

REPORT TO EXECUTIVE

Date of Meeting: 9 July 2024

Report of: Director Finance

Title: King George V Playing Fields

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

1.1 The report proposes the transfer by lease of the whole of the King George V Playing Fields, including the changing rooms, to the Exeter City Community Trust but with continued use by the community.

2. Recommendation:

2.1 That the Council enter into an agreement for lease dictating terms for the eventual grant a lease of the King George V Playing Fields to the Exeter City Community Trust (ECCT) in accordance with the broad proposals set out in this report but with negotiation and agreement of detailed terms to be delegated to the City Surveyor in consultation with the Leader of the Council.

3. Reasons for the recommendation:

3.1 ECCT have been developing a scheme of sport, recreational and community facilities to develop an improved proposition for the Playing Fields in consultation with the Council. They have identified sources of funding to start to deliver these facilities on the basis that they have been able to secure a property position satisfactory to the funding bodies. It has been determined that a leasehold interest along the lines set out in this report would satisfy this requirement. It is felt that, in the current financial circumstances of the Council, that this would be the best way to bring forward much-needed investment in these facilities in line with the aspirations of the Corporate Plan.

4. What are the resource implications including non financial resources

4.1 The proposal has the potential to reduce operational costs over time, although at the outset there will be some ongoing costs incurred by the Council that we would look to recover from ECCT through the lease agreement. There are likely to be significant ongoing savings from ECCT becoming responsible for building and site maintenance that will outweigh lost booking fee income.

The City will benefit from the provision of the new sport, leisure and community facilities at no capital cost which substantively outweighs concerns regarding best consideration in the property transaction.

There is an income stream generated from the garage premises on Bridge Road that is currently dedicated to the upkeep of the playing fields. This can either be transferred to ECCT (with an appropriate clawback mechanism in the lease) or allocated to another site (subject to Fields In Trust consent).

5. Section 151 Officer comments:

5.1 Whilst there is a small loss of income from booking fees (around £5,000) there is an opportunity to attract significant external funding to develop the playing fields. This is investment that it is unlikely the Council could afford to make. Whilst there are unlikely to be savings, the loss of income is small.

6. What are the legal aspects?

6.1 The proposal will require the Council to comply with section 123 of the Local Government Act 1972 ('the Act').

Section 123 (1) and (2) state that a principal council may dispose of land held by them in any manner they wish subject to obtaining the best consideration that can reasonably be achieved unless the consent of the Secretary of State is obtained.

Section 123 (2A) of the Act states that a principal council may not dispose of any land consisting or forming part of an open space unless they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.

Public Notices have been published in this regard and officers will provide details of the public comments received for further consideration at the meeting.

It is noted that in addition to compliance with the obligations specified above any disposal of the playing fields at this site will require the consent of Fields in Trust as the land is subject to a trust.

7. Monitoring Officer's comments:

7.1 Members attention is drawn to the detailed legal provisions that apply and must be observed as set out in paragraph 6 above.

8. Report details:

8.1 The proposed Heads of Terms for the agreement for lease and lease are as follows:

ECCT will be obliged to provide the Council with a substantive business plan setting out funding for the construction of the first phase and subsequent operational management proposals. They would also be obliged to secure planning consent for the initial scheme of development. The Council is required to seek the consent of Fields In Trust for the proposal and the lease grant. Officers are in discussion with the Trust on this. On satisfaction of the conditions in the agreement for lease a lease would be granted for the whole playing fields site for a term of 50 years. ECCT would be responsible for the maintenance of the whole site. The land could only be used for sports, recreational and community activities (together with ancillary use). ECCT will fund and deliver the initial phase of improvements to be agreed with the Council and would look to secure further

funding to bring forward further phases of investment during the lease term. A local forum would be established to oversee the ongoing public use of the playing fields and to ensure fair access to pitches and other facilities. The makeup of the forum would include representatives from the Council and local sports clubs.

The proposed concept scheme is as set out in the attached brochure.

