

CABINET MEMBER DECISION RECORD TEMPLATE

This form should be used to record Executive decisions taken by Cabinet Members

Decision Ref. No:
Responsible Officer: Ed Alexander Planning and Contract Manager - Parks
Subject: Lease of Pavilion comprising 490m2 or thereabouts, lease of ball court area and management agreement of the recreation ground for the purpose of sports activities.
Decision taken: To approve the Council's entry into a partnership agreement with the Fernheath Community Sports Association (Registered Charity:1168156) (the "FCSA") in connection with the joint receipt by the parties of grant funding in the sum of £474,242 from the Premier League and the FA Facilities Fund via the Football Foundation, together with other third-party grants obtained by the FCSA in the sum of £130,000 to be applied to development works (as further described below) to the pavilion. To approve the grant of a 25-year lease of the redeveloped Sports Pavilion and Ball Court area to the FCSA and the entry into a management agreement for the Recreation Ground for a period of up to 25 years with the FCSA and to approve the grant of a legal charge over the Property on which the Pavilion is being developed to the Football Foundation for a period of 21 years.
Reasons for the decision: The current changing room facilities are now end of life and need to be demolished. The FCSA and the Council have worked together to ensure that the provision of facilities for football can continue on the site. The FCSA and the Council have been successful in obtaining a grant to fund the development of a new pavilion and must agree to jointly comply with the associated grant conditions in respect of which they will be jointly responsible. FCSA has also obtained third party grants from Bournemouth2026, Talbot Village Trust, The Valentine Charitable Trust, The Alice Ellen Copper Dean Charitable Foundation in the sum of £50k, £50k, £20k, £10k respectively. The Council is not a party to those grant agreements, but FCSA will agree with the Council to apply those sums to the development works. The Council will award and will be responsible for the development phase and FCSA will take a lease following practical completion of the works.
Call-in and Urgency: Subject to normal call in procedures
Background:

Fernheath Pavilion is a building consisting of changing rooms and a small communal space situated adjacent to Fernheath Playing Fields, West Howe. The building is a prefabricated structure built in the 1950's which has come to its end of life and recommended for demolition. The pavilion is a Bournemouth Borough Council asset and was leased to FCSA on a short-term lease.

West Howe is a priority area for the Council. Levels of physical activity are low and health outcomes are lower than in other areas of Bournemouth. A vibrant local football club plays a significant role in keeping people active and provides a social space for the community.

FCSA is a small community football and social club set up as a charity based in West Howe. The committee are hardworking local people with an interest in keeping community football and inclusion in the area alive. The club is well established and competes in the Bournemouth Football Association league as well as allowing other clubs use of the facility.

FCSA was tasked with finding grant assistance to replace the building should they wish to achieve a long-term tenancy. Fernheath playing fields are the only remaining playing fields in West Howe - with the land on which Duck Lane pitches and pavilion stood now used for housing purposes. The closest alternative available pitches are at Slades Farm which are not on an easily accessible public transport route from West Howe.

FCSA has been working with the Community Development Team, Football Association and Bournemouth Parks Service to develop plans for a new pavilion to include changing rooms and social space. FCSA was invited, with Bournemouth Council support, to submit a grant application for £474K to Football Foundation and their bid was successful. In addition to this, to their credit, FCSA have also got partnership funding circa £130K towards the project.

The project to build the new Pavilion is to be overseen by Bournemouth Parks with the building ownership to be reverted to Bournemouth Borough Council at the end of the lease term.

As part of any new agreement, the management, repairs and maintenance of the ball court area will become responsibility of the FCSA. The playing fields will continue to be cut by Bournemouth Parks who will also manage the trees. FCSA will provide or pay for any pitch works required for the sports that they are promoting.

Options - and reasons for rejection:

- Do nothing - rejected as part of the West Howe Regeneration Plan. The current pavilion would need to be closed within the next few years. Infrastructure on site needed to support the FCSA in their mission to improve health and sport inclusion in the area.
- Short term agreement -rejected as this would not have allowed for the FCSA to apply for any grant funding which would have resulted in the closure of the site.
- Bournemouth Council to build Pavilion and run the site - rejected as the site was closed as part of the Parks budget savings in the early 2000's. Parks do not have the resource to fund the redevelopment or manage the site for formal sport.

