



Belfast City Council

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| Report to: | Parks and Leisure Committee |
| Subject: | Sport NI – Community Capital Programme |
| Date: | 14 June 2012 |
| Reporting Officer: | Andrew Hassard, Director of Parks and Leisure |
| Contact Officer: | Ken Anderson, Estates Management Unit Stephen Walker, Principal Parks and Cemeteries Development Manager |

| 1 | Relevant Background Information |
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| | <p>The Committee is reminded that it has received a series of reports regarding applications relating the Sport NI Community Capital Programme from external groups. The first report dates back to December 2010 and there have been further reports in January 2011, August 2011, and November 2011.</p> <p>At its meeting on 11 August 2011 the Committee was provided with information on three schemes which were progressing under the Programme. The three schemes were:</p> <ol style="list-style-type: none">1. The provision of a mountain bike trail at Barnett Demesne / Mary Peters Track.2. The provision of a 3G soccer pitch at Marrowbone Millennium Park.3. Provision of a 3G soccer pitch at Hammer Open Space. <p>The Committee is reminded that there were three critical strands to the application process;</p> <ul style="list-style-type: none">• Planning and other statutory approvals as necessary;• Matched funding; and• Security of tenure <p>This report is primarily concerned with the security of tenure issue.</p> <p>Committee had authorised officers to enter into further discussions with</p> |

the various groups to agree the nature of any legal arrangements and agree terms prior to referring the matter back to the Parks and Leisure Committee and ultimately the Strategic Policy and Resources Committee in accordance with Standing Orders 46 and 60.

The report in November 2011 had sought and received specific authority in relation to each of the projects in terms of the appropriate legal agreements. Discussions have continued with Sport NI and its solicitors as well as the individual applicants as a result of which further elaboration is required.

For the information of members under the Management Agreement route the Council will carry out the maintenance and other normal obligations in respect of Council land and would retain any income generated from use of the facilities. If the site is leased out then the Club/tenant would be responsible for management and all normal running costs but would be permitted to keep any income generated. A lease would also contain provisions for the payment of rent which will be assessed and agreed with the tenant on the same basis as for other sites leased by the Council for playing field purposes.

- i) In the case of the Marrowbone and Hammer 3G pitch developments, SNI has stated that whilst its preference would be for the grant applicant to hold a lease for ten years from the date of the grant award, it would be satisfied with an appropriate management agreement between the Council and the Applicant setting out the respective roles and responsibilities of each; this agreement would be underpinned by a deed of Dedication which would represent a tie to the land and would require the Council to continue to use the land for the agreed purpose for a period of 10 years from completion of the works. Discussions with Shankill FC has concluded that the Club wish to obtain a Lease rather than a Management Agreement, the lease will transfer responsibly for management and maintenance to the Club and the Club will also be responsible for complying with Sport NI's Grant Conditions, which include replacement of the pitch (if necessary) during the 10 year Grant Period. In return, the Club will retain any income generated from the hire and use of the pitch. The position regarding the Youth Providers Forum remains unclear and it is proposed that a verbal update will be provided at the meeting.
- ii) In the case of the Mountain Bike Trail at Barnett's Demesne/ Mary Peters Track, the facility will remain under the ownership of the Council, however, Countryside Recreation NI (CRNI) will remain responsible for the delivery of project outcomes such as usage, events, programmes and promotion. The facility is not income generating. In a previous report presented to Committee in April 2010 it was reported that an application had been made to provide mountain bike trail, on that occasion the application had been made to the Rural Development Programme, this application has been successful and funding secured. As part of that report it was noted that the maintenance of the trail would be undertaken by the Council

