

Meeting of:	Cabinet
Date of Meeting:	Thursday, 02 October 2025
Relevant Scrutiny Committee:	Place Scrutiny Committee
Report Title:	Barry Island Smugglers Cove Adventure Golf
Purpose of Report:	To grant a supplemental lease to the existing agreement between the Council and Smugglers Cove Adventure Golf and to seek approval to grant a supplemental lease for an additional area that will increase the overall demise of the existing lease.
Report Owner:	Cabinet Member for Neighbourhood and Building Services
Responsible Officer:	Director of Environment and Housing
Elected Member and Officer Consultation:	Committee Reports Operational Manager Accountancy Director of Place Operational Manager Property Baruc Ward Members
Policy Framework:	This is a matter for Executive decision by Cabinet
<p>Executive Summary:</p> <ul style="list-style-type: none"> At present, the Council leases land to Smugglers Cove Adventure Golf, located on Barry Island promenade and gardens. The leaseholder has a 25-year lease which expires in 2032 with 5 yearly rent reviews. The leaseholder has approached the Council to increase the existing lease demise to incorporate the use of a small area of open space that currently accommodates a seating area used informally by Smugglers Code Adventure Golf. The Leaseholder is seeking to formalise the use of this land by entering into a new supplemental lease. Officer have considered this matter and believe that the use of the land should be regularised due to the length of time that it has now been used for informal seating, with the best option being to include the area in a new lease. The additional land is circa 62 square metres (Appendix A – highlighted red) and will be valued at a market rent. The land is currently designated as public open space. This report seeks approval to advertise the loss of this area of public open space for its inclusion in a supplemental lease for Smugglers Cove Adventure Golf. 	

- This will satisfy the legal requirements for the alternative use of this land, formalise the arrangement and provide additional income to the Council.
- This proposal aligns with the aims of the Council's Reshaping Services programme and supports the objectives outlined in Vale 2030 by promoting sustainable economic activity and maximising use of Council-owned land.

Recommendations

1. That authority is delegated to the Monitoring Officer/Head of Legal and Democratic Services to advertise the proposed loss of a small parcel of Public Open Space (in accordance with s123 (2A) of the Local Government Act 1972) which it is intended to be included in a new additional lease for Smugglers Cove Adventure Golf.
2. That, if objections are received as a result of the advertisement process outlined in Recommendation 1, these objections will be reported back to Cabinet.
3. That Cabinet authorises the disposal of the additional parcel of land by including it in a new additional lease agreement for Smugglers Cove Adventure Golf, should there be no objections from the S123 (2A) advertisement process.
4. That the Head of Finance/Section 151 Officer be granted delegated authority to agree terms and conditions for the new additional lease in consultation with the Head of Neighbourhood Services
5. That the Monitoring Officer / Head of Legal and Democratic Services is authorised to draft and execute a new additional lease agreement for Smugglers Cove Adventure Golf for the extra parcel of land provided there are no objections from the S123 loss of Public Open Space advertisement process.

Reasons for Recommendations

1. The small parcel of land is currently legally designated as Public Open Space and as such the Council is obliged to advertise the potential loss of this space pursuant to Section 123 (2A) of the Local Government Act 1972.
2. In order that Cabinet may consider any objections and to comply with the provisions of the Act.
3. To allow the land to be incorporated into an additional lease for Smugglers Cove Adventure Golf if there are no objections to the loss of Public Open Space.
4. To allow Heads of Terms to be agreed prior to instructing the legal team to draft the lease.
5. In order to regularise the situation by lease.

1. Background

- 1.1 The coastal areas in the Vale of Glamorgan attract increasing numbers of residents and tourists by offering a range of natural environments, outdoor activities and visitor facilities. The increasing appetite for leisure provisions indicates the opportunity to enhance and expand options to improve visitor experience.
- 1.2 At present, the Council leases land to Smugglers Cove Adventure Golf located on Barry Island promenade and gardens. The leaseholder has a 25-year lease which expires in 2032 with 5 yearly rent reviews. The lease is a “protected” lease pursuant to the provisions of the Landlord and Tenant Act 1954 which affords

the leaseholder the right to renew his expired lease for a further term of 25 years if he so wishes upon expiry of the existing lease.

