

Report Title:	MUFC – Request for Relocation
Contains Confidential or Exempt Information?	Main Report: No – Part I. Appendices: Yes - Part II – Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
Member reporting:	Councillor Johnson Leader of the Council & Lead Member for Business, Economic Development & Property.
Meeting and Date:	Cabinet -26 th November 2020
Responsible Officer(s):	Russell O'Keefe – Executive Director Place
Wards affected:	All

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REPORT SUMMARY

1. The Council approved at Cabinet on 19th December 2019, the request for relocation of Maidenhead United Football Club, subject to an s.123 report, to confirm valuation for the land known as Braywick Park.
2. This site was identified as the most suitable relocation for MUFC based on the collective sports and leisure focus for this area.
3. The site identified is appropriate in terms of size and location to secure the future of the club in Maidenhead, and ensure that the club has the appropriate facilities to progress through the football league.
4. The Council and MUFC want to ensure that the retention of the club and the facilities that they provided are beneficial and accessible to all residents of the borough.
5. MUFC has worked hard to engage with local stakeholders and to ensure that wider sports needs are taken into account. Further consultation will be essential as part of a future planning process.
6. The costs for the delivery of the new facilities would have to be fully met from the redevelopment of the existing stadium.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Approves the release of land identified at appendix B, subject to planning for £460,000 as recommended in the s.123 report.
- ii) Delegates authority to Executive Director of Place, to undertake the statutory procedure required under Section 123(2A) of the Local Government Act 1972 as required and negotiate draft agreement for lease, for 999 years at a peppercorn rent.

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
Release the land identified at appendix B at Braywick to enable the relocation of MUFC. This is the recommended option	This would enable the delivery of a brand new football stadium, with additional sports facilities for the benefit of all residents in the borough.

Option	Comments
Do not release the land in favour of MUFC.	MUFC will struggle to continue with its existing facilities, which will not be suitable for future advancement in the football league, or be able to bring forward much needed sports facilities to a wide range of groups in the location community.

2.1 The football club has for many years been an important part of the fabric of Maidenhead Town Centre and in recent years has developed and grown significantly. Key achievements include;

- The men's first team has been promoted to the National League (5th tier of English football).
- Average match day attending increasing from 303 in the 2013/2014 season to over 1,500 in 2018/19 season.
- The women's team playing in the FA Women's Premier Leagues South West League.
- The expansion of the amateur football provision, with the club now having over 500 playing members with a further 42 junior, Academy & Waling Football teams, catering for all ages and abilities.
- The establishment of the Magpies in the Community programme through which over 2,500 children, young people and adults are regularly participating in a range of sports, health and wellbeing focussed activities delivered by our community team. This also played a key role in supporting communities through the first wave of Covid-19.

Future Facilities for the Club

2.2 Whilst the overall outlook of the long-term future of the club is positive, they do face a number of challenges including;

- An aging ground and facilities which require significant investment not only to sustain the existing position but also to enable them to develop and grow as a club.
- Should they get promoted to the football league, the requirement to further develop the York Road ground including increasing the ground capacity to 5,000 increasing the number of seats by a further 1,500 to 2,000 and upgrading a range of other facilities including turnstiles, floodlighting, changing rooms and clubhouse.
- Establishing the financial sustainability of the club by removing the current reliance on the club's main benefactor.
- Securing the long term benefit the club can provide to the local community in terms of sport, health and wellbeing.

3. KEY IMPLICATIONS

3.1 The initial feasibility that has been undertaken by MUFC suggests that the redevelopment of York Road ground indicates that sufficient value could be realised from the sale of the ground, which would enable the construction of the new facility.

3.2 The key officers of MUFC have already started consultation and engagement with some of the existing leaseholders at the site that have been identified. This would be ongoing process as part of any planning application and submission.

- 3.3 MUFC have also undertaken a reasonable amount of due diligence to demonstrate what a new facility might look like, and therefore some initial costing in terms of construction cost that could be met from the redevelopment of the existing stadium.
- 3.4 The redevelopment of the existing facility could be brought forward for development and enhance the further regeneration of the York Road development area.
- 3.5 There are three tenancies held with the Council for neighbouring sports and leisure facilities, these are identified on appendix B.
- LH225 is the leased area for the Rugby Club
 - LH641 is the leased area for the Athletic Club
 - LH659 is the leased area for Sportsable
- 3.6 The above leasehold interest are not directly affected by the red line plan, area which is recommended for lease to Maidenhead United Football Club. However, neighbouring leaseholders have been enjoying the use of land owned by the council in the surrounding area, outside of any legal agreements. Therefore, consultation will need to be made, and appropriate care taken to make sure that other users' needs are accommodated as part of the redevelopment of this area.
- 3.7 The red line plan of 3.7 hectares is the area which will be leased to Maidenhead United Football Club.
- 3.8 The current net book value on the Council's assets for this site is de Minimis as the site does not have any designated use other than for sports and leisure use.
- 3.9 The benefits of the new provision at Braywick Park would allow for the following;
- Additional sports and leisure facilities for local residents & wider community groups.
 - Bespoke facilities for individuals with a disability to enable them to compete in sports at a county & national level.
 - 5,000 capacity stadium, which would include the provision of 1,500 seats (with scope to add further if required).
 - New club house building incorporating a range of facilities including changing facilities, performance gym, bar, café, hospitality/education space and office space.
 - Futsal hall with separate change facilities (all suitable for provision of disability sports).
 - 60x40 metre floodlit Astroturf.
 - Athletics track and associated facilities.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Approve the sale of the land	No approval	26/11/20	N/A	N/A	26/11/20
Agree and sign Heads of terms.	No agreement	31/12/20	N/A	N/A	31/12/20
Agree & Sign Agreement for Lease	No agreement	31/03/21	1 month before	N/A	31/03/21

