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# Call-In of Executive Decision EX4332: Newbury Sports Hub - revised costs and seeking permission to sign Development Management Agreement

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<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	6 July 2023
<b>Portfolio Member:</b>	Councillor Janine Lewis
<b>Report Author:</b>	Gordon Oliver, Principal Policy Officer (Scrutiny and Democratic Services)
<b>Forward Plan Ref:</b>	EX4332

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## 1 Purpose of the Report

- 1.1 Scrutiny Commission has reviewed the request to call-in the Executive decision taken of 23 March 2023 in respect of 'Newbury Sports Hub - revised costs and seeking permission to sign Development Management Agreement (EX4332)' as set out in the Council's Constitution (Part 6.9 sections 13-17).
- 1.2 The call-in was reviewed by the Scrutiny Commission on 20 June 2023. This report presents the findings of Scrutiny Commission for the Executive to consider.

## 2 Recommendation

That the Executive reconsiders its original decision of 23 March 2023 in respect of 'Newbury Sports Hub - revised costs and seeking permission to sign Development Management Agreement (EX4332)', with particular consideration given to the following aspects:

- costs incurred;
- the Council should conduct a new value for money review taking into account:
  - business plan based on increased costs;
  - penalty fees associated with not proceeding with the original scheme as planned;
  - any implications for the new Leisure Contract; and

- the need to revisit the Playing Pitch Strategy should the Sports Hub not be progressed.

### 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	<p>If the Executive is minded to pursue the original Sports Hub option, a revised cost estimate will have to be obtained from the contractor, which will take account of inflation that has occurred during the delay incurred.</p> <p>Pursuing an alternative option to the current Sports Hub proposal at Newbury Rugby Club would have significant financial implications. There would be additional costs associated with aspects such as: scheme design; business case development; consultation; land acquisition / leases; planning permission; legal agreements; and construction.</p> <p>Approval would be needed for any change in the budget.</p>
<b>Human Resource:</b>	<p>Developing an alternative option to the existing Sports Hub proposal at Newbury Rugby Club may require the procurement of additional consultancy support, and / or the extension of existing contracts.</p>
<b>Legal:</b>	<p>Pursuing an alternative option to the existing Sports Hub proposal at Newbury Rugby Club may require a fresh set of legal agreements.</p>
<b>Risk Management:</b>	<p>The delay to the existing scheme has had inevitable financial implications due to cost inflation.</p> <p>There may be a risk to the Council's reputation associated with not progressing with the original Sports Hub proposal, since discussions with the Rugby Club and construction contracts had proceeded to an advanced stage.</p>
<b>Property:</b>	<p>The original Sports Hub development was subject to a land deal and lease with Newbury Rugby Club. These agreements were not signed due to the risks associated with the judicial review claim and the subsequent call-in.</p> <p>An alternative option would involve construction of a facility on an alternative site, which has not yet been identified.</p>

	Depending on the location and ownership of the site, this may require new land deals and / or leases.			
<b>Policy:</b>	Regardless of which option is progressed, the project will be delivered in accordance the National Planning Policy Framework. Specifically it will address the need to increase the provision of artificial grass pitches as detailed in the Playing Pitch Strategy.			
	<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			Future demand and supply analysis shows a significant deficit for all pitch typologies across West Berkshire. The provision of an additional artificial grass pitch would assist in meeting latent demand and facilitate growth for participation for adults and children in football and rugby.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	X			Any new facilities will be fully accessible. New facilities will also be incorporated into the new leisure management contract and the new operator will be required to demonstrate that the future programme will benefit all sections of the West Berkshire community. Officers will work in partnership with the Football Association to explore development partnerships for football.

<b>Environmental Impact:</b>				For the existing proposal, this has been addressed through the planning conditions. Multiple measures are in place including the expansion of hedgerows, creation of a wildflower meadow, tree planting (via the Queen's canopy already undertaken) and a bee bank. The Pavilion would achieve an excellent BREEAM rating for energy management. It is expected that similar measures and standards would be applied to any alternative proposal.
<b>Health Impact:</b>				The new 3G pitch will increase opportunities for children to be active and can provide a variety of football programmes, for adults such as "walking football," enabling less active and older people to continue to participate in sport
<b>ICT Impact:</b>		X		None
<b>Digital Services Impact:</b>		X		None
<b>Council Strategy Priorities:</b>	X			A new Sports Hub will support the Council Strategy priority to 'Improve the health and wellbeing of our residents' and the associated action to 'Support participation in sports and leisure activities'.
<b>Core Business:</b>	X			A new Sports Hub will enhance sports infrastructure in West Berkshire. Operational management of any new facility will be included in the new leisure management contract.
<b>Data Impact:</b>		X		None.
<b>Consultation and Engagement:</b>	Extensive consultation and engagement was carried out to inform the current Sports Hub proposal. This was reported to Executive in April 2021. A fresh round of consultation and engagement would be required if the Executive decides to develop an alternative proposal.			

