

## CABINET MEMBER DECISION RECORD

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

**Decision Ref. No:**

**Responsible Officer:**  
Jo Rust, Senior Valuer

**Subject: AFC Bournemouth**

### Decision taken:

- To grant a new 25 year lease of land shown hatched black on the attached plan to AFC Bournemouth.
- To grant a 25 year wayleave to Virgin Media for ducting to the outdoor broadcasting cabin.
- To vary the public use clause in the Management Agreement of the training pitches for a period of 5 years.
- To suspend the Community Use Agreement for the training pitches for a period of 5 years.

**Reasons for the decision:** To enable the Club to develop the facilities desired for entering the Premier League, this will support the Council's corporate priority of a "Thriving Economy". The Service Director, Tourism and Corporate Communications has indicated that AFC Bournemouth's promotion to the Premier League could increase the town's tourism business by £50 million per year.

**Call-in and Urgency:** The decision is subject to the Council's call in procedure

**Background:** AFC Bournemouth has a 999 year lease from the Council of land forming part of the stadium. This lease commenced on the 1<sup>st</sup> May 2001. Following the Club's promotion to the Premier League additional land has been requested to enable the club to build a players pavilion, outside broadcasting cabin and boiler room (to serve the new under pitch heating system).

The pavilion will provide a number of facilities which are currently housed in the stadium which are being displaced to accommodate the increased media space required for the Premier League. The broadcasting cabin and boiler room are necessary to meet the requirements of the Premier League and broadcasting media. Planning consent for these developments was granted on 6th July 2015.

The Club has a 125 year Management Agreement of the training pitches which was granted on 5<sup>th</sup> April 2002. Under the terms of this Agreement the Club constructed two grass pitches and two 5-a-side all weather pitches. The Agreement requires the Club to make the pitches available at certain times for use by the public for matches and training. The Club has requested a variation

to these agreements to remove the requirement for public access and enable it to erect privacy screening to the pitches, both of which they consider essential for a Premiership training facility. Temporary planning consent for this screening was granted on 6<sup>th</sup> July 2015 for a period of one year. There is a separate Community Use Agreement with the Club which sets out targets for community use and they have requested that this be suspended whilst the variation to the Management Agreement is in place. The variation to the Management Agreement can be waived by the Club giving the Council at least 3 month's written notice to expire on the anniversary of the deed of variation. In the event of notice being served, the Club must remove the privacy screening and comply with the requirement for community use in accordance with the Management Agreement and Community Use Agreement.

**Options - and reasons for rejection:**

1. Not to grant the lease. This would prevent the Club from meeting the requirements of the Football Association for entry to the Premier League. The Club's promotion to the Premier League will have a positive impact on Bournemouth's economy through increased investment and spending in the town.
2. Not to vary the Management Agreement. This would mean that the Club would need to secure, at short notice, good quality training facilities elsewhere or train in public view and share pitches. Entering into a short term arrangement with the payment of an annual mitigation fee, which will be invested in improvements in Kings Park, is considered to strike a balance between meeting the needs of the Club and the needs of park users.

**Consultations undertaken:** The ward councillors have been consulted and no comments were received.

The Service Director for Housing, Parks and Bereavement Services and the Parks Development Manager have been consulted. The Parks Development Manager was satisfied with the wayleave agreement and the agreement for the outside broadcasting cabin, boiler room and pavilion. For the training pitches agreement he would have preferred a lump sum to mitigate loss of community access to the pitches, but understands that the Club are considering options for first team training over the coming months. He does not feel that the pitch screening and current mitigation for loss of community use is tenable in the longer term and would wish to find a long term sustainable solution for local community football to thrive.

There were no comments or objections received in relation to the disposal of open space notice for the player's pavilion which expired on 26<sup>th</sup> June 2015.

A subsequent disposal of open space notice was advertised to cover the land required for the broadcasting cabin, an additional strip of land to the south of the stadium and the training pitches. The closing date for representations was the 24<sup>th</sup> July 2015. Representations from Sport England, Active Dorset, Bournemouth FA, Hampshire FA, Westover Bournemouth FC and Suttoners Sports and Social Club were received. These organisations expressed concern and disappointment about the loss of community use of the pitches. However

some respondents were of the view that if an annual fee was agreed then this should be ringfenced for upgrading facilities within Kings Park.

