

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	CIVIL SERVICE SPORTS GROUND – APPROVAL TO SPEND
<b>DATE OF DECISION:</b>	13 NOVEMBER 2012
<b>REPORT OF:</b>	CABINET MEMBER FOR CHILDREN’S SERVICES
<b>STATEMENT OF CONFIDENTIALITY</b>	
None	

**BRIEF SUMMARY**

The purchase of the former Civil Service Sports Ground has now been completed and options for the future use of the land have been considered. It is proposed to bring the land back into playing field use in accordance with the terms of the Compulsory Purchase Order (CPO). Longer term school and community use solutions may be considered in consultation with all interested parties, who may seek additional, third party funding to achieve further developments. However, the focus of this report is purely on the options considered to bring the land into school playing field use, in line with the requirements of the CPO.

**RECOMMENDATIONS:**

- (i) To approve, in accordance with Financial Procedure Rules, capital expenditure of £77,000 in 2012/13, £462,000 in 2013/14 and £11,000 in 2014/15 for the provision of additional school playing facilities and associated ground works at the former Civil Service Sports Ground.
- (ii) To delegate authority to the Director of Children’s Services and Learning to determine the form and content of consultation on the preferred option for the refurbishment of the former Civil Service Sports Ground.
- (iii) To delegate authority to the Director of Children’s Services and Learning following the consultation referred to at (ii) above, to determine the final layout and refurbishment of the former Civil Service Sports Ground and, within the approved budget, to do anything necessary to deliver the works necessary to bring the site back into educational use.

**REASONS FOR REPORT RECOMMENDATIONS**

1. The former Civil Service Sports Ground was purchased by the Council using powers of compulsory purchase and will be brought back into use as sports/playing field facilities and for associated educational purposes for St. Marks CE Primary School and other local schools.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

2. If no further work was carried out at the ground, the Council would fail to achieve the outcomes envisaged by the Compulsory Purchase Order through which the property was acquired as the site is not currently in a condition that would allow educational use due to lack of use and passage. The Council would also continue to be in contravention of the Government guidance

provided in Building Bulletin 99 – Area Guidelines for Schools due to the shortage of playing field provision for schools in the area.

3. To permit this site to be used for other purposes would invalidate the terms upon which the site was legally acquired (i.e. for the purpose of increasing the volume of school playing fields available locally) and therefore raise the risk of legal challenge from the previous owners. Alternative uses would also mean the potential health and social benefits accruing from playing field use would not be realised.

**DETAIL (Including consultation carried out)**

4. Prior to proceeding with any improvement work to the ground, a number of surveys have been commissioned. These surveys will determine:-
  - drainage requirements;
  - ecological issues;
  - contamination;
  - topographical issues.
5. Early indications from the Ecological Survey show that there are slow worms and reptiles on site which will have to be moved to another site as they are a protected species. This will have a cost implication which is yet to be determined but will need to be managed solely within the available budget.
6. During the time that these studies have been carried out, CSL commissioned Capita to produce an Options Appraisal which has resulted in five options. Indicative costs produced by the Quantity Surveyor indicated that only one proposal (see table below) was within the available budget, whilst also achieving the requirements of the CPO together with limited community use. A paper presenting these options was taken to CSL Capital Board on 13 September 2012 and approval to consult on Option 1.1 was given.

	<b>Estimate Contract value</b>	<b>Capita fees</b>	<b>Other professional fees</b>	<b>Client contingency</b>	<b>Total</b>
Option 1	585,000	80,739	26,111	40,000	731,490
Option 1.1	425,000	58,395	26,111	40,000	549,506
Option 1.2	576,000	79,142	26,111	40,000	721,253
Option 1.3	545,000	74,883	26,111	40,000	685,994
Option 1.4	568,000	78,043	26,111	40,000	712,154
Option 1.5	580,000	79,692	26,111	40,000	725,803
Option 1.6	641,000	88,073	26,111	40,000	795,184

**Consultation**

7. It is proposed that key stakeholders will be consulted on Option 1.1 in late November/early December 2012.

Consultation will include:

- parents of St. Mark's pupils;
- Head Teachers of feeder schools;
- immediate neighbours and local businesses via a letter drop;
- outside bodies which have expressed an interest e.g. Friends of the Field
- Ward Members
- Statutory Bodies such as Sport England

A consultation meeting/s will be organised with the help of St. Mark's, to be held either in the school or on the field, subject to the weather. Every effort will be made to accommodate the times when consultees will be available. It has been shown to be advantageous to time a meeting to coincide with the end of school, with evening sessions for those people at work during the day. An opportunity to respond to the proposals by post will be offered for those who cannot attend a meeting. A translated version of the consultation documents will be available on request.

