

Report

Report to:	Housing and Technical Resources Committee
Date of Meeting:	23 January 2019
Report by:	Executive Director (Housing and Technical Resources)

Subject:	Kirktonholme Playing Fields and Pavilion, East Kilbride - Asset Transfer to East Kilbride United
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise of the request for community asset transfer of Kirktonholme Playing Fields and Pavilion, East Kilbride
- ◆ request approval to the principal terms and conditions of asset transfer by lease as set out in Section 5 of the report

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the Kirktonholme Playing Fields and Pavilion, East Kilbride be leased to East Kilbride United, subject to the terms and principal conditions outlined in Section 5 of the report; and
- (2) that the Executive Director (Housing and Technical Resources), in conjunction with the Head of Administration and Legal Services, be authorised to conclude all matters in respect of the lease and enter into the necessary legal agreements on terms which are in the best interests of the Council.

3. Background

- 3.1. The Kirktonholme sports facility in East Kilbride consists of 2 playing fields and a pavilion. The pavilion is currently leased to South Lanarkshire Leisure and Culture (SLLC) who also manage the bookings for the adjoining pitches on behalf of the Council.
- 3.2. Over the past 3 years the bookings for the pavilion and pitches have primarily been to East Kilbride United (EKU) teams.
- 3.3. A formal application for asset transfer, by lease, under the Community Empowerment (Scotland) Act 2015 was received from EKU and validated on 22 August 2018. The deadline for the Council to make a decision in respect of the application is 22 February 2019.
- 3.4. EKU are seeking to create a hub for the organisation which can be the focus of their activities including, training, matches, meetings and community engagement.

- 3.5. In addition to placing the application and supporting documentation on the Council's Planning Portal, a notice was placed on the property advising that the Council was considering an asset transfer and details were delivered to the surrounding properties. The closing date for responses was 19 October 2018 and no representations were received.
- 3.6. The request was then placed before the officer's Community Asset Transfer Assessment Panel on 3 December 2018 and the following matters were taken into consideration.

3.7. Property

- 3.7.1. The pitches and pavilion are owned by the Council, managed by SLLC and are currently operational. There are no title issues.
- 3.7.2. The principal user of the facilities in recent years has been ECU and SLLC have confirmed that the loss of the facility for public bookings does not adversely impact upon other sports organisations in the area.
- 3.7.3. The associated car park is considered by the Roads Service to fulfil a wider parking function than simply to the pavilion and sports pitches. It has been agreed with ECU that the car park will be excluded from the asset transfer request and remain in Council control.
- 3.7.4. The asset transfer would not require planning consent as it proposes a continuation of the existing use, however any alterations of the building may require a building warrant.
- 3.7.5. Based on asset information held, it is forecast that investment in the region of £171,000 will be required in the pavilion over the next 5 years in order to keep it operational. The facility currently costs around £2,700 per annum to operate and generates £1,000 in income.
- 3.7.6. It was noted that there are proposals for future investment in the rail network located to the south of the pitches. Network Rail suggest that it is unlikely that there will be any need for the land within the pitch area to accommodate the proposals for a second line and platform.
- 3.7.7. Detailed design proposals for the rail network investment are not available at the moment and there are no firm timescales for this project. ECU are appreciative of the importance of the transport investment to the area and have agreed, as a precaution, to the inclusion in the lease of a right of resumption to the Council for a strip of land on the southern boundary of the site.

3.8. Organisation

- 3.8.1. ECU has been in existence since 2013 and is an umbrella organisation for 2 long established clubs, namely East Kilbride Youth Club and East Kilbride YM FC which have been in existence since 1969 and 1921 respectively.
- 3.8.2. The organisation was already a registered charity (SC045247), however, in anticipation of securing an asset transfer has updated its constitution and applied to the Office of the Scottish Charity Regulator (OSCR) to be a Scottish Charitable Incorporated Organisation (SCIO). The registration as a SCIO is expected to be complete in January 2019.