The AE Cooper Dean Charitable Foundation has been consulted and raise no objection to the proposals, subject to agreeing appropriate financial terms for the variation to restrictive covenants which are outlined below.

**Finance and Resourcing Implications:** The rent payable for the additional land will be £21,000 per annum. This rent will be subject to three yearly rent reviews in line with the Retail Price Index. A one off payment of £5,000 will be paid for the wayleave. The Head of Property Services advises that the rent being charged is a market rent and therefore the Council has complied with its obligations under Section 123 of the Local Government Act 1972.

A contribution of £50,000 per annum will be paid under the variation to the Management Agreement for the training pitches. This will be used to mitigate the loss of community use of these pitches by funding improvements to recreation facilities elsewhere in Kings Park.

The AE Cooper Dean Charitable Foundation's fee to vary the restrictive covenants to allow the construction of the players' pavilion, broadcasting cabin and boiler room is £10,500. The fee for allowing the screening of the training pitches and sole use by the Club is £8,500. These fees together with their solicitors and surveyors costs are to be met by the Club.

**Name:** *DAN MICKIN*  
**Date:** *11/8/15*

**Signature: (of Chief Finance Officer)**

**Legal implications:** The land is subject to restrictive covenants, which were imposed on the sale of the land to the Council. The AE Cooper Dean Charitable Foundation is now the beneficiary of these covenants. Agreement in principle has been received from the Trust to vary these covenants and the costs of obtaining consent are dealt with in the section above.

In accordance with section 123 of the Local Government Act 1972 advertisements for the proposed disposal of open space have been placed at the site and in the local newspaper. The responses to the notices are detailed above.

**Name:**

**Date:** *12/08/15*

*Deputy*  
**Signature: (of Monitoring Officer)**

**Risk assessment:**

A risk assessment shows this to be high risk.

**Name:** *JO RUST*

**Date:** *11/8/2015*

**Signature: (Senior Valuer)**

**Impact Assessments:** The environmental impact assessment has been completed and this shows that impacts from this decision are balanced. There will inevitably be an increase in the consumption of resources due to the Club's improvements such as under pitch heating. However there will be a positive impact from improvements in recreation facilities. An equality impact needs assessment has been completed. There are no negative impacts on equalities arising from this decision.

**Information for/not for publication:**

- The decision will be published.

**Background papers:**

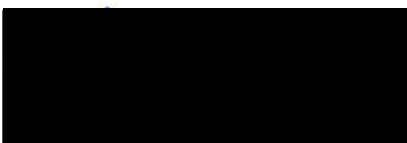
- Equality Impact Needs Assessment
- Environmental Impact Assessment
- Initial Risk Assessment

**Decision taken by:**

Councillor John Beesley

Cabinet Portfolio: Resources

Signed

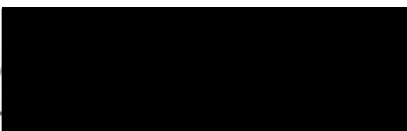


Date of decision: 12 August 2015

Councillor Lawrence Williams

Cabinet Portfolio: Tourism, Leisure and Culture

Signed:



Date of decision: 13<sup>th</sup> August 2015.

**Date of publication of record of decision:** (to be inserted by Democratic Services)

**Date decision effective** – that is 5 working days after the date of publication of the record of decision unless the decision is called-in for consideration by the relevant Overview and Scrutiny Panel:

-insert date-

Any conflict of interest declared by a Cabinet Member who is consulted by the Member taking the decision	Name of Cabinet Member	Nature of interest	Details of any dispensation granted by the Monitoring Officer
No			

