



AGENDA ITEM: 5(e)

CABINET: 17th September 2013

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor D Sudworth

**Contact for further information: John Nelson (Extn. 5157)
(E-mail: John.Nelson@westlancs.gov.uk)**

SUBJECT: ABBEY LANE PLAYING FIELDS, TRANSFER TO COMMUNITY SPORTS CLUB

The following wards are affected: -
Ormskirk and Burscough Wards

1.0 PURPOSE OF THE REPORT

1.1 To consider additional details of a proposed draft community use agreement and approve the Transfer of Abbey Lane Playing Fields to a Community Sports Club.

2.0 RECOMMENDATIONS

2.1 That the Assistant Director Community Services and the Assistant Director Housing and Regeneration in consultation with the Portfolio Holder for Health, Leisure and Community Safety and the Portfolio Holder for Housing (Finance), Regeneration and Estates be authorised to:

- (a) enter into and to grant a long term lease, subject to a Community Use Agreement, at a peppercorn rent to Burscough Juniors Football Club for the changing room and pitches located at Abbey Lane playing fields, as shown edged red on the attached plan, with provision for the club to seek funding for improvements to the site with restrictions that the site should be used for multi-sport activities and not restricted to single sport use.
- (b) identify and engage a contractor to carry out the drainage works on the site.

- (c) take all necessary steps, enter into all necessary agreements and to obtain any consents and permissions to facilitate the scheme.
- 2.2 That this item is not available for call in as it has previously been submitted to the Executive Overview and Scrutiny committee meeting held on the 4th July 2013.
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3.0 BACKGROUND

- 3.1 At its meeting on 18 June 2013 Cabinet approved the proposals, in principle, relating to the Abbey Lane Playing Fields and asked that a further report containing additional details and proposed terms of a community user agreement be submitted to this meeting and also referred the report to the Executive Overview and Scrutiny Committee meeting on 4 July 2013 for comment.
- 3.2 At its meeting on 4 July 2013 the Executive Overview and Scrutiny Committee, considered the item 'Abbey Lane Playing Fields, Transfer to the Community Sports Club – Item Referred by Cabinet and resolved as follows:

“RESOLVED:

That the Council goes out to consultation to those “leagues” that used (Abbey Lane Playing Fields) in the last 10 years.”

4.0 CONSULTATION

- 4.1 Further to the comment referred to Cabinet from the Council’s Executive Overview and Scrutiny Committee, a letter outlining the proposals and survey questionnaires was sent to the leagues which have used Abbey Lane Playing Fields in the last 10 years (both football and cricket).
- 4.2 The Chairman of the Ormskirk and District Football League assisted in identifying the league contacts, provided comment on the content of the questionnaire and offered assistance to other leagues who wished for further information/discussion.
- 4.3 A copy of the letter and questionnaire is attached at appendix 1.
- 4.5 The letter and questionnaire was sent to seven league organisations, four responses were received; Southport and District Cricket League, Craven Minor Junior Football League, Southport and District Amateur Football League and Ormskirk and District Sunday Football League.
- 4.6 The responses received were all positive regarding the proposals to enter into partnership with Burscough Juniors and to undertake the improvement works. All the leagues indicated that they would have teams interested in using the facilities in the future. The responses to questions 1, 2 and 3 were ‘yes’ from all

the respondents, with no proposals identifying funding from any other source. Concern was expressed regarding access for adult football matches; this has been taken into account in the drafting of the community use agreement.

4.7 General comments received.

- We fully support Burscough Junior Football club in securing the long term use of recreational facilities in the area. We fully support the club in their far sighted initiative. (*Craven Minor League*)
- Any assistance for the opportunity for juniors and adults to play football on a good pitch is supported. We hope that junior footballers would eventually wish to continue playing football when they become eligible for open age football the S&DL will positively benefit from players wishing to join our league as a club or individually. (*Southport and District Amateur Football League*).
- The West Lancashire Area and Burscough in particular suffer from a shortage of public grass football pitches available to adult teams.... Having made use of the Abbey Lane site over previous seasons we would accept two pitches being made available for adult Sunday Football.... Whilst as an FA affiliated league we FULLY support youth development, the removal of Abbey Lane as a venue for adult Sunday football would undoubtedly see a decline in participation in the Ormskirk and Burscough area as no other viable alternatives are available without excessive travel. (*Ormskirk and District Sunday Football League*).

