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# Response to the Council Motion relating to the demolition of the former Newbury Football Ground Clubhouse

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<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	25 March 2021
<b>Portfolio Member:</b>	Councillor Ross Mackinnon
<b>Date Portfolio Member agreed report:</b>	4 March 2021
<b>Report Author:</b>	Bill Bagnell
<b>Forward Plan Ref:</b>	EX4005

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## 1 Purpose of the Report

- 1.1 To provide the Council's response to the motion submitted in the name of Councillor Lee Dillon at the Council meeting on 3<sup>rd</sup> December 2020, namely:

We propose the Council postpones their application for demolition of the Faraday Road Football Ground facilities at least until the equivalent, or better, alternative site is confirmed and approved by the football community.

Furthermore, we propose that the Council now engage with the local football community and interested parties (e.g. Newbury Community Football Group and Newbury Town Council) to explore options that make the Faraday Road Football Ground available for Men's, Ladies and youth clubs in Newbury to book for football training and matches in the meantime.

## 2 Recommendation

- 2.1 The Executive resolves to reject the motion. The planning application is being considered by Planning amongst other things for the demolition of an unsafe club house and to introduce measures to allow the old grass pitch to be brought into general public use. Whilst this is underway it is not proposed that the site would be used for football training and matches.

### 3 Implications and Impact Assessment

Implication	Commentary			
<b>Financial:</b>	There are ongoing costs associated with the maintenance and security arrangements for the existing structure. These would rise in the event that the proposal as laid out in the motion was accepted.			
<b>Human Resource:</b>	N/A			
<b>Legal:</b>	It is noted the football ground is an Asset of Community Value (ACV). The proposal to demolish the old clubhouse and open the old grass pitch to public use does not breach the ACV provisions.			
<b>Risk Management:</b>	The building in question is a derelict property and thus unsafe making it not suitable for use by the public. In order to mitigate risk of injury it would be prudent to demolish the building as soon as possible.			
<b>Property:</b>	The proposal relates to the demolition of a derelict and unsafe building on a site wholly owned and occupied by the Council.			
<b>Policy:</b>	N/A			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		

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<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
<b>Environmental Impact:</b>		X		
<b>Health Impact:</b>		X		
<b>ICT Impact:</b>		X		
<b>Digital Services Impact:</b>		X		
<b>Council Strategy Priorities:</b>		X		The redevelopment of the London Road Industrial Estate is a key priority for the council and any delay in the demolition of the building and entering into a new single sports use occupancy of the old football pitch could have an impact on the project.
<b>Core Business:</b>		X		
<b>Data Impact:</b>		X		
<b>Consultation and Engagement:</b>	Shiraz Sheikh – Legal Services Manager Paul Anstey- Head of Public Protection and Culture Gary Lugg - Head of Development and Planning Joseph Holmes - Executive Directory (Resources)			

## 4 Executive Summary

- 4.1 On 3<sup>rd</sup> December 2020, Councillor Lee Dillon brought a motion to Council calling for the demolition of the former Newbury Football Club Clubhouse to be delayed until such time as plans for alternative provision for community football could be made and further engagement had been undertaken with the football community in Newbury.

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- 4.2 The old football ground forms part of the council-owned London Road Industrial Estate, the development of which is seen as a key medium term aspiration for West Berkshire Council. The lease on the football ground ended in June 2018 at which point the Council gained vacant possession. In the following July a condition survey was carried out which demonstrated the old clubhouse could not be reoccupied without carrying out significant immediate remedial works and where the building represents a safety risk and on-going security maintenance cost.
- 4.3 Over the last three years the Council has worked with Sport England and relevant sport governing bodies to deliver a district wide Playing Pitch Strategy (PPS). Further to this the Council has made a clear commitment to develop a new sustainable location for club football within the Newbury area. The Council has viable options to deliver the appropriately graded sports ground in line with the objectives and action plan set out in the PPS.
- 4.4 As the last tenant of the old football ground, Newbury Football Club has successfully carried on playing at another venue supported by the Council and there is agreement that these arrangements can remain in place until delivery of the new facility. This was agreed as part of the PPS. None of these proposals have any impact on any other football teams as they play at different locations. The Council has routinely requested that any football team in need of support to find a playing pitch should come forward and, to date, none have. Regardless of future LRIE redevelopment plans, it is not appropriate to reopen the old football ground to any temporary user while very poor condition structures remain in situ. Similarly removal of these structures does not prevent further dialogue with interested parties.

