

Title of meeting: Cabinet

Date of meeting: 21st June 2022

Subject: King George V Playing Fields Development

Report by: Stephen Baily, Director of Culture, Leisure and Regulatory Services

Wards affected: Cosham

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1 To update the Cabinet on progress with development of the proposed new all-weather pitches and pavilion at King George V Playing Fields (the "Scheme"); and to seek necessary delegations to enable the Scheme to continue moving forward in a timely fashion.

2. Recommendations

2.1 Cabinet is recommended to:

- i. Note progress with the King George V Playing Fields Scheme and plans for continued development of the Scheme;**
- ii. Delegate authority to the Director of Finance and Resources to authorise the entering into a grant agreement for the Scheme that includes a clawback period (in the event that the facilities are no longer be used for the activities the grant was awarded for) once the final terms and conditions of funding are known; and**
- iii. Authorise the formal advertising of disposal of open space, which will be the result of granting a lease to an operator.**

3. Background

- 3.1 The Football Hubs programme was set up by the Football Foundation to help address the issue of poor pitch quality in grassroots football by increasing the



number of 3G artificial pitches, facilities and participation programmes available across the country. The Playing Pitch Strategy for Portsmouth, developed in 2018 in partnership with Sport England and national governing bodies for various sports, identified that there is a shortfall in these facilities in Portsmouth. The need for a new facility in Portsmouth was identified in the Local Football Facilities Plan.

- 3.2 Local football facility plans are detailed reports that map out the football facilities needed across every local authority area in England. Portsmouth worked with the Football Association, Football Foundation and clubs and stakeholders locally to pull together a local plan for Portsmouth, which forms part of a national roadmap for the development of grassroots sport. The Football Foundation, Premier League, The FA and Government have all committed funds to deliver these plans. Portsmouth's plan was completed in 2020, and identifies the need for at least 5 more AGPs in Portsmouth, alongside grass pitches and changing facilities.
- 3.3 The plan for Portsmouth highlights five main objectives for the local area, which include:
- Sustaining male youth and adult football
 - Increasing the number of women's and girls' teams
 - Supporting the growth of pan-disability options.
- 3.4 The plan identifies King George V Playing Fields as a key opportunity site for game development locally. The playing fields site occupies approximately 118,000m² (11.8 hectares) and is located in the Cosham area of Portsmouth, just north of Portsea Island. It's bounded on the north side by the Portsmouth to Southampton railway line and to the east by the A397 Northern Road. On the southern boundary is Lynx House (currently occupied by HMRC) and the A27 that links Cosham and Paulsgrove. The site comprises for the main part extensive grass playing fields used for football, and for large public events throughout the year. Mature trees enclose the park on all boundaries. Located in the south east corner there is a car park, with a driveway linking to a sports pavilion. At the entrance to the park on the eastern side is a set of steps, put in place when the fields were designated as a memorial to King George V in 1955. The existing pavilion, added after 1952 to the eastern side of the site, is located at the bottom of the memorial steps and houses changing facilities and WCs, that do not meet minimum standards and are beyond economic repair. In 2018 the pavilion was the target of an arson attack and since then a significant part of the building has been out of use.
- 3.5 A proposal has been developed for a new FA Football Hub, on King George V Playing Fields (KGV) in Cosham, to replace the existing two storey building, and provide 2 artificial grass pitches (AGPs). The new building will provide new changing facilities for the existing grass pitches and the two new artificial grass pitches together with a cafe and toilets that are open to the public.



3.6 This development supports the vision for Portsmouth's future to create:

- A healthy and happy city
- A green city
- Lifelong learning
- Easy travel
- A thriving economy
- Culture and creativity.

4. Scheme progress

4.1 Planning consent was given for the scheme in February 2022, subject to conditions. Approval was also granted by Fields in Trust, the body which nationally oversees and protects parks and green spaces in the UK (including the 506 King George V Playing Fields), to ensure that they are protected for the purpose for which they were dedicated.

4.2 Capital funding of £2.8m has been allocated in the Council's approved capital programme alongside a £4.2m grant from the Football Foundation towards the scheme, based on an original funding envelope of £7m following initial engagement with cost consultants.

4.3 The Football Foundation have indicated that they will provide 60% of grant funding towards any scheme.

4.4 Due to the current issues with the economy the majority of capital projects have affordability challenges, and this project is no exception, and the expectation is that when tenders are received back the costs will be higher than the initial estimates.

4.5 The project team are aware of this and work is ongoing to explore if the Football Foundation would provide additional grant and alongside this a value engineering process may need to be undertaken. The invitation to tender is clear that the project will only proceed subject to affordability.

4.6 We are now in the process of

- (a) securing (via a public procurement process) an expert operator for the site, who will be a key partner throughout the development process;
- (b) securing a provider of the AGP works (through the Football Foundation Framework); and
- (c) issuing a tender for development of the pavilion and associated works. All procurement processes are being undertaken in line with PCC processes



4.7 An application to the Football Foundation for funding was submitted in April 2022, in line with requirements for their funding windows. We are now working with the Foundation to take the scheme through approval processes and expect that an offer of grant funding will be made in the Summer. Approval and acceptance of the grant will trigger the award of a contract for construction of the pavilion and associated works subject to affordability (i.e. the current procurement process is being conducted conditional upon funding). If we are unsuccessful in securing Football Foundation grant, or if costs received back from the market are higher than the available envelope, then consideration will need to be given about how to proceed.

