

## BARNSELY METROPOLITAN BOROUGH COUNCIL

**REPORT OF:** EXECUTIVE DIRECTOR GROWTH & SUSTAINABILITY

**TITLE:** The Council as Trustee to Grant 25-year lease of Mitchell and Darfield Miners Welfare Ground to Wombwell Main Community and Sporting Association CIO.

<b>REPORT TO:</b>	<b>Cabinet</b>
<b>Date of Meeting</b>	<b>14 May 2025</b>
<b>Cabinet Member Portfolio</b>	<b>Regeneration and Culture</b>
<b>Key Decision</b>	<b>No</b>
<b>Public or Private</b>	<b>Public</b>

### **Purpose of report**

The purpose of this report is to seek authority for the Council as Trustee to grant a 25- year lease of Mitchell and Darfield Miners Welfare Ground to Wombwell Main Community and Sporting Association CIO.

The granting of this lease will provide Wombwell Main Community and Sporting Organisation CIO the opportunity to make bids with the Football Foundations as part of the Pitch Power programme for capital funding to invest in the site, enhancing the recreational space available to the inhabitants of Wombwell and wider community.

### **Council Plan priority**

#### Healthy Barnsley

- People live independently with good physical and mental health for as long as possible.
- We have reduced inequalities in health and income across the borough.

#### Learning Barnsley

- Children and young people achieve the best outcomes through improved educational achievement and attainment.

#### Growing Barnsley

- People have a welcoming, safe, and enjoyable town centre and principal towns as destinations for work, shopping, leisure, and culture.

### **Recommendations**

That Cabinet recommend that Full Council:-

1. Approve the granting of a 25-year lease at nil consideration of Mitchell and Darfield Miners Welfare Recreation Ground, Wombwell as shown edged red coloured pink on plan reference DV346A.

## 1. INTRODUCTION

- 1.1 Mitchell and Darfield Miners Welfare Recreation Ground was established in 1960 by purchasing the land with monies allocated from The Coal Industry Social Welfare organisation. Under the current Charity Commission Order dated the 1<sup>st</sup> July 2003 the Council as Trustee is responsible for maintaining the land in accordance with the Charity objectives which is "...in the interests of social welfare, to improve the conditions of life for the inhabitants of the area... and maintenance of a recreation ground". The Council continues to manage the site in its capacity as Trustee for recreational purposes.
- 1.2 Wombwell Main Community and Sporting Association CIO established themselves as a CIO in August 2013 before taking a 25-year lease of a nearby site, Wombwell Community Centre and Recreation ground located off Hough Lane Wombwell in 2015. At their current site they manage junior and senior cricket and football teams and deliver other activities such as pool, darts, karate, dance classes, make the space available for hire by other community organisations, businesses and the NHS. They have a significant number of registered members and are supported by a dedicated core of around 40 volunteers.
- 1.3 Wombwell Main Community and Sporting Association CIO currently use Mitchell and Darfield Recreation Ground under a hire agreement for the purpose of Junior football teams both male and female.
- 1.4 Wombwell Main Community and Sporting Association CIO have developed and adopted policies in relation to safeguarding, financial controls, equality and anti-bullying all of which are detailed at Companies House Government website.
- 1.5 The land used by the Wombwell Main Community and Sporting Association CIO at Mitchell and Darfield Miner Welfare Ground amounts to 9 acres and is shown edged red and coloured pink on plan reference DV346A.
- 1.6 The land is currently maintained by The Council in its capacity as Trustee, however an enhanced maintenance regime is provided by WMCSA, they have also provided temporary containers on site for the storage of sporting equipment but now want to invest further in the site by seeking capital funding from the Football Foundation to initially finance security fencing, create welfare facilities and to improve the playing surfaces.
- 1.7 Without a lease, WMCSA CIO is unable to secure external capital funding for investment in the site. The lack of welfare facilities hinders their growth and ability to host matchdays.
- 1.8 The long-term aspirations of WMCSA CIO for this site would be for the provision of welfare and changing facilities and car parking, all of which will be subject to securing the necessary funding and having obtained the necessary consents.
- 1.9 There is currently a further hire agreement in place with Wombwell Town FC but it is reported that they have not recently used the site, this hire agreement

would not be renewed should a lease be granted.

- 1.10 In agreeing Heads of Terms continued public access to the site will be a requirement.
- 1.11 As a Miners Welfare site the written consent of CISWO will be required prior to the granting of the lease.

## **2. PROPOSAL**

- 2.1 The purpose of this report is to seek the Council's approval acting in its capacity as Trustee grant of a 25-year lease of Mitchell and Darfield Miners Welfare Ground to Wombwell Main Community and Sporting Association CIO subject to obtaining the written consent of CISWO as prescribed in the Charity Commission Order.
- 2.3 The proposed lease terms stipulate that the Club will become responsible for all maintenance and outgoings associated with the land from the date of commencement. The rent will be a nominal sum to help ensure the club are not unduly financially burdened.
- 2.4 The terms of the lease will require the CIO to maintain public access to the site so as not to breach the terms of the Charity Commission Order.

## **3. IMPLICATIONS OF THE DECISION**

### **3.1 Financial and Risk**

Consultations have taken place with representatives of the Director of Finance (S151 Officer). This report is seeking permission for the Council, acting as trustee, to grant a 25 year lease of Mitchell and Darfield Recreation Ground to Wombwell Main Community and Sporting Association CIO at nil consideration.