**APPENDIX 1**  
**AFC Bournemouth Stadium**

Scale 1:1250

Date: 9 July 2015

Drawn by: John Swindell

Drawing No: AFCKP/01

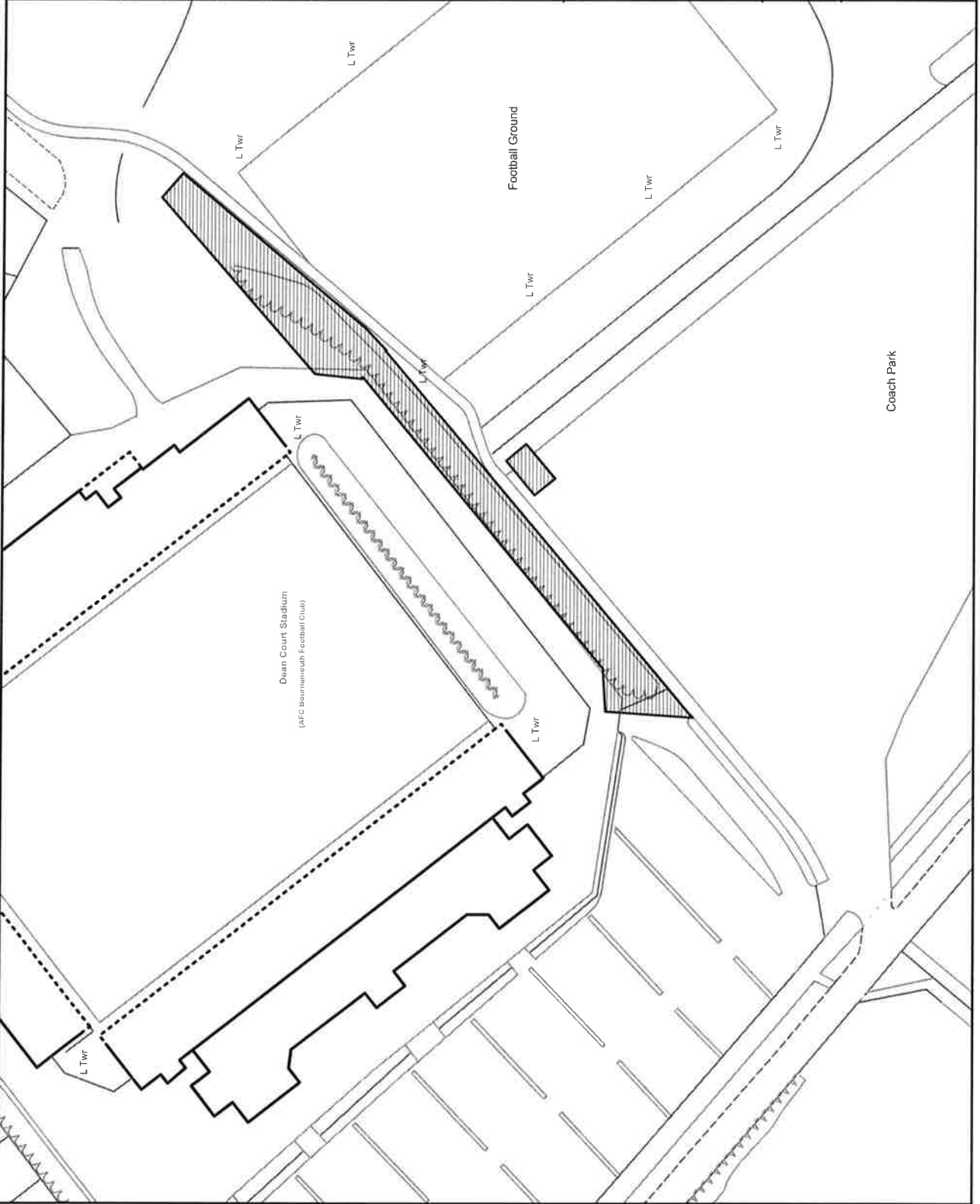


SERVICE DIRECTOR  
ENVIRONMENT & REGENERATION SERVICES  
ROGER BALL

**PROPERTY SERVICES**



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# Equality Impact Needs Assessment

