
Meeting of the Staffing Matters and Urgency
Committee

21 May 2008

Report of the Director of Resources and Deputy Chief Executive

Community Stadium

Summary

1. The purpose of this report is to set out the proposed way forward towards delivering a Community Stadium for York. The report also sets out what further steps the Council could take in order to help bring about a community stadium and also to support York City Football Club in the period of transition from their current stadium to the new one.

Background

2. Two stadiums are currently in use and being maintained for the purposes of professional sport in York. Bootham Crescent is the home of York City Football Club. It has a number of drawbacks as a professional sports stadium. The main ones are: -
 - Lack of space
 - Out of date stands and facilities
 - Cost of repairs
 - Very limited catering facilities
 - Poor commercial and executive facilities
 - Problems with the pitch

The overall 'package' does not represent a potentially attractive option for customers and is poor in comparison to many other football clubs. Clubs such as Middlesbrough, Doncaster, Hull, Huddersfield and Darlington are all within an hour of York and all play in new modern facilities, with average crowds that are higher than when they were in their former grounds.

Huntington stadium is used by York Knights Rugby League Club (and athletics clubs/users). It also has a number of drawbacks as a professional sports stadium. The main ones are: -

- out of date stands and facilities and lack of stadium 'feel' due to open ends
 - Temporary / limited catering facilities which produce no income for the Knights
 - poor disabled facilities
 - difficulties caused by dual use with athletics
 - relatively poor viewing facilities due to distance from pitch
 - a limited capacity of 3,200, which is occasionally a restriction.
3. Both clubs currently provide significant community related activities. These involve thousands of children and young people each year and range from football and rugby coaching and training through a range of other sporting and non sporting activities, through education and awareness raising to match mascots and watching sport. These activities could be better carried out with purpose provided facilities and with a more modern and attractive stadium.
4. YCFC has been searching for a site for a new stadium for at least four years and has identified some potential options. The funding that YCFC can put into a new stadium is limited to a maximum of the value of Bootham Crescent less some outstanding liabilities secured against the value of the ground. York Knights have a lease on Huntington stadium, the freehold of which is owned by the Council and the leasehold of which is owned by Canon's who operate Waterworld. The Knights therefore have no asset value that they could contribute towards a new stadium.
5. Whilst the YCFC search for a new site has produced a number of options (see confidential Annex 1) there are a number of problems to be overcome. These are principally: -
- financial
 - planning
 - commercial
 - project management

In simple terms there is unlikely to be sufficient money from the sale of Bootham Crescent to build a new stadium and thus the 8-9 acres of land that is required for a new stadium needs to be provided free or at close to agricultural rates on a Greenfield site as it would be too expensive to buy a site with other development value.

A new site needs to be capable of getting planning permission, which must include consideration of effects on surrounding residential amenity, visual impact,

access (including traffic impact), environmental sustainability, safety, possible impact on the green belt and other planning requirements such as being fully accessible for the disabled.

The new stadium needs to be more commercially viable than either of the existing ones in terms of catering, executive facilities, 7 day a week use and other commercial opportunities.

The planning, design, funding, programme and project management needed to deliver a new stadium is substantial and is beyond the resources of YCFC and the Knights.

It is clear from the above that without input from third parties such as the Council and local businesses it is unlikely that the professional sports and clubs in the City have the financial or operational capacity to bring about the delivery of the vision of a new community stadium for York. It is also clear that the only workable option to meet the core aspirations of both clubs is to combine the majority of the asset value of both Bootham Crescent and Huntington stadium and use the majority of this to fund a new community stadium. It is obvious from a business point of view that the city will ultimately only need one professional stadium. The Knights are bound to want to relocate to it once it is built so it makes every sense to plan from the outset on the basis of having one high quality new stadium.

It is a corporate priority to have a new stadium because professional football is important to the city and we want to support it and there is a real opportunity at the same time to provide much better and more coherent community facilities by working in partnership:

- i) around the new stadium itself and/or
- ii) with other established partners in the city

so that there is greater access to better quality facilities for the whole community, not just for athletics but potentially for other sport and active leisure activities.

