

19th March 2019

Policy, Projects and Resources Committee

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

Report of: *Stuart Anderson - Facilities Manager*

Wards Affected: *Pilgrims Hatch*

This report is: *Public*

1. Executive Summary

- 1.1 Brentwood Council were approached in 2018 by Brentwood Youth Athletic Football Club (BYAFC) with a view to securing a licence to occupy Larkin’s Playing Field in order to fulfil their aim of establishing a permanent base that the club could invest in and attract external funding for improvements.
- 1.2 Larkin’s Playing field 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 (Appendix A).
- 1.3 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.
- 1.4 Following investigations it was confirmed that the site is designated as public open space with a number of restrictive covenants placed on it as part of the deed of gift when the site was given to the Council by the Larkin family. This was one of the main reasons that the Council were unable to grant the club a Licence to Occupy.
- 1.5 Officers therefore sought, through discussion, a solution with the co-operation of the Chair of the Community, Health and Housing Committee, Ward Members and representatives of BYAFC. Following these discussions a suggested way forward was agreed which is before the Committee for agreement.

2. Recommendation(s)

- 2.1 That Officers enter into discussions with Brentwood Youth Athletic Football Club to establish a constituted working partnership for the management and improvement of Larkin's Playing Fields.**
- 2.2 That Officers in consultation with the Chair of Community, Health and Housing Committee, Ward Members and Brentwood Youth Athletic Football Club agree heads of terms of the working partnership and draw up a draft partnership agreement for the management of Larkin's Playing Field.**
- 2.3 That delegated authority be given to the Director of Operations in consultation with the Chair of the Community, Health and Housing Committee to agree the draft partnership agreement on behalf of the Council.**

3. Introduction and Background

- 3.1 In 2018 representatives of BYAFC approached Officers with a request to enter into a Licence to Occupy agreement with the Council to formalise its tenure on Larkin's Playing Field in order to provide some form of security of use going forward.
- 3.2 Following the recommendation of the 4th July 2018 Community, Health and Housing Committee Officers undertook an investigation into the practicalities and legal implications of issuing the club a Licence to Occupy
- 3.3 Following investigations, it was determined that it would not be possible to issue the club with a Licence to Occupy due to the legal implications of exclusivity and protecting the site as designated open space for the enjoyment of the wider general public.
- 3.4 Larkin's 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.
- 3.5 The site currently has 2 junior football pitches and 1 mini soccer pitch. It also has the foundations of the old sports pavilion, car park and an area of general amenity grassland.
- 3.6 The basis of BYAFC's approach was in three parts. To improve the quality of the football pitches, improve the parking facilities and re-build the pavilion to include modern changing rooms for the users.

4. Issue, Options and Analysis of Options

- 4.1 Following Brentwood Youth Athletic Football Clubs approach to the Council it was established that it would not be possible to offer the club a Licence to Occupy at Larkin's Playing Field.
- 4.2 However, in order to still be able to support the club in its endeavours to further itself and the site at Larkin's, Officers have, in consultation with Ward Members, presented a proposal to club representatives in which the two parties would form a joint working partnership to manage the site.
- 4.3 The ethos of the partnership is that it will allow for greater opportunities to access funding for improvements to the site, allow the club to grow and develop, whilst protecting the site and its use by the general public as a public playing field.
- 4.3 The outline of the partnership proposal will in particular:
- Develop a long-term improvement plan for the site
 - seek to increase the number of pitches to 5 by bringing in the unused area of the field
 - improve the parking facilities and;
 - apply for, or support joint grant/funding applications to secure money to make improvements
- 4.4 What the Council are able to agree even with the covenants in place was a long-term lease for the 'Old Pavilion' footprint in order that the club can develop this part of the plan.
- 4.5 The partnership approach would allow for improvements to be identified and discussed by both parties and then joint funding applications to be made to external bodies where appropriate.
- 4.6 The partnership work would allow the Council as the land owner within the agreement fulfil the criteria around security of tenure on external funding applications whilst the club will provide a community and voluntary focus within any applications.
- 4.7 The partnership agreement would also give the club confidence in its residency of the site without providing legal tenure to the land, as part of the ongoing discussions Officers are identifying potential additional benefits to the club in the form of guaranteed rental of pitches at Larkin's.

- 4.8 It is also likely that without this form of proposal that Brentwood Youth Athletic Sports Club may struggle to achieve the ambitions they have set and to fully realise the financial benefits of external funding to develop the club further.
- 4.9 The arrangement would be a constituted partnership for three years with an annual review built into it. The partnership will be required to be constituted to allow it to apply for external funding opportunities.
- 4.10 The joint partnership would consist of 7 members consisting of Chair of the Community, Health and Housing Committee or the appropriate relevant Committee [who would also Chair the partnership], nominated Ward Member, two Officers of the Council and three Officers of BYAFC.
- 4.11 It is therefore recommended to Members:
- 4.12 That Officers enter into discussions with Brentwood Youth Athletic Football Club to establish a constituted working partnership for the management and improvement of Larkin Playing Fields.
- 4.13 That Officers in consultation with the Chair of the Community, Health and Housing Committee, Ward Members and Brentwood Youth Athletic Football Club agree heads of terms of the working partnership and draw up a draft partnership agreement for the management of Larkin Playing Field.
- 4.14 That delegated authority be given to the Director of Operations in consultation with the Chair of the Community, Health and Housing Committee to agree the draft partnership agreement on behalf of the Council.

5. Reasons for Recommendation

- 5.1 To allow Officers to continue discussions with Brentwood Youth Athletic Football Club and establish a constituted partnership for the management and improvement of 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

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- 7.1 No direct financial implications arising from this report. Resources required to agree the draft partnership will be met within the Medium-Term Financial Plan.

Legal Implications

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- 7.2 The recommendations set out within this report are within the Council's powers and duties. The Council has power under s1(1) of the Localism Act 2011 to do anything that individuals generally may do, provided it is not prohibited by legislation and subject to public law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way. In addition, s111 of the Local Government Act 1972 gives a local authority power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
- 7.3 Officers should seek legal advice where appropriate during discussions for the establishment of the partnership to ensure the avoidance of any risk arising for the Council in relation to the management or use of the playing fields.
- 7.4 Any agreements relating to the establishment of the partnership should be in a form approved by Legal Services.

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

- 7.5 None.

8. Appendices to this report

Appendix A – Site Plan

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