Consultations undertaken:

Disposals Public Open Space Notice - A formal disposal of public open space notice has been issued 22.10.18 and 29.10.18 and no representations were received.

- i. seeking guarantors in respect of any liabilities of the FCSA which may arise;
- ii. clarifying the parties' respective obligations pursuant to the grant funding agreement (and in relation to both third-party funding and any other financial commitments of the parties) in a partnership agreement;
- iii. entering into the construction contract following receipt of all grant funding, including that from third parties, and any additional contributions either party has agreed to make.

Name: TANYA COULTER

Signature: (of Monitoring Officer)

Date: 01/03/19

Risk assessment:

a full risk assessment of this project has been undertaken and can be found attached.

Name: ED ALEXANDER 4/3/19

Sign: "

Impact Assessments:

A full EINA and Environmental impact assessment can be found attached.

Information for/not for publication:

For publication

Background papers:

None

Any conflict of interest declared by a Cabinet Member who is consulted by the Member taking the decision Yes/No* (*Delete as appropriate)	Name of Cabinet Member	Nature of interest	Details of any dispensation granted by the Monitoring Officer

Decision taken by:

Councillor Cllr Robert Lawton Cabinet

Member, Portfolio Holder for Housing

Signed:

Date of decision:

4-2-19

Date of publication of record of decision:

-insert date-

Ward Councillors - as part of the disposal of open space notice, ward councillors were consulted, and no comments were recent.

Community consultation as part of the planning process. No objections received.

Local sports teams as part of the Playing Pitch (Bournemouth & Poole Sports Strategy 2014 - 2026)

Football Foundation have been actively involved as they have offered grant funding for the development of the new pavilion.

Hampshire Football Association

Active Dorset

Community Development Team have been formally consulted before beginning the project.

Property Services - Estate Manager has been involved in the drafting of the Heads of Terms and comments received and noted.

Finance/Resource Implications:

Procurement have been actively involved in the process from the project's inception. The project will require the Parks Team project management and contract management going forward. Both resources are in place. Grant funds are in place to fund the scheme however any overspend would be borne by the partnership and will need to be managed. There are several onerous conditions on the grant funding but these have been deemed as low risk due to the likelihood of these not being met.

Name: ADAM RICHENS

Signature: (of Chief Finance Officer)

Date:

1/3/2019

Legal implications:

The Council has the requisite powers to accept the grant funding and to enter into the partnership agreement with FCSA pursuant to s1 of the Localism Act 2011. It may also dispose of the lease and grant security over the pavilion for the best consideration that can be reasonably obtained pursuant to and in accordance with s123 of the Local Government Act 1972. That section provides that where the land is public open space (as is understood to be the case here), the Council must ensure that any proposal to dispose of such land (whether by legal charge or lease) is advertised. The Heads of Terms for the lease should also comply with the grant funding conditions.

As regards the terms of the funding agreement, both the Council and FCSA must comply with the conditions. In the event that one party fails to comply with a funding condition, the agreement provides that the grant funding can be clawed back in full at any point during the funding period of 21 years. A number of the conditions are outside the Council's control, but it will nonetheless be jointly and severally liable in any event if the funds are clawed back. The Council will also be required to grant a charge over the property on which the Pavilion is being developed by way of security.

In order to mitigate the risk of the Council having to repay the grant funding due to a breach of the funding conditions by FCSA and given that the Council is advised that the funding conditions cannot be negotiated / revised, the Council should consider:

Issue: To lease Fernheath Pavilion

Meeting Date: 10th October 2018

Accountable Manager: Ed Alexander, Contracts Manager - Parks

Impact Assessor: Louisa Forrester

Key	
+	Balance of positive Impacts
?	Balanced or unclear impacts
-	Balance of negative impacts
n/a	Not applicable

Impact Criteria	Impact	Comments
Natural resources impact on use of natural resources - for example energy, water, raw materials	?	No change from previous position so the demand on natural resources will not change.
Quality of environment contribution to safe and supportive environments for living, recreation and working	?	This lease does not impact the current use of the site and therefore there is no impact.
Bio-diversity protects and improves wildlife and habitats	?	No change to current position.
Waste and pollution effects on air, land and water from waste and emissions	?	No change to the current position. Tenants are required to reduce waste from any operations and recycle.

