

CABINET

22 January 2019

Title: Lease of Mayesbrook Park Football Stadium	
Report of the Cabinet Member for Community Leadership and Engagement	
Open Report	For Decision
Wards Affected: Mayesbrook	Key Decision: No
Report Author: Paul Hogan, Commissioning Director for Culture and Recreation	Contact Details: Tel: 020 8227 3576 E-mail: paul.hogan@lbbd.gov.uk
Accountable Director: Paul Hogan, Commissioning Director for Culture and Recreation	
Accountable Strategic Leadership Director: Tom Hook, Director of Policy and Participation	
Summary <p>Barking Football Club has been based at the Mayesbrook Park football stadium for over a decade and over this time the club has developed into a valuable sporting and community asset.</p> <p>This report recommends that the Council gives the club security of tenure at the Football Stadium by granting it a long-term lease. This will enable the club to secure investment to replace life expired changing facilities and provide new social and educational facilities to support the development of new opportunities for women, boys and girls to participate in football.</p> <p>Also, this will mean that the club will be able to meet the governance, pitch and facility requirements of the Football League so that it is able to be promoted to a higher level in the league structure when its league position warrants this.</p> <p>Under the Council's Constitution, the granting of a lease of greater than twenty years duration requires Cabinet approval.</p>	
Recommendation(s) <p>The Cabinet is recommended to:</p> <p>(i) Authorise the Chief Executive, in consultation with the Cabinet Member for Community Leadership and Engagement and the Director of Law and Governance, to enter into a 30-year lease for the Mayesbrook Park football stadium with the Barking Football Club, subject to satisfactory negotiation of the lease terms and associated requirements; and</p>	

- (ii) Authorise the Chief Executive, in the event of it not being possible to enter into a lease agreement with Barking Football Club, to enter into a lease on the same terms with another sports club for the operation of the Mayesbrook Park football stadium.

Reasons

To assist the Council in achieving its corporate priorities in relation to:

Inclusive Growth

- Encourage enterprise and enable employment

Citizenship and Participation

- Harness culture and increase opportunity
- Encourage civic pride and social responsibility
- Strengthen partnerships, participation and a place-based approach

1. Introduction and Background

- 1.1 Barking Football Club is a valued community and sporting asset for the Borough. It runs youth teams from under 7's to under 18's as well as an educational scholarship scheme for those aged 16 to 18 years. In addition, it has successful adult senior, reserve and community teams.
- 1.2 As well as providing extensive opportunities for children and young people to get involved in football, the club works successfully with the Council's healthy lifestyles team to deliver a varied programme of health and well-being programmes for the wider community, including healthy walks and activity sessions for obese children.
- 1.3 For many years the club has held an annual fundraising event to support the Mayor's chosen charities.

2. Proposals and Issues

- 2.1 Barking Football Club has had a licence to occupy the football stadium in Mayesbrook Park for many years. This report recommends replacing this with a long-term lease for a term of thirty years.
- 2.2 This proposal supports the achievement of two of the priorities set out in the borough parks and open spaces strategy, which was adopted by the Council in 2017:
- Seek to develop new sports improvement projects with external funders for Central Park, Mayesbrook Park and Barking Park
 - Look at opportunities to develop social enterprises that can operate within parks and capable of bringing additional benefits to parks.
- 2.3 Whilst the grass football pitch in the football stadium has been maintained to a good standard, the changing facilities are life expired and not fit for purpose. The lease

will provide security of tenure for the club, which will enable them to seek external funding to provide new fit for purpose changing, educational and social facilities.

2.4 As the lease will be on full repairing and insuring terms, the Council will no longer have operational or financial responsibility for maintaining the facilities at the football stadium including the playing pitch and associated floodlighting.

2.5 The rent payment associated with the lease will be negotiated via a market rental valuation being obtained whilst having regard to the investment required to replace life expired facilities and the community benefits the club provides.

3. Options Appraisal

3.1 The options available to the Cabinet are to approve the proposed lease or to reject it.

3.2 Not to approve the lease would mean that there is no realistic option of the capital investment being secured that is needed to replace the life expired facilities in the football stadium.

3.3 Therefore, the Cabinet is recommended to approve the recommendation to enter into a long-term lease with any specific terms and conditions they consider appropriate.

4. Consultation

4.1 This proposal has been discussed and agreed by the Council's Asset and Capital Board and by the Deputy Leader and Cabinet Member for Community Leadership and Engagement.

