



**REPORT TO CABINET  
TO BE HELD ON  
13 DECEMBER 2016**

**NOT FOR PUBLICATION – Appendix 2 contains exempt or confidential information relating to the financial and business affairs of any particular person (including the authority holding that information)**

**Key Decision                      No**

**Forward Plan Ref No**

**Corporate Priority**

**Cabinet Portfolio  
Holder**

**Cllr. Helen  
Mallory**

**People and Place**

**Cllr. Andrew  
Jenkinson**

**REPORT OF: DIRECTOR (TW) AND DIRECTOR (NE) – 16/268**

**WARDS AFFECTED: NORTH BAY**

**SUBJECT: DEVELOPMENT OF A BEACH COURT FACILITY  
(SPORTS PROVISION)**

**RECOMMENDATION (S):**

- (a) To approve the development and subsequent letting of a beach volleyball facility totalling approximately 385 sq m on the North Bay Scarborough, in the location outlined red on the map attached as Appendix 1, on terms outlined in Appendix 2. This is subject to the Crown Estate allowing a sub-lease agreement, which has been agreed in principle with the Crown Estate’s managing agent.
- (b) Approve the proposed tenant the North Riding Eagles Volleyball Club be treated as a special purchaser due to the award of funding from Sport England;
- (c) Note that no objections have been received by the Council in relation to the letting of the public open space.

**REASON FOR RECOMMENDATION (S):**

- To enable the development of a new sporting facility within the North Bay area of Scarborough to be progressed.

- To note the proposed terms of occupation in respect of the proposal
- To comply with the Council's Constitution and Section 123 of the Local Government Act 1972

## **HIGHLIGHTED RISKS:**

- Loss of external funding that has been secured for the development of the facility.
- Loss of potential new sporting facility for the Borough.
- That the Club ceases to operate and the facility falls back to the Council to reinstate the site.
- The Crown Estate does not grant permission for the Council to sub-let the site.

## **1. INTRODUCTION**

- 1.1 This report relates to the development of a new Beach Volleyball facility for the Borough of Scarborough, following a successful bid for funding from Sport England by the North Riding Eagles Volleyball Club. Appendix 3 shows a plan detailing the layout proposed, as in accordance with planning application Ref: 16/01810/RG4. An artist's impression has also been included as Appendix 4.

## **2. CORPORATE AIMS/PRIORITIES**

- 2.1 The improvements set out in this report will support delivery of the People and Place aims of the Corporate Plan.

## **3. BACKGROUND AND ISSUES**

- 3.1 There have been ambitions for a number of years to develop a Beach Volleyball facility within the Borough. The Council previously supported bids in 2010, although at the time these were unsuccessful as funding for Volleyball at the time was focused on Volleyball England for the London 2012 Olympic Games.

- 3.2 In May 2016, the North Riding Eagles Volleyball Club was awarded £69,531 by Sport England from their Inspired Facilities funding stream to develop a beach Volleyball Court within Scarborough, subject to a number of conditions;

- i. Submit evidence of a registered leasehold title for a minimum of 10 years from the date of the award with no break clause able to be exercised in that period.
- ii. Submit evidence of planning permission for the project from the Local Planning Authority.
- iii. Submit evidence that the club has become VAT registered.

- iv. Submit evidence to explain how the club's VAT liability on the project has been calculated.
- 3.3 The Sport England Inspired Facilities is part of the Olympic and Paralympic legacy programme that assists sports organisations with facility development. For the North Eagles Volleyball Club to be successful is a significant achievement as the programme is extremely competitive and heavily oversubscribed (624 applications were received seeking an investment of £42 million, against an available lottery budget of £10 million).
- 3.4 The application was developed through a partnership between the local community and organisations that deliver services in the area. Organisations involved included North Yorkshire Sport, Scarborough Borough Council (Sports Development), Yorkshire Coast Homes, Volleyball England, North Yorkshire County Council (Education), Scarborough College, Botton Hall Village, University of Hull (Scarborough Campus) and the Scarborough Inclusive Sport Steering Group.
- 3.5 The North Riding Eagles Volleyball Club is a well established, governed and respected club on the national volleyball stage. They offer fully inclusive opportunities for players to participate in the sport and have developed links across the Borough to do this. They were named the Scarborough & District Sports Council "Community Sports Club of the Year" and their Head Coach; Anthony Laffan was named the "Performance Development Coach of the Year" by England Volleyball in 2015. The club has also hosted national beach competitions and has developed an integrated volleyball net to allow inclusive participation. The club has its roots in Stokesley, but now delivers predominantly in the Scarborough Borough area. They do not have a permanent base but utilise the facilities at Whitby Leisure Centre, Caedmon College Whitby, Eskdale School, Scalby School, Scarborough Sixth Form College, the University of Hull (Scarborough Campus) and the Borough's beaches when relevant. The club will use the proposed facility as a base for training and also to host beach specific competitions.
- 3.6 This proposal offers the opportunity for the development of a new facility within the Borough, for an Olympic sport which is increasing in popularity. In addition as well as volleyball, the facility has a range of flexible uses and could provide the following activities for local community clubs and be utilised by the Scarborough Borough Council Sports Development Unit and Active Coast & Country initiative:
- Beach Soccer
  - Beach Netball
  - Beach Cricket
  - Beach Handball
  - Beach Rugby
  - Beach Tennis
  - Pilates/Yoga/Kettlebell/Exercise Classes
  - Holiday Activity Schemes

- 3.7 Any potential activity would need the agreement of the club as leaseholder before delivery was undertaken.

## **4. CONSULTATION**

- 4.1 The bid has wide support and the application was developed through a partnership between the local community and organisations that deliver services in the area. Organisations involved included North Yorkshire Sport, The Borough Council (Sports Development), Yorkshire Coast Homes, Volleyball England, North Yorkshire County Council (Education), Scarborough College, Botton Hall Village, University of Hull (Scarborough Campus) and the Scarborough Inclusive Sport Steering Group.
- 4.2 In securing the funding from Sport England the club had to undertake community consultation and demonstrate demand for the facility. In total they received over 40 letters of support from local community groups, schools, sports clubs and organisations. The Club also carried out an internal membership questionnaire and set up a Facebook Group to raise awareness of the potential project and gauge interest.
- 4.3 Additionally as part of the planning consent process and to secure change of use for the site the North Riding Eagles firstly gave a pre planning presentation to the Planning Committee to obtain feedback on the design of the proposals and their proposed location. Subsequently they undertook statutory consultation with a number of consultees including, Historic England, Sport England, NYCC Highways, Scarborough and District Civic Society etc. and have published planning and change of use notices in the local press and on site. No objections to the development were received.
- 4.4 The Council's interest in this land is by way of a long lease agreement from the Crown Estate. In accordance with this lease the Council, as tenant, require the Crown's permission, as Landlord, to sublet any part of the lands. The Council's Estates Department is currently in discussions with the Crown's appointed representative in order to obtain this permission.
- 4.5 Under the provisions of Section 123 of the Local Government Act 1972, the Council is required, prior to selling or letting land currently being used as public open space, to advertise by placing two consecutive notices in the local press of its intentions to sell or let the land and to consider any objections or representations made to it by members of the public. Notices were placed in the Scarborough News the week of the 29 September and the 6<sup>th</sup> October 2016. Two notices were also fixed on site over this time period.
- 4.6 No objections or representations were received as a result of these notices.

## **5. ASSESSMENT**

- 5.1 The development of the facility offers an excellent opportunity to develop the portfolio of sporting facilities available within the Borough. Funding has been

secured through a highly competitive programme, by a well respected and established provider and there is strong support from the local community for the proposal.

- 5.2 It is proposed to offer the Club a lease on the terms agreed in Appendix 2. Prior to this agreement the Club will need to enter a licence to do works which will be in accordance with the Planning Permission (16/01810/RG4) obtained on Thursday 10<sup>th</sup> November 2016 and agreed specifications.
- 5.3 The Council's Constitution states that as a general rule all land and property disposals, including the lease of land, should be submitted to competitive tender. However due to the specialist nature of this proposal and the fact that the North Riding Eagles Club has obtained Sport England funding it is thought that they are best placed to make a success of this venture and therefore no tender has taken place.

## **6. IMPLICATIONS**

### **6.1 Policy**

- 6.1.1 The content of this report is in accordance with the Council's policy framework.

### **6.2 Legal**

- 6.2.1 The development works will be documented by way of a licence agreement and the letting of this land will be documented by way of a sub-lease agreement\ from the Crown Estate.

### **6.3 Financial**

- 6.3.1 Funding of £69,531 has been secured by the North Riding Eagles Volleyball Club from Sport England to develop and run this facility for a period of 10 years.
- 6.3.2 Ongoing maintenance for the period of the lease will be the responsibility of the North Riding Eagles Volleyball Club. As part of the lease the tenants will also be required, if requested, to remove the facility and landscape the site at the end of the term or however the lease ends. There is, however, a risk that if, for whatever reason, the Club is not financially able to undertake this work, or ceases to operate that the costs to reinstate the site will fall back to the Council.
- 6.3.3 The Club need to establish a 'sinking fund' for the replacement of the sand when required.

### **6.4 Crime and Disorder**

- 6.4.1 No specific implications. The site will be secured with fencing and will be locked when not in use.

## **6.5 Environmental**

6.5.1 The proposals will improve the appearance of green and open spaces in the North Bay area.

## **6.6 Planning**

6.6.1 Planning Permission for the facility was granted on Thursday 10<sup>th</sup> November 2016. (Ref: 16/01810/RG4)

## **6.7 Staffing**

6.7.1 The scheme will be project managed by the North Riding Eagles Volleyball Club. The club will be responsible for bookings and collecting fees and charges, opening and closing of the site, maintenance and facility checks and a management group will be created for this purpose. The work is supported by the Sports Development Officer. Liaison with relevant staff from other departments will take place as required.

## **6.8 Equalities and Diversity**

6.8.1 Volleyball is an inclusive sport and the facility will be accessible for a range of groups, of all abilities. The Club have been at the forefront nationally to try and develop a more integrated form of the sport, to be developed alongside the sitting volleyball format and have developed an integrated net that enables players to play through the net as well as over it. The net has been piloted locally at a session at Botton Village and also used at Scarborough Mencap, Dalewood House the University of Hull and at an integrated beach volleyball event in Whitby. The club membership is also now made up of 40% disabled performers and the club has a strong philosophy of developing inclusive opportunities.

## **7. ACTION PLAN**

7.1 A timetable for the undertaking of works is as follows:

Development of specification	January 2017
Procurement/selection of contractors	February / March 2017
Start on site	April / May 2017
Work completed	June / July 2017

7.2 Estimated 8 week build, the aim is for completion by the start of the beach season if possible, but this is dependent on the procurement process, lead in times and weather conditions.



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**Background Papers:**

None

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT Jo Ireland/Bryan Walker. ON 01723 384315, e-mail [jo.ireland@scarborough.gov.uk](mailto:jo.ireland@scarborough.gov.uk)