

Report of the Assistant Director (Customer and Communities)

Westfield Multi-Use Games Area

Summary

1. This report sets out the background to the removal of the Kingsway West Multi-Use Games Area (MUGA) and the commitment of the Council to reinstate a new and enhanced MUGA within the Westfield Ward.

Recommendation

2. The Executive Member is asked to give delegated authority:
 - to the Director of Customer and Communities to apply for planning permission for the new scheme, and
 - to the Director of Customer and Communities, in consultation with the Director of Governance, to appoint the contractor to undertake the works, in accordance with the council's contract procedure rules, and subject to the project being deliverable within the available budget and planning permission being received.

Reason: To secure the reinstatement of a MUGA in the Westfield Ward and to help meet the increasing demand for artificial grass pitches and accessible sports facilities for young people in the area.

Background Information

3. The Kingsway West MUGA was a 30m x 25m tarmac games area forming part of an area of open space on the Hob Moor Community Primary School site and adjacent to the Lincoln Court older persons' independent living accommodation.
4. On 18 March 2019 Executive agreed to an enhanced proposal to deliver older persons' independent living accommodation including

new build wheelchair accessible apartments and improved communal facilities at Lincoln Court.

5. The footprint of this extension has resulted in the loss of the MUGA and, following the completion of construction works on both Lincoln Court and the Centre of Excellence, the remaining land on which the MUGA was situated has been landscaped and returned to the community as open space.
6. The March 2019 Executive also made a commitment that alternative recreational facilities would be provided within Westfield Ward, following consultation with the community and with Sport England, in mitigation for the loss of the MUGA.
7. A budget of £200k was approved by full Council on 25 February 2021 as a New Scheme - Westfield MUGA, funded through prudential borrowing and other internal sources.
8. The Kingsway West MUGA was unmanaged, with the site being opened and closed at irregular hours. It was also a target for anti-social behaviour, meaning that the site could not be used on any occasion until it had been made safe.
9. For the new facility, we therefore looked at suitable community sites within the Westfield Ward that could manage the opening and closing, maintain the facility and promote its use for sport and active leisure purposes.
10. The ward has a limited number of community sports clubs with a site that could host a facility such as this. An approach was made to the York Acorn Amateur Rugby League Sports and Social Club ("York Acorn") which is less than half a mile away on foot from the old site. They expressed their approval for the new MUGA to be situated on their site off Thanet Road ("York Acorn Site").
11. The York Acorn Site is council owned but is leased to York Acorn until 26th January 2109 pursuant to a lease granted on 27 January 2010 for a term of 99 years.
12. The York Acorn Site has an area of grass and spoil from previous ground works, on the south-eastern corner of their site, which is underutilised by the club, and which would be the ideal site for the MUGA to be situated. The potential area could be in the region of 30m x 45m, providing a significantly larger multi-use space than the one that has been removed.

13. The planning application will be for an artificial grass pitch, with flood lighting and fencing to support the sports of Rugby League and Football but can also be used for other active leisure opportunities and informal play, the size of which will be determined by the price that the tenders come in at.
14. The draft York Playing Pitch Strategy shows that the city lacks a number of artificial grass pitches.
15. The pitch will have free-to-access sessions for young people available outside school hours and in holiday periods to maximise use.
16. The pitch will also include paid for sessions to generate revenue for maintenance and a sinking fund to preserve the asset for present and future local citizens.

Consultation

17. The local community have been consulted throughout the initial plans of the proposed development of a new MUGA on the York Acorn site. This was done at the joint Dringhouses and Woodthorpe Ward and Westfield Ward Committee on 29 November 2021.
18. Recent consultation has been carried out through the Foxwood Residents Association and at Foxwood Community Centre. Many of the detailed features of the facility and its opening hours will be developed in response to this feedback.
19. Consultation with the following organisations has also been sought; Sport England awaiting their response. The Rugby Football League and the North Riding County Football Association have given their support to move forward.

