

EAST AYRSHIRE COUNCIL

CABINET REPORT – 30 MAY 2018

PROPOSED LEASE RENEWAL OF ALLWEATHER FOOTBALL PITCH AND CHANGING ACCOMMODATION AT WARWICKHILL ROAD, KILMARNOCK

Report by the Depute Chief Executive : Safer Communities

PURPOSE OF REPORT

1. The purpose of this Report is to seek Cabinet approval to enter into a new Lease Agreement with Bonnyton Thistle Football Club in respect of the subjects comprising an All-weather Football Pitch and Changing Accommodation at Warwickhill Road, Kilmarnock on the terms and conditions identified within this Report and to introduce restrictions on the use of the grass football pitch at Bonnyton Playing Field.

BACKGROUND

2. The subjects currently occupied by Bonnyton Thistle FC comprised a former bowling green and pavilion which the Football Club converted into an all-weather football pitch with flood lights and changing facilities. This is not a full size football pitch and can only be used for training or 5 / 7 a side matches.
3. The subjects were leased to Bonnyton Thistle FC for a period of 15 years from 20 December 2002 until 19 December 2017 with the Football Club being responsible for all repairs / maintenance and payment of all occupancy costs.
4. The adjoining grass playing field is excluded from the lease and football clubs wishing to play matches on the grass football pitch require to book the pitch with East Ayrshire Leisure Trust. However following the Council's decision to close and demolish the changing facilities at this location football teams which are not affiliated to Bonnyton Thistle FC require to come to an arrangement with Bonnyton Thistle FC to use their changing facilities and temporary goal posts.
5. During the period since Bonnyton Thistle FC first leased the subjects the Club has grown resulting in them leasing from the Council land at Townholm, Kilmarnock where they have constructed a new full size all-weather football pitch with floodlights and new changing facilities. The lease of the land at Townholm commenced on 17 February 2017 and is for a period of 25 years terminating on 16 February 2042.
6. The Council has received complaints from residents living within close facility to the Bonnyton facilities regarding the noise of balls hitting the fences, light pollution from the floodlights, the conduct of players, the noise of players shouting while playing matches / entering their cars and issues with traffic

congestion particularly during periods when matches are taking place on the grass pitch when vehicles have been parked on the pavement adjoining the pitch. It is acknowledged that the parking problems arose recently when an amateurs football match took place on the grass football pitch involving two teams neither of which were affiliated to Bonnyton Thistle FC. The public car park located beside the subjects is excluded from the lease and in addition to the Football Club it is also used by members of the Pigeon Club and the Church of God Bonnyton Hall who both have premises nearby together with members of the public visiting the Bonnyton Café chip shop. Correspondence has also been received from the Bonnyton Community Council reiterating these issues particularly in relation to the traffic congestion.

7. Following receipt of these complaints officers from the Council investigated the matters raised and responded to the complainants and the Community Council detailing the outcome of their investigations. The issues relating to traffic congestion were also referred to the Ayrshire Roads Alliance and Police Scotland and representatives of the Ayrshire Roads Alliance and Police Scotland have in the past attended meetings of the Community Council to respond to local concerns.

CURRENT POSITION

8. The position of Police Scotland is that they should be contacted and requested to attend whenever parking problems are experienced. The powers that Police Scotland have relate to obstruction as there requires to be adequate room on the pavement to allow a pedestrian pushing a pram or a wheelchair to pass and they would only take further action if such obstruction was present. The Council has been advised that Police Officers have spoken in the past to car users at Bonnyton about this matter.
9. Ayrshire Roads Alliance has considered the introduction of parking restrictions on Warwickhill Road and evaluated how effective these would be if implemented. It was concluded that if parking restrictions were introduced it would not only impact on the parties using the facilities but it would also have a direct impact on local residents. East Ayrshire Parking Wardens, who are responsible for enforcing such restrictions, only operate during normal office hours therefore the introduction of parking restrictions in this area would be mostly ineffective as the busiest times when the all-weather facility and grass football pitch are being used are out with normal working hours. After due consideration it was decided not to promote the introduction of parking restrictions due to the potential unintended impact on local residents and the limitations on enforcement by Parking Wardens.
10. Bonnyton Thistle Football Club wish to renew their lease of the facility at Warwickhill Road as they wish to continue to provide opportunities for boys and girls within a range of age groups and adults to participate in football training and matches. Positive health and wellbeing is a key theme within the Council's Community Plan and the broad range of activities being provided by the Club aligns to the strategic priority of the Council and its partners to promote health and wellbeing within all communities.

