



Enquiries to:
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Date: 8th April 2024

Dear Sir/Madam,

Addendum Cabinet – 10th April 2024

I refer to the above meeting and attach **Item 6: Newdigate Recreation Ground (Page 2)** report that was marked to follow on the agenda.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: Members of the Cabinet

Councillor K. Wilson (Leader of the Council and Business and Regeneration)
Councillor C. Golby (Deputy Leader and Housing and Communities)
Councillor S. Croft (Finance and Corporate)
Councillor S. Markham (Public Services)
Councillor R. Smith (Planning and Regulation)
Councillor J. Gutteridge (Health and Environment)

Observer

Councillor C. Watkins (Leader of the Main Opposition Party)

Report Summary Sheet

Date: 10 th April 2024
Subject: Newdigate Recreation Ground
Portfolio: Planning and Regulation (Councillor R. Smith)
From: Assistant Director – Recreation and Culture

<p>Summary:</p> <p>To provide Cabinet with a recommendation to, subject to considering any representations received, consider surrender of the current lease in relation to Newdigate Pavilion and Sports Pitches, handing the facility back to the landowner and seeking to negotiate a new agreement in relation to the sports ground.</p>
<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That the proposal to surrender the existing lease dated 28th April 1970 be advertised pursuant to Section 123 of the Local Government Act 1970; 2. Subject to 1. Above a further report be submitted to consider any representations received.
<p>Options:</p> <ol style="list-style-type: none"> a) That the recommendations be accepted in full. b) That further information is requested.
<p>Reasons:</p> <p>The site is not council owned and is managed under a lease from 1970, due to the age of the lease there is a requirement for the Council to review the terms of the current agreement to better meet the requirements for the facility.</p>
<p>Consultation undertaken with Members/Officers/Stakeholders</p> <p>Portfolio Holder - Public Services Portfolio Holder – Health and Environment Strategic Director – Public Services</p>

Subject to call-in: Yes

Ward relevance: Heath

Forward plan: No

Building A Better Borough

Aim 1: Live

Priority 1: Promote residents' health and wellbeing

Aim 3: Visit

Priority 4: Improve the physical environment

Relevant statutes or policy:

Building a Better Borough
Playing Pitch Strategy

Equalities Implications:

No direct equal opportunities implications

Human resources implications:

Multiple Council Officers and service areas have been involved in negotiations and discussions regarding the site.

Financial implications:

The council are responsible for utilities, maintenance, and liabilities in relation to the pavilion and pitches on the site will cease at point of termination and the financial commitment to deliver these. This averages at an estimate figure of £6,500.

Any pitch booking income previously received by the Council will cease at the point of lease termination. This will lead to a small loss of income to the Council of approximately £1,500.

Health Inequalities Implications:

The adopted Leisure Facilities Needs Assessment Strategy supports the Council's Building a Better Borough in improving health and wellbeing by providing opportunities and facilities for residents to access and take part in physical activity at all levels across the Borough.

Section 17 Crime & Disorder Implications:

No direct Section 17 Crime and Disorder implications however self-management of Sports Club's gives opportunities for more residents to take part in physical activities. This will support improved outcomes for crime and disorder, whereby opportunities are taken up by young people in particular instead of other less desirable activities.

Risk management implications:

The Council will retain some responsibilities for the site within a new agreement. These will be safeguarded under an agreement and consideration for liabilities reviewed.

The Council wish to enter into a new agreement with the landowners, to safeguard access to the land as public open space.

Environmental implications:

None identified

Legal implications:

The site is an important local amenity and any proposal to dispose or acquire public open space is subject to the provisions of Section 123 of the Local Government Act 1972. This requires the proposal to be advertised for 14 days and any representations received must be considered before any decision to dispose of the site.

Contact details:

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AGENDA ITEM NO: 6

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: 10 April 2024

From: Assistant Director – Recreation and Culture

Subject: Newdigate Recreation Ground

Portfolio: Planning and Regulation (Councillor R. Smith)

Building A Better Borough

Aim 1: Live

Priority 1 : Promote residents' health and wellbeing

Aim 3: Visit

Priority 4: Improve the physical environment

1. Purpose of Report

To provide Cabinet with a recommendation to, subject to considering any representations received, consider surrender of the current lease in relation to Newdigate Pavilion and Sports Pitches, handing the facility back to the landowner and seeking to negotiate a new agreement in relation to the sports ground.

2. Recommendation

2.1 the proposal to surrender the existing lease dated 28th April 1970 be advertised pursuant to Section 123 of the Local Government Act 1970; and

2.2 Subject to 2.1 Above, a further report be submitted to consider any representations received.

3. Background

3.1 The pavilion and sports pitches at Newdigate Recreation ground, Smorrall Lane Bedworth, have been managed by the Council, under a lease agreement since 1970 – which at the time was between Newdigate Colliery and District Sports and Social Club (landowners) and Bedworth Urban District Council.

3.2 The Council have been adhering to the lease agreement through the management and maintenance of the pavilion, green space and sports pitch maintenance at the site since that time.

- 3.3 Over the last 12 months, the Council have been working with Newdigate Cricket Club and Newdigate Colliery Sports and Social Club in relation to the future of the pavilion and improvements required at the site to further improve the standards for sports provision.
- 3.4 The Sports and Social Club have approached the Council and expressed their desire to regain management and responsibility of the pavilion and sports pitches at the site. The Council agree that this is the best option for both parties due to the age of the pavilion, and limited resources the council can commit to the facility due to it not being a Council owned asset.
- 3.5 The Council wish to continue to support and work with the Club to enable the land to remain public open space and will look at options to negotiate an agreement to enable this to occur at point of lease termination.

