

**TELFORD & WREKIN COUNCIL**

**CABINET – 18 MAY 2017**

**PROPOSED 3G PITCH DEVELOPMENT**

**REPORT OF: ASSISTANT DIRECTOR, COMMERCIAL SERVICES**

**LEAD CABINET MEMBER – COUNCILLOR RICHARD OVERTON (CABINET MEMBER FOR: HOUSING, LEISURE AND HEALTH)**

**PART A) – SUMMARY REPORT**

**1. SUMMARY OF MAIN PROPOSALS**

- 1.1 The purpose of this report is to seek Cabinet approval (subject to planning) for the development of a 3G artificial turf pitch to increase the usage of the playing fields adjacent to Telford Ski Centre. An outline site plan (Appendix1) is provided for information.
- 1.2 The Council's Playing Pitch Strategy (2016) identifies the need for one additional 3G pitch within the borough and specifically highlights the current lack of community access to 3G pitch provision in South Telford.
- 1.3 The proposed development would provide a high quality valuable community resource, improve sport and physical activity opportunities and generate significant additional usage and income. Based upon usage data from similar council facilities it is anticipated that the 3G pitch would generate in the region of 42,000 community admissions from both adults and juniors, bringing with it the associated physical activity and health benefits. If the project progressed, the target date for completion would be April 2018, which would coincide with and be part of the legacy of the celebrations of Telford's 50<sup>th</sup> year.
- 1.4 The proposed facility, is designed to meet with the latest Sport England technical standards and would replace the former Madeley Court artificial turf pitch, which was originally funded by the Big Lottery and provide associated changing rooms and car parking provision.

**2. RECOMMENDATIONS**

- 2.1 **That Cabinet note the current protected status of the playing fields under the Council's Green Guarantee, which is to remain in place and approve (subject to planning) the proposed development of the 3G artificial turf pitch, changing rooms and car park.**
- 2.2 **That Cabinet approve the use of £427k from the 2016/17 contingency to part fund this project.**

**2.3 That Cabinet delegate authority to the Assistant Director: Commercial Services (or any officer authorised in writing by that Assistant Director) in consultation with the Cabinet Member for Housing, Leisure and Health to agree and enter into and complete any contracts, land transfers and any other arrangements and documentation and take any required procedural steps to develop the 3G artificial turf pitch, changing rooms and car park as described in this report.**

### **3 SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	<i>Improve the health and wellbeing of our communities and address health inequalities. Putting our children and young people first.</i>
	Will the proposals impact on specific groups of people?	
	No	
<b>TARGET COMPLETION/ DELIVERY DATE</b>	<i>April 2018.</i>	
<b>FINANCIAL/ VALUE FOR MONEY IMPACT</b>	Yes	<p>The estimated cost of building &amp; maintaining the 3G pitch, changing rooms and car park is £1,776k. The current capital programme includes funding of £1,350k for this purpose.</p> <p>The shortfall in funding of £427k can be met from the balance remaining in the 2016/17 corporate budget contingency.</p> <p>Whilst there will be some short term pressure on the service's revenue budget associated with the establishment of this new facility which will need to be carefully managed by the service, it is anticipated that from 20/21 it will generate an ongoing revenue saving of £8k per annum associated with additional income.</p> <p>The Council received £554k from the Big Lottery to fund the original pitch which included a 20 year asset liability and clawback period. There is a risk that if the Council chose not to replace it the Big Lottery may seek to recover the entire grant. It is however more likely that a proportion of the grant, to reflect the 5 year period of provision would be repayable this is estimated as being c£416k.</p>

		<p>The Council would also still be obligated to provide the changing rooms in accordance with a Sport England planning condition estimated as costing £750k regardless of the provision of a new 3G pitch.</p> <p>Therefore, should the decision be taken not to provide the 3G pitch the Council could potentially incur costs of between £416k to £554k and would not benefit from the new pitch facilities.</p> <p>AEM/KC19/04/17.</p>
<p><b>LEGAL ISSUES</b></p>	<p>Yes</p>	<p><b>Green Guarantee Sites</b> At its meeting on 15th October 2015, Cabinet resolved that all decisions relating to disposals or changes of use of these sites are determined by Cabinet rather than pursuant to officer delegated powers.(IR 23.02.17)</p> <p><b>Planning Conditions/Obligations</b> Owners are required to comply with planning conditions and obligations which relate to the land and, where the land is in Council ownership, compliance with those conditions and “obligations” is equally necessary.</p> <p><b>Enabling Powers</b> - The Council can exercise its power to act in this matter under Section 1 and 2 of the Localism Act 2011.</p> <p><b>Compliance and Governance:</b> The Council will utilise the resources for permitted purposes as set out in the Project Plan and will administer it in accordance with any overarching funding conditions/restrictions deemed necessary by the awarding body.</p> <p><b>Contracts:</b> All overarching and incidental contractual documentation relating to this matter emanating from external parties, will routinely undergo stringent due diligence and thorough review to assess legal risks and implications to the Council’s contractual position.</p> <p><b>Income Generation and Delivering Value for Money:</b> Generating income is a choice available to the Council under the provisions of the Local Government Act (LGA) 2003 which enables</p>

