

## Report of the Cabinet Member for Transformation & Performance

Special Cabinet – 23 February 2017

### LIBERTY STADIUM

<b>Purpose:</b>	The report requests authority for officers to enter into detailed negotiations with regards to a revised lease agreement for the Liberty Stadium.
<b>Policy Framework:</b>	Asset Management Plan
<b>Consultation:</b>	Access to Services, Finance, Legal
<b>Recommendation(s):</b>	It is recommended that:  1) Cabinet authorise officers to commence negotiations and report back with agreed terms.  2) If terms can be agreed, a further report to Cabinet will be required for authorisation.
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#### 1. Current Position

1.1 The current lease from the Council to SSMC was originally granted in 2005. The current agreement does not represent best return for the Council and residents of Swansea.

1.2 Following a recent change in the ownership of the Swansea City Association Football Club (SCAFC) there has been a request to enter into negotiations for a revised Lease Agreement for the Liberty Stadium.

1.3 A request has been forthcoming from SCAFC to commence negotiation for a new lease agreement. A further report will be forthcoming to Cabinet for the final authorisation of any agreed terms.

1.4 Any change to the arrangements at the stadium would need to be agreed by all parties, including Ospreys RFC, given that the existing legal agreements currently bind the Council and the clubs.

## **2. Equality and Engagement Implications**

- 2.1 An EIA Screening Form has been completed with the agreed outcome that a full EIA report is not required:

## **3. Financial Implications**

- 3.1 Any revised lease terms that produced a rental to the Council will be an improvement to the current revenue position

## **4. Legal Implications**

- 4.1 Any final agreed terms will have to have due regard to valuation advice previously sought.

- 4.2 The parties will need to seek HR and Legal advice in relation to the issue of transferring staff under the TUPE regulations.

- 4.3 If there has been no marketing of the land or only one person has indicated an interest to purchase there can be no such disposal of land except where it is determined by the Director of Place or his nominees that there is only one party who could acquire the interest because, for example:-

- a) The physical or other characteristics of the land so dictate; or
- b) There is only one response following reasonable marketing of the land;
- c) In all the circumstances it is prudent and appropriate to sell by private treaty (taking into account all considerations including State Aid).

- 4.5 Section 123 of the Local Government Act 1972 and the Council's Land Transaction Rules will apply to the proposed disposal of the Stadium. There is a statutory responsibility to obtain the best consideration that can reasonably be obtained. Under the Council's constitution the responsibility of determining in what manner the terms are agreed in order to obtain best consideration lies with the Director of Place.

**Background Papers:** None

**Appendices:** None