

CANNOCK CHASE COUNCIL

COUNCIL

22 DECEMBER 2008

REPORT OF DEPUTY CHIEF EXECUTIVE

CANNOCK SPORTS STADIUM SITE

KEY DECISION - NO

**1. Purpose of Report**

- 1.1 To set out the options available to address the ongoing security/anti-social behaviour (ASB) issues, pending resolution of the future of the Stadium site.

**2. Recommendations**

- 2.1 That the Council considers the options set out below to address the ongoing security and anti-social behaviour issues in relation to the Stadium site and identify the option to be supported:
- a Maintain the current security arrangements for the building, which can be met from existing budgets this year, but would need an annual addition to the budget of £63,100 from April 2009 to meet the cost of rates and other 'mothballing' costs.
  - b As for option (a) with the addition of on-site security, which would require a supplementary estimate of £7,000 for 2008-09 and an annual addition to the budget of £88,100 from April 2009.
  - c Demolition and clearance of the Stadium site, which would require the establishment of a new capital scheme and a supplementary capital estimate of £100,000. No addition would be required to the 2009-10 budget if the demolition can be completed prior to 31 March 2009.
- 2.2 That the Deputy Chief Executive (or anyone so authorised by him) be authorised to take any other action(s) or measure(s) considered necessary and appropriate to address ASB issues arising or potentially arising at the Stadium site, providing the costs of any such action(s) or measure(s) can be met from approved budgets.
- 2.3 Subject to 2.1 above, that the Council approves the necessary financial provisions to fund the preferred option set out in 2.1 above.

**3. Conclusions and Reason(s) for the Recommendation(s)**

- 3.1 Since its closure in July of this year significant resource has been expended in providing security for the former Stadium building as it has attracted a great deal of anti-social behaviour (ASB). Following the Secretary of State's refusal of planning consent for redevelopment of the site, it is likely that this could continue for some years.

- 3.2 To deal with security and ASB issues at the site the report sets out three potential options for consideration. Option (a) maintains the current security arrangements which together with the rates have a total cost of £63,136 p.a. However, this option does not address the potential ASB issues which are of concern to surrounding residents.
- 3.3 Options (b) and (c) would both have a positive effect on incidents of ASB but in the case of (b) additional on-site security would result in further annual costs over option (a) of around £25,000 p.a. making a total of £88,136 p.a., whilst the demolition option proposed by (c) would have a capital cost of up to £100,000 but remove the ongoing annual revenue costs.

#### **4. Key Issues**

- 4.1 Since the Stadium ceased to be an operational leisure facility from 1 August 2008 it has increasingly become a target for acts of vandalism and a major source of incidents of ASB, resulting in complaints from local residents both to the Police and the Council.
- 4.2 Following closure the Council implemented a set of measures agreed with the Police and Fire Service to address security issues and potential fire risk. Whilst considerable damage has been inflicted on the exterior of the building so far there has been no internal damage. However, the longer the situation continues, the risk of a break-in and/or arson attempt increases. The presence of the building requires expenditure on resources in terms of rates, alarms, and security shuttering, the cost of which is in the region of £63,136 per annum excluding officer time and any necessary repair and maintenance.
- 4.3 On 4 December, 2008 the Secretary of State refused planning consent for the redevelopment of the site for housing and open space purposes. However, in reaching this decision, the Secretary of State stated that "this does not mean that the existing land and buildings must be retained at all costs". In his report to the Secretary of State, the Inspector for the Public Inquiry sets out a number of areas of further work before planning permission could be granted. It is likely that resolving these matters would take a number of years, during which time the anti-social behaviour issues would be likely to continue. Given the Council decision to close the Stadium from 1 August, 2008, the ASB and revenue implications of holding the site remain. Set out below therefore are three options recommended for consideration.

##### Option (a) – Maintain the existing security arrangements for the building

By adopting this option there would be an annual ongoing cost of approximately £63,136, to meet rates and other 'mothballing' costs. This has been provided for in existing budgets up to 31 March 2009, but would need an addition to the budget thereafter. However the building is likely to remain an attraction for local youths with the risk they would further target the building together with an increase in ASB and resident complaints.

