

Overview and Scrutiny Committee

Tuesday, 3rd December,
2013

MINUTES

Present:

Councillor David Bush (Chair), and Councillors Andrew Brazier, Simon Chalk, Andrew Fry, Carole Gandy, Roger Hill, Alan Mason, Yvonne Smith and Pat Witherspoon

Also Present:

Mr Chris Swann (Chairman Redditch United Football Club)

Mr Otto DeWeizer and Mr Jim Ralphs (Dutch Architects and Design Ltd).

Councillor Roger Bennett, Juliet Brunner, Greg Chance, Brandon Clayton, Bill Hartnett, Phil Mould and Debbie Taylor

Officers:

J Godwin, S Hanley and S Morgan

Democratic Services Officer:

J Bayley and A Scarce

77. APOLOGIES AND NAMED SUBSTITUTES

An apology for absence was received from Councillor Gay Hopkins. Councillor Roger Hill attended the meeting in place of Councillor Hopkins.

The Chairman confirmed that he had spoken to Councillor Hopkins and she had requested that it be noted that she had been advised not to attend the meeting due to the perception of a personal interest in respect of item 4 of the agenda.

78. DECLARATIONS OF INTEREST AND OF PARTY WHIP

There were no declarations of interest nor of the party whip.

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Chair

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79. MINUTES

RESOLVED that

The minutes of the meeting of the Overview and Scrutiny Committee held on 4th November 2013 be confirmed as a correct record and signed by the Chair.

80. REDDITCH UNITED

The Chair introduced Mr Chris Swann, Chairman of Redditch United Football Club (RUFC), and invited him to give his presentation. Mr Swan was accompanied by Mr Jim Ralphs and Mr Otto DeWeizer from Dutch Architects and Design Ltd.

Mr Swann explained that the aim of the presentation was to show the work that the Club had undertaken in conjunction with Council Officers and the Football Association (FA) during recent years to ensure the long term viability of the Club. The Committee was informed that a formal presentation, detailing the Club's future plans, had been received by Members of the Council in June 2013. Following consideration of those plans, Mr Swan had received a formal letter from the Council rejecting those plans.

Members were advised that RUFC had two aims; to be a financially sustainable community football club, which did not rely upon public funds and to have appropriate facilities for the current 20 teams. The five year plan which RUFC had compiled with the FA, anticipated that this would grow to in excess of 50 teams, which would accommodate approximately 1,000 young people and their families.

Currently the Club operated from the Valley Stadium which, Mr Swann informed Members, was a dilapidated facility owned by the Council and leased to the Club. RUFC also had access to Terry's Field which had a significant drop from one corner to another and a number of potholes.

Mr Swann provided background information on how he had taken over RUFC. At that time the Club was about to go into liquidation and Mr Swan's first action had been to bring the Club's finances under control and to look at improving the facilities in order to ensure that the Club could cater for the young people and disabled users and visitors to the Club. Mr Swann had injected a substantial amount of money into the Club and ensured that the rent and rates payments were up to date. Repairs had also been undertaken to

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the fabric of the building to limit further deterioration where possible and provide access to the first floor function room.

After a time it had become apparent that more fundamental action was required and the Club appointed consultants who had football experience to investigate how best to improve the current facilities. Mr Swann showed Members two slides, the first of which showed the layout of the existing facilities which restricted the Club from fulfilling some of its community obligations and the second slide showed an initial re-modelling of those facilities. Mr Swann had worked closely with Council Officers to produce a proposal to provide an artificial pitch (on Terry's Field) and a re-design of the internal layout of the main stand in order to provide a better, upgraded facility. These proposals had been discussed in detail with Council Officers on 6th December 2011.

Following that meeting, the Council had prepared a scheme for the improvements required to Terry's Field in order to move the proposal forward. This included proper drainage and re-grading the levels. An issue then arose in respect of covenants which were attached to Terry's Field. Legal opinion had been sought by the Club, but Mr Swann believed that the Council had not made any effort to speak to the Terry family's successors to resolve the matter.