## **5 Supporting Information**

### **Introduction**

- 5.1 West Berkshire Council has submitted planning application 20/02402/REG3 to demolish built structures associated with the old football ground on the London Road Industrial Estate (LRIE) and make changes to the immediate environment allowing the grass pitch to be available for general public recreational use until the land is required for redevelopment, subject to consent. The determination period of that application has been extended in order to allow for bat emergence surveys to be carried out in May, June & July on the basis that a pre-roost assessment shows the former football clubhouse may contain hibernating bats.
- 5.2 The demolition application has been submitted since, whatever happens to the old football ground in respect of the LRIE redevelopment, the existing structures including the boundary fence are in extremely poor condition, cannot be effectively maintained in their current state, are not necessary to the re-opening of the old grass pitch and in the case of the old clubhouse a potential public health risk, an on-going security cost and in the context of a building wholly beyond sensible economic repair if emergency remedial works were contemplated. Furthermore retention of these structures is not relevant to any further dialogue that might take place between the Council and interested parties should further dialogue be appropriate or helpful. .
- 5.3 Notwithstanding the need for the Council to reasonably engage with any section of the community, Sport England in conjunction with the Football Association are the

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appropriate organisation for the Council to liaise with and satisfy when considering how best to deliver sustainable football within the Newbury area. All discussions are focussed on the delivery of the objectives set out in the PPS, this is acknowledging the fact that complex usage plans (schedules which show what team plays where, which leagues and cup competitions and for how long each week) will need to be developed to ensure the football community are supported with investment in the most sustainable facilities.

### **Background**

- 5.4 After a two year extension, the lease on the old football ground ended June 2018. The Council had no obligation to find another tenant and where, using best endeavours, achieving vacant possession of the football ground was a contractual requirement of the development agreement between the Council and St.Modwen. At the time the Council achieved vacant possession the St.Modwen development agreement was still in place.
- 5.5 In July 2018 a condition survey was carried out on the football clubhouse and which identified over £200,000 of immediate remedial works required before the building could be re-occupied by another user. The condition survey highlighted further works to be carried out within two years totalling just over £300,000. Including consultant fees but not any contingency sums, the survey set out total repair costs at £568,000 but in the context of a building wholly beyond economic repair. The football ground facilities generally would require regeneration, the funding for which could only be secured by granting a 25 years plus lease to a new operator and where this would be contrary to the Council's long held and well publicised aspirations to redevelop the LRIE, including the football ground.
- 5.6 Since becoming vacant the old clubhouse has been made secure by metal sheeting from a company on 24hr call out security. Despite best reasonable endeavours, the building is very difficult to keep secure and represents a potential safety risk as well as an on-going security maintenance cost. There have been multiple break-ins requiring replacement and enhancement of metal sheeting. The risk could only be further mitigated by opening up again the building for use but where this could not happen without substantial monies being spent on the building and where the Council has no meaningful use for it.
- 5.7 In 2018 the Council, working closely with Sport England and other sports governing bodies, commissioned a district wide Playing Pitch Strategy (PPS) which was completed at the end of 2019 and made public February 2020. The PPS demonstrated the district had, overall, the required natural grass football pitch capacity but some pitches were only able to be booked month to month or season to season. There was a known deficit of artificial grass pitches in the Newbury catchment.
- 5.8 As a result of the PPS's findings, the Head of Public Protection and Culture sought to identify a site for provision of a new community sports ground which would satisfy the specific objectives, namely to provide a Step 6 facility (an FA sports ground grading system which identifies the need for a small number of spectator seating/stands, toilets and changing facilities, with floodlights etc.) As part of that it was also stated in the PPS that it would be equal or better to the Faraday road facility if it was built with an artificial grass surface and had the ability to be further upgraded to Step 5 (more spectator