<p>Council Priority and Objectives for Improving our Environment:</p> <ul style="list-style-type: none"> • Reduce traffic congestion • Improve streetscene • Improve recycling & energy management • Respond to climate change • Improve quality of existing space 	<p>?</p>	<p>This decision will not change the current position and should attract visitors to the area.</p>
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Please complete and save your checklist, and email a copy to Lee Green, Environment Strategy & Sustainability Manager @ lee.green@bournemouth.gov.uk

If you would like help in completing this checklist or would like to request a change, again contact Lee Green by email or call on 01202 451144.

Equality Impact Needs Assessment

The Diversity Promise - *Better for all*



Building a Better Bournemouth

1. Title of Policy/Service/Project	Fernheath Playing Fields - Construction of new changing pavilion
2. Service Unit	Housing & Communities
3. Lead Responsible Officer and Job Title	Paul Mitchell, Sports Development Manager
4. Members of the Assessment Team:	Paul Mitchell, Michael Rowland
5. Date assessment started:	March 2018 - April 2018
6. Date assessment completed:	

About the Policy/Service/Project:

<p>7. What type of policy/service/project is this? (delete as appropriate)</p> <p>New / Replacement building</p>
<p>8. What are the aims/objectives of the project? (please include here all expected outcomes)</p> <p>The project is to provide a new changing pavilion, café and community space at Fernheath Playing Fields. The site is located on the corner of Verney Road and Fernheath Road, Bournemouth BH11 8DA.</p> <p>Fernheath Community Sports Association (FCSA) have a lease on the current building and have been fundraising for a replacement building.</p> <p>This project will safeguard the future of football in the community, give a platform for an increase in usage, establish a permanent base for FCSA and West Howe Football Club (WHFC). The new pavilion will provide a base for club development, support football education and the successful retention and transition to adult football. In addition, the facility (pavilion and pitches) provides opportunities (not available at present) for more youth and adult teams of varying abilities and support other sports.</p>
<p>9. Are there any associated services, policies or procedures? Yes/No</p> <p>Provision of changing facilities for people using sports pitches at Fernheath Playing Fields. Provision of community space for community groups.</p>
<p>10. List the main people, or groups of people, that this policy/service/project is designed to benefit and any other stakeholders involved?</p> <p>All residents within the conurbation that play football at Fernheath, especially those in West Howe and immediate surrounding areas. Visitors from community groups will benefit from refurbished facilities and proposals which have resulted from resident and user consultation and assessment of sports and recreation provision and community need.</p>

11. Will this policy/service/impact on any other organisation, statutory, voluntary or community and their clients/service users?

Fernheath Playing Fields have been in existence for around 50 years. The site is owned by Bournemouth Borough Council. Fernheath Community Sports Association (FCSA) was formed in 2002 and has been providing facilities for football games and training on the site for 16 years. The Association is run by a team of local volunteers. The playing fields and pavilion were leased to them on lease which expired in July 2017.

The Council is prepared to grant a new 25-year lease on the site. The changing rooms are beyond the end of their useful life and need to be demolished. FCSA and Bournemouth Council are working in partnership to ensure that the provision of facilities for football can continue on the site and are seeking financial support to construct and operate new changing rooms.

Consultation, Monitoring and Research

Where there is still insufficient information to properly assess the policy, appropriate and proportionate measures will be needed to fill the data gaps. Examples include one-off studies or surveys, or holding informal consultation exercises to supplement the available statistical and qualitative data.

If there is insufficient time before the implementation of the policy to inform the EINA, specific action points will be need to be clearly set out in the action plan. Steps must include monitoring arrangements which measure the actual impact and a date for a policy review.

