

Report

Cabinet Member for Assets, Equalities & Member Development (Deputy Leader)

Part 1

Date: 23 August 2018

Subject Land Adjacent to Maindee School (Rodney Parade), Maindee, Newport.

Purpose To seek approval from the Cabinet Member for Assets, Equalities & Member Development (Deputy Leader) to declare the subject land surplus to the Council's requirements and to dispose/gift the land on terms agreed by the Head of Law and Regulation.

Author Housing and Assets Manager

Ward Victoria

Summary Newport Dragons has requested land adjacent to Maindee Primary School be gifted to them to assist their operations and reduce antisocial behaviour in the area. This report therefore considers the options available for the future use of this asset.

Proposal That the subject land be declared surplus and disposed of on terms recommended by Newport Norse and approved by the Head of Law and Regulation.

Action by Head of Regeneration, Investment and Housing.

Timetable Immediate

This report was prepared after consultation with:

- Estates Team Leader, Newport Norse
- Estates Portfolio Officer, Newport Norse
- Associate Director of Property Services, Newport Norse
- Housing and Asset Manager
- Head of Law and Regulations – Monitoring Officer
- Head of Finance – Chief Finance Officer
- Head of People and Business Change
- Newport Dragons
- South Wales Police

Signed

Background

The subject land is owned by the Council and is currently appropriated to Education. This is likely to be historic as the land was left over following the construction of Maindee Primary School. The land forms part of the walkway from Corporation Road, over the river Usk, to the City Centre and is approximately 825m² in size. A plan of the land/area along with photographs are attached to this report.

The land in question is causing a number of issues but is directly affecting Newport Dragons/Newport County match day operations. In the aftermath of terrorist attacks in Manchester and Paris, a UK wide protocol was issued to increase the safety at any location holding events. As a result of the protocol, Gwent Police had to provide a report on Rodney Parade and show how secure it would be in the event of an attack.

The report raised serious security issues for the land in question and is why Newport Dragons would like the land transferred to them. Having full control and responsibility over the land, will reduce the security risk to any events they host, as the report mentioned that an attack could be co-ordinated from the location as potential attackers could congregate in the area.

The land also attracts a lot of fly tipping and numerous rucksacks/briefcases have been found on site. This raises security issues on a match day and could prevent a game or event from going ahead. Often the rucksacks and briefcases are the possessions of people who are homeless, however this assumption cannot be made every time given recent events. Disposing the land will reduce the risk of an attack and also negate the Council's liability/political position if such an attack happened whilst still in its ownership.

As well as the fly tipping, a lot of antisocial behaviour occurs on the land and in the surrounding areas. The use of recreational drugs in the area is evident and is of great concern given the proximity of Maindee Primary School, the safety of the Primary School Children being paramount. The land sits adjacent to the main walkway and entrance to the school. There could be some collaboration with Maindee Primary School during and after the disposal of the land. The transfer could provide an opportunity for community engagement with the school and Newport Dragons if the transfer goes ahead. This would not be limited to the School as the community could also be included in any activities.

In the short term the Council will still be responsible for the maintenance of the land and any subsequent costs. In the long term this would be reduced by the disposal to the Dragons and will give them full control over match security.

As discussed with them at the time, their intention is to clear the site and erect fencing, at their own cost, in order to secure the plot within their boundary. As they will be reducing the risk for any events held and improving the area for the public they were unwilling to pay for the land. However, as Newport Dragons have recently been taken over by the WRU and Newport County's continued success we believe a restriction on the use of the land should be included in any agreement of transfer.

If they did want to redevelop the land in the future, they would need to seek the Council's permission. The Council would be wise to prevent any capital income Newport Dragons may make acquiring a substantial parcel of land. It would be an ideal sized plot to increase commercial ventures and increase the stadium's capacity by building a new stand.

If the transfer is not agreeable then the least that needs to be agreed upon is for the area to be maintained to a better standard than it is currently. The cost of this will fall to the Council if ownership is retained. This will reduce the risk for Newport Dragons during an event at the ground and reduce the antisocial behaviour and risk to the schoolchildren.