5. Grant conditions

5.1 As set out, it is expected that a large proportion of the funding for the scheme will be obtained in the form of a grant from the Football Foundation. No award has yet been made, but standard Foundation funding terms and conditions are likely to apply. Officers will have the authority to enter into most of the agreement under the delegations they have for managing the financial affairs of the authority (Director of Finance and Resources and s151 officer) and for managing leisure and recreation facilities (Director of Culture, Leisure and Regulatory Services).

5.2 However, it is likely that as part of the grant, there will be a 21-year clawback period and the potential for a charge/restrictions to be placed on the land - this is to ensure that the scheme is developed as agreed and that the land and facilities are used appropriately throughout the relevant period in order to protect the Football Foundation's investment. This means that failure to meet the terms and conditions could result in part or all of the grant being clawed back by the Football Foundation during the relevant period. Under the current scheme of delegation, there is a delegation to the Leader to enter into agreements on the "land and property assets of the city council"; and a delegation to the Cabinet Member for Culture, Leisure and Economic Development to enter into agreements for "indoor and outdoor recreation, including sports."

5.3 Where a decision impacts more than one portfolio holder then the decision should be made by Cabinet. It is therefore recommended that to enable timely response to any award of funding that authority is delegated to the Director of Finance and Resources to enter into the necessary agreement upon consultation with PCC Legal Services once the final terms and conditions of funding are known.

5.4 In addition to the above, a small (provided that the grass pitches are not included in the lease to the operator) part of the land to be leased to the preferred operator is currently classed as open space land. The leasing of such land is treated in the eyes of the law as being a "disposal" and hence the Council has a statutory obligation to formally advertise such "disposal" in a local newspaper and conduct



a consultation exercise. The Council's Constitution governs that the power of management over all land owned by the Council (including disposal of land) is an executive function. Hence, Cabinet is recommended to authorise the carrying out of such advertisement and consultation process. Cabinet will be further updated on the outcome of the consultation exercise / objections raised.

6. Reasons for recommendations

- 6.1 The King George V Playing Fields scheme is a priority for the organisation, reflected in the Plan for Recovery and Renewal, and responds to priorities identified in the Playing Pitch Strategy previously agreed by the organisation. It is therefore important that the Cabinet is aware of the progress and steps being taken to develop the scheme.
- 6.2 It is also important the authority is in a position to move swiftly when any offer of funding is made, understand the risks involved and therefore the recommendations seek to ensure that there is absolute clarity about decision-making to enable the most timely response possible.

7. Integrated impact assessment

- 7.1 There are no additional impacts as a result of these recommendations that have not already been considered as part of the wider scheme development.

8. Legal implications

8.1 Disposal of Open Space Land:

Section 123 of the Local Government Act 1972 states:

"123 Disposal of land by principal councils

(1) Subject to the following provisions of this section...a principal council may dispose of land held by them in any manner they wish.

(2A) A principal council may not dispose under subsection (1) above of any land consisting or forming part of an open space unless before disposing of the land 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. (emphasis added).

- 8.2 PCC Legal colleagues have advised from perusing previous Council decisions and deeds of declaration that it is clear (and the proper conclusion) that part of



the land proposed to be leased to an operator is for recreation under the Open Spaces Act 1906 (i.e. open space land).

8.3 Cabinet should be further updated on the outcome of the consultation exercise, including the consideration of any objections.

8.4 Football Foundation Grant:

Although the Council is not yet privy to the Football Foundation's final terms and conditions of funding, it has had sight of their standard grant agreement. This includes restrictions as to how the Council treats the facility land during a 21-year clawback period (such clawback period commences on acceptance of the grant). This means that failure to meet the terms and conditions could result in part or all of the grant being clawed back by the Football Foundation during the relevant period.

8.5 For example, the conditions contain restrictions on not transferring or selling the facility during the clawback period. Additionally, arrangements for management and community use of the facilities must not be changed during the clawback period without the prior written consent of the Football Foundation. The Football Foundation may require a charge/restriction over the land/property to protect their interest and investment.

8.6 If/when the final terms and conditions of funding are known, PCC Legal will review and provide their advice to appropriate officers (including the Director of Finance and Resources) in order to understand the risks. If the Council is successful in its application for Football Foundation funding, it is highly likely that it will need to either accept the Football Foundation's conditions of funding or decline the grant offer.

8.7 Officers must ensure that the Football Foundation terms and conditions of funding are compliant with any applicable grant terms from the Department for Levelling Up, Housing and Communities in respect of the Levelling Up Fund (where relevant).

9. Director of Finance's comments

9.1 At present there are £2.8m of Council resources allocated in the approved capital programme for this scheme. The release of the majority of this funding will be subject to a revised full financial appraisal of the scheme to ensure that the scheme can proceed on affordability grounds both in terms of capital and revenue funding.

9.2 When the tenders are returned the existing financial appraisal will be updated and should the tendered costs exceed the current budget allocation the project team will be required to explore a range of actions to bring the scheme back

into the affordability envelope. These actions will include exploring further grant funding from the Football Foundation and any other potential sources as well as value engineering of the scheme design.

- 9.3 All tenderers have been made aware that the Council will only proceed with the project if it is affordable.
- 9.4 Alongside this work the Director of Finance and Resources will review the financial implications of the grant agreement once received to understand any risks before it is formally signed.

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Signed by: Stephen Baily, Director of Culture, Leisure and Regulatory Services

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: