

Central Bedfordshire Council

EXECUTIVE - 10 February 2015

Silsoe Community Sports Facilities

Report of Cllr Maurice Jones, Deputy Leader and Executive Member for Corporate Resources (maurice.jones@centralbedfordshire.gov.uk)

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This report relates to a Key Decision

Purpose of this report

1. To seek a decision on the transfer of Silsoe Community Sports Facilities, comprising a community building, adult sports pitch and Multi Use Games Area (MUGA), and all future liabilities and responsibilities for them, to Silsoe Parish Council.
2. To seek a decision on the transfer to Central Bedfordshire Council of a junior sports pitch for exclusive use by Silsoe CofE VC Lower School on its new site.

RECOMMENDATIONS

The Executive is asked to:

1. **authorise the transfer of the Silsoe Community Sports Facilities, comprising a community building, adult sports pitch and a Multi Use Games Area (MUGA), and all future liabilities and responsibilities for them, to Silsoe Parish Council;**
2. **agree to request the developer, Bloor Homes, to impose a restrictive covenant on the land limiting its use for leisure and community purposes; and**
3. **approve the transfer to Central Bedfordshire Council of a junior sports pitch for exclusive use by Silsoe CofE VC Lower School.**

Overview and Scrutiny Comments/Recommendations

3. The decision must be taken at the Executive on 10 February and cannot be delayed until the meeting on 31 March 2015 due to the imminent completion and transfer of the building from the developer Bloor Homes.

Background

4. The Silsoe Community Building was completed at the end of January 2015 and is part of the Barton Road development providing 380 dwellings. The Section 106 Agreement for the development requires the developer, Bloor Homes, to provide community sports facilities comprising a community building, a Multi Use Games Area (MUGA) and two outdoor sports pitches; an adult pitch and a junior sized football pitch. The Community Building will be offered to Central Bedfordshire Council (CBC) to accept on its own behalf or on behalf of another public authority e.g. Silsoe Parish Council (SPC).
5. Permission to build the Community Building and MUGA was granted to Bloor Homes by CBC in April 2012. Officers have worked alongside SPC for the last 18 months to realise the development of a building that now far exceeds the original specification. The building now comprises:
 - A gym
 - A main hall for income generating social functions - marked out with two badminton courts
 - A lounge, kitchen and bar area
 - A fitness studio.
 - Changing rooms dedicated to the sports pitches
 - Car parking and garden area.
6. The two pitches must include a junior sized football pitch for the exclusive use of the school at all times, not just during school hours.
7. The S106 Agreement requires that all of the facilities should be transferred simultaneously. However, the building has been completed in advance of the MUGA and sports pitches and the developer is seeking to transfer the building ahead of the MUGA and pitches being available. It is anticipated that these will not be ready for inspection and transfer until the summer 2015.
8. The developer must also pay three annual commuted sums totalling £135,000 for the maintenance and operation of the facilities. The first sum is payable 12 months after commencement of use.

Options for the transfer, ownership and management of the Community Building, the MUGA and the sports pitches

9. Options for the future ownership and management of the Community Sports Facilities have been considered by officers from Partnerships and Community Engagement, School Organisation, Assets, Planning, Legal and Leisure services and are set out briefly in paragraphs 12 – 14 below.
10. The options have been considered in the context of the S106 legal agreement; discussions that took place between SPC and Mid Bedfordshire District Council, prior to the creation of CBC, as well as the principles in the Community Engagement Strategy: to enhance the role of Town and Parish Councils; enable more services to be delivered locally; and enhance local communities.
11. Each of the options for transfer require CBC to accept the Offer Notice; subject to the facilities being completed to an adoptable standard. An initial inspection of the Community Building was made by the Assets team on 23 January 2015.
12. **Option 1: SPC holds the freehold and is responsible for the community sports facilities comprising the community building, MUGA and an adult sports pitch.** Under this arrangement SPC would have full responsibility for all of these facilities. It is likely that SPC would seek to appoint an operator to run the facilities on a day to day basis.
13. **Option 2: CBC holds the freehold and enters into a direct contract with Stevenage Leisure to manage the day to day operations of the site.** Although this would require a new lease to be granted by CBC to Stevenage Leisure, this could be negotiated in conjunction with the contract already in place.
14. **Option 3: CBC does not accept the offer of the building either on its own or on behalf of SPC.** The developer is obliged to find a Management Company or prepare a Management Plan describing management arrangements acceptable to CBC. This option is not recommended as it would impact significantly on the relationship with SPC and the developer and our credibility with regard to future developments and S106 Agreements.

