

EAST RENFREWSHIRE COUNCIL28 JUNE 2023Report by Director of Education and Director of EnvironmentSPORTS PITCHES TRANSFER PROJECT**PURPOSE OF REPORT**

1. The purpose of this report is to update on progress with the Sports Pitches Transfer Project and seek Council approval for the various actions required to complete the formal transfer of the agreed group of assets to East Renfrewshire Culture and Leisure Trust (ERCL).

RECOMMENDATIONS

2. Council is asked to:
 - (a) Approve the operational outline agreement summarised in paragraph 11;
 - (b) Request the Director of Education and the Director of Environment to complete negotiations with Trade Unions with regard to the transfer of affected staff to ERCL under TUPE regulations;
 - (c) Consider and agree the Service Level Agreement annexed to this report
 - (d) Note that ERCL has moved from the annex building at St John's Primary School to the Dickie Building and that the Transfer Agreement shall be updated to reflect this.
 - (e) Authorise the Director of Education and the Director of Environment, in conjunction with the Chief Officer Legal and Procurement, to finalise and conclude the legal documentation necessary to give effect to the transfer.

BACKGROUND

3. At the formation of ERCL in 2015, many sports, leisure and cultural assets were transferred to the management of ERCL. With the exception of Eastwood High School Sports Centre pitches, these did not include ERC's outdoor sports pitches, courts or athletics tracks.
4. The 2016 Business and Financial Review of ERCL carried out by Solace in Business highlighted the challenges customers face when looking to book and hire facilities and the need to improve processes.
5. In August 2018 Cabinet approved the [Indoor sports facilities and sports pitches strategies](#), these strategies state that '*consideration should be given to the merits of potentially transferring responsibility for Sports Pitch site management and community hire from the Council to ERCL. This could help to smooth the customer journey and develop greater synergy between sports development outcomes and focuses driven by the role of ERCL and community access to facilities, which along with maintenance by its Environmental department is presently administered by the Council*'.
6. A [Best Value Review of ERCL](#) was undertaken early 2020 during which the core objectives of ERCL Trust's existence were considered. The report which was considered by the Audit and Scrutiny Committee highlighted a number of recommendations for further improvement including:

'To explore further, the issue of dual booking arrangements for sports pitches and pavilions, involving joint discussions between the Council and the Trust, including clarification of the maintenance and support costs of providing the current services.'

7. The Sports Pitch Transfer Project commenced in August 2022, with representatives from Education, Environment, ERCL, Legal and HR as part of the working group.
8. This project aims to transfer the remaining sports and leisure facilities which are managed by ERC Environment Department, into the inclusion of ERCL's management contract to allow for a co-ordinated modernisation of outdoor facilities-usage focussing on:
 - More intensive utilisation of assets to manage demand and associated efficiency;
 - Improved customer journey for bookings (pitches and pavilions / changing facilities);
 - Alignment of lets with national and local sports development strategies, and programming to meet their objectives;
 - Harmonisation of internal / external lets; private, community / club and ERCL activities;
 - Dedicated management of indoor and outdoor sports facilities in line with the Council's Sports Facilities and Sports Pitches strategies;
 - Relationship management of clubs and hirers in the context of increasing demand; and,
 - Clear cost-benefit analysis and reporting (profitability/community benefit/subsidy rationales).

REPORT

9. In order to effect these changes a clear project plan was developed to incorporate the issues that needed to be addressed, including:
 - Staff and revenue costs;
 - Review of bookings (numbers, users, attendance, income);
 - Financial settlement;
 - TUPE implications of transfer;
 - Sports Pitch Maintenance Service Level Agreement (SLA);
 - IT Systems; and,
 - Update to Transfer Agreement.
10. An options appraisal exercise was undertaken to review the options available when considering the transfer of Pavilions as part of the Transfer of Pitches Project. This exercise considered the benefits and risks associated with including pavilions in the transfer of pitches. The exercise highlighted in order to achieve the aims highlighted in paragraph 8, pavilions should be included in the transfer.
11. An outline agreement on arrangements going forward has been developed and can be summarised as follows:
 - The Environment Department will continue to maintain all sports pitches, subject to this transfer, in line with their current maintenance regime;
 - The Council will retain their current maintenance budget;
 - A Service Level Agreement (Appendix 1) for sport pitch maintenance has been produced which will be the standard for both parties to work to;
 - ERCL will take over the lets and bookings process on an agreed timescale;

- ERCL will receive all future income from lets and bookings;
 - ERCL will take over responsibility for Health and Safety;
 - ERC will transfer pavilions and associated car parks to ERCL taking account of previous transfers between the two parties;
 - 12 ERC Pavilion Attendants (7.5 FTE) will be transferred to ERCL via TUPE regulations;
 - Agreed staffing resource related to bookings and management time to be included in financial settlement; and,
 - Bookings software procured by Environment will be transferred to ERCL to manage the bookings process.
12. Any works required by ERCL out with the standard agreed within the SLA will be required to be arranged via ad hoc day works requests or can be added to the SLA, as standard, with a subsequent reduction in funding, and reviewed annually. This does not preclude ERCL arranging these works with a third party contractor or engineering works through Property and Technical Services.
 13. Should the proposal be approved there will be a transfer of a staffing group which will take place in accordance with the Transfer of Undertakings (protection of employment) Regulations 2006 (TUPE) from ERC to ERCL.
 14. ERC will work in partnership with colleagues in ERCL to create as smooth a transition as possible in accordance with the transfer date of 11 August 2023.
 15. Neighbourhood Services will continue to link with clients to ensure all the fixtures and lets are in place for the commencement of August 2023 season. Leading up to and following the transfer, ERCL and Neighbourhood Services will work in partnership to ensure a smooth transition for all parties including the customer. In addition to this, as recruitment for staffing related to the day to day operation of bookings will not have been completed by ERCL by the transfer date, Environment will continue to support this until the vacancy is filled.
 16. Should future savings proposals from the Council include an option to cancel the maintenance of all grass football pitches within East Renfrewshire and sports pitch bookings have transferred to ERCL by this time, management and booking of grass pitches would have to be reviewed in terms of potential for Community Asset Transfer, amendment to the financial settlement or cessation of maintenance/bookings.
 17. ERCL are currently located in St John's Primary School annex building. Early Learning and Childcare places are being expanded in Barrhead with the establishment of a Family Centre at St John's Primary. As a result, ERCL will vacate St John's annex building and move to the Dickie Building. ERCL transfer agreement list of assets will be amended to reflect this change.

FINANCE

18. The accountancy teams representing both the Council and ERCL have agreed a financial settlement between ERC and ERCL. Accountants from both parties have completed work on calculating the net transferrable sum, with this sum equating to £30,000 (income of £252k more than offset with expenditure (exclusive of regular pitch maintenance) of £282k). This sum will be offset through an increased payment to ERCL management fee. In arriving at this net transferrable sum, the following has been considered:
 - 2019/20 pitch let income was agreed as a reasonable baseline for basing the financial settlement on given the disruption caused by the pandemic since then. The annual Charging for Services inflationary uplifts have been applied to this baseline and an adjustment has also been made for ERCL sports pitch bookings. This gives an adjusted income figure of £252,000.

- Included in the above settlement figure is a sum of £10,000 in relation to an average annual cost of pitch repairs – this includes both repairs to the synthetic pitches and necessary fence repairs.
 - In order to meet the burden of administrative costs, a monetary value of £34,000 (equivalent to 1FTE GR6) is included in the overall settlement figure.
 - It has been agreed that a sum of £16,000 will be included in the settlement figure in relation to Management overheads – this sum has been arrived at by applying agreed % allocations to Neighbourhood Services management and supervisory staff costs.
 - As discussed in further detail in paragraph 26, Neighbourhood Services Attendants will transfer to ERCL. The budget transferring for these costs is £222,000.
 - Grass cutting and maintenance of synthetic pitches are accounted for by a separate SLA and no transfer of resource is therefore required.
19. It is worth noting that there is a significant capital budget of £400k per annum available for repair of artificial pitches, which includes goal posts, floodlights and fencing where appropriate. There are no proposals to amend existing capital budgets.
20. Ultimately there should be no financial detriment to either party once the settlement is in place. The net transferrable sum should be offset by an increased payment on the management fee to ERCL.
21. All parties have agreed to a review period at the end of year 1 of the transfer to ensure that the financial settlement has achieved the goal of no financial detriment for either party. This review will be undertaken by senior accountants for ERCL and the Council.

