

	<p>POLICY AND RESOURCES COMMITTEE 17 February 2015</p>
<p style="text-align: right;">Title</p>	<p>Developing a new vision for Cophall</p>
<p style="text-align: right;">Report of</p>	<p>Commercial & Customer Services Director</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>None</p>
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<h3>Summary</h3>
<p>In developing a new Sport & Physical Activity Strategy and a new Parks & Open Spaces Strategy, the significant opportunity to create a landmark sporting destination for the borough at the Cophall site has been noted and as such, work has been undertaken to assess how to develop the vision for the site. This report updates members on the activity that has been undertaken to develop the site and asks members to agree amounts in relation to traffic management costs agreed with Saracens under the S106 Agreement for the site.</p>

<h3>Recommendations</h3>
<p>1. That the Committee comments on the work being undertaken to support the development of a new Cophall Partnership.</p>
<p>2. That the Committee agree the amounts set out in section 1.16 of this report as being reasonable to cover traffic management costs to be paid by Saracens</p>
<p>3. That the Committee notes the profit mechanism as set out in section 1.17 of this report and agrees that the sum calculated will be re-invested in the Saracens campus to fund activities for public benefit</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 At its meeting on the 21 July 2014, the Policy and Resources committee approved the Outline Business Case for Sport and Physical Activity (SPA) which set out how the council intends to increase levels of sport and physical activity in the borough and the future direction for the council-owned leisure centres. One of the recommendations agreed by the Committee was to start discussions to look at options including a Trust, to manage the Copthall site as a whole entity with a view to develop an agreement between the council and partners, including current and future leaseholders and users. This paper brings members up to date on this work and sets out a new way of developing the Copthall site in the form of a new partnership, which complements the Council's approach to Sport and Physical Activity (SPA).
- 1.2 The main user of the Copthall site is the Saracens Rugby club who have developed the Copthall Stadium. On the 2 February 2012, the Planning and Environment Committee agreed, having taken into account all environmental information received by the Council under the Environmental Impact Assessment process and giving full consideration to the environmental impacts of the development, the proposed development of the Barnet Copthall Stadium. This was subject to a number of caveats outlined in the report presented and a section 106 agreement being completed.
- 1.3 This report seeks agreement to finalise the traffic management costs as set out in that agreement and notes the profit share agreement also contained in the lease agreement.
- 1.4 **Developing a new vision for Copthall and a new Partnership.** As part of the SPA outline business case approved at the Policy and Resources committee on the 21st July 2014, members called for the SPA project to undertake some work to start discussions to set up a Trust to manage the Copthall site as a whole entity. The main driver for this is the understanding that the Copthall site presents an opportunity to create a landmark sporting destination for the borough through an integrated sport and physical activity provision.
- 1.5 It is clear that the development of the Copthall site will support the council's strategic objective of delivering an increase in participation in sport. This would be by providing a borough-wide hub for elite sport at the end of the sport pathway spectrum which is started in localities through local sport centres and clubs/sports development activities. The site could become a high quality destination which combines elite and grassroots sport, building on the existing community offer provided by Saracens and widening the opportunities for partners to help make the site meet the needs of residents.
- 1.6 The Copthall site falls within the Green Belt where development is restricted by national planning policy. Very special circumstances are required to overcome the fundamental principles of restricting development in the Green Belt. Experience shows that the best approach to secure planning consent

will be to take a whole-site, integrated approach through a “master plan” which would clearly set out the special circumstances and how such a development will deliver community benefits.