- 3.8.3. The organisation has the support of its sport's governing body and obtained Scottish Football Association Quality Mark Status. There is capacity within the Board and the wider organisation which has over 400 members. ECU have not had direct responsibility for a property in the past but have undertaken detailed surveys of the facility and developed a business plan for the future investment and management of the facility.

3.9. Project

- 3.9.1. The proposal for Kirktonholme Pitches and Pavilion is to provide a hub from which to consolidate the existing activities and expand membership of ECU by 10% over 5 years, encouraging participation in physical activities and improving health across all ages and genders. There is an aspiration to develop employment opportunities for coaches.
- 3.9.2. ECU have carried out their own survey of the facilities and propose phased investment in the region of £103,000. They have secured £40,000 to date and are exploring additional funding routes.
- 3.9.3. The facility will be available for other community lets outwith the hours that it is required by ECU and the organisation have consulted with local schools and community organisations on the opportunities that the Hub could provide.
- 3.9.4. The creation of the Hub will develop further the links between the 2 partner clubs, creating a sustainable future for the organisation.

4. Assessment

- 4.1. This is an established organisation which has capacity and experience as well as the support of its governing body.
- 4.2. The organisation has undertaken community consultation and developed a business model based upon their existing budgets and is seeking additional funding to support the refurbishment of the property to deliver a broader range of activities.
- 4.3. The property is suitable for the proposed use and it is believed that the asset transfer will have minimal impact upon other sports organisations in the area or SLLC.
- 4.4. The community benefits derived from the proposal relate to the expansion of participation in sport/physical activity and health, with an aspiration for employment, as well as the associated investment in the facilities.
- 4.5. The organisation has agreed changes to the extents of the asset transfer to allow the Council to retain control of the car parking and have a pre-emptive right to part of the leased area.

5. Proposal

- 5.1. It is proposed to grant a lease of ground extending to 14,710 square metres or thereby, and the associated pavilion, as shown on the attached plan, on the following principal terms:
1. Tenant - East Kilbride United
 2. Term - 25 years
 3. Use - sports and recreation facility
 4. Date of entry - to be agreed
 5. Rent - £1 per annum if asked
 6. Repairs - Tenants responsibility for pavilion and pitches

7. Insurance - Council insures the property and tenant repays the premium, tenant responsible for all other insurances
8. Pre-emption – the Council reserves the right to resume the area hatched on the enclosed plan should the land be required for future investment in the rail network
9. Fees - each party to be responsible for their own legal and other fees. The tenant is responsible for any Land and Buildings Transaction Tax arising from this transaction

6. Employee Implications

- 6.1. There are no employee implications.

7. Financial Implications

- 7.1. The revenue implications of the proposed asset transfer generate a small saving of approximately £1,700 per annum, based on the average income and expenditure over the past 3 years.
- 7.2. The proposal will see a capital investment in the facilities.

8. Other Implications

- 8.1. The risk of not proceeding will potentially result in the organisation appealing to Scottish Ministers Council.
- 8.2. There are no risks in terms of sustainability associated with this report.

9. Equality Impact Assessment and Consultation Arrangements

- 9.1. Consultation has taken place with Community Resources, south Lanarkshire Leisure and Culture, Planning, Legal, Finance and Regeneration Services.
- 9.2. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required.

Daniel Lowe

Executive Director (Housing and Technical Resources)

13 December 2018

Link(s) to Council Values/Ambitions/Objectives

- ◆ Accountable, effective, efficient and transparent
- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities
- ◆ Encourage participation in physical and cultural activities

Previous References

- ◆ None

List of Background Papers

- ◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Joanne Forbes, Estates Manager

Ext: 5137 (Tel: 01698 455137)