7. Issues To Be Overcome In Order To Finalise A Clear Way Forward For A Community Stadium

1) Funding For A New Stadium

- a) The Football Foundation has provided a £2m loan, which can be converted into a grant once a new stadium is underway. Whilst it is a loan, interest of £138,000 per year is payable on it by YCFC and this is significantly contributing to annual revenue losses. The loan has been fully utilised to buy out the majority previous interest in Bootham Crescent. Thus in effect the only asset value that can be put into a new stadium by YCFC is the value of Bootham Crescent less the liabilities secured against it (see confidential Annex 2).

This value is extremely difficult to assess due to the following factors:-

- i) The current state of the market. Housing would be a possible future use of Bootham Crescent assuming the existing use could be relocated, although there would be other options. The housing market is in a difficult position and several major house builders have said that they would either not buy land or will not develop land for the time being. This restricts the market and thus the value.
 - ii) A planning application for change of use for Bootham Crescent to housing is currently registered by the council but will not be determined until a replacement facility is available. This application was registered before the current level of 50% affordable housing policy was introduced, the % of affordable housing applicable therefore needs to be resolved. A market assessment and formal valuation of the site needs to be undertaken. For the purpose of this report only it is assumed that allowing for the above factors and the liabilities secured against the site a prudent valuation of the net asset value available for a re-investment in a new stadium is under £4m, although it could well be more than this.
- b) Were Huntington stadium no longer required within the community as a leisure asset, redevelopment for housing may also be a possible future use. In this case the site would suffer from the same housing market issues as Bootham Crescent,. It is a larger site than Bootham Crescent, but considerably further from the City Centre. For the purpose of this report only an asset value of £5m is assumed.

2) The Cost Of A New Stadium

For the purpose of this report it is assumed that only options not including purchase of land will be considered. The cost of a 6,000 capacity stadium (which is the minimum to meet league standards), which would not be all seated, but would have a substantial number of seats, would be a minimum of £6m. In reality once fees were included, allowances made for inflation in building costs, allowance made for a more sustainable and aesthetic design (rather than 4 basic stands) it would be necessary to set aside £7.5m for the build costs including pitch, floodlighting, changing rooms, executive facilities, catering, ticketing facilities, office etc.

In addition to these cost there would be the cost of relocating the athletics facilities to another site (see confidential site Annex 1) with suitable spectator facilities. It is estimated that this will cost £1m.

3) Planning Issues

Further work needs to be carried out on the two main feasible sites identified in confidential site Annex 1. Whilst both sites are of sufficient size to accommodate the stadium, they both require a detailed planning development assessment before planning suitability can be confirmed,

4) Commercial Issues

Neither club is currently profitable and indeed YCFC makes substantial losses of about £0.25m per year at present. YCFC's turnover is about 3-4 times the size of York Knights. It is therefore imperative that a new stadium is designed to maximise its use on a commercial basis both during sporting and other events and during the rest of the week. This means such things as having executive boxes that can be let out as meeting rooms and fitness facilities that can be used by the players and citizens. Use of space needs to be considered and services such as ticketing and crowd maintenance and administration jointly run. It is envisaged that a new stadium would be managed by a professional management company with the excess of income earned over expenditure incurred shared principally by the two clubs. Work needs to be undertaken to identify which costs (rates, staff, stadium repairs, equipment, etc) and which income (lettings, catering, bars, advertising etc) should be managed by the company and how surpluses should be distributed between the clubs.

5) Project Management

In order to coordinate a project to sell the two existing stadiums, relocate athletics, resolve planning issues at the two existing sites and the two main feasible sites for a new stadium, deal with design, development, contracts, building, financial and other issues both project management and planning and development expertise will be required over a 3 – 4 year period. Neither club is in a position to supply or fund these, although they do have people who can contribute to such a project and YCFC have achieved much already.

The Role Of The Council

8. So far the Council has fulfilled its normal role with regard to any business, developer or interested party seeking to undertake development in the City. That is that it has advised on the planning process, constraints, possible acceptability and issues around sites and has been generally responsive to ideas put forward, in the main, by YCFC. The Council has done some limited proactive work and some Officers have spent time at meetings and considering options, whilst leaving YCFC to try to make progress and realise its vision of a new stadium.
9. Given the financial problems of funding a new stadium, the complexities involved, the planning issues and the current ongoing revenue losses of YCFC it has become clear that unless the Council takes a more proactive role a new community stadium may well not come to fruition.
10. The steps that the Council can take depend upon the parameters and criteria that it wishes to set itself and its legal and financial constraints. As a starting point the following proposals are based upon the premises that no money that has come direct from City of York Council Tax payers be used to support a new community stadium.

