



New Lease for St Kiernan's GFC

5th September 2022

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| Title | New Lease for St Kiernan's GFC at King George Playing Fields (Gaelic Football Fields) |
| Report of | Chair of Housing and Growth Committee |
| Wards | Totteridge and Woodside |
| Status | Public |
| Urgent | No |
| Key | Key |
| Enclosures | Appendix A Full Equalities Impact Assessment |
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Summary

St Kiernan's GFC are a Gaelic Football Team that currently reside within Barnet, during redevelopment on various parks in the borough they have lost their playing fields which originally were located within Montrose Park. The London Borough of Barnet have offered the King George V Playing Fields as their new home ground, the club have completed drainage along the fields and developed the field turning it into a Gaelic Football Pitch. This report requests the approval for a lease for the Gaelic Football Club at the King George V Fields, the Lease will follow the following terms:

- A Term of 60 Years from 14/10/2019 to 13/10/2079
- A Peppercorn Rent for the first 5 Years.
- Upon the 5th Anniversary of the Lease the rent is to be increased to £28,000 per annum. With a side letter from the landlord agreeing to reduce the annual rent to £2,000 until the 10th anniversary of the Lease. However, if the lease is assigned to a new Tenant during years' 5-10 of the Lease the rent will revert back to £28,000 per annum.
- Rent Review will be applied on the 10th anniversary of the Lease on an RPI basis and every 5 years thereafter.
- Nil Rent Deposit
- No Break Option

- This lease will be contracted outside the Landlord and Tenant 1954 Act
All Repairs will be the tenant responsibility

Officers Recommendations

- 1. That the committee approve this lease of the King George V Playing fields lease from the 14/10/2019 to 13/10/2079 for an initial annual rent of a peppercorn per year for the first five years, then £2,000 per year, subject as follows.**
- 2. That the committee delegates to the Deputy Chief Executive authority to consider any comments and objections received in response to the advertising of the proposed lease and to make a further decision whether to complete the proposed lease.**
- 3. That the committee delegates to the Deputy Chief Executive authority to consider and approve the terms for the proposed lease once negotiated with the tenant.**

1. Why this report is needed

- 1.1 This report is needed due to the fields being let at a less than best value.

2. Reasons for recommendations

- 2.1 At the meeting of the Environment Committee on 14 March 2019 the Environment Committee approved the decision to permanently relocate the Gaelic football provision to King George V Playing Fields and noted that progress/ maintenance works would be undertaken to enable the commencement of play for the Season 2020.
- 2.2 Following this decision the council worked with St Kiernans GFC to construct senior and junior pitches in the playing fields funded through S106 monies.
- 2.3 The next phase of the project is to develop and construct a suitable clubhouse and changing facility on site to support the clubs needs. In order to secure external funding and grants the club would require a lease to attract the required funding.

3. Alternative options considered and not recommended

- 3.1 **That the council develops and constructs the clubhouse itself**
The council would not be able to access the same funding opportunities as the club and it would also leave the council with the maintenance liability for an asset. By leasing the land to the club, they can deliver the facility to their required standard and the council would not hold the maintenance liability for the facility.

4. Post decision implementation

- 4.1 Upon approval of this decision officers will work to agree heads of terms and a lease for the land in question.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

The project supports the wider strategy of the local authority and the upcoming Barnet Plan, and its four main priorities, in the following ways:

Clean, safe and well-run

- a place where our streets are clean and anti-social behaviour is dealt with so our residents feel safe; providing good-quality, customer-friendly services in all that we do
- Unlocking and optimising the potential of Parks and Open Spaces
- Working with community groups on local green projects and look to strengthen accessibility to our green spaces.

Family friendly

- creating a family friendly Barnet, enabling opportunities for our children and our young people to achieve their best, an informed and well-researched facility mix which caters for all age groups and considers all stakeholders
- improved offer for younger people, including improved junior pitches and new, accessible community facilities

Healthy

- a place with fantastic facilities for all ages, enabling people to live happy and healthy lives development of facilities to promote healthy and active lifestyles among residents
- improvement to community facilities

Thriving

- a place fit for the future, where all residents, business and visitors benefit from improved, sustainable infrastructure and opportunity
- Improvements to cycle and pedestrian routes through the park, increasing Barnet's offer in terms of active travel
- A great borough to live in

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 As set out in the decision above a commercial rent has been agreed but would be subject to a rent free period and a period of reduced rent.