Mr Swann informed Members that during January to June 2012 the Club had met with representatives of the FA, the Football Foundation (FF) and the County Property Officer to discuss the re-modelling and to identify funding streams from the FA and other bodies in order to support the work needed to make the improvements. In July 2012 all parties involved had agreed that, due to planning issues, putting an artificial pitch on Terry's Field together with prohibitive costs (and limited financial support from the FA) it would be more appropriate for the Club to relocate. Council Officers had also suggested that a relocation of the Club would be more appropriate and a possible site at Washford Mill was identified. Such relocation would attract funding from the FA of up to £650k as the proposal was much more sustainable and it was suggested it would have greater benefit to the community.

A formal Football Development Plan was then prepared which identified in detail the mix of playing pitches that would be required from a new facility, which required the Club to accommodate 52 teams by 2017. This would include teams for boys, girls and those with a disability. Mr Swan highlighted his concern that at the Executive Committee meeting held on 26th November 2013 Members had asked for "a proper assessment of the community

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needs in relation to football within the Borough” when this was exactly what he and his team had been working on in order to reach the current position.

The Club had produced a layout scheme based on relocating to the Washford site suggested by Council Officers. However, following consultation it was agreed that the proposed site would be situated too close to existing residential properties and there were also concerns around access. Officers had therefore suggested a second alternative site to the south of the original one. Mr Swann highlighted an email which had been sent from Officers which suggested that this site was the Council’s preferred option. The Council had also undertaken its own internal consultation and prepared layout options for discussion.

The layouts were discussed with all parties involved. The design replicated the existing stadium facilities with the emphasis being on changing rooms, playing and 3G facilities. Mr Swann provided a slide which showed the final layout which had been agreed as the most suitable for the site and provided the Club with the facilities it needed to support the youngsters who wanted to play sport. This site layout had been part of the presentation to Members in June 2013. Mr Swann informed Members that Council Officers had sought advice from Senior Planning Officers to ensure that there were no planning issues which could arise from the proposed development.

Mr Swann informed Members that he was aware of the financial constraints of the Council and that he wished the proposal to be self-funding. With this in mind and from his contacts in the property world he had sought financial interest for housing on the Club’s current site. Three proposals from national builders had been received and these were reported to Council Officers for consideration. The offers made were for £5.05m and £5.025m for the site and £9,750 per acre. Legal opinion had also been sought from the Council’s Legal Team in respect of the covenant restrictions.

The Club had been requested by Council Officers to formalise its proposals and had produced the following reports; Football Development Plan, Five Year Business Plan, full scheme design, full cost plan, risk assessment and financial summary. It was then proposed by Senior Council Officers that these be provided in a full presentation from Mr Swann, Club officials, consultants and an FA representative, to a number of Members of the Council. This presentation took place on 26th June 2013 and provided details of the Club’s proposals and demonstrated that relocation would offer

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the Club modern facilities and had the potential to offer the Council revenue of over £600k. The Council would also retain the freehold of the new ground and receive a rental income from the Club.

Following the presentation the Club received a formal letter from Council Officers dated 26th September 2013, rejecting the proposal and detailing the reasons why this decision had been made and highlighting a number of concerns that Members had raised. These are detailed below:

- Designation of the land as a primarily green space or public open space.
- The restrictive covenant.
- The Council would have to fund substantial up-front costs.
- The Council would take all the risks and would fund the preliminary work.
- Planning issues and the size of the proposed scheme.
- The development being over ambitious.
- The lack of inclusion of maintenance costs.
- The value of the land.

Mr Swann provided a response to these concerns by advising that the Council's Planning department had been consulted and agreed in principle to the proposed development and location. Similarly, the Council's Legal department had concluded that the covenant was not enforceable.

Dutch Architects responded in respect of the Council funding and risk element together with the size and ambition of the project. Mr Ralphs and Mr Deweizer explained that Dutch Architects had been involved in football, both as Architects and Grant Consultants since 1993. This included involvement in designing, project managing and grant work at both Premier League Club level and grass root lower league club level, such as Redditch United. This work has led them to having a good working relationship with both the FA and FF.

