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By virtue of paragraph(s) X of Part 1 Schedule 1 of the Local Government Act 1972.

**Environment and Communities
Committee**

28 September 2023

**Procurement of a Football Development
Partner for King George V playing field
Crewe.**

Report of: Peter Skates- Acting Executive Director Place

Report Reference No: EC/20/23-24

Ward(s) Affected: Crewe South

Purpose of Report

- 1 To update the Committee on the development of the proposed new all weather (3G) pitch and improvements to the clubhouse (Pavilion) at King George V Playing Fields and to seek the necessary delegations to enable the Scheme to continue moving forward promptly.

Executive Summary

- 2 The report is intended to update members of the committee on the current progress of the project and seek approval to the principal of procuring a development partner to take forward a grant application to the Football Foundation for a new facility at King George V Playing Fields.
- 3 This is alongside seeking delegated authority to progress the project through to the procurement of a development partner to subsequently apply for a Football Foundation grant towards the delivery of the project.
- 4 The councils Playing Pitch Strategy identifies a shortfall of two 3G pitches within the Crewe area, this project will help to reduce this shortfall.
- 5 The cost of the overall project is to be cost neutral to the council and it is expected that a substantial proportion of the funding for the scheme

will be obtained in the form of a grant from the Football Foundation. With the balance coming from allocated S106 developer contributions and the development partner.

- 6 The remaining delegated approvals sought are required relating to the disposal of land on which the facility is proposed to be constructed specifically public open space.

RECOMMENDATIONS

The Environment and Communities committee is recommended to:

1. Approve the undertaking of a competitive procurement exercise for the appointment of a Football Development Partner to work in partnership with the Council in delivering the scheme;
2. Delegate authority to the Head of Neighbourhood services to enter into the agreement with a development partner;
3. Delegate authority to the Director of Environment and Neighbourhood Services to undertake any public consultation on the proposal that maybe required in support of a subsequent planning application;
4. Delegate authority to the Director of Finance and Customers Services to authorise the entering into a grant agreement for the scheme once the final terms and conditions of funding are known and subject to all of the required statutory consents being in place and;
5. Delegate authority to the Director of Environment and Neighbourhood Services in consultation with the Chair of Environment and Communities Committee and the Chair of Economy and Growth Committee to authorise the formal advertising of disposal of open space, prior to entering into a formal agreement with a development partner.

Background

- 7 The project is a unique opportunity for the Council to drive forward its provision of both football pitches and facilities within Crewe by working with a local development partner and the Football Foundation.
- 8 The councils Playing Pitch Strategy identifies a shortfall of two 3G pitches within the Crewe area, this project will help to reduce this shortfall.

- 9 Any development partner would be expected to have a strong local link to the community and be recognised as provider of football and associated activities within the locality, it is further envisaged that any partner will be recognised as chartered club by the Football Foundation.
- 10 Securing a development partner for the site, will be a key part of navigating the delivery process and is essential to:
- Establish a business case to include a programme of community usage.
 - Securing a provider of the 3G works (through the Football Foundation Framework).
 - By managing the development of the pavilion and associated works.
- 11 The project is still subject to detailed site investigation, design and obtaining planning and other statutory consents prior to any funding from the Football Foundation being able to be secured.
- 12 An application to the Football Foundation to join the framework for initial funding was submitted in April 2023. We are now working with the Foundation to take the scheme through the stages of the framework approval process, the first stage of this is looking at the feasibility of the site and thereafter seeking planning permission.
- 13 If planning consent is granted, and all other approvals relating to land and property are secured, then a formal application for funding will be submitted in late spring/early summer 2024 and it is expected that an offer of grant funding will be made shortly after that.
- 14 No award has yet been made, but standard Foundation funding terms and conditions are likely to apply. It is likely that as part of the grant, there will be a clawback period and the potential for a charge / restrictions to be placed on the land - this is to ensure that the scheme is developed as agreed and that the land and facilities are used appropriately throughout the relevant period in order to protect the Football Foundation's investment.
- 15 The cost of the overall project is to be cost neutral to the council and it is expected that a substantial proportion of the funding for the scheme will be obtained in the form of a grant from the Football Foundation. With the balance coming from allocated S106 contributions and the development partner.
- 16 Members should also note that the King George V Playing Field, is owned by the Council but it is operated through a charity and has been

protected with Fields in Trust through a Deed of Trust since 1955. The Deed of Trust protects against non-recreational development. the council being the sole trustee, early conversation with Fields in Trust have been held and they were supportive of the idea pending a formal application and detail of the final scheme.

Consultation and Engagement

- 17 At the conclusion of the initial feasibility works and if at that point the project is viable then a public consultation exercise will be undertaken, working with the chosen development partner and prior to the submission of any planning application.
- 18 Statutory consultation will be required in relation to disposal of public open space as explained under the legal commentary later in this report.

