

REPORT TO BE CONSIDERED IF THE CHAIRMAN AGREES IT IS URGENT

Putting the Community First



AGENDA ITEM: 9

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Meeting	Cabinet Resources Committee
Date	5 January 2006
Subject	Barnet Football and Barnet Cricket Club, Barnet Lane
Report of Summary	Cabinet Member for Resources Proposed provision of additional car parking for both Barnet Football Club and the Barnet Cricket Club. This report deals with proposals by The Barnet Club Limited to provide parking over part of the Council's land let to them and used as a cricket club, partly over land owned by Barnet Football Club and partly over land currently designated as open space.

Officer Contributors	George Church, Principal Valuer, Property Services
Status (public or exempt)	Public
Wards affected	Underhill
Enclosures	Drawing Number 23542
For decision by	Committee
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	This is an urgent report as The Barnet Club Limited have indicated that they are intending to commence building work on Council property on 9 January 2006

Contact for further information: George Church, Principal Valuer, Property Services 020 8359 7366

1. RECOMMENDATIONS

- 1.1 That subject to the provision of the required additional information, officers process the application by Barnet Club Limited in line with normal Council procedures and report back to this Committee at the earliest possible opportunity.**
- 1.2 That The Barnet Club Limited and Barnet Football Club and their associated companies be advised of the manner in which the Council proposes to deal with this application and that under no circumstances should any works commence in advance of all necessary consents and agreement of terms being in place.**
- 1.3 That subject to 1.1 and 1.2 above, compliance with section 123 of the Local Government Act 1972, the obtaining of all necessary consents and agreement of valuations and terms, the Council agree in principle to the disposal of the open space land on a long lease to The Barnet Club Limited, co-terminus with their existing lease.**
- 1.4 That an independent firm of property valuers be appointed to advise on the best consideration arising from the proposals and subject to that, the valuers be instructed to negotiate with The Barnet Club Limited and Barnet Football Club to secure the best consideration for the Council.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Authority for the grant of the lease to The Barnet Club Limited in January 1984. Unfortunately, due to the time constraints in preparing this urgent committee paper, the relevant committee authority for the grant of the lease has not been retrieved from the Council's Archives

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Corporate Plan commits the Council to "plan and manage land use and development in Barnet to enhance the quality of life and provide tangible benefits for the Community". This report will do this by taking action to manage the Council's property in accordance with the terms of the lease of the property affected by the proposals, that a proper application is made by Barnet Football Club for the alterations to their ground under the Safety of Sports Grounds Act 1975, as amended 1987, and that a decision is taken concerning the request from The Barnet Club Limited to be granted a long lease of the public open space land.

4. RISK MANAGEMENT ISSUES

- 4.1 I have considered whether the issues involved are likely to raise significant levels of public concern, or give rise to policy considerations. As the proposed work is in the Green Belt, involves public open space land and given the recent history surrounding Underhill, it is possible that there may be local opposition to the club's proposals.
- 4.2 Contractors acting for Barnet Club Limited have told officers that it will only take about ten days to carry out the proposed work on site. Given the need to carry out the work within the football club's fixture list, the club may therefore be tempted to proceed with the work on 9 January as proposed and argue with the council later. If the club take this course of action they will be in breach of planning and football ground safety law, the terms of the lease from the Council to The Barnet Club Limited and they will be illegally occupying public open space land. This risk is being addressed by officers working with the Council's litigation team to plan action to be taken if the work commences illegally.

This Committee's decision will be passed to The Barnet Club Limited and any other relevant party verbally and in writing with a reference to the Council taking legal action if the decision is ignored.

- 4.3 It is important that the Council follows its proper decision making processes. This will minimise the risk of challenge

5. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 5.1 It is recommended that an independent firm of valuers be appointed to ensure that all relevant valuation issues are fully considered. The independent valuers should as necessary negotiate with the parties to secure the best consideration for the Council.
- 5.2 There are no ICT or staffing implications.

