

PLACE OVERVIEW AND SCRUTINY PANEL

Thursday 20 April 2023

Present: Councillors John Bowden (Chairman), Helen Taylor (Vice-Chairman), Greg Jones, Maureen Hunt, Julian Sharpe, Shamsul Shelim, Leo Walters, Joshua Reynolds, Clive Baskerville, Gurch Singh and Jon Davey

Also in attendance: Councillor Phil Haseler

Also in attendance virtually: Councillor David Coppinger

Officers: Mark Beeley, Andrew Durrant and Ian Brazier-Dubber

Officers in attendance virtually: Elaine Browne

Apologies for Absence

Apologies for absence were received from Pat McDonald, Councillor Luxton and Councillor Brar. Councillor Baskerville and Councillor Sharpe were attending the meeting as substitutes.

Declarations of Interest

Councillor Singh declared a personal interest as he owned property close to the proposed site.

Councillor Taylor explained that she was Ward Councillor for Oldfield, she had made her opinion public on the potential move of Maidenhead United into Braywick Park. Her role on the Place Overview and Scrutiny Panel was to scrutinise decisions made. The Panel had not made a decision on the lease and the Panel would also not have the power to reverse or cancel the decision made, any prior opinion did not affect the discussion at the meeting. Councillor Taylor confirmed that she had sought the advice of the Monitoring Officer on this declaration.

Call In - Lease of the site at Braywick Park to Maidenhead United Football Club

The three Councillors who called in the decision, Councillor Davey, Councillor Taylor and Councillor Hill, addressed the Panel.

Councillor Davey highlighted and explained some of the reasons which had been included on the call in form. It was felt that there had been a lack of consultation, particularly with the rugby club. They had been growing in size but were faced with having to lose half of their pitches. Councillor Davey referenced the RBWM Leisure and Sport Strategy, which considered the disparity between rich and poor and the impact on health deprivation which could be felt by residents from deprived areas, like Oldfield. The RBWM Playing Pitch Strategy highlighted that the pitches at Maidenhead Rugby Club were in danger of being developed on and needed to be protected. The football club was a private business and it was suggested that it should support itself. The current ground at York Road had a capacity of around 4,500 but the club were currently averaging around 1,000 fans per game. Councillor Davey therefore suggested that it was ambitious for the football club to think that they could fill a bigger stadium at Braywick. The plans would involve a loss of a significant amount of open space, which was believed to be in contrast to the RBWM Corporate Plan. This said that residents should be more active in open and green spaces, but this proposal would take more green space away from residents. There had been little communication between the parties and this needed to be improved before a decision could be made.

Councillor Davey referenced the objections which had been shared with the Panel ahead of the meeting. If this was a planning application, the objections would need to be considered and responded to. Councillor Davey noted sections of the National Planning Policy Framework, which said that open space should not be built on unless it could be shown to be surplus to requirements. A non-designated heritage asset status could be given to York Road, to protect the football club at its current ground.

Councillor Taylor added that a lack of meaningful consultation with the public could be viewed differently by different people. She was concerned that a number of key stakeholders had not been involved in the process and their points did not appear to have been taken into consideration. It was a big project and Councillor Taylor suggested that fulfilling the statutory duties might not be enough. Consideration had also not been given to local residents in the area. There was no evidence that Maidenhead United would struggle at York Road and a recent planning application had been approved to allow the football club to improve some of the facilities. Part of the business case was the rental office space at the site which would provide the football club with additional income. The loss of open space was a concern, there was a publicly accessible running track, gym and playground on the site which would be lost. Communication with the rugby club had been poor where as there had been a distinct difference with the response from the athletics club. Sport England were also not supportive of the proposals.

Councillor Hill asked where in the RBWM Constitution it gave the Executive Director of Place the authority to make this delegated decision. It was felt that the decision had been made in error against the constitution and should be reversed. He suggested that the decision should be considered by Cabinet following the election. Councillor Hill felt that the figure that RBWM were receiving for the lease of the site was very low, for a loss of greenbelt land that once developed on would be worth a significant amount more.

Adam Bermange was the first public speaker to address the Panel. He highlighted the council's adoption of both the Corporate Plan and the Borough Local Plan and that the policies of any delegated authority decision was contained within these plans. Adam Bermange felt that there was clear conflict in the decision that had been made against the policies in the framework. The council should be ensuring that there was adequate provision of green infrastructure and open space and the loss of land at Braywick Park was in direct contrast of this Corporate Plan objective. Open space was stated in the Borough Local Plan as needing to be protected and maintained, while paragraph 3 allocated Braywick Park as an upgraded open space. Adam Bermange suggested that the Panel should refer the matter to Full Council for consideration.