Under the proposed lease terms, the Council will no longer be required to maintain the land, and Wombwell Main Community and Sporting Association will be obligated to maintain the land, as per the lease terms. An inherent risk is that WMCSA CIO fails to maintain the land as required, the Council as Trustee will reserve the right to step in and carry out works after which a recharge for costs would be made, but it remains that there is a risk of the costs not being recoverable.

The current Council maintenance costs associated with maintaining Mitchell and Darfield Miners Welfare Ground are c£14.5k, in addition income is also generated of £1k annually through football pitch hire. Other costs include Finance and Legal staff time in preparing the annual accounts for Mitchell & Darfield Minors Welfare scheme recreation ground for the Charities commission which will continue as the Council remains Trustee.

It may be possible during their occupation that WMCSA CIO is forced to disband, either through financial hardship or the changing priorities of personnel. Additionally, it may be that WMCSA CIO breach the terms of their

lease agreement. The lease will provide for a mutual break clause allowing both parties to terminate the agreement at 6-months notice.

The lease will be at nil consideration, so as not to unduly burden WMCSA CIO and enable them to bid for capital funding for improvements to the land. A further risk is that should WMCSA CIO undertake the lease and continue investing in the site, the site could be returned either through a break in the lease or at the end of its term with additional responsibilities and facilities to maintain, which would be the responsibility of the Council. Currently, no such funding has been identified or secured for capital works by WMCSA CIO but they are in conversation with the Football Foundation to secure funding for improvements to the ground.

### **3.2 Legal**

As a Charitable Trust, any dealings with property matters in relation to this recreation ground must be undertaken in compliance with the Charities Act 2011 and being a Miners' Welfare Ground all necessary CISWO consents will be required as stipulated under the Charity Commission Order dated 1<sup>st</sup> July 2003.

### **3.3 Governance**

As this land is held on trust by the Council as corporate trustee, whatever decisions the Council makes it must do so as the corporate trustee and therefore the decision contained within this report is a decision of Full Council, rather than in its capacity as a local authority. In brief, this means that decisions taken must be in the best interests of the Trust and in accordance with the objects of the Trust. The Charity Commission's "best practice" advice is to keep the management of the charity separate, as far as possible, from the business of the local authority. Moreover, the finances of the Trust must be kept separate from those of the Council. The assets must be accounted for separately and any income and expenditure should be channeled through discrete cost centres.

Members, as the Corporate Trustee must consider if it is in the best interests of the charity to enter the lease.

Section 11 of the Trustee Act 2000 gives the power of delegation to the Corporate Trustee so that officers can implement any decision that the Corporate Trustee has taken.

### **3.4 Equality**

This report is prepared in relation to the granting of a lease of land, the terms offered will require the CIO to provide access to the public. The Introduction within section 1 above describes the range of facilities the CIO currently provide and to whom. The proposal will enhance and further invest in these facilities. It will also reserve rights of access so that the public can access adjoining land which is retained by the Council for recreational purposes.

### **3.5 Sustainability**

The sustainability wheel environmental impact assessment has been completed (see below) and will continue to be reviewed and updated throughout. The current sustainability wheel indicates positive environmental benefits. The wheel also indicates potential economic benefits to be realised for the town including increased visitor numbers and visitor spend and benefits to health and well-being potentially created.



### 3.6 Employee

3.6 There are no implications for Barnsley Council employees because of this report.

### 3.7 Communications

3.7 There are no communications implications as a result of this report.

## 4. CONSULTATION

4.1 A list of stakeholders consulted during the preparation of this report includes:

- Core Services (Legal Services)
- Core Services (Financial Services)
- Park Services

4.2 Local ward members have been consulted on the proposed recommendation and support the proposals as detailed within this report

## 5. ALTERNATIVE OPTIONS CONSIDERED

5.1 The alternative to granting a 25-year lease is for WMCSA CIO to remain using the site based on a hire agreement and for them to continue maintaining the site. This would not allow WMCSA CIO to qualify for funding from external sources and investment in the site would be lost.

## 6. REASONS FOR RECOMMENDATIONS

- 6.1 The reason for recommending this proposal is to enable WMCSA CIO to secure capital funding available for investment in the site. And let the community take over the site encouraging a vested interest in improving the site for themselves and others, including the public use. Any investment will benefit this site as a Miners Welfare Recreation site, for which the Council is Trustee. Which in turn will provide an improved facility for the local community to use. This will benefit the health and well-being of the residents.
- 6.2 WMCSA CIO have continued to invest in the site by way of improving the grounds maintenance regime, once a lease is granted the Council as Trustee will not be required to maintain the ground and a saving will be created from a ground's maintenance point of view.

## 7. GLOSSARY

WMCSA CIO - Wombwell Main Community and Sporting Association CIO (Charitable Incorporated Organisation).  
CISWO - The Coal Industry Social Welfare organisation

## 8. LIST OF APPENDICES

Appendix 1: Site Plan

## 9. BACKGROUND PAPERS

Correspondence regarding this matter is held on the file in Property – Estates – not available for inspection, contains exempt information.

If you would like to inspect background papers for this report, please email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk) so that appropriate arrangements can be made

## 10. REPORT SIGN OFF

<b>Financial consultation &amp; sign off</b>	Senior Financial Services officer consulted and date  Ashley Gray Strategic Finance Business Partner 22 April 2025
<b>Legal consultation &amp; sign off</b>	Legal Services officer consulted and date  Andrew Perriman Monitoring Officer 23 April 2025

**Report Author: Tanya Hunter**  
**Post: Estates Manager**

**Date: 01/05/2025**