

12th March 2018

Policy, Projects and Resources Committee

Removal of RedGra area at Warley Playing Fields from existing Joint User Agreement

Report of: *Stuart Anderson – Deputy operations Manager*

Wards Affected: *Warley*

This report is: *Public*

1. Executive Summary

- 1.1 Warley Playing Fields is one of the Council's key open spaces and the main site serving the Warley ward and surrounding community.
- 1.2 The playing field is unique in that it is owned by three different bodies, one area is owned by Brentwood Borough Council, one by Essex County Council and one by Brentwood County High School, please see plan Appendix A.
- 1.3 The site is managed and maintained by the Council under the terms of a Joint User Agreement which was signed in 1998, in it the document laid out the responsibilities of each partner and also the financial responsibilities of each, please see Appendix B.
- 1.4 This document replaced several earlier versions between Brentwood Borough Council, Brentwood County High School and Essex County Council with original agreements going back as far as 1977.
- 1.5 A number of changes have occurred since the document was agreed with one of these being the establishment of Mavericks Rugby Football Club at the site as their home ground.
- 1.6 The Council has been approached by representatives of Brentwood County High School and Mavericks Rugby Football Club with regard to removing the now defunct RedGra area from the agreement so that Mavericks Rugby Football Club may develop the area into an all-weather pitch
- 1.7 It is intended to also have associated fencing and floodlights for use by the school, club and also local community groups.

2. Recommendations

- 2.1 That members approval the withdrawal of the RedGra area from the current Joint Use Agreement for Warley Playing Fields in order for the site to be developed by Mavericks RFC as a community facility
- 2.2 That the above recommendation be agreed under the proviso that Officers from Brentwood County High School enter into active dialogue with Officers of Brentwood Borough Council to draft a new Joint User Agreement for Warley Playing Fields
- 2.3 That members delegate authority to the Chief Operating Officer and relevant Officers to commence re-negotiation of the Joint User Agreement to be brought back to a future Policy, Projects and Resources Committee for consideration.

3. Introduction and Background

- 3.1 Warley Playing Field's is a key open space not just for the Ward and community of Warley but also as part of the council's open space estate.
- 3.2 The site currently has 3 adult football pitches, 1 junior football pitch, 2 adult rugby pitches, play area, changing pavilion, sports pavilion [Home of Mavericks RFC] a MUGA [Multi Use Games Area] and a now defunct and degraded artificial sports surfacing covering an area the size of an adult rugby pitch which is referred to as the RedGra area.
- 3.3 The site is somewhat unique in that it is managed and maintained by Brentwood Borough Council but has three land owners associated with it. These are Brentwood Borough Council, Brentwood County High School and Essex County Council all of whom own an individual but adjoining piece of the site.
- 3.4 In 1998 an agreement was signed between Brentwood Borough Council and Brentwood County High School outlining responsibilities both operationally and financially for the site and this agreement has been the basis of working practices since that time.

- 3.5 In addition to the agreement covering Warley Playing Fields certain concessions were also granted to Brentwood County High School for the establishment to use sports pitches at King George's Playing Fields.
- 3.6 The thoughts behind this decision was that it was safer and more practical for the students to use King George's Playing Fields, which is much closer to the school base, then to try and transport students to and from Warley Playing Fields.
- 3.7 As stated the site is maintained by Brentwood Borough Council who bear the cost of these works, however the Council also retain any income generated by the site from sports lettings and any events that may be held on the site.
- 3.8 Overall the income generated from sports lettings sadly does not cover the cost of maintaining the site when taking into account machinery and labour costs, so the site therefore generates a loss overall. This, however is not uncommon in open space provision where there isn't a commercial concession on site to offset the cost of maintenance.
- 3.9 The site, in the main, is maintained as public open space grassland and sports pitches except for an area adjacent to Warley Primary school and to the rear of Woodman Road Cemetery. This is an old style all weather playing surface known as RedGra.
- 3.10 This area is located on land owned by Brentwood County High School although under the terms of the Joint User Agreement it is maintained at the expense of Brentwood Borough Council.
- 3.11 This area is fenced and floodlit and was used for all year-round football both training and match games. However, the site fell into disrepair some 25 years ago, at the time refurbishment cost were estimated to be in the region of £340,000.
- 3.12 The refurbishment never progressed to inception and so the facility has laid dormant and falling into disrepair over the intervening years.
- 3.13 Despite a number of approaches by other sporting bodies a viable scheme to redeveloped the area has, to date never been progressed due to a lack of resources or the size of scheme being unachievable by either Council or sports club as an individual operation.