- 1.3** The Council has been approached by the existing leaseholder, who has expanded their operations to include a defined external seating area adjacent to their current premises, with a request to regularise the position.
- 1.4** Following due consideration of this matter, The Neighbourhood Services team agreed that the use of the land should be regularised and that it was possible for the additional small parcel of land to be included in a new additional lease. The additional land is 62 square metres (Appendix A – highlighted red) and will be valued at a market rent.
- 1.5** This space has been used to install tables and chairs to provide outdoor space for customers, enhancing the user experience and capitalising on increased footfall.
- 1.6** This proposal aligns with the aims of the Council's Reshaping Services programme and supports the objectives outlined in Vale 2030 by promoting sustainable economic activity and maximising use of Council-owned land.
- 1.7** There is precedent for the removal of the Public Open Space Designation in this area as a similar exercise was undertaken for Kiosk 3 and for land adjacent unit 1, Western shelter. The disposal of those parcels of additional land were advertised in accordance with s123 (2A) of the Local Government Act 1972 previously and new leases granted which included an uplift in the market rent to reflect those additional areas of land.

2. Key Issues for Consideration

- 2.1** The Council's transformation programme – Reshaping Services has previously been reported to Cabinet. The programme includes workstreams which seek to consider the best use of the Council's assets and the potential for income generation.
- 2.2** The Reshaping Assets Board, which includes representatives from across the organisation and chaired by the Chief Executive have been considering opportunities for making better use of key buildings and other physical assets across the Vale of Glamorgan. This report is informed by that work.
- 2.3** The land under consideration is currently designated as Public Open Space and this report seeks consent to undertake the process required to remove the designation. Only when the designation is removed will a lease including the additional land be capable of being granted.
- 2.4** The process for the removal of the designation is set out in section 123 (2A) Local Government Act 1972. The process requires that the Council advertises the potential loss of Public Open Space and to consider any objections.
- 2.5** The current leaseholder is seeking to formalise the area used for seating adjacent to the unit which is not within the current demise and is technically in contravention of the public open space designation of the area of land.

- 2.6 The tenant benefits from the increased amount of seating space and the recommendation is that this arrangement is formalised. The Tenant is willing to increase the rent payable for the site as a result.
- 2.7 The proposal has been carefully assessed by officers to ensure it is appropriate and aligns with the Council's Strategic priorities set out in Vale 2030 and Reshaping Prospectus.
- 2.8 Subject to there being no objections to the Public Open Space advertisement, it is proposed that an additional lease be granted which incorporates the additional land for the remainder of the 25-year term of the existing lease. The new additional lease will be at market rental.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 **Long term**- The concessions support sustainable, year-round tourism and local businesses. It also allows the Council to seek appropriate levels of income to help maintain our parks and coastal areas for the benefit of residents and future generations.
- 3.2 **Prevention** – The concessions at Barry Island in particular have a direct link to well-being.
- 3.3 **Collaboration** – The partnerships with concession operators fosters local tourism and vibrant public spaces and allows a consideration of further opportunities in other areas of the Vale of Glamorgan.
- 3.4 **Integration**- The extension of the lease proposed complements Barry Island's leisure offerings and enhances the attractiveness of the area for residents and visitors.
- 3.5 **Involvement**- Community feedback will help inform future concession opportunities and will allow the Council to consider how the use of our assets can be considered in the future.

4. Climate Change and Nature Implications

- 4.1 The amended Smugglers Cove Adventure Golf lease will align with best practices for environmental management, including adherence to littering regulations and ensuring the protection of surrounding natural areas.

5. Resources and Legal Considerations

Financial

- 5.1** The proposed additional new lease for the additional area of land will be at current market rent as determined by Estates Officers with the use of local comparable evidence.
- 5.2** The leaseholder is to pay the Council's legal and surveyor's fees and the cost of the Public Open Space Notice.