Option 1

11. It is clear from the preceding paragraph that unless the Council sells Huntington stadium and uses the majority of the proceeds (along with these from Bootham Crescent) to fund a community stadium to be used by both the Knights and YCFC, and relocate the athletic users to a new track with appropriate viewing facilities, then a new stadium cannot realistically be considered. The Council is recommended to make this commitment. In doing so it needs to consider that these are other Council service related calls on Council capital as set out in the capital programme report to full Council in March. Against that it is questionable to what extent the value of Huntington could be realised in any other way as both Rugby and athletics would expect relocation and it is possible that depending on market values some surplus asset value may be generated which could be used for other Council facilities such as school, leisure, social services etc. The provision of a new stadium is also one of the Councils corporate imperatives in its corporate strategy and as such has some priority for the use of council funds.
12. Apart from achieving community, leisure and sporting objectives by contributing to the provision of a new stadium (which would almost certainly be Trust, Community or Council owned) the Council would, if change of use through the planning system to housing was deemed appropriate, also ensure through this project that its housing objectives and needs for more affordable options and more private housing were furthered as over 200 homes could be built on the two sites.

Option 2

13. The Council has recently been notified that it will receive £690k from the Business Growth Incentive Scheme. This scheme involves Central Government using excess business rates to reward Councils where business growth in excess of Government targets has taken place. This money is currently uncommitted and The Council could choose to commit about £200k to fund a project manager for the whole project set out in this report. This would fund 3-4 years work of an experienced project manager who could work for a steering group consisting of the Council, the Clubs and perhaps the landowner of the chosen site.

Option 3

14. The Council has recently been investigating the possibility of gaining external funding to support the planning and development work on major city developments such as York Central/North West, Coppergate etc. The new stadium could be included as a recognised development for the City and dedicated officer time likely to be to a value of £100 - £150k could be directed to the Community Stadium project, funded through this external bid.

Option 4

15. In order for the council to make a commitment to the new stadium and to relieve some of the current pressure on YCFC the Council could consider repaying the £2m loan to the Football Foundation and securing this against Bootham Crescent. This would be attractive because the current loan is at 6.9% interest

and the Council can borrow at around 4.6%- 4.8% currently. In addition the council could allow YCFC to roll up the interest in the period prior to the move to the new stadium, thus relieving the club of a cost of £138k per year. As such a loan would be made by the council at cost, but at below commercial rates it would require the council to note this in its accounts. The drawbacks to this option are that the council could only realistically recover its loan through the successful completion of this whole project and thus the council is in a real financial way tied in to its success. More to be added here

Implications

16. **Financial** - The proposals in this report seek to utilise resources from existing council assets and from resources generated from central government due to success in generating business growth in York and due to the government wishing to support future planned development in the city. In taking the decisions set out in the recommendations to this report members need to consider the overall benefits in terms of sport, leisure, housing and community engagement that should accrue against the costs and risks involved.

Human Resources (HR) - there are no implications

Equalities - there are no implications

Legal

The legal issues arising in connection with this report are primarily twofold, firstly there are the issues arising from the transactions associated with the various options such as making the loan to the football club, and secondly there are the constitutional considerations of which parts of the decision making apparatus at York Council can make the required decisions.

Turning to the first of those matters, at this stage of the project and with the information available so far, I must qualify these legal implications by noting that they are limited to the information available. Further legal advice will be necessary as part of the ongoing process of developing proposals concerning CYC's involvement in the provision of a football stadium. In particular I would highlight that it is not yet established as to where the ownership of any 'community stadium' would reside i.e. the council, a trust vehicle or the community.