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facilities). In January 2021 the Council announced its intention to negotiate a 40 year lease with Newbury Rugby Club to adapt a section of their site to provide a Step 6 Sports Ground. The public engagement exercise followed, including online survey, virtual meetings with interested parties, and provision was made in the Budget 2021/22 for the operation of the new site. Negotiations are ongoing, but should they fail to deliver against the PPS objectives at this late stage the Council has a viable alternative plan which is in the public domain. The same rigorous process will be followed for any other site considered and will only be pursued if it meets the PPS objectives.

5.9 During the same time period the Council Strategy 2019-23 reconfirmed the London Road Industrial Estate as a key site for redevelopment and in late 2019, the Council as landowner appointed Avison Young to prepare a development brief for the site. The final draft of the development brief was referred to Executive in 17 December 2020 for consideration and which confirmed the redevelopment of the LRIE on a mixed use basis, including the football ground, remained a commercially viable proposition, subject to consent.

5.10 The Avison Young development brief described the delivery options for redevelopment based between a full land assembly exercise and a phased approach. Whilst the decision on the delivery option is pending it would be entirely detrimental to the Council's redevelopment plans to enter into any formal operating occupancy with another football group. Notwithstanding any planning consent, there remains no logic in retaining the old unsafe clubhouse and associated structures.

5.11 It is proposed that the recommendations laid out in the motion are rejected on the following basis:

- alternative provision, as defined by the PPS, for the former club football facilities provided on the LRIE has now been identified within the Newbury area,
- All appropriate engagement has been undertaken with the signatories of the PPS to ensure the objectives can be met,
- there is no logic in retaining dilapidated and potentially dangerous structures,
- any further dialogue on the use of the old grass pitch, should that occur, is not dependant on retention of structures to be demolished.
- the Council remains committed to the regeneration and redevelopment of the London Road Industrial Estate and therefore it is not prepared to take any action that might jeopardize those plans including renewed single sport reoccupation and management of the former LRIE football ground.
- the Council has proposals that will allow the old grass pitch to be used for general public enjoyment until the area is required for redevelopment and where those proposals maintain the Council's control of the asset thus ensuring freedom of action as and when the land is needed for development, subject to the Council obtaining the necessary planning consent.

## 6 Other options considered

6.1 No other options were considered.

## 7 Conclusion

- 7.1 The London Road Industrial Estate regeneration is a Council priority which was clearly stated in the Council Strategy 2019-23. The Council has engaged with a range of stakeholders including football over a number of years and has shown public commitment to secure alternative provision for local football which meets the objectives of the PPS. There is now a negotiation process underway that, if successful, will deliver those objectives and a viable alternative has been prepared.
- 7.2 The existing clubhouse and outbuildings are in a state of disrepair and are not suitable for reoccupation regardless of the way in which the remainder of the site is used. It would be prudent to demolish the building as soon as possible to mitigate any risk of injury or harm.
- 7.3 The desire to make progress on the project and to deliver improvements which will contribute to the economic success of the district must also be considered. It is therefore proposed that the recommendations laid out in the motion are rejected.

