

## REPORT TO GARIOCH AREA COMMITTEE – 15 MARCH 2016

### VARIATION OF LEASE OF CHARLES GORDON PARK, NEWMACHAR

#### 1. Recommendations

**The Committee is recommended to approve the variation of Newmachar United Football Club's (the Club) existing lease of the pavilion at the above park to include the football pitch on the terms and conditions contained in this report.**

#### 2. Background/Discussion

- 2.1 The subjects under consideration comprise a full sized grass football pitch, changing pavilion and associated car park situated at the north end of Newmachar and accessed off the unclassified road which runs from Oldmeldrum Road to Disblair.
- 2.2 The property shown cross-hatched on the attached plan comprises the pavilion and a small area of ground at the side of the pitch, upon which a storage container sits. The property is currently leased from the Council to the Club for a period of 5 years from 29 January 2013 at a rent of £100 per annum. Each party has a rolling option to terminate the agreement subject to 12 months' notice. Under the terms of the lease, the Club also has a right to use the car park shown outlined but unhatched and has priority use of the football pitch, shown hatched, for league football match home fixtures.
- 2.3 The land was set aside as a football park in 1921 and the Club has used the facility for around 35 years. The construction of the pavilion was undertaken by the Club with Lottery funding and it has spent an estimated £40,000 on improving the playing surface of the pitch during the last 3 years. Maintenance and grass cutting of the pitch is undertaken by the Club at its expense.
- 2.4 The Club recently approached the Council to enquire whether it could be given greater security of tenure over the facility, inclusive of the pitch, in light of the capital expenditure it has outlaid to date. A longer lease would also permit the Club to apply for more sources of grant funding for further ground improvements.
- 2.5 Following consultation with Landscape Services, who oversee use of the park, it is proposed that the Club's existing lease is varied to incorporate the undernoted terms and conditions:

Subjects	The extent of the leased subjects will be enlarged to include the football pitch.
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Term:	The lease will be extended by 23 years such that it will expire on 28 January 2041.
Mutual Break:	The mutual break option will remain, but the notice period required to exercise the break will increase from 12 to 24 months.
Use:	The lease will state that the Club will make the pitch available for public use at all times except on such dates and times as may be arranged for league football fixtures.

- 2.6 The Ward 12 Members have been consulted.
- 2.7 The Head of Roads and Landscape Services has been consulted and is supportive of the proposal.
- 2.8 The Area Manager has been consulted and is happy with the report.
- 2.9 The Head of Finance has been consulted and has made no comments.
- 2.10 The Monitoring Officer within Legal and Governance Business Services has been consulted and has made no comments.

### **3 Equalities, Staffing and Financial Implications**

- 3.1 An equality impact assessment is not required as the proposed lease variations will not have a differential impact on people with protected characteristics.
- 3.2 There are no staffing implications.
- 3.3 Revenue – The Council will receive a rent of £100 per annum until the lease expiry in January 2041.
- 3.4 Capital – There are no capital implications.

**Ritchie Johnson**  
**Director of Business Services**

Report prepared by: - Trevor Morgan, Estates Team Leader 19 February 2016  
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