4. Legal Options

- 4.1 To give effect to the discussions, it would be necessary for the Council to surrender its lease. It would also be necessary to enter into negotiations for a new arrangement to ensure that public use of the facility can continue. Before any of this can occur, however, the Council will need to have regard to Section 123 of the Local Government Act 1972. This places a requirement on the Council to advertise any disposal or acquisition of public open space before a final decision can be made, taking into account any representations received and as a result of the advertisement.
- 4.2 The requirements of Section 123 are not unduly onerous and simply require an advert to be placed in the press over two weeks to inform the public of the intention to surrender of the existing lease (as well as the desire to negotiate a new lease). Any transaction that occurs without complying with the legislation has been held to be void.
- 4.3 It is also important for decision-makers to approach any representations received with an open mind.

5. Financial Implications

- 5.1 The Council would no longer have the maintenance and utility responsibilities for the pavilion as per the 1970 lease agreement. This includes to maintain the sports pitches at the site. This is estimated to be approximately £6,500 per year.
- 5.2 Any pitch booking income previously received by the Council will cease at the point of lease termination. This would lead to a small loss of income to the Council of approximately £1,150 per annum.
- 5.3 If the decision were to seek to negotiate a new lease, the Council would look to enter into a new agreement with the Club in relation to retaining public

access to the green space, this may include supporting with a schedule of works for grounds maintenance.

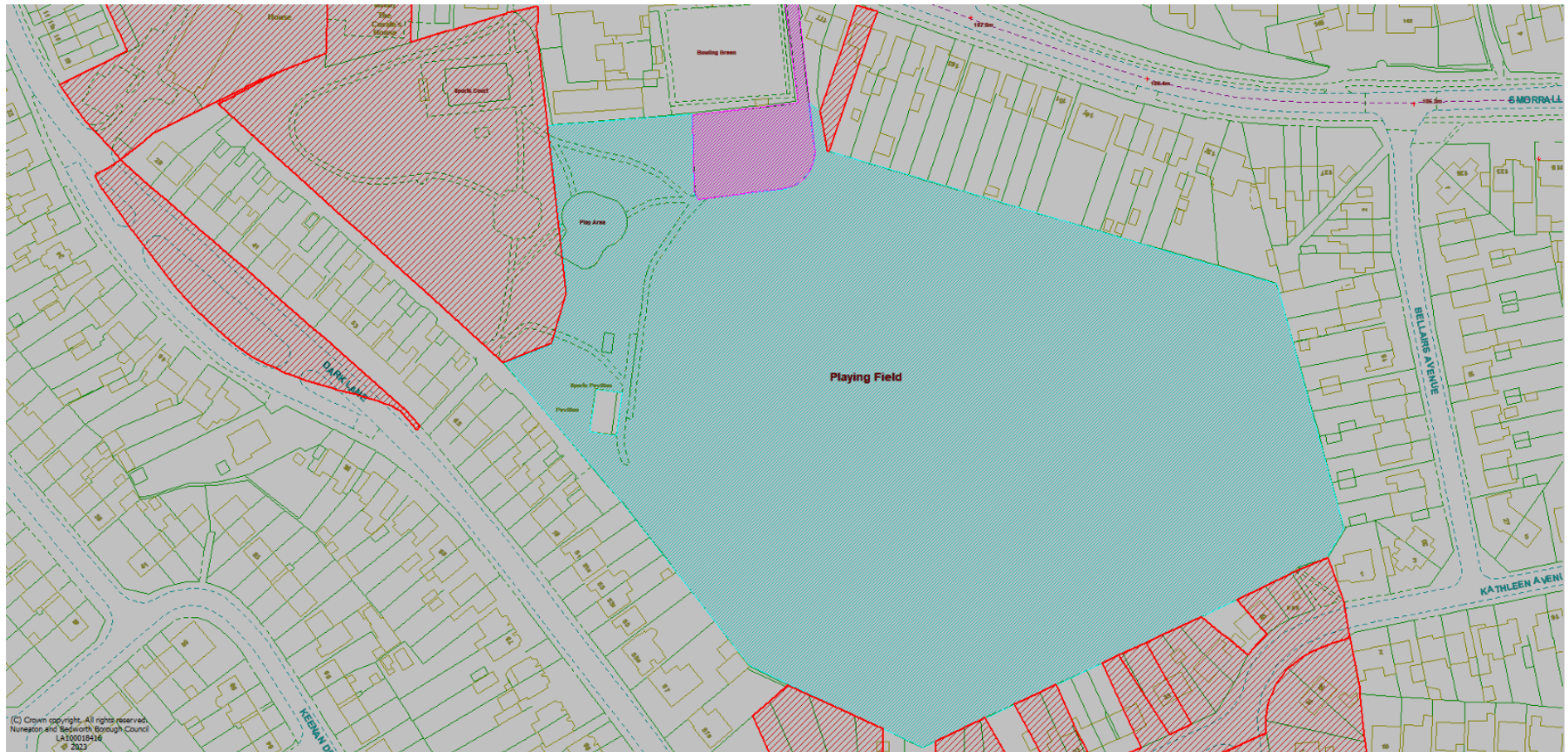
ENDS

Katie Memetovic-Bye
Assistant Director – Recreation and Culture

Appendices

Appendix A – Site Plan Newdigate Recreation Ground

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Key: (Scale: NTS)

- Red hatched area – NBBC owned Land.
- Blue hatched area – Newdigate Colliery Sports & Social Club owned Land
- Purple hatched area – Newdigate Colliery Sports & Social Club owned Land