

## TORBAY COUNCIL

Report No: **Com/4/04**

Title: Land at Cricketfield Road, Barton, Torquay

To: The Executive on 7<sup>th</sup> December 2004

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### 1. **Purpose**

- 1.1 To update Members following the public advertisement for the disposal of Public Open Space and to seek authorisation to a lease and/or licence to Barton Cricket and Social Club on one of a number of options or to terminate the existing legal arrangements.

### 2. **Relationship to Corporate Priorities**

- 2.1 Community – The leasing arrangements should endeavour to meet the needs of the whole of our community, which use the playing fields at Cricketfield Road, Torquay.

### 3. **Recommendation(s)**

- 3.1 That Members consider the options, as set out in this report, and authorise the Assistant Chief Executive in consultation with the Director of Finance, to grant a lease and/or licence to Barton Cricket and Social Club on acceptable terms, based upon one of the options or to terminate the existing legal arrangements.

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

- 4.1 For Members to determine which options they would want officers to pursue following the public objection to the advertisement for the disposal of Public Open Space associated with the proposed 40-year lease to Barton Cricket and Social Club.

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

- 5.1 The impact of the options contained in Exempt Appendix 1 are as follows:

5.1.1 Option 1 – Score 18.

5.1.2 Option 2 – Score 12.

5.1.3 Option 3 – Score 12.

5.1.4 Option 4 – Score 18.

Likelihood	6	6	12	18 X	24
	5	5	10	15	20
	4	4	8	12	16
	3	3	6	9	12
	2	2	4	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 None

**7. Background**

- 7.1 Barton Cricket Club currently leases the clubhouse on a 21-year lease from 1984 and is holding over on a 7-year lease for the site of the scoreboard and store from 1993 and was granted a licence to use the cricket pitch, which expired in 2001. During the Winter Upton Athletic Football Club hire the pitch and changing rooms from the Council with the Council maintaining the same.
- 7.2 On 25 February 1998 it was resolved by the then Environment Services Committee that Officers negotiate a 99-year lease to Barton Cricket Club for land at Cricketfield Road Playing Fields on certain conditions. A copy of the minute will be available in the Members' Room.
- 7.3 Negotiations continued for several years but last year Members received legal advice concerning the granting of leases of over 40 years. This meant that Members were minded not to allow any leases to be granted to sports clubs for more than 40 years.
- 7.4 Draft lease terms were sent to the Club for a 40-year lease for its consideration. Under the current heads of terms the Council would be passing on the responsibility for the maintenance of the whole ground throughout the year and including the part of the property known as 51 Barton Road to the Club.
- 7.5 A Public Notice dated 14<sup>th</sup> July 2004 was published in a local paper in two consecutive weeks concerning the Council's intention to dispose of land at Cricketfield Road by way of a lease for a term of 40 years from a date to be agreed to Barton Cricket and Social Club or those acting on its behalf. A copy of the Notice is contained in Appendix 2.
- 7.6 The closing date for objections was 4<sup>th</sup> August and the Council received 89 objections, a small number of which were received after this date. Members are advised that they must consider these objections, copies of which are available in the Members' Room.

**Richard Thorpe**  
**Director of Finance**

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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 and Property Divisions.

Does the proposal have implications for the following issues? If "Yes" - give details. <i>delete as appropriate</i>		Name of responsible officer
Legal	Yes	Stephen Dunn
Financial – Revenue	Yes – See Exempt Appendix 1	Sue Kane
Financial – Capital Plan	No	Lynette Royce
Human resources	No	Geoff Williams
Property	Yes – See report and Exempt Appendix 1	Sam Partridge

### 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 Directorates?	Yes	Preparation of legal documentation by Assistant Chief Executive. Implications for the Grounds Maintenance contract for Torquay North.

#### 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 Members and Barton Cricket & Social Club.

#### Part 5

Is the proposal a Key Decision in relation to an Executive function? (i.e. would generate expenditure or savings in excess of £100,000 or 20% of an approved budget OR affect more than 2,000 residents of the Borough.)	<i>delete as appropriate</i>	If "Yes" - give Reference Number
	No	

#### Part 6

##### **Wards**

Cricketfield Road Playing Fields are located in the Tormohun ward.

##### **Appendices**

Exempt Appendix 1	Leasing arrangement options at Cricketfield Road, Barton, Torquay
Appendix 2	Copy of the Public Notice dated 14 <sup>th</sup> July 2004
Appendix 3	Plan EM 1232a

##### **Documents available in Members' Room**

Copy of Minute 532/2/98 from the Special Meeting of the Environment Services Committee on 25 February 1998.  
Copies of the objections received from the public following the notice for the disposal of Public Open Space.

##### **Background Papers:**

The following files were used to compile this report: T0903 (b) – contains exempt information by virtue of paragraphs 3, 7 & 9 of Part 1 of Schedule 12A of the Local Government Act 1972.