6. LEGAL ISSUES

- 6.1 At the meeting of Cabinet Resources Committee, officers will wish to discuss with Members the issue of remedies available to the Council in the event of The Barnet Club Limited carrying out work on the property without landlord's consent and of illegal entry on the public open space land.

7. CONSTITUTIONAL POWERS

- 7.1 Constitution – Council Procedure Rules – Financial Standing Orders and Rules for Disposal of Land and Real Property
- 7.2 Constitution – Part 3 Responsibility for Functions – Section 3.6 Functions delegated to the Cabinet Resources Committee – All matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council.

8. BACKGROUND INFORMATION

- 8.1 The Council owns land immediately to the south of Barnet Football Club's freehold premises. The Council's land is let for 30 years from 25 December 1982 to The Barnet Club Limited as a sports ground for the playing of cricket, hockey or such other recreational activity as shall be approved in writing by the Council. The lease also provides that the tenant may not make any alterations or additions to the land without the Council's consent. The tenant has an option to extend the term of the lease to a period of 125 years from 25 December 1982 on payment of a premium. To the east of the land let to The Barnet Club Limited, the Council owns public open space land, see Drawing 23542.
- 8.2 The council has received an application from The Barnet Club Limited to carry out work on the northern boundary of the land let to the cricket club, for which Council's consent as landowner is required, to include work to the southern access road within Barnet Football Club's Underhill site and works to a small area of the Council's adjacent public open space. The proposal is to form a car park, and a new footpath from the car park, to link into the footpath serving the cricket club pavilion on the land let to The Barnet Club Limited, see Drawing 23542. The new car park will comprise Barnet Football Club land, The Barnet Club Limited land and the Council's public open space. The work includes a re-grading of the land from the concrete fence close to the existing southern boundary of the football ground, across the existing southern access road of the football ground, and onto the Council's land let to The Barnet Club Limited. This re-grading will enable the southern edge of the car park to be finished as a shallow grass bank.

- 8.3 The Chairman and Treasurer of The Barnet Club Limited has recently written to the Council to say that Mr Kleanthous, who is also the Chairman of Barnet Football Club, is acting on behalf of The Barnet Club Limited in relation to the proposed works referred to in paragraph 8.2 above. He has told officers that he is the majority shareholder in The Barnet Club Limited and that he acquired this share after 3 October 2005, the date of the last annual return to Companies House by The Barnet Club Limited. However, The Barnet Club Limited is the Council's lessee and it is they to whom any consents and disposals must be given or made in relation to works in connection with the Lease.
- 8.4 Planning consent for the proposed work which is due to be considered at a future meeting of the Planning and Environment Committee. Grant of planning permission will be required before consent as landlords is granted by the Council.
- 8.5 The chairman of Barnet Football Club has also told officers that the proposed work is to improve public safety at the football ground and to provide parking for the disabled. In his opinion, public safety would be improved by fire appliances being able to drive down Priory Grove and into the car park to gain direct access to the southern stand. Current proposal would be an improvement on the current arrangements for fire appliances to have access to the southern stand. These current arrangements are either to drive to the end of Priory Grove and connect several lengths of hoses together to get water to the southern stand, or alternatively, for fire appliances to enter onto the football pitch at the northern end of the ground and drive across the pitch, to the southern stand. However, the London Fire and Emergency Planning Authority wrote to the Council in January 2005 and advised that: "An inspection with regards to fire appliance access was carried out by myself (Martin Cooke) and A.D.O. Brown on Saturday 22 January during the match versus Exeter F.C. The Fire authority is satisfied with the access for Brigade appliances to all parts of the stadium, including the Durham Suite via the perimeter road."
- 8.6 There was a minor fire in July 2005 on tinder dry grass under the southern stand of the football club. Fire appliance access was impeded by unauthorised parking at the southern end of Priory Grove. Notwithstanding this, the London Fire and Emergency Planning Authority have, since confirmed the contents of their letter of January 2005 although they have indicated that they would support any measures to further improve access to the southern end of the ground.
- 8.7 Football grounds are obliged by the Safety of Sports Grounds Act 1975, as amended 1987, to have a General Safety Certificate which is issued by the local Council. Section 8 of the above Act requires notice to be given to the local Council before work is begun on any proposed alteration or extension. Such a notice has been given to the Council by the football club. This notice is, in effect, a proposal to amend the existing General Safety Certificate for the club and the Council is required, by statute to consult with the Chief Officer of Police, the fire authority and the Council's Building Control team about any such proposals.
- 8.8 Officers have been told that The Barnet Club Limited wish to slot the work into a gap in the football club's fixture list, with the work commencing on 9 January 2006 and finishing about ten days later, to cause the least disruption to the football club's fixtures. This timescale does not allow sufficient time for any meaningful consultation between the statutory agencies and the football club concerning the proposal and the management arrangements to be put in place at the ground to ensure any risk to public safety is minimised whilst such works may be in progress. Detailed risk assessments/technical calculations have not been provided for assessment in relation to the entry/exit capacity, the holding capacity of the various stands and the emergency evacuation capacity. Such information should be provided by competent persons with the relevant qualifications,

