

EAST AYRSHIRE COUNCIL

CABINET – 29 SEPTEMBER 2010

KILMARNOCK CRICKET FACILITIES

Joint Report by Depute Chief Executive/Executive Director of Neighbourhood Services and Executive Director of Finance and Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek authority for the lease of ground within Scott Ellis Playing Fields to Kilmarnock Cricket Club subject to court authorisation in terms of section 75 (2) of the Local Government (Scotland) 1973.

2. CONSIDERATIONS

- 2.1 Kilmarnock Cricket Club currently use facilities at Kilmarnock Academy playing fields which will no longer be available when the new Athletics facilities are constructed at Queens Drive. Negotiations have therefore been held with Kilmarnock Cricket Club to identify suitable alternative facilities for matches and training activities, and a move to Scott-Ellis playing fields has been identified as the most appropriate option. Details of the existing and proposed cricket facilities are shown in Appendix 1.
- 2.2 As part of the overall development, work has progressed on improvements to the changing pavilion at Scott-Ellis playing fields. The pavilion will continue to serve football teams using Scott-Ellis playing fields, and also Kilmarnock Cricket Club after their proposed relocation from the Kilmarnock Academy playing fields to the former athletics track area at Scott-Ellis playing fields. It is proposed that the Cricket Club will take over the accommodation formerly used by Kilmarnock Athletics Club and will lease that accommodation and the relocated cricket pitch on a long term basis at a concessionary rental although provision will be made within the terms of any lease to be granted for the Council to use the facilities when required. Work on the relocated cricket pitch, including the removal of the existing athletics track, will commence as soon as possible with the new pitch ready for the 2012 season.

3. FINANCIAL IMPLICATIONS

- 3.1 It is proposed that the lease to be granted to the Kilmarnock Cricket Club be granted on the basis of the Council's Concessionary rental policy throughout the duration of the lease on the basis that the use of the ground is restricted to the carrying out of cricket and associated sporting facilities, there will be reserved rights of use granted to the Council and the use of the land for any commercial purposes will be prohibited. The costs of developing the new cricket pitch will be met from the capital programme.

4. COMMUNITY PLANNING IMPLICATIONS

- 4.1 The development of the Queens Drive Athletics Facility will help achieve priorities within all four of East Ayrshire's Community Planning Themes:

4.2 The most obvious benefits will be in the theme of Improving Health and Wellbeing. The facility will provide a playing and training environment for existing and future players.

5. POLICY/LEGAL IMPLICATIONS

5.1 The land associated with Scott Ellis Playing Fields is deemed to form part of the common good although it is currently used for Leisure Services' purposes. Given that the land is held on common good and can be used for alternative Council purposes, the Council's ability to dispose of the land by way of granting a long term lease in the manner proposed to the Cricket Club is circumscribed by statute, that being Section 75 of the Local Government (Scotland) Act 1973. In accordance with Section 75 (2) of the Act the Council will require to petition the Court for authority to alienate the land in order to grant the long term lease.

5.2 As it is proposed to lease the land, shown in Appendix 2, on a long term basis at a concessionary rental the Council requires to be satisfied that the provisions of section 74 (2) of the Local Government (Scotland) Act 1973 and the Disposal of Land Regulations (Scotland) 2010 have been met. It is considered in this particular instance that a lease in terms of the concessionary rental scheme being a lease for less than market rental complies with the terms of the 2010 regulations as the proposed use will contribute to the promotion and improvement of economic development or regeneration; health and social wellbeing

6. RISK IMPLICATIONS

6.1 The new Athletics facilities represent a major, high profile commitment made by the Council. The project requires the relocation of cricket facilities to make most effective use of the space available.

7. RECOMMENDATIONS

7.1 It is recommended that Cabinet:-

- (i) authorises the lease of ground within Scott Ellis Playing Fields to Kilmarnock Cricket Club subject to court authorisation in terms of section 75 (2) of the Local Government (Scotland) 1973; and
- (ii) otherwise note the contents of the report.

