

LONDON BOROUGH OF BRENT**Executive - 12 September 2005****Report from the Director of Environment and Culture**

For action

Wards affected:
ALPERTON**Report Title: DISPOSAL OF LAND AT ALPERTON SPORTS GROUND TO GOALS SOCCER CENTRES Plc**

Forward Plan Ref: E&C-05/06-014

1.0 Summary

- 1.1 This report seeks the Executive's approval to dispose of land within the Alperton Sports Ground public open space to Goals Soccer Centres Plc for the purpose of providing two additional 5-A-Side all weather football pitches to be incorporated in their existing 5-A-Side soccer development.

2.0 Recommendations

- 2.1 The Executive agrees to dispose of the land comprising about 0.15 hec/ 0.37 acres as shown for identification purposes as area ① on the plan attached as appendix 1 to this report, to Goals Soccer Centres Plc on the main terms set out in paragraph 3.7 of this report and on such other terms which the Director and the Head of Property and Asset Management consider to be in the best interest of the Council.

3.0 Detail

- 3.1 The Goals Soccer Centre is located in the south western corner of the Alperton Sports Ground open space and is accessed from the south of Alperton Lane. The Centre comprises 11 all weather 5-A-Side and one 7- A-Side football pitches with floodlights, sports pavilion incorporating

Executive
(Date 12.09.05)Version (No 6.0)
(Date 22. 08. 05)

changing facilities bar area and car parking. The Centre is shown hatched ② on the attached plan.

The Council granted a lease of the Centre to Goals Soccer Centres Plc (Goals) for a term of 99 years from 1 September 1999. The main terms of the current lease are:

Rent: Base rent of £40,000 per annum subject to regular review and additional rent based on 5% of turnover.

Special Provision: Lease provides for the Council and those authorised by the Council such as local schools to have free use of the pitches at various times throughout the week. To date the Council has not utilised this free-use to any significant extent. However, this summer (2005) the Sports Development Team has used the pitches for free to provide girls football coaching courses. It is intended that the Sports Development Team will utilise the pitches for similar programmes in the future, as well as negotiating free-use periods for schools.

- 3.2 Goals have discussed with your officers the possibility of leasing additional part of the Alperton Sports Ground open space from the Council for a while in response to public demand for additional pitches.

Goals reaffirmed their interest in acquiring a further part of the open space measuring about 0.15 hec/ 0.37 acres ("the Site") for the purpose of providing two all weather 5-A-Side soccer pitches with associated paths and erection of floodlights and netting enclosure early this year.

- 3.3 This development will help meet objectives within the Brent Strategy for Sport and Physical Activity as football is one of the identified eight priority sports. This is already a well-used facility and the creation of additional pitches will obviously extend the level of provision available. The site is accessible to disabled people and provides changing facilities for women, both of which are target groups for increasing participation within the Strategy. In addition the Brent Pitch Strategy highlights the important role this facility plays in relation to providing floodlit training opportunities. Again the additional pitches will extend this provision.

- 3.4 Following these discussions with your officers, Goals submitted a planning application to use the Site for the purpose specified above and the Planning Committee on 8 June 2005 granted consent for Goals' proposal subject to conditions and the completion of a satisfactory S106 agreement. The main term of the S106 agreement is the payment to the Council by Goals of the sum of £25,000 to be utilised by the Council towards environmental improvements or the provision or improvement of public open space in the vicinity of the land.

- 3.5 During the consideration of the application, the Planning Committee heard advice that the application represents a marginal decrease in

general public use of the open space, and as such the application was acceptable.

- 3.6 Following the grant of the planning permission and pending the grant of a formal lease, Goals approached your officers for the grant of a temporary licence in their favour, to enable them to commence ground preparation works on the Site so pitches could be ready for the new season starting in the autumn. The early access to the Site by Goals was necessary because their building contractor was ready to start works and a delay would result in this window being lost.

In consequence of this, the proposed disposal was advertised locally on 28th July and 4th August 05 pursuant to the requirement under the Local Government Act 1972 and no objections were received.

Accordingly, the Head of Property and Asset Management on 11th August 05 under his delegated authority granted a temporary licence to Goals for a term of 6 months from 15th August 05 to expire on 14th February 06 to enable Goals to carry out the necessary building works. The Building Works are being carried out at Goals risk (in the knowledge that the Council can decline to grant them a lease of the Site) and the Council is not obliged to grant a lease to Goals despite the Licence.

