

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1. Meeting:	Cabinet
2. Date:	23rd March, 2011
3. Title:	Rotherham Rugby Club Ltd.
4. Directorate:	Environment and Development Services

5. Summary

To consider a proposal to seek an agreement with Rotherham Rugby Club Ltd. to lease a section of Herringthorpe Playing Fields to be used for training, competitive matches and community development purposes.

6. Recommendations

- (1) This report seeks Cabinet approval for Officers to enter into discussions with Rotherham Rugby Club Ltd, with a view to establishing a lease agreement for a section of Herringthorpe Playing Fields that can be used for training, competitive matches and community development purposes.**

7. Proposals and Details

This report outlines a proposal to seek an agreement with Rotherham Rugby Club Ltd. (the Club) to lease a section of Herringthorpe Playing Fields to be used for training, competitive matches and community development purposes.

The Club is a company limited by guarantee whose aim is to encourage and promote amateur rugby in Rotherham. It is a self-financing amateur organisation which comprises a Board made up of representatives from three sections, Rotherham Phoenix, Mini/Juniors and the Vice Presidents.

Rotherham Phoenix is an amateur rugby playing section for men over 18 years of age. Established in 2004 Phoenix was formed to offer the opportunity for any person, of any ability within Rotherham to play or become involved in rugby. Currently there are almost 100 playing members and officials. Three Phoenix teams regularly play on Saturdays with the Phoenix first team competing in Yorkshire Division 3.

The **Mini/Junior** section has almost 300 boys and girls taking part in 10 different age groups from 7 to 17 years old. All sections depend on enthusiastic volunteers, whose roles range from occasional help to regular team managers and coaches. All of the coaches undergo a police CRB check and training is provided in supporting activities such as child protection, equal opportunities and first aid to ensure that the opportunities provided are the best that can be achieved. The ethos of the club is to provide a safe and secure environment for all age groups that will allow development of individuals in a disciplined, respectful and enjoyable framework.

The **Vice Presidents** section has 80 members from a wide cross section of people who are generally the older members of the club and many are either ex players or ex officials of the original club which formed in 1923. Annual fees are paid by each VP member and these funds are used to help maintain facilities and equipment and provide kit to the amateur teams.

The greatest difficulty that the Club has to address is the lack of facilities to sustain its activities. Due to the lack of available pitches the Phoenix and Mini/Juniors sections have to hire pitches for training and playing at different facilities throughout the Borough. Facilities at Dinnington, Wath, Rawmarsh, Wickersley School and Dearne Valley College have been used to accommodate the growing demands of the Club.

The Club's requirements are for a secure site that can accommodate 3 full size rugby pitches and they believe that taking responsibility for a section of Herringthorpe Playing Fields will allow them to achieve this. The Club propose to fence off an agreed area of the field (**see Appendix 1**), improve the playing surface and drainage, provide new changing rooms and install floodlighting. The club would work to agreed time restrictions and use the latest design in floodlighting in order to reduce impact on local residents. The Club will also develop a management plan aimed at reducing the impact of any increased car parking and focusing users on the parking facilities at Clifton Lane Sports Ground and Herringthorpe Athletics Stadium. They will need to seek planning permission for some of the proposed improvements and will be responsible for providing all of the funding necessary to deliver the improvements.

The Club will promote additional community access by making the facility available to other amateur clubs, and by working with the Council's Sports Development Team to organise and promote wider sport and physical activity opportunities. They will also make the facilities available to local schools for a variety of activities including competitive matches and finals. These activities will be a condition of the lease.

At some point in the future the Club may also wish to facilitate training sessions for Rotherham Titans. It is therefore suggested that the terms of the proposed agreement should not obstruct this use but make it a condition of the lease that it cannot be done without the Club obtaining advanced written permission from the Council and that such usage should not adversely affect planned usage by the Club and other community groups, including the Council's Sports Development Team.

The proposed location is currently marked out for two football pitches and one rugby pitch. These pitches are utilised on a regular basis by a number of community teams and in order to avoid their displacement, all three pitches will need to be relocated to a different part of the site. The proposal will mean that the total number of football pitches available at the site will be reduced by one junior pitch. However at no point in the last 24 months has more than 1 junior pitch been required. Therefore the amended provision will ensure that existing regular users will not be inconvenienced by the proposed lease.

Pitch Type	Current Number	Proposed Number
Football (Senior)	8	8
Football (Junior)	2	1
Rugby	2	2
Cricket	4	4

It may be necessary to justify the loss of an area of open space and this may require expert legal advice, the cost of which would be met by the Club.

The Club have agreed to cover all of the Council's costs, as well as the costs for the proposed improvements. They are seeking a minimum 15 year lease agreement to reflect the intended level of investment and provide the necessary security to attract external funding. Initial discussions between the Club and the Rugby Football Union suggest that the RFU see the proposals as something they would be likely to support.

It is recommended that provision is made within the Lease, so that if the club were to cease to exist the facilities would revert to the Council and therefore be of benefit to the community as a whole.

The Club have held preliminary discussions with Officers in the Council's Planning Department, which have not identified any major issues relating to the proposal. It will of course be necessary, as with all lease agreements of this nature, to carry out relevant consultation and certain elements of the proposals may require planning permission but this will not be known until the consultation is complete and the final plans are in place.

8. Finance

The Council is obliged to lease land for the best price reasonably obtainable. There are certain exceptions to this proviso which permit a council to enter into a lease, generally for the public good, at less than best consideration for a community or similar group. Whether or not this applies to the Club will need to be fully investigated. In the current downward economic climate a report on the Asset Transfer policy is being brought forward to establish whether the 'exceptions' need to be widened.

In addition to the Club's agreement to cover all of the Council's costs relating to establishing the lease, they have also agreed to cover the cost of relocating pitches to ensure there is no loss of provision to the community clubs already using the site.

The club have agreed to pay the Council's legal and valuation fees in advance so that if as part of the negotiations a final agreement cannot be reached the Council's costs will still be covered.

The Club will be responsible for funding all of the proposed developments.

9. Risks and Uncertainties

Should the Club cease to exist during the development of the site or after the work is completed the Leisure and Green Spaces Service will be liable for the incomplete or complete asset and any repairs/works/demolition/re-instatement costs.

The land to be leased is held as Public Open Space, the Local Government Act 1972 requires the Council to advertise the disposal of Public Open Space in a local newspaper for two consecutive weeks and to consider any objections received. The Club will need to pay in advance for the cost of advertising. If there are any objections to the advertised lease, these will have to be considered and reported before a Cabinet decision is made.

It is possible that members of the local community may raise concerns relating to loss of open access to the leased area and the pursuit of an agreement with the Club in advance of the emerging plans for the wider site.

10. Policy and Performance Agenda Implications

Corporate Priorities: These proposals meet the Council's priorities of *Rotherham Achieving, Rotherham Alive and Rotherham Proud*

Achieving – The provision of improved training / playing facilities would contribute towards the success of the Club and offer wider advantages to the community in terms of new sport and physical activity opportunities.

Alive – The proposal to lease the site for use as training / playing facility will contribute to increases in active participation and towards improving health and social wellbeing while at the same time improving quality of life.

Proud – Through the development and improvement of outdoor playing pitch facilities for the Club and wider community benefit.

11. Background Papers and Consultation

None

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