CONSULTATION

22. The proposal has been recommended by two reports commissioned by the Council (Solace in Business report, 2016; Best Value Review, 2019), and the Sports Pitches Strategy approved by the Council in 2018. It has been agreed by representatives from Education, Environment and ERCL.
23. Legal, HR and Finance have been consulted on this report, involved in the working group and updated agreement.
24. There is a requirement to undertake consultation with Trade Unions, and for both group and individual consultation meetings to be conducted with employees affected by the transfer. This consultation with the TUs and staff will be undertaken jointly between ERC and ERCL.
25. As ERCL will manage lets rather than have exclusive use of pitches, under Common Good regulations, there is no requirement for a public consultation.

IMPLICATIONS OF THE PROPOSALS

Staffing

26. It has been identified that there is a staffing group within ERC where the TUPE regulations will apply. The staffing group of Neighbourhood Services Attendants within Neighbourhood Services in the Environment Department will transfer in accordance with the regulations stated in paragraph 13.
27. Following discussions with ERCL it is anticipated that there will be no impact on employees that transfer to ERCL given that the delivery of the service and work connected with the pitches provision to the local community will continue.
28. The transfer of the team will be undertaken in accordance with the relevant TUPE requirements in conjunction with, ERC, ERCL and HR.

29. Employees transferring will transfer on existing East Renfrewshire Council terms and conditions, and all current contractual terms including pay arrangements, shift patterns and working hours. Their pension entitlement will also not be affected.
30. Currently there are 2 vacancies within the pavilion attendant team and an agreement has been made that these will be recruited prior to the transfer. In addition to this, any outstanding training requirements will be completed where possible.
31. It is proposed that the Council will continue to provide core back office support to ERCL on its establishment. This will mean that support functions such as HR, Accountancy, IT, Legal and Property will continue to be provided through a service level agreement (SLA) and as such SLAs should be updated to take into account any changes required as a result of the transfer of pitches.

Property

32. As already stated, the Council will continue to own and be responsible for the maintenance of all assets included in the transfer. It is the management and operation of these facilities which transfer to the Trust. For avoidance of doubt, the Trust cannot decide to close a facility for any reason, that decision, should it be required, rests with the Council.
33. The Transfer Agreement shall be amended to give rights to ERCL to occupy additional facilities with the right to use any car parking adjoining or adjacent to the facilities which is owned by the Council and is normally used in connection with the facility in question as at the transfer date with a right to use all service media serving the facilities exclusive or in common.
34. East Renfrewshire Council will retain the ownership of the properties that are licensed to the Trust. The Transfer Agreement shall set out the purposes for which they can be used. The assets that are being included have been identified and their boundaries clearly demarcated (Appendix 2).

ICT

35. The Council will continue to provide IT support to ERCL through Service Level Agreements. The Council will pass over a newly implemented Pitchbooking System and processes, which will be handed over with up to date club data. It is proposed that the Council will provide training and support until both parties feel it is no longer required.

Legal

36. The Transfer Agreement shall be updated to take into account the transfer of pitches. The legal documentation necessary to give effect to these changes is currently being finalised between the Council and Trust's respective legal advisers and will be concluded prior to the proposed date of transfer (11th August 2023).

Impact Assessments

37. In making this proposal an equalities, fairness and rights impact assessment (EFRIA) has been carried out and has evaluated the proposal as having: no adverse impacts; the potential to advance equality and foster good relationships; and the potential to advance children's rights.
38. A Climate Change Impact Assessment (CCIA) has been completed and has found that there are no relevant impacts (positive or negative).

CONCLUSION

39. This paper recommends the transfer of pitches and other assets to the management of ERCL in order to bring cohesion and harmonisation to the letting and usage of sports facilities both indoor and outdoor, the realisation of sports and activity objectives and the delivery of sports strategies in East Renfrewshire.

40. Should the Council decide to move forward on this proposal, following the agreed date of transfer ERCL will manage all indoor and outdoor lets from that date onwards, thereby providing a single booking system for all sports related facilities.
41. ERC will retain ownership of the assets and will maintain sports pitches as specified within the Service Level Agreement.

RECOMMENDATIONS

42. Council is asked to:
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Mark Ratter
Director of Education

Caitriona McAuley
Director of Environment
28 June 2023

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Appendices

1. SLA
2. Asset Plans

APPENDIX 1

DRAFT SPORTS PITCH MAINTENANCE – ANNUAL SERVICE LEVEL AGREEMENT

Objectives and Scope of Service

Neighbourhood Services are committed to providing ongoing maintenance of pitches that will facilitate the effective and efficient letting of pitch bookings.

Services to be Provided

Grass Pitches:

Grass cutting: 27 cuts using tractor mounted machinery (mid March – Mid September)

Tru Grooming: 10 occasions fortnightly (mid September – mid March)

Cutting lines: 10 occasions

Pitch lining: 46 occasions

Vertidrainage: Goal mouths 2 occasions (11 a side pitches)

Synthetic Pitches:

Brush: 50 times per year

Weedkill: 2 times per year

Extras: agreed hourly rate

Measure and marking pitches

Over seeding (seed extra)

Vertidrainage (sand extra – if required)

General maintenance (materials extra)

Grass cutting by Tractor mounted machinery. Normal summer maintenance by tractor mounted Roller Mower, which will finely cut grass on pitches to the required playing height and rolling the ground at the same time.

Tru Grooming which is predominately winter maintenance on pitches with tractor and tractor mounted machinery. The True groom consists of towed attachment that uses a row of metal tines to remove overlying build-up of thatch, followed by a row of Star blades that slit the top 1” of soil to improve drainage, followed by a brush that breaks up and levels uneven soil on surface, which is then followed by a light roller to firm and level the surface area.

Cut Lines using hand pedestrian lawnmowers. This allows the lines to be put on surface grass that is at a low enough level so that normal grass cutting won't cut and remove the lines.

Verti-draining is a tractor mounted attachment that uses 12” metal spikes that punch holes into the surface every 6”.

Duties and Responsibilities of both Parties

Neighbourhood Services and ERCL will be responsible for maintaining pitches to a standard that maximises availability of facilities. Whilst pitches should be properly maintained, usage should be appropriate to pitch and not result in the need for additional maintenance work.

Performance Management

Meetings between the Neighbourhood Services and the Trust will take place throughout the year as deemed necessary.

On completion of year 1 of the initial SLA, the SLA will be reviewed to consider if all areas were captured accurately within the financial planning and maintenance schedule with regards to both parties.



