

**BARNSELEY METROPOLITAN BOROUGH COUNCIL**

**This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan**

**Report of the Assistant Chief Executive  
Director Finance, Property & Information  
Services**

**Proposed Surrender of Lease between BMBC and Worsbrough Common Community Association Limited and Grant of a Further 25 year lease of Worsbrough Recreation Ground Worsbrough Common to Worsbrough Common Football Club**

**1. Purpose of Report**

- 1.1 This report relates to the proposal by the Council as Trustee to accept a surrender of the existing lease between itself and Worsbrough Community Association Limited and for the grant of a further 25 year lease to Worsbrough Common Football Club of Worsbrough Common Recreation Ground as shown edged black on the attached plan excluding the MUGA and bowling green.

**2. Recommendations**

**It is recommended that Cabinet recommends to Council;-**

- 2.1 That subject to the statutory procedures under the Charities Act 2011 being complied with, the Council in its capacity as Trustee of the Recreation Ground at Worsbrough Common approves the surrender of the existing lease with Worsbrough Common Community Association Limited.
- 2.2 That subject to the statutory procedures under the Charities Act 2011 being complied with, the Council in its capacity as Trustee of the Worsbrough Common Recreation Ground at Worsbrough Common grant a further 25 year lease at a peppercorn rent to Worsbrough Common Football Club.
- 2.3 That NPS Barnsley Ltd is instructed by the Head of Strategic Property and Procurement on behalf of the Council as Trustee to agree terms for the surrender of the existing lease.
- 2.4 That NPS Barnsley Limited is instructed by the Head of Strategic Property and Procurement on behalf of the Council as Trustee to agree terms for a 25 year lease of the Worsbrough Common Recreation Ground at peppercorn rent.
- 2.5 That the Assistant Chief Executive Legal and Governance is given delegated authority to address any representations made by the general public to the proposal on behalf of the Council as Trustee and to conclude the necessary

**legal documentation relating to the surrender of the existing lease and grant of a further 25 year term to Worsbrough Common Football Club.**

### **3. Introduction**

- 3.1 Worsbrough Common Recreation Ground is made up of a number of Title Deeds, the Council having acquired part of the existing Worsbrough Common Recreation ground by virtue of a Trust Deed dated the 17<sup>th</sup> June 1933 ("the Trust Deed") and the remaining part being acquired over a period of time by way of three separate Deed packets. The whole of the area shown edged black is referred to as Worsbrough Common Recreation Ground.
- 3.2 That part acquired in 1933 is held by the Council as Trustee. The Trust Deed specifies that funding from the Miners Welfare Committee (CISWO) was given for the purchase of the park and for it to be laid out as recreation or pleasure grounds for the benefit the workers in or about coal mines of Worsbrough Common.
- 3.3 The remaining parts are not subject to trust issues.
- 3.4 The Recreation Ground includes a bowling green that is let on a separate agreement to the Worsbrough Common Bowling Club a children's play area and Multi Use Games Area (MUGA). It is proposed that the Council as Trustee retains both the children's play area and the MUGA.
- 3.5 The main user of the Recreation Ground is the Football Club who has been in discussions with the Council as Trustee for a number of years requesting the provision of a changing room facility for the benefit of the sporting and recreational activities using the Recreation Ground.
- 3.5 In 2012 Section 106 monies were identified enabling the provision of a changing room facility. This facility has now been installed on site on the basis that the Council as Trustee indemnifies the existing lessee Worsbrough Common Community Association Limited against any claims and outgoings in relation to the changing rooms but that the Council as Trustee is able to hire out the changing rooms until the surrender and new lease have been completed.
- 3.6 The existing Lessees were unwilling to accept responsibility for the changing room as they did not feel confident in being able to raise sufficient funds for the upkeep of the premises. As such it was agreed in principle that they surrender their leasehold interest and for the Council as Trustee to grant a further 25 year lease to the Worsbrough Common Football Club to take over the responsibility for looking after the Recreation Ground including the changing room facility.

### **4. Consideration of Alternative Approaches**

- 4.1 The first alternative would be for the Council as Trustee not to accept a surrender of the existing lease in which case Worsbrough Community Association Limited would be forced to wind up the association. This would not support the Council as Trustee

to establish good working relationships with the third sector in assisting the Council both as Council and as Trustee to manage land and property throughout the Borough and encouraging localism.

- 4.2 The second alternative would be for the Council as Trustee to manage the land and property direct. This would incur further expenditure on the Council in managing and maintaining the site and would not encourage the local community in the localism agenda.