5.0 CURRENT POSITION

- 5.1 Burscough Juniors have agreed to maintain provision for six full size adult pitches at Abbey Lane Playing Fields and to make them available for clubs to hire the facilities both for one off games and as part of a league programme. In addition access will be maintained for cricket teams and leagues to hire the facilities and access will be maintained for the Archery club to be based at this site.
- 5.2 Burscough Juniors arrange for a fun day at Abbey Lane on Saturday 20th July 2013, this was to allow the team managers, club officials/principals, players and parents a chance to look at the facilities and engage in the opportunities and challenges for the club should the transfer proceed. The event was successful with a high level of attendance from club members, officials and parents.
- 5.3 The club are currently working on the business plan and the final grant submission document which is to be submitted to the Football Foundation at the end of October.

6.0 COMMUNITY USE AGREEMENT

6.1 A Community Use Agreement will form part of the lease documentation for the site. This will ensure access is provided to other sports clubs and sports activities outside of football, protection of the existing cricket pitches, access for archery and for other sports to ensure multi sports access and protect community use for the site.

The key components and aims of the of the community use agreement are:

Burscough Junior Football Club (The Club) will be required to

General Principles:

- Provide opportunities for local community and sports organisations to participate in sport and physical activity for health improvement and development;
- Operate in line with the national agenda for sport taking into account nationally adopted strategies;
- Generate positive attitudes in sport and physical activity by young people and reducing the drop out rate in sports participation;
- Increase the number of people of all ages and abilities participating in sport and physical activity including people with disabilities;

Specific items:

- Maintain access for other teams outside of Burscough Juniors Football Club to use the site.
- Maintain provision during the football season for 6 adult size football pitches on the site.
- Maintain provision during the cricket season for 2 cricket squares and markings for cricket matches during the cricket season, including provision to rotate use of the outfield of the cricket area between junior and senior games to minimise surface damage.
- Maintain access during the identified outdoor season for an archery club to access the site, including provision to rotate use of the pitch in the designated archery area between junior and senior games to minimise surface damage.
- For all of the above the club will be able to charge a hire fee. A charging schedule should be submitted to the Council on an annual basis; such charges should be comparable to charges found locally, (Lancashire and Merseyside area).
- The Club will be required to provide utilisation information, providing a breakdown of use across the range of sports, activities, gender and age.

- 6.2 The community use agreement will operate for as long as the facilities are provided in accordance with the Lease.
- 6.3 The Councils Head of Leisure and Cultural Services (or other appointed representative) will meet with the Chairman of Burscough Juniors FC on an annual basis to assess the adequacy and compliance of the implementation of the community use agreement.

7.0 THE TRANSFER PROCESS

- 7.1 The Club require security of tenure of at least 25 years in order to secure the Football Foundation grant funding. The Club have requested a lease of a minimum period of 25 years to secure the grant but would welcome a longer term. A plan of the site is attached at appendix 2.

8.0 DISPOSAL

- 8.1 Abbey Lane playing fields was purchased from Lancashire County Council by West Lancashire District for the sum of £51,250 in 1992. The site had formally been the camp for nearby former Burscough aerodrome. The land is in the asset register as having a de minimus value however the changing rooms/pavilion area has an existing use value of £584,153. Members should be mindful that by granting a lease of at least 25 years to the Burscough Junior football club the site is effectively taken out of the Council's control for purposes of the Strategic Asset Management Plan (SAMP) process. However, officers believe that there is sufficient alternative sites which could be utilised in this regard.
- 8.2 The disposal is at less than best value but members may believe that the social, economic and environmental benefit which will be gained by letting the site and securing the funding for drainage works is sufficient mitigation.
- 8.3 The disposal of a facility/land at less than the best value that can reasonably be obtained may require Secretary of State Consent. Providing that the undervalue does not exceed £2m and that there are social, economic and environmental benefits in transferring the land then the Council can transfer the land at an undervalue and there will be no need to obtain specific Secretary of State consent. The Land is accorded the status of EN3 Green Infrastructure/Recreation Space in the soon to be adopted Local Plan which will be in force until 2027 and accordingly its valuation does not exceed £2m therefore Secretary of State Consent is not required.
- 8.4 The transfer to the Club provides the Council with significant grant funding which would not otherwise be available to the Council. The benefits to the community from this arrangement include investment to improve the site facilities and secure and provide for long term sustainable community facility.

