

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	3 March 2021
Subject:	Disposal of Land Adjacent to Tewkesbury Cricket Pavilion
Report of:	Asset Manager
Corporate Lead:	Head of Finance and Asset Management
Lead Member:	Lead Member for Finance and Asset Management
Number of Appendices:	One

Executive Summary:

The Council has been the freehold owner of land leased to Tewkesbury Cricket Club since 1974, utilised as a cricket pitch and incorporating practise nets. There is currently a lease in place until 2043 with the club having a right to renew for a further 21 years thereafter. Tewkesbury Cricket Club own the freehold of the adjacent cricket pavilion building and a small area of land surrounding it.

Tewkesbury Cricket Club approached the Council to purchase a small area of land, adjacent to the cricket pavilion, currently within the leased area. This purchase will enable the club to extend the cricket pavilion building, relocate the practise nets to a more suitable location and to carry out further improvements to the provision, subject to planning consents. They are financing this project partly by utilising s106 monies that they have secured. The cricket club wish to secure the future of their financial investment by obtaining the freehold of the land of where the enhancements are to be made.

This report outlines the proposal for the disposal of the site required by Tewkesbury Cricket Club.

Recommendation:

Executive Committee RESOLVES:

- 1) That the Head of Finance and Asset Management takes such steps as he considers reasonably necessary to secure the sale at best consideration of the land adjacent to Tewkesbury Cricket Pavilion, to Tewkesbury Cricket Club as shaded on the appended plan, upon terms recommended by an appropriately qualified and experienced valuer.**
- 2) That authority be given to the Borough Solicitor, in consultation with the Head of Finance and Asset Management, to prepare the necessary legal documentation for the disposal of the asset on behalf of the Council upon the terms agreed by the Head of Finance and Asset Management and such other terms as they consider reasonably necessary or desirable.**

Reasons for Recommendation:

The proposed extension to the cricket pavilion and redevelopment of the practise nets by Tewkesbury Cricket Club, would offer an increased sporting and social benefit for the local residents.

Resource Implications:

A 'red book' valuation has been carried out by a RICS registered valuer to ascertain best consideration. The Cricket Club has agreed to pay the advised best consideration to purchase the freehold, this sum could be used to support the Council's management and maintenance of play areas and recreational open space.

The annual rent of £1,674.51 for the lease of the cricket pitch will not be adversely affected by this disposal.

The cricket club has agreed to cover the costs of the Section 123 advert, the valuation and both the Council's and their own legal fees as per the authority's land disposal policy.

Legal Implications:

The Council has a duty under Section 123 Local Government Act 1972 to obtain best consideration when disposing of the freehold interest in land (unless particular exclusions apply). Where the sale of the land is not exposed to the open market, the duty is usually satisfied by obtaining a report from a suitably qualified valuer that the price achieved represents best consideration.

Where the disposal is of land deemed to be public open space, the Council must advertise the proposed disposal and consider objections.

Risk Management Implications:

The entrance to the cricket club is part of this transaction, the Council will include a right of access on the title on disposal to ensure the ongoing maintenance of the water course and various trees on the site, this has been agreed by the cricket club.

Performance Management Follow-up:

The Asset Management team and One Legal will work to ensure an expedient disposal of the asset and receipt of funds.

Environmental Implications:

The proposal for the site will have a positive impact on the environment and the community by providing a sporting and social benefit.

1.0 INTRODUCTION/BACKGROUND

1.1 The Council has been the freehold owner of land leased to Tewkesbury Cricket Club since 1974, utilised as a cricket pitch and incorporating practise nets. There is currently a lease in place until 2043 with the club having a right to renew for a further 21 years thereafter. Tewkesbury Cricket Club own the freehold of the adjacent cricket pavilion building and a small area of land surrounding it.

1.2 Tewkesbury Cricket Club approached the Council to purchase a small area of land (0.352 acres) adjacent to the cricket pavilion, currently within the leased area. This purchase will enable the club to realise its ambitions to improve the cricket and social provisions at the club, subject to planning consents, for the good of the local community. It is financing this project partly by utilising s106 monies that it had already secured. The cricket club wish to secure the future of its financial investment by obtaining the freehold of the land where the enhancements are to be made.

2.0 PROPOSED SCHEME

2.1 The club wishes to improve and extend its current cricket pavilion, to enhance the offering to the current membership and increase capacity to attract new individuals and families to join and support the sport. It wishes to build an additional storage container to keep large equipment weather tight, this site suffers from annual flooding. Finally, they plan to relocate the current practice nets to a more suitable location to utilise the space onsite more efficiently. These improvements are subject to planning and building consents and the club has already engaged with architects and planning officers to commence the application as soon as the disposal transaction is complete. The club has already achieved planning consent to renew and improve the security boundary fencing around the pavilion and small car park.

3.0 VALUATION

3.1 To assist with the decision to dispose of the site an independent valuation has been commissioned and concluded that the market value of the site is as follows:

- £4,000 based on using comparable and investment methods of valuation.

3.2 The valuation was carried out in accordance with the RICS Valuation Standards (the Red Book) and the adopted definition of market value contained within:

‘The estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm’s length transaction, after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion.’

3.3 The valuer has considered that the site is on a flood plain for the adjacent River Swilgate and is subjected to flooding several times per year, but mainly in the winter. Therefore, the site has little use to a winter sporting facility but generally this does not affect the cricket sporting season but does impact and increase the management of the pitch.

3.4 The valuer has highlighted an alternative use of this site other than a sporting facility could be agricultural grazing. Values of grazing paddocks in the area have been in the region of £10,000 to £15,000 per acre.

4.0 CONCLUSION

4.1 The proposed disposal has no impact on the rental receipt of the remaining land within the ongoing lease. The land has limited use for other sporting activities due to its proximity to the River Swilgate and the annual flooding. The proposed scheme by the cricket club will enhance the sporting and social benefit to the local community while generating a capital receipt for the authority.

5.0 OTHER OPTIONS CONSIDERED

5.1 The Council could refuse to sell the land to Tewkesbury Cricket Club. This would only serve to prevent additional leisure facilities being provided to the community. The land identified has no realistic alternative use for the Borough Council.

5.2 The Council did consider disposing of the whole site within the lease, but the cricket club did not consider this proposal to be economically viable.

6.0 CONSULTATION

6.1 Local ward Members have been consulted on the disposal and are positive about the proposal.

6.2 The disposal has been advertised under Section 123 of the Local Government act 1972 and no objections were raised.

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

7.1 Asset Management Strategy.

8.0 RELEVANT GOVERNMENT POLICIES

8.1 One public estate requires public bodies to rationalise their land holding.

9.0 RESOURCE IMPLICATIONS (Human/Property)

9.1 As outlined within the report.

10.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

10.1 As outlined within the report.

11.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

11.1 As outlined within the report.

12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

12.1 None.

Background Papers: None.

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Appendices: A – Plan