Andrew Hill referenced the consultation which had undertaken in May 2022 on whether the council should dispose of the open space at Braywick Park. However, the land had already been disposed of at the Cabinet meetings in 2019 and 2020 and a contract had been signed with Maidenhead United before the consultation had started. There had been no reference to the objectors or a response to them in the report. On equalities, the Equality Impact Assessment was listed as being both previously published and also that it would be published in the future. A Maidenhead Advertiser article had recently commented on long queues leaving Braywick car park, there was no reference to these issues in the report. The current space was preserved currently for residents to use freely, the rugby club to hold matches for hundreds of children and an accessible athletics club. In comparison, the proposals by Maidenhead United would change the area to private land and restrict public access. Andrew Hill felt that the decision should be considered by a meeting of Full Council, rather than being under officer delegation.

Andrew Durrant, Executive Director of Place Services, addressed the concerns raised about the constitutional right to make the decision under delegated authority. The decision had been delegated as part of the Cabinet decision in 2019. It was important for the Panel to note that they were considering the procedure of leasing the land rather than the proposed planning application on the site. If the decision went ahead and a planning application was submitted

there would be further engagement and consultation with stakeholders and the public. A recent planning application had been granted at York Road to ensure that Maidenhead United could meet requirements for the National League and the English Football League, should the club be promoted to League Two. Andrew Durrant explained that he had been in conversations with the football club and the rugby club and had also met with both stakeholders at the same time. The sport and leisure strategy was currently being refreshed, along with the playing pitches strategy. All weather pitches allowed more use by a number of different sports.

Ian Brazier-Dubber outlined the process for the decision, including the Cabinet decisions in 2019 and 2020. An agreement for the lease of the site to Maidenhead United had been agreed, subject to planning consent. No planning application had been submitted and if it was the public would be informed.

Elaine Browne, Head of Law and Governance, confirmed that there was authority for the Executive Director of Place to make the decision, which had been delegated from Cabinet. She clarified that Panel Members had been provided with redacted copies of the objections in advance of the meeting.

Councillor Walters agreed that there was authority for the lease to be signed.

Ian Brazier-Dubber said that once Maidenhead United had gained planning consent, they would be able to enter into the lease from the council. The lease would last for 999 years.

Councillor Walters asked how large the proposed site was. He was informed that it was 3.7 hectares or 9.47 acres. The land had been valued considering the proposed use of the land.

Councillor Walters asked what was being proposed by Maidenhead United on the site.

Ian Brazier-Dubber explained that the proposals included a new football stadium, a replacement running track and some car parking.

Councillor Walters asked what the reaction was from the rugby club towards the plans.

Andrew Durrant commented that the discussion between the football club and the rugby club had been open and honest. The rugby club continued to have concerns about the changes and how it would affect their provision.

Councillor Taylor asked for confirmation that the valuation figure for the site was from 2020 and whether officers were confident that this was still a reasonable valuation.

Ian Brazier-Dubber confirmed that the valuation had been completed a couple of months before the Cabinet decision in November 2020. The valuation needed to consider similar developments and the usage by the football club had been considered. If the site would be proposed for housing, for example, then the valuation of the site could be different.

Councillor Taylor questioned whether the council was giving an advantage to a separate private company to gain financial stability with this decision.

Ian Brazier-Dubber said that as part of the valuation, the valuers and the council needed to be satisfied that there was no 'state aid' involved to give a company an advantage. It had been determined that this was not the case.

Councillor Taylor raised a final concern, that if things went wrong and the football club left the site, the council would be left with a stadium which it would not be able to use.

Andrew Durant said that this had not been considered at the current stage, a comparison could be made with leisure centres that the council owned but were run by an external

operator. Should the external operator cease, the council would be unable to open the leisure centres. Maidenhead United played a significant role in the community and this was core to their aims and ambitions.

The Chairman commented that the lease would be for 999 years and therefore would remain the property of the council.

Councillor Reynolds felt that some of the reasons made by officers for the decision were not relevant. The community work that the football club were involved in was not relevant to the lease. Councillor Reynolds said that he did not feel like he had the appropriate information to be able to scrutinise the decision, he had asked for documentation on the £460,000 valuation but he had not been allowed to see this. A lot had changed in the last couple of years and this also applied to valuations. Councillor Reynolds highlighted the claim in the report that the move was needed as the facilities at York Road were outdated. He claimed that this was no longer correct as the recent planning application which had been permitted would allow Maidenhead United to upgrade some of their facilities to meet current standards. Consideration had also not been given to the loss of public open space which would be lost as a result of this decision. Councillor Reynolds concluded by stating that he had been shown nothing by officers which persuaded him that the reasons why the decision had been called in were not correct.

Councillor Sharpe said that football clubs held great respect in local communities and Maidenhead United had played a significant role in helping its community. The decision had been made but there was sufficient evidence to suggest that the decision should be reconsidered. Councillor Sharpe said that the decision should be referred back to the decision maker, to consider the comments that the Panel had made.

Councillor Singh said that having considered all of the evidence, he had significant concerns. He believed the decision should be made in an open and transparent way in a meeting. Councillor Singh suggested that it should be referred to Full Council. He was worried that the proposal could set the football club up to fail.

