

Cabinet Member for: Clean, Green and Environment

Subject: Palatine Park Project Disposal of Public Open Space

Report Author(s) Executive Head of Leisure and Cultural Services

1.0 SUMMARY

1.1 The purpose of the report is to seek the approval of the Cabinet Member to advertise the disposal of public open space associated with the Palatine Park Project as required under Section 123 (2A) of the Local Government Act 1972, and to request Cabinet Member's approval ultimately to enter into a Lease with Worthing Town Youth Football Club, which is a pre-requisite for the application for grant aid to the Football Foundation.

2.0 BACKGROUND

2.1 The Cabinet Member will be aware of the report to Overview and Scrutiny Committee dated 15 January 2009 and Cabinet dated 19 January 2009 which set out the proposal to replace the pavilion at Palatine Park using Capital Programme and s106 funding supplemented by a grant which was to be sought from the Football Foundation.

3.0 PROPOSAL

3.1 The project is progressing; an architects practice has been commissioned to design the new pavilion and associated works and planning permission has been applied for. The main purpose of the scheme is to replace the existing time-expired pavilion with a new purpose built facility. This requires the original pavilion to be demolished, the land cleared, re-soiled and seeded to accommodate pitches. The new pavilion is planned to be built in a different location on site and technically this construction on what is playing field constitutes a disposal of public open space under Section 123 (2A) of the Local Government Act 1972.

3.2 In order to comply with The Act it is necessary for the Council to advertise its intentions in a local newspaper (twice in consecutive weeks) and to consider any representations arising. If any representations are received following the placement of the adverts, then the Cabinet Member will receive a further report for consideration in due course.

- 3.3. In addition to the requirement to advertise the disposal, if the scheme proceeds as proposed and receives grant funding through the Football Foundation, then there will be a need initially to agree Heads of Terms for the Lease between Worthing Borough Council and Worthing Town Junior Football Club who are the designated end user. The Heads of Terms will need to be negotiated and agreed prior to the application to the Football Foundation, with the final Lease agreed before commencement of works. This report therefore seeks the approval of the Cabinet Member to delegate to Officers the negotiation and agreement of Heads of Terms and ultimately of the Lease between the Council and the Football Club.
- 3.4. Additionally, because of the tight timescale dictated by the meetings of the grant funding panels of the Football Foundation, it is necessary for this matter to be treated as urgent under standing order 3.8.6 so that it can be exempted from call-in to permit the grant funding application deadlines to be met.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The cost of placing the advertisement would be nominal and would be covered by the funding arrangement already in place for the procurement of design services which was from a sum of £35,000.00 set aside in the original report to come from the Leisure Lotteries and Other Partnerships Reserve Fund.

5.0 LEGAL MATTERS

- 5.1 As stated elsewhere in this report, under Section 123 of The Local Government Act 1972, disposal of land by a local authority (e.g. the granting of an interest in land that amounts to the grant of a lease for 7 years or more), where the land in question forms part of an open space, can only happen after the authority has advertised its intention to dispose of the land and has considered any public representations that are made as a result of those advertisements.

6.0 CONCLUSION

- 6.1 In order to progress the project it is necessary to advertise the disposal of public open space resulting from the proposal to demolish and replace the existing Palatine Park pavilion. It is intended that this be accomplished by placing a Public Notice in the local paper, the cost being nominal and covered by an existing budget.
- 6.2 To be able to qualify for Football Foundation funding it is necessary to have a partner club involved who are recognised by the Football Association as having the appropriate standing. In this case Worthing Town Youth Football Club are a 'Charter Standard Community Club' which is the highest rating on the Football Association scale. It is necessary to enter into a 25 year lease with the partner club in order for additional funds to be granted by the Football Foundation.