## 4 Supporting Information

### Background

- 4.1 In accordance with the Constitution, six Members called-in the Executive decision taken on 23 March 2023 in respect of 'Newbury Sports Hub - revised costs and seeking permission to sign Development Management Agreement (EX4332)'. The request to call in the decision is attached **Appendix A**
- 4.2 Call-ins are generally heard at a special meeting of the Scrutiny Commission to be arranged as soon as is reasonably practicable. Unfortunately, there was not time to arrange a special meeting of the Scrutiny Commission to consider the call-in and a subsequent meeting of the Executive to consider any alternative course of action proposed by the Scrutiny Commission before the election on 4 May 2023, so it was agreed with the Leader and Commission Chairman that the call-in should be considered at the next scheduled meeting on 20 June 2023.
- 4.3 Scrutiny Commission reviewed the Executive decision on 20 June 2023. In accordance with Part 17; the options available to Scrutiny Commission were to either:
  - (a) Confirm the original decision; or
  - (b) Propose amendments to it in any way it thinks fit and shall give reasons for its final decision
- 4.4 Scrutiny Commission proposes amendments in accordance with the recommendation outlined at paragraph 2.

## 5 Proposals

- 5.1 Members of the Scrutiny Commission propose amendments to the Executive decision of 23 March as set out in paragraph 2.
- 5.2 Under the Constitution, it is for the Executive to decide how it wishes to proceed (provided the decision is within the Budget and Policy Framework) having regard to the recommendations of the Scrutiny Commission.
- 5.3 It should be noted that any matter which has been the subject of a Call-In request may not be the subject of a further Call-In request.

## 6 Other options considered

The Scrutiny Commission could have confirmed the original Executive decision, in which case it would have been implemented immediately.

## 7 Conclusion

In accordance with the Constitution, the Executive has been asked by the Scrutiny Commission to review its original decision taken on 23 March 2023 in respect of 'Newbury Sports Hub - revised costs and seeking permission to sign Development Management Agreement (EX4332)'. It is for the Executive to decide how it wishes to

proceed (provided the decision is within the Budget and Policy Framework), having had regard to the recommendations of the Scrutiny Commission. The outcome of the decision should be reported back to the next meeting of the Scrutiny Commission.

## 8 Appendices

Appendix A – Call-In of the Executive Decision EX4332

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### Background Papers:

Newbury Sports Hub - revised costs and seeking permission to sign Development Management Agreement, Executive (23 March 2023)

Item Called-in following an Executive Decision: Newbury Sports Hub - revised costs and seeking permission to sign Development Management Agreement, Scrutiny Commission (20 June 2023)

### 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

**Wards affected:** Newbury Wash Common

### Officer details:

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# Appendix A

31st March 2023

To: Sarah Clarke  
Service Director Strategy & Governance  
Council Offices  
Market Street  
Newbury  
RG14 5LD

Liberal Democrat Group  
c/o Council Offices  
Market Street  
Newbury  
RG14 5LD

Dear Sarah

**Request for Call-in of Executive Item: Newbury Sports Hub – revised costs and seeking permission to sign Development Management Agreement: (EX 4332)**

I and the Councillors named below wish to call in the recent decision EX4332.

Section 5.3.4 of the Council's Constitution states: *'The notice shall give reasons for the request ('call-in request'), together with a proposal for an alternative course of action and state whether or not those Members believe that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget.'*

It is our belief that the decision should be reviewed based on the following reasons:

- That given the threat of further legal action against the Council in regards to this site, more inflationary costs could be incurred by the Council;
- That the Executive should set an absolute limit on the cost of the site;
- That a new business plan should be conducted based on the increased costs, and
- That the Council should conduct a new value for money review.

Based on the need for further detailed examination of the points above, we believe an alternative course of action would be to update the business plan and value for money review and set an upper limit of work value.

We do believe that this decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget.

Yours sincerely,



Councillor Lee Dillon



Councillor Jeff Brooks



Councillor Adrian Abbs



Councillor Alan Macro



Councillor Erik Pattenden



Councillor Tony Vickers