7.0 PROPOSALS

- 7.1 It is proposed that subject to discussions with Burscough Juniors Football Club, that the Council enter into a long lease (minimum 25 years) at a peppercorn rent for the facilities at the Abbey Lane site, with provision for the

Club to seek funding for improvements to the site with restrictions that the site should be used for multi-sport activities and not restricted to single sport use.

- 7.2 The lease with the Club is conditional to the Club being awarded the Football Foundation grant funding.
- 7.3 The Council will continue to provide day to day grounds maintenance under an agreed schedule. The Council would continue to cut the grass and undertake routine day to day grounds maintenance tasks under the existing specification.
- 7.4 The Council allocated from 2014/15 a specific budget item of £15,000 pa towards the ongoing maintenance cost of a replacement drainage system. It is proposed that this sum continues to be allocated to the site.
- 7.5 The Club have agreed to undertake the responsibility for service charges, building and access maintenance and any additional grounds maintenance work for the site, including day to day works and supplementary costs for ongoing drainage maintenance works and improvements.
- 7.6 The changing rooms and main building facility will be leased on a full repairing lease with responsibility for the club to maintain the facility during the lifetime of the lease.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 8.1 The proposals will allow Burscough Juniors Football Club to increase involvement in community activity and club development and subject to grant funding, will support access to quality facilities and will have a positive impact on health, inclusion and community use of the site.

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 9.1 The Council have allocated a capital sum of £100,000 towards the drainage improvement works at the Abbey Lane site.
- 9.2 In addition to the capital funding the Council allocated from 2014/15 a specific budget item of £15,000 pa towards the ongoing maintenance cost of the drainage system. It is proposed that this sum continues to be allocated each year to fund scheduled annual maintenance works for the drainage system with this work being coordinated by the Borough Council.
- 9.3 As previously reported a small reduction on staff cost will be achievable as a result of the transfer of the Abbey Lane site to a community club, the employment contract changes will result in a notice of compulsory redundancy for a small proportion of the contacted work. A redundancy cost associated with the loss of summer hours will need to be accommodated; this is expected to be less than £500.
- 9.4 The overall cost of managing the site under this arrangement will be lower than the Councils current operating costs, the club will be able to attract a reduction

on the rates payable for the site of 80% and be able to reduce operational costs for the site as a result of voluntary support for the club.

9.5 Savings will be achieved for the Council from building service and building maintenance costs which will be reduced as a result of the transfer this is estimated at £10,800. Although the Council will no longer collect income from the site in the future.

9.6 The budget income estimates for 2013/14 is £4,600. This budget income figure will not be achieved in this year and would not in any case be achievable in future years without the capital investment grant funding and drainage improvements.

10.0 RISK ASSESSMENT

10.1 The granting of a long lease and license to the Club for the Abbey Lane site will restrict the Councils options for this site for the term of the agreements.

10.2 The Club may cease to operate or may not be able to sustain the operation of the site. The facilities would then be transferred back to the Borough Council. Assessment of the business plan and governance arrangements for the Club will be scrutinised to identify and minimise any problems with the sustainability of the Club. The award of the Football Foundation grant will be subject to providing a viable and sustainable business plan.

10.3 The grant application to the Football Foundation is made by Burscough Juniors Football Club; the award of any grant will be to Burscough Juniors Football Club. While the Council will facilitate the project management and engagement of the contractors for the works, the responsibility for any potential clawback from the Football Foundation for non performance and future delivery remains with the club.

11.0 CONCLUSIONS

11.1 That Burscough Juniors Football Club provides a valuable community and recreational service and the Council should support their development proposals by providing the security of a dedicated site for the club to develop. The lease option will also provide access to external grant funding for improvements to the site from a grant source which would not otherwise be available to the Council.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix 3 to this report, the results of which have been taken into account in the recommendations contained within this report.

Appendices

Appendix 1	Consultation letter and questionnaire.
Appendix 2	Plan of the site
Appendix 3	Equality Impact Assessment.



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Date 1st August 2013

Please ask for: Emma Davies
Direct dial no: 01695 585145
Extension: 5145

Abbey Lane Playing Fields – Transfer to Community Sports Club

I am writing to inform you of recent proposals re the Community Transfer of Abbey Lane Playing Fields, Burscough.

