



Belfast City Council

Report to:	Parks and Leisure Committee
Subject:	Cliftonville Football Club – Access Arrangements
Date:	11 November 2010
Reporting Officer:	Andrew Hassard, Director of Parks and Leisure,
Contact Officer:	Stephen Walker, Principal Parks and Cemeteries Development Manager Ken Anderson, Estates Management Unit, Property and Projects

Relevant Background Information

At its meeting on 7 November 2006 the former Parks and Cemeteries Services Sub-Committee (copy extract of Minute attached as Appendix 1 to this report) received a report setting out proposals in relation to various arrangements between the Council and Cliftonville Football Club (CFC). The arrangements fell into three categories which were subsequently embodied in the following legal agreements completed on 9 November 2007.

- i) Licence Agreement for contractor's use of Council laneway for 18 months.
- ii) Grant of Rights, in relation to foundations and other structures on Council land.
- iii) Agreement for Easement, relating to potential spectator access and controls.

A fourth item related to the provision of a sewer Wayleave Agreement was subsequently approved by the Strategic Policy and Resources Committee although the legal documentation has yet to be signed by Club officials.

The attached map (Appendix 2) shows Cliftonville Football Club's site shaded yellow, and the Council's laneway and adjoining Waterworks site shaded blue.

While items i) and ii) above have proceeded as intended, the Club has to date failed to install a barrier gate at the Waterworks end of the Council's laneway, which had been aimed at separating the Waterworks Park from the spectator access area. It was envisaged the gate would be closed at or around match

times and the Council laneway would be stewarded by CFC officials during this period. The reason for this was to prevent access to/from the ground from the Waterworks and prevent loitering prior to, and post, matches. Without the gate it was impossible to implement the other elements contained in the Agreement.

In late 2009 Council officers were approached by the new management at CFC who indicated they wished to re-negotiate the terms of the Agreement for Easement with a view to operating without the intended gate being installed. Since that time there have been several meetings with Club officials (on one occasion involving Elected Members) and officers have formally written to the Club on a number of occasions seeking their detailed proposals on the operation of the spectator/officials/player access arrangements along the Council's laneway. While the Club have yet to outline their proposals a number of issues have emerged during the intervening months. These include:

- In addition to the spectator/officials/player access along the laneway the Club are seeking use of the Council's laneway by a) an oil tanker for delivery of heating oil to the Club's premises. This was not required before construction of the new stand. b) access along the lane by a 'burger van' operated by a third party, has also been sought on several occasions. c) periodic vehicle / plant access for other purposes.
- Possible lighting scheme along the Council's laneway (nature of installation, responsibility for maintenance and running costs as yet unknown).
- No gates to be installed thus allowing spectators to gather in Waterworks Park pre-match before entry to the Ground and post-match after leaving the Ground.
- No gates to be installed with consequent potential for conflicting uses of the laneway and Waterworks Park by spectators and park users (particularly if used by 'away' spectators – as now envisaged by the CFC).

While solutions may be available to deal with all these issues the initiative lies with CFC to make specific proposals to the Council and to demonstrate that such proposals are based on appropriate consultation with the relevant authorities and the community. A template already exists in the form of the 2007 Agreement for Easement, and officers have invited detailed comments on this from the Club. To date the Club has not taken up the opportunity to make specific proposals but have made ad hoc requests of increasing frequency to allow access for various purposes along the laneway. While the local Park Manager has attempted to accommodate these requests it is noted they are for the benefit of the Club rather than Park users. Access for the 'burger van' also introduces an element of third party commerciality upon which the Club may wish to build a case for further commercial use.

Key Issues

The Committee is asked to note that while Officers are sympathetic to the needs of Cliftonville Football club and have to date facilitated their requests for access

the existing arrangement leaves the Council exposed.

1. operationally in terms of allowing access along the laneway (and potentially, by default, into the Park) when the Park would otherwise be closed. This relates particularly to the winter period when matches may be played on mid-week evenings. Also in winter, Saturday matches would normally finish after Park closing time.
2. Potential for confrontations between spectators and casual park users, particularly on Saturday afternoons;
3. potential third party liabilities;
4. periodic conflict between park users and Club / contractor's vehicles.
5. the creation of unregulated rights of way (potentially of commercial value) over the Council's land.

As the present ad hoc arrangements place the Council at risk it is the view of Officers that the situation should be regularised to ensure clarity of roles and responsibilities.

Resource Implications

Financial

Financial implications have yet to be determined. It is recognised that the Club operates on a semi-professional basis and in order to sustain and develop the Club it generates income from a number of sources among them, ticket sales, advertising and TV rights. The Council may wish to keep this commercial element in mind in any future arrangements with the Club where such arrangements are likely to be to the commercial benefit of the Club or any other commercial organisation/individual.

Human Resources

No additional human resources employed at this time. The possibility remains that overtime or additional security costs might arise as a result of any arrangements which may be arrived at between the Council and the Club.

Asset and Other Implications

Action is recommended to prevent the development of unregulated rights, particularly of a commercial/semi-commercial nature, across Council owned land.

Recommendations

It is recommended that :

1. the Committee consider the contents of the report;
2. agree that the existing, unregulated ad hoc access arrangements currently in operation are not acceptable;
3. agree that access will not be permitted without a legal agreement from 1st March 2011;
4. agree that this decision be made known to the Board of Directors of Cliftonville Football Club;

5. Agree that officers continue discussions with Cliftonville Football Club with a view to agreeing detailed terms which would be brought before a future meeting of this Committee prior to their reference to the Strategic Policy and Resources Committee and incorporation in a suitable legal agreement to be drawn up by the Assistant Chief Executive and Town Solicitor.

Decision Tracking

Director of Parks and Leisure to bring a further report to Committee by 31 March 2011 informing Members of progress made towards formalisation of any arrangements with Cliftonville Football Club.

Key to Abbreviations

CFC – Cliftonville Football Club

Documents Attached

Appendix 1 – Extract from Minute of the former Parks and Cemeteries Services Sub-Committee of 7 November 2006.

Appendix 2 – Map showing CFC Ground shaded yellow and Council laneway and adjoining Waterworks Park shaded blue.