skills and experience in the field of the construction and design of sports stadia. This information is required to establish the final capacity of the whole of the sports ground immediately before, during and immediately after the proposed construction period.

- 8.9 Barnet Club Limited will not be in possession of the necessary permissions by 9 January nor will the Council have reached agreement on terms for the proposed consent and disposal. The Barnet Club Limited has therefore been advised that no work shall take place until these matters have been resolved. Should this advice be ignored, there are enforcement actions that can be taken.
- 8.10 Officers consider the information submitted by the applicant is insufficient in the following areas:
- (i) A full set of levels including the boundary of the proposed works with Priory Grove and the adjacent open space.
 - (ii) Full drainage details
 - (iii) Detailed risk assessments and capacity calculations concerning compliance with the Safety of Sports Grounds Act 1975

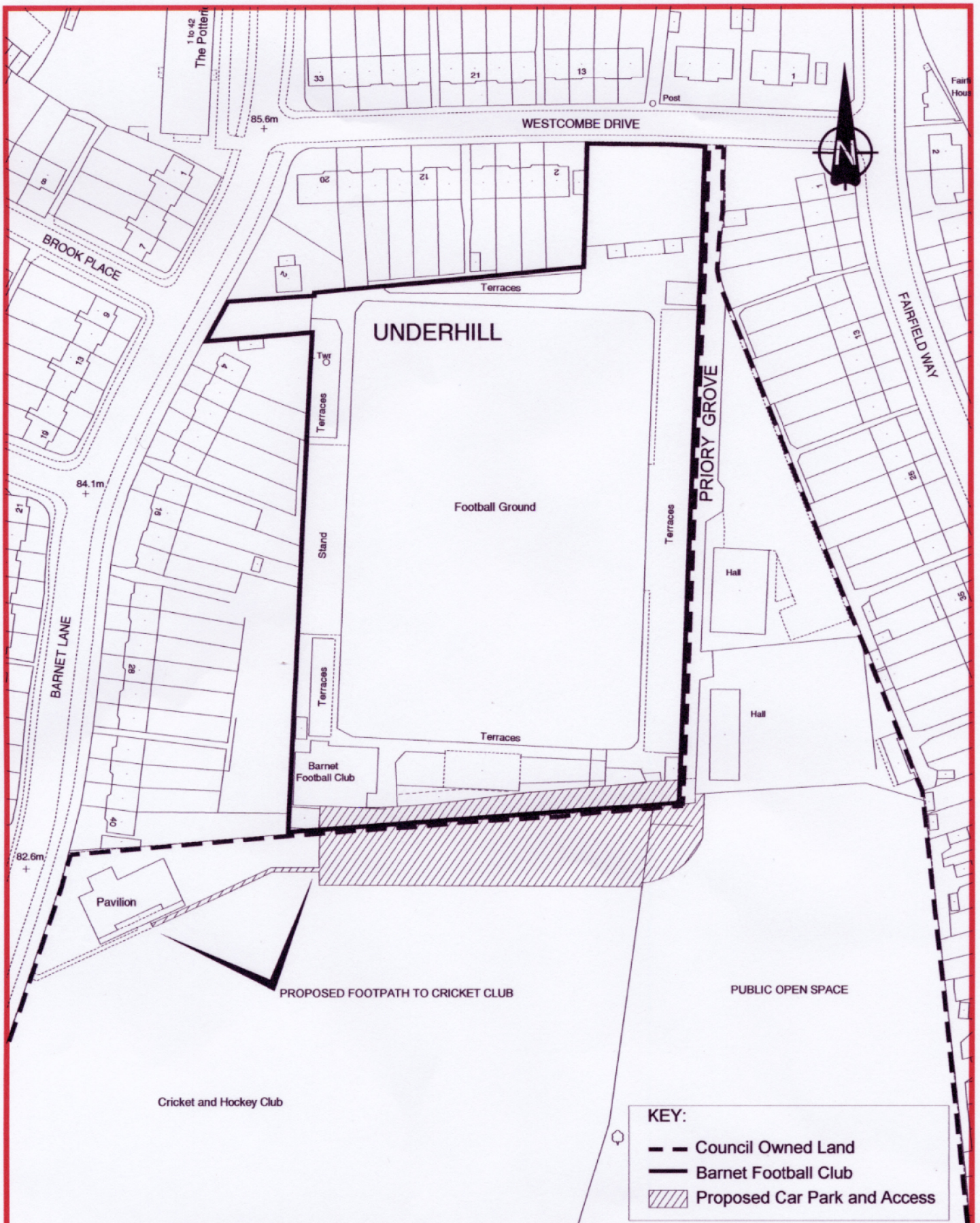
These shortcomings have been advised to the applicant and his contractor and further details are awaited.

- 8.11 Officers are surprised at the sudden urgent need to undertake this work particularly in the light of the London Fire and Emergency Planning Authority's views on emergency access. Officers have advised Mr Kleanthous acting on behalf of The Barnet Club Limited of the need for the Council to properly consider the proposed works in its capacities as landlord for part of the land concerned, as local planning authority, as the licensing authority for the safety of the football ground and as owner of the public open space land.
