

Slough Borough Council

Report To:	Trustee Committee
Date:	11 th October 2022
Subject:	The Salt Hill Playing Fields Trust Sports Provision at Salt Hill park
Chief Officer:	Richard West (ED Place & Community)
Contact Officer:	Liz Jones (GM Neighbourhoods, Learning & Leisure)
Ward(s):	Chalvey
Exempt:	No
Appendices	None

1. Summary and Recommendations

This report sets out proposals to change the mix of sports provision at Salt Hill. These proposals will result in a reduction in the number of tennis courts, an increase in 5-a-side football pitches and improvements to the on-site Club House.

Recommendations:

The Trustee Committee is recommended to:

1. Agree that GDTennis Slough Ltd should bring forward proposals in relation to Salt Hill Playing Fields to:
 - i. convert 2 tennis courts to an all-weather football pitch.
 - ii. increase the indoor area of the club-house without increasing the footprint of the building

Subject to GDTennis Slough Ltd securing the necessary permissions and agreements.

2. Note that the proposals may include an extension to the current lease agreement between Salt Hill Playing Fields Trust and GDTennis Ltd beyond the current end date of May 2030.
3. Ask officers to bring back a further report on the proposals to a future meeting of the Trustee Committee.

Reason:

These recommendations will result in the Committee receiving proposals from GDTennis Slough Ltd (GDT) for enhanced all-weather football provision at Salt Hill Playing Fields and improved customer facilities at no cost to the Salt Hill playing Fields Trust or Slough Borough Council. The loss of tennis court provision in Slough will be mitigated by the

capital investment at three other tennis facilities across the borough by the Lawn Tennis Association.

Commissioner Review

The Commissioners reviewed the report and made no observations.

2. Report

The recommendations will support the Salt Hill Playing Fields Trust objective to ensure the maintenance and superintendence of the Salt Hill Playing Fields, and to provide buildings, facilities and open space, including for amateur sport, in Slough.

Options considered

Option 1: To maintain the current mix of provision and facilities at Salt Hill and not recommend that GDT bring forward proposals to make changes to the facilities offered at Salt Hill Park.

All current tennis provision in the town centre is retained (4 floodlit hard courts) and a small all-weather football provision is also retained.

The investment in tennis facilities in parks away from the town centre by Lawn Tennis Association will continue even if this option was chosen.

There are disadvantages of this option. These include the continuation of under-used tennis facilities in the heart of the borough and no vehicle for meeting increasing demand for all-weather football provision. In addition, the current facilities are becoming damaged through excessive wear and tear (the all-weather football pitch) or becoming unsuitable (the current club-house) because they are too small.

This option **is not** recommended.

Option 2: To agree that GDT bring forward proposals to change the current mix of facilities for amateur sport at Salt Hill Park to reduce tennis courts, increase football space and enhance the club-house.

Salt Hill will be able to offer popular sport facilities and improved associated features like a warm-up area and larger indoor club-house at no cost to the Salt Hill Playing Fields Trust or to the Council. The investment in tennis facilities in parks away from the town centre (by the Lawn Tennis Association) will mean that overall tennis provision across Slough is improved.

GDT is likely to propose an extended lease agreement between Salt Hill Playing Fields Trust and GDT Ltd beyond the current end date of May 2030. Initial business case calculations by GDT suggest the lease extension request may be until 2041 to make their investment economically viable. Extending the lease by the length of time requested by GDT would be a disposal of Trust property and will be governed by the requirements of Section 117 to 121 of the Charities Act 2011. This means the Salt Hill Playing Fields Trust must obtain and consider a written report from an independent qualified surveyor, advertise the disposal (as advised by the surveyor) and be satisfied that the terms of the disposal are the best that can reasonably be achieved. In some cases, a disposal of over 7 years will require Charity Commission consent (although this will not apply in this case

as there is no intention of losing recreation land at Salt Hill and not replacing it, and GDT is not a 'connected person' under the Charities Act).

This option **is** recommended with a further report being brought to the Committee when the final proposals are received.

Option 3: To agree that capital investment is needed to improve and enhance the sports facilities at Salt Hill Park, but the Trust will seek capital funding from other sources.

The disadvantage with this option is that the Trust would have to secure alternative funding to enable this investment to take place. Unless significant grants were to become available there would be no capital investment to make the improvements to sports facilities in the park. The current operator may decide to exit the lease agreement, and this could result in the facilities being closed or the Trust needing to seek a new operator/management of the site.