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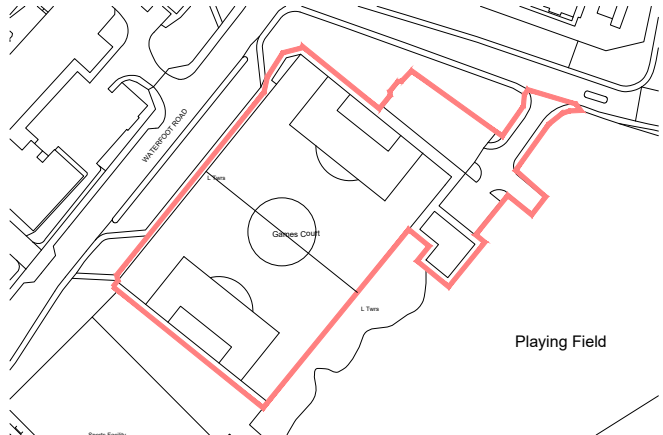
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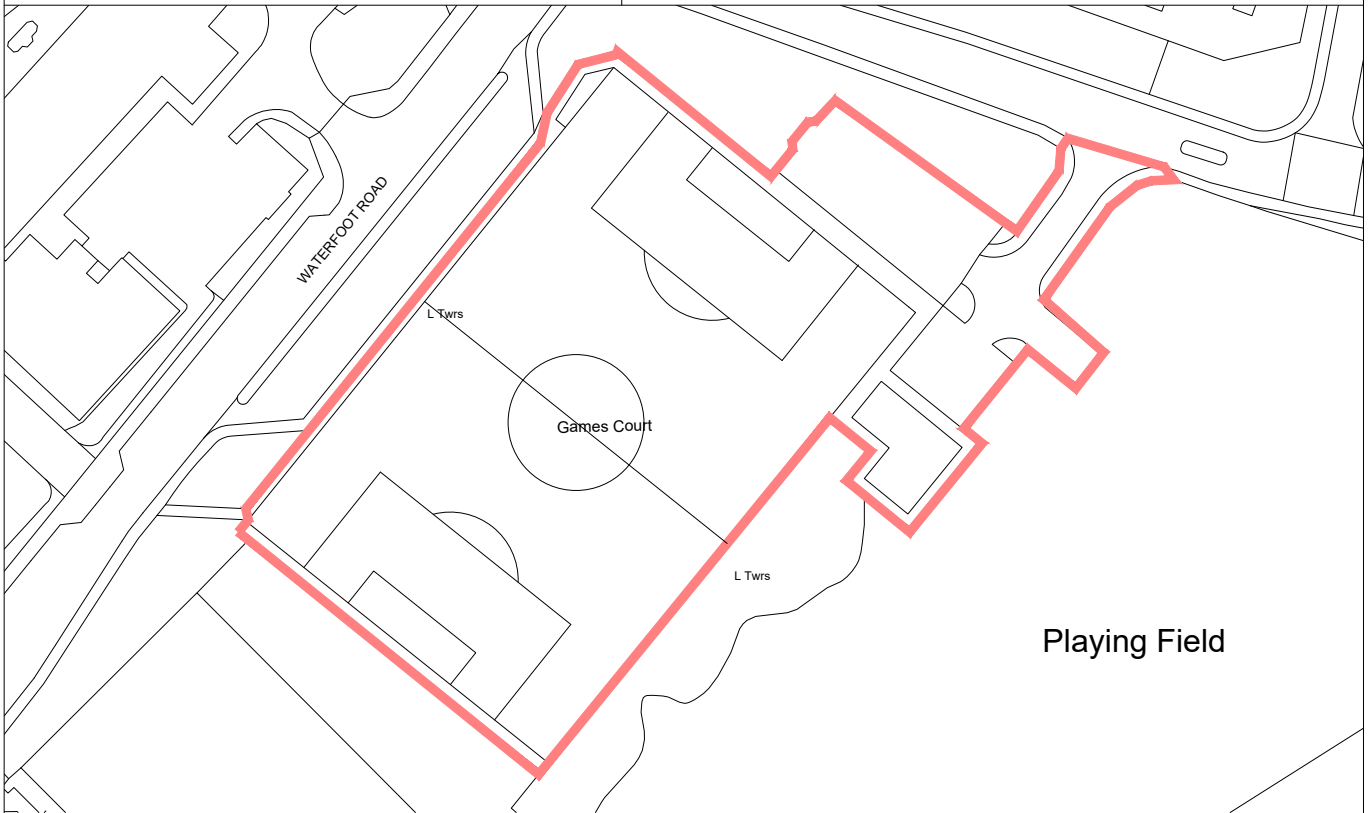
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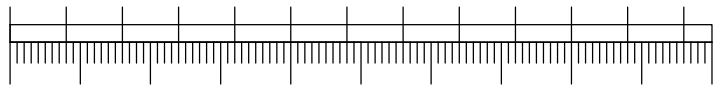
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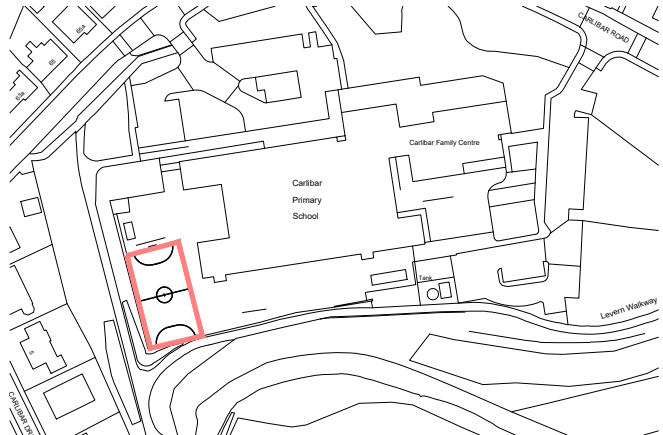
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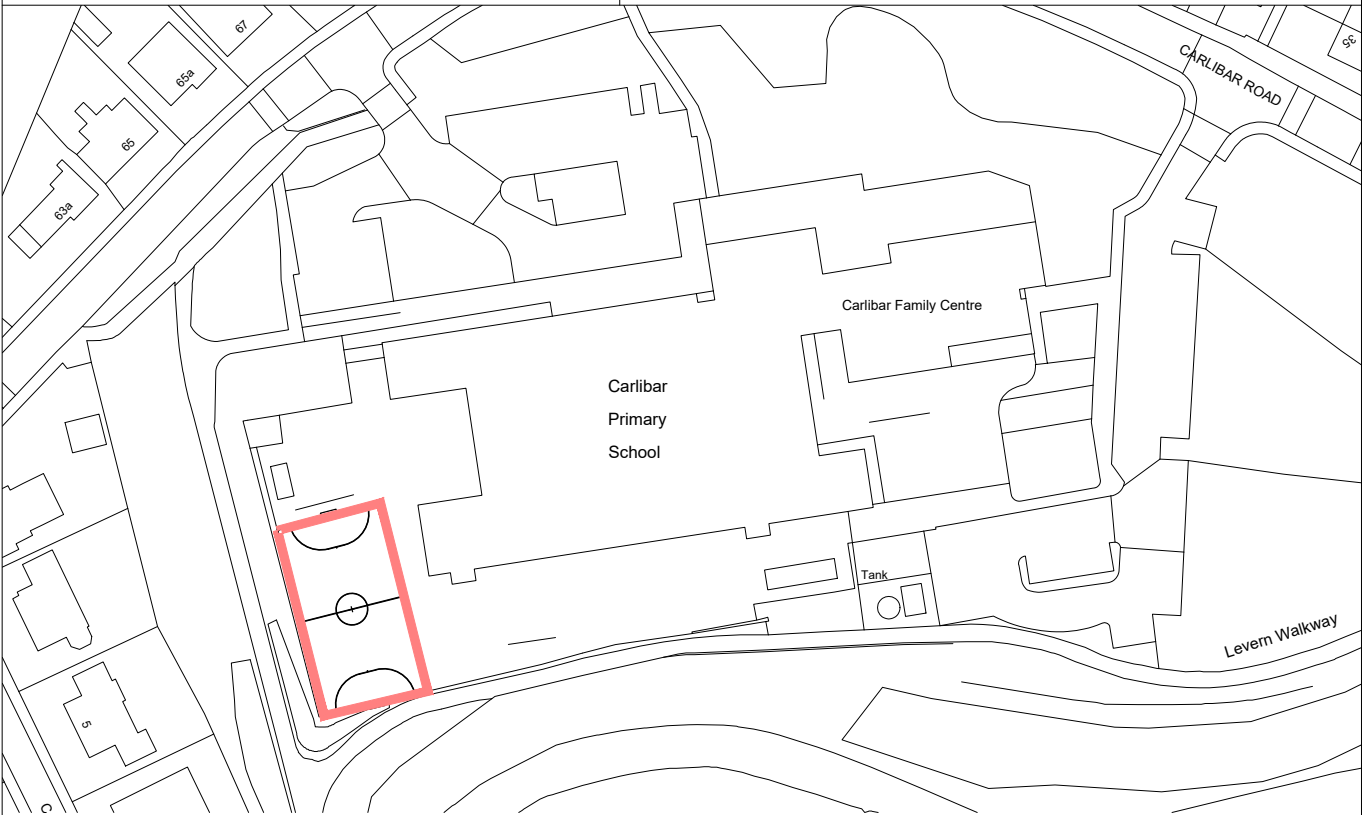
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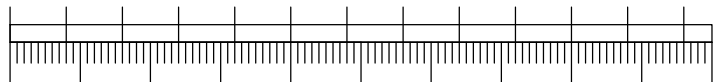
