

Finance and Resources Committee

10.00am, Thursday, 20 May 2021

Bingham Park Pavilion – Proposed New Lease

Executive/routine	Routine
Wards	17 – Portobello / Craigmillar
Council Commitments	39

1. Recommendations

- 1.1 That Committee approves a 5-year lease of the sports pavilion at Bingham Park to Portobello Community Football Academy on the terms outlined in this report and on other terms and conditions to be agreed by the Executive Director of Resources.

Stephen S. Moir

Executive Director of Resources

Contact: Mark Bulloch, Portfolio Manager – Investments,
Property and Facilities Management Division, Resources Directorate

E-mail: mark.bulloch@edinburgh.gov.uk | Tel: 0131 529 5991

Bingham Park Pavilion – Proposed New Lease

2. Executive Summary

- 2.1 The pavilion at Bingham Park is currently occupied by Portobello Community Football Academy. This report seeks approval to grant the existing tenant a new 5-year lease on the terms and conditions outlined in the report.

3. Background

- 3.1 The property is a small sports pavilion within Bingham Park as shown outlined in red on the plan attached as Appendix 1.
- 3.2 The current lease is in the name of “Edina Hibs Boys Club” per two named individuals who previously acted as treasurer and secretary for that entity when the lease was granted. The term of the original lease was from 1 October 2009 to 31 October 2012 which has continued from year to year thereafter at a passing rent of £50 per annum.
- 3.3 In October 2012, the two individuals named in the lease contacted the Council by email to inform that there had been a split within the club and that they would no longer have any involvement in the club remaining at Bingham Park and requested that their names be removed from the lease. That club remaining at Bingham Park were renamed Edina Hibs Community Soccer School who later became Portobello Community Football Academy (Portobello CFA). The element that vacated and set up a separate club retained the name Edina Hibs Boys Club.
- 3.4 Due to an administrative oversight the lease was not updated or amended at that time; however, Portobello CFA remained in occupation and have paid the rent due and met their other contractual obligations under the lease agreement. Portobello CFA also have the Sports Pitch Extended Let agreement for the pitch adjacent to the pavilion since 2013.
- 3.5 In June 2019, the original named individuals on the lease contacted the Council to seek clarification around the lease and stated that they believed they were still legal tenant of the pavilion.
- 3.6 The Council’s position on this claim was clear and followed advice from Legal Services. The named individuals in the lease contacted the Council in 2012 asking

for their names to be removed from the lease. They have not been in occupation nor paid rent since 2012. Neither the original Edina Hibs Boys Club nor the named individuals in the lease could be considered legal tenants.

- 3.7 Edina Hibs did not accept the Council's position and submitted a request for information under the FOI legislation and then raised a Stage 1 and subsequent Stage 2 complaint.
- 3.8 As part of the outcome of the Stage 2 complaint, and in order to resolve the lease position, the Council allowed both the incumbent occupier (Portobello CFA) and Edina Hibs Boys Club to make proposals for a new lease of the pavilion.
- 3.9 In late 2020, the Council was separately approached by representatives of Bingham Athletic, a local amateur team who wished to make use of the pavilion. Bingham Athletic had approached Portobello CFA with a view to sharing the facility, however, no agreement could be reached as there are child protection concerns around amateur teams and youth football teams sharing the pavilion.
- 3.10 On 24 February 2021, to bring the matter to a conclusion, representatives from Portobello CFA, Edina Hibs Boys Club and Bingham Athletic were contacted by email and invited to submit proposals for sole use of the pavilion by 3 pm on 22 March 2021. The email set out the criteria required within the proposal as follows:
- Rent offer and confirmation of funding in place;
 - Lease length required;
 - Confirmation of repairing obligation to be taken by tenant;
 - Details of any works carried out to pavilion to date (if applicable);
 - Details of any refurbishment or improvement work proposed and details of funding;
 - Evidence of a sound governance structure with a strong Club Development Plan and Governing Body support;
 - Confirmation that the club follows appropriate Child Wellbeing and Protection policies and procedures; and
 - Provide details of opportunities to participate at all stages of their respective sports player pathway, in both the male and female game (or working towards providing).
- 3.11 The above criteria were agreed and set by officers from Property and Facilities Management, Parks and Greenspace and Lifelong Learning Development (Sports and Physical Activity) who all had an interest albeit from different perspectives. The same officers reviewed and assessed the submitted proposals after the closing date passed.

4. Main report

- 4.1 The proposals submitted by the three parties were of a high standard and met the criteria required. Rental offers ranged from £500 to £1,000 per annum with different lease lengths proposed. Officers who reviewed the proposals were of the view that there was nothing contained in the proposals which justified the removal of the existing occupier.
- 4.2 Committee is asked to confirm approval of a new lease on the following terms:
- Subjects Sports pavilion, Bingham Park Edinburgh;
 - Tenant: Portobello Community Football Academy;
 - Lease: 5-year term;
 - Rent: £500 per annum;
 - Use: Changing facilities with ancillary storage;
 - Repairs: Tenant full repairing and maintaining obligation;
 - Other terms: As contained in the Council's standard full repairing and insuring lease.