Based on Dutch Architect's detailed analysis they had concluded that the Redditch United proposed development was both sustainable and driven by the right motivation to provide facilities for the community. The relocation was similar to other projects they had been involved in and which had culminated in monies being provided in order for the existing site to pay for new up to date facilities to accommodate an increased number of youngsters. They had assisted the Club in the formulation of the Five Year Football Plan, Five Year Business Plan and informed Members that Walker Cotter Chartered Quantity Surveyors had produced detailed

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cost plans based on the drawings provided. A risk register had also been produced and they had assisted the Club in producing the financial summary. The scheme had been developed in close liaison with representatives from the FA and FF.

As with all projects the reports were working documents and constantly reviewed and developed as the project progressed. The Risk Register would be updated each month as the design development proceeded and more information was made available with the culmination being applications put forward for grants and planning. Dutch Architects confirmed that from the information received so far the project was wholly realistic and that the risks encountered and identified were less onerous than many other schemes they had been involved in and which had resulted in a successful conclusion. They had also been informed that the developers interested in the existing site were prepared to pay for the pre contact project costs, thus removing the substantial upfront costs to the Council.

It was confirmed that the size of the development had been designed to accommodate the teams identified within the Five Year Football Development Plan, and in accordance with the requirements set by the FF. Dutch Architects did not believe the proposed development to be overly ambitious and had been impressed with the Club Officials and the “offer” that they wished to make to the junior football players of Redditch and the development of ladies and girls football together with providing facilities for those disabled people who wished to take an active part in football.

Mr Swann continued by informing Members that the detailed business plan summary showed additional facility employees, machinery, maintenance and 3G sinking fund replacement, they had built in approximately £67k a year for maintenance and replacement costs. Mr Swann suggested there were no cash flow risks to the Council or any up front costs. A developer had already confirmed to Mr Swan that they would pay for the planning and professional costs of both development proposals, subject to various conditions.

To conclude Mr Swan informed Members that doing nothing was not an option as this would mean the loss of sporting opportunities for youngsters in Redditch and as such both the Club and the Council had a responsibility to find a solution. Mr Swan highlighted again the potential income to the Council which could further benefit the people of Redditch. The Club had a proud history which went back 140 years and was the hub of the local community and he suggested that the relocation of it offered a once in a lifetime

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opportunity for all involved to create a top class sporting venue for the community. Members were informed that this was supported by a petition which had been handed in the previous week which had received over 2,200 signatures.

Finally, Mr Swann requested that the Overview and Scrutiny Committee “call in” the decision made by the Executive and recommend to Council that:

- Engagement be held with the developers themselves by the Council (and which would involve the Club).
- The Executive Committee speak with the Terry family about the existing covenant.
- That a consultation event within the town include consideration of the relocation of Redditch United Football Club.
- That the Executive Committee show a will to support the football club and its many stakeholders and 1,000 youngsters who wanted to play football in Redditch.

The Chair thanked Mr Swann and his colleagues for their detailed presentation and invited Officers to respond. As part of this response the following points were highlighted in respect of some of the points which had been included in the presentation:

- the Executive Committee’s decision on 26th November superseded any earlier discussions at previous meetings.
- In respect of the legal advice and view from Counsel, liability would still remain with the Council.
- There was still no guarantee of the level of funding from the FA.
- Officers had supported the Club and provided advice and guidance and at the request of Members in respect of the Business Plan.
- The marketing of the site was not in the gift of the Club but needed to be done by the Council in accordance with a strict procurement protocol.
- Whilst the support of the Business Plan proposal was done with the best intentions, Officers needed to provide the Council with the best advice in respect of the business case.

The Committee discussed the full market value of the site taking into consideration the 40% social housing requirement and information provided by County Highways in respect of access and limitation on the number of plots, which would in turn reduce the value of the site. It was confirmed that further information was also needed in respect of access to the Washford site from County Highways and the need for the inclusion of a traffic island. Mr

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Swann raised concerns that these issues had been discussed in June 2013 but was not aware of any approach being made to clarify the points raised in order to take the matter forward.