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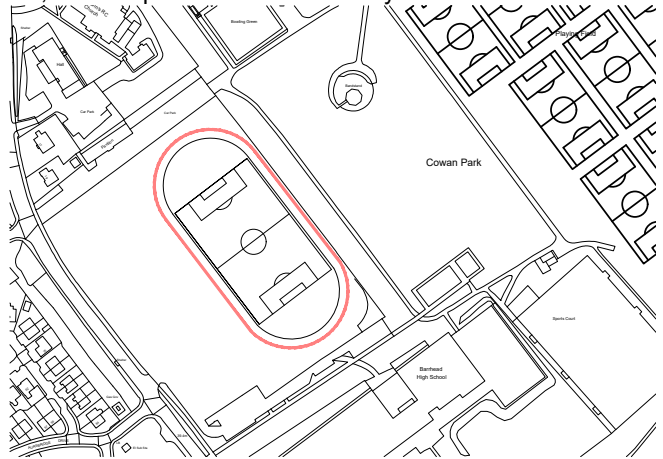
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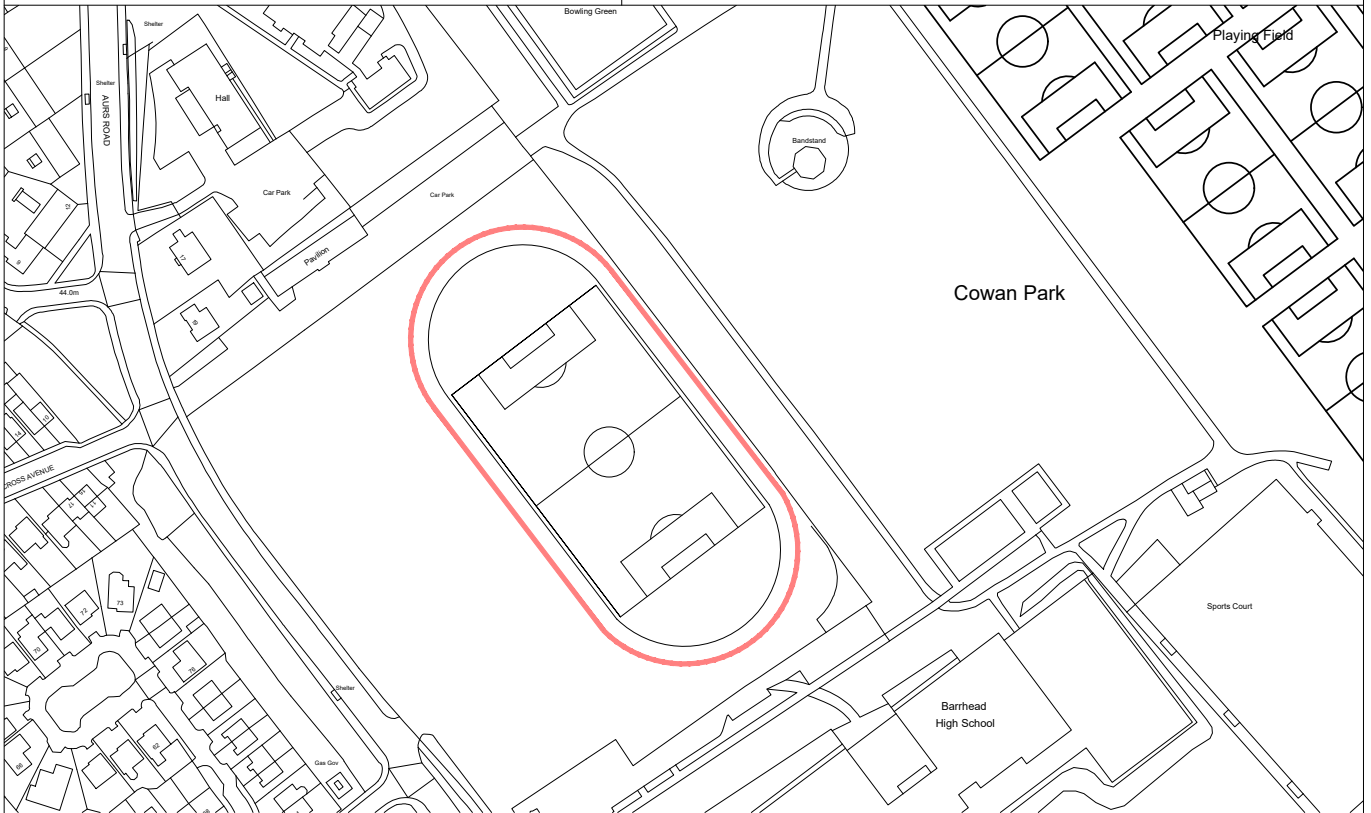
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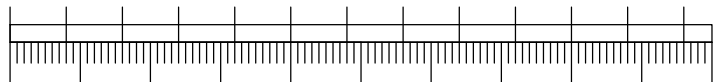
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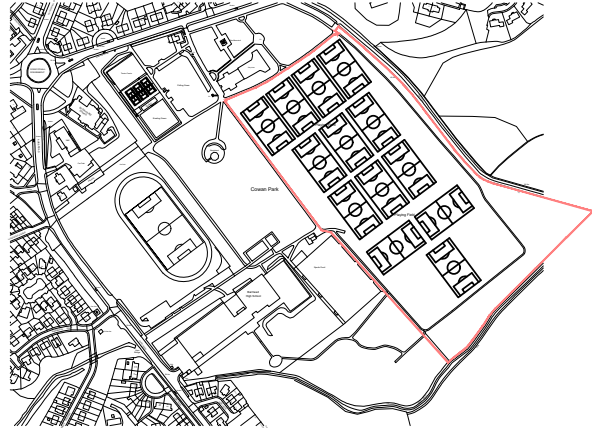
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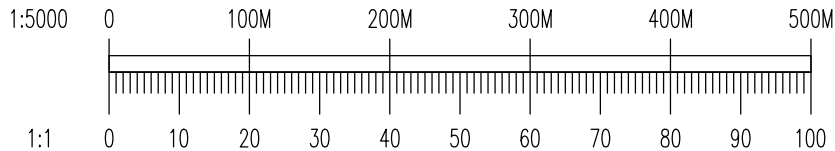
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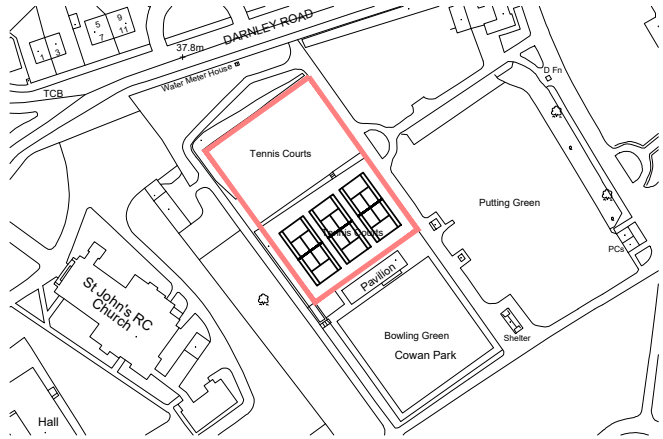
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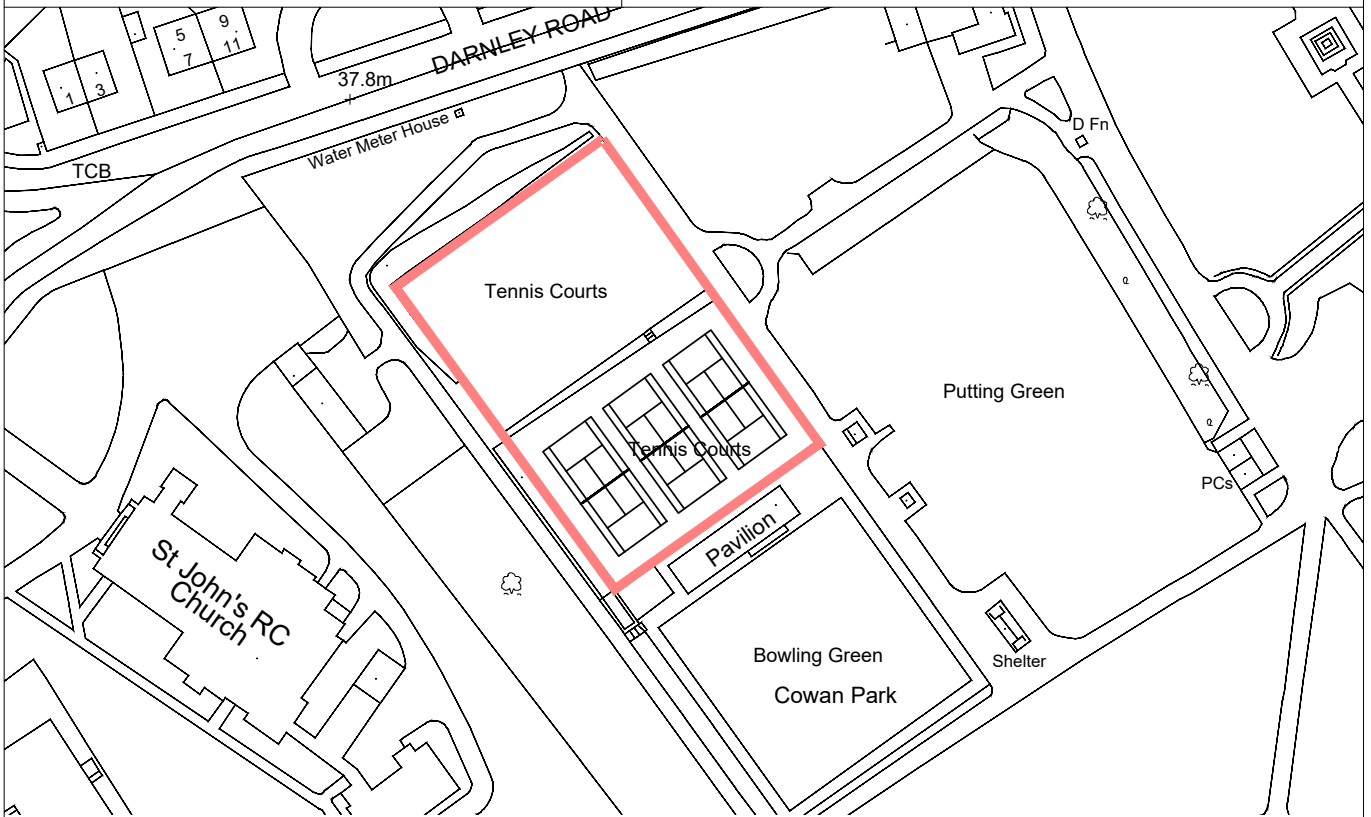