Options

20. Option 1 - The Executive Member is asked to give delegated authority to apply for planning permission and for the Assistant Director of Customer and Communities, in consultation with the Director of Governance, and to appoint the contractor to undertake the works in accordance with the contract procedural rules, subject to the project being deliverable within the available budget.
21. Option 2 – The Executive Member does not take forward the proposal.

Analysis

22. Option 1 – is recommended for approval as Option 2 would mean we fail to fulfil an executive decision and leave a short-fall in community sports facilities in the Westfield Ward.

Implications

23. **Finance:** The allocation of £200k was approved by full Council on 25 February 2021 as a New Scheme - Westfield MUGA. Soft market testing indicates that at this stage the scheme can be delivered within this allocation. A more detailed budget will be developed to ensure that this remains the case before delivery of the project.
24. **Equalities:** Based on this equality impact assessment we believe it demonstrates the project is robust and will have a positive impact on the local community. At present the ward has had a community facility removed and this equality impact assessment has been drawn up to support the reinstatement of an enhanced community sports facility.
25. There is no potential for unlawful discrimination. The only adverse impact noted is against the access for disabled people, particularly for those with a physical disability. Consideration has been given to opportunities for disabled people and we believe this can be offset by the local leisure centre Energise which is an accessible community sports facility that supports disability sport activities.
26. Throughout the project opportunities will be taken to improve the ecological impact of the scheme and to maximise the local benefits of the scheme for the surrounding community.
27. **Legal:** As indicated above, the York Acorn Site is council owned but is leased to York Acorn until 26th January 2109 pursuant to a lease granted on 27 January 2010 for a term of 99 years. A right of way runs along the south-eastern boundary of the York Acorn Site. Also, a small part of the York Acorn Site is (pursuant to a Conveyance thereof dated 1st March 1948) subject to various covenants prohibiting the construction thereon of any buildings (other than a house, garage or shed / greenhouse / conservatory). However, it is understood that the proposed MUGA will be located on a different area of the York Acorn Site which is not subject to such third-party rights / covenants in which case it would not

interfere with / breach such.

28. The Council will need to obtain York Acorn's permission for our contractor to access the proposed site to install the MUGA.
29. The lease of the York Acorn Site will need to be varied to explicitly:
 - (i) permit the use / operation of a MUGA on the proposed site
 - (ii) obliged York Acorn / the tenant to permit public access to and use of the MUGA
30. After installation, future maintenance of the MUGA will be the responsibility of York Acorn / the tenant pursuant to the lease.
31. The English Sports Council (Sport England) have the benefit of a legal charge / mortgage over York Acorn's leasehold interest in the site (to secure a grant given to York Acorn by Sport England). Accordingly written consent from Sport England to the installation of the MUGA and to the variation of the lease will be needed.
32. There are no additional HR, IT, Crime and Disorder or other implications arising directly from this report.

Council Plan

33. The Westfield MUGA will support the following aims of the Council Plan:
 - Good Health and Wellbeing
 - A Better Start for Children and Young People
 - Safe Communities and Culture for All

Risk Management

34. Project risks include:

Risk	Mitigations
The project fails to be granted planning approval.	We have worked with the community club, Rugby Football League and Sport England to get support for the scheme. Extensive community consultation has been undertaken by the team. The views received are reflected within

	the project.
A contractor cannot be found to undertake the works.	We have already done soft market testing of potential contractors, receiving multiple quotes for the work.
The final costs are not within the budget made available here.	Officers will work with the potential contractors to ensure that the project meets the brief and reflects the available resources. There is scope within the project brief for value engineering within the scheme and to bring this in line with the budget available.

35. In compliance with the Council's risk management strategy the main risks that have been identified in this report are those which could lead to the inability to meet business objectives and failure to meet stakeholders' expectations, which could in turn damage the Council's image and reputation. Measured in terms of impact and likelihood, the risk score has been assessed at "Medium". This means that the risk level is acceptable and that regular active monitoring of progress against delivery of the scheme will be required.

Contact Details

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	Report Approved	✓	Date 6.4.22.
Wards Affected:	Westfield Ward		
For further information please contact the authors of the report			

Annexes:

Annex 1: Equality Impact Assessment Westfield Multi-Use Games Area