- 11.** It is acknowledged that some of the residents within the Bonnyton area were under the belief that the facility which the Club has constructed at Townholm would replace the facility at Bonnyton resulting in the closure of the Bonnyton facility. However due to the Club's success in attracting interest from youth and adults to participate in football both the Townholm and Bonnyton facilities are being fully utilised hence the requirement to retain the Bonnyton facility.
- 12.** The Club has advised the Council that previously all age groups used the Bonnyton facilities but they are now utilising Bonnyton for youth football with adults utilising Townholm. The Club has indicated that it currently has 7 teams utilising the Bonnyton facilities which comprises 171 children / youths within the age groups of 5 to 12. They are using the all-weather facilities for training purposes which takes place week day evenings and on a Saturday morning. Adults with special needs use the facility two days a week in the mornings. In order to generate income to help towards the Club's running costs private parties can book and use the facilities when they are not being used by the Club.
- 13.** The Club has also advised the Council that adult football training is now taking place at Townholm which caters for teenagers and adults with 270 people taking part. As the Townholm facilities are being fully utilised in the evenings there is no spare capacity for the teams training at Bonnyton to use the Townholm facilities hence the Club's requirement to retain both facilities.
- 14.** The Club has advised the Council that all their Coaches require to meet the requirements of the Scottish Football Association and that they do not tolerate bad behaviour or bad language and if this occurs in their presence the offenders are reprimanded. The Club has also advised the parents of youths who are members of the Club to park responsibly when dropping off / collecting their children or attending matches. If a football match is taking place on the grass pitch the Club has no control over the actions of the visiting team or their supporters.
- 15.** Representatives from the Council attended a meeting of the Bonnyton Community Council in November 2017 to discuss the issues affecting the community and the Football Club's request to renew their lease. The main topics discussed are summarised below
- 16.** Certain parties were opposed to the lease being renewed but it was understood that the majority of the people present at the meeting accepted that the Football Club was providing an opportunity for youngsters to become involved in football and that the Council were equally encouraging youngsters and adults to be active in sport for the associated health benefits of beating obesity, etc. For these reasons it was accepted that not to renew the lease was not an option but if the lease was to be renewed consideration should be given to the issues which the community were experiencing and whether anything could be done to alleviate these issues.

17. The problems with traffic congestion and parking while matches are being played, as referred to earlier in this report, were raised. The possibility of introducing parking restrictions was discussed but the majority of the people present rejected this proposal because of the wider impact which this would have on local residents. Police Scotland and Ayrshire Roads Alliance views in relation to this matter are detailed within paragraphs 8 and 9 of this report.
18. An issue relating to members of the Football Club parking their cars at Bonnyton and travelling by bus to other venues was raised as it was considered that this was adding to the traffic congestion. A further issue was raised by the parties living in close proximity to the all-weather facility which it was indicated was occurring when the Club members were returning later at night and this related to noise problems with the drivers exchanging greetings as they left, closing car doors and on some occasions sounding their car horns. This matter was raised with the Football Club with an alternative parking proposal being put forward by the Council. However the Football Club indicated that they had put in place alternative parking arrangements for teams traveling to away fixtures which was not at Bonnyton and that this should alleviate these issues.
19. It was indicated that traffic congestion was occurring when parties using the all-weather facility were arriving and leaving at the same time and it was suggested that staggering the bookings of the facility may alleviate this problem. This possibility was raised with the Football Club but they indicated that parties using the facility do not always leave immediately once they have finished using the facility as they may wish to change their clothing or discuss matters with Club members or friends. The Club indicated that in order to ensure there was no traffic overlap the time difference between bookings would require to be of a significant length which would have a major impact on their use of the facility.
20. An issue was raised relating to litter being dropped in the car park and being left following matches on the grass pitch. To try and alleviate this problem the Council has placed a new litter bin next to the car park and the Football Club has been advised to remind their members to remove all litter following matches involving their teams which they have agreed to do.
21. Another issue was raised regarding the noise of balls hitting against the barriers and fences. This matter has been raised with the Football Club and advice has also been sought from East Ayrshire Leisure Trust, who operates similar facilities on behalf of the Council, to determine whether they are aware of any potential solutions which may alleviate this problem. This matter is still under review.

BONNYTON PLAYING FIELD

22. It is acknowledged that parking problems are occurring when football matches are being played on the grass pitch. In comparison to other football pitches the status of this pitch has been reduced following the demolition of the former changing pavilion. An analysis of the use of the pitch between 1 January and

31 December 2017 indicates that the pitch was used exclusively by football teams affiliated to Bonnyton Thistle FC. Based on information provided by East Ayrshire Leisure Trust the pitch was used on 27 occasions for either under 18 matches or training, on 4 occasions for Soccer 7's and on 3 occasions for over 18 training. Since 1 January 2018 the pitch has only been used on 1 occasion involving two amateur teams who were not affiliated to Bonnyton Thistle FC.

