

BOROUGH OF KETTERING

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Report Originator	Guy Holloway Head of Corporate Services	Fwd Plan Ref No: A18/025	
Wards Affected	Burton Latimer, Barton Seagrave	16 th January 2019	
Title	BURTON LATIMER – COMMUNITY LEISURE FACILITIES		

Portfolio Holder: Cllr Scott Edwards

1. PURPOSE OF REPORT

1.1 This report seeks approval to:

- a. Utilise the *Burton Latimer Community Leisure Capital Scheme*, subject to its approval in the 2019/20 budget, to deliver improvements to the community centre and adjacent sports facilities at the King George V recreation ground in Burton Latimer;
- b. Commission a feasibility study and, subject to a positive outcome, let a design and build contract through a framework agreement to expedite the necessary works for the *Burton Latimer Community Leisure* scheme;
- c. Make a contribution of up to £158,000 of available Section 106 funding to the Latimer Arts College to enable it to complete an indoor and outdoor sports facility that can be used by the local community outside of school hours.

2. INFORMATION

- 2.1. As a result of housing developments in the Burton Latimer area, a significant amount of Section 106 (S106) funding is available to invest in community, leisure and sports facilities within the town and its immediate vicinity. **Appendix 1** provides a summary of the contributions received and pending.
- 2.2. Approximately £1.2 million has been secured through S106 for sports, leisure and community facilities, in or within reach of, Burton Latimer. To ensure the timely spending of the money, options have been assessed and a set of proposals are now presented to this committee. Usually, S106 monies are straightforward in that they have a clear designated purpose set out in the planning consents. However, in this case, the Council has, for a number of years, been collecting money under general headings (in compliance with regulations) and an allocation decision is now required.
- 2.3. The Council did consider the feasibility of building an indoor sports and leisure complex in Burton Latimer. However, the various options considered were not financially viable, both in terms of construction and running costs. Despite this, the feasibility study was not without its merit as it included an assessment of various sites and their existing facilities. One site, the community centre at the

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King George V recreation ground, was identified as a strong candidate for community sports and leisure development.

Community Centre at King George V Recreation Ground

- 2.4. The community centre is owned by the Council and leased to a Community Association who have been running the centre for many years. Originally constructed in the late 1970s, with additions made to the building in the 1990s, the community centre benefits from regular use. It is however dated and provides limited options for varied and simultaneous sports and community use.
- 2.5. The community centre building does have some inherent strengths and relative (non-structural) weaknesses and these have been summarised as **Appendix 2**. A stock condition survey is scheduled for the first quarter of 2019. This will shed more light on the condition of the asset from a future repairs and maintenance perspective. This will also inform any future feasibility study of the proposed development of the site.
- 2.6. Members should be mindful of the fact that the S106 funds should only be used for their allocated purpose and within the timescales set out within the agreements. Developing the indoor community and leisure facilities at the King George V community centre does provide a solution to a number of issues and is considered to be a logical step forward for allocating the S106 funds available.

The Next Steps – King George V Community Centre

Capital Scheme Approval

- 2.7. A Capital Scheme has been included within the 2019/20 budget titled “*Burton Latimer Community Leisure*”. Subject to approval of the Capital Budget, this will make available up to £900,000 of capital funding to invest in the development of the community centre, all of it met by developer contributions.

Feasibility study and procurement of works

- 2.8. In order to move forward, it would seem prudent to commission a feasibility study for the site in order to determine the best option achievable within the budget available. A set of outline objectives that will inform the feasibility study have been included as **Appendix 3**.
- 2.9. The capital scheme constitutes a significant development in local leisure, sports and community infrastructure. It comes however, at a time of significant potential change in the local government landscape. It would seem prudent therefore to streamline the procurement process and to choose a path that places minimal operational burden on the Council’s capacity in the delivery of the scheme.