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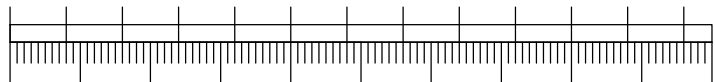
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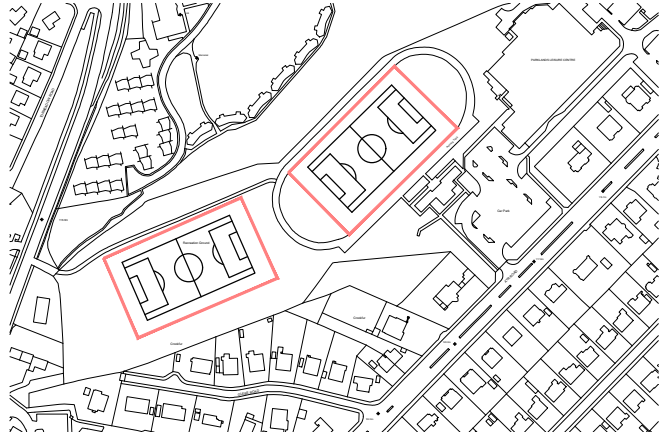
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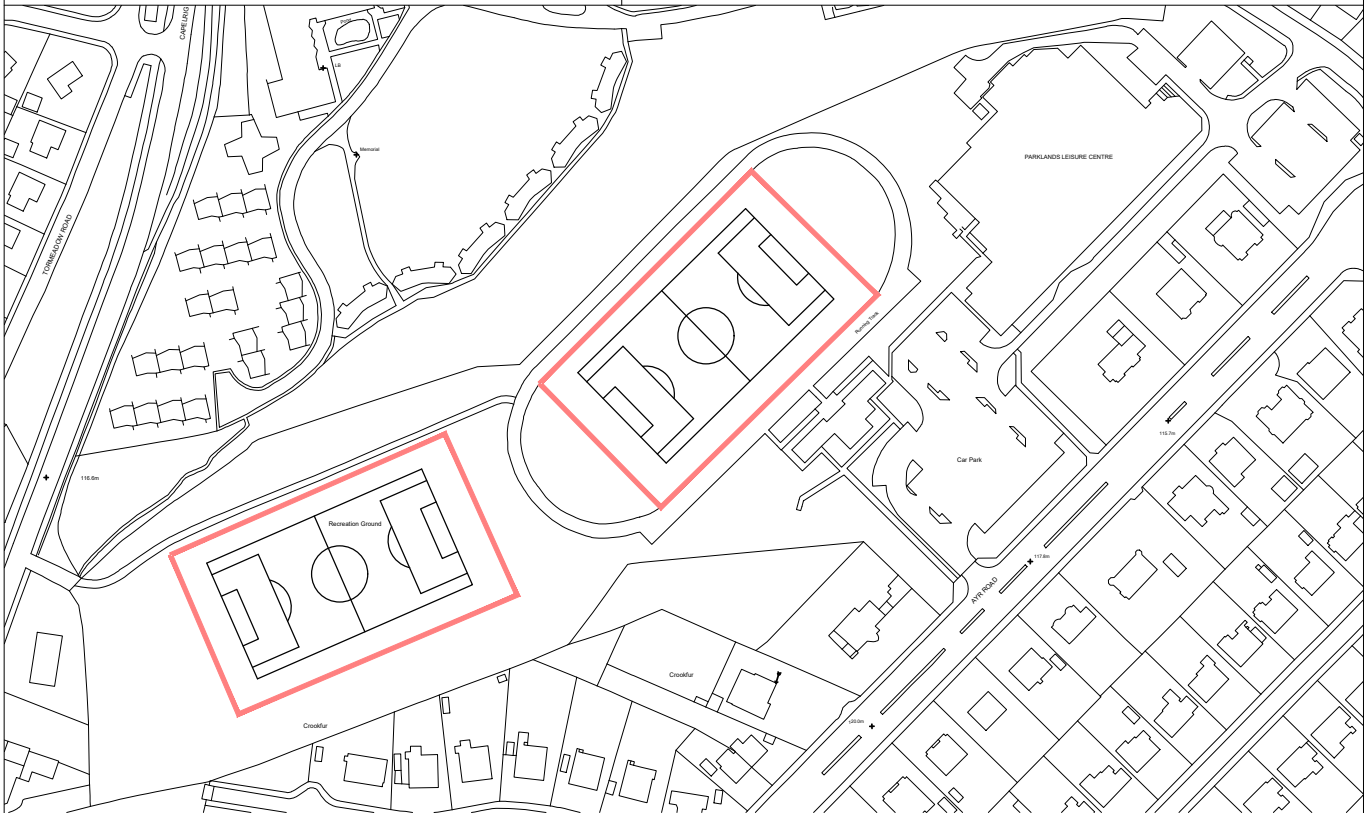
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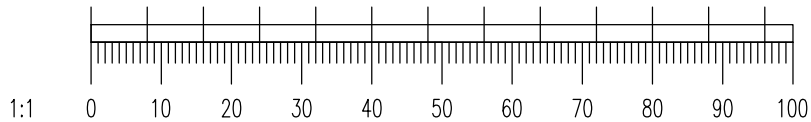
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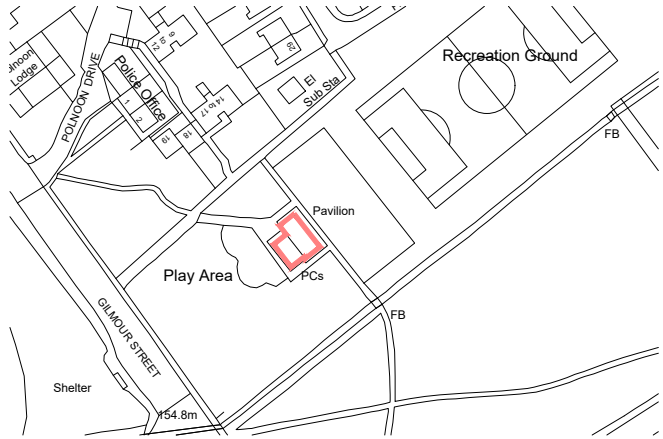
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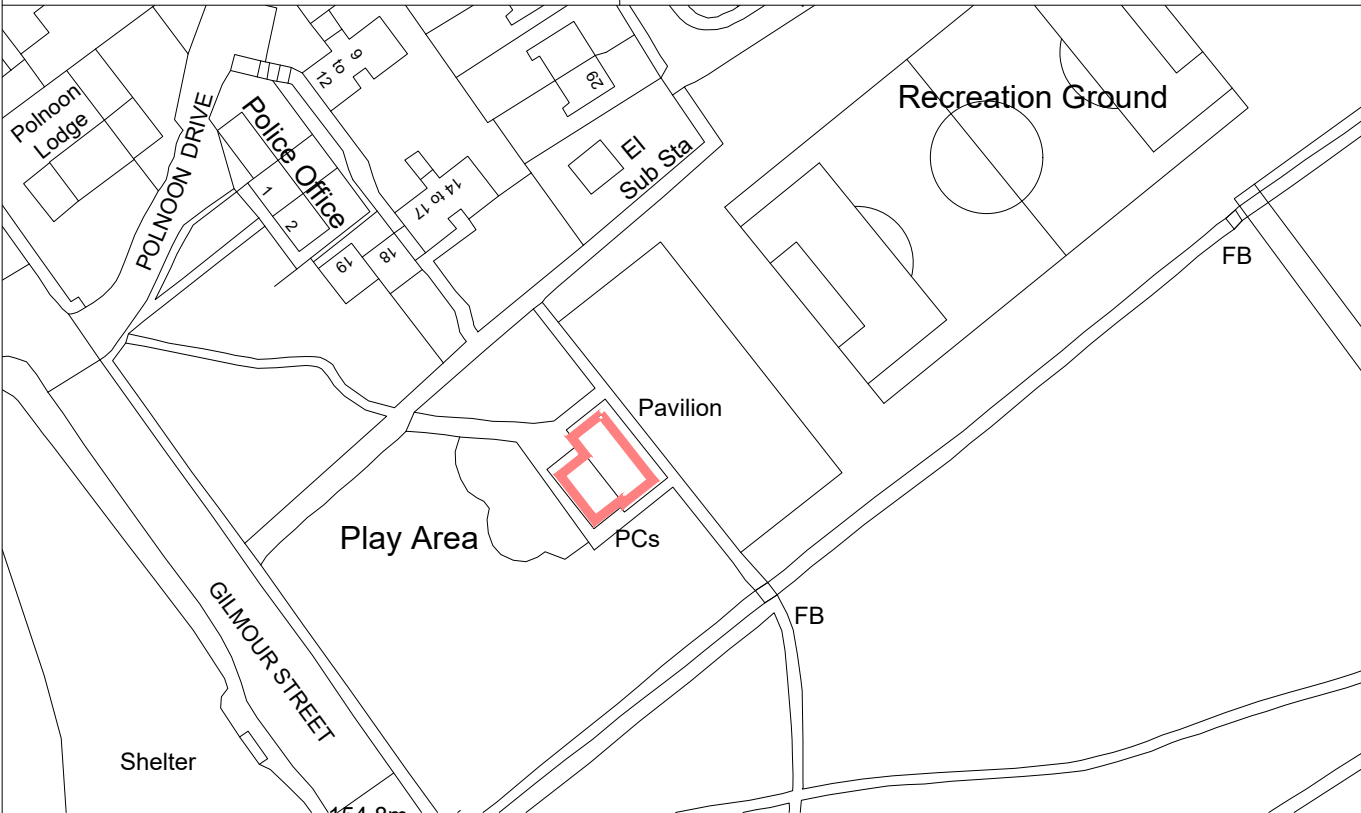
