

Report to: Cabinet

Date: 11 June 2020

Title: Lewes Football Club – Lease, Dripping Pan, Lewes

Report of: Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning

Cabinet member: Councillor Zoe Nicholson, Leader of the Council

Ward(s): Lewes Priory

Purpose of report: To seek recommendation regarding the grant of a 25 year lease to Lewes Football Club of the Dripping Pan site, subject to further approval from Full Council on 20 July 2020.

Decision type: Non-Key Decision

Officer recommendation(s): For Cabinet to recommend to Full Council the grant of a 25-year lease to Lewes FC of the Dripping Pan. For this purpose, the Council will be sitting in its capacity as the sole charitable trustee of the Mountfield Pleasure Ground Trust.

Reasons for recommendations: To enable Lewes Football Club to seek grant funding to make improvements to the Club’s site. The Dripping Pan forms part of Mountfield Pleasure Ground Trust and as such the final decision in this matter resides with Full Council as sole charitable trustee.

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1 Introduction

- 1.1 Lewes Football Club was formed in 1885 and has played at the Dripping Pan ever since. The Club has changed how it is constituted over the years and is now a mass-ownership Community Benefit Society. 25,000 fans and visitors attend games at the Club every year and they are the number one away fixture in the non-league calendar. The Dripping Pan forms part of Mountfield Pleasure Ground Trust, of which the Council is the sole charitable trustee.
- 1.2 The Club would like to undertake some improvement works on their existing site. The existing lease ends on 30 November 2025 and a new longer lease is

required in order for the Club to be able to attract grant-funding from external source, including the Football Foundation as grant funders tend to require a long term interest in property.

2 Proposal

2.1 Charities, such as the Mountfield Pleasure Ground Trust, need to obtain best value when disposing (including granting a lease) of charitable land. Charity land can only be disposed of at an undervalue where the disposal is to another charity and the disposing charity has appropriate powers. The Club is not currently a registered charity and therefore a disposal at an undervalue would not be permitted.

2.2 An independent rental valuation of the site has been undertaken and has assessed the market rental value as £5,500; this is in line with the existing rental value of the site. Cabinet is asked to recommend to Full Council that a new 25 year lease be offered to the Club at the market rental value on existing lease terms subject to such variations as may be agreed in the course of negotiation.

3. Corporate plan and council policies

3.1 This proposal meets the aspirations of the Corporate Plan to help empower local groups to be more sustainable.

3.2 In addition, this proposal meets the aims of the adopted Corporate Asset Management Plan by ensuring social and economic value is maximised.

4. Financial appraisal

4.1 The grant of a 25 year lease to Lewes Football Club of the Dripping Pan site would enable the club to undertake some improvement works on their existing site and to make applications for funds, which is required to support their operation by sourcing external grant-funding. The Club will be responsible for maintaining the asset thus reducing the Council's maintenance costs.

Where the Council grants a lease over a property or an item of plant or equipment, the asset is retained within the Council Balance Sheet. The proposal to award the lease at a market rental value of £5,500 ensures the best use of the asset and will have significant benefits to the local community as outline within this report.

5. Legal implications

5.1 The object of the charity, Mountfield Pleasure Ground Trust, is to provide recreation on the charity's property for people living within a specific area of benefit. Generally speaking there is power under the charity's trust to let property on the site and it is not limited to letting property for recreational use. Therefore in principle as long as there is what the Council (as charitable trustee) reasonably considers to be appropriate provision for recreation for the public benefit from the site overall, then a letting to the Football Club will be authorised by the trusts of the charity.

- 5.2 The Charities Act 2011 imposes restrictions on charities when disposing of charitable land. In order for a charity to dispose of land to a non-charity without a Charity Commission order, the charity trustees should follow a set procedure. This involves obtaining a report from a qualified surveyor that covers specific matters and the charity trustee determining that the terms on which the disposal is to be made are the best that can reasonably be obtained for the charity. In effect, this means that a charity has to obtain best consideration for its land.

The Council, as charitable trustee, will comply with all requirements imposed by charity law and any other legal requirements, in granting the lease.

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6. Risk management implications

- 6.1 This proposal will enable the Club to seek grant-funding for site improvements. If a new lease is not entered into then improvements will not be able to be made and the Council's asset will deteriorate.

7. Equality analysis

- 7.1 An Equality and Fairness screening has been undertaken and it is assessed that there are no equality impacts as a result of the proposed new 25 year lease.

8. Sustainability implications

- 8.1 This proposal will help to support the future of this important asset and the sustainability of the Club.

9. Appendices

- None

10. Background papers

- None