In essence what is proposed is that CYC provides support, in various ways including officer time and preferential rate loan facility, to at least one external organisation, that being the York City Football Club. I am presuming that this is a private limited company, although the status of the company is not clear from the report. What is clear is that it is wholly autonomous to the council and in private ownership. In the circumstances the council will need to seek advice as to a number of matters including whether the state aid provisions permit the proposed transactions; whether the council is able to identify a statutory power under which it can provide this assistance. I note that the well-being powers are likely to be

relevant in this regard but a conclusive opinion may only be provided when there is greater clarity as to the final model.

I would also note that it is suggested that the 'community stadium' would be managed by a professional management company with some form of profit share to the clubs themselves. Detailed legal advice will be required to ensure that the use of the stadium is regulated in order to ensure that the community objectives can be achieved in addition to the objectives of the companies behind the two clubs. Complex contractual provisions will need to be in place in order to ensure appropriate risk transfer.

Turning to the question of decision-making I would make the following observations as to the appropriate place for the decisions to be taken:-

A decision to sell property is an Executive decision.

A decision to allocate the funds from a sale to a particular project is a council function, subject to any relevant financial rules.

The allocation of LABGI funds is likely to be a council function unless the council has provided that this money is allocated, as part of the budget process, for the Executive to utilise as it chooses.

The deployment of officers to support the project is an Executive decision.

Taking over the loan is complex and would, in my view require both Executive and Council approval due to it impacting upon the budget and policy framework in future budget periods.

Crime and Disorder - there are no implications

Information Technology (IT) - there are no implications

Property - Property implications are not, at this stage, significant and are dealt with in the body of this report.

Other – there are no other implications

17. **Risk Management** – There are a number of risks involved in a project of this nature. These include that
- land values may vary
 - planning difficulties may be encountered
 - build costs may vary
 - design issues may occur
 - difficulties may be encountered in working in partnership
 - the scope, funding and workings of stadium management need to be formalised
 - the revenue position of YCFC is precarious

The proposals in this report for the Council to contribute to a new community stadium by way of asset value and practical funded project management and planning and development support are ways of reducing the risks to this project. The separate proposals for the Council to repay the Football Foundation loan and secure this against Bootham Crescent are aimed at improving the football clubs short-term revenue position.

A further risk that exists is that the Council must not breach state aid rules in the support that it is offering to this project. Further specialist advice will be needed on this issue.

Recommendations

Members are asked to agree the following recommendations

18. The sale of Huntington Stadium and the commitment of sufficient resources generated from that sale, alongside those from the sale of Bootham Crescent to fund a Community Stadium for York.

Reason: In order to rationalise and improve the facilities for professional sport in the City of York Council

19. That the first £1m of the sale value of Huntington stadium be utilised to relocate the athletics facilities at the stadium to another site with suitable viewing facilities

Reason: To improve the athletics facilities currently available

20. That £200k of the Council's LABGI reward money be allocated to fund programme management to support the development of and generation of funds for a new Community Stadium

Reason: In order to further the Council's stated objective of ensuring the provision of a new community stadium for York

21. That dedicated Council planning and development officer time to the value of £100k - £150k be committed to work in support of the sales of the existing stadia and the provision of the new Community Stadium and the new athletics facility. This to be funded from the expected external funding. Reason: In order to further the Council's stated objective of ensuring the provision of a new community stadium for York

22. That the Council takes over the £2m football foundation loan from YCFC and repays it securing it against Bootham Crescent. This to be subject to approval from YCFC and the football foundation and subject to the football foundation guaranteeing the £2m will be paid as a grant during the construction of the new community stadium.

Reason: In order for the council to make a financial commitment to the project and to support YCFC in the lead up to a new stadium being built.

Reason for Urgency : The football club faces both deadlines from the Football Foundation and current financial pressures and thus a decision is needed before the next full council meeting at the end of June 2008

Contact Details

Author: Simon Wiles
Director of Resources
Tel: 551100

Chief Officer Responsible for the report:
Simon Wiles – Director of Resources

**Report
Approved**



Date *20 May 2008*

Specialist Implications Officer(s)

Financial – Simon Wiles
Director of Resources
Tel 551100

Legal – Quentin Baker
Head of Legal & Democratic Services
Tel 551004

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

Annexes

Annex 1. - Confidential – Community Stadium Site Options and Issues

Annex 2. - Confidential - Financial Annex