

COUNCIL
27 AUGUST 2020

Report of the Director of Community & Environmental Services and Director of Regulatory Services

ASHBOURNE RECREATION GROUND PAVILION

PURPOSE OF THE REPORT

To consider terms for a lease of land and associated sports pitches to Ashbourne Recreation Ground Sport & Community Partnership (“ASCP”) and the provision of capital contributions to the scheme comprising a new sports pavilion building and a programme of sports pitch improvements and to consider the early release of some of the capital funding.

RECOMMENDATION

1. That, subject to Public Open Space Consultation, approval is granted to enter into an Agreement for Lease and, subject to appropriate terms being met, a 50 year lease of land at Ashbourne Recreation Ground with Ashbourne Recreation Ground Sport and Community Partnership (Charity No 1178134) (ASCP) as indicated in the plan and Heads of Terms at Appendix 1 of this report.
2. That, subject to the entering into the long term lease in Appendix 1, approval is given to enter into the Construction Licence with ASCP as indicated in the plan and Heads of Terms at Appendix 2 of this report.
3. That, subject to the entering into the long term lease in Appendix 2, approval is given to provide a revised amount of £79,000 from within the existing Capital Programme budgets together with S.106 funds of £71,573 relating to the Redrow Homes Leys Farm development (when received) to ASCP as match funding towards the proposed redevelopment scheme.
4. That consideration is given to releasing the amount of £36,000 from the above funds immediately to meet the cost of professional fees incurred by the ASCP to date.
5. That the request for additional capital funding recently received from the ASCP included as Appendix 3 of this report is considered and, should additional funding be approved, appropriate provision is made in the Capital Programme.
6. That the Pitch Improvement Programme for the 3 football pitches outlined in Appendices 4 and 5 of the report is approved and the associated increased revenue funding required of £42,000 over a 6 year period should external grant funding for this amount not be available is noted.

WARDS AFFECTED

Ashbourne North and South, and surrounding wards

STRATEGIC LINK

The provision of a lease and funding as proposed in this report support the District Council's Corporate Aim to promote quality of life and also makes a significant contribution to the safety, health and wellbeing of the community of Derbyshire Dales.

1. BACKGROUND

- 1.1 A report on the Ashbourne Pavilion project was originally presented to Community & Environment Committee on 7 June 2018. This report proposed working with Ashbourne Recreation Ground Sport & Community Partnership ("ASCP") to explore a different way of providing appropriate sports pavilion facilities given the poor condition of the existing buildings on Ashbourne Recreation Ground, whilst also securing the use of the facilities for current users.
- 1.2 Approval was given to enter into a 50 year lease of the site of the existing Memorial Pavilion to ACSP, subject to:-
 - Due diligence checks on the governance arrangements and constitution of the organisation.
 - ASCP successfully securing the level of external funding required to complete the project.
 - Public Open Space consultation.
- 1.3 Under this proposal, ASCP would also be responsible for pavilion and pitch bookings, therefore relieving the Council of this responsibility. The income for the pavilion would be retained by the ASCP with the pitch income being paid to the Council.



2. REPORT

- 2.1 Since the 7 June 2018 report, ASCP have continued to develop the scheme including commissioning civil engineers, architects, project managers and quantity surveyors to produce a detailed costed design specification for the new pavilion building for which planning permission has been obtained.
- 2.2 Further work took place last year to refine the specification for the scheme including some cost engineering. Following this the scheme was advertised for tender and 5 submissions were received. Following further cost engineering and financial analysis, the cost of delivering the scheme is considered to be £830,000. This would entail the demolition of the existing Memorial pavilion and construction of the new facility with an estimated construction period of 10 months.
- 2.3 Since this time, the ASCP have continued work to source external funding for the scheme. One significant source of funding is via the Football Foundation which is subject to various requirements regarding security of tenure of the sports pitches.
- 2.4 A considerable amount of work has taken place over the last 6 months to provide a suitable agreement which provides the group with the security of tenure required to secure external funding without compromising the public open space status of the wider Recreation Ground. It is considered that the proposed lease agreement recommended by this report and approved by the ASCP meets these requirements.

Proposed Lease and Construction Licence

- 2.5 The proposed lease agreement, the terms of which are included in the Heads of Terms at Appendix 1 of this report, provides the security of tenure required by the ASCP and funding bodies such as the Football Foundation whilst also respecting the public open space status of the wider Recreation Ground.
- 2.6 The proposed agreement comprises an Agreement for Lease for a 50 year lease of the pavilion site and associated football pitches subject to the following conditions being met:-
 - planning permission is achieved on the scheme;
 - funding to fully complete the project is secured & verified by providing written agreement from funding bodies equivalent to the full cost of the works required to complete the entire project;
 - Council's due diligence on club's legal entity and funding are satisfactory;
 - tender for construction and demolition of existing planning permission have been issued and contractor nominated;
 - timescale for works has been submitted;
 - POS advertising has been undertaken;
 - Council approval has been granted and any reasonable issues raised by Public Open Space consultation are adequately addressed.
- 2.7 In order to cover the demolition and construction phase of the project, terms have been agreed for a Construction Licence, the terms of which are included in the Heads of Terms at Appendix 2 of this report.

