

TORBAY COUNCIL

Report No: **449/2005**

Title: **Land at Queens Park, Paignton**

To: Executive on 11th October 2005

1. **Purpose**

- 1.1 To seek Member approval to the granting of a 40-year excluded lease to the Queens Park Sports Club Limited for the sports ground at Queens Park, Paignton.

2. **Relationship to Corporate Priorities**

- 2.1 Environment and Improving Health – The granting of the lease will enable the Sports Club to apply for grants, which are unavailable to the Council, to enhance the built environment and gives the Clubs security for 40 years to encourage participation in sport.

3. **Recommendation(s)**

- 3.1 That the Director of Law and Support, in consultation with the Director of Financial Services and the relevant Executive Member, be authorised to grant a 40-year lease to the Queens Park Sports Club Limited for the land and buildings shown edged red on plan EM 1312.
- 3.2 That the lease be excluded from the provisions of the Landlord and Tenant Act 1954.

4. **Reason for Recommendation(s)**

- 4.1 To enable the Sports Club to apply for grants to improve the facilities at Queens Park.
- 4.2 The exclusion from the provisions of the Landlord & Tenant Act 1954 will protect the Council's position at the end of the term as the tenant will not have security of tenure.

5. **Key Risks associated with the Recommendation(s)**

- 5.1 The Council will incur initial expenditure during the first six years of the lease (details in Exempt Appendix 1) but in the long term the Council will be saving significant money in terms of building and grounds maintenance.

Likelihood	6	6	12	18	24
	5	5	10	15	20
	4	4	8	12	16
	3	3	6	9	12
	2	2	4X	6	8
	1	1	2	3	4
		1	2	3	4
		Impact			

 Low risk  Intermediate risk  High risk

The "x" in the above matrix denotes where the author has assessed the level of final risk to fall.

6. Alternative Options (if any)

- 6.1 Not to grant the lease and for the Council to either run the facilities itself as a recreation ground or to consider if there are any feasible alternative uses.

7. Background

- 7.1 Negotiations have been on-going with the Rugby and Cricket Clubs at Queens Park for many years. In June 2002 the then Cabinet decided that

'Officers be instructed to revoke the existing licences and negotiate a new joint lease at a peppercorn rent with each Club, subject to the Clubs undertaking the buildings and grounds maintenance themselves and that the necessary legal action to resolve this be commenced after a period of one month from this meeting in the event that an agreement could not be reached on the terms to be offered'.

- 7.2 Officers were, however, instructed not to pursue such legal action and negotiations continued. It was decided that the lease should be granted to one organisation and the Rugby and Cricket Clubs therefore set up a company – the Queens Park Sports Club Limited. It is this company to which the proposed lease is to be granted.

- 7.3 Proposed main terms of the proposed 40-year lease are contained in Exempt Appendix 2.

- 7.4 The disposal of Public Open Space has been advertised in accordance with the Local Government Act 1972. The Council received a couple of objections, copies of which have been placed in the Members' room. Members are asked to give consideration to such objections during the decision making process. It is, however, considered that such objections have been reasonably addressed in the proposed lease terms, as set out in Exempt Appendix 2.

Richard Thorpe
Director of Financial Services

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IMPLICATIONS, CONSULTATION AND OTHER INFORMATION

Part 1

These sections may have been completed by the Report author but must have been agreed by the named officers in the Legal, Finance, Human Resources, Estates and Property and Procurement.

Does the proposal have implications for the following issues? If "Yes" - give details. <i>delete as appropriate</i>		Name of responsible officer
Legal	Yes. Preparation of Lease as referred to below and deduction of the freehold title now required (LR Act 2002).	Stephen Dunn
Financial – Revenue	Yes –The council have not carried out grounds maintenance work for the last two years in this area saving the council between £16,000 - £20,000 per year in Revenue expenditure. The future saving will be in the building maintenance liability, however, the saving to the council will be reduced by the payment to the tenant indicated in Appendix 1.	Sue Kane
Financial – Capital Plan	No	Lynette Royce
Human resources	No	Sue Draper
Property	Yes – A lease will enable the Council's asset to be improved over time.	Sam Partridge
Procurement and Efficiency	No	Andy Mitchell

Part 2

The author of the report must complete these sections.

Could this proposal realistically be achieved in a manner that would more effectively: <i>delete as appropriate</i>		
(i)	promote environmental sustainability?	No
(ii)	reduce crime and disorder?	No
(iii)	promote good community relations?	No
(iv)	promote equality of opportunity on grounds of race, gender, disability, age, sexual orientation, religion or belief?	No
(v)	reduce (or eliminate) unlawful discrimination (including indirect discrimination)?	No

If the answer to any of the above questions is "Yes" the author must have addressed the relevant issue/s in the main report and have included a full justification and, where appropriate, an impact assessment.

Part 3

The author of the report must complete this section.

	<i>delete as appropriate</i>	If "Yes", give details
Does the proposal have implications for any other Business Units?	Yes	Legal Services – Preparation of lease. Cultural Services – Reduction in maintenance costs.

Part 4

Is this proposal in accordance with (i.e. not contrary to) the Council's budget or its Policy Framework?		<i>delete as appropriate</i>
		Yes
1.	If "No" - give details of the nature and extent of consultation with stakeholders and the relevant overview and scrutiny body.	
2.	If "Yes" - details and outcome of consultation, if appropriate. Consultation with the Rugby and Cricket Clubs and with the Paignton Preservation Society.	

Part 5

Is the proposal a Key Decision?	<i>delete as appropriate</i>	If "Yes" - give Reference Number
	No	

Part 6

Wards

Roundham with Hyde Ward.

Appendices

Exempt Appendix 1	Council's initial expenditure during the first six years of the lease.
Exempt Appendix 2	Main terms for the 40-year excluded lease.
Appendix 3	Plan EM 1312.

Documents available in Members' Room

Objections received in response to the advertisement for the disposal of Public Open Space.

Background Papers:

The following documents/files were used to compile this report: Z158/1(i) – contains exempt information by virtue of paragraphs 3, 7 & 9 of Part 1 of Schedule 12A of the Local Government Act 1972.