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Undertake public consultation	No consultation undertaken	15/12/20-28/02/21	N/A	N/A	15/12/20-28/02/21
Submit a planning application	Planning application not submitted.	30/03/21	1 month before	N/A	30/03/21
Start on site	Works do not start on site.	31/01/22	1 month before	2 months before	31/01/22
Practical completion of new facility	Facility not completed	31/12/22	1 month before	2 months before	31/12/22

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The council will receive in return for the sale of the land, subject to planning a capital receipt of **£460,000**. This is not currently identified in the MTFS. This will only be paid if planning permission is achieved, and is therefore a conditional contract.
- 4.2 There will be no financial implications on the Council for the successful implementation of this project.
- 4.3 All construction and land assembly costs associated with the delivery of this project will be borne by the selected developer, and/or MUFC.
- 4.4 There will be no financial implications to the Council, all legal fees, valuation fees, and professional fees that are incurred by the Council will need to be met within the project cost by the selected development partner.

5. LEGAL IMPLICATIONS

- 5.1 The Council has the power under Section 123 of the Local Government Act 1972, to dispose of land held by them in any manner they wish providing that such disposal is for the best consideration reasonably obtainable (other than in the case of a lease for less than 7 years). Therefore the Council has the requisite power to sell the long leasehold interest in site known as Braywick Park.(see plan appendix B).
- 5.2 Section 123(2A) of the Local Government Act 1972 requires the Council to advertise a notice of their intention to dispose of any land consisting or forming part of open space to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is circulated. The Council must consider any objections to the proposed disposal made to them.

6. RISK MANAGEMENT

- 6.1 The risks associated with this project are limited for the Council, as it will only be releasing land to enable the future project to be delivered.
- 6.2 All project costs, and project risk will sit with MUFC and the selected development partner for the project.
- 6.3 Should the scheme not get delivered, or terms are not agreed, then the Council would not release the land.
- 6.4 It is recommended that the land would be released by way of a long leasehold, (999 years) which is a virtual freehold with the Council, retaining the ultimate freehold, with a caveat that should the site ceased to be used as a football stadium the land would revert back to the Council for nil consideration.

7. POTENTIAL IMPACTS

- 7.1 Equalities. The Equality Act 2010 places a statutory duty on the council to ensure that when considering any new or reviewed strategy, policy, plan, project, service or procedure the impacts on particular groups, an EQIA will be published on the council website for this project.
- 7.2 Climate change/sustainability. In light of the Council motion to declare a climate change emergency, the development of the new stadium would need to meet BREAM standards, and demonstrate that sustainable materials and construction methods are used where at all possible. The redevelopment of the existing stadium for residential development would also need to take account of social, environmental, and economic sustainability.
- 7.3 Data Protection/GDPR - due regard to the requirements of the Data Protection Act 2018 and the General Data Protection Regulation will be considered and taken into account before making a decision. In this instance we do not believe it is necessary for a Data Protection Impact Assessment to be carried out.

8. CONSULTATION

- 8.1 MUFC has undertaken some initial consultation with some key stakeholders that are located at Braywick Park. Consultation with key stakeholders groups will continue, along with public consultation as part of the planning application.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in: Immediately.
- 9.2 The full implementation stages are set out in table 3 below;

Table 3: Implementation timetable

Date	Details
26/11/20	Cabinet Approval
31/12/20	Agree and sign heads of terms

Date	Details
15/12/20- 28/02/21	Public Consultation
31/03/21	Sign legal agreements

10. APPENDICES – Part II items.

10.1 This report is supported by two appendices:

- Appendix A – s.123 Valuation Report
- Appendix B – Site Plan

All the above appendices are **not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.**

BACKGROUND DOCUMENTS

10.2 EQIA will be published on the council website.

11. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Johnson	Leader of the Council & Lead Member for Business, Economic Development & Property	03/11/20	04/11/20
Duncan Sharkey	Managing Director	03/11/20	03/11/20
Adele Taylor	Director of Resources & 151 Officer	03/11/20	12/11/20
Andrew Vallance	Head of Finance	03/11/20	
Elaine Browne	Head of Law	03/11/20	12/11/20
Mary Severin	Monitoring Officer	03/11/20	03/11/20
Nikki Craig	Head of HR, Corporate Projects and ICT	03/11/20	03/11/20
Louisa Dean	Communications	03/11/20	
Kevin McDaniel	Director of Children's Services	03/11/20	
Hilary Hall	Director Adults, Commissioning and Health	03/11/20	03/11/20
Karen Shepherd	Head of Governance	03/11/20	10/11/20

REPORT HISTORY

Decision type: Key decision	Urgency item? No	To Follow item? N/A
Report Author: Russell O'Keefe – Executive Director		