		<p>Councils to charge for discretionary services on a cost recovery basis (LGA 2003, Section 93(1)).</p> <p><b>Consultation:</b> The Council is mindful of its duty to consult and it is noted in the report that the primary statutory consultee has been approached.</p> <p>MG Commercial Team 05/05/17</p>
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	No	
<b>IMPACT ON SPECIFIC WARDS</b>	No	<i>Madeley &amp; Sutton Hill ward but will also benefit residents from across South Telford Wards.</i>

## **PART B) – ADDITIONAL INFORMATION**

### **4 INFORMATION**

- a. As part of the Council's Building Schools of the Future (BSF) programme the sports facilities at Madeley Court closed in December 2011 and were replaced by new school and community facilities on the Abraham Darby site. Due to site constraints it was determined that the artificial turf pitch would be re-provided elsewhere as part of the programme.
- b. The former Madeley Court artificial turf pitch which opened in 2006 received a grant of £554k from the Big Lottery and the funding agreement includes a 20 year asset liability and clawback period. The Big Lottery have agreed to enter into a Deed of Variation transferring the funding agreement from the former Madeley Court facility to the proposed new pitch.
- c. The advantages of the proposed site, on playing fields adjacent to the Ski Centre, include its proximity to the original pitch, complimentary infrastructure (Ski Centre) and strategic fit in terms of the needs identified through the borough's Playing Pitch Strategy.
- d. Through pro-active programming the 3G pitch can help address levels of inactivity, and contribute toward health improvement. Adult physical activity levels within Telford & Wrekin (53.8%) are statistically similar to the national average. Figures for children with excess weight in year 6 in Madeley & Sutton Hill (38.1%) are worse than the national average (33.4%). The 3G pitch would provide affordable opportunities not only for use by existing clubs and groups but also accommodate local schools, community groups and targeted health projects such as Tackle Your Health and Be Active.

- e. The playing fields which incorporate two grass football pitches are categorised within the Council's Playing Pitch Strategy as being of an average standard and are prone to fixture cancellations during periods of inclement weather. Regardless of their quality grass pitches provide very limited capacity for use, typically three matches per week, they also offer very limited capacity for training due to the fixed goal posts and the need for the grass to recover. Since the relocation of the sports facilities from the former Madeley Court site to Abraham Darby the grass pitches have only been able to accommodate limited junior use due to the lack of changing provision.
- f. The playing fields adjacent to the Ski Centre are protected under the Council's Green Guarantee which requires that any disposal or change of use be determined by the Council's Cabinet. It is proposed that the new 3G pitch would remain under the protection of the Green Guarantee in the long term since the projected level of community admissions both for juniors and seniors and the associated health benefits are in line with the intentions of Green Guarantee protection.
- g. Early consultation with Sport England, who are a statutory consultee in respect of playing fields, has indicated 'in principle' support for the scheme based upon the sporting benefits.
- h. The proposed pitch incorporates the latest in 3<sup>rd</sup> Generation Artificial Turf and is designed to meet the FIFA Quality assurance standard providing facilities for training, recreation and competition. One of the recommendations contained within the Council's Playing Pitch Strategy is to try and encourage and support the transition of football from grass to artificial pitches as it:
  - Provides a consistently good quality and safe playing surface, particularly when a shock pad is incorporated which cushions impact and helps reduce risk of injury.
  - Provides a durable surface which requires much less maintenance and can accommodate significantly greater levels of usage.
  - Greatly reduces the need for cancellations due to inclement weather.
  - Can accommodate high volume usage during peak times bringing considerable financial benefits.
  - Can cater for a wide range of user groups including, schools, clubs and local leagues and promote sport and healthy living for all ages and abilities.
- i. Although likely to be predominately used for the football the pitch has been designed to provide a high quality multi-sport all weather surface for recreational use. The facility could also be made available for use by schools, in particular local primary schools who typically do not have access to such facilities and whose playing fields may otherwise be unusable for much of the year.

