

ANGUS COUNCIL

POLICY AND RESOURCES COMMITTEE– 8 OCTOBER 2019

PROPERTY TRANSACTION– HERCULES DEN, ARBROATH

REPORT BY DIRECTOR OF INFRASTRUCTURE

ABSTRACT

The report seeks approval of the property transaction in relation to Hercules Den, Arbroath.

1. RECOMMENDATION

- 1.1 It is recommended that the Committee approves the property transaction as detailed at **Appendix 1**, to be implemented on renewal at 30 June 2020.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

- 2.1 The proposal contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan 2017-2030 and Locality Plans:

PEOPLE

- The best start in life for children
- More opportunities for people to achieve success
- Improved physical, mental and emotional health and well-being

3. CURRENT POSITION

- 3.1 Report 280/19, Property Transaction– Hercules Den was deferred at the Policy and Resources Committee, 27 August 2019, for further information on the proposed lease of the football pitches and changing rooms at Hercules Den.
- 3.2 Members will recall the football pitches and changing rooms at Hercules Den are held on a 21 year lease by Arbroath Community Sports Club. The lease is due for renewal and terms have been agreed for the grant of a new 21 year Lease at a rental of £3,000 per annum subject to 3 yearly rent reviews. All other terms and conditions will be as per the existing Lease.
- 3.3 Under the terms of the Lease the club are fully responsible for the repair and maintenance of the changing pavilion (except for keeping it wind and watertight) and are required to meet all statutory responsibilities in relation to gas and electrical safety, legionella, etc. They are also responsible for the payment of all rates and utilities. The clubs costs are therefore greater than the rental paid to the council.
- 3.4 The Lease allows the club to make the changing rooms and pitches available to others on reasonable conditions at reasonable times, for a reasonable season and at reasonable charges in liaison with the Council as landlord.
- 3.5 Arbroath Community Sports Club (ACSC) has been approached and have provided information in relation to their use of the pitches. The Club provides football for children with age ranges of 5 to 18 years old; with 210 members approximately 20%:80% girls/boys; with 45 volunteer coaches and officials; and has 11 teams. These teams are involved in a number of leagues and national football associations including Dundee and District Youth Football Association, Scottish Youth Football Association, East Region Cup, The Scottish Cup. ACSC are also members of Arbroath Community Sports Hub. The locality of the Hercules Den pitches enables ACSC to make football accessible for children to engage in sport and the Club has grown in recent years. Of the Club's 11 teams, boys' teams play fixtures on Sundays with 7 aside, 9 aside and 11 aside teams. Depending on fixtures this tends to be from 10 a.m.

to 4 p.m. Saturday pitch use involves the younger boy players and girls' teams. The girls' fixtures range from a 10am start to possibly a 3pm finish.

- 3.6 The changing rooms provides facilities for the teams and there are 8 areas for the 11 teams and visiting teams. ACSC volunteers undertake the cleaning and maintenance of the changing rooms.
- 3.7 ACSC source winter training out with Hercules Den from the months of October to March, as this prevents the pitches being used on weekdays so that they are safe and playable for use at the weekends. The teams use a variety of different locations e.g. Condor, the local sports centre, secondary school halls and the local community centre.
- 3.8 Some other football interests are currently catered for through ACSC at the Hercules Den pitches, including active schools giving them a location for the school league football and the Ed Smith and the Watters Cup play offs. ASCS work with the Community Sports Hub to promote children getting active and work alongside the Scottish Football Association and Angus Alive, with the Club having achieved the Quality Mark Status.
- 3.9 The opportunity for use of the pitches by other clubs through negotiation with ACSC presents a number of challenges:
- Availability of pitches with conflicting desires to use pitches by different clubs at the same time;
 - Changing room capacity, for other clubs and associated visiting teams for fixtures;
 - Changing room mix of children members of ASCS with adults from other clubs and child protection requirements;
 - Potential of damage and restriction on use of the pitches due to overplaying.
- 3.10 The Parks team are responsible for the maintenance of the pitches although ACSC give some assistance. As Members are aware the area provides flood attenuation. The Parks team have advised on the matter of pitch capacity and effects of overplaying and note:

The capacity for grass pitches to regularly provide for competitive play, training and other activity over a season is most often determined by the quality of the playing surface. In extreme circumstances it can result in the inability of the pitch to cater for all or certain types of play during peak and off peak times. Pitch quality is quickly influenced by weather conditions and surface drainage. The pitches at Hercules Den are slow draining and during periods of inclement weather overplaying on this type of surface can cause long term damage and increase maintenance costs.

4. PROPOSALS

- 4.1 Arbroath Community Sports Club have held a 21 year Lease of the pitches and changing rooms at Hercules Den (assigned from Rancel Boys Club) which was due to expire on 30 June 2019.
- 4.2 Notice was served terminating the Lease and terms were subsequently agreed for a new 21 year Lease. Due to the length of Lease and the annual rent of £3,000 (from £2,000) this was required to come before committee as it is out with delegated limits. Report 280/19 was deferred by Policy and Resources Committee on 27 August 2019.
- 4.3 As a result the lease is effectively extended by tacit approval, at the current rent, as the tenants are still in occupation the next opportunity to terminate the lease will be 30 June 2020.
- 4.4 If committee was so minded as to not agree to the renewal, the lease would be terminated at the above date and the pitches and changing rooms advertised to seek offers from others.
- 4.5 It is noted that Hercules Den will be a Flood Storage Area as part of the Arbroath Flood Prevention Scheme.
- 4.6 Members are therefore asked to agree the new lease or to instruct the Director of Infrastructure to terminate the lease as at 30 June 2020 and market the pitches and changing room for lease.

5 FINANCIAL IMPLICATIONS

- 5.1 Section 17.1 of the Council's Financial Regulations requires the Director of Infrastructure to submit a report for consideration where the value of a property exceeds delegated authority and in accordance with 17.1.5 the value of a lease is to be calculated as the product of the annual rent and the period of the lease.
- 5.2 If Members agree the Lease of the site to Arbroath Community Sports Club under the previously agreed lease, this will generate an annual revenue of £3,000 for Angus Council.
- 5.3 If Members are minded to market the pitches and changing rooms for lease this will generate the agreed future annual revenue, after deduction of marketing costs, which may be the subject of a future report to Committee, depending on the calculated income being in excess of delegated limits.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report 280/19, Property Transaction– Hercules Den, Policy and Resources Committee, 27 August 2019

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List of Appendices:

Appendix 1 – Lease Renewal

Lease Renewal

Item no: 1

To seek approval for the grant of a new 21 year Lease of the football pitches and changing rooms at Hercules Den, Arbroath to Arbroath Community Sports Club at a rental of £3,000 per annum subject to 3 yearly rent reviews.