Recommended decision

15. Option 1 is the recommended option. CBC would offer its support and advice to SPC to assist in appointing a suitable operator to manage the facilities on a day to day basis.

16. The junior pitch, sited adjacent to the new Silsoe Lower School, should be accepted by CBC on its own behalf in order for CBC to fulfil its statutory responsibility to provide a playing field to the school. It should be noted that the junior pitch will be fenced for safeguarding purposes.

Reason/s for decision

17. The working assumption, based on the history of discussions between Cranfield University, SPC and Mid Bedfordshire District Council was that the Community Sports Facilities and associated pitches and MUGA would be owned and managed by SPC; who have set up a Community Trust for the purpose of providing the strategic direction and governance arrangements for the operation of the facilities.
18. SPC's expectation has always been to own and manage the facilities in the spirit of the legacy that Cranfield University wished to leave to the residents of Silsoe. SPC has contributed significant amounts of time and skill throughout the past 18 months (and the past 8 years) to ensure the development brings forward facilities that significantly enhance the village as a sustainable community and a focal point for existing and new residents of the village.

Timescales

19. The S106 Agreement provides for the Community Sports Facilities to be 'offered' to CBC, which CBC may accept on its own behalf or on behalf of another statutory or public authority (which may include the Parish Council). CBC was served notice on 12 January 2015 to inspect the community building. No notice has yet been received for the MUGA or sports pitches. CBC carried out an initial inspection of the community building on 23 January 2015 to decide whether it is of an adoptable standard, and will need to carry out inspections of the MUGA and sports pitches. After this the developer has up to 3 months to issue an Offer Notice. CBC then has 6 months from receipt of the offer to accept (or not) the building and a further 2 months after that within which to effect the transfer.

Council Priorities

20. The preferred option described above meets the Council priorities listed below:-
 - *enhancing your local community – creating jobs, managing growth, protecting our countryside and enabling businesses to grow.*

Accepting and transferring the community sports facilities to SPC is an appropriate means to enhance Silsoe; enabling it to be used as a village asset and a focal point for new and existing residents, thereby helping to create a sustainable community.

- *promote health and wellbeing and protect the vulnerable*

SPC plans to operate the Community Building as a community hub for the delivery of other services such as health clinics.

- *Value for money and great universal services*

Whilst the leisure offer to the residents of Silsoe and surrounding villages is significantly enhanced this is achieved at no cost or liability to CBC.

Corporate Implications

21. In respect of the need to provide support to SPC to help them appoint a suitable operator, some CBC staff time may be required in the short term.

Legal Implications

22. The offer, transfer and ongoing liabilities for the Community Sports Facilities will be governed by the Section 106 Agreement.

Financial Implications

23. If in the future SPC wish CBC to accept a transfer from them of any of the Community Sports Facilities there could be stamp duty land tax costs to CBC.
24. The commuted sum (£135,000) over 3 years will be held by CBC and available to SPC and CBC to assist the operation and maintenance of the sports facilities (the community building, pitches and MUGA).
25. There are no ongoing costs (capital or revenue) to CBC.

Equalities Implications

26. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The development of Silsoe Community Building and the proposal to transfer it and 2 sports pitches and a Multi Use Games Area to Silsoe Parish Council will create a variety of positive opportunities for the community. The provision of ongoing support from CBC to Silsoe Parish Council will enable them to deliver a viable facility which meets the needs of all local residents and the wider community.

Conclusion and next Steps

27. The new development in Silsoe will double the size of the village. SPC's aspiration is that the new Community Sports Facilities will provide a focal point for new and existing residents to come together and encourage community cohesion. To support this, SPC feels strongly that the new facilities, especially the community building, needs to be seen to be a village asset that thrives on local resident volunteer input. As such an acceptance and transfer of ownership on behalf of SPC is appropriate.
28. CBC will continue to work with the developer and SPC to conclude the transfer. CBC will offer support to SPC to identify and appoint a suitable operator.

Appendices

29. None

Background Papers

30. None