Elizabeth Morton
Depute Chief Executive/Executive Director of Neighbourhood Services

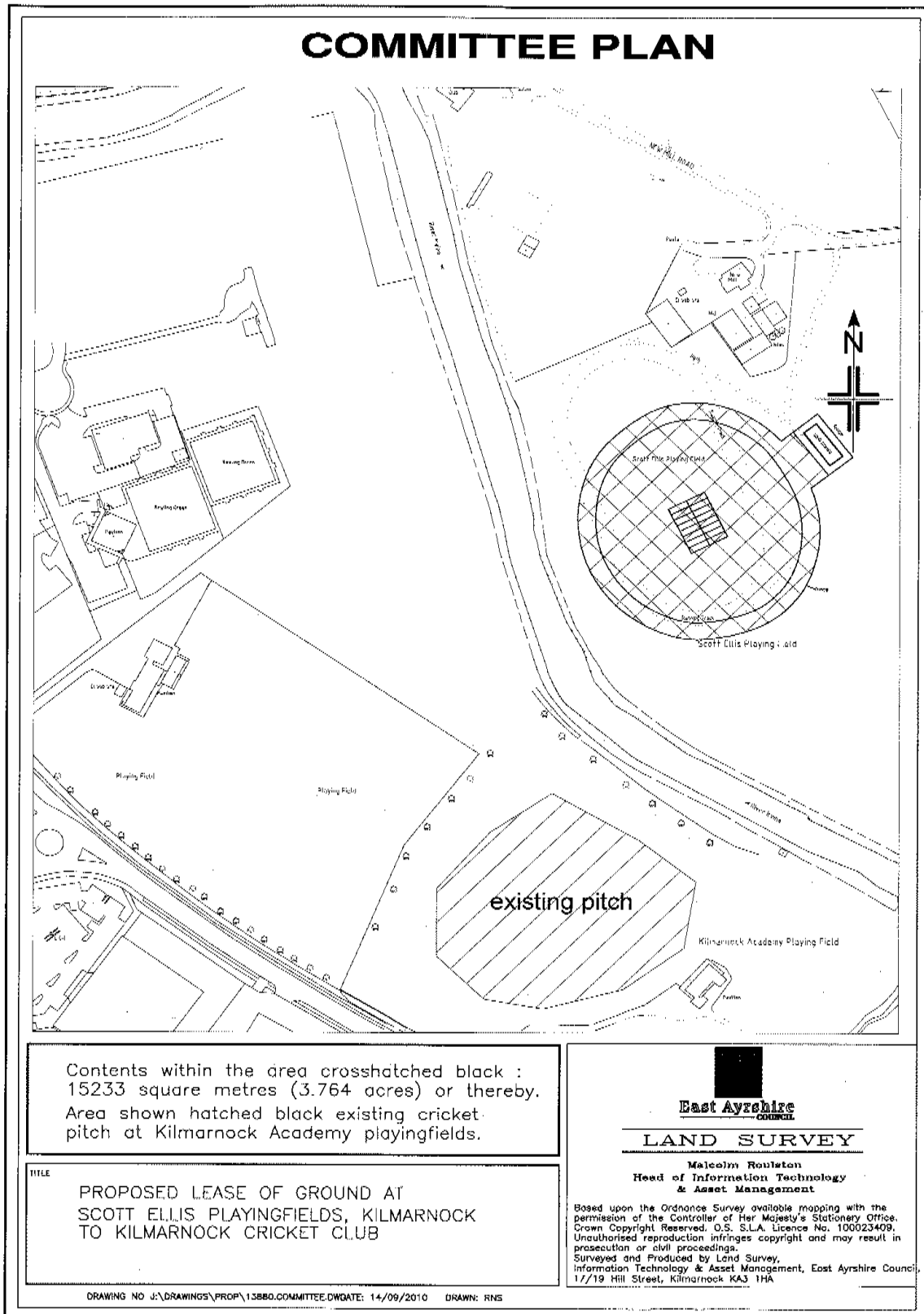
Alex McPhee
Executive Director of Finance and Corporate Support