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- 2.10. One option available to the Council to meet the 'low burden' requirement is to use a Framework Agreement to commission a developer or team of contractors to deliver the project on a 'design and build' basis. The Council has already signed a no obligation access agreement to use the services of the Scape Group, a public sector organisation who specialise in helping the public sector improve public buildings. They provide access to a framework called 'BECS', the Built Environment Consultancy Services Framework. The benefits of a framework agreement such as this is that it can provide a turn-key solution for projects and can be accessed quickly, maintain compliance with procurement legislation and the Council's Contract Procedure Rules. Importantly, it uses quality construction partners who have a track record of success in their field.
- 2.11. Subject to the approval of the 2019/20 capital scheme, the Council will be in a position to progress the *Burton Latimer Community Leisure* scheme, albeit ensuring that a robust feasibility study is carried out as part of the project before a construction contract is let. Within the Scape / BECS Framework Agreement solutions, a service exists that can provide a feasibility study, which, when carried out, can then lead on to a design and build contract to deliver the scheme. The benefit of this approach is that the development partner produces the feasibility study in the knowledge that they may be part of the team that delivers the resulting project. There is therefore an emphasis on getting the initial groundwork right.
- 2.12. It is suggested that the Council progress towards commissioning a feasibility study, using the Scape Group BECS or other similar framework arrangement. Subject to a suitable scheme that meets the key objectives being feasible within the capital budget available, it is suggested that the Council then lets a design and build contract in order to deliver the capital scheme.

Consultation and planning

- 2.13. Before a design and build contract is let, the Council will want to consult with key stakeholders, including the community association who currently run the centre, current and future potential service users of the facility, local residents, particularly those who live nearby, and Burton Latimer Town Council. In addition, the Council will need to apply for planning permission and will not be able to proceed until all the necessary planning requirements have been met. Initial discussions have already taken place with both the community association and Burton Latimer Town Council so the proposals set out within this report will not be a surprise to them.

The need for flexibility

- 2.14. There is always the potential for unforeseen circumstances, in this case, most likely with either the feasibility of the scheme or with attaining suitable planning permission. It would be prudent for the Council to keep its options open regarding other potential qualifying projects that it can use the *Burton Latimer Community Leisure* Capital Scheme to deliver. For example, it may be beneficial

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to use some of the capital scheme monies on the community leisure elements of the Churchill Way Car Park and Play area project. However, it will be essential that any projects delivered by the capital scheme meet the uses set out in the respective Section 106 agreements.

Indoor and Outdoor Sport Facility at the Latimer Arts College

- 2.15. The Latimer Arts College in Barton Seagrave is about to start construction of a new indoor sports hall to complement the improvements it is making to its outdoor all weather pitch and other related sports facilities. It is planned that the new sports hall will be large enough to be able to accommodate four badminton courts, which has, for some time, been an aspiration for the area, including Burton Latimer.
- 2.16. £81,000 of S106 funding is already specifically allocated to assist the Latimer Arts College with the provision of facilities for junior football. This money was specifically allocated for this purpose within the legal S106 agreement.
- 2.17. The Latimer Arts College has informed the Council that it has a short fall of funding of £158,000 to deliver the indoor sports component of the project as planned. The effect of this will likely result in the reduction of the size of the sports hall in order to allow it to bring the project within budget. Alternatively, it will involve the scaling back of other facilities at the site. Either way, this will clearly impact adversely on the range of community leisure facilities available at both the site and in the area.
- 2.18. The Council is keen to see the provision of more indoor sports provision in the area, particularly in the south-east and eastern areas of the borough where there has and continues to be significant housing development. In addition, the Latimer Arts College is well placed to serve Burton Latimer's sport needs. This is illustrated by the fact that a significant number of children at the school live in Burton Latimer.
- 2.19. Providing that suitable community access to the indoor and outdoor sports facilities can be agreed with the Latimer Arts College, it would seem appropriate to use £158,000 of the available S106 funding, providing the geographical and use requirements specified within the agreements are met, to bridge the short fall in funding the Latimer Arts College has. Given the fact that the Latimer Arts College is keen to move forward with the scheme, the Council will want to be in a position to expedite payment once the necessary assurances are in place regarding community access.

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3. CONSULTATION AND CUSTOMER IMPACT

- 3.1 As stated in 2.13 of this report, a consultation will be carried out with key stakeholders in order to inform the future proposed improvements at the Burton Latimer Community Centre. It should be kept in mind, however, that the facility is aging. Despite any prevailing opinion about the site, it does require investment and it does have inherent limitations on its use. Arguably the most important consultees will be local residents who live near to the community centre and it will be important that their views are heard and understood.
- 3.2 It will also be important to understand how current users of the facility will be affected. It is understood that the community centre is used as a wedding venue, albeit on a relatively low frequency. Should the facility have to close in order to allow for a significant redevelopment of the site, the Council would work with the Community Association and its customers in order to find a suitable alternative venue to allow pre-booked weddings to take place. It is possible that other activities could be moved to alternative venues whilst works take place.
- 3.3 Should redevelopment of the site take place, this could offer significant benefits to both existing and new service users. The Council would look to integrate the learning of its other community centres, old and new, into the future design of the building.