5.3 Legal and Constitutional References

- 5.3.1 Local authorities have several different statutory powers in relation to parks and open spaces,

including the Public Health Act 1875 (as amended by the Local Government Act 1972) which gave local authorities discretionary power to purchase and maintain public walks or pleasure grounds and the Local Government (Miscellaneous Provisions) Act 1976, which gives wide powers to provide recreational facilities. The Open Spaces Act 1906 provides that local authorities may acquire and hold and administer open space in trust to allow the enjoyment of it by the public and shall maintain and keep the open space in a good and decent state.

- 5.3.2 Section 123 of the Local Government Act 1972 provides that an authority may not dispose of its property for less than the best consideration reasonably obtainable without the consent of the Secretary of State, other than by a tenancy not exceeding seven years.
- 5.3.3 The Secretary of State has issued a general consent (the Local Government Act 1972 General Disposal Consent (England) 2003) which enables an authority to dispose of property for less than best consideration in the following situation:
- a) the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;
 - i) the promotion or improvement of economic well-being;
 - ii) the promotion or improvement of social well-being;
 - iii) the promotion or improvement of environmental well-being; and
 - b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).

Officers take the view that the proposed lease falls within the General Consent.

It is advisable to consider whether the laws on subsidy control (formerly state aid) applies; the Deputy Chief Executive is to consider the advice once received.

Where property to be leased or sold is part of a public open space, section 123 of the Local Government Act 1972 requires that before it can be leased or sold, the council must advertise the proposed lease or sale in a local newspaper for two consecutive weeks. Any comments or objections received must be considered by the decision maker before a final decision to lease or sell the property is taken. The proposed lease will now be advertised accordingly.

- 5.3.4 The Council's Constitution, Article 7 sets out the terms of reference of the Housing & Growth Committee including asset management. Table A of Article 10 of the Council's Constitution requires disposals for less than best consideration to be reported to the Housing & Growth Committee.

5.3.5

5.4 **Insight**

No insight information has been used to produce this report.

5.5 **Social Value**

- 5.5.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Public services are not being procured in connection with this proposed lease. St Kiernans GFC is a community club serving a wide range of users.

5.6 Risk Management

5.6.1 N/A

5.7 Equalities and Diversity

5.6.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups.

5.6.2 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services. The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

5.6.3 The Corporate Plan 2015 – 2020 sets the Strategic Equalities Objective, which is: that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer. Changes to policies and services are analysed in order to assess the potential equalities impacts and risks and identify any mitigating action possible, through an equalities impact assessment, before final decisions are made. Consideration will also be made to the equalities and data cohesion summary.

5.6.4 An equalities impact assessment has been undertaken for the relocation of Gaelic Football to King George V Playing Fields, and is attached as Appendix A. This initial assessment has found that there is no overall adverse impact resultant on the relocation.

5.8 Corporate Parenting

5.7.1 None

5.9 Consultation and Engagement

5.9.1 A full Public Consultation and Engagement activities have been completed with site users, key stakeholders and the public has been undertaken as part of the development of the Barnet and King George V Playing Fields Master Plan.

5.9.2 Ward councillors have been consulted on the plans to relocate Gaelic Football to this site.

5.10 Environmental Impact

5.10.1 None

6. BACKGROUND PAPERS

6.1 [Environment Committee 14 March 2019 Papers](#) – including Item 8 Sports Hubs Master Planning. See link:

<https://open.barnet.gov.uk/dataset/emkr5/barnet-and-king-george-v-playing-fields-addendum-report-consultation-report-and-final-master-plan>

6.2 [Environment Committee 12 May 2016 Papers](#) – including Item 8 Parks and Open Spaces Strategy and the agreement to adopt the strategy and its action plan. See link:

<https://open.barnet.gov.uk/dataset/2zm6e/open-spaces-strategy>