Consultation:

12. What involvement/consultation has been done in relation to this project and what are the results?

Consultation has taken place with local residents and community organisations with a number of these expressing an interest in using the new facility. They include the following:

- SMILE
- West Howe Community Enterprises
- Youth Service
- Fernheath Play
- Slimming World
- Best Training

Letters of support are included from a number of these.

Without the project there will be a loss of changing facilities and as a result organised football and other sports would reduce on this site and possibly stop altogether. This could add to the unmet demand for football pitches.

Consultation has also been undertaken by FCSA with the following groups; Elected Members, Borough wide Senior Officers, Active Dorset County Sports Partnership, local sports clubs, sports national governing bodies, residents associations (through area forums), West Howe Regeneration Board.

Consultation took the form of surveys, meetings, interviews and workshops which were set up to provide a focus for collecting comments from key stakeholders.

13. If you have not carried out any consultation, or if you need to carry out further consultation, who will you be consulting with and by what methods?

N/A

Monitoring and Research:

14. What data, research and other evidence or information is available which is relevant to this EINA?

Consultation and dialogue with all groups that fed into the action plan for Bournemouth & Poole Sports Strategy. Facilities were looked at in terms of accessibility, quality, quantity and demand.

Improvements will provide access to these facilities, working with local sports clubs and community groups.

BOURNEMOUTH AND POOLE SPORTS FACILITIES STRATEGY AND ACTION PLAN 2014-26

The document, produced in 2014, sets out a series of recommendations and priorities for Bournemouth and Poole through to 2026. It highlights the population of Bournemouth and Poole is expected to grow significantly in the period to 2026. Population will increase in Bournemouth from 183,460 in 2011 to an estimated 197,510 by 2026. As well as the amount of growth, the change in the numbers of people in age groups will be important to provision.

National Football Facilities Strategy (NFFS)

The NFFS sets out how the framework for facility development in England over the next 10 years. This includes ensuring that the investment is targeted into the areas that need it most, supporting all areas of the game i.e. affiliated and recreational, formal and informal, youth and adult and looking at the funding making a long-term impact on participation. The Strategy also sets out a number of targets. This project will meet the following: -

- Deliver 1,000 changing pavilions / clubhouses, linked to multi-pitch or hub sites, supporting growth (particularly in women and girls football), sustainability and providing a facility infrastructure to underpin investment in coaching, officials and football development.

FA National Game Strategy 2015 - 2019

The project will support the FA National Game Strategy by:

- Sustaining and increasing participation -enabling existing players to play games and attract new people to play;
- Better Players – support the talent pathways in all aspects of the game
- Better Training and Playing Facilities – part of the target to protect and improve existing facilities
- The Football Workforce – support existing and new volunteers. Act as a training venue and attract more volunteers into the game
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Sport England - Towards an Active Nation

The development of this project will deliver across the outcomes of a number of different strategies at both a national and local level. Overarching is Sport England's 'Towards an Active Nation' which sets out the challenge of focusing on the least active and offering opportunities for all to participate in sport and physical activity throughout their life. As detailed in the football development plan, the project will see an increase in participants across the five-year plan. This will see the provision of a playing pathway from Under-7s through to Veteran's Football and even Walking Football meaning there is no upper age limit.

Sporting Future - A New Strategy for an Active Nation

The Government's new Sport Strategy that was released at the end of 2015 focuses on five key outcomes; physical wellbeing, mental wellbeing, individual development, social and community development and economic development. We believe through our project and development plan we can contribute to all of these. By establishing and building links with key local partners we feel we can deliver a range of additional outcomes for the community as well as achieving our football development objectives.

2016/17 season data from Hampshire FA shows there were 120 teams playing in the Bournemouth Borough Council area. These were broken down as follows: -

- 72 11v11
- 14 9v9
- 20 7v7
- 14 5v5
- 51 adult teams
- 69 youth teams
- 16 (13%) of these teams were playing their home fixtures at Fernheath.

FCSA has already had to turn away two teams (Scott V and Vienna Windows) and delay starting a further West Howe team until this year due to high demand. They have also been unable to start Walking Football due to lack of capacity. This will hopefully start next season.

In the past football training has been offered (referees training, coaches training, sports leader training and football training) however FCSA are reluctant to develop more youth groups until they are able to offer the players progression to teams.