- 8.12 Other matters for officers to consider will be the effect of the Disability Discrimination Act. Mr Kleanthous has made reference to some of the proposed car parking being for disabled fans. Another matter to be considered is the status of Priory Grove, which is a Definitive Right of Way. The land forming Priory Grove is owned freehold by the Council.
- 8.13 While officers remain sceptical about the urgent safety need to undertake this work, they do see merit in the works which would appear to provide improved access and parking for both the football and cricket clubs, subject of course, to all appropriate permissions being in place. The Committee may wish to concur with this view and to instruct officers to pursue the matter in line with normal procedures, in which case, officers should report back to this committee at the earliest opportunity when the necessary information, and formal consents have been received and the necessary statutory consultation has taken place. Officers will also report on the terms agreed in respect of the proposals

9. LIST OF BACKGROUND PAPERS

- 9.1 On file.
- 9.2 Anyone wishing to inspect the background papers should telephone 020 8359 7366

Legal: RAB
CFO: JB



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Initiated by G.C.	SCHEME: BARNET FOOTBALL CLUB/ BARNET CRICKET CLUB, BARNET LANE, BARNET	Nick Walkley, Director of Resources.	
	TITLE: ACCESS AND CAR PARKING PROPOSALS		
Drawn by K.E.B.	Scales 1:1250	DRAWING No.	
Checked by B.H.		23542	
Date 03/01/06			