23. Bonnyton Thistle FC have indicated that whenever possible they now use the all-weather pitch at Townholm for matches involving their youth teams and will only book the grass pitch if the Townholm pitch is not available hence the reduction in use of the grass pitch.
24. In recognition that the former Changing Pavilion has been demolished and that parking problems are occurring when the Bonnyton grass pitch is in use it is proposed that the use of the grass pitch for football matches / training be restricted to only youth teams affiliated to Bonnyton Thistle FC and that East Ayrshire Leisure Trust be advised not to let the park to adult teams (over 18's) or to other teams wishing to play matches on the grass pitch not affiliated to Bonnyton Thistle FC. This will not prevent the playing field from being booked for other purposes e.g. fun days, gala days, etc.

BONNYTON ALLWEATHER FACILITY (FORMER BOWLING CLUB)

25. It is proposed that the lease of the Bonnyton Allweather Facilities (Former Bowling Club) be renewed on the terms and conditions identified below:-
26. **Length of Lease** - Bonnyton Thistle FC has requested that the lease of the Bonnyton facility be for a period based on the term remaining on the Townholm lease (approximately 24 years) whereby it would terminate on 16 February 2042. The reason behind this request is to satisfy the parties who the Club may apply to for financial support to renew elements of the facility as these parties require the Club to have security of tenure for a specified period. The Club is proposing to apply to an Organisation for grant funding to assist in meeting the costs of renewing the allweather pitch which is nearing the end of its economic life and requires to be replaced. The proposed lease term and the Clubs request was discussed at the meeting with Bonnyton Community Council and the majority of the parties present were opposed to this length of lease as it prevented the Council from being able to review matters should further problems with the facility arise in the future.
27. Due consideration has been given to this matter and it is proposed that the lease be renewed for a further period of 15 years which is the same term as the original lease. Confirmation has been received from the Organisation who the Club are applying to for financial support that this length of lease will meet their requirements. The lease term of 15 years will apply from 20 December 2017.
28. **Time Restrictions** - The present lease does not include any time restrictions relating to the hours when the facility can be used and this matter was also

raised at the meeting with Bonnyton Community Council. For the reasons identified in paragraph 19 of this report it is considered that introducing staggered bookings may not assist matters. However in recognition of the residential nature of the surrounding area it is proposed to introduce time restrictions within the lease which will limit the times when the facility can be used. In this respect it is proposed that the allweather pitch should not be used before 10.00am Mondays to Saturdays and 11.00am on a Sunday and should not be used after 9.00pm all nights of the week.

29. **Rent** - In recognition that the all-weather pitch requires to be renewed and that the Club requires to raise finance to meet this expense it is proposed that the rent remains at its current level.
30. **Other Terms and Conditions** - All other terms and conditions will be similar to those contained within the existing lease.

FINANCIAL IMPLICATIONS

31. Placing restrictions on the use of the grass pitch has the potential to reduce the income receivable from letting of the pitch although under the existing arrangements the pitch has only been used on one occasion since 1 January 2018 and adults only used the pitch on three occasions the previous year for over 18's adult training.
32. The Council receives rental income from the lease of the subjects with all property costs being payable by Bonnyton Thistle FC.

LEGAL IMPLICATIONS

33. A formal Lease Agreement will be entered into with Bonnyton Thistle FC which will regulate the Club's occupancy of the subjects.

POLICY AND COMMUNITY PLANNING IMPLICATIONS

34. Positive health and wellbeing is a key theme within the Council's Community Plan and the broad range of activities being provided by the Club aligns to the strategic priority of the Council and its partners to promote health and wellbeing within all communities.

ASSET MANAGEMENT IMPLICATIONS

35. The Council does not incur any costs in relation to the allweather facility and the maintenance of the grassed open amenity area, where the grass pitch is located, will be required regardless of the use of the pitch.

RECOMMENDATIONS

36. It is recommended that Cabinet:-

- (i) Agrees to enter into a new Lease Agreement with Bonnyton Thistle Football Club in respect of the subjects comprising the allweather football pitch and changing accommodation at Warwickhill Road, Kilmarnock in accordance with the terms and conditions identified within this report and authorises the Solicitor to the Council to conclude the agreement;
- (ii) Agrees to introduce restrictions on the use of the grass football pitch at Bonnyton playing field whereby in relation to playing football matches or football training the pitch can only be used by youth teams affiliated to Bonnyton Thistle Football Club and cannot be used by adult teams (over 18's) or by other teams not affiliated to Bonnyton Thistle Football Club ; and
- (iii) Otherwise note the contents of the Report.

