

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Brittons Playing Field Artificial Turf Pitch
<b>Cabinet Member:</b>	Councillor Viddy Persaud, Councillor Osman Dervish
<b>SLT Lead:</b>	Jane West, Chief Operating Officer
<b>Report Author and contact details:</b>	Guy Selfe, Health and Wellbeing Manager, 01708 433866, <a href="mailto:guy.selfe@havering.gov.uk">guy.selfe@havering.gov.uk</a>
<b>Policy context:</b>	Places - Havering has excellent leisure facilities and award winning parks
<b>Financial summary:</b>	There are no direct financial implications within this decision.
<b>Relevant OSC:</b>	Towns & Communities Overview & Scrutiny Sub- Committee
<b>Is this decision exempt from being called-in?</b>	Yes - It is a non-key decision by a member of staff

**Non-key Executive Decision**

**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

**Part A – Report seeking decision**

**DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

**Background**

1. The opportunity for the creation of a new Artificial Turf Pitch (ATP) arose from approval of a planning application for residential development at the Lessa Sports Ground, Rainham Road, in 1999. Under the terms of the Section 106 Agreement entered into as part of granting of that planning application, the developer was required to provide an ATP.
2. The ATP was progressed at Brittons Playing Field in accordance with the Council decision of 3 March 2005. This decision was subject to a Working Group considering detailed issues concerning the installation and operation of the ATP. Following consideration of all the issues, the Cabinet Members for Public Realm and Public Realm: Environmental and Technical Services signed an executive decision to confirm that the ATP be located at Brittons Playing Field subject to the outcome of the planning process. The following was also agreed;
  - That an agreement is prepared with Brittons School for the ongoing management of the ATP. The detail of the management agreement is to be agreed by the Head of Cultural and Leisure Services.
  - That the building contracts should not be let until the management agreement with Brittons School has been agreed and signed or alternative management arrangements are agreed by the Head of Cultural and Leisure Services.
3. Since the ATP opened in 2009 it has been operated and managed by, what is now, Brittons Academy. A Management Agreement between the Council and Brittons Academy has been in place since the ATP opened, and includes provision for a sinking fund to contribute towards the replacement of the ATP carpet. This replacement is considered to be required after approximately 10 years of use of the ATP.
4. The Playing Pitches Strategy and the Football Associations Facilities Plan for Havering has identified a strategic need for additional 3G artificial turf pitches in the borough. The current ATP at Brittons is a sand filled astro-turf that is not the desired surface for football. A 3G surface is a lot closer to a natural grass surface and as such attracts greater usage.
5. The Essex FA have approached the Council to discuss addressing the shortfall of 3G pitches in the borough. Brittons ATP has been highlighted as a facility that could be upgraded from a sand filled ATP to a 3G pitch. Given that the existing ATP is over 10 years old, the carpet needs re-surfacing so now is a good opportunity to convert it to a 3G surface.
6. There are community benefits to converting the surface to 3G. Currently, the ATP is largely used by the community on Monday to Thursday evenings. Due to the type of surface currently football clubs do not use the ATP at weekends as they prefer to play on grass compared to a sand filled ATP surface for

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matches. A 3G surface will attract higher usage, especially at weekends. Hockey clubs have been offered usage of the pitch at weekends, including a free trial, but no club has ever taken up that offer.

### **Current Situation**

7. The Essex Football Association and the Football Foundation have been in regular contact about converting the existing sand filled ATP to a 3G surface. The Brittons Academy have also been involved in those discussions and are willing to continue managing the pitch under a new Management Agreement.
8. Every year since the ATP was opened, a sum of money has been put in to a sinking fund, held by the school. This sinking fund is to be used for a replacement carpet. There is a funding shortfall to pay for the conversion to a 3G pitch, for which an application to the Football Foundation would be submitted. The discussions with the Football Foundation have been positive to date and they recognise the strategic need for 3G pitches in the borough. The indications are that subject to an application to the Foundation, it is likely it would be considered favourably.
9. The disposal of the Havering College Quarles Campus for housing has involved consultation with Sport England as a statutory consultee due to there being a playing pitch within the grounds. Sport England will agree to the disposal subject to a S106 agreement being in place that provides money to re-provide a pitch elsewhere. Sport England have indicated they would be willing to support that S106 sum being used to contribute towards the conversion of the ATP at Brittons to a 3G pitch.
10. Subject to the conversion of the ATP to a 3G pitch surface, it is proposed a new ten year management agreement is entered in to with Brittons Academy. The Management Agreement would include provision for a Management Board, made up of representatives of the Academy and the Council, to meet termly to oversee the management of the pitch.
11. The conversion of the pitch to a 3G surface, to include new floodlights and fencing, will require a planning application to be submitted.

### **Recommendation**

12. It is recommended:
  - a. To note the intention to replace the existing sand filled ATP with a 3G surface as well as replace the floodlights and fencing
  - b. To agree that a planning application for the 3G pitch is submitted
  - c. To agree that a funding application with Brittons Academy is submitted to the Football Foundation subject to planning permission being granted

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- d. To agree that subject to a successful planning application and funding application the project to replace the sand filled ATP to a 3G pitch is progressed
- e. To agree that a revised ten year Management Agreement with Brittons Academy is progressed for management of the pitch.

