

Supplemental Items for Scrutiny Commission

Tuesday 26 November 2024 at 6.30 pm
in Council Chamber Council Offices
Market Street Newbury

Part I

Page No.

6. **Response to Faraday Road Football Ground queries** 3 - 14
Purpose: To provide a response to issues raised by Mr Paul Morgan in relation to the Faraday Road Football Ground.

Sarah Clarke

Sarah Clarke

Service Director (Strategy & Governance)

For further information about this/these item(s), or to inspect any background documents referred to in Part I reports, please contact Gordon Oliver on (01635) 519486
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Response to Faraday Road Football Ground queries

Committee considering report:	Scrutiny Commission
Date of Committee:	26 th November 2024
Portfolio Member:	Councillor Nigel Foot
Date Service Director agreed report:	13 th November 2024
Date Portfolio Member agreed report:	
Report Author:	Jon Winstanley
Forward Plan Ref:	N/A

1 Purpose of the Report

To respond to a request for the expenditure in relation to returning football to Faraday Road to be scrutinised.

2 Recommendation(s)

That the response to the individual comments in Appendix A be noted.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no financial implications as a result of the recommendations from this report.
Human Resource:	None as a result of this report.
Legal:	None as a result of this report.
Risk Management:	None as a result of this report.

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Property:	There are no property implications resulting from the recommendations of this report.			
Policy:	None as a result of this report.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
Environmental Impact:		x		
Health Impact:		x		
ICT Impact:		x		
Digital Services Impact:		x		
Council Strategy Priorities:		x		
Core Business:		x		

Data Impact:		x		
Consultation and Engagement:	Paul Hendry, Countryside Manager.			

4 Executive Summary

- 4.1 A request has been received for Scrutiny Commission to review the expenditure during the 2023/24 financial year to return football to the Faraday Road Football pitch.
- 4.2 A series of questions have been received from a local resident calling into question the procurement and value for money in delivering the return of football to the Faraday Road pitch.
- 4.3 These questions along with an officer’s response can be seen in appendix A.
- 4.4 Officers are of the view that all due processes were followed, and decision makers and stakeholders appropriately involved in the project which has successfully seen football returned to Faraday Road.

5 Supporting Information

Introduction

- 5.1 A key commitment of the Liberal Democrat Administration following their successful election in April 2023, was to return football to the Faraday Road football pitch. Council’s Executive instructed Officers to facilitate this as expediently as possible.

Background

- 5.2 The Faraday Road football ground was closed permanently in 2018 and had remained unused since, other than as a public open space. When the facility was closed all stands, fencing buildings and other associated facilities were removed.
- 5.3 Following the election in April 2023, Officers were tasked with returning football to Faraday Road to enable the most basic level of league football to take place on the site at the start of the new football season in September 2023.
- 5.4 Significant work was required to improve the pitch to make it safe to play on and to provide the facilities required by the football association. The total cost of the work was £230,000 and the activities included, and their associated cost can be seen below:

Summary of Works	Supplier	Cost
Supplied and installed: 4 Metre high (Euroguard® Flatform) perimeter fencing at the north end and south end of the ground totalling approx. 180 metres.	Volker Highways	£110,000

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Supplied & installed: Secure Palisade fencing (consisting of 2.4M BARBICAN FENCING & qty 2 x 2.4M BARBICAN GATEWAYS) totalling approx. 70 metres.		
To supply and construct an 8m high 'goal catch' fence constructed of a nylon weave netting on the north and south boundary spanning 46m at each end of the grass pitch area (92m total)	Volker Highways	£45,000
Pitch preparation consisting of Selective Herbicide, Cut and Scarification, Top Dressing, Pre-seed Fertilisation, Overseeding & Verti draining.	Continental Landscapes Ltd	£4,500
To supply 2 sets of 12ftx6ft free standing junior roll on and roll off goals	Continental Landscapes Ltd	£5,500
Trenching & pipework for the foul water connection.	Volker Highways	£10,000
Trenching & pipework for the clean water connection	Volker Highways	£26,000
Electric supply connection works	Volker Highways	£4,500
Foul and clean water connections	Thames Water	£4,500
Supply and delivery of used / refurbished Portacabin changing rooms	Britcab	£20,000
	Total	£230,000

5.5 Following the delivery of the above, a series of questions were received from a local resident questioning the viability of the procurement and the value for money delivered. These questions prompted the review by Scrutiny Commission

5.6 The questions submitted along with an Officer Response can be seen in Appendix A.

6 Conclusion

It is Officers' view that all due processes have been followed and relevant decision makers and stakeholders involved in the relevant stages of the delivery of this project.