7.0 RECOMMENDATION

7.1 The Cabinet Member is recommended to:-

- a) agree to advertise the proposed disposal of public open space to allow this scheme to come to fruition and to authorise the placing of the required advertisement in a local newspaper and to consider any public representations arising therefrom.**
- b) instruct Officers to draw up an appropriate 25 year lease to allow the application to proceed to the Football Foundation for the remaining funds to secure the scheme.**
- c) delegate to Officers the authority to negotiate and agree Heads of Terms, and ultimately the details of the lease to the Football Club, subject to the scheme being fully funded (this is the subject of a separate report to Cabinet).**
- d) agree that the matter be treated as urgent under standing order 3.8.6 and not subject to call-in.**

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Background Papers:

Report to Overview and Scrutiny Committee dated 15 January 2009 and to Cabinet dated 19 January 2009.

Schedule of Other Matters

1.0 Council Priority

This project supports the following Council priority 'To develop a coordinated approach to delivering leisure, recreational and cultural activities'.

2.0 Specific Action Plans

The project enables the Council to demonstrate its contribution to the West Sussex Local Area Agreement, in which WBC is a strategic partner and specifically the following targets in the agreement:

NI 8 Adult participation in sport and active recreation

NI 110 Young people's participation in positive activities

3.0 Sustainability Issues

There are sustainability issues related to the wider scheme in that football demand is beginning to outstrip supply. As part of this scheme improves the pitches at Palatine Park by installing a drainage system this in turn improves sustainability by increasing the hours per week that the pitches can be available for play without risking damage to the playing surfaces.

4.0 Equality Issues

Most changing facilities in Worthing are not built to allow a mix of ages or genders to change to play simultaneously. This interferes with the maximisation of usage of facilities and also fails to maximise the income from their use. Groups affected by this are women, girls, mini and junior teams and disabled players. This scheme attempts to begin to address these issues for some of these groups.

5.0 Community Safety issues (Section 17)

By encouraging young people to begin to play football from an early age within a 'cradle to grave' organisation such as a Charter Standard Community Club like Worthing Town Youth Football Club the support and structures within the club must provide a very good foundation for the youngsters and be positive influence to prevent them getting into anti-social situations. The club's use of and compliance with the Football Association's initiatives such as the 'Respect' programme only serve to underline the role it has in fashioning the development of the young people it caters for. By enabling more young people to be channelled into this kind of scenario where positive life skills are the norm the Council must be setting and following best practice.

6.0 Human Rights Issues

There are no human rights issues involved in this scheme.

7.0 Reputation

To be able to follow the pattern set out in 5.0 above must have a beneficial effect on the Council's reputation.

8.0 Consultations

Throughout the process of devising the scheme many forms of consultation have been conducted. These include discussions with and surveys of Football and Cricket users in the Borough, discussion with WSCC Education Dept staff within the Schools Sports Partnership, meetings with local schools PE co-ordinators, meetings with the Worthing College Principal, internal meetings with other officers and consultants involved with the scheme, Police, local PCSO's and Crime Prevention Officers have also been consulted, meetings with Sussex FA and representatives from the FA and the Football Foundation. We have also visited two external sites which have had such funding, one in Crowborough and one in Baldock. Phone calls have been exchanged with officers from Fareham DC who have been successful in attracting similar funding. More recently and importantly two public consultation events have been conducted. The first on the afternoon of 1 December 2009 at Worthing Leisure Centre and the second soon after on the evening of 9 December 2009 at St Richard's Church in Maybridge where all residents in the roads surrounding the site were invited to view and comment on the draft proposals. Many comments both supportive and critical were received and these were listed in a report to the Cabinet Member for Clean Green and Environment as part of Bulletin 125 for January 2010. The comments were used where possible to inform the design process and amendments were made to the scheme in the light of this experience, the Planning Section were also availed of the comments received. The planning application currently in train has also consulted on this scheme. The process of placing the advertisement for the disposal of public open space further disposes the scheme to consultation.

9.0 Risk assessment

Risk assessment has been addressed in the design of the scheme.

10.0 Health & Safety Issues

As with risk assessment this has been addressed in the design process.

11.0 Procurement Strategy

The appointment of the design architects was carried out with the assistance of the Council's Procurement Officer using a 'Most Economically Advantageous Tender' (MEAT) technique.

12.0 Partnership working

This scheme has got to be a partnership to succeed in attracting funding. Discussions are taking place with Adur DC regarding supply and demand for pitches as part of joint working but specifically in relation to the period when the site is in development and we will be four pitches short.