Background of the Playing Fields

Protected by Fields In Trust in 1948, a site of c. 40 acres of recreational green and open space. It is identified as a priority within the Exeter City Council Playing Pitch Strategy (adopted January 2022). Central FC took residence in 2010/11, and pitch provision has changed over the years with no formal stipulation in place. However, when it first started there were only 12 pitches total. The current facility mix is:

- Wide range of formally marked football pitches (7x adult pitches, 4x Intermediates, 2x Mini's, 2x mini mini's)
- Changing Room Building (14 changing rooms, storage, and showers)
- 2 x Play Areas (One fully inclusive) *
- 2 x Tennis Courts
- 1 x Artificial Grass Cricket Wicket
- Car Park

The site is very popular for informal recreation and dog walking

*The Council has recently had to close the KGV play area due to the collapse of the Countess Wear Road retaining wall and decline in equipment condition. The extension to the inclusive play area to the north of the field will increase the onsite provision so that the site, alongside Southbrook Road, better meets Fields in Trust play area standards west of Bridge Road. First opened in 2008 the inclusive play area was named as the 6th most impressive accessible and inclusive playground in the world. ECC, and Mencap put funding into redeveloping the site in 2020. However, whilst this went some way to managing the equipment life, it did not extend to developing the site in respect of losing the southern play area. Development will both meet play standards and provide more accessible provision as per ECC standard play protocols.

Summary of proposed improvement programme

ECCT are undertaking feasibility, business case and pre-planning work to deliver a transformational community sports hub development at King George V Playing Fields. This will include:

- Improvements to 13 grass pitches catering for all adult, junior and mini football
- Refurbishment to existing two-storey pavilion to provide community engagement and space to facilitate the four pillars of delivery for ECCT (Participation, Education, Wellbeing, and Inclusion).
- Single-storey ground floor extension (with option to develop second storey extension with lift and staircase).
- 3G full size floodlit pitch (100 x 64m).
- 4 x 36 seat covered stands with foundations and lighting.
- Building services infrastructure upgrades.

- 2 x fenced Play Zones (20 x 30m).
- Improve grass condition to four full size pitches.
- Approx. 375m of bi-direction cycle paths (4mw).
- Sports Hall - Covered tensile structure with supporting facilities (2,960 sq. m).
- 25 new car park spaces (upper and lower).

Whilst retaining the existing playing fields, inclusive play park and recreational / dog walking culture on site.

This would deliver the first community based 3G in the city as a priority within the Playing Pitch Strategy, which identified a shortfall of 3 community 3G pitches in the city.

ECCT are working alongside Exeter City Council, The Football Foundation, Devon FA, and other partners to deliver:

- Ongoing community engagement and consultation
- Technical Support to achieve planning and cost certainty
- Programming of Use
- Business Planning
- External funding opportunities
- Funding application to The Football Foundation

Outcomes – benefits city-wide and to the Council

- Improved engagement and sense of ownership with community
- Deliver a new community space to provide greater connectivity and social outcomes for local residents
- Reduction in inequalities to access and participation with a focus on:
 - Lower socio-economic groups
 - Women and Girls
 - Culturally Diverse Communities
 - People with disabilities
- Improved physical and mental wellbeing in priority area of the city
- Delivers on priority of ECC Playing Fields Strategy
- Strengthening partnership with existing locally trusted anchor organisations delivering health and wellbeing benefits across the city
- Utilising the skills and experience of ECCT charity to bring in investment and resource to meet the city 'Healthy and Active' corporate priority
- Leverage external investment from Football Foundation, Devon FA
- Bring in additional non-football partners, investment, and improvements (e.g., play areas, tennis)

A model of delivery to save ECC revenue costs (maintenance, grounds repair, facilities repair) within Parks and Open Spaces and Corporate Property Services

9. How does the decision contribute to the Council's Corporate Plan?

9.1 The proposal contributes significantly to the objectives for a Healthy and Active City and to Build Great Neighbourhoods and Communities. It also delivers the objectives of the Playing Fields Strategy in enhancing recreational facilities in this area.

10. What risks are there and how can they be reduced?

10.1 The main risks are the ECCT do not secure sufficient funding to deliver the investment. However, in this case, it would be unlikely to satisfy the pre-conditions in the agreement for lease and the land would then remain in Council management.

It is possible that ECCT do not maintain the area to the standard anticipated or that community use is not available as conveniently or as affordably as anticipated. This risk can be mitigated by having the joint local forum to advise on public use/ hiring of facilities

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation, and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies, and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage, and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act, save for the potential for improved sporting facilities for the city as a whole.

12. Carbon Footprint (Environmental) Implications:

12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

13.1 The alternative would be to retain direct management of the playing fields but this would forego the possibility of delivering enhanced facilities.

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

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