This option **is not** recommended.

Background

History of the sports provision and mix: In March 2019, the Trustee Committee agreed to surrender a lease agreement with a previous operator of the sports site in Salt Hill Park and enter a new lease agreement with GDT allowing GDT to operate and manage an 8-court tennis facility in the Park. This facility included a small "club-house" with an office, common seating area, kitchenette, and toilet. The facilities had been brought to a high standard through capital investment from the Lawn Tennis Association (LTA) and Slough Borough Council.

The lease with the previous operator included provision that the operator repaid Slough Borough Council the £65,000 capital investment in the facilities made by it. This was to be paid back in instalments of £4,300 pa. All parties assumed that this repayment plan would be continued by GDT when they began to operate the site in March 2019. However, by July 2019 GDT evidenced that this repayment burden made operating the site uneconomical.

In July 2019 (Salt Hill Trust Committee meeting 9th July 2019) GDT secured agreement from Salt Hill Trust and the Lawn Tennis Association (LTA) to

- remove the repayment requirement from the lease,
- reduce the rent to a "peppercorn" amount,
- require GDT to pay for maintenance and utility costs associated with the sports provision,
- alter the sports provision on offer at the site to allow one all-weather football pitch to be provided, and
- continue working with council officers to explore what further changes could be made to drive up usage of the facility and increase profitability of the site.

From 2019 to the present time, the sports provision at the site has been:

- 1 x 7-a-side artificial grass football pitch
- 4 x floodlit hard tennis courts with gate access system
- 2 x netball courts (marked on 2 of the tennis courts)
- Club house (office, seating area, kitchenette, and toilet)

Since 2019 a number of football clubs have begun to regularly use the pitch at Salt Hill Park. Currently 20 local clubs regularly book this pitch. Local schools have occasionally used the facility for their sports day activities and community groups like “Sport in Mind” (supporting and transforming the lives of adults and children with mental illness via sport) use the site too. GDT now hold a growing waiting list of football clubs wanting to use these facilities and it is likely that the success of the women’s England football team in the European Championships in the summer of 2022 will further drive interest from women’s football groups to use the all-weather pitch.

GDT data shows that in 2021 they had a total of 71 members of the tennis club. From April to December 2021 a maximum of 21% of available tennis hours were used, this is despite a number of promotional campaigns as well as having both a junior and adult coaching team available. LTA guidelines recommend that to be economically viable, each court should sustain 50 members. A club with the courts available in Salt Hill should support a membership closer to 200.

Unfortunately, there was only ever 1 user of the netball courts (Slough Netball) and they have not made a booking since September 2020 as they are now based at Langley Grammar School.

In May 2021 Salt Hill Trust and GDT agreed a lease extension (on the same terms as July 2019) to 6th May 2030.

Why are changes being proposed? GDT estimate that the interest in football would merit converting 2 of the remaining 4 tennis courts into another football pitch with an associated area for warming-up/meeting of teams who have booked the next session. In addition to this outside recreation/waiting area it is proposed to increase the indoor area provided by the club-house by in-filling the covered area at the northern end of the current structure creating more internal space (an additional 4 x 5m) without increasing the footprint of the building. An extended club-house will enable additional changing and toilet facilities plus a larger socialising space for users.

GDT may also be able to invest in repairing the current football pitch because of the heavy usage the pitch surface has led to this becoming damaged.

All of the investment for these changes will be made by GDT with no funds provided by Slough Borough Council or Salt Hill Playing Fields Trust. However, to make this a financially viable option for GDT they may require a longer investment to the site which is why GDT may request a further lease extension to May 2041.

Additional tennis provision in the borough: GDT are bringing forward their proposals to increase football provision because LTA have identified 3 existing tennis facilities in Slough that will benefit from refurbishment.

In October 2021 Department of Digital, Culture, Media and Sport (DCMS) released £22m to invest in public tennis courts across the UK. LTA identified Slough as an area that met the criteria to receive this funding and the tennis courts at Mercian Way, Cippenham and Lascelles parks will be upgraded via this government capital fund (managed by LTA). Slough Borough Council and LTA are currently working together to procure a partner to manage and operate these sites (ensuring good levels of free access for residents) once the investment has been made.