The Diversity Promise - *Better for all*



Title of Policy/Service/Project	AFC Bournemouth
Service Unit	Environment and Regeneration Services
Lead Responsible Officer and Job Title	Jo Rust, Senior Valuer
Members of the Assessment Team:	Michael Rowland, Parks Development Manager Martin Wilkins, Policy and Support Manager (Property)
Date assessment completed:	22/07/2015

## About the Policy/Service/Project:

<p>What type of policy/service/project is this? (delete as appropriate)</p> <p>New/proposed      Changing</p>
<p>What are the aims/objectives of the policy/service/project? (please include here all expected outcomes)</p> <p>To enter into a 25 year lease with AFC Bournemouth to enable them to construct a players’ pavilion, broadcasting cabin and boiler room. The pavilion will provide a number of facilities which are currently housed in the stadium and are being displaced to accommodate the increased media space required for the Premier League. The broadcasting cabin and boiler room are necessary to meet the requirements of the Football Association.</p> <p>Also to vary the terms of the Management Agreement and Community Use Agreement for a period of 5 years to permit the club to erect privacy screening around the pitches and to cease community use. Both of which the Club consider essential for a Premiership training facility.</p>

Are there any associated services, policies or procedures?	Yes
If 'Yes' , please list below: <b>Bournemouth and Poole Sports Facility Strategy 2014 - 2026</b> <b>Council's Corporate Plan</b>	
List the main people, or groups of people, that this policy/service/project is designed to benefit and any other stakeholders involved? <b>AFC Bournemouth, its supporters and park users.</b>	
Will this policy/service/impact on any other organisation, statutory, voluntary or community and their clients/service users? <b>Local amateur football clubs who use the training pitches</b>	

## 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:

What involvement/consultation has been done in relation to this (or a similar) policy/service/project and what are the results?  
**A meeting was held with Sport England and local amateur football clubs. Sports England and the clubs expressed disappointment at the loss of community use of the training pitches. Some respondents were of the view that if an annual fee was agreed then this should be ringfenced for upgrading facilities within Kings Park and some have given suggestions as to how the money could be used.**

The general public were consulted as part of the disposal of open space. There were no comments received from the general public.

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?

Data should be made available by the Club for community use of the pitches however the Council has not received any data as yet.

#### Monitoring and Research:

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

The diversity ward profile data shows that this ward has a higher percentage of young people aged 5-14 compared to the rest of Bournemouth. However it has a lower percentage of people aged 20-34. There is a higher proportion of people in this ward that are in good health with day to day activities not limited as compared to Bournemouth.

It is unclear from the football club whether any groups with specific requirements use the existing facilities, but the AFC Bournemouth Community Trust will continue to offer disability football at Littledown and Pelhams Park.

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?

No

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 positive benefit	Actual or potential negative outcome
Age	The amount of use that the current training pitches have had by the community is unclear. The annual mitigation payment can be used to improve access to other playing facilities for young people.	
Disability	The football stadium is accessible and this project will not affect the stadium. It will however enable the Club to develop the facilities needed to meet Premier League requirements for tv/media. The increased media coverage will benefit those who are unable to attend matches. The proposals will not affect footpaths around the park.	
Gender		
Gender reassignment		
Pregnancy and Maternity		
Marriage and Civil Partnership		
Race		

	Actual or potential positive benefit	Actual or potential negative outcome
Religion or Belief		
Sexual Orientation		
Any other factor/ groups e.g. socio-economic status/carers etc	The increased media coverage will benefit those on low incomes by enabling them to access games via different forms of media. Local football clubs will have a reduced area available for sports use due to the loss of access to the pitches. This has been mitigated via payments to improve other local football facilities to compensate for the loss.	
Human Rights		

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

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:

**No negative impacts on equalities identified**

The Club will pay an annual mitigation fee of £50,000 which will be used to make improvements to facilities within the park.