**Katie Kelly,
Depute Chief Executive : Safer Communities**

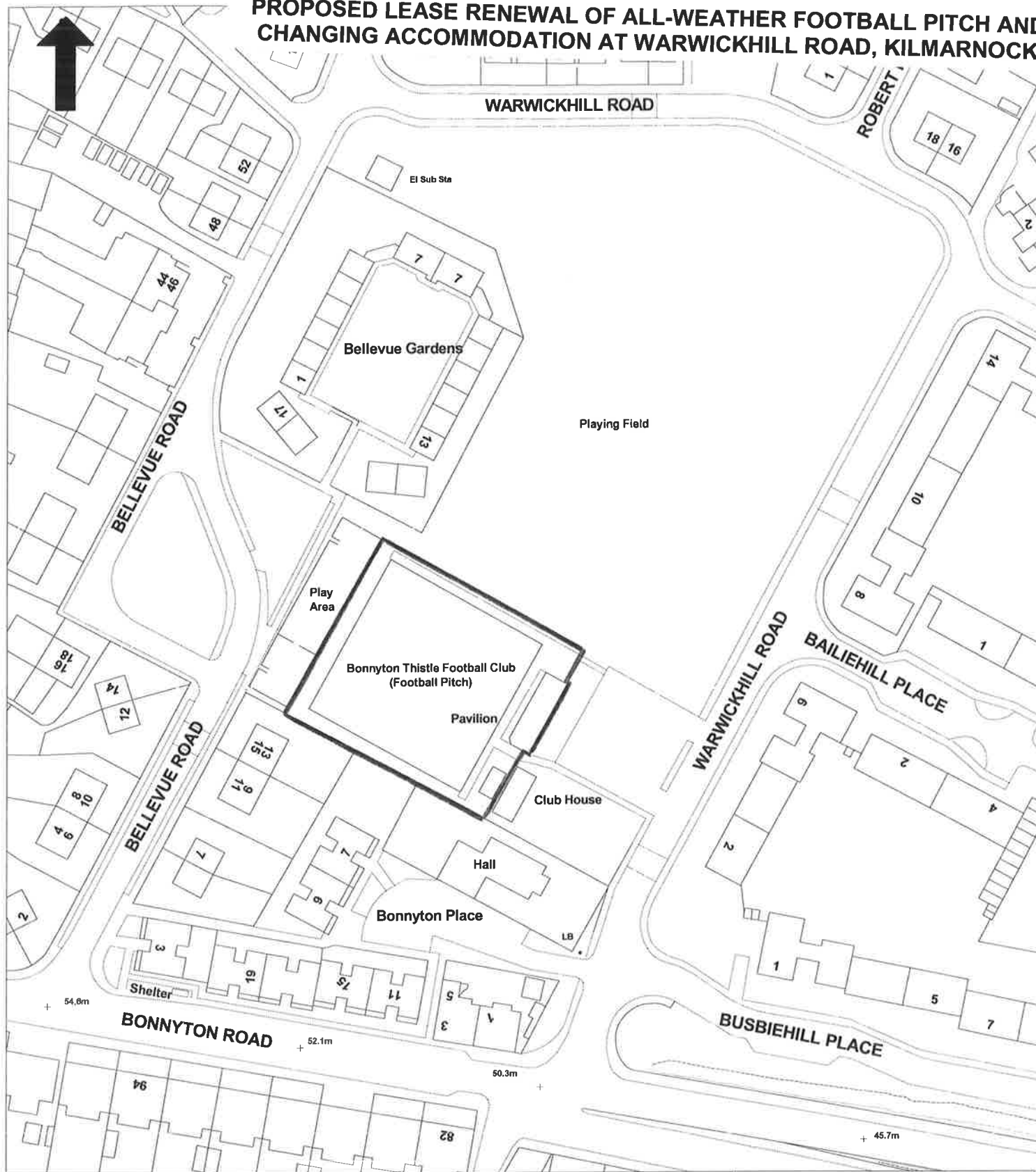
17 May 2018.

LIST OF BACKGROUND PAPERS – Nil

Any party wishing further information should contact either Stuart McCall, Legal Manager on 01563 576085 or Sam McVie, Estates Manager on 01563 576159.

Implementation Officer – Stuart McCall.

PROPOSED LEASE RENEWAL OF ALL-WEATHER FOOTBALL PITCH AND CHANGING ACCOMMODATION AT WARWICKHILL ROAD, KILMARNOCK



LOCATION PLAN



East Ayrshire
COUNCIL

MAP REFERENCE: NS4138SE

DATE: 16/05/2018

SCALE: 1:1250

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