

Report Title:	Councillor Call In – Lease of the site at Braywick Park to Maidenhead United FC
Contains Confidential or Exempt Information	No - Part I
Meeting and Date:	Place Overview and Scrutiny Panel – 20 April 2023

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## **REPORT SUMMARY**

*In accordance with Part 4 A16 of the Constitution, the 4<sup>th</sup> April 2023 delegated officer decision relating to the item 'Lease of the site at Braywick Park to Maidenhead United Football Club' has been called in for review by the Place Overview and Scrutiny Panel.*

### **1. REASON(S) FOR CALL IN**

1.1 The call-in notice, received on 11<sup>th</sup> April 2023, stated the following reasons for calling in the decision:

- Lack of meaningful consultation with the public in order for them to express their view/objections.
- Lack of true consideration given to the local communities needs.
- Concern that the land is being leased below it's true value.
- No real evidence that MUFC will struggle with its existing facilities.
- The loss of publicly accessible communal space within the park should this go ahead, had not been given appropriate consideration.
- Communication between the parties affected by this decision, who stand to lose their own facilities, has been poor.
- No evidence that Sports England's views have been considered.

### **2. COUNCILLORS CALLING IN THE REPORT**

2.1 The call-in notice was signed by the following Councillors:

- Councillor Helen Taylor
- Councillor Geoff Hill
- Councillor Jon Davey

### **3. PANEL OPTIONS**

- 3.1 Having considered the Call-In, the Overview and Scrutiny Panel may decide:
- i. to take no further action, in which case the decision will take effect immediately;
  - ii. to refer the decision back to the decision-maker for reconsideration, setting out the nature of the Panel's concerns. The decision-maker must then re-consider the matter, taking into account the concerns of the Overview and Scrutiny Panel, before making a final decision. In the case of Cabinet as the decision maker, the Leader can call a Cabinet meeting within 5 working days to expedite the process or refer the item to the next appropriate scheduled meeting. In the case of any decision maker, consideration must take place within a maximum of 28 days;
  - iii. if the decision is considered to be outside of the budget or policy framework, to refer the matter to next scheduled ordinary full Council or an extraordinary full Council meeting within 28 days if appropriate, in which case paragraph (3.3) below will apply;
- 3.2 If, following a call-in, the Overview and Scrutiny Panel does not meet within 10 clear working days of receipt of the decision to call-in, or does meet but does not refer the matter back to the decision making person or body, or Full Council under iii above, the decision shall take effect immediately.
- 3.3 If the matter was referred to Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's view on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it, a meeting will be convened to reconsider within 5 clear working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 clear working days of the Council request.
- 3.4 If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

### **4. APPENDICES**

- 4.1 This report is supported by two appendices:
- Officer Decision Notice Form - Lease of the site at Braywick Park to Maidenhead United FC – 4<sup>th</sup> April 2023

- Report - Disposal of Open Space Land, Land at Braywick Park, Maidenhead – 4<sup>th</sup> April 2023

## **5. BACKGROUND DOCUMENTS**

5.1 This report is supported by one background document:

- [Council Constitution - Part 4A - Purpose and Procedure Rules for Overview & Scrutiny](#)



Submitted on Tuesday, 4 April, 2023 - 13:09

Decision title: Lease of the site at Braywick Park to Maidenhead United FC

Date of decision: Tue, 04th April 2023

Decision maker name: Andrew Durrant

Decision maker job title: Executive Director of Place

Decision maker email: andrew.durrant@rbwm.gov.uk

Authority for delegated decision: Part V of RBWMs Constitution provides for a delegation to chief officers.

Reason(s) for officer decision notice: Any decision which is taken in exercise of an express delegation made to an officer by the Cabinet or a Cabinet Sub Committee

Key decision subject to call-in?: Yes

Part II (Confidential) decision?: No

:

Wards affected: Oldfield

Consultation undertaken (internal and external):

The Council approved at Cabinet on 26th November 2020 the release of the land at Braywick Park, subject to planning, for £460,000 as recommended in the s.123 report and delegated 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 to negotiate draft agreement for lease, for 999 years at a peppercorn rent.

An Open Space Notice was publicised for two weeks from 28th April 2022 in respect of the proposed disposal of the land at Braywick Park, with objections accepted until 19th May 2022. There is no statutory time constraint on considerations, but consideration should be given to the 22 objections received on balance of the disposal versus the loss of the open space.

Decision made:

That the Executive Director of Place Services having due regard to the objections



received in relation to the Public Open Space Disposal Notice and, subject to the granting of planning permission for a new stadium, agrees to proceed with the lease of the site.

Reasons for decision:

Objections to the disposal of land at Braywick Park, Maidenhead by way of lease for the principal use as a football stadium or community sports stadium together with other associated sports, wellbeing, hospitality and community facilities, have been considered by the Council on balance of disposal of the site versus loss of the open space at Braywick Park.

Taking into account comparative and competing local community needs, the Council has considered the representation received from the public and, on the balance of benefits to the community, confirms that, subject to grant of planning permission for a new stadium, is recommending that the lease of the site proceeds.