7 Appendices

Appendix A – Officer response to the questions raised in relation to the procurement and value for money in delivering the return of football to Faraday Road.

Background Papers:

None

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 Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: Clay Hill

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Appendix A - Faraday Road Football Ground Q&As

Question	Response
Scope and Objective	
What actual project scope and objectives were produced by the Council?	The scope and objectives were set by the incoming Administration, with a clear commitment made to 'immediately return football to Faraday Road'. Therefore, the objective was to do this as expediently as possible.
Were these supported by project plans?	The project was scoped, and a drawing produced which included a specification.
Were these provided to suppliers to provide a quote against?	Yes, this was provided to the Council's term contractor.
Decision Making and Procurement Process	
Was a written project scope, specification and objectives produced?	A drawing was produced including a specification. This proposal was considered by the Executive at an internal governance meeting. There was no formal decision needed by the Council to enable the proposal to be implemented or the budget allocated. The budget was approved in March 23 by Full Council as part of the 2023/24 Capital Programme and officers have delegated authority in line with the Council's Constitution to allocate the funded for schemes that met the purpose of the budget allocation.
Who produced this?	WBC Project Engineer.
Who verified and approved this?	Service Director Environment along with the Council's Administration. The drawing was also presented at a meeting with Newbury Community Football Group on 20 th July 2023 and was displayed at the Sport at Faraday Road Community Forum on 17 th August 2024.
Can a copy of this be provided?	Yes.
What written specification was provided to enable suppliers to provide quotes for various elements of the required work?	The drawing included a specification for any items not within the Term Contract specification.
Did the Portfolio Lead for Culture, Leisure, Countryside, Public Health and Sport review and approve the project scope, specification and objectives?	The Portfolio holder was fully aware of the scope, specification and objectives.

Project Management	
Who was the project manager?	The Administration requested that that this scheme was delivered in as short a timescale as possible and no one individual was responsible to manage the project and various elements. Officers worked together as a mini project team to deliver the scheme. The scheme was delivered by the following Officers: <ul style="list-style-type: none"> • Countryside Manager • Principal Engineer Structures • Project Engineer Drainage • Service Director Environment
Was a project plan produced?	No, this was a relatively short-term project and a project plan not deemed necessary.
When was the initial project plan produced?	N/A
What if any changes were made to the initial project plan?	N/A
What was the required delivery date?	As soon as possible.
Who signed off / approved the works undertaken?	The grounds maintenance work to bring the pitch back into use was signed off by the Countryside Manager. The new cabins, fencing, utility connections and associated civil engineering works was signed off by the Project and Principal Engineers in consultation with members
Did the Portfolio Lead for Culture, Leisure, Countryside, Public Health and Sport review and approve the project plan?	All members of the Executive received a briefing and copy of the plan of the project at an internal governance meeting.

Cost / Budget of £230,000	
Was the budget approved BEFORE any contracts / purchase orders were placed? If so, who approved this and when?	The budget used for this work was approved in March 23 by Full Council as part of the 2023/24 Capital Programme.
From what budget did this spend come from?	A combination of two budgets 1) Open Space improvements to Faraday Road and 2) the delivery of the Playing Pitch Strategy
What Governance and sign off processes (pre and post spend) was followed?	Usual delegated authority to spend an approved budget was followed in accordance with the Constitution.