- 3.7 In view of the fact that the proposed disposal of the Site will represent only a marginal decrease in general public use of the open space and no representations having been received against the disposal, your officers recommend that the Site be disposed to Goals upon the following main terms:

Premises: The Site (as defined in this report)

Rent: Base rent of £4,000 pa subject to regular review and additional rent based on turnover.

Term: 99 years from 1 September 1999

Special Provision: Lease provides for the Council and those authorised by the Council such as local schools to have free use of the pitches at various times throughout the week.

Other Terms: Other terms to be as in the current lease between Goals and the Council and as considered by the Head of Property and Asset Management to be in the best interest of the Council.

- 3.8 The Head of Property and Asset Management is of the opinion that these terms are considered the best reasonably obtainable and are recommended for acceptance by the Executive.

Executive (Date 12.09.05)	Version (No 6.0) (Date 22. 08. 05)
------------------------------	---------------------------------------

4.0 Financial Implications

- 4.1 The additional income in a full year is estimated at £10,000 consisting of £4,000 base rent and £6,000 additional rent based on turnover. The use of this additional income will be agreed as part of the 2005/6 budget process.
- 4.2 The £25,000 income in respect of the section 106 agreement will be paid to Planning Services and will be spent in line with agreement on environmental improvements or the provision or improvement of public open space in the vicinity of Alperton sports ground.

5.0 Legal Implications

- 5.1 Section 123 of the Local Government Act 1972 permits a local authority to dispose of land it owns in any manner it so wishes provided that in the case of a freehold disposal or the grant of a lease for 7 years or more it obtains the best consideration reasonably obtainable. This is usually demonstrated by extensive marketing of the property and acceptance of the best price or by disposal at auction.
- 5.2 Where best consideration is not being obtained it is necessary to obtain the specific Consent of the Secretary of State if reliance cannot be placed on the General Consent issued by the Secretary of State in 2003. The 2003 General Consent allows Local Authorities to dispose of surplus property without obtaining the specific consent of the Secretary of State if the Local Authority is of the opinion that the disposal will help it to secure the promotion or improvement of the economic, social or environmental well being of their areas and the difference between the unrestricted value of the land to be disposed of and the consideration being received for the disposal does not exceed £2,000,000 (two million pounds).
- 5.3 It is noted that the Manager of Corporate Property Services is of the view that the Council is obtaining best consideration for the proposed lease to Goals, as such it is unnecessary to rely on the general consent.
- 5.4 As the land forms part of an open space, the Council must also comply with the provisions of Section 123(2A) of the Local Government Act 1972 which imposes an obligation on the Council to advertise the proposed disposal for two consecutive weeks in a newspaper circulating in the area and consider any objections received before disposing the property.

It is noted that the disposal has been advertised and no objections have been received. As such the Council has the power to grant the new lease.

Executive (Date 12.09.05)	Version (No 6.0) (Date 22. 08. 05)
------------------------------	---------------------------------------

5.5 While it is noted that the Planning Committee is of the view that the application is acceptable in planning terms as it represents a marginal decrease in general public use of the open space, Members should only approve the disposal if they consider that the best consideration reasonably obtainable is being received and the disposal is in the best interest of the Council's tax payers.

6.0 Diversity Implications

6.1 As outlined in Paragraph 3.3 above the facility is accessible to disabled people and provides changing accommodation for both males and females. Both disabled people and women/girls are priority groups within the Strategy for Sport and Physical Activity and this development will contribute to increasing participation opportunities for these two groups.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 There are no staffing/accommodation implications.

8.0 Environmental Implications

8.1 The S106 Agreement monies will ensure environmental improvements or the provision or improvement of public open space in the vicinity of the land.

Background Papers

Property File of the Head of Property and Asset Management, Finance and Corporate Resources Department.

Contact Officers: Louis Eden, Principal Estates Surveyor

Any person wishing to inspect the above papers should contact Louis Eden Property and Asset Management, Town Hall Annexe, Forty Lane, Wembley, HA9 9HD. Tel 020 8937 5627.

Richard Saunders
Director of Environment and Culture