Details of any associated risks and mitigation:

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.

All project costs and project risk will sit with MUFC and the selected development partner for the project.

Should the scheme not get delivered, following terms being agreed, then the Council would not release the land.

The land is being released by way of a long leasehold (999 years) which is a virtual freehold, with the council retaining the ultimate freehold and a caveat that, should the site cease to be used as a football stadium, the land will revert back to the council for nil consideration.

Details of any associated finance considerations:

The council will receive in return for the sale of the land, subject to planning, a capital receipt of £460,000. This will only be paid if planning permission is achieved and is, therefore, a conditional contract.

Name of Finance officer who provided advice: Carter Jonas

Date advice given: Wed, 01st September 2021



Name of legal officer who provided advice: Katherine Lamprell

Date advice given: Wed, 06th April 2022

Details of any associated equality/ sustainability /data protection considerations: Equalities. 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.

Climate change/sustainability. In light of the council motion to declare a climate change emergency, the development of the new stadium will 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 purposes will also need to take account of social, environmental and economic sustainability.

Data Protection/GDPR. Due regard to the requirements of the Data Protection Act 2018 and the General Data Protection Regulation have been considered and taken into account before making a decision. In this instance, it has not been necessary to carry out a Data Protection Impact Assessment.

Details of any alternative options considered and reasons for rejection:  
Do Nothing: 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.

Associated documents:

Details of any declarations of interest made: none

If you would like to receive an email receipt, then please enter your email address and confirm it below: oran.norris-browne@rbwm.gov.uk

Confirm email address: oran.norris-browne@rbwm.gov.uk

Report Title:	Disposal of Open Space Land, Land at Braywick Park, Maidenhead
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Johnson Leader of the Council & Lead Member for Business, Economic Development & Property
Meeting and Date:	Tuesday 4 April 2023
Responsible Officer(s):	Andrew Durrant, Executive Director of Place Services
Wards affected:	Oldfield

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## **REPORT SUMMARY**

The Council approved at Cabinet on 19th December 2019 the request for relocation of Maidenhead United Football Club (MUFC), subject to an s.123 report, to confirm valuation for the land known as Braywick Park.

This site was identified as the most suitable relocation for MUFC based on the collective sports and leisure focus for this area.

The site 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.

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.

MUFC has worked hard to engage with local stakeholders and to ensure that wider sports needs are taken into account. Further consultation by MUFC will be essential as part of a future planning application process.

The costs for delivery of the new facilities will have to be met fully from the redevelopment of the existing stadium.

The Council approved at Cabinet on 26th November 2020 the release of the land at Braywick Park, subject to planning, for £460,000 as recommended in the s.123 report and delegated 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 to negotiate draft agreement for lease, for 999 years at a peppercorn rent.

An Open Space Notice was publicised for two weeks from 28th April 2022 in respect of the proposed disposal of the land at Braywick Park, with objections accepted until 19th May 2022. There is no statutory time constraint on considerations, but consideration should be given to the 22 objections received on balance of the disposal versus the loss of the open space.

## **1. DETAILS OF RECOMMENDATION(S)**

**RECOMMENDATION:** That the Executive Director of Place Services having due regard to the objections received in relation to the Public Open Space Disposal Notice and, subject to the granting of planning permission for a new stadium, agrees to proceed with the lease of the site.

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

Objections to the disposal of land at Braywick Park, Maidenhead by way of lease for the principal use as a football stadium or community sports stadium together with other associated sports, wellbeing, hospitality and community facilities, have been considered by the Council on balance of disposal of the site versus loss of the open space at Braywick Park.

Taking into account comparative and competing local community needs, the Council has considered the representation received from the public and, on the balance of benefits to the community, confirms that, subject to grant of planning permission for a new stadium, is recommending that the lease of the site proceeds.

### **Reasons for decision**

- 1. The site has been identified as the most suitable relocation for Maidenhead United Football Club based on the collective sports and leisure focus at Braywick Park.**
- 2. Braywick Park offers relocation of the football club to an alternative town centre location with similar walking, cycling, bus, rail and road links to those at York Road.**
- 3. Braywick Park is Maidenhead's existing sport and recreation hub and offers the most suitable location for the football club to move to.**
- 4. The site is appropriate in terms of size and location to secure the future of the football club in Maidenhead and ensure that it has the appropriate facilities to help progress through the football league.**
- 5. The Council and MUFC want to ensure that the retention of the club and the facilities that they provide are beneficial and accessible to all residents of the borough.**
- 6. Proposals for the new community football stadium include additional sports facilities which will benefit the various sports clubs already located at Braywick Park and the wider community. The Council's 'Playing Pitch & Built Facilities' strategy will support future use, demand management and proposed development on the site.**
- 7. The MUFC proposals will be subject to full Public consultation as part of their planning application process.**
- 8. The adopted Borough Local Plan allocates Maidenhead Golf Club site as part of a wider housing-led development (AL13)**



and Braywick Park is allocated as a Strategic Green Infrastructure site (AL15) to provide a sports hub and other uses. Both the AL13 development and the proposed relocation of MUFC into Braywick Park are subject to planning permission.