POPULATION NUMBERS AND DEMOGRAPHICS: Fernheath is in Kinson South Ward in Bournemouth within the area known as West Howe. The West Howe estate was built in the 1950's on heathland; part of the original area was a traveller's site. It was Bournemouth's first large scale local authority housing estate. The population of the West Howe area at the 2011 Census was almost 5,500. Approximately 93% of the population are classed as White British which is higher than that of Bournemouth as a whole which is nearly 84%.

As such, West Howe is one of two priority areas for regeneration in Bournemouth and has a Regeneration Partnership involving representation from the public, private and voluntary sectors as well as members of the community. The West Howe Regeneration Partnership also supports the bid.

The West Howe area is made up of four Lower Super Output Areas (LSOAs) all of which are ranked amongst the 20% most deprived areas in England. The map below shows these areas.

15. Is there any service user/employee monitoring data available and relevant to this policy/service/project? What does it show in relation to equality groups?

16.

Areas considered included:

- Inclusivity - involvement of local population (deprived area) joining in sporting activities and the need to engage/ involve local people.
- Ensuring we recognise opportunities in recognising diversity and providing appropriate facilities to allow for access and development. E.g. faith/ religion, race equality, days of the week access.
- Providing right facilities to encourage wider participation e.g. race equality / faith groups, times of prayer, religious festivities, dietary, and gender issues.
- Homophobia in sports, issues arising in terms of access.

17. If there is a lack of information, what further information do you need to carry out the assessment and how are you going to gather this?

N/A

Assessing the Impact

	Actual or potential benefit	Actual or potential negative outcome
Age	Provide improved access to facilities for all age groups. For example, consideration of level access, cafe facilities, provision of seats, toilets and baby changing facilities amongst many possible improvements to facilities.	
Disability	Provide improved access to facilities for all age groups. For example, consideration of level access, cafe facilities, provision of seats, toilets and baby changing facilities amongst many possible improvements to facilities.	
Gender	Provide increased access to sports provision and facility access for any gender.	
Gender reassignment	Provide increased access to sports provision and facility access for any gender, including that of consideration for individuals during gender reassignment by provision of unisex toilets.	
Pregnancy and Maternity	Provide increased access to facilities for pregnant and nursing mothers by ensuring provision of baby changing and toilet facilities.	
Marriage and Civil Partnership	n/a	
Race	Sports provision and access to facilities will be available and promoted to all residents and visitors across race groups.	

	Actual or potential benefit	Actual or potential negative outcome
	Items such as clear signage (mainly graphic with limited text) can encourage people who are not confident about accessing available sports provision.	
Religion or Belief	n/a	
Sexual Orientation	n/a	
Any other factor/ groups e.g. socio-economic status/carers etc	Location of facilities and provision accessible to the community will allow improved access for socio-economic groups who would not necessarily access open spaces, e.g. through school facilities and use of open space	
Human Rights	n/a	

Stop - Any policy which shows actual or potential unlawful discrimination must be stopped, removed or changed.

18. If impacts have been identified include in the action plan what will be done to reduce these impacts, this could include a range of options from making adjustments to the policy to stopping and removing the policy altogether. If no change is to be made, explain your decision:

Current facilities are inadequate, new facilities will address all points raised above in a positive way.

Action Plan

Include:

- What has/will be done to reduce the negative impacts on groups as identified above.
- Detail of positive impacts and outcomes
- The arrangements for monitoring the actual impact of the policy/service/project

29. Issue identified	Action required to reduce impact	Timescale	Responsible officer	Which Business Plan does this action link to e.g. Service Equality Action Plan/Team Plan
Current building not cost effective to refurbish, new plans were drawn up for planning application but these will need to be developed for tenders	Will need to be monitored and specification to consider all end users achieved and drawn up	By May 2018	PM	
Accessing sports facilities can be low amongst women, children and some BME groups	Promote specific sporting opportunities to these groups	By time building opens	FCSA	
Residents in this ward need to be encouraged to use this green space and sports facilities to visit their park	Work with Community Centre / Area forums to improve knowledge or available opportunities	By time building opens	FCSA	