During consideration of this item the following points were raised by Members and discussed in detail:

- How the Council could support the Club moving forward.
- What the alternative sites could be made available for the Club should the Council be able to support its re-location.
- “Up front” costs which included for example flooding issue, traffic surveys and design fees (with an estimated total cost of £300-400k) and whether a developer would be prepared to pay for these.
- The inconsistencies within the Business Case
- The pre contract costs being paid by any developer and whether the Council would be happy with such an arrangement.
- The need for a traffic analysis.

Officers confirmed to Members that they had only been made aware of one offer being made by a developer and that from the information provided it was not clear as to whether S106 money had been taken into account or consideration being given to the cost of Highways work. Members were also reminded that planning permission was not guaranteed and neither was the funding from the FA or FF. The value of the site provided by the District Valuer was significantly lower than that detailed in the letters provided by RUFC. It was also stressed to the Board that Officers did support the Club, but did not believe that the Business Case as it stood was achievable and that the risks involved for the Council could not be taken.

Members were keen for the Council to continue dialogue with RUFC in order to resolve all the issues raised and to bring the matter to a satisfactory conclusion for all involved, although it was acknowledged that there were financial constraints for the Council and any Business Case would therefore need to be self-funding.

The Committee agreed that a further, more detailed investigation was necessary in order for it to understand the position from both RUFC's and the Council's viewpoint and in order for this to take place it was

RESOLVED that:

- (a) a Task Group be set up**

- (b) Councillor David Bush be appointed Chair of the Task Group: and
- (c) Councillor Bush, in consultation with Officers, prepare a scoping document for presentation at the meeting of the Overview and Scrutiny Committee to be held on 9th January 2014.

81. MEDIUM TERM FINANCIAL PLAN

The Chair informed Members that following the presentation should they have any particular areas of concern which warranted further investigation these should be raised as soon as possible in order for the appropriate Heads of Services to be given the opportunity to attend the meeting on 9th January 2014 when the budget would be discussed in more detail.

Officers delivered a short presentation which provided Members with an overview of the budget position 2014/15. This included an overview of the cost of all staff included within those shared services which were broken down into three categories; those which created value (for example bin men), those that added value (for example those in a supervisory role) and those that enabled, (for example a manager). Members were informed that there was an initial shortfall of £1.6m due to a reduction in government grant, business rate reduction, reserves being used and unavoidable pressures. A number of issues had been taken into consideration when calculating the position including a 1% pay award, the impact of a reduction in the new homes bonus, the cost of borrowing, potential capital receipts and the impact of cuts at a county council level. Members discussed the following areas in more detail:

- The “top slicing” of the New Homes Bonus – it was understood that this would be allocated to the Local Enterprise Partnerships (LEPs) and as the Council was a member of both the Worcestershire and Solihull LEP Members requested clarification as to how this would be dealt with.
- It was confirmed that Capital receipts referred to Threadneedle House and any funds arising from this could be used for future capital expenditure.
- Members were informed that a presentation was due to be delivered by Deloitte on 4th December in respect of fees and charges which would include any recommendations where there was potential for improvements to be made.

It was confirmed that there was currently an actuarial pension review being undertaken which could lead to increased costs and that the Council anticipated that it would receive the final settlement figure in late December. Heads of Service had been asked to identify additional costs and income and given an allocation of the amount of savings each area needed to make, without a reduction in frontline services.

The Finance team were also looking at the figures for 2015/16 and 2016/17 with Heads of Service in respect of the cost of services together with the strategic purposes of the Council. Heads of Service would be taking into consideration the impact of the Worcestershire County Council cuts, which would have a knock on effect on Borough Council services.

RESOLVED that

Members inform Officers of any areas of concern in order for the relevant Head of Service to be given the opportunity to attend the meeting to be held on 9th January 2014.

82. OVERVIEW AND SCRUTINY QUARTERLY RECOMMENDATION TRACKER

Officers provided a brief update on the tracker which detailed action taken to implement recommendations made by the Overview and Scrutiny Committee together with details of those recommendations where action remained outstanding. Members raised concerns that in some instances recommendations had taken an unacceptable amount of time to be implemented, particularly in respect of Dial a Ride service which might have led to income being lost. Officers agreed to provide further information to Members in respect of this item.

