



Report of the Cabinet Member for Education & Learning

Cabinet – 21 July 2022

Installation of a 3G Pitch at Olchfa Comprehensive School

Purpose:	To comply with Financial Procedure Rule 7 to commit £1.255m to the capital programme to allow for the installation of an artificial games surface (3G) and new boundary fence at Olchfa Comprehensive School.
Policy Framework:	Capital Budget & Programme 2022/2023 and Property Service Asset Management Plan 2021-2025
Consultation:	Olchfa Comprehensive School, Corporate Property, Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1. £1.255m is committed to the capital programme for the installation of an all-weather pitch and new boundary fence, to be funded from the proceeds of the sale of land at Olchfa Comprehensive School as agreed at Cabinet 15 March 2018, subject to completion of the land sale and receipt of 50% payment of the purchase price by the purchaser.
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1. Introduction

- 1.1 A report was presented to Cabinet on the 16 June 2016 to consider the response to the consultation carried out with Olchfa Governing Body on the proposed land sale at the School site.

- 1.2 It was resolved that the site as indicated being approximately 7.8 acres (31,566m²) be declared as surplus to requirements, subject to the provision of an artificial games surface being funded from the proceeds of the sale.
- 1.3 Notice was served and the required consultation of communities and other interested parties, about the proposed disposal of land consisting, or forming part of a playing field, should be undertaken in accordance with The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015
- 1.4 The Council published a notice of the proposed land disposal comprising certain playing fields at Olchfa Comprehensive School, Gower Road Sketty under the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015.
- 1.5 A further report was then presented to the Council's Cabinet on the 15 March 2018 to consider the responses / objections to the required consultation and to decide whether the Council would confirm its earlier decision that the land in question be considered as surplus to requirements and to proceed with its disposal.
- 1.6 In consideration of the report presented to Cabinet on 15 March 2018, and the objections and response to the proposed disposal, Cabinet resolved that:
 - The site as indicated on the plans being approximately 7.8 acres (31,566m²) is surplus to requirements, subject to the provision of an artificial games surface being funded from the proceeds of the sale, and;
 - Authority be delegated to the Director of Place to proceed with the disposal by marketing the land identified and to report back to Cabinet in due course upon completion of that exercise.
- 1.7 The decision notice and report were available for viewing by the public for the 6 weeks, the notice was displayed at the site entrances for the 6 weeks and available on the Council's website.
- 1.8 Estates were able to proceed with the disposal 12 weeks after publication of the decision
- 1.9 Upon completion of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 process on 4 September 2018, the Council was able to proceed with the disposal and appointed agents Lambert Smith Hampton (LSH) to undertake the marketing.

2 Background

- 2.1 LSH marketed the site and managed the sales process from September 2018 through tender and interviews with all interested parties. This led to Cabinet approving a sale of the land to Bidder 2, in February 2020.
- 2.2 Unfortunately, this did not progress, and a further report was taken to Cabinet in May 2021 to approve the sale of the land to a new bidder. It was resolved that the recommendations as detailed in that report be approved.
- 2.3 In October 2021 Contacts were exchanged between Swansea Council and the prospective purchaser for the land sale area.
- 2.4 A delegated powers report was submitted by the Education Directorate to commit £14,350 to the 2018-19 capital programme for the preliminary works required to seek planning approval for the 3G installation.
- 2.5 A further delegated powers report was submitted by the Education Directorate to submit a further £16,000 to the 2022-23 capital programme for the additional works required to commence the procurement process for the 3G installation
- 2.6 Subsequently planning approval for the 3G installation was obtained in August 2020 with SAB (Sustainable Drainage Approval Body) approval following in May 2021.

3. Timeline

- 3.1 The purchaser has now obtained planning approval for its development; however, SAB approval is still outstanding. Once the purchaser has obtained SAB approval, then there will be a number of issues to be agreed to satisfy the conditions precedent of the contract for sale. That could all occur fairly quickly or take significantly longer.
- 3.2 The land sale process is being closely monitored to try to ensure that
 - The Council does not tender the artificial games surface (3G), before the land sale completion is certain
 - The procurement process is not undertaken at too early a stage so that the tender price cannot be maintained
 - The Council can be confident that it will proceed to contract for the 3G
 - The 3G pitch is installed as quickly as possible to minimise the time that the school is without it.