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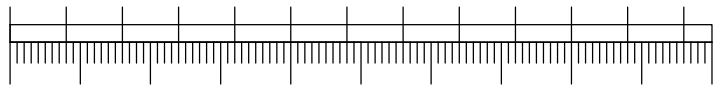
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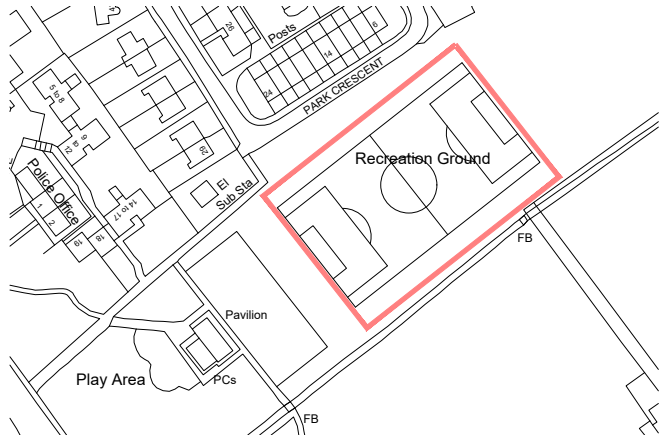
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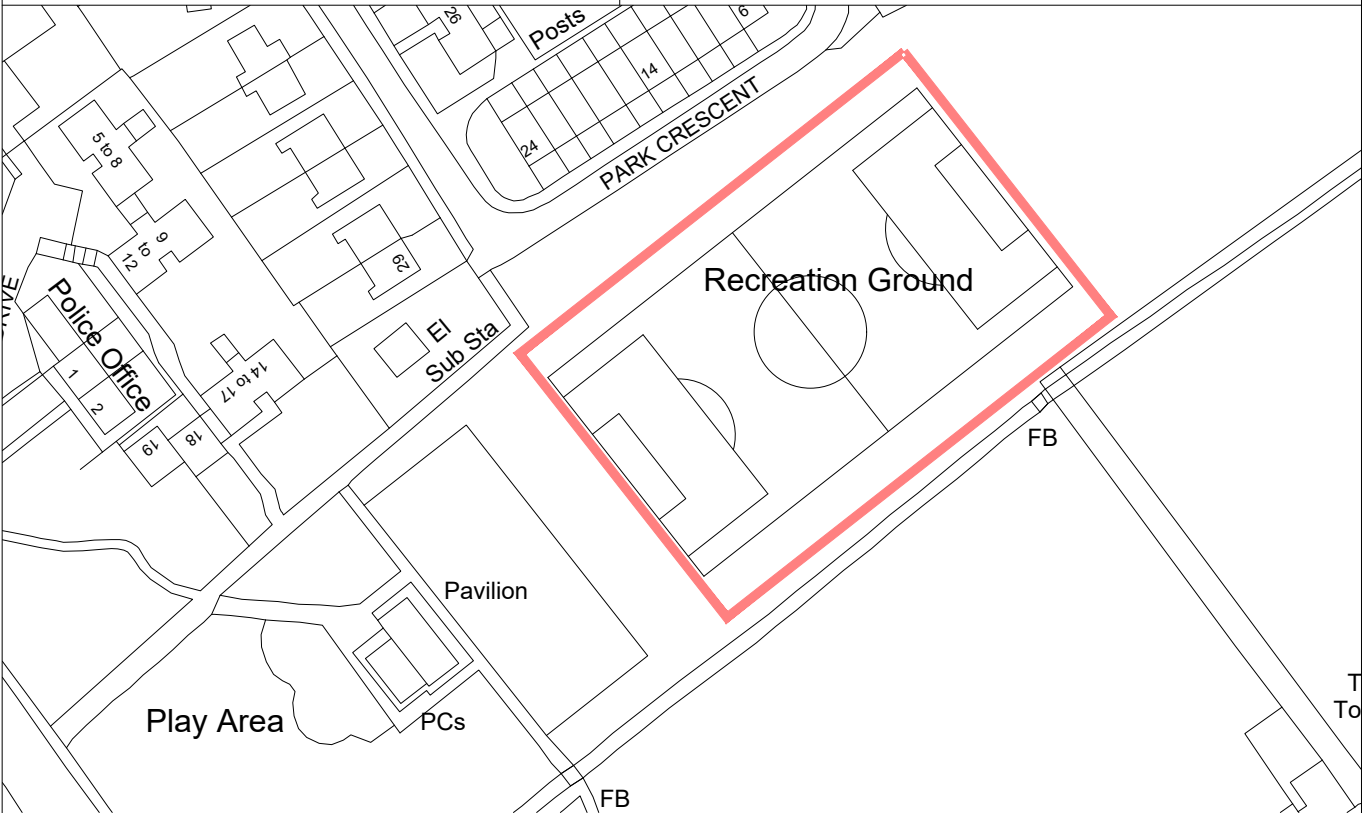
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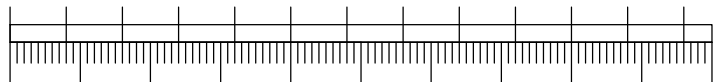
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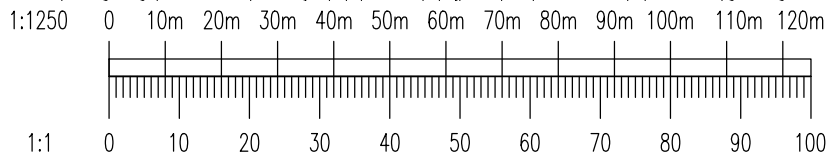
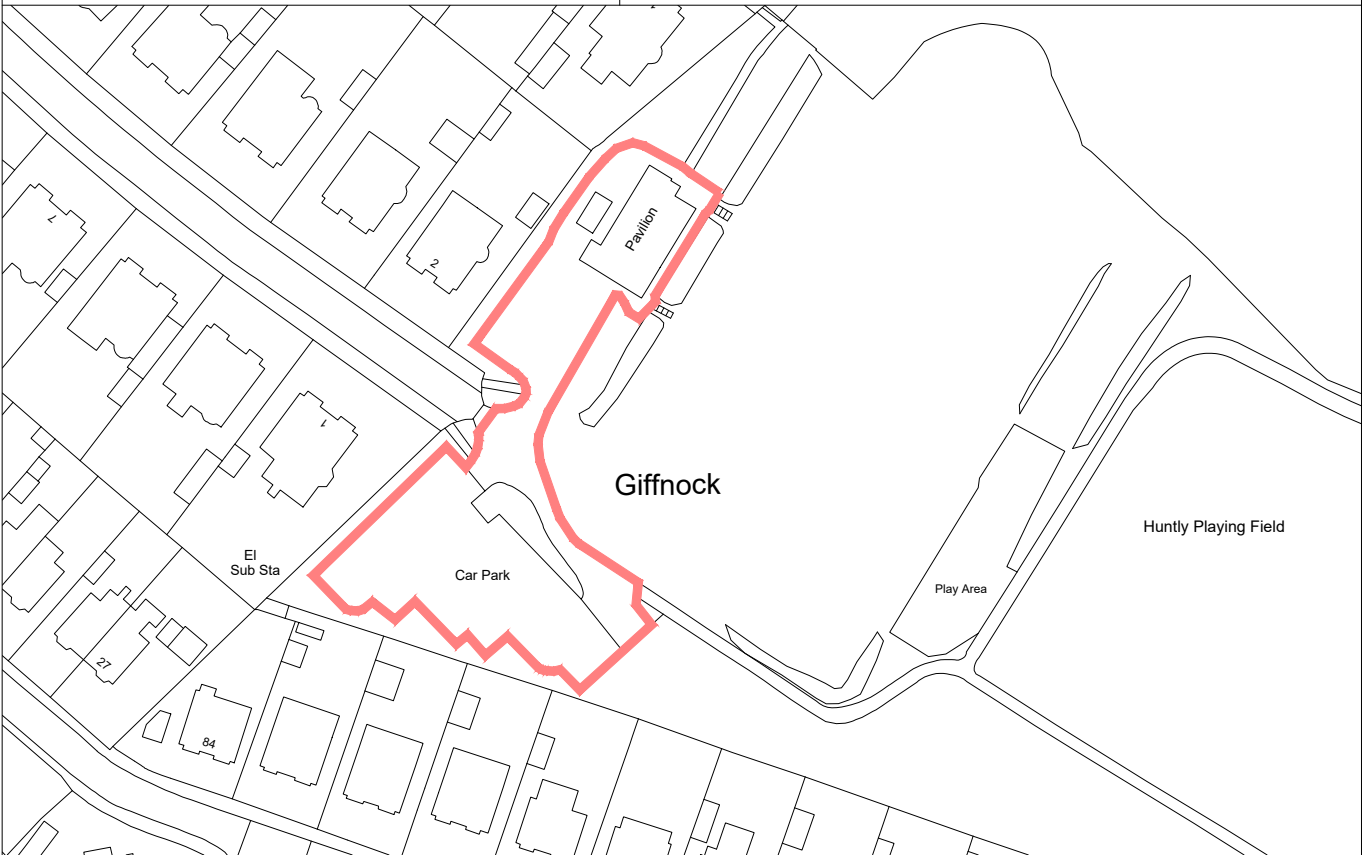
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PLOT INFORMATION

