

**Executive**

**26<sup>th</sup> January 2017**

Report of the Director of Economy and Place  
Executive Member for Culture, Leisure & Tourism

## **Proposed Long Term Leases – West Bank Park, Glen Gardens, Scarcroft Green, & Clarence Gardens**

### **Summary**

- 1) This report seeks an Executive decision on granting long term leases to the following clubs/associations using the bowling / croquet facilities at:
  - a. West Bank Park
  - b. Glen Gardens Bowling Green
  - c. Clarence Gardens
  - d. Scarcroft Green

### **Recommendations**

- 2) The Executive agree to the letting of West Bank Park Bowling Green, Glen Gardens Bowling Green and Clarence Gardens Bowling Green to the respective Bowling Clubs/Bowls Association, for a Term of 25 years, at a peppercorn rent, in accordance with the lease terms as set out in the Council's Asset Transfer Policy.

Reason: To transfer maintenance and repair responsibilities to the club.

- 3) The Executive agree to the letting of Scarcroft Green Bowling Green and Croquet Lawns to Scarcroft Green Association for a Term of 99 years at a peppercorn rent in accordance with the lease terms set out in the Council's Asset Transfer Policy.

Reason: To transfer maintenance and repair responsibilities for the respective facilities to the respective clubs/associations.

## Background

- 4) The Council has a history of transferring the management of open space to the community, for example;
  - a) Scarcroft Green, West Bank Park and Clarence Gardens - partial self management of bowling greens by Bowls and Croquet Clubs since 1995
  - b) St Nicolas Fields Nature Reserve – managed by the Friends of St Nicolas Fields since 1998
  - c) Rawcliffe Lake – management of fishing by York and District Amalgamation of Anglers since 2002
  - d) Bustardthorpe allotments – management by tenants since 2002

More recently over the last 3 years tennis facilities have been transferred to Heworth Tennis Club and Rowntree Park Tennis Club, and from April this year the management of fishing and land at Chapman's Pond will be carried out by the Friends of Chapman's Pond, following the trial of the fishery bailiff scheme last year.

- 5) These schemes have resulted in greater community involvement as they all create volunteering opportunities across a range of disciplines. Some schemes have also attracted external investment from local and national funders. Examples include the Lawn Tennis Association, Angling Trust and Big Lottery Fund. The Bustardthorpe allotments have increased occupancy, the Rowntree Tennis Club has increased its membership, and there has been a reduction in anti social behaviour at Chapman's Pond.
- 6) As part of this approach there has been a three year project to transfer the care, management and development of bowling greens and croquet lawns to their respective users. It is proposed to grant long term leases of the Council's bowling/croquet greens to the clubs that use them in order to transfer the maintenance obligations of all its bowling/croquet greens to those clubs. The clubs/associations have been heavily involved in the process and the Executive Member for Leisure, Culture and Tourism is fully aware of these developments.
- 7) The Council's Community Asset Transfer policy states that qualifying community groups should be offered a lease up to 99 years on a nil rent basis. The length of the lease will be dealt with on a case-by-case basis, but will be long enough to ensure that the tenant can apply for any funding needed to support the use it will make of the premises, and any work it needs to repair/refurbish/improve the property. The community groups are initially offered 25 year terms.

- 8) Users at West Bank Park, Glen Gardens and Clarence Gardens have requested 25 year leases at to enable the clubs to apply for funding bids to the sports governing bodies and the Lottery.
- 9) Scarcroft Green Association have requested a 99 year lease on the basis that they have the site with most buildings and land, an as a result this will require repeated fund raising efforts over the coming years, for example renewing the clubhouse and toilets, replacement equipment, and resurfacing the greens. A longer lease gives a statement of intent to both the association and possible funders.
- 10) The Council also leases and cares for an additional bowling green at The Retreat. Here the lease will continue for the next two years after which time it will be for the users to agree a new lease directly with The Retreat.
- 11) To support all clubs in taking on their new role redundant green maintenance equipment will be handed over to the clubs. Equipment will be allocated to specific sites and, where is of a communal nature, it will be shared amongst the clubs. As part of the handover arrangements training will be arranged on use of the equipment, care and operation of the irrigation systems etc.

## **Consultation**

- 12) There has been on ongoing dialogue between the users and the Public Realm Operations Manager (Strategy and Contracts) for the last 3 years.

## **Council Plan for 2015 – 2019**

- 13) Under the Council Plan these proposals will assist in supporting;
  - A prosperous city for all
    - Local residents enjoy a facility to promote creativity and the well being of those in the neighbourhood.
    - Residents can enjoy use of a building which is part of the city's unique heritage and be included in a range of activities.
  - A focus on frontline services
    - Everyone has access to opportunities regardless of their background
    - Residents are encouraged and supported to live healthily
  - A council that listens to residents
  - Engaging with the community to provide creative space for local residents

## Implications

- 14) Financial** – a saving of £32,000 relating to bowling greens is proposed as part of the 2017/2018 budget process. The proposal will support the delivery of this saving.

**Human Resources (HR)** – as above

**Equalities** - none

**Legal** – Under S.123 of the Local Government Act 1972:

- (i) The Council can dispose of land without the Secretary of State's consent if best consideration/full open market value is being obtained. However if that is not the case the Secretary of State's consent is required. The General Disposal Consent Order (2003) gives the Secretary of State's consent to local authorities for disposal by them at less than best consideration/full open market value provided that:
  - (a) the Council (acting reasonably) is satisfied that the disposal will facilitate the promotion/improvement of the economic, social or environmental well-being of the area and;
  - (b) the difference between the consideration/price received and best consideration/full market value does not exceed £2million.
  
- (ii) Before disposing (including granting a lease) of 'open space' the Council must advertise the proposed disposal in two consecutive editions of a local newspaper and give due consideration to any objections or other comments received in response to the advertisement. 'Open Space' includes any land used for the purposes of public recreation. It is understood that the public may use this land for recreation since they form part of the strays or Public Parks. It is considered that before the Council grants the leases the proposals should be advertised and any objections or other comments received should be properly considered. The land at Scarcroft Green is part of Micklegate Stray, which was vested in the Council by the Micklegate Stray Act 1907 on the understanding that the Council would maintain Micklegate Stray as open space land for recreational use by the city's residents. The 1907 Act does expressly state that the Council can lease out parts of Micklegate Stray for various purposes, including for use as a racecourse.

**Crime and Disorder** – none

**Information Technology (IT)** - none

**Property** – contained in the report

**Public Health** – none

**Planning** – none

## **Risk Management**

**15)** The risk is considered to be low.

## **Contact Details:**

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### **Officer Responsible for the report:**

Neil Ferris  
Director – Economy and Place

**Report Approved**

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**Date**

13<sup>th</sup> Jan 2017

## **Specialist Implications Officer(s)**

Legal  
Gerard Allen  
Legal Services  
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Financial  
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Finance  
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**Wards Affected: Guildhall, Micklegate, Heworth and Holgate All**

**For further information please contact the author of the report**

## **Background Papers:**

## **Annexes**

Annex 1 – Plan – West Bank Park Bowling Club

Annex 2 – Plan – Glen Gardens Bowling Club

Annex 3 – Plan – Scarcroft Green Association

Annex 4 – Plan – Clarence Gardens Bowls Association