Councillor Hill said that a lease was a tradable asset and the leaseholder could change. Maidenhead United would be able to sell the land at York Road for several million pounds and lease the land at Braywick for a relatively small amount. Councillor Hill commented that the delegated authority allowed the Executive Director of Place to come up with a draft agreement, Councillor Hill claimed that this was a full decision. Referring the decision to either Cabinet or Full Council would allow additional information to be provided and for Councillors to have a further discussion on the issue.

Councillor Walters noted that office space was part of the proposed application.

Andrew Durrant explained that all football clubs of that stature would have some office space. The Panel were scrutinising the decision to the lease the land and were not deciding on the proposals from the football club on what they planned to build on the land.

Councillor Hunt highlighted that the decision was significant, the lease would last until 3022. She asked if the valuers had taken into account all aspects of the proposals, for example the running track, gym and office space, as well as the stadium. In other schemes, this would be regarded as ground rent and this rent would increase over time. Councillor Hunt could not believe the council were planning to give this piece of public land to the football club at peppercorn rent for 999 years.

Ian Brazier-Dubber informed the Panel that Carter Jonas had valued the land against other comparable sites and facilities.

Councillor Reynolds suggested that the Panel should refer the decision to Full Council. The constitution stated that a call in could be referred to Full Council if the decision was outside of

policy framework. He felt that there were a number of different policies that had not been taken into account.

Elaine Browne clarified that this applied if the decision was taken outside of policy, she did not believe that there was any evidence that the decision had been taken outside of policy.

Councillor Reynolds stated that the decision fell outside of policies in the Corporate Plan, the Quality and Place Policy and the Borough Local Plan.

Elaine Browne said that the evidence listed by Councillor Reynolds were targets rather than policies.

Councillor Baskerville commented that Maidenhead United had improved their league position steadily over the past 25 years and were now competing in the fifth tier of English football. He encouraged both the football club and the rugby club to continue to speak to each other to find a compromise. The decision needed to be made and discussed in a public council meeting.

Councillor Davey said that the Panel should send the decision back to the decision maker with a list of requirements. He wanted to see more consultation done with the public. York Road was the longest ground still in continuous use by the same club, he questioned why that history should be destroyed.

The Chairman outlined the options available to the Panel. They could either choose; to take no further action, to refer the matter back to the decision maker, or to refer the matter to Full Council providing there was evidence that the decision fell outside of policy framework.

Councillor Sharpe proposed that the decision was referred back to the decision maker.

Councillor Davey wanted to see a new, full consultation rolled out to the public.

Councillor Taylor asked if the valuation of the land could be reviewed as part of the new decision being made. She was informed that the cost of revaluation would be in the region of £10,000 - £12,500.

Councillor Hunt asked how much the original valuation had cost the council. This information would be provided after the meeting.

ACTION – The cost of the original valuation of the proposed site at Braywick Park to be provided to Panel Members after the meeting.

Councillor Reynolds explained that he had set out why he thought the decision fell outside of policy framework and should be referred to Full Council, should the Panel also agree.

Elaine Browne responded by saying that planning policy would come in at the next stage of the process. The Panel were considering the lease of the site, and the lease was dependant on planning permission being granted.

Ian Brazier-Dubber highlighted that the open space notice has been served under the Local Government Act 1972 for the disposal of the site. The policies which had been referenced by Councillor Reynolds were land policies which planning applications were determined against.

Councillor Singh believed that the decision was tied to a single planning application going ahead. He felt that this needed to be discussed at a Full Council meeting.

Councillor Sharpe felt like the advice was clear from officers, the Panel needed to satisfy themselves that the decision had been made outside of the scope of the policy framework in order for the matter to be considered by Full Council. He believed that the Panel had not heard evidence that the decision was outside the policy framework. Councillor Sharpe

reiterated his proposal to refer the decision back to the decision maker. This was seconded by Councillor Shelim.

Councillor Hunt clarified that the Panel had asked for another valuation to be completed and a full consultation to be undertaken. She felt that a 999 lease with no increase in payment over time left the council in a vulnerable position. Councillor Hunt requested that the length of the lease was reconsidered.

A named vote was taken.

To refer the decision back to the decision maker (Motion)	
Councillor John Bowden	For
Councillor Helen Taylor	For
Councillor Greg Jones	For
Councillor Maureen Hunt	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Leo Walters	For
Councillor Joshua Reynolds	For
Councillor Clive Baskerville	For
Councillor Gurch Singh	For
Councillor Jon Davey	For
Carried	

RESOLVED UNANIMOUSLY: That the decision was referred back to the Executive Director of Place Services to reconsider the decision, taking into account the concerns of the Panel. The Panel's concerns related to:

- i) The date of the valuation for the lease of the site.**
- ii) Whether there was full consultation with the public on the proposals.**
- iii) Whether the length of time that the lease would last was appropriate.**

The meeting, which began at 7.00 pm, finished at 9.10 pm

Chair.....

Date.....