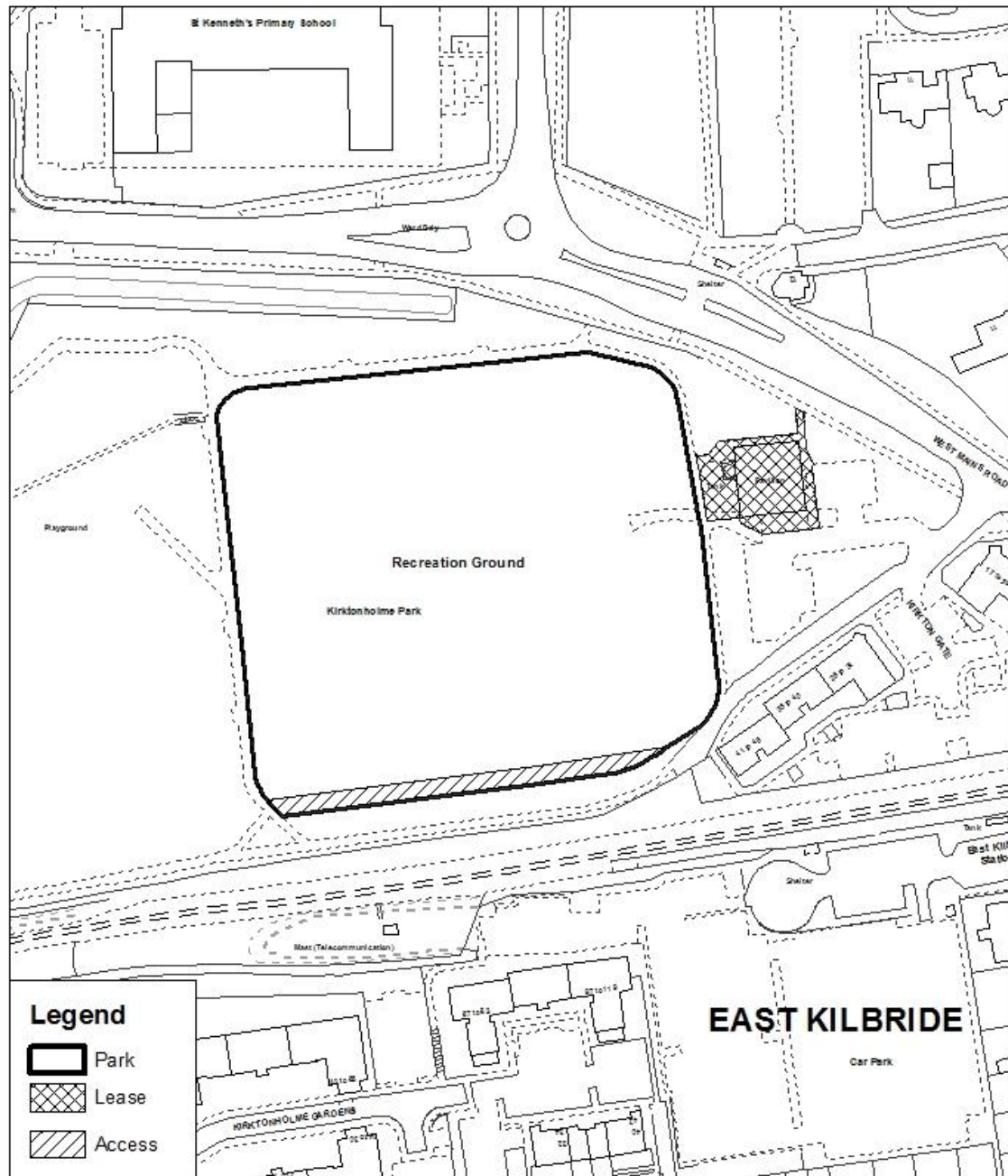
Email: joanne.forbes@southlanarkshire.gov.uk

LOCATION PLAN - For Committee Purposes Only

West Mains Road
East Kilbride



PROPERTY SERVICES



Ordnance Survey

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Ordnance Survey 100020730.



Contents Cross Hatched in Black 718 sqm or thereby

DATE: 18/12/2018