

Wates Developments – Land at Appledore Road

Draft Sports Facilities Operator Appointment Plan (subject to review of parties)

July 2020

1. Purpose

- 1.1. This Document sets out a high-level process for appointment of a community organisation to manage and operate the proposed sports facilities at Appledore Road in Tenterden, namely:
 - The pavilion building
 - The grass football pitches
 - The car park.
- 1.2. This draft has been prepared on the basis that the ultimate Freeholder of the sports facilities would be an Estate Management Body (such as the Land Trust or other charity or charitable body whose objects include holding and managing public open spaces on behalf of and for the benefit of local communities) and that use of the facilities would be underpinned by a Community Use Agreement (CUA).
- 1.3. However, the principles within this Document could also apply to a process whereby a community organisation was awarded the freehold or long lease hold of the facilities directly by the Developer or Estate Management Body.
- 1.4. The intention is that freehold would be transferred to the Estate Management Body along with a one-off capital payment that would be used as an investment to fund maintenance and renewal of the facilities in perpetuity.
- 1.5. This ensures that a single, capable Estate Management Body, can take responsibility for the overall management and stewardship of the site.
- 1.6. The Estate Management Body would then carry out an approved Operator appointment process to identify a suitable Community Operator to undertake day-to-day management and operation of the facilities.
- 1.7. In the unlikely, scenario where the Estate Management Body temporarily cannot find a suitable Operator, it would manage the Facilities direct.

2. Guiding Principles

- 2.1. The process for appointment has been designed to achieve consistency with Ashford Borough Council's (ABC) preferred approach of "Community Stewardship" as set out in Local Plan Policy IMP4 "Governance of Public Community Space and Facilities".
- 2.2. We note that ABC is not prescriptive in its definition of Community Stewardship. The definition is broad, covering community management companies, charitable trusts, community interest companies and Parish Council led models dependent on local circumstances, the extent and type of assets to be managed etc.

- 2.3. The intention, therefore, is to offer an opportunity that may be of interest to this range of organisations, rather than tailored to one specific type.
- 2.4. The approach has also been informed by a more general approach to Community Asset Transfer (CAT) including reference to the following:
 - The Football Association Guide to Asset Transfers
 - Club Matters Sports Clubs Community Rights and Community Assets Guidance
 - Local Government Association guidance on Community Asset Transfer.

3. Freeholder Responsibilities

- 3.1. The Freeholder/Estate Management Body would need to provide the prospective Operators with a clear understanding of the following:
 - Details of the facilities – including the design and specification
 - Timescales for delivery
 - Copy of the planning permission
 - Copy of the draft Community Use Agreement
 - Overview of requirement to offer use to the wider community
 - Copy of the Section 106 Agreement
 - Legal agreement/contract
 - Overview of maintenance responsibilities
 - Detailed maintenance plan for the grass pitches
 - The length of the lease/license/contract and whether there would be an option to extend
 - The value of allocation from the Freeholder to the Operator from the Annual Maintenance Budget (generated through the annual investment return from the one-off capital payment)
 - Details of any annual reporting arrangements relating to maintenance and wider community use
 - Details of any annual rent (if relevant).
- 3.2. It is recognised that expressions of interest may be received from organisations that would have a range of skills and experience in managing sports facilities, such as amateur sports clubs or existing local government organisations.
- 3.3. The Freeholder would therefore work with the preferred Operator in the run-up to opening to assist in the development of detailed proposals, thereby helping to ensure sustainable operation.
- 3.4. The Freeholder would prepare a comprehensive 10-year Site Management Plan as a key safeguard, representing the contractual agreement between the Estate Management Body and the Operator, outlining specific aims and objectives for site maintenance and community involvement.
- 3.5. The Plan would be analysed regularly to provide comfort that the Operator is delivering their commitments and the community is receiving the outputs it can expect.

- 3.6. Finally, the Freeholder would be responsible for advertising the opportunity and overseeing the process to ensure that an appropriate organisation is appointed. Assistance from ABC officers at this stage may help ensure that the opportunity reaches the widest possible range of organisations.

4. Operator Responsibilities

- 4.1. We have assumed that the Operator would take a full-repairing lease or licence on the facilities and be responsible for 100% of day-to-day operating costs, these will include:
- Staffing
 - Utilities
 - Maintenance
 - Business rates
 - Miscellaneous management costs
- 4.2. Maintenance costs would be separated in to annual and longer-term (renewal) items. Responsibility for the latter would rest with the Estate Management Body, funded through the annual investment return from the one-off capital payment. Costs associated with the former would be met through a combination of an allocated amount from the Maintenance Budget (also generated through the annual investment return from the one-off capital payment) and Operator income generation. The main income streams available to the Community Operator are likely to be:
- Pitch hire
 - Pavilion hire – meeting rooms and club room
 - Membership subscriptions (sports club lessee or licence holder).
- 4.3. The Operator would also be responsible for making the facilities available for hire by the wider community. This would be governed by the CUA.
- 4.4. The Operator would provide detailed quarterly performance reports as per the Management Plan, with the contract reviewed annually. This management process gives the Estate Management Body and other stakeholders assurance that the site and community assets are well managed.
- 4.5. Prospective Operators would (as a minimum) be required to provide the following information in their expression of interest:
- A vision and ideas for how the facilities would be operated for the benefit of the community
 - A Business Plan including:
 - Skills and experience
 - Organisational capacity
 - Income and expenditure forecasts
 - Operating plan including hire arrangements.
 - Financial accounts
 - Confirmation of suitable governance arrangements in place, including:

- DBS
- Equality and Diversity
- Health and Safety
- Insurance
- Constitution.
- Marked-up contract and CUA.

5. Appointment Process

5.1. A staged appointment process is set out in Table 1. We have assumed a 15-week timeframe. Post-award, the Freeholder and Operator would work together to refine the proposals for facility management.

Table 1 – Indicative Programme

Appledore Road Operator Appointment	Programme														
	Week														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Advertise Opportunity/ Invite Expressions of Interest	■	■	■	■											
Issue Information Pack					■										
Prospective Operators Prepare Submission						■	■	■	■	■	■				
Submissions Returned												■			
Evaluation of Submissions													■	■	
Preferred Operator Identified															■