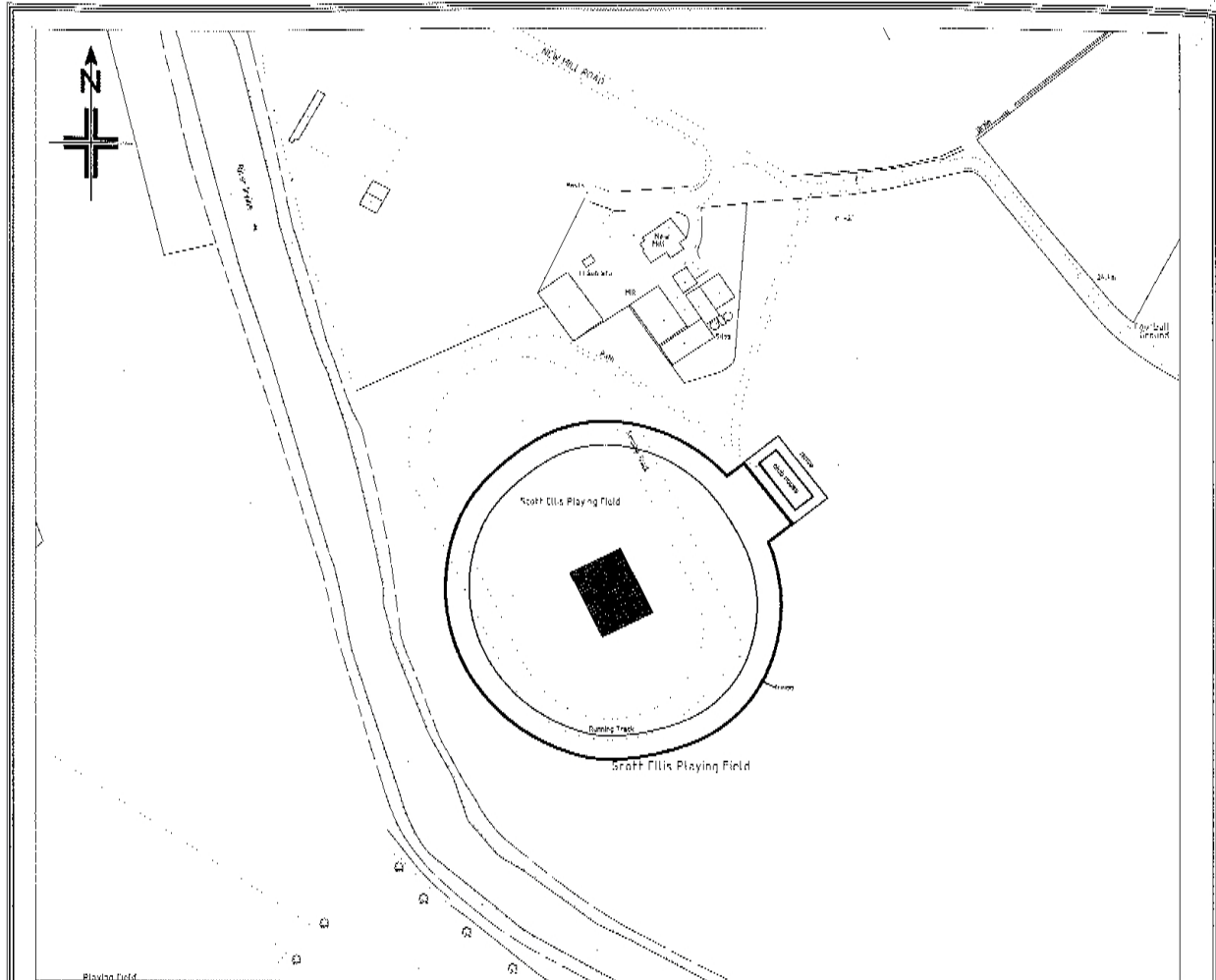
EM/AMcP/JAG/CF
15th September 2010

LIST OF BACKGROUND PAPERS

NIL

Implementation officer – john.griffiths@east-ayrshire.gov.uk






scale 1:1250

Contents within the boundaries coloured red :
extending to 15233 square metres or thereby.

This is the plan referred to in the foregoing Lease.

Solicitor to the Council Lessee/Tenant Date



East Ayrshire
COUNCIL

LAND SURVEY

Malcolm Roulston
Head of Information Technology
& Asset Management

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				Surveyed by	RNS
				Processed by	JL
				Checked by	<i>JL</i>
				Date	15 July 2010
				Revision	
				Scale	1:1250
				Drawing No	13880

TITLE NEW CRICKET GROUND
SCOTT ELLIS PLAYINGFIELDS
KILMARNOCK

PROJECT LEASE FOR CRICKET GROUND
Ground to be leased to
KILMARNOCK CRICKET CLUB