##### Option (b) – As Option (a) with the addition of on-site security

By adopting this option there would be an additional annual cost of £25,000 p.a. over option (a), but it should result in a reduction in the incidents of ASB based on experience to date.

##### Option (c) – Demolition and clearance of Stadium site

This option would have a one off capital cost in the region of £100,000 to demolish the building, take up the track and re-instate the ground. Although there is a significant upfront cost there would be ongoing revenue savings and it would remove incidents of ASB associated with the buildings. This course of action is not prevented by the Secretary of State's decision.

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Section 1

Background

The Cannock Sports Stadium closed as an operational leisure facility as from 31 July 2008. Prior to its closure officers met with representatives of the Fire and Police Authorities at the site to carry out a risk assessment. As a result of that meeting a number of recommendations were made to mitigate fire/security risks associated with the site which were implemented upon closure. These included:-

- Removal of all combustible materials from open areas to reduce the opportunities for arson including demolition of the commentary box and a row of three concrete garages.
- The main gates onto Pye Green Road were fitted with fabricated brackets to prevent unauthorised vehicular access/fly-tipping whilst maintaining pedestrian access to the green spaces.
- The doors to the goods containers were welded shut.
- Water jump was infilled to prevent potential drowning.
- All openings to the Stadium building were secured by means of metal shuttering.
- Mains water, gas and electricity services were terminated with the exception of the supply to fire and burglar alarms.
- A security presence was retained on site to the end of the school holidays and thereafter a twice nightly security patrol/key-holding service was introduced.

Throughout September/early October the Stadium premises became a congregating point for local youths from 4.30 p.m. onwards. Whilst some merely met to play football etc. an element were intent upon causing damage/disturbance.

Tiles and lead was stripped from the entrance lobby roof, cable was stripped from the floodlighting, all external lighting was smashed, earthing cables stolen, guttering/downpipes ripped down and the barriers to the terracing damaged. When responding to an alarm call the security guard's vehicle was attacked and the guard himself assaulted. As a consequence the guards will now only respond to an alarm call if accompanied by the Police.

Due to the above incidents there was an increase in the number of anti-social behaviour (ASB) reports to the Police and direct calls to the Council from adjacent residents demanding something be done to address the problems. As a result on-site security was reinstated from 4.30pm to 11.00pm during the week and noon to 11pm on weekends for four weeks over the half-term holidays and bonfire period. The guard, as a one off appointment, being funded from an existing budget.

In tandem with the above, following a multi-agency meeting to discuss ways of addressing the ASB problems, increased patrols by the Police and Street Wardens were introduced as well as visits by the County Council's Youth Service.

**Section 2****Details of Matters to be Considered**

Since the Stadium closed in July approximately £13,500 of expenditure has been incurred in installing security measures, cutting off services, demolitions work to the alarm system and necessary maintenance work to address incidents of vandalism.

Ongoing annual costs excluding any repair costs will amount to £11,219 for hire of the shuttering, £1,500 for fire and burglar alarms and surface water charges of £5,840. In addition rates costs of £42,175 for the main Stadium building and £2,402 per annum for the former gymnasium building will be incurred.

The need to incur such costs was identified at the time of closure and, as set out in the Directors' Management Team briefing note to the Council on 25 June 2008, allowed for in the current financial year. No provision has, however, been made beyond 31 March 2009 and the costs have themselves increased due mainly to the expiry of the "void rates" period which limited the level of cost in 2008-09.

Whilst the presence of the on-site security guard curbed the amount of ASB on the site for the four-week period ending 7<sup>th</sup> November 2008, now that he is no longer on site it is likely that these incidents will increase once more. Calls have already been received from two residents concerning groups of youths and late night noise disturbance plus damage has been done to brickwork to the building.