## **5. Proposal and Justification**

- 5.1 It is proposed that the Council as Trustee accepts surrender of the existing lease and grant a further 25 year lease to the Worsbrough Common Football Club to enable the local community to manage the site locally and generate further interest in sport and activities that the local community can undertake within the Recreation Ground. The management of the site will lead to further investment by Worsbrough Common Football Club in that they will be able to make applications for funding to improve the site.
- 5.2 In managing the site locally it will encourage the local community to take pride in the recreation ground and deter vandalism.

## **6. Delivering Sustainable Community Strategy Ambitions and Local Agreement Outcomes**

- 6.1 The granting of a further 25 year lease will encourage the local community to invest in their recreation ground and further enhance the facility in being able to apply for funds to improve the Ground and facilities.
- 6.2 The local management of the Recreation Ground will allow the provision of the changing room facility to be sustainable
- 6.3 The continued investment in the facility will ensure that the sporting facilities are retained for the use of the local community. It will benefit the health and wellbeing of the local community and encourage them to take pride and to look after the facilities provided.

## **7. Long Term sustainability of the Proposal**

- 7.1 The investment in the recreation ground will encourage the local community to use the facilities and look after the space and equipment.

## **8 Impact on Local People**

- 8.1 The investment in the Recreation Ground has had a positive impact on the local community and has provided enhanced facilities for the use of the community.

## **9. Compatibility with European Convention on Human Rights**

9.1 The proposals in this report are consistent with European Convention on Human Rights.

**10. Promoting Equality and Diversity and Social Inclusion**

10.1 There are no issues arising directly out of this report but the additional facilities provide benefit to new and existing users to include residents with houses that border the Recreation Ground and encourage those from the wider community to use the facilities.

**11. Reduction of Crime and Disorder**

11.1 In investigating the options set out in this report, the Council's duties under section 17 of the Crime and Disorder Act have been considered and it is thought that the improvements will strengthen the efforts that have been made to reduce crime and anti-social behaviour in the area providing diversionary activities for the benefit for the local community.

**12. Conservation of Biodiversity**

12.1 In designing the facilities provided at Worsbrough Common Recreation Ground consideration is taken to protect and improve the natural environment of the grounds where possible.

**13. Risk Management Issues, including Health and Safety**

13.1 The granting of the new lease will require Worsbrough Common Football Club to manage the site and buildings in accordance with current health and safety legislation.

**14. Financial Implications**

14.1 Any future maintenance costs of the changing room and fields will be the responsibility of Worsbrough Common Football Club. The Council as Trustee will retain the responsibility for maintaining the play area and MUGA, any such costs will be contained within existing budgets.

14.2 Should the Council as Trustee not be prepared to grant a further 25 year lease it will have to identify the funding to maintain the changing room facility and remaining Recreation Ground.

14.3 Both the existing lease and the proposed new lease are at a peppercorn as such there will be no loss of income to the council as a consequence of the proposals.

14.4 There are no undue VAT implications arising for the Council as a result of this report.

**15. Employee Implications**

15.1 None arising from this report

**16. Glossary**

16.1 MUGA - Multi-Use Games Area

**17. List of Appendices**

17.1 Appendix A – Not Applicable

17.2 Appendix B – Site Plan

**18. Background Papers**

18.1 Correspondence regarding this matter is held on files in NPS Barnsley – not available for inspection, contains exempt information at Gateway Plaza

Financial Implications/Consultations

*D. Pepler*

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**Annex - Consultations**

**(a) Financial Implications –**

The Financial Services Manager and the Insurance and Taxation Manager on behalf of the Assistant Chief Executive Finance, Property and Information Services have been consulted and details are shown in Section 14 of this report.

**(b) Employee Implications**

Not applicable.

**(c) Legal Implications**

The Assistant Chief Executive Legal and Governance will act on the approved recommendations as set out in Section 2 of the report.

**(d) Policy Implications**

Not Applicable

**(e) Local Members**

Local Members are aware of the proposals and support the recommendations of this report.

**(f) Health and Safety Considerations**

Park Services remain responsible for the management of the play areas and in doing so give full consideration to current health and safety legislation in respect of the play equipment.

**(g) Property Implications**

NPS have been involved in the issues arising out of the Council as Trustee accepting a surrender of the existing lease and grant of a further 25 year term.

**(h) Implications for Other Services**

None arising out of this report

**(i) Implications for Service Users**

None arising out of this report.

**(j) Communications Implications**

None arising out of this report.







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Drawing Title :

Worsbrough Common Recreation Ground



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