

Waverley Borough Council

Report to: Executive committee

Date: 4th July 2023

Ward(s) affected: Haslemere West

Report of Director: Ian Doyle

Author: Debbie Smith, Development Programme Manager

Tel: 01483 523 423

Email: debbie.smith@waverley.gov.uk

Executive Portfolio Holder: Steve Williams, Portfolio Holder for Environment and Sustainability

Email: steve.williams@waverley.gov.uk

Report Status: Open

Woolmer Hill Playing Pitch

1. Executive Summary

The need for a Third Generation Artificial Playing Pitch (3G pitch) in Haslemere has been documented in the Council's Playing Pitch Strategy.

The Football Foundation offers grants to those who are able to demonstrate future use of the pitch in line with their policies. The Foundation have worked with the Council to fund the project to deliver a 3G pitch at the Woolmer Hill Recreation Ground in Haslemere.

This paper updates the Executive regarding the funding of the project and seeks to ensure the correct authorities are in place to enter into the construction agreement, as stipulated by the Football Foundation, to build the pitch and offer the requisite warranties.

2. Recommendation to Executive

That the Executive approves:

- 2.1. Following the recommendation of MGAC, the Employer's Agent appointed by the Football Foundation in this project, delegation of authority to the Waverley BC Executive Head of Commercial Services to enter into a JCT Design and Build Contract (prepared by the Football Foundation) with Field Turf Tarkett SAS (a contractor appointed by the Football Foundation) to build the Woolmer Hill 3rd Generation Artificial Turf Pitch.
- 2.2. The total estimated value of the contract is £937,308 which is to be funded from various sources as set in the Financial Implications section of this Report.

3. Reason(s) for Recommendation:

- 3.1. The Executive has previously approved acceptance of the Football Foundation grant, together with its obligations to deliver the new 3G pitch facility at Woolmer Hill.
- 3.2. The Football Foundation grant is conditioned upon the council agreeing to join the Football Foundation's framework for approved contractors, and for the Council to enter into a JCT Design and Build Contract with the recommended provider. Authority is required to enter into the construction contract.

4. Exemption from publication

The report is not exempt.

5. Purpose of Report

- 5.1. To seek approval to enter into a JCT Design and Build Contract for the 3rd Generation Artificial Turf Pitch at Woolmer Hill.

6. Strategic Priorities

- 6.1. This project demonstrates the Council's priority to improve the health & wellbeing of its community.

7. Background

- 7.1. The need for sports pitches in Haslemere is clearly set out in the Council's Playing Pitch Strategy.
- 7.2. The Council have worked with the Football Foundation to identify a suitable site for a 3G pitch which will be able to be used for over 67 hours a week of football for all ages and stages.
- 7.3. Grant applications were successfully made to the Foundation and other funding bodies, including Waverley Community Infrastructure Levy, East Hampshire District Community Infrastructure Levy, and the main Football Clubs using the pitch.
- 7.4. In July 2022, the Executive gave authority to progress the project and in particular to lodge a restriction against title and to enter into a deed of dedication for the land where the 3rd Generation Artificial Turf Pitch was to be constructed.
- 7.5. The paper also set out the details of construction and grants received.
- 7.6. A procurement of a construction contractor took place with the Council joining the Football Foundation's OJEU compliant Framework and a tender exercise was completed by the Football Foundation's appointed Employer's Agent (MGAC).
- 7.7. Shortly after the procurement process there were significant cost increases in build contracts due to the start of a period of increased inflation, rising energy costs and subsequent increases to labour and building material costs.
- 7.8. A cost increase was requested by the procured contractor and further funding secured from the Football Foundation.

7.9. This paper therefore asks now for the approval to enter into the formal JCT Design and Build contract for the works.

8. Consultations

8.1. Limited consultation been undertaken on this specific item, although the approval of the project and process of contracting was shared with the Executive in July 2022.

9. Key Risks

9.1. Not completing the JCT Design and Build contract could mean that warranties on the pitch are not valid, it is therefore imperative that the contract is signed as soon as we have the authority in place.

10. Financial Implications

10.1. The cost of the works included in the JCT Design and Build Contract is £937,308.

10.2. These works costs, alongside the other costs associated with the delivery of this scheme, are funded from external sources detailed in the table below. The ongoing maintenance costs will be funded from the income generated from the pitch.

| | |
|-------------------------|-------------------|
| Football Foundation | £699,308 |
| Waverley CIL | £155,000 |
| East Hants District CIL | £350,000 |
| Football Clubs | £51,500 |
| TOTAL FUNDING | £1,255,808 |

10.3. The Council is responsible for payment of the works and then the grant drawdown applications made to the Football Foundation. WBC

CIL monies and contributions from partner football clubs have been received. EHDC CIL is to be claimed post-completion of works.

11. Legal Implications

- 11.1. To regularise the current situation, the Executive is being asked to approve a delegation enabling the WBC Executive Head of Commercial Services to enter into a JCT Design and Build Contract with the appointed contractor, Field Turf Tarkett SAS to build the Woolmer Hill 3rd Generation Artificial Turf Pitch.
- 11.2. To comply with the construction timetable, and funding obligations, the WBC S.151 Officer and Executive Head of Commercial Services both issued non-binding letters of comfort in November 2022 to enable construction to commence in January 2023.
- 11.3. The Employer's Agent, MGAC who has been appointed by the Football Foundation to act on behalf of WBC (and other Local Authorities involved in similar projects funded by the Football Foundation) did not provide a draft copy of the prescribed JCT Design and Build Contract to WBC until the end of March 2023.
- 11.4. This contract was so heavily amended from the standard form JCT Design and Build Contract that no party that was not directly involved in its drafting would be able to approve its content. WBC is therefore reliant on the recommendation of MGAC to approve its terms. This does present a risk to WBC but needs to be seen in the context that other Local Authorities involved in similar projects funded by the Football Foundation are being asked to enter into the same amended contract and that MGAC are being paid to take on the role of Employer's Agent for this project and by definition are required to act on behalf of and in the interests of WBC.
- 11.5. Construction of the Woolmer Hill 3rd Generation Artificial Turf Pitch was completed on 5th June 2023. The defects period will end on 5th June 2024.

12. Human Resource Implications

12.1. There are no Human Resource implications.

13. Equality and Diversity Implications

13.1. An Equality and Diversity Impact Assessment was completed ahead of construction of the work.

14. Climate Change/Sustainability Implications

14.1. Considerations were made to the placement of the pitch as to not affect the trees in the area.

15. Summary of Options

15.1. The option is outlined in the paper.

16. Conclusion

16.1. It is recommended the Executive approve delegation to the WBC Executive Head of Commercial Services to enter into the JCT Design and Build Contract for the construction of the Woolmer Hill 3rd Generation Artificial Turf Pitch.

17. Background Papers

17.1. Report to Executive, July 2022

18. Appendices

18.1. None.