The Chair asked Members to look at this report in more detail and inform officers of any areas of concern in order for the relevant departments to be asked to provide feedback at the meeting to be held on 9th January 2014.

RESOLVED that

Members provide officers with details of any areas of concern in order that further information be provided at a future meeting.

83. EXECUTIVE COMMITTEE MINUTES AND SCRUTINY OF THE EXECUTIVE COMMITTEE'S WORK PROGRAMME

The Chair drew Members' attention to resolved item 2 of the additional papers where the Executive Committee had requested that the Overview and Scrutiny Committee "engage in an exercise with Officers that will seek to establish the demand for future provision within the Borough and that the Portfolio Holder and Officers hold a public consultation event to engage with residents and clubs to help to inform this exercise." Members expressed concerns that such work would be a repeat of that which had already been carried out by Redditch Utd (as detailed in the presentation received at item 4).

The Portfolio Holder for Leisure and Tourism, Councillor Phil Mould, informed Members that the Executive Committee was asking for assistance in liaising between those involved with this matter. He welcomed the Task Group exercise, though suggested that it should cover football throughout the town and not just activities provided by Redditch Utd. However, he acknowledged that it remained within the Committee's discretion to consider this proposal and how to respond.

RESOLVED that

the Portfolio Holder be consulted in the completion of a scoping document for the Redditch Utd Task Group.

84. WORK PROGRAMME

Officers confirmed that the meeting to be held on 9th January 2014 would concentrate on providing further information in respect of the budget.

RESOLVED that

the Committee's Work Programme be noted.

85. TASK GROUPS - PROGRESS REPORTS

The following updates in respect of current Task Group reviews were provided:

a) Abbey Stadium Task Group – Chair, Councillor Carole Gandy

Councillor Gandy informed Members that, due to Members being on annual leave, no meetings had taken place since the

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last report. However a meeting was due to be held on 5th December when senior officers would be interviewed. A site visit to Evesham Leisure Centre was also planned for 12th December.

b) Landscaping Task Group - Chair, Councillor Gay Hopkins

Officers informed Members that the Task Group Members had visited the Crossgates' team, the Trees team and Winyates Place team. A meeting would take place on 3rd December which would include further interviews with officers with a further meeting taking place the following week.

c) Voluntary Sector Task Group – Chair, Councillor Pat Witherspoon

Councillor Witherspoon informed Members that several meetings had taken place, the most recent having been an interview with the Chair of the Grants Panel. The Task Group already had some ideas about potential recommendations and had received a great deal of useful information from various sources.

It was confirmed that, following receipt of legal advice, Councillor Baker had stood down from the review due to the potential for conflicts of interest to arise if he continued to participate in the exercise. Although he had not yet been replaced the group were working well together. It was suggested that it might not now be appropriate to seek a replacement at this stage in the investigation.

d) Joint Worcestershire Regulatory Services – Redditch Member, Councillor Alan Mason

As Councillor Mason had been unable to attend the previous two meetings of the Task Group officers drew Members' attention to the summaries provided in the agenda. The Members had attended a meeting of the Worcestershire Shared Services Joint Committee followed by an interview with the Chair and Vice Chair of that Committee. The following meeting of the Task Group would take place on 4th December when a recap of work carried out so far would take place together with the setting of questions for future witnesses, which included a further interview with the Head of Regulatory Services on 18th December.

RESOLVED that the update reports be noted.

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86. HEALTH OVERVIEW AND SCRUTINY COMMITTEE

Councillor Witherspoon provided a brief verbal update on the latest meeting of the Health Overview and Scrutiny Committee (HOSC) which had taken place on 6th November. The main topics of discussion had been the concern over timings of ambulances and the reintroduction of the 111 service, which would go live across Worcestershire and replace the current GP service.

Information about the workload of paramedics was raised by Members and Councillor Witherspoon asked for any concerns to be referred to her in order for her to feed this information back to the HOSC.

The Meeting commenced at 7.00 pm
and closed at 8.56 pm