5. Next Steps

- 5.1 Following Committee approval, the Legal Services will be instructed to progress the lease documentation.

6. Financial impact

- 6.1 An increase in rental income from £50 to £500 per annum payable to Parks and Greenspace Account.

7. Stakeholder/Community Impact

- 7.1 Ward members have been made aware of the recommendations of the report.

8. Background reading/external references

- 8.1 Not applicable.

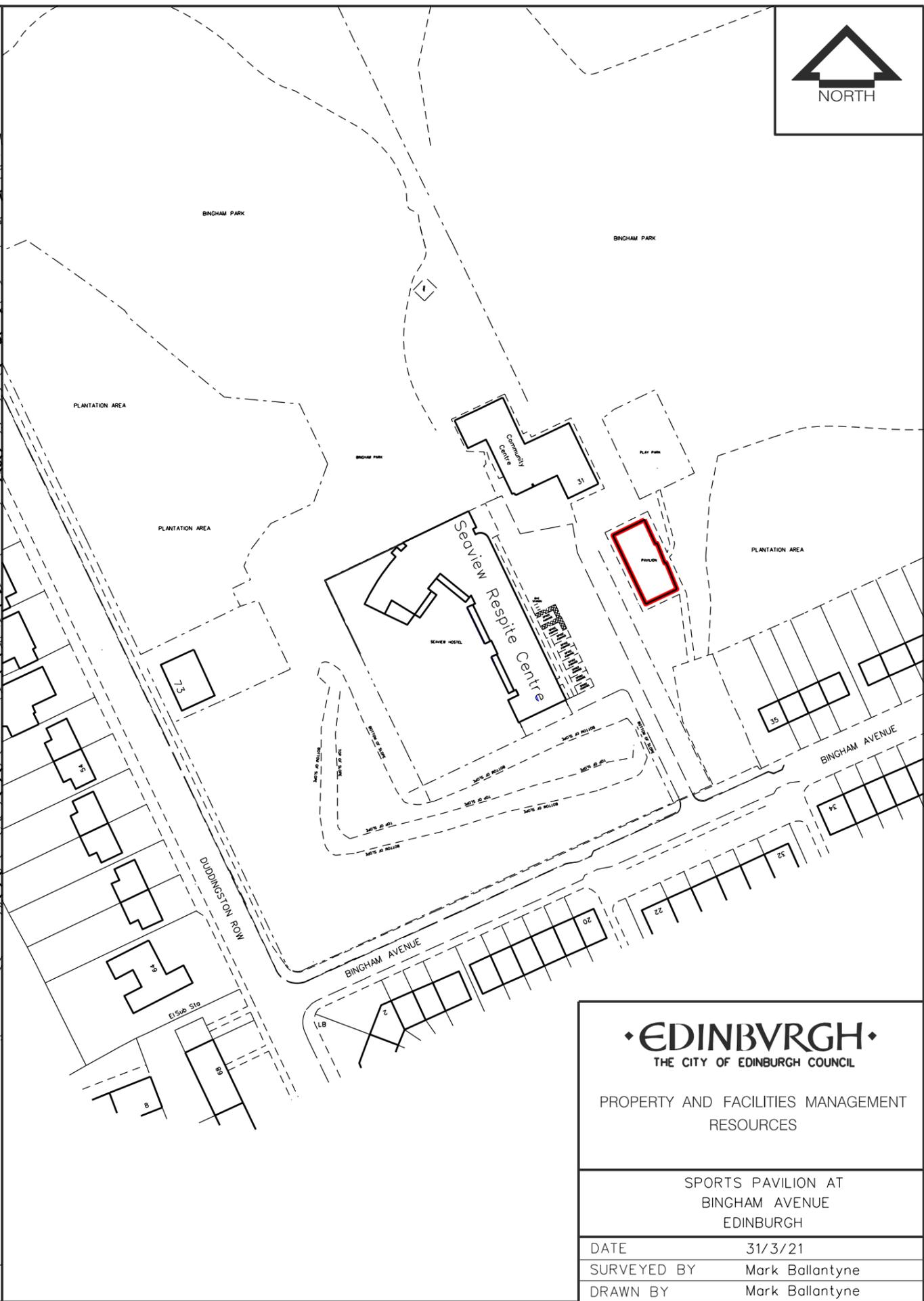
9. Appendices

- 9.1 Appendix 1 – Location Plan.



LOCATION PLAN

SCALE 1:2500



SITE PLAN

SCALE 1:1250

• EDINBURGH • THE CITY OF EDINBURGH COUNCIL	
PROPERTY AND FACILITIES MANAGEMENT RESOURCES	
SPORTS PAVILION AT BINGHAM AVENUE EDINBURGH	
DATE	31/3/21
SURVEYED BY	Mark Ballantyne
DRAWN BY	Mark Ballantyne
SCALE	1:1250 @ A3 SIZE
NEG. NO.	A3/1514a