

MIDDLESBROUGH COUNCIL

EXECUTIVE REPORT

Community Services Review | Mill Hill Playing Fields

Deputy Mayor and Executive Member for Resources

Executive Director of Children, Families and Learning

9 July 2012

PURPOSE OF THE REPORT

1. To seek approval to move to the business case stage for Community Asset Transfer of Mill Hill Playing Fields to the Raw Foundation.

SUMMARY OF RECOMMENDATIONS

2. That Executive Sub-Committee for Property approves the development of a business case for the transfer of the Mill Hill Playing Fields site to the Raw Foundation.

IF THIS IS A KEY DECISION WHICH KEY DECISION TEST APPLIES?

It is over the financial threshold (£150,000)
It has a significant impact on 2 or more wards
Non Key

X

DECISION IMPLEMENTATION DEADLINE

For the purposes of the scrutiny call in procedure this report is:

Non-urgent
Urgent report

X

BACKGROUND AND EXTERNAL CONSULTATION

Background

3. To promote community-led regeneration and to support an increasingly robust Voluntary, Community and Social Enterprise Sector, the Council recognises the benefits of transferring surplus assets to community management.
4. To support increased community management of assets, Executive Sub-Committee for Property approved a Community Asset Transfer (CAT) policy on 3 February 2012.
5. The Council listed six buildings as potentially available for CAT in February 2012, including Mill Hill Pavilion / Playing Fields.
6. The current condition survey states that the pavilion has reached the end of its serviceable life and recommends demolition, which is currently being progressed. The Raw Foundation's Expression of Interest proposes a new pavilion for the site. The Raw Foundation would lead in the development of the pavilion, and its partner, Cleveland Juniors Football Club, would make the pavilion their base and run it.
7. On 13 March CMT selected The Raw Foundation as the most viable partner for the site, but requested additional information relating to capital funding and running costs for the new pavilion. This additional information has now been received and is set out below.
8. The estimated cost of the new pavilion is £200,000. It is anticipated that it will be 100% externally funded, as follows:

Funder	Amount	Status
RWE (private sector donor)	£50,000	Confirmed
Inspired Facilities (Lottery grant)	£50,000	Awaiting decision (July 2012)
Football Foundation	£100,000	Awaiting decision (TBC)

9. While the information provided to date by Raw Foundation regarding expected income and expenditure suggests that the facility will be self-sustainable, a detailed cost benefit analysis will be undertaken during the business case stage, which would be completed in July 2012.

Potential TUPE implications

10. The potential transfer of the playing fields has raised a key issues that will apply to other small-scale CATs of this type.
11. The first relates the potential staffing impact of the Council making the saving on pitch maintenance. When an other organisation takes over the running of a facility, the staff involved are protected by the Transfer of Undertakings (Protection of Employment) Regulations (TUPE). This means that if the job function is to be carried out by the new organisation, the job roles transfer.
12. As the pitch maintenance equates to approximately 1FTE, the Council can opt to TUPE a job role, identified through a selection process. This would carry a risk as the individual could object as their role would not represent 50% or more at Mill Hill. Equally, if this route were pursued, it would jeopardise the CAT as the receiving organisation would not be in a financial position to honour the terms and conditions of employment of the individual.

13. Pursuing TUPE in this situation would not benefit the Council or the individual. It is therefore proposed not to undertake any TUPE transfers in relation to this asset transfer.
14. For the reasons above, CMT has agreed not to undertake any TUPE transfers in relation to any CAT transfers.

Next steps and timescales

15. If approval to proceed were received, the business case would be prepared in July and presented to the Committee in August 2012.

IMPACT ASSESSMENT

16. Not applicable at this stage.

OPTION APPRAISAL/RISK ASSESSMENT

17. Do nothing – the existing pavilion building will be demolished in the next two months and has been temporarily replaced by a container. This option was rejected as a permanent replacement for this well-used football site is required.
18. Proceed with Raw Foundation - A permanent replacement for the pavilion is therefore the only viable option, and the Raw Foundation's proposal could deliver this at no cost to the Council.

FINANCIAL, LEGAL AND WARD IMPLICATIONS

Financial implications

19. It is proposed that this CAT also include the transfer of the Mill Hill Playing Fields. This would result in a saving of the cost of maintenance of the site of approximately £30k but also a loss of income from pitch hire (£5,086pa).

Legal implications

20. If the CAT goes ahead, the Council would sign a 25-year lease with Raw Foundation for the transfer of the site.

Ward Implications

21. The Mill Hill Playing Fields are in Acklam. Its transfer would secure a valuable community facility within this ward for the medium to long-term.

RECOMMENDATIONS

22. That Executive Sub-Committee for Property approves the development of a business case for the transfer of the Mill Hill Playing Fields site to the Raw Foundation.

REASONS

23. The asset transfer of Mill Hill playing fields will keep in use for football a local facility in Acklam and enable the retention of a local junior football team, Cleveland Juniors, in the area

BACKGROUND PAPERS

None

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