estimated at £21,200 in 2019/20.

Background Papers and Published Documents

- Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

- Electoral Division(s): Keyworth
- Member(s): Councillor John Cottee