- j. The facilities include the provision of new changing rooms, which have been designed to comply with Sport England technical guidance, to support the 3G pitch and the remaining grass pitch. The provision of changing rooms will satisfy an existing Sport England planning condition and will also meet a Council obligation under the terms of its lease with the Telford Trust who hold the Head Lease on the Ski Centre site.
- 4.1 It is proposed that the changing rooms be accommodated within an extension to the Ski Lodge as this provides operational efficiencies and will encourage users of the pitch to make use of the social facilities at the Ski Centre. It is considered that this increase in footfall along with the proximity of the Nu Place (Miners Walk) development will increase awareness and usage of the Ski Centre and Ski Lodge facilities and support the long term sustainability of the Ski Centre.
- 4.2 As part of the pre-planning feasibility study residents and stakeholders have been invited to view and comment upon the proposals and where possible this feedback will be incorporated within the plans. Of those people who attended the consultation event and completed a feedback questionnaire (12 respondents), 11/12 supported the need for sports facilities in South Telford and 10/12 supported the proposed plans for the 3G pitch facility.
- 4.3 A summary of the project plan key dates is provided below:
- Planning Application – May/June 2017
  - Planning determination –July/Aug 2017
  - Tender of the project concurrent with the planning process
  - Evaluation of tenders and awarding of the contract –July/Aug2017
  - Lead in period and commencement on site –Sept 2017
  - Completion of project - April / May 2018

## **5 LEGAL COMMENT**

### **5.1 Green Guarantee Sites**

At its meeting on 15th October 2015, Cabinet resolved that all decisions relating to disposals or changes of use of these sites are determined by Cabinet rather than pursuant to officer delegated powers.

### **5.2 Planning Conditions/Obligations**

Owners are required to comply with planning conditions and obligations which relate to the land and, where the land is in Council ownership, compliance with those conditions and “obligations” is equally necessary.

### **5.3 Enabling Powers** - The Council can exercise its power to act in this matter under Section 1 and 2 of the Localism Act 2011. Section 1 sets out the General Power of Competence and provides that “a local authority has power to do anything that individuals generally may do”.

- 5.4 Compliance and Governance:** The Council will utilise the resources for permitted purposes as set out in the Project Plan and will administer it in accordance with any overarching funding conditions/restrictions deemed necessary by the awarding body. The Council will construe its behaviour against Constitutional standards of financial probity and stringent financial planning and financial risk management as well as risk and equality impact assessments and procurement requirements, which may impact its delivery of desired outcomes. If the EU financial threshold is breached for any procurement of works and or services this will require the Council to conduct any procurement activity in accordance, and be fully compliant with the Public Contract Regulations (2015)
- 5.5 Contracts:** All overarching and incidental contractual documentation relating to this matter emanating from external parties, will routinely undergo stringent due diligence and thorough review to assess legal risks and implications to the Council's contractual position. Specific regard will be had to the Council's Corporate Risk Profile and any items that may require attention of a local and strategic nature will be escalated to the appropriate Officer for further consideration and instruction. The Sport England and Big Lottery will lend toward high specificity and will invariably include a clawback mechanism or recovery formula as part of the contract. Terms and conditions will set out the circumstances for the trigger and enforcement of the clawback provision discriminately, where there is any breach of the overarching principles and permitted uses. To mitigate this risk the Council should make sure that the Officer tasked with contract managing this arrangement maintains operational control of the site and ensures that no material infringements arise that may give recourse to the awarding body pursuing the clawback measure.
- 5.6 Income Generation and Delivering Value for Money:** Generating income is a choice available to the Council under the provisions of the Local Government Act (LGA) 2003 which enables Councils to charge for discretionary services on a cost recovery basis (LGA 2003, Section 93(1)). There is an alternative option under the LGA 2003 available, upon the furtherance and approval of a robust business plan the Council may opt to trade through a commercial company which has been established to make a surplus. The intention being that profits go back to the Council in the form of dividends and service charges – that is goods, services, premises and so on, provided to the company by the Council. If the Council does not intend to pursue the incorporation of a company at this time, then any income generation for the time being will be limited to the former approach.
- 5.7 Consultation:** The Council is mindful of its duty to consult and it is noted in the report that the primary statutory consultee has been approached. Where it is deemed necessary the Council may also seek to undertake meaningful consultation with non-statutory consultees alike, and especially in relation to the consideration of local impact assessments on service delivery, and fostering community engagement going forward to make it a viable and successful facility.

**6**     **PREVIOUS MINUTES**

25<sup>th</sup> February 2016– Telford & Wrekin Cabinet – Playing Pitch Strategy (2016)  
24<sup>th</sup> March 2016 – Telford & Wrekin Cabinet – Green Guarantee

**7**     **BACKGROUND PAPERS**

None.

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