## 8 Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Data Protection Impact Assessment

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### Subject to Call-In:

Yes:  No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

### Officer details:

Name: Bill Bagnell  
Job Title: Manager – Special Projects

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Tel No: 01635 519 980  
E-mail: bill.bagnell@westberks.gov.uk

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**Document Control**

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Owning Service			

**Change History**

Version	Date	Description	Change ID
1			
2			

## Appendix A

### Equality Impact Assessment (EqIA) - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.*
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.*

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

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<b>What is the proposed decision that you are asking the Executive to make:</b>	To reject proposals laid out within a Council Motion relating to the demolition of a derelict council-owned asset
<b>Summary of relevant legislation:</b>	N/A
<b>Does the proposed decision conflict with any of the Council's priorities for improvement?</b> <ul style="list-style-type: none"> <li>• Ensure our vulnerable children and adults achieve better outcomes</li> <li>• Support everyone to reach their full potential</li> <li>• Support businesses to start develop and thrive in West Berkshire</li> <li>• Develop local infrastructure including housing to support and grow the local economy Maintain a green district</li> <li>• Ensure sustainable services through innovation and partnerships</li> </ul>	<b>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b> <b>If yes, please indicate which priority and provide an explanation</b>
<b>Name of Budget Holder:</b>	<b>Gabrielle Mancini</b>
<b>Name of Service/Directorate:</b>	<b>Development and Planning</b>
<b>Name of assessor:</b>	Gabrielle Mancini
<b>Date of assessment:</b>	11/2/2021
<b>Version and release date (if applicable):</b>	

Is this a .... ?		Is this policy, strategy, function or service ... ?	
<b>Policy</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>New or proposed</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Strategy</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Already exists and is being reviewed</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Function</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Is changing</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Service</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

<b>(1) What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To facilitate the redevelopment of the London Road Industrial Estate
<b>Objectives:</b>	To contribute to the economic success of West Berkshire and the creation of an improved gateway into Newbury

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<b>Outcomes:</b>	The next stage of the redevelopment will be possible
<b>Benefits:</b>	The future economic success of West Berkshire

**(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?**

*(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation)*

Group Affected	What might be the effect?	Information to support this
Age	N/A	
Disability	N/A	
Gender Reassignment	N/A	
Marriage and Civil Partnership	N/A	
Pregnancy and Maternity	N/A	
Race	N/A	
Religion or Belief	N/A	
Sex	N/A	
Sexual Orientation	N/A	

**Further Comments:**

N/A

**(3) Result**

Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality? Yes  No

Please provide an explanation for your answer:

Will the proposed decision have an adverse impact upon the lives of people, including employees and service users? Yes  No

Please provide an explanation for your answer:

Alternative provision including improved facilities has already been agreed

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If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a EqlA 2.

If an EqlA 2 is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the EqlA guidance and template – <http://intranet/index.aspx?articleid=32255>.

(4) Identify next steps as appropriate:	
EqlA Stage 2 required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Owner of EqlA Stage Two:	
Timescale for EqlA Stage Two:	

Name:

Date:

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website.

## Appendix B

### Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via [dp@westberks.gov.uk](mailto:dp@westberks.gov.uk)

Directorate:	Place
Service:	Development and Planning
Team:	Economic Development
Lead Officer:	Gabrielle Mancini
Title of Project/System:	Response to Opposition Motion relating to demolition of the Clubhouse at the former Newbury Football Club
Date of Assessment:	11/2/2021

#### Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p><b>Will you be processing SENSITIVE or “special category” personal data?</b></p> <p><i>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be processing data on a large scale?</b></p> <p><i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will your project or system have a “social media” dimension?</b></p> <p><i>Note – will it have an interactive element which allows users to communicate directly with one another?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will any decisions be automated?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	<b>Yes</b>	<b>No</b>
Note – does your system or process involve circumstances where an individual's input is "scored" or assessed without intervention/review/checking by a human being? Will there be any "profiling" of data subjects?		
<b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Will you be using the data you collect to match or cross-reference against another existing set of data?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Will you be using any novel, or technologically advanced systems or processes?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note – this could include biometrics, "internet of things" connectivity or anything that is currently not widely utilised		

**If you answer "Yes" to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.**