5. Financial Implications

Implications completed by: Katherine Heffernan, Group Manager- Service Finance

5.1 The financial benefits for the Council of granting a lease to Barking Football Club is the avoidance of operational costs in association with the running of the park grounds and the cash inflow of leasing income to the Council.

5.2 The Council will undertake a commercial evaluation exercise in determining the leasing commitment early next year and agree the leasing payments by the football club.

5.3 The Council will transfer all rights of ownership of the asset to the football club which will provide benefits to local residents in respect of health and wellbeing activities.

6. Legal Implications

Implications completed by: Sayida Hafeez, Senior Property Solicitor

6.1 In accordance with the Constitution, Part 4, Chapter 4 (Land Acquisition and Disposal Rules), Section 2.2 (Control by the Cabinet), the disposal of all property

either long-lease (over 20 years) or by the sale of the freehold must be approved by the Cabinet.

- 6.2 The Council's disposal powers are contained in section 123 of the Local Government Act 1972 (LGA 1972) and Section 1 of the Localism Act 2011 also provides local authorities with a general power of competence.
- 6.3 Under Section 123 LGA 1972, the Council has the power to dispose of land in any manner that it wishes to which includes the sale of freehold land. One constraint is that the disposal must be for the best consideration reasonably obtainable unless there is ministerial consent, or the transfer is to further local well-being. The Council is proposing to grant a 30-year lease on full repairing and insuring terms and the rent will be negotiated by obtaining a market rental valuation. Therefore, this condition is fulfilled, and the Council is at liberty to proceed with the proposed disposal.
- 6.4 Section 1 of the Localism Act gives the Council the legal capacity to do anything that individuals can do that is not specifically prohibited. These powers give the Council more freedom to work together with others to do creative, innovative things to meet local people's needs. Therefore, by granting Barking Football Club a secure lease, will enable the club to obtain external investment/funding to improve and replace the current 'life expired changing facilities that are not fit for purpose' with 'new fit for purpose changing, educational and social facilities'.

7. Other Implications

- 7.1 **Risk Management** – There is a risk that the club cannot find funding to enable them to do the necessary works to the football stadium in the short term and over the life of the lease. However, there is evidence to suggest that the governance arrangements for the club are robust and the people involved have the necessary skills, knowledge and experience to enable them to bid to all relevant funding bodies. It is also anticipated that the club may wish to use the skills of local people where appropriate to undertake any required works with the aim of increasing their affordability.
- 7.2 **Customer Impact** - Provisions will be inserted into lease with the club to ensure that the football stadium remains accessible by all groups in the community. This should mitigate the risk of adverse impact on equality groups and customers.
- 7.3 **Corporate Policy and Customer Impact** – The club already provides a valuable programme of services to the local community to further health, educational and social wellbeing. It is expected that with security of tenure provided by the proposed lease there will be the opportunity to expand the range and quality of grass roots football programmes and wider health and wellbeing activities being presented.
- 7.4 **Crime and Disorder Issues** – The Council has a statutory duty to consider crime and disorder implications in all its decision making. In agreeing to lease the facilities to Barking Football Club, the Council will be securing and enabling the development of quality facilities and activities, which will provide positive activities for all residents and opportunities for families to enjoy their leisure time together.

This new arrangement will secure the future of the site and prevent any crime or

security issues associated with having empty premises. Also experience suggests that the provision of new facilities at the football stadium, and with it increased levels of usage in the evenings and at weekends, will have a positive impact on the level of anti-social behaviour in the park.

- 7.5 **Health issues** – The football stadium will provide safe, comfortable and accessible facilities and participatory programmes where local people can meet, socialise and take part in a range of football related activities and a wider health and wellbeing projects.
- 7.6 **Safeguarding Vulnerable Adults and Children** - It is expected that the Barking Football Club will provide a programme of positive and diversionary activities for children and young people. Barking Football Club complies with the robust safeguarding requirements of the Football Association, their governing body.
- 7.7 **Property / Asset Issues** - It is intended that the terms of the lease will require Barking Football Club to repair, maintain and insure the built facilities within the footprint of the football stadium including the grass football pitch, terracing and floodlighting. Regular monitoring by My Place will ensure that the club is complying with the lease conditions, enabling action to be taken as appropriate if any are in breach.

Public Background Papers Used in the Preparation of the Report: None

List of appendices: None