- 1.7 It is the development of this master plan that will be pivotal in gaining support for a holistic approach to the site and current timetables suggest that this be developed by the summer. A key part of the development is the need for the council to be clear on what its aspirations and vision is for the future of the site. This is linked to the work that is not only being undertaken under the SPA project but the development of a new Parks and Open Spaces Strategy which is currently on going.
- 1.8 The report on the SPA being considered by Policy and Resources Committee on the 17th of February 2015 suggests that the Cophall leisure centre would stay within a new SPA leisure management contract to ensure that the business case is robust. Within the Cophall site there are also sports pitches and the park, the future of which is being developed as part of the Parks and Open Spaces Strategy which is currently being developed.
- 1.9 However, the development of a master plan is an iterative and consultative process and so gives the Council the opportunity to develop its views on the opportunities that the site has to support its corporate objectives as well as obtaining and understanding the views of a variety of stake holders, who could include, Saracens, Middlesex University, leaseholders, and residents groups.
- 1.10 Since the summer, the Council has been actively engaging with stakeholders to provide the basis for the development of a master plan. The proposed Cophall master plan and vision will have at its heart the redevelopment of the council's leisure centre on the site, a re-modelled stand for the Saracens stadium and the development of the park as an attractive destination for the borough. Early work has suggested that some broader objectives for the Cophall site could be:
 - To create a hub for a range of sports that will sit within a parkland setting and attract the widest range of users;
 - To support sports development across the borough by acting as a hub for other facilities, and links to local and sub-regional sports clubs;
 - To harness the prestige and potential of Saracens and the Allianz Stadium as a centre of excellence for rugby in London;
 - To support the growing links with education at all levels;
 - To create a first class visitor experience that is safe, enjoyable and memorable;
 - To create a coherent, well branded and managed whole understanding and delivering the needs of a range of operators and activities;

- A design that caters for the need and reflect the corporate objective for sport and the public health outcomes;
- To provide a range of parkland facilities that will attract the widest range of visitors;
- To respect the green belt location offering environmental and social enhancements that supports the case for development. In this regard the development must have a minimal impact on and enhance the landscape;
- To create an accessible location for all visitors;
- Create a park where users can co-exist and operate without detriment to each other 24/7; and
- A park that links as part of a green network with its surrounding areas, in particular Hendon and Middlesex University to the south and Mill Hill via the a green corridor to the east

- 1.11 These objectives need to be challenged and refined and it is suggested that the Copthall Community Sports Forum (CCSF) which is currently active on the site could be used as a forum or “task and finish group” to develop the master plan alongside any other interested parties. The CCSF is a loose organisation that includes all leaseholders, some elected members, council employees from the Parks team and some neighbouring users.
- 1.12 Once the master plan has been agreed, which is targeted for summer 2015, it will need to be prioritised and the scale of resources required to implement it identified. It is at this point that exploration of possible new governance structures could be undertaken. The CCSF membership could form the basis of a new board which can be seen as a precursor to a new “Partnership”. This new Partnership would be the vehicle to ensure that there is coherent and consistent driver for the implementation of the master plan.
- 1.13 There are many types of partnerships ranging from a simple partnership agreement through to a community interest company or a trust. What type of vehicle this new partnership would take is dependent on a number of factors eg asset management and ownership, investment, and income. For example, at this stage, it is envisaged that any new partnership would not manage the Copthall leisure centre. The new Parks and Open Spaces Strategy will, as part of its development, determine an optimal management strategy for the sports pitches on site. As the position on each of these issues becomes clearer, further work on developing a new partnership can be undertaken and the type of form it could take.
- 1.14 **Traffic Management costs** – The Council is the landlord of the Copthall site and as such entered in to a Section 106 Agreement with its tenants Saracens which included a requirement for Saracens to enter into and implement a Stadium Travel Plan and Local Area Management Plan. The section 106

agreement specifies that the financial cost of complying with the obligations under the Stadium Travel Plan is to be borne by Saracens. The obligations include encouraging and reinforcing sustainable transport choices and minimising car based travel, the costs of promoting, administering and enforcing any Parking Restrictions, including as appropriate any Traffic Management Costs and includes the Permit Costs of local residents affected by any CPZ of obtaining a permit under any CPZ introduced, manage coach and car parking to minimise negative impact on the transport network, green belt and the environment from time to time under the Section 106 Agreement.

- 1.15 The section 106 agreement goes on to state that Saracens will pay to the council a fair and reasonable commuted sum for Traffic Management Costs for the designing, implementing and maintaining any parking restrictions, cpz and TRO or other traffic management order or measures reasonably required by the Council in order to achieve the Stadium Travel Plan objective or to mitigate the transport impacts of the development including any costs reasonably and properly incurred to implement or enforce the stadium travel plan or local area management plan which sums will be payable to the Council in advance on the basis of the Council's reasonable estimate.
- 1.16 The reasonable Traffic Management costs have been agreed through negotiation with Saracens and it is proposed to charge Saracens the following traffic management costs:

2014/15	£200,000
2015/16	£110,000
2016/17	£110,000
2017/18	£110,000
2018/19	£110,000
2019/20	£110,000
Per annum thereafter £15,000	