Procurement Process	
Has the award of the various contracts followed the Council's Constitution – the two core procurement controls of Governance and e-procurement?	The work was ordered through the Council's Term contract which was procured competitively in accordance with procurement law and the Council's constitution.
Has the Council's principle called 'most economically advantageous tender' been followed / adhered to?	The Term Contract was procured using a price/quality split as approved by the Executive.
It appears that the Council's competitive purchasing process for contracts more than £9,999.99 has not been followed – why?	The Council delivered the project through its existing Term Contract which negated the need for a further procurement exercise. The terms contract was procured competitively and all processes were complied with in line with the Council Contract Rules of Procedure.
Why was this project not subject to a full competitive procurement process and any subsequent contracts awarded to the most qualified and best value suppliers?	The Term Contract was used as this is a fully compliant competitive contract and provides an expedient route to market, therefore fulfilling the objective of delivering the work as quickly as possible, and without the need for the additional expense and delay of a procurement exercise.
White Horse Contractors provided the Council with a detailed quote for secure boundary fencing. Did the Council ask for and receive a quote from Volker Highways before they decided to award them the work?	I am not aware of and can find no evidence of any correspondence from White Horse Contracting to Council Officers which includes a quote for boundary fencing. Quotes for the specified fencing were received from Volker Highways.
The Volker Highways price for fencing (that only covered 2 sides of the ground) was £155,000. The White Horse Contractors quote, which covered 3 sides of the ground and provided many additional benefits such as future proofing was £54,651. What comparison was made by whom between the quote for fencing and who from the Council took the decision to award Volker Highways this element of the project and why?	The fencing provided by Volker includes a 4m chain link fencing on the north and south boundaries and a significant amount of palisade fencing on the western side of the pitch protecting the changing rooms and providing a storage area for the goals and other equipment. Also included is an 8m goal catcher fence on the north and south boundaries. The fencing proposed by White Horse Contracting is 3m chain link with 6 m goal catchers. The fencing provided by Volker is superior to that proposed by White Horse Contracting. It provides far more height to prevent balls from straying from the pitch. It was specifically noted by Members that as much protection as possible be provided at either end of the pitch, particularly at the southern end where the pitch is close to a busy public right of way and the River Kennet. A

	<p>concern was quite rightly expressed that the risk of balls going into the River Kennet should be minimised as much as possible given that this is a very fast flowing river and was the location of the tragic accidental drowning of a child in recent years.</p> <p>The fence specification was agreed by Members and was tabled at a meeting with NCFG and Mr Morgan on 20th July 2023. It was also included in the presentation at the Sports at Faraday Road Community Forum on 17th August 2023</p>
<p>It is stated that certain elements of this project have been procured through the Council's term contract. However, no element of this contract can be or should be classified as part of the Council's "Highways, Bridges and Street Lighting Term Contract" with Volker Highways.</p>	<p>The elements of work ordered through the term contract (utility connections, drainage works, electrical works and fencing) are all normal highway works regularly ordered through the Highways Term Contract. This is a perfectly legitimate use of the contract.</p>

<p>Why was the supplier, who is the Council's Term Contractor for "Highways, Bridges and Lighting Maintenance Services" appointed over a local sports specialist supplier who are an established and existing supplier (White Horse Contractors) to the Council?</p>	<p>The Council has no direct supply relationship with White Horse Contracting. Ordering works from them without a competitive procurement exercise would be unconstitutional and would contravene procurement regulations.</p> <p>The Council's Highways Term Contract has been through a compliant competitive procurement exercise.</p>
<p>Were quotes requested / received by the Council for other elements such as trenching, pipework, electricity connection, water supply connection and temporary portacabin changing rooms – new and refurbished?</p>	<p>The trenching and pipework were ordered through the Term Contract.</p> <p>Electricity and water connections were ordered through the relevant utility company.</p> <p>The temporary portacabin was ordered online through a company that provides re-conditioned units. Given the niche nature of the provision of this type of facility and the time constraints imposed on the project, the unit was ordered after an extensive search in accordance with the Council's constitution.</p>

White Horse Contractors provided the Council with a detailed quote for pitch renovation. Who took the decision to award this element of work to Continental Landscapes Ltd and on what basis was this decision taken and who approved the decision?

The Council has no relationship with White Horse Contracting.

The Council's Grounds Maintenance contract with Continental Landscapes Ltd (CLL) has been subject to a compliant competitive procurement exercise which allows Officers to directly award works such as renovating football pitches. It should be noted that for the renovation of the Faraday Rd pitch, CLL only charged the Council for the materials. The labour and plant was offered free of charge as part of CLL's contractual obligation to provide Social Value through the contract. This explains why the cost of the renovation is significantly less than that quoted by White Horse and there was very little difference in the delivered treatment specification.

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