

Report of the Director of Customer and Communities

Heworth Without Multi-Use Games Area

Summary

1. This report proposes a consultation on options for a Multi-Use Games Area (MUGA) within the Heworth Without Ward.

Recommendation

2. The Executive Member is asked to give delegated authority to the Director of Customer and Communities:
 - to undertake public consultation on where the MUGA should be sited;
 - to apply for planning permission for the new scheme on the preferred site as necessary;
 - 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 spending of the Section 106 contribution from the Hungate Development for the purposes of a MUGA in the Heworth Without Ward and to help meet the demand for increased sports facilities for children and young people in the area.

Background Information

3. Pursuant to a Section 106 Agreement dated 21 April 2017 (as varied by Deeds of Variations dated 26 October 2017, 20 December 2017 and 11 October 2019) relating to the Hungate Development ("the Section 106 Agreement"), the Council secured the Open Space Contribution part of which is to be used to build a MUGA in the Heworth Without Ward. The other named schemes are Burnholme Sports Centre and Hull Road Park Buildings. This was discussed and minuted at Planning Committee held on 18 April 2019.

4. For the new facility, we have looked at suitable community sites within the Heworth Without Ward that could support the installation of a MUGA.
5. The MUGA will be free-to-access for children and young people.

Options

6. It is proposed to offer the following options in a public consultation on where the MUGA could best be sited:
 - a. To build a MUGA on the existing grass football pitch in Stray Road Play Area;
 - b. To build a MUGA on the existing Hempland Field;
 - c. To build a MUGA on another site within Heworth Without Ward, to be suggested by consultees, that is in line with the Section 106 agreement.

Consultation

7. This paper asks for permission to undertake consultation regarding the options listed above.
8. Discussion has taken place with Heworth Without Parish Council in drawing up the above options.

Implications

9. **Finance:** The Council received a payment for Hungate Block F of £69k and to date have spent £25k on Burnholme Sports Centre refurbishment for changing rooms. This leaves a balance of £44k available to use to fund this project.
10. The final cost of the project will depend on which option is chosen. A detailed budget will be developed once a decision has been made to ensure that the project remains deliverable within the funds available at that time, with any balance funded from local ward funding, subject to available budgets, affordability and associated approvals.
11. Depending on the option chosen ongoing maintenance costs will fall either to the Parish Council (Stray Road Play Area) or to CYC (Hempland Field) where they already maintain the site. If a different site is selected, then these costs will need to be factored in when looking at the overall costs of the project.

12. **Equalities:** A draft equality impact assessment highlights a number of issues that need to be addressed through this process.
13. Consideration needs to be given regarding access for disabled people, particularly for those with a physical disability in terms of access. This will be discussed with the council's incoming Access Officer / Consultant.
14. 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.
15. **Legal:** Any changes to the Section 106 Agreement would need to be agreed by all parties to the Agreement and formally executed as a Deed of Variation.
16. The land comprising the grass football pitch in the Stray Road Play Area is owned by the Council. It is leased to Heworth Without Parish Council on a 21-year lease from 1 February 2001. The parish council are currently holding over pending completion of a new lease.
17. The land at Hempland Field is owned by the Council and according to the records we have, there are no restrictions on title, relating to its use.
18. There are no additional HR, IT, Crime and Disorder or other implications arising directly from this report.

Council Plan

19. The Heworth Without 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

20. Project risks include:

Risk	Mitigations
The options agreed upon do not fall within the scope of paragraph 5.3.3(b) of Schedule 2 of the Section 106 Agreement which deal with the apportionment and application of the Open Space Contribution	CYC are currently negotiating a Deed of Variation with the parties to the Section 106 Agreement to incorporate various amendments. Should CYC wish to propose amendments to paragraph 5.3.3(b) of Schedule 2, we expect that it would not be problematic to the Owner and Mortgagees in light of the insignificant impact it has on their obligations.
The project fails to be granted planning approval.	Through this process we will be consulting the citizens of the area to get their views on the best option moving forward.
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.

21. 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 "Low". This means that the risk level is acceptable and that regular active monitoring of progress against delivery of the scheme will be required.

Annex:

- Draft Equality Impact Assessment Heworth Without Multi-Use Games Area

Contact Details

Authors:	Chief Officer Responsible for the report:		
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	Report Approved	√	Date 22/8/2022
Wards Affected:	Heworth Without Ward		
For further information please contact the authors of the report			

Background Papers:

Planning Committee 18th April 2019

[Agenda for Planning Committee on Thursday, 18 April 2019, 4.30 pm \(york.gov.uk\)](#)