Abbey Lane Playing Fields were established in 1994 and have predominantly been used by football teams. In the summer months, additional space is allocated to Cricket and more recently, an Archery Club have made Abbey Lane their club base.

The drainage system has had ongoing problems with the surface & lower level drainage systems. This has resulted in the pitches being unplayable for most of the season hence teams are no longer able to commit to a season booking due to the intermittent availability of pitches.

The estimated cost to carry out the required drainage works on the whole site is £240,000. The council have allocated a sum of £100,000 towards the drainage improvement works. The £140,000 shortfall would need to be sought through external partnership funding.

The council have looked at options that involve Burscough Junior Football Club leasing the facilities on a long-term basis. The council have approved this in principal, in view of the Football Foundation having agreed to the principal of awarding the grant of £140,000 to meet the shortfall.

Any community transfer would need to recognise the multi-sport use at the site hence the existing provision for cricket and archery will be maintained.

West Lancashire Borough Council would like to consider the views of Abbey Lane user groups, both past and present, with regards to this proposal.

For your information, this consultation has been sent to representatives from the following leagues:

Football: Southport & District
 Ormskirk & District
 Wigan & District
 Preston & District
 South West Lancs
 Craven Minor
Cricket: Southport & District

If you would like to have any discussions across your leagues re this proposal, please contact Eddie Pope, Chairman of Ormskirk & District league: Tel: 01704 894540

If you require further information, you can read the full Cabinet report re Abbey Lane Transfer proposal, by viewing the following link:

<http://online.westlancs.gov.uk/coins/submissiondocuments.asp?submissionid=14432>

We would be very grateful if you could complete the attached consultation questionnaire and return it, to myself, no later than **Friday 23rd August**.
emma.davies@westlancs.gov.uk

Thank you in advance for your co-operation

Yours sincerely

Emma Davies
Partnership & Services Development Officer

Gill Rowe LL.B (Hons) Solicitor
Managing Director (People and Places)

Kim Webber B.Sc., M.Sc.
Managing Director (Transformation)

Abbey Lane Playing Fields – Consultation

Name of Organisation:

Please circle answers:

1 Does your organisation support the proposal re Burscough Junior Football Club leasing Abbey Lane on a long-term lease agreement, with the assistance of grant funding from the Football Foundation?

YES NO

Comments

2 Do you foresee that, if the proposal goes forward with Burscough Junior Football Club, this would be advantageous for football development within the local area?

YES NO

Comments

3 Burscough Junior Football Club have agreed that, if successful with the transfer, they would retain six adult pitches and two cricket pitches, which would be available to hire.

Would you, or teams within your league, be interested in hiring the pitches/facilities in the foreseeable future?

YES NO

Comments

4 If you are not in agreement with the Burscough Juniors Football Club proposed transfer, do you have ideas as to how alternative funding gaps could be reached?