Pending a resolution to the future of the Stadium site there are a number of options available:-

(a) Maintain the existing security arrangements for the building

With this approach there would still be an ongoing annual cost for rates of £44,577 plus £18,559 for hire of shuttering alarms and surface water charges. In addition the site will remain an attraction for local youths with the potential for them to both target the building and for an increase in ASB resulting in complaints from surrounding residents.

(b) As option (a) with the addition of on-site security

Whilst this will reduce damage to the building and incidents of ASB there will be an additional annual cost of approximately £25,000 making a total cost of £88,136.

(c) Demolition and clearance of Stadium site

An estimate of around £100,000 has been obtained to demolish the building, take up the track and reinstate the land. There is an initial one-off cost, but it would eliminate all the on-going property costs of approximately £63,136 or £88,136 p.a. depending on the option chosen.

Option (c) may not entirely eliminate incidents of ASB as the site will still remain accessible but it would remove the building as a focus for youths to congregate.

On 4 December, 2008 the Secretary of State refused planning consent for the redevelopment of the site for housing and open space purposes. However, in reaching this decision, the Secretary of State stated that "this does not mean that the existing land and buildings must be retained at all costs". In his report to the Secretary of State, the Inspector for the Public Inquiry sets out a number of areas of further work before planning permission could be granted. It is likely that resolving these matters would take a number of years during which time the anti-social behaviour would continue. Given the Council

decision to close the Stadium from 1 August, 2008, the ASB and revenue implications of holding the site remain.

**Section 3**

**Contribution to CHASE**

By enhancing on site security or demolishing the buildings will reduce the potential for incidents of ASB and thus contribute to the safer and stronger objectives of CHASE.

**Section 4**

**Financial Implications**

The closure of Cannock Sports stadium formed part of the savings options approved as part of the 2006-07 Budget.

Provision exists within the approved 2008-09 budget for the operational running costs of Cannock Sports Stadium for the period April to July 2008.

In accordance with the financial implications of the Leisure Strategy it was assumed that the vacant possession of the site would then become available and hence no mothballing costs were included in the approved budget. The impact of the sale not proceeding were reflected in the determination of Working Balances for 2008-09

The Draft Budget for 2008-09 to 2011-12 considered by Cabinet on the 20 November 2008 included relevant costs associated with mothballing the stadium until the outcome of the Planning Inquiry is known.

Properties surplus to operational requirements are transferred from the relevant service to the property portfolio of the Council, pending disposal, with additional costs for shuttering and alarm costs being met from the Landlords Repair budget.

No provision exists within the 2009-10 or subsequent years budgets for mothballing costs.

Three options are proposed.

<b>Option</b>	<b>Description</b>	<b>Cost £</b>
Option (a) – continue as now	Rates (assume full year), shuttering, alarm electricity and alarm contract, surface water	£63,136 p.a.
Option (b) – option (a) plus security	Rates (assume full year), shuttering, alarm electricity and alarm contract, surface water plus security	£88,136 p.a.
Option (c) – demolition and clearance	Demolish the stadium building (one off cost)	c. £100,000 one off cost

A supplementary estimate would be required to demolish the Stadium in 2008-09 whereas provision would need to be made within the 2009-10 Budget for any revenue costs associated with options a) and b).

If Option b) is approved, a supplementary estimate of £7,000 would be required for the remainder of 2008-09. It may be possible to capitalise the costs of demolition, dependant upon the outcome of the planning enquiry.

Costs can be capitalised if a new asset is created – this may be in the form of land for disposal or the creation of an open space asset if the site is retained. In the latter case additional provision would be required above the sole demolition costs.

## Section 5

### Human Resource Implications

There are no Human Resource implications.

## Section 6

### Legal Implications

The Occupiers' Liability Act 1957 ('the 1957 Act') provides a statutory framework for occupiers' liability towards 'visitors', which had previously been wholly determined by the courts. 'Visitors' in this context embraces people who visit land by right, invitation or implied invitation (e.g. postmen), or permission (e.g. users of permissive paths or Stewardship access land).