Public Open Space Consultation

- 2.8 Due to the nature of the proposed lease and the fact that the football pitches and part of the site of the proposed new Pavilion comprise public open space, formal Public Open Space Consultation is required. This is out for consultation at present. Should no adverse comments be received, the lease would progress as indicated. Should any fundamental objections be received, these will be reported to a future meeting of Council.

Financial Contribution

- 2.9 At the time of the 2018 report, a capital contribution of £70,000 was proposed. It is now recommended that this is revised to £79,000 from within the existing Capital Programme budgets, together with S106 funds of £71,573 relating to the Redrow Homes Leys Farm development (when received) to ASCP as match funding towards the proposed redevelopment scheme.
- 2.10 A request has been received from the ASCP to release £34,980 of the above funding now to cover the cost of professional fees incurred by the Group for work up to start on site.
- 2.11 An additional request for further capital funding has recently been received from ASCP as outlined in the letter at Appendix 3 of this report.

Pitch Improvement Programme

- 2.12 To enable ASCP to receive external funding from the Football Foundation towards the new pavilion one of the conditions is for the grass football pitches to be upgraded and maintained to a 'GOOD' standard.
- 2.13 The pitches at Ashbourne Recreation Ground are currently rated at a 'POOR' standard, see Appendix 4, Pitch Improvement Plan Report which was undertaken by the Institute of Groundsmanship in February 2019.
- 2.14 We have worked with Derbyshire County Football Association to develop a maintenance plan to support us in upgrading and maintaining the pitches to a 'GOOD' standard. This plan includes: the application of fertiliser, vertical tine aeration, over seeding and top dressing. The costs involved in this maintenance work equates to £42,846 across a 6 year period. See Appendix 5 – Maintenance Plan.
- 2.15 There is an opportunity for a local football club such as Ashbourne Aztecs to apply for external funding through the Football Foundation and receive £28,564 towards these costs over a 6 years period. This would mean there will be £14,282 partner match funding required.
- 2.16 DDDC needs to upgrade the football pitches on Ashbourne Recreation Ground to enable local clubs and users to play football on a 'GOOD' standard pitch. It is therefore necessary to allocate additional revenue of £42,000 over a 6 year period should external grant funding for this amount not be available

3. CONSULTATION

- 3.1 The relevant Ward Members and Town Council will be consulted on the proposed transfer and any comments received will be reported verbally at the meeting. Public Open Space Advertising is also taking place.

4. OTHER EXPRESSIONS OF INTEREST

- 4.1 None received.

5. RISK ASSESSMENT

5.1 Legal

Clause 19 of the Football Foundation – General Terms and Conditions of Grant make the parties applying for the grant jointly and severally liable. The Council therefore will not be making a joint application for funding. It has therefore established that a leasing and licensing arrangement would satisfy the Football Foundation and negate any risk of a joint application.

The main risk is that if the charity do not finish the work and the pavilion is returned to the Council's management incomplete, then further Council funding may be required to complete the project.

The legal risk is considered as Medium

5.2 Financial

The revised capital programme that is elsewhere on the agenda for this Council meeting includes £325,573 for this project, subject to Members' approval of this report.

The sum of £325,573 comprises:

- £79,000 previously included in the capital programme under "Condition surveys for Parks & Pavilions" (now moved);
- £71,573 from section 106 contributions (yet to be received) – Treated as a NEW BID for the capital programme for 2020/21;
- £175,000 for further request (see Appendix 3 to this report) – Treated as a NEW BID for the capital programme for 2020/21.

Given the level of investment and the levels of the Council's reserves, the financial risk of the recommendations of this report is assessed as high.

6. OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

7. CONTACT INFORMATION

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8. BACKGROUND INFORMATION

The Football Foundation – General Terms and Conditions of Grant –

<https://www.footballfoundation.org.uk/resources/assets/attachment/full/0/20592.pdf>

9. ATTACHMENTS

Appendix 1 - Heads of Terms, agreement for lease

Appendix 2 - Heads of Terms, construction licence

Appendix 3 – Request for additional Capital Funding

Appendix 4 - Pitch Improvement Plan report

Appendix 5 - Maintenance plan