### **Planning requirements**

8. General Development Control advice has been sought and the following general planning requirements should be considered:

**Fencing to boundary of neighbouring properties** – it is proposed that this fencing be 1.8 -2 metres high and we will seek planning permission.

**Fencing/gates to Highways boundary** - new fencing/gates over 1 metre high require planning permission. This will apply to the Malmesbury Road and Malmesbury Place entrance.

**Fencing within the site** – as long as the fencing is not more than 2.4 metres high, no planning permission is required

**Play equipment** – although there is currently no allowance for play equipment, any future installation may be permissible under permitted development rights. However, certain play equipment requires full planning permission. Development Control advice should be sought prior to installing any play equipment.

### **Programme**

9. A final decision on the proposed option for refurbishment will be taken under delegated powers following review of all material considerations including technical reports, resource availability, legal and planning considerations, consultation responses and any other relevant matters. This will inform any planning applications required prior to work commencing on site. It is not possible to provide a detailed programme at this time. However, based on previous experience it is envisaged that work will start on site in the 2<sup>nd</sup> quarter of 2013.

## **RESOURCE IMPLICATIONS**

### **Capital**

10. On 14 March 2012, Council approved the transfer from the Leader's Capital Programme to the Children's Services Capital Programme a sum of £550,000 in order to carry out works at the former Civil Service Sports Ground. Approval to spend is now being requested.

The table below details the estimated costs of the proposed works:

<b>Estimated costs</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>	<b>Total</b>
Surveys	£26,000			£26,000
Japanese knotweed removal	£5,000			£5,000
Capita fees	£46,000	£13,000		£59,000
Retention			£11,000	£11,000
Contract sum		£449,000		£449,000
<b>Total</b>	<b>£77,000</b>	<b>£462,000</b>	<b>£11,000</b>	<b>£550,000</b>

### **Revenue**

11. The cost of annual maintenance of the site will depend on what pitches and athletic facilities are provided. An estimate of £12,000 per annum has been quoted for maintenance based the proposals. These costs will be funded from the Children’s Services Portfolio.

### **Property/Other**

12. None

### **LEGAL IMPLICATIONS**

#### **Statutory power to undertake proposals in the report:**

13. The proposed works to re-instate a playing field on compulsory acquired land can be undertaken pursuant to the Council’s power of general competence under Section 1 of the Localism Act 2011; the exercise of which is subject to any pre-commencement prohibitions or restrictions that may exist.

#### **Other Legal Implications:**

14. The refurbishment of the site will be subject to compliance with the Equalities Act 2010, S 17 Crime and Disorder Act 1998, and the Council’s Contract Procedure Rules in relation to the procurement of the works and services to deliver the refurbishment.

### **POLICY FRAMEWORK IMPLICATIONS**

15. The purchase of the former sports ground and its development would help to achieve priorities 1 and 6 of the Council set out in the statutory Children and Young People’s Plan (2009-2012):

**Priority 1:** Every child and young person will be given the opportunity to have the healthiest possible start in life and be supported to make healthy lifestyle choices.

**Priority 2:** We will support the transformation in educational attainment and outcomes for children, young people, families and communities by investing in new infrastructure and school buildings.

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**KEY DECISION** Yes

<b>WARDS/COMMUNITIES AFFECTED:</b>	Freemantle and Bargate
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**SUPPORTING DOCUMENTATION**

**Appendices**

1.	None
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**Documents In Members' Rooms: No**

1.	Drawings 1-1.6
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**Equality Impact Assessment**

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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**Other Background Documents – None**

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)