

4th July 2018

Community and Housing Committee

**Request for Licence to Occupy by Brentwood Youth AFC
– Larkin Playing Field**

Report of: *Stuart Anderson – Deputy operations Manager*

Wards Affected: *Pilgrims Hatch*

This report is: *Public*

1. Executive Summary

- 1.1 Larkins Playing Fields is one of the Council's larger and principle open spaces in the Borough and is located in the Pilgrims Hatch ward along the Ongar Road.
- 1.2 The site has, since 2016, been the home of Brentwood Youth AFC, the club came into being when Brentwood Athletic and Kelvedon Hatch decided to merge. This created a new club within Brentwood with over 400 members.
- 1.3 The site currently has three football pitches of varying sizes marked out to support the club at, what is, its home ground.
- 1.4 There is also an area of unused ground that could accommodate a further two pitches, however this lay wet during the winter months rendering it unusable in its current condition.
- 1.5 The club currently reside at the site on an unofficial basis with no secure tenure, their residency is secured each season via the hiring of pitches from the council for the winter sports season. This allocation is not guaranteed each year.
- 1.6 In order to allow the club to create a permanent base at Larkins Playing Field club representatives have approached the Council with regard to securing a licence to occupy the site on a more formal and permanent basis.
- 1.7 The site is designated as public open space and also has a number of restrictive covenants placed on it as part of the dee of gift when the site was given to the Council by the Larkin family.
- 1.8 This designation coupled with the restrictive covenants means that there could be complications in issuing the club a licence to occupy, therefore it is felt that legal advice should be sought prior to responding to the club.

2. Recommendations

- 2.1 That members instruct Officers to investigate the legal implications and restrictions that may be present in the issuing of a licence to occupy to Brentwood Youth AFC for Larkins Playing Fields.**
- 2.2 That the findings of this investigation be reported back to a future panel along with associated recommendations as to how the issue may be progressed further.**

3. Introduction and Background

- 3.1 Larkin Playing Field is a key open space not just for the Ward and community of Pilgrims Hatch but also as part of the Council's open space estate.
- 3.2 The site currently has 2 junior football pitches and 1 mini soccer pitch, foundations of the old sports pavilion, car park and an area of general amenity grassland.
- 3.3 In 2016 a new youth football club formed following a merger of Brentwood Athletic and Kelvedon Hatch, this club currently has over 400 playing members and is based out of Larkin Playing Fields as one of its sites.
- 3.4 The club has aspirations for further expansion across the site bringing a currently open grassland area into use as pitches during the winter season. They have indicated that they would also like to improve the existing infrastructure such as rebuilding the changing pavilion which is no longer present on site and also expand and resurface the car park.
- 3.5 Although the club have met with Officers to explain their aspirations they do not currently have funding to undertake the works

outlined. The works would be conditional on the club obtaining external funding to carry them out.

- 3.6 In order for the club to be able to access external funding then some sort of security of tenure would be needed on the site to qualify for grant funding hence seeking a licence to occupy.

4. Issue, Options and Analysis of Options

- 4.1 The Council has been approached by representatives of Brentwood Youth AFC who wish to obtain a licence to occupy for Larkin Playing Field.
- 4.2 The club hope that by securing a tenure of occupancy for the site that it will enable them to attract external funding from bodies such as the Football Foundation to allow for improvements to the site to meet their aspirations.
- 4.3 If, after seeking legal advice it transpires that it is not possible to grant a licence to occupy then other options to deliver the improvements for the benefit of the club and wider community will need to be explored by both Officers and club.

5. Reasons for Recommendation

- 5.1 To allow Officers to establish the legal position of issuing a licence to occupy for Brentwood Youth AFC at Larkin Playing Fields.

6. References to Corporate Plan

- 6.1 To ensure the provision of efficient and effective services to our residents and businesses.
- 6.2 Providing increased customer satisfaction in the quality of Council services.
- 6.3 To Increase access to the Borough's leisure opportunities.
- 6.4 Making Brentwood a Borough where people feel safe, healthy and supported.

7. Implications

Financial implications

Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer

**Tel & Email: 01277 312 829
jacqueline.vanmellaerts@brentwood.gov.uk**

- 7.1 Legal instructions do incur internal costs, however this will be monitored and managed against existing budgets with the Council Medium Term Financial Plan 2018/19 and significant variances report back to Council.

Legal Implications

Name & Title: Assaf Chaudry, Governance Solicitor

Tel & Email: 01277 312500 assaf.chaudry@brentwood.gov.uk

The purpose of this report is to consider the representation made by Brentwood Youth AFC to the Council with a request that formal licence to occupy Larkin Playing Field be given to the club.

It is anticipated that by securing a formal arrangement with the Council the club shall be able to attract external funding from bodies such as the Football Foundation to allow for improvements of the site.

Although the site is designated as public open space there are apparently a number of restrictive covenants on the title deeds which were registered by the Larkin family when they gave the site as a gift to the Council .

In light of the above information there are no legal implications arising from the recommendations given that the report is purely for the purposes of obtaining legal advice and considering options.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 7.2 **Health & Safety implications**

Name & Title: David Wellings, Health & Safety Officers

Tel & email: 01277 312500 david.wellings@brentwood.gov.uk .

To ensure the Council is aware of the health and safety legal obligations from any proposal to change the current arrangements. To define the risks that may develop, and appropriate controls as required to minimise the Council and public safety risk exposure.

8. **Appendix**

None

Report Author Contact Details:

Name: Stuart Anderson

Telephone: 01277 312500

E-mail: stuart.anderson@brentwood.gov.uk