Financial Summary

The Council is currently responsible for maintenance of the area, but undertakes little or no maintenance of the area. Costs to the Council are currently therefore minimal.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure to dispose of the property will result in the potential of events being cancelled .	H	H/M	The impact of not reducing the risk could reflect bad on the Council publically and politically.	Newport City Council
Risk of Vandalism	H	H/M	Property has been subject to anti-social behaviour and vandalism.	Newport City Council
On-going Maintenance	H	H	The Council will have to actively maintain the site going forward.	Newport City Council

Links to Council Policies and Priorities

Property Rationalisation Programme
Medium Term Revenue Plan (MTRP)

Options Available

1. Take no action
2. That the subject land be declared surplus and be gifted to Newport Dragons on terms to be recommended by Newport Norse and agreed by the Head of Law and Regulation.
3. That the subject land be maintained to a better standard to reduce the Council's liability and that of Newport Dragons.

Preferred Option and Why

That the subject land be declared surplus and be disposed of on terms to be recommended by Newport Norse and agreed by the Head of Law and Regulation.

It would avoid potential future revenue costs.

Comments of Chief Financial Officer

Whilst the disposal of this piece of land will not provide the council with any capital receipts, the transfer of the land will reduce the Council's liability in maintaining the land and avoid any further potential costs that could arise.

Whilst subject to negotiation and agreement, it would be reasonable to include in any agreement some form of compensation if the land was subsequently re-developed and the Newport Dragons obtained a capital sum or earned an on-going income from it.

Comments of Monitoring Officer

The proposed action is in accordance with the Council's powers to re-appropriate and dispose of surplus land under sections 122 and 123 of the Local Government Act 1972. This site is clearly no longer required for educational purposes and can, therefore, be re-appropriated for general asset management purposes and disposed of. It is assumed that the land is not classed as public open space and, therefore, the proposed appropriation and disposal will not have to be advertised. However, in accordance with section 123 of the 1972 Act, the Council has a statutory duty to secure the best price reasonably obtainable for the disposal of any surplus land. If the land is to be "gifted" to the Newport Dragons or transferred for nominal consideration, then Welsh Government consent would be required. However, there is a General Disposal Consent under section 128 which enables councils to sell land at less than the best price where that is considered to be in the social, economic or environmental interests of the area and the "undervalue" is less than £2m. In this case, there are clear non-financial benefits in transferring the land, in terms of improved event security, reduced maintenance responsibility, greater controls over anti-social behaviour and littering and increased community engagement. Therefore, the proposed disposal would be covered by the terms of the General Disposal Consent. However, to avoid any unlawful state aid issues, it is imperative that no commercial profit should be made out of the redevelopment of the gifted site. Therefore, any transfer agreement would need to include a restrictive covenant to prevent any commercial development or use of the site.

Comments of Head of People and Business Change

There are no staffing implications arising from this report.

Asset management is a key area for consideration as part of the Well-being of Future Generations Act. The decision to dispose of this land will secure its long term future, be of benefit to the local community and help prevent any anti-social behaviour incidents. The report has considered the five ways of working and the decision contributes to a number of well-being goals including a Wales of vibrant culture and a Wales of cohesive communities.

Comments of Cabinet Member

Cabinet Member has been briefed on the report.

Local issues – Comments of Victoria Ward Members

Scrutiny Committees

N/A

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs

of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

After collaborating with Newport Dragons and the Police regarding the various issues with the land, the prevention of any future incidents, from hosting events to the day –to-day running of the School, is of utmost importance. Therefore, the gifting of the land will prevent any possible incidents and improve the area for the community for the long term future. The involvement of the School will show that the care is for the future of the community rather than the commercial benefits of the Newport Dragons.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

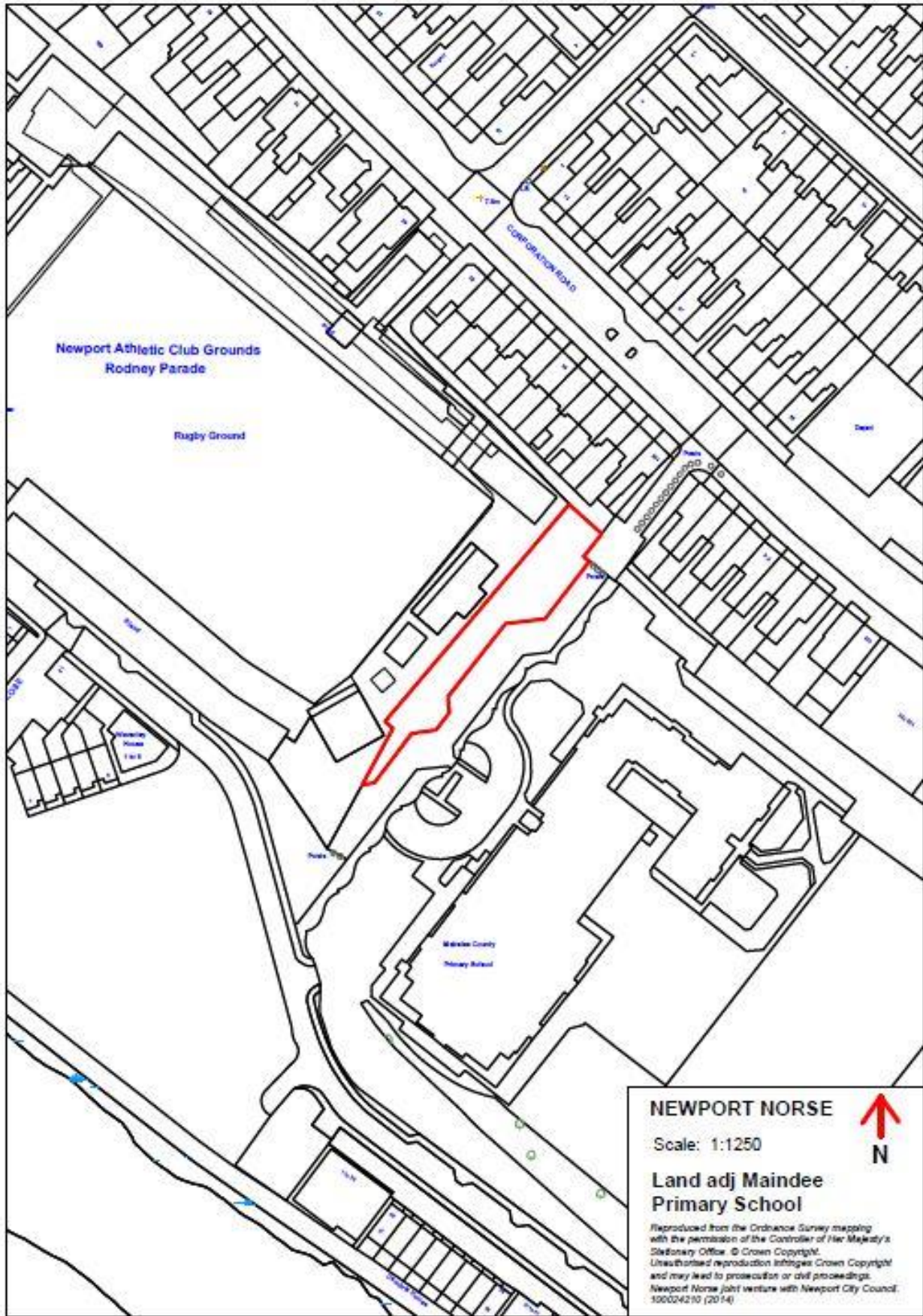
Consultation

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

Site Plan

Dated: 23 August 2018



Newport Athletic Club Grounds
Rodney Parade

Rugby Ground

Maindee County
Primary School

NEWPORT NORSE

Scale: 1:1250



**Land adj Maindee
Primary School**

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Newport Norse joint venture with Newport City Council.
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