These proposals have been discussed with LTA who support the alterations proposed by GDT.

3. Implications of the Recommendation

3.1 *Financial implications*

3.1.1 There are no financial implications for Slough Borough Council (SBC). GDT pay for maintenance and utility costs associated with the sports provision at Salt Hill. They also keep all the income generated from rental of the sports pitches and pay SBC a peppercorn rent.

3.1.2 All of the investment for these changes will be carried out by GDT with no funds provided by Slough Borough Council or Salt Hill Playing Fields Trust.

3.1.3 Options for the longer term will need to be explored by SBC to make this arrangement financially viable for the Council. GDT may request a further lease extension to May 2041 and it would be worthwhile at this time for SBC to negotiate to bring about a new operating model whereby the Council can benefit financially from the use of the facilities.

3.2 *Legal implications*

3.2.1 The Salt Hill Playing Fields Trust must maintain and oversee the Salt Hill Playing Fields as public and open space for leisure and recreation. This includes the provision of buildings, facilities and open space for amateur sport in Slough.

If the Trustees want to accept the GDT proposals in due course and dispose of charity land, sections 117 to 121 of the Charities Act 2011 apply, meaning that before the Trustees dispose of land or any interest in that land, they must take valuation advice from a qualified surveyor to ensure that they transact on the best terms that can reasonably be obtained for the charity.

The charity trustees must obtain and consider written advice from a fellow or a professional associate of the Royal Institution of Chartered Surveyors. The advice must include certain prescribed information and advice under the Qualified Surveyor's Regulations 1992. The charity trustees must advertise the land if/as advised by the qualified surveyor, and subject to that decide on the basis of the advice that any transaction that they enter into for the disposition of the land is on the best terms that can reasonably be obtained for the charity.

When they have taken the prescribed steps then, because they have power under the trusts of the charity to make the disposal and because the transaction is not in favour of a 'connected person', the charity trustees or the charity can dispose of the land without an order of the Charity Commission or the court.

3.3 *Risk management implications*

Risk description	Risk score	Mitigation actions	Residual risk score
Operating the site becomes uneconomical and the operator exits the lease.	12	The 1954 Landlord & Tenant Act requires the tenant to give 3 months' notice to exit the agreement. This would allow some time to look at alternative arrangements.	4

		Agreeing to the recommendations in this report will allow the operator to develop a detailed business plan which will include GDT making financial investment in the site and proposals for an extended lease (if appropriate).	
Salt Hill Trust unable to find another operator willing to manage the site.	12	Operating leisure sites is a specialist area of business with a limited number of potential partners in the market. Procurement of an operator for the other 3 tennis locations in parks may identify other operators who can be approached about operating Salt Hill. However, due to the limited number of potential operators this may not identify alternatives and the current operator may not want to engage with the Trust about operating the site.	9
Key stakeholder (Lawn Tennis Association) does not support proposals.	9	Discussions about the proposals have been had with Slough's local LTA contact who supports these proposals.	3
Limited investment in the site leads to falling usage.	15	Data from the current operator indicates that tennis usage is at an unsustainably low level and usage of football facilities are decreasing due to significant damage caused by excessive use. Changing the use mix to increase football provision and reduce tennis provision will increase usage.	6

3.4 Environmental implications

The land upon which the sports provision is sited was conveyed to Slough Borough Council to be used as recreational land under the 1875 Public Health Act. In 1906 there was a conveyance that set out clearly that the land can only be used "*solely for the purpose of encouraging and given facilities for out-door games and physical and athletic exercises calculated to promote the physical health of the young people of the district and not for the purpose of providing a promenade or mere pleasure ground or public resort only*".

This means that the land can only be used to offer sports/physical activity facilities and not become a general area of open green space.

There is obvious demand for football facilities and by hosting these close to the town centre means that users have the option to travel to/from the site using public transport so discouraging use of cars.

3.5 *Equality implications*

Performance data provided by the current operator shows that a wide range of groups use the Salt Hill football facilities. These groups include both adult and children football groups, male and female football teams, groups that use football to engage with users who have ill-health and disabilities as well as voluntary groups which support refugees. In addition, the site has been nominated as a “Say No to Racism” club. Extending the popular football offer will increase the opportunities for this wide range of communities to make use of the facilities.

4. Background Papers

None