LINE & POINT	DISTANCE (m)	FEATURE

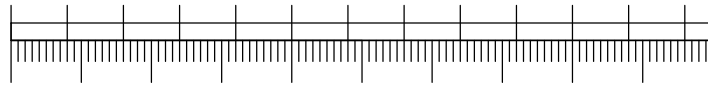
Contents within the boundaries coloured Red :
15,774.1 square metres or thereby



Notes:



1:2500 0m 20m 40m 60m 80m 100m 120m 140m 160m 180m 200m 220m 240m



1:1 0 10 20 30 40 50 60 70 80 90 100





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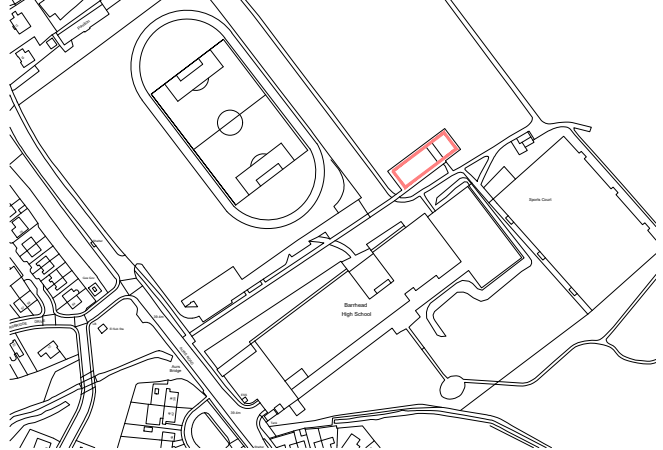
O.S.Map	Ward	File No.
Title No.	Drg. No.	Revision
Drawn by	Job Code	Survey Date
Drawn/Date	Checked	Issue Date
Address Johnny Kelly Pavilion, Barrhead HS, Aurs Road, Barrhead G78 2SJ		Purchaser(s)