### **AUTHORITY UNDER WHICH DECISION IS MADE**

Constitution Section 3.3 Powers of Members of the Senior Leadership Team

### **STATEMENT OF THE REASONS FOR THE DECISION**

The decision is required as the existing carpet surface of the ATP at Brittons Playing Field needs replacing. Such carpet surfaces only have an expected lifespan of 10 years and this one has been in use for 11 years. Due to the strategic need for 3G pitches and the added benefits of increased usage expected by having a 3G pitch, a decision is required to convert the existing ATP to a 3G surface to better serve the needs of the community.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

1. Do nothing – this has been rejected as the existing ATP carpet is close to the end of its expected lifespan. The carpet surface will deteriorate further, resulting in users not finding the surface acceptable to play on and not hiring the pitch. There is also the possibility that over time, if left, the pitch surface will become a health and safety issue.
2. Replace the carpet with the same surface i.e. sand filled carpet. This has been rejected due to the strategic need for 3G surface pitches in the borough identified through the Playing Pitches Strategy and the Football Association's Facilities Strategy for Havering. It has also been rejected as there is evidence to indicate there will be greater usage of a 3G surface than a sand filled surface providing greater community benefit.

### **PRE-DECISION CONSULTATION**

None

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**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Guy Selfe

Designation: Health and Wellbeing Manager

Signature:

Date:

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

A Management Agreement has been in place between Brittons Academy and the Council since the ATP opened in 2009. The Management Agreement gives Brittons Academy responsibility for managing the day to day operation of the existing ATP. This Management Agreement was for a period of ten years and has been rolling over whilst a decision is taken on the replacement of the existing surface.

It is proposed that a new Management Agreement is entered in to for a further period of ten years on the same basis that the Brittons Academy have responsibility for the day to day management and operation of the pitch.

The Football Foundation funding, should an application be successful, will have terms and conditions attached to receiving the funding. These will be standard terms and conditions used by funding organisations, but will need to be agreed by Legal in advance of signing.

If the Football Foundation funding application is successful and the project progresses, a condition of the funding is that we have to use their framework provider to project manage the tendering and installation of the 3G pitch.

### FINANCIAL IMPLICATIONS AND RISKS

Preparatory work has commenced on building the business case for a 3G pitch and preparing the required information to submit planning and funding applications. A consultant specialising in such matters has been working with officers on this and will lead the planning and funding applications. The cost of this, £6k, will be included within the costs of the project so subject to a successful application this sum will be reimbursed to the Council. The Planning Application fee will also need to be met by the Council but this too can be included within the project costs.

The sinking fund built up since the existing ATP has been open has about £85k and is held in a stand-alone account by the Academy. This will be used as partnership funding for a funding application to the Football Foundation.

The disposal of the Quarles Campus site mentioned in point 9 above will provide a further £150k as match funding for the conversion of the sand filled ATP to a 3G pitch.

The total capital cost of this project is expected to be in the region of £650k. A funding application to the Football Foundation will be submitted for the balance of funds required to progress the project once planning approval has been obtained.

Once the 3G pitch is installed and being used, the revenue required to manage and maintain the 3G pitch is expected to be met from the income received through bookings. There will be a condition attached to the Football Foundation funding, if successful, for a set amount to be committed to a sinking fund each year to pay for a replacement carpet at the end of the installed carpet's life.

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Brittons Academy have asked the Council if the income received does not meet expenditure whether the Council would be willing to share the negative position. Whilst this is considered to be a low risk based on the actual financial position of similar existing pitches elsewhere, it is recommended that the position is reviewed each year. If in any particular year there is a negative position, then a decision is taken at that time as to the financial support the Council can provide.

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

There are no Human Resource implications or risks associated with this decision. The 3G pitch would be managed by Brittons Academy.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) is usually carried out when a current or planned service/policy/activity is likely to affect staff, service users, or other residents. It is acknowledged that in emergency or urgent situations it will not always be possible to carry out an EqHIA in advance of a relevant activity, however, managers will undertake the required EqHIAs at the earliest opportunity. Where managers are already clear that protected groups/users will be impacted negatively by the intended activity, then this will be noted in the next paragraph and/or put into EqHIAs. Where the negative impact of the intended activity can be mitigated, this too should be set out in this report and/or the EqHIA.



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In all situations, urgent or not, the Council will seek to ensure equality, inclusion, and dignity for all.

The 3G pitch will be managed by Brittons Academy under the terms of a management agreement that will include a clause on equality of access to the facility.

**BACKGROUND PAPERS**

None

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**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

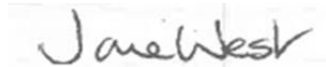
**Decision**

Proposal agreed

*Delete as applicable*

**Details of decision maker**

Signed



Name: Jane West

Cabinet Portfolio held:

CMT Member title: Chief Operating Officer

Head of Service title

Other manager title:

Date: 13.01.21

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_