4. POLICY IMPLICATIONS

- 4.1 Regarding indoor and outdoor sports facilities strategies, these are currently being updated by the Council. Existing strategies are considered to be out of date. However, the Council is acutely aware that there is growing demand for sports facilities, particularly indoor sports space which is currently at a premium.
- 4.2 Regarding the Latimer Arts College, a Community Use Agreement, or other suitable legal document, will need to be in place. This should ensure reasonable community access is provided to both indoor and outdoor sports facilities for the local community outside of school hours.
- 4.3 The Council's Development Management Team will require the Community Use Agreement in order to control access to the facility outside of school hours to ensure that noise nuisance does not become an issue to neighbouring residential properties.

5. FINANCIAL/RESOURCE IMPLICATIONS

- 5.1. The Burton Latimer Community Leisure Capital project will require a budget provision of £900,000 which will be fully funded from Section 106 agreements. This sum and associated funding has been included in the Council's draft capital programme for 2019/20 which will progress through the

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Councils 2019/20 budget consultation process. Following the consultation process the draft proposals will be presented before Full Council on the 27th of February 2019 where the Capital budget for 2019/20 will be set.

- 5.2. The contribution to the Latimer Arts College indoor sports project of £158,000 does not require a separate capital budget as the Council would be pass-porting the funding through to Latimer Arts College for them to deliver the project.
- 5.3. It is anticipated that additional S106 funding will be secured from housing development in the coming months and years in the Burton Latimer area. One of the objectives set out for the feasibility study aims to allow for the potential for scaling up the site in the future. This would allow future phased development onsite. However, any such future potential development is considered outside the scope of this report and very much outside the control of the Council.

6. LEGAL IMPLICATIONS

- 6.1. The Council will need to ensure that the S106 agreements are committed or spent within the timescales set out within the agreements. It will also need to ensure that the funding is used for the purpose specified within the agreements. The proposals within this report, if approved, should allow the Council to meet both of these requirements.
- 6.2. The lease between the Council and the Burton Latimer Community Centre at King George V recreation ground has expired and is currently holding over. Negotiations are currently in progress to get a new lease in place that provides a more contemporary arrangement between the landlord and tenant. This will also help facilitate the site's potential development. The Council, as a landlord, does have routes available to it to allow for the total redevelopment of the site should the Community Association not sign a new lease. Every effort will however be made to resolve the situation amicably.
- 6.3. The Council will need to ensure that it adheres to the relevant procurement legislation and its own contract procedure rules in the letting of contracts for the works. The proposed use of the framework agreement for the delivery of the potential improvements to the King George V community centre in Burton Latimer set out within this report will meet these requirements. However, if the Council decided to pursue a different course of action, such as funding a different scheme, then the procurement process would need to be carefully considered.
- 6.4. The Council will want to ensure that it has the right Community Use Agreement in place with the Latimer Arts College, and if necessary, an additional legal instrument, in order to ensure that it can guarantee the right level of community access to the indoor and outdoor sports facilities at this site. In particular, the Council will want to look for ways to make these access rights granted in the long-term, for example, 25 years, with the potential, if possible, for a 'clawback'

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of funding to reinvest in local sports facilities should the access be removed prematurely. This is considered important as some local schools have removed the community access that was provided following the provision of Section 106 funding.

7. RECOMMENDATIONS

7.1 It is recommended that, subject to the approval of the Capital Budget set out in Section 5.1 of this report:

- (a) The Committee endorse the proposal to use the *Burton Latimer Community Leisure* capital scheme to improve the community sports and leisure facilities available at the Community Centre at the King George V Recreation Ground, Burton Latimer;
- (b) A feasibility study is carried out to consider the most suitable option for the above site and that a public consultation be conducted with service users and local residents, particularly those living in close proximity to the facility;
- (c) Subject to the outcome of the feasibility study, the Council proceed in letting a design and build contract through a suitable framework agreement in order to effectively expedite the delivery of the scheme;
- (d) In order to retain flexibility, the option be kept open to include within the scheme other projects that enhance the community sport and leisure facilities within Burton Latimer.

7.2 That the Executive Committee approve the payment of up to £158,000 of S106 funding to Latimer Arts College to enable it to secure sufficient funds to construct an indoor sports facility that is able to accommodate four badminton courts. Any provision of funding should, however, be subject to the Council attaining satisfactory binding assurances that the Latimer Arts College will continue to provide reasonable community usage to the indoor sports facility in the long term as set out in section 6.4 of this report.

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