- 1.17 As well as a Section 106 agreement there is a management agreement within the lease to Saracens which relates to the community use of Copthall Stadium. It states in consideration of the Council granting the Lease Operator Saracens, shall pay to the Council an amount equal to 30 per cent (30%) of the Net Operating Profit for each Operating Year. In accordance with the objects of the SPA, it is suggested that this sum be re-invested in the Saracens campus to fund activities for public benefit.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The development of the SPA business case has highlighted the contribution that the Copthall site could make to meet Council strategic objectives.
- 2.2 The section 106 agreement states that a reasonable sum should be paid by Saracens for traffic management costs. The amounts detailed above have been negotiated to ensure that the reasonable traffic management costs can

be met each year and members are being asked to agree the amounts that have been negotiated to achieve the stadium travel plan objective contained within the section 106 agreement.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 None

4. POST DECISION IMPLEMENTATION

4.1 Officers will work with the Copthall Community Sports Forum to develop the master plan and appropriate invoices will be raised for the sums presented in section 1.15.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Corporate Plan 2013-16 sets out the following priorities:

5.1.2 Promote responsible growth, development and success across the borough: the proposed development of Copthall site could integrate sport and physical activity with open and green spaces and places people want to go to.

5.1.3 Improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study: the proposed re-development of the council's leisure estate of which Copthall will be part will provide facilities that meet the needs of Barnet residents and that they can be proud of.

5.1.4 The project will directly support the themes of 'wellbeing in the community' and 'how we live' from the Health and Wellbeing Strategy through the delivery of the SPA Strategy.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The agreed commuted sums outlined in paragraph 1.15 will be paid into the Special Parking Account (SPA). These amounts will cover the cost of the residents parking permits issued, traffic management costs, as well as any costs associated with maintaining the Controlled Parking Zone (CPZ).

5.2.2 The overall impact of the agreement on the SPA will be cost neutral and any costs related to Saracens will be reviewed and verified by the council on an annual basis.

5.2.3 There may be a small amount of additional income to the SPA related to PCN's issued within the CPZ due to non-compliance which may result in a small surplus. The costs of enforcement are included in the NSL contract.

5.2.4 In line with the section 106 agreement 30% of any net operating profit will be re-invested into the Saracens campus for public use. There has not been a reported net operating profit generated in recent years, limiting investment. Any contribution would need to be reviewed and verified on an annual basis by the council to ensure a correct level of investment is made.

5.3 Legal and Constitutional References

- 5.3.1 All proposals emerging from the SPA must be considered in terms of the Council's legal powers and obligations, including its overarching statutory duties such as the Public Sector Equality Duty.
- 5.3.2 Constitution Responsibilities for Functions Annex A sets out the terms of the Policy and Resources Committee.
- 5.3.3 Decision makers should have due regard to the public sector duty in making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome. Consideration of the duties should proceed the decision. It is important that decision makers have regard to the statutory grounds in the light of all available material.
- 5.3.3 The traffic management commuted sum costs come from the section 106 agreement which was prepared and negotiated in accordance with the heads of terms presented to and approved by Planning and Environment committee on 2 February 2012.

5.4 Risk Management

- 5.4.1 The highest risk on the development of such a master plan is that Residents do not support the vision for Copthall. To mitigate such a risk the process for its development will be iterative and consultative.

5.5 Equalities and Diversity

- 5.5.1 The council and all other organisations exercising public functions on its behalf are required under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between those with a protected characteristic and those without; promote good relations between those with a protected characteristic and those without. Barnet considers the impact of its proposals on the groups identified as protected characteristics in the 2010 Equality Act -Age, disability, ethnicity race and national origins, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief sexual orientation.
- 5.5.2 As the new master plan is developed due consideration to the equalities issues will be undertaken and an equality impact assessment (EIA) undertaken.

5.6 Consultation and Engagement

- 5.6.1 As part of the development of the new master plan a full consultation programme will be developed.

6. BACKGROUND PAPERS

- 6.1 The Planning and Environment Committee meeting of the 2 February 2012 <http://barnet.moderngov.co.uk/CeListDocuments.aspx?Committeeld=122&MeetingId=1702&DF=02%2f02%2f2012&Ver=2>