- 3.3 In addition, the contract for sale provides for the purchaser to pay £55,000 to the Council for the provision of the new School boundary safeguarding and security fencing that will need to be installed if possible before the existing fence line is removed.
- 3.4 The purchaser has made much quicker progress than was anticipated and to mitigate the risks it is necessary to proceed now with some speed.
- 3.5 The draft timeline is below;

Olchfa Land Sale and 3G Installation Draft Project Plan

Key		
Land sale activity		
3G activity		
Milestone	Notes / Issues	Date
Planning approval - 3G		01/08/2020
SAB approval - 3G		01/05/2021
Exchange of contracts - Land Sale	Purchaser pays 10% deposit	27/10/2021
Detailed planning application submitted - land sale		31/01/2022
Planning approval - land sale		08/04/2022
Design development - 3G		30/04/2022
End of judicial review period for planning approval - land sale		20/05/2022
SAB approval - land sale		tbc
Tender - 3G	This is at risk that the contract of sale is not completed	16/08/2022
FPR7 report - 3G		01/06/2022
Completion of contract - land sale		tbc
Purchaser pays 50% of final purchase price less deposit on completion - land sale	Within 10 working days of the completion date, subject to satisfaction of the condition precedent	tbc
Construction phase - Safeguarding & security fencing & 3G	6 months allowed 4 weeks for mobilisation	01/08/2022 - 01/01/2023

- 3.6 The works are due to be tendered in early June, so that construction of the 3G pitch can commence as soon as the contract for the land sale is completed.

- 3.7 The Council is already in receipt of the 10% deposit and once the conditions precedent have been agreed and the contract process is completed, the purchaser will pay 50% of the agreed value of the land (less deposit) within 10 days of the contract completion. The remainder of the money is to be paid 12 months later.
- 3.8 Once the 50% contract completion sum is paid the purchaser will be keen to mobilise as it will be incurring costs therefore, the Council will have to mobilise quickly to limit the time that the school is without a sports pitch and a secure boundary. These works may be required to be carried out in phases.
- 3.9 It is proposed to mark out the grass pitches ahead of the 3G install to provide the school with as much resource as possible and limit the impact of the land sale until the 3G pitch is fully installed.
- 3.10 It is envisaged that the 50% of sale value received at contract completion would be sufficient to cover all the installation costs of the 3G and associated fencing.

4. Proposal

- 4.1 Authorisation is now requested to commit £1.255m to the capital programme for the installation of a 3G and associated fencing at Olchfa Comprehensive School, subject to completion of the land sale and receipt of the 50% payment of the purchase price by the purchaser.
- 4.2 As tender prices have not yet been received, the cost plan and this FPR7 report are estimated based on current market intelligence.
- 4.3 The cost plan is summarised below.

Item	Value £	Comments
Pre-construction phase costs	31,000	Already committed as per delegated powers dated January 2019 and April 2022
Line marking	1,000	
Fencing	55,000	This has been allowed for within the contract
3G pitch installation	870,000	Indicative budget cost
CBS fees	10,000	
Education fees	5,000	
Contingency	283,000	To reflect unknown risks
Total	1,255,000	

5. Integrated Assessment Implications

- 5.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations

(Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 5.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 5.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 5.2 An Integrated Impact Assessment Screening form has been completed and is attached in Appendix B. As a result, it has been determined that the project does not require a full IIA report.
- 5.3 As part of this process, we have also considered the Well-being of Future Generations Act. The Act ensures that public bodies think more about the long term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach.
- 5.4 The School and their Governing Body have also been actively engaged throughout the process and will remain so until completion.
- 5.5 Internal subject matter experts have also been engaged to provide advice on the installation. We will continue to work with the school and our internal subject matter experts throughout the remainder of the process to minimise any negative impact on the school and minimise risk.