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| | <p>and that the cost of this based on similar facilities would be in the region of £8,000 per annum. Following more detached work this estimate has been revised upwards and is more likely to be in the region of £10,000 per annum.</p> <p>iii) The Committee is reminded that the Deed of Dedication with the three potential grant recipients, would require the Council to take over responsibility for maintaining, operating and (if necessary) replacing or renewing the facility if the grant recipient is unable to do so at any time during the ten years. Should the Council chose not to maintain, operate, or replace the facility, SNI could seek repayment, of part of the grant funding (based on a sliding scale over the ten year period).</p> |
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| 2 | <p>Key Issues</p> <p>The key issues for the Committee to note are:</p> <p>Immediately following completion of the Mountain Bike Trail at Barnett Demesne the Council will assume maintenance responsibility for the Trail and this will be incorporated within the management agreement;</p> <p>Subject to the approval of the Strategic Policy and Resources Committee the Council will enter into a 10 year lease, by way of an appropriate legal vehicle, with Shankill Football club in relation to the pitch at the Hammer Open Space;</p> <p>A final decision is awaited from the Ardoyne Youth Providers regarding whether it wishes to proceed with a management agreement or a lease. An update on this will be presented to the Committee at the meeting.</p> <p><u>Physical Development</u></p> <p>In order to ensure delivery of the projects it is intended that the projects will be managed through the Council's Property and Projects Departments. It is proposed that a tender process be initiated to facilitate the design and construction of the three projects. To initiate the process requires the approval of the Client Committee and Strategic Policy And Resources. The Committee is therefore asked for its approval to proceed and to make recommendation to SP&R.</p> |
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| 3 | <p>Resource Implications</p> <p><u>Financial</u></p> <p>The maximum grant aid payable by Sport NI at each of the three sites is £245,000 and this would form the maximum financial exposure to the Council in the event that the grant recipients were unable to sustain the facility at an early stage. Thereafter the financial exposure could diminish by 10% over each of the 10 years of the grant period. In respect of the 3G pitch facilities, the ability of the grant recipients to sustain the facilities could occur later in the grant period. In such circumstances the Council would wish to choose between repaying the grant monies to Sport NI, or</p> |
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| | <p>taking-on the running cost of the facilities and the cost of pitch replacements. Maintenance and reinstatement of the proposed Mountain Bike Trail will become a Council responsibility from the outset.</p> <p>The Council will make a contribution to the project costs for the three schemes to a maximum value of £375,000</p> <p>The maintenance cost of the Mountain Bike Trail is estimated to be in the region of £10,000 p.a.</p> <p><u>Human Resources</u> No additional human resources required or released. Existing resources in Parks & Leisure, Legal Services and Property & Projects, required in setting up the various legal arrangements.</p> <p><u>Asset and Other Implications</u> The projects will have implications for the land in so far as there will be associated deed of dedication which ties the Council in to a 10 year use of that land for the specified purpose. Should the Council default on this there may be financial implications imposed through a claw back clause. However, the completion of the works will provide an enhanced facility and will make a positive contribution to health and well being for the city.</p> |
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| 4 | Equality and Good Relations Considerations |
| | The proposed agreements and Deeds of Dedication will include requirements related to Section 75 compliance via the sports development plans. |

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| 5 | Recommendations |
| | <p>It is recommended that the Committee:</p> <ol style="list-style-type: none"> 1. approve the entering into an agreement to enter in to a management arrangement with CRNI in respect the Mountain Bike Trail and agree that the management arrangement be for a period of 10 year; 2. approve the entering into a lease agreement in respect of the provision of a 3G pitch at the Hammer Open Space; 3. Agree to enter into an appropriate agreement, whether management agreement or lease in respect of the Ardoyne Youth Providers Forum in relation to the provision of a 3G pitch at Marrowbone Millennium Park; 4. Agree to enter into 10 year Deeds of Dedication with Sport NI and the prospective grant recipients to provide a safety-net to Sport NI in the event that the grant recipients are unable to sustain the facilities and/or the leases. This recommendation is subject to the further approval of the Strategic Policy and Resources Committee in accordance with Standing Orders 46 and 60; 5. agree to provide the necessary licence agreements to facilitate |

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| | construction works at the appropriate times; and 6. agree to proceed with the tender and delivery of the three proposals and to commend this decision to the SP&R Committee. |
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| 6 | Decision Tracking |
| | A further update report will be brought to the Committee in September 2012. |

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| 7 | Key to Abbreviations |
| | SNI / Sport NI – Sport Northern Ireland |

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| 8 | Documents Attached |
| | None. |