Other Options Considered

- 19 The Committee could resolve to do nothing however this would not address the identified need within the playing pitch strategy or provide additional capacity for grass roots football. There is also reputational risk with the Football Foundation that any such decision could jeopardise future funding applications for other similar facilities in the borough.
- 20 There are no other options which require consideration at this time.

Implications and Comments

Monitoring Officer/Legal

Procurement issues

- 21 The service will need to identify a partner via a competitive process such as publishing an expression of interest via the appropriate channels to ensure that interested parties are aware of the opportunity and to select a provider on the basis of an agreed set of criteria which would meet the requirements of the Council and the funding organisation.

Proposed Football Foundation Grant

- 22 Although the Council has yet to see the Football Foundation's final terms and conditions of funding, it has seen and entered into similar agreements in the past (Facilities at Sandbach United Football Club) the

agreement includes restrictions as to how the Council treats the facility land during any 'clawback' period.

- 23 This means that failure to meet the terms and conditions of the grant award could result in part or all the monies being clawed back by the Football Foundation during the relevant period, likely to be 25 years.
- 24 For example, the conditions have restrictions on not transferring or selling the facility during the clawback period. Additionally, arrangements for management and community use of the facilities must not be changed during the clawback period without the prior written consent of the Football Foundation.
- 25 The Football Foundation may require a charge/restriction over the land/property to protect their interest and investment.
- 26 Once the final terms and conditions of funding are known, CEC Legal will review and supply their advice to appropriate officers to understand the risks prior to acceptance of any grant.

Property Matters

- 27 This project relies upon using land located at the King George V playing fields in Crewe. On 1 March 1955 Crewe and Nantwich Council entered a deed of dedication with the King George V Playing Fields Foundation, the document states that the land (2.17 hectares) will remain as playing fields for the use and enjoyment of the public in memory of the late King and this use will remain in perpetuity. In 2001, a charity King George V Playing Fields (Crewe) (Charity number 1087067) was set up by Crewe and Nantwich Council to act as trustee and guardian for the land. It will therefore be necessary to seek the approval from the Charity Commission as well as the Fields in Trust before any land can be disposed of. In addition, any disposal of land will need to meet the requirements set out in the Charity Act 2006.
- 28 The land is also deemed to be public open space. The Council has powers under the Local Government Act 1972 (LGA 1972) to dispose of any land that it owns, however, for land that is regarded as public open space the Council needs to follow the procedure set out in section 123 of the LGA 1972, after the advertisement of the proposed disposal it will need to consider any representations/ objections that are received.
- 29 In considering representations, the Council is required to take them into account in reaching their decision to dispose. This involves the exercise of a discretion and will involve balancing the benefits of the disposal of the land against any losses suffered by the members of the public that use the open space for recreational purposes as they will have their ability to use the open space land for these purposes taken away.

Section 151 Officer/Finance

- 30 The project is expected to be cost neutral to the Council with a significant grant from the Football Foundation which will fund most of the project if successful. The remainder of the funding will be sourced from allocated S106 developer contributions secured for Godard Street and a contribution from the preferred operator.
- 31 There will be upfront professional fees for the likes of Legal, Procurement and Estates teams to assist in this next stage of project delivery, which will be funded from within existing budgets with Leisure commissioning.

Policy

- 32 Table 1 states how the proposal aligns to aspects of the Councils Corporate Plan.

An open and enabling organisation.	A council which empowers and cares about people	A thriving and sustainable place
Listen, learn and respond to our residents, promoting opportunities for a two-way conversation.	<ul style="list-style-type: none">• Collaborate with residents and partners to support people and communities to be strong and resilient.• Reduce health inequalities across the borough.	<ul style="list-style-type: none">• A great place for people to live, work and visit.

Table 1: summary of alignment to policy

Equality, Diversity and Inclusion

- 33 An Equality Impact Assessment will be produced as the project progresses as required.

Human Resources

- 34 There are no human resource implications of this report. The project will be managed from within existing Council staff resources.

Risk Management

- 35 The council will be the applicant for the Football Foundation Grant, therefore prior to entering into the formal agreement the required due

diligence around the affordability of the project and funding available from the development partner will be undertaken.

Rural Communities

- 36 There are no impacts on rural communities as a result of the recommendations in this report.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 37 The development of the facility will enable a greater number of young people to engage in Grassroots training and match play, recreational play, affiliated games at all levels, Football training and multisport daytime use will be increased.

Public Health

- 38 The proposed facility is in one of the most deprived areas of the borough, as part of the conditions of the grant a programme of community must be presented and approved, in addition during the procurement of the development partner specific question will be asked around how they intend to engage the local community.

Climate Change

- 39 There are no specific impacts on climate change as a result of the recommendations in this report.

Access to Information	
Contact Officer:	Christopher Allman, Head of Neighbourhood Services Christopher.allman@cheshireeast.gov.uk
Appendices:	NA
Background Papers:	Playing Pitch Strategy (cheshireeast.gov.uk)