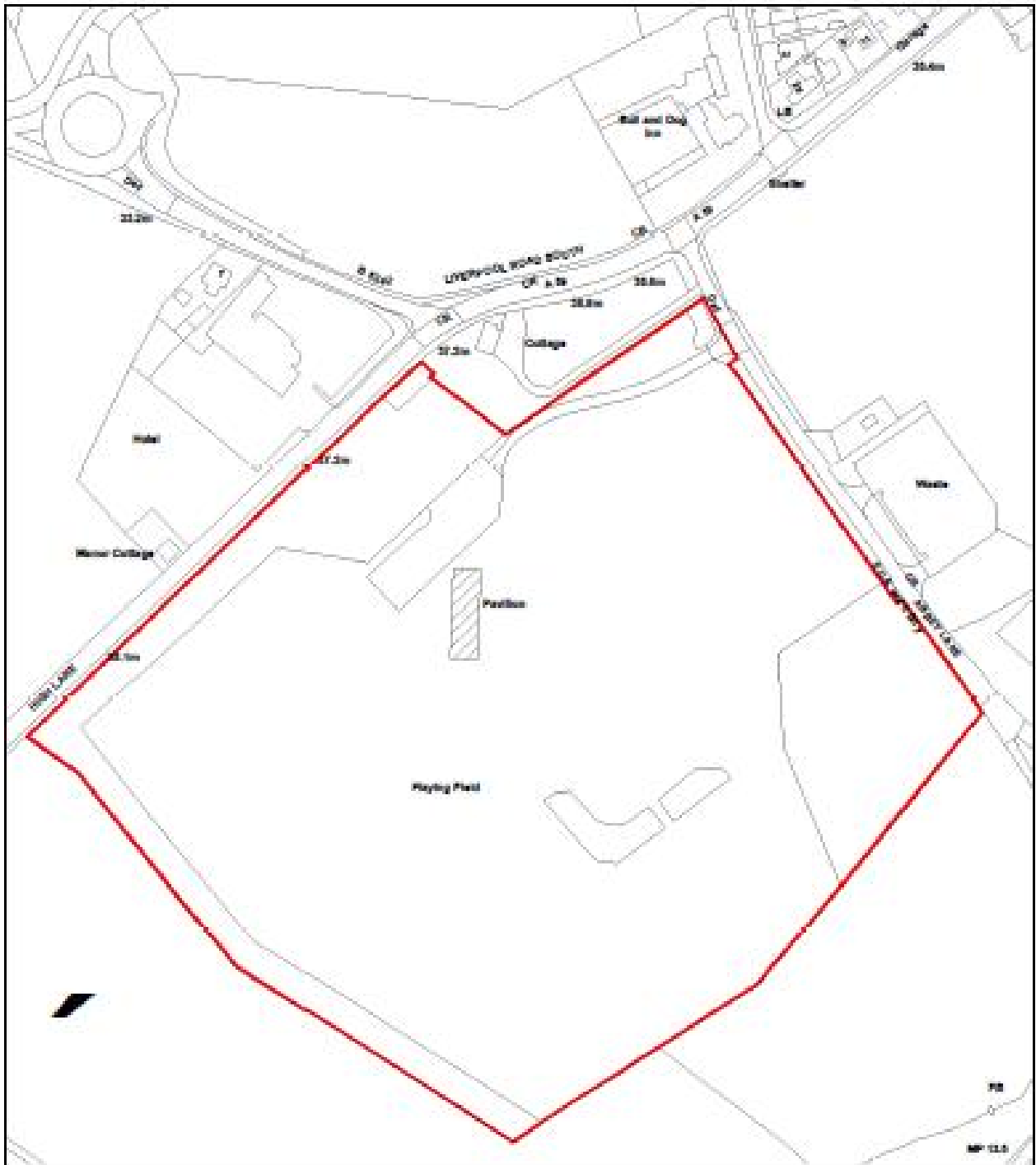
YES NO

Comments

5 If you have any additional comments related to the proposed transfer of Abbey Lane Playing Fields to Burscough Juniors Football Club, please write below.

Comments

***Please return, no later than Friday 23rd August, to
emma.davies@westlancs.gov.uk***



West Lancashire Borough Council

Plan Title

ABBEY LANE PLAYING FIELDS AND PAVILION, BURSCOUGH
DEED C914 LA696633 Building Area 533 sqm
PLAN WLP112/A AREA edged red 10.15 ha (25.07 acres) 09/07/2009

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Scale 1:2,500

Equality Impact Assessment.

Appendix 3

Date: 31st August 2013

Completed by : J.F.Nelson

1.	<p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people: <i>People of different ages – including young and older people</i> <i>People with a disability;</i> <i>People of different races/ethnicities/ nationalities;</i> <i>Men; Women;</i> <i>People of different religions/beliefs;</i> <i>People of different sexual orientations;</i> <i>People who are or have identified as transgender;</i> <i>People who are married or in a civil partnership;</i> <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i> <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p>The arrangement with the junior football club and inclusion of a community use agreement will maintain and improve access to the facilities for all members of the community; therefore the decision to support the community transfer of the facility will not disadvantage or have a disproportionately negative effect.</p>
2.	<p>What sources of information have you used to come to this decision?</p>	<p>Consultation with the Parish Council, with Liverpool Football Association, Football Foundation officials, team principals and team managers from Burscough junior football teams. Consultation with leagues that have used the facility during the last 10 years.</p>
3.	<p>How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p>Proposals for this arrangement have been discussed with the Councils Executive Overview and Scrutiny Committee, Burscough Parish Council. Team managers and club officials from Burscough Junior Football club.</p>
4.	<p><i>Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:-</i> <i>Eliminate discrimination, harassment and victimisation;</i> <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i> <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p>The proposals and recommendation in the report do not hinder our ability to meet our duties under the Equality Act 2010</p>
5.	<p>What actions will you take to address any issues raised in your answers above</p>	