## Options

**Table 1: Options arising from this report**

Option	Comments
Proceed with the lease of the site identified at Braywick Park to enable the relocation of MUFC. <b>This is the recommended option</b>	This would enable the delivery of a brand-new football stadium, with additional sports facilities for the benefit of all residents in the borough.
Do not release the site 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.

## 2.2 Future Facilities for the Club

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**

An initial feasibility undertaken by MUFC established that the sale of their York Road ground for residential redevelopment would enable construction of a new stadium.

3.2 Consultation and engagement by key officers of MUFC with existing leaseholders at Braywick Park is ongoing and will form part of the proposed planning application submission for the new stadium.

3.3 MUFC have undertaken initial design and feasibility work in terms of the level of construction cost that could be met from redevelopment of the existing ground for residential purposes.

3.4 Redevelopment of the existing facility will enhance the further regeneration of the York Road development area.

3.5 Neighbouring sports and leisure facilities at Braywick Park (Rugby Club, Athletics Club and former Sportsable building) are not directly affected by the area to be leased to MUFC but they have been enjoying the use of surrounding land owned by the council outside of any legal agreements. Therefore, ongoing consultation and appropriate care needs to be taken to ensure that other user's needs are accommodated as part of the proposed redevelopment.

3.6 The area to be leased to MUFC extends to 3.7 hectares.

3.7 The current net book value on the council's assets for this site is de Minimis as the land does not have any designated use other than for sports and leisure use.

3.8 The benefits of the proposed new provision at Braywick Park will allow for:

- 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, including the provision of 1,500 seats (with scope to add further if required).
- New club house building incorporating a range of facilities: 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 Astro turf.
- Athletics track and associated facilities.

#### **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 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 the site at Braywick Park.
- 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.
- 5.3 The site has been identified as the most suitable relocation for MUFC based on the collective sports and leisure focus at Braywick Park.
- 5.4 The council and MUFC want to ensure that the retention of the club and the facilities that they provide are beneficial and accessible to all residents of the borough.
- 5.5 Proposals for the new community football stadium include additional sports facilities which will benefit the various sports clubs already located at Braywick Park and the wider community. The council's 'Playing Pitch & Built Facilities' strategy will support future use, demand management and proposed development on the site.
- 5.6 The MUFC proposals will be subject to full Public consultation as part of their planning application process.

- 5.7 The adopted Borough Local Plan allocates Maidenhead Golf Club site as part of a wider housing-led development (AL13) and Braywick Park is allocated as a Strategic Green Infrastructure site (AL15) to provide a sports hub and other uses. Both the AL13 development and the proposed relocation of MUFC into Braywick Park are subject to planning permission.

## **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, following terms being agreed, then the Council would not release the land.
- 6.4 The land is being released by way of a long leasehold (999 years) which is a virtual freehold, with the council retaining the ultimate freehold and a caveat that, should the site cease to be used as a football stadium, the land will revert back to the council for nil consideration.

## **7. POTENTIAL IMPACTS**

- 7.1 Equalities. 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 will 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 purposes will 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 have been considered and taken into account before making a decision. In this instance, it has not been necessary to carry out a Date Protection Impact Assessment.

## **8. CONSULTATION**

- 8.1 Initial consultation has been undertaken by MUFC with key stakeholders located at Braywick Park. Further consultation with key stakeholder groups will continue, along with public consultation, as part of their planning application.

## 9. TIMETABLE FOR IMPLEMENTATION

8.1 Implementation date if not called in: Immediately

## 10 BACKGROUND DOCUMENTS

10.1 Report to Cabinet at meeting held on 19th December 2019.

10.2 Report to Cabinet at meeting held on 26th November 2020.

10.3 EQIA previously published on the council website.

## 11 CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>	<i>Statutory Officer (or deputy)</i>		
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	22.3.23	24.3.23
Elaine Browne	Head of Law & Governance (Deputy Monitoring Officer)	22.3.23	24.3.23
<i>Mandatory:</i>	<i>Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>		
Ellen McManus-Fry	Equalities & Engagement Officer	22.3.23	23.3.23
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Tony Reeves	Interim Chief Executive	22.3.23	23.3.23
Andrew Durrant	Executive Director of Place	24.3.23	27.3.23

Confirmation relevant Cabinet Member(s) consulted	Councillor Johnson Leader of the Council & Lead Member for Business, Economic Development & Property	Yes
	Councillor Haseler Cabinet Member for Planning, Parking, Highways & Transport	Yes
	Councillor Bhangra Cabinet Member for Environmental Services, Parks & Countryside	Yes

## REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>	<b>To follow item?</b>
Key decision first entered into Forward Plan:  27 January 2023	No	No

Report Author: Jonathan Brookes, Senior Project Manager, RBWM Property Company Ltd.
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