4. Issue, Options and Analysis of Options

- 4.1 The Council has been approached by representatives of Brentwood County High School who, in conjunction with Mavericks Rugby Football Club wish to renovate the RedGra and create an all-weather sports facility.
- 4.2 An initial fact finding meeting has been held with school and club representatives to establish the details of the project and these are highlighted below:
 - 4.2.1 The main thrust of the request from Brentwood County Highschool would be to remove the RedGra area from the existing Joint User Agreement.
 - 4.2.2 The club, in association with the school are keen to bring the RedGra area back into use for both rugby [and possible other sports] and for the use of both Brentwood County Highschool and also Warley Primary School.
 - 4.2.3 The schools intention is to lease the current RedGra area to Mavericks rugby club who are currently applying to register as a charity for the purposes of this exercise.
 - 4.2.4 The refurbishing of the facility will be covered entirely by the rugby club via private funding and grant funding, the school will not be putting any finance into this.
 - 4.2.5 In terms of monies it is intended this will be a not for profit facility with any proceeds 'earned' by Mavericks from letting of the pitch being held for current and future maintenance, again the school will not be taking any income from the facility.
 - 4.2.6 The club are looking to invest £370,000 into refurbishing the playing surface and floodlights and then anticipate spending approximately £25,000 p.a. to maintain.
 - 4.2.7 Part of the ongoing income will be to put aside sufficient monies for a sinking fund to allow for a replacement surface to be applied every 10 – 12 years.
 - 4.2.8 The business case, although not presented yet, would involve commercially letting the facility during the evenings to cover the cost of managing and on going maintenance that will be incurred in running the site. The bookings side of the process will be managed by the Schools Trust.
 - 4.2.9 The day time use of the site will be reserved for Mavericks, Brentwood County Highschool and other members of the St Clere Co-op [School Trust].

4.2.10 The full timetable as to use and when [i.e. community allowance is] is yet to be finalised and so the extent of community use is not yet known, however Mavericks have indicated they would need use at least two nights a week.

4.2.11 With Warley Primary School and BCHS both due to expand over the coming years both the trust and Mavericks see this as being a key facility to supporting these establishments.

- 4.3 At this stage Brentwood County High School are requesting that the Council adjust the existing Joint User Agreement so as to remove the RedGra area from within it to allow the redevelopment of the site by Mavericks Rugby Football Club.
- 4.4 In terms of financials, due to the RedGra currently being in an unusable condition the Council has not been able to extract any income from the facility for a number of years.
- 4.5 Although the Council will not receive any income for the area as part of this arrangement it will also not be liable for any of the costs of providing or maintaining it even though there will be some community use available.
- 4.6 The financial position of the rest of the site will remain as is with the Council undertaking works to maintain at its own cost but then retaining any income generated from the letting of sports pitches or events on the site.
- 4.7 Officers have also highlighted to representatives of Brentwood County High School that as part of the agreement to remove the RedGra from the Joint User Agreement that the authority would wish to renegotiate the terms of the current agreement. This would be to ensure that the agreement reflects the changes that have occurred both in terms of the financial positions of both organisation but also the usage and manner in which Warley Playing Fields and King George's Playing Fields are used.
- 4.8 The representatives of Brentwood County High School have indicated that they would be willing to enter into new discussions around the agreement as part of the approval of this report and its recommendations.

5. Reasons for Recommendation

- 5.1 To allow for the refurbishment of a degraded sporting facility at Warley Playing Fields for both educational and community use.

- 5.2 To ensure that facilities continue to be provided that cater for the immediate and future needs of both the school, local sports clubs and community groups.
- 5.3 To allow for discussions and negotiations to commence for the development of a new Joint User Agreement for Warley Playing Fields and King George's Playing Fields.

6. References to Corporate Plan

- 6.1 To ensure the provision of efficient and effective services to our residents and businesses.
- 6.2 Providing increased customer satisfaction in the quality of Council services.
- 6.3 To Increase access to the Borough's leisure opportunities.
- 6.4 Making Brentwood a Borough where people feel safe, healthy and supported.

7. Implications

Financial implications

**Name & Title: Jacqueline Van Mellaerts, Financial Service Manager
[Deputy Section 151 Officer]**

Tel & Email: 01277 312 829 jacqueline.vanmellaerts@brentwood.gov.uk

- 7.1 As explained in the report, there appears to be no direct financial loss from the removal of the RedGrA Area, considering the site has not been in a useable condition for a number of years. Financial Services can advise and assist when parties wish to renegotiate terms of the current Joint User Agreement which will be brought back at a future Policy, Projects and Resources Committee.

Legal Implications

Name & Title: Daniel Toohey, Legal Services Manager

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The proposed amendment relates to land owned by the school and in relation to which appears to be a sensible opportunity to update the agreement which is a longstanding arrangement. Legal Services is available to advise and assist with the appropriate drafting as the parties conclude the renegotiation.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 7.2 **Health & Safety implications**

Name & Title: David Wellings, Health & Safety Officers

Tel & email: 01277 312 518 david.wellings@brentwood.gov.uk

The proposed amendment would reduce the Council's liability and risk under the maintenance of the RedGra facility, as part of the Agreement for this site.

8. Appendices

Appendix A – Warley Playing Fields Joint Use Agreement Plan

Appendix B – Warley Joint Use Agreement

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