## 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

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
Ensure that improvements to the park funded by the annual mitigation payment take account of the equality issues	Consultation with Active Dorset, Sport England and amateur football clubs to ensure that any adverse impacts are identified and addressed.	Annually	Michael Rowland	Housing, Parks and Bereavement Services Service Equality Action Plan

## Environment Impact Checklist for all Cabinet Reports

Issue: AFC Bournemouth - new lease and variation to Management Agreement  
 Meeting Date: n/a Cabinet Member Decision  
 Accountable Manager: Gary Platt  
 Impact Assessor: Jo Rust ☎ 01202 454600 ✉ jo.rust@bournemouth.gov.uk

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	-	The development of new facilities will inevitably consume raw materials and lead to increased power (flood lighting) and water consumption, not least as AFC Bournemouth's improvements include under-pitch heating.
Quality of environment contribution to safe and supportive environments for living, recreation and working	+	The mitigation fee paid for the variation to the Management Agreement will fund work to improve recreation facilities in Kings Park. On the negative side the views across the park have been compromised and compartmentalise the park creating corridors.
Bio-diversity protects and improves wildlife and habitats	?	The planning process will ensure that any negative impacts on biodiversity are avoided, mitigated or compensated for. There has been some loss of bramble (a good habitat for birds and insects). This has been mitigated to a degree by the installation of bird nest boxes, retention of some bramble and tree planting.
Waste and pollution effects on air, land and water from waste and emissions	-	Increased usage will inevitably result in increased waste and pollution. The pitches will have artificial fertiliser put onto them and other treatments.
Council Priority and Objectives for Improving our Environment:  <ul style="list-style-type: none"> <li>Reduce traffic congestion</li> <li>Improve streetscene</li> <li>Improve recycling &amp; energy management</li> <li>Respond to climate change</li> <li>Improve quality of existing space</li> </ul>	+	The loss of open space due to the development of the players pavilion/broadcasting cabin/boiler room is minimal. The pavilion will provide high quality training facilities. The mitigation fee paid for the variation to the Management Agreement will fund projects to improve recreation facilities in Kings Park.

Please complete and save your checklist, and email a copy to Lee Green, Environment Strategy & Sustainability Manager @ [lee.green@bournemouth.gov.uk](mailto:lee.green@bournemouth.gov.uk)

# G2 Initial Risk Assessment



PROJECT NAME:

AFC Bournemouth

PROJECT NUMBER: *To be obtained from PMO*

PROJECT RISK LEVEL:

HIGH \*

Table 1 - Suggested criteria on which to score the type of project (please tick appropriate category)					
CRITERIA				Score	
1) Duration of Project	0-6 months <input type="radio"/>	7-12 months <input type="radio"/>	Above 1 year <input checked="" type="radio"/>	6	
2) Effort	1-4 people (FTE) <input checked="" type="radio"/>	5-10 people (FTE) <input type="radio"/>	11+ people (FTE) <input type="radio"/>	1	
3) Business Impact	Service Unit/Service <input type="radio"/>	More than 1 SU <input type="radio"/>	Council/External <input checked="" type="radio"/>	10	
4) Priority	Desirable <input type="radio"/>	Highly Desirable <input type="radio"/>	Essential <input checked="" type="radio"/>	6	
5) Costs &/or Savings	Up to £250k <input type="radio"/>	£251k-£500k <input type="radio"/>	Over £501k or if project is to be funded through prudential borrowing <input checked="" type="radio"/>	28	
6) Risk Impact	Low Impact - Minor service disruption/inconvenience, minor injury, small financial loss, isolated service user complaint. <input type="radio"/>	Medium Impact - Service disruption, More serious injury or financial loss, adverse media coverage, numerous service user complaints <input type="radio"/>	High Impact - Significant or total service disruption, major disabling injury or fatality, high or catastrophic financial loss, adverse national media coverage, ministerial intervention in service running. <input checked="" type="radio"/>	10	
				Risk Score	61

A numerical rating is applied to each cell (see Table 1) For example a 'Priority' of 'Highly Desirable' is worth 3 points and a 'Cost' of '£501-£1m' is worth 5 points. Totalling the points scored for each 'criteria' gives a project score. This score is then mapped against a project-risk status in Table 1 below:

Table 1 - Risk Status	
Project Risk Rating	Points Total
Low	Between 10-18
Medium	Between 19-35
High	36+