6. Financial Implications

Capital

- 6.1 These are set out in Appendix A.
- 6.2 The figures below represent the site valuation and financial information which have been redacted, due to commercial sensitivity, and are not for publication by virtue of Paragraph 14 of Part A of Schedule 12a of the Local Government 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007. These are therefore detailed in Part 2 of this report.
- 6.3 It has previously been estimated that the gross capital value for the site is in the region of [REDACTED]. Any final net receipt will be dependent upon the negotiations with regard to site-specific costs including any conditions that would be enforced following submission of any detailed planning application.
- 6.4 The provision of a full size 3G pitch from the sale proceeds would mean the incentive scheme would not apply. The total estimated cost of this is [REDACTED] this will be fully funded by the capital receipt from the land disposal.
- 6.5 This would result in an estimated final net capital receipt of approximately [REDACTED], taking account of the purchaser contribution, and the cost of the new fencing.

Revenue

- 6.6 The school may benefit from some savings in their delegated budget for the grounds maintenance and security but would need to set aside a revenue budget for the 3G pitch maintenance.
- 6.7 The 3G surface and shock pad would need replacing after 10 years at an indicative cost of £265,000, and so the school would therefore be advised to establish a sinking fund. This would be funded from the school's delegated budget and / or income from lettings by the school as appropriate.

7. Legal Implications

- 7.1 Whilst all land held by the Council is held corporately, the Governors of the School have day to day control over the premises under the Control of School Premises (Wales) Regulations 2008. Therefore, the Council must seek the views of the Governing Body and consider those views prior to making any final decision on disposal. Details of the consultation process that was followed are set out in Section 1.

Playing Fields

- 7.2 In order to dispose of the land, the local authority has complied with The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 (“the Regulations”).
- 7.3 The Council published a notice of the proposed land disposal comprising certain playing fields at Olchfa Comprehensive School, Gower Road Sketty under the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015.
- 7.4 A further report was then presented to the Council’s Cabinet on the 15 March 2018 to consider the responses / objections to the required consultation and decide whether the Council would confirm its earlier decision that the land in question be considered to be surplus to requirements and to proceed with its disposal
- 7.5 In consideration of the report presented to Cabinet on 15 March 2018, and the objections and response to the proposed disposal, Cabinet resolved that:
- The site as indicated on the plans being approximately 7.8 acres (31,566m²) is surplus to requirements, subject to the provision of an artificial games surface being funded from the proceeds of the sale, and;
 - Authority be delegated to the Director of Place to proceed with the disposal by marketing the land identified and to report back to Cabinet in due course upon completion of that exercise.

Best Value

- 7.6 The Council has a legal obligation under Section 123 of the Local Government Act 1972 that it shall not dispose of land for a consideration less than the best that can be reasonably obtained. Under the Council’s constitution, compliance with this responsibility must be certified by the Council’s Director of Place or his nominee.
- 7.7 It is for the Director of Place or his nominee to determine a marketing strategy where appropriate, either in-house or through an appropriate agent in the disposal of any land. Under the Council’s constitution, the Director of Place or his nominee will determine whether disposals will be made by way of a sealed offer, private treaty or auction and such determination will be made so as to achieve the best price reasonably obtainable.
- 7.8 In any disposal of Council land which does not fall within the delegated authority of responsible officers as defined in the constitution have to be reported to Cabinet.

Tender process

- 7.9 All contracts for works, goods and services necessary to deliver the scheme must be procured in accordance with the Council's Contract Procedure Rules and the relevant EU Regulations as appropriate. The contractual liabilities/obligations of the Council and any appointed contractors will be covered by the individual contracts entered into

Background Papers:

Report of the Cabinet Member for Education to Cabinet 16 June 2016
Report of the Cabinet Member for Education to Cabinet 15 March 2018
Report of Cabinet Member for Learning and Skills and Cabinet Member for Finance and Resources to Cabinet April 2013; 21st Century Schools Programme.
Report of Cabinet Member for Learning and Skills to Cabinet 28 May 2013; Capital receipts from sale of land / property on School sites proposed incentive scheme.
Report of the Cabinet Member for Delivery and Operations 20 May 2021
Report of the Cabinet Member for Delivery and Performance 20 February 2020
Delegated Powers Report of the Director of Education January 2019
Delegated Powers Report of the Director of Education January 2019 updated April 2022
Capital Budget & Programme 2022/2023 & Property Service Asset Management Plan 2021-2025

Appendices:

Appendix A - Financial Implications Summary
Appendix B - Integrated Impact Assessment