The 1957 Act confirmed that in relation to possible dangers arising from the state of the premises (which is given the widest interpretation) or from things done or not done there, an occupier has the same "common duty of care" towards all types of visitor. This is a duty to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the land or property for the authorised purpose.

The duty only applies while the person's use is authorised - e.g. not at night if people are not allowed then, or not when people are doing things they have no authority to do there. The occupier has to expect children to be less careful than adults, but may equally expect people like workmen to be aware of any special risks associated with their trade.

There are some exceptions from the normal common duty of care under this Act towards visitors, for instance:

- a. risks willingly accepted by the visitor (eg under a climbing agreement);
- b. risks excluded by the occupier by notice etc (though the scope for saying things like "we take no responsibility for injury here" was to some extent narrowed by the Unfair Contract Terms Act 1977); and
- c. risks arising on public rights of way;

The 1957 Act dealt with lawful visitors, however Occupiers' Liability Act 1984 ('the 1984 Act') introduced a parallel statutory provision concerning the liability position towards trespassers. The 1984 Act confirmed that an occupier owed a duty of care towards a trespasser (again in relation to any danger arising from the state of the land or property or from things done or not done there) if:

- a. he is or should be aware of the danger; and
- b. he knows or should know that people may in practice be exposed to the danger; and
- c. he can reasonably be expected in all the circumstances to offer them some protection from it.

The duty is to take such care as is reasonable in all the circumstances to see that the person is not injured as a result of that danger. This duty may in appropriate cases be discharged by giving suitable warnings. Unlike the duty to visitors, it does not apply to loss of or damage to property.

Again the duty excludes people who willingly accept the risk, and people using public rights of way. Depending on the circumstances, a user of a right of way may have a claim against the highway authority if injured, or may be able to claim at common law against an occupier who has been malicious or grossly negligent.

The Council is the owner and occupier of the Stadium site and as such owes a duty of care to both lawful visitors and trespassers on the site. The Council is aware of or has reasonable grounds to believe there are potential acts/dangers arising from ASB at the site which have the potential to expose it to liability.

Given the nature and extent of ASB outlined in the report the Council must, in order to discharge its duty under the aforementioned Acts, determine what action should be taken to address the implications and impact of ASB at the site. To this end consideration of the options set out in the report is fundamental in mitigating as far as reasonably possible the risks at the site and in turn the Council's liability.

The Secretary of State's decision to refuse planning consent for redevelopment of the Stadium site does not create a legal impediment to demolition of the Stadium should the Council choose to do so. The Council as owner and landowner is entitled to take whatever course of action (subject to any applicable legal requirements/caveats) it considers appropriate in the circumstances to address any issue arising in respect of any land/property assets it owns.

## Section 7

### Section 17 (Crime Prevention) Implications

Evidence shows that since the Stadium was closed the site has become a focus for ASB and heightened local residents' perceptions of crime. The options of reinstating on-site security or demolishing the buildings would assist in addressing these issues.

## Section 8

### Human Rights Act Implications

There are no Human Rights Act implications associated with this report.

Section 9

Data Protection Act Implications

There are no Data Protection Act implications associated with this report.

Section 10

Risk Management Implications

Given the open nature of the site it has proved impossible to make the Stadium site entirely secure. Therefore the longer the buildings remain on site without added security the greater the risk that the building will either be broken into or subject to an arson attack.

Section 11

Equality and Diversity Implications

There are no Equality and Diversity implications associated with this report.

Section 12

Other Options Considered

Option – Strip the roofs from the buildings

This option would have a one-off cost and in making the buildings unusable would reduce the ongoing rate liability, thus reducing revenue costs. But on the other hand a derelict building is likely to be even more of an attraction and a greater source of ASB with the resultant detrimental effect on residents. For this reason although considered as an option has been discounted as it would not entirely eliminate revenue liabilities and is likely to increase incidents of ASB.

Section 13

List of Background Papers

Annexes to the Report

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