BOUNDARY INFORMATION

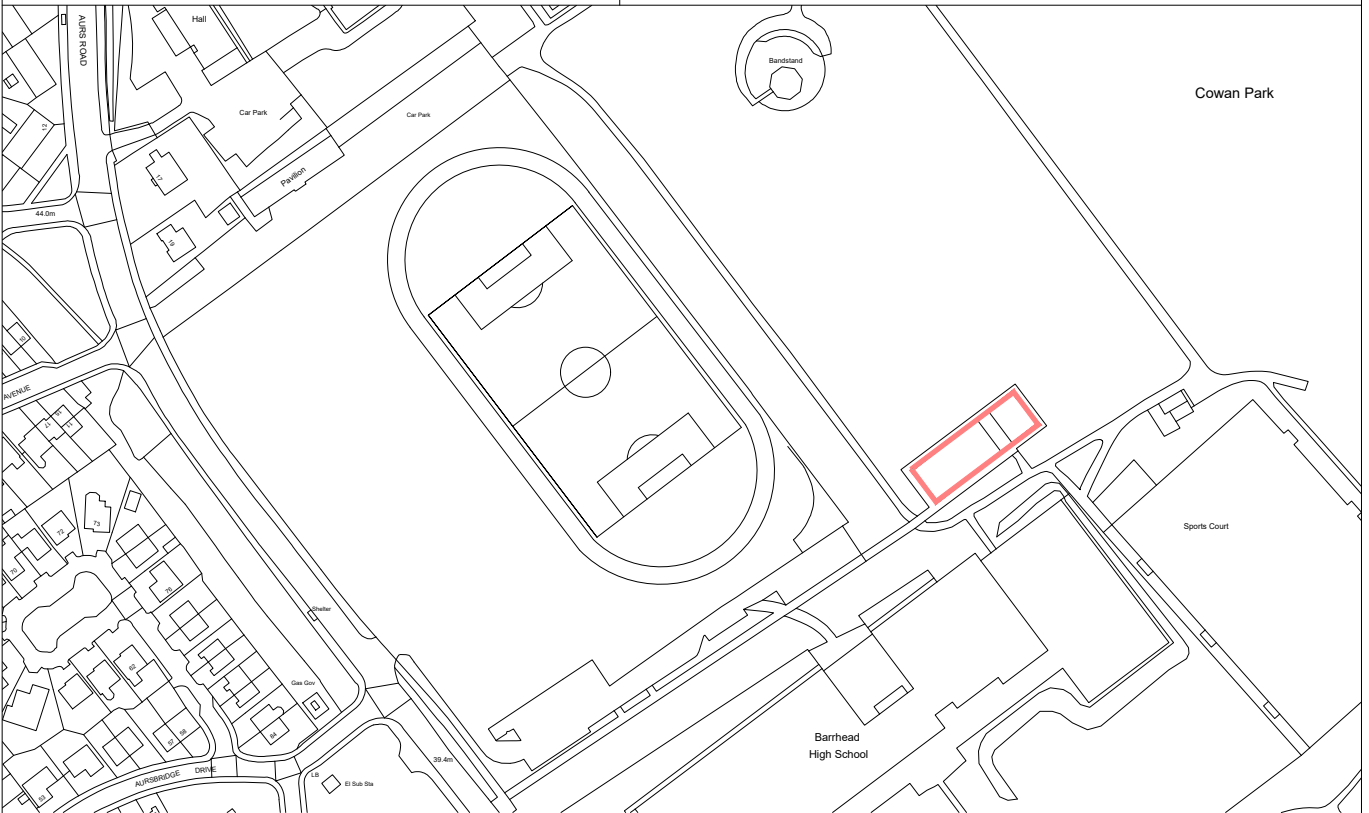
PLOT INFORMATION

LINE & POINT	DISTANCE (m)	FEATURE

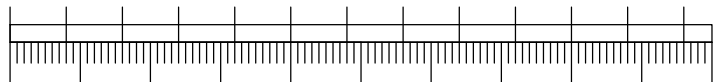
Contents within the boundaries coloured Red :
 663 square metres or thereby



Notes:



1:2500 0m 20m 40m 60m 80m 100m 120m 140m 160m 180m 200m 220m 240m



1:1 0 10 20 30 40 50 60 70 80 90 100





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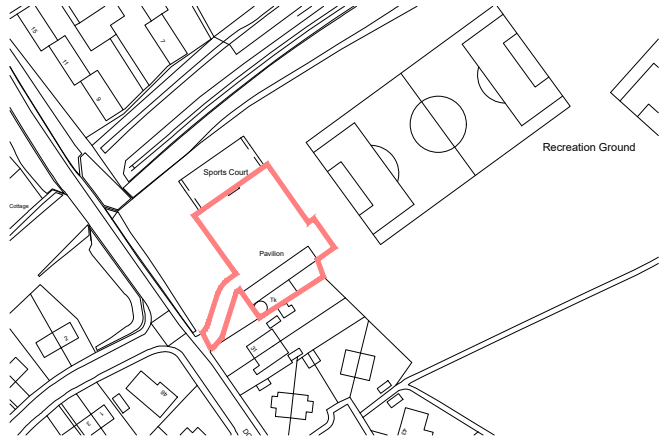
O.S.Map	Ward	File No.
Title No.	Drg. No.	Revision
Drawn by	Job Code	Survey Date
Drawn/Date	Checked	Issue Date
Address Kingston Pavilion, Double Hedges Rd Neilston, G78 3JN		Purchaser(s)

BOUNDARY INFORMATION

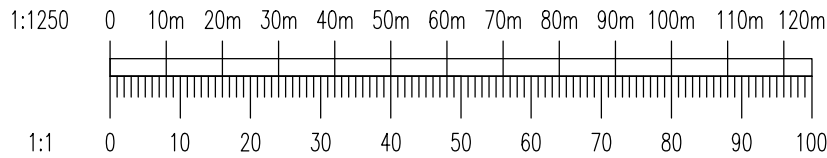
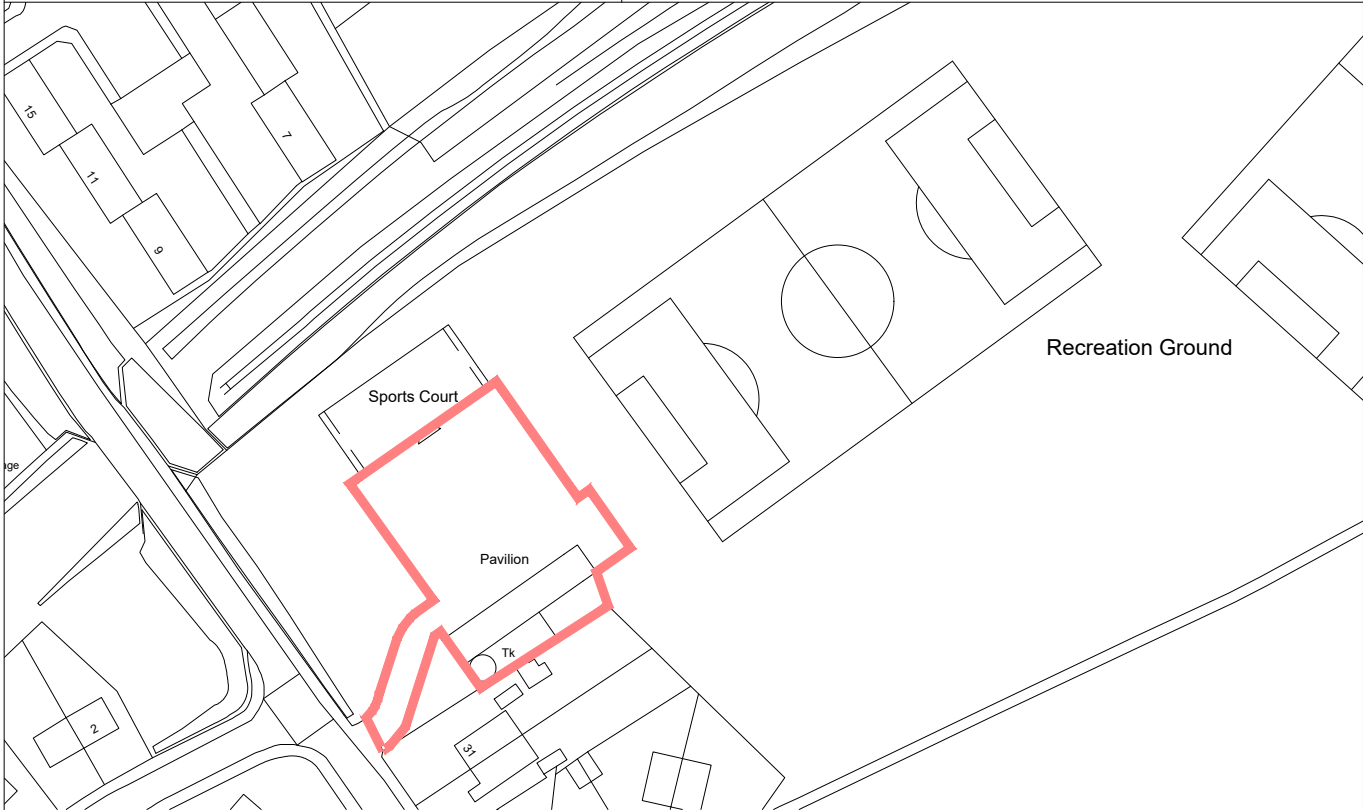
PLOT INFORMATION

LINE & POINT	DISTANCE (m)	FEATURE

Contents within the boundaries coloured Red :
 1562 square metres or thereby



Notes:





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