Employment

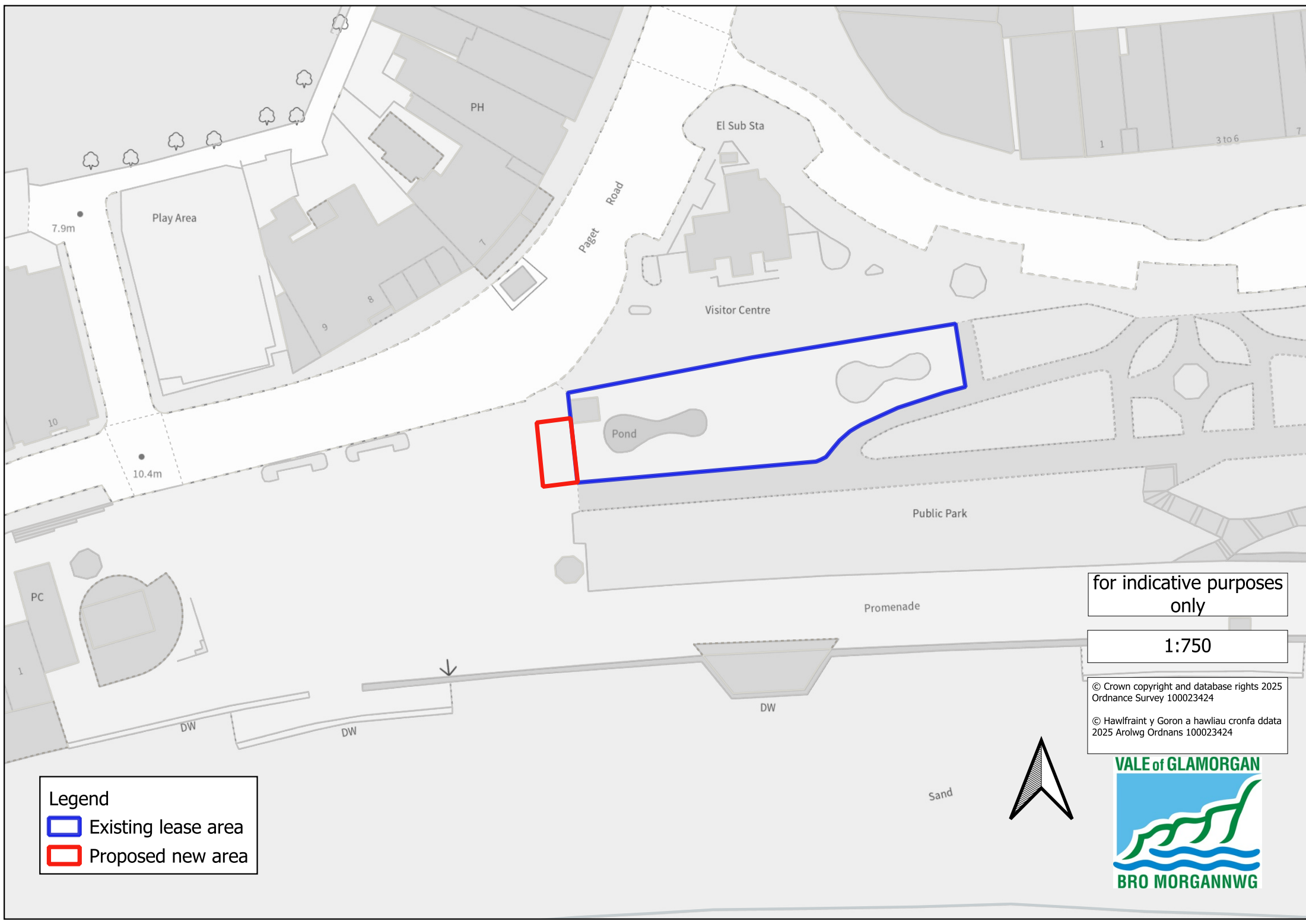
- 5.3** There are no employment implications for the Council associated with this report. Although no additional jobs will be created, the leaseholder employs local people, and this will help to ensure the continued viability of the business

Legal (Including Equalities)

- 5.4** The Council will be required to negotiate terms and conditions with the lease holder and enter into appropriate legal agreements e.g. supplemental lease and Planning permission may be required by the Leaseholder, and it will be for them to seek the relevant permissions if necessary.
- 5.5** As the proposal includes an area of open space on the promenade, the leasing of the additional area must first be advertised as a disposal of Public Open Space in accordance with the requirements of s123 (2A) of the Local Government Act 1972.
- 5.6** Any objections to the disposal of the Public Open Space will be reported separately to Cabinet for consideration prior to any final decision being taken. If no objections are received the matter will be progressed as set out in the Recommendations of this report.

6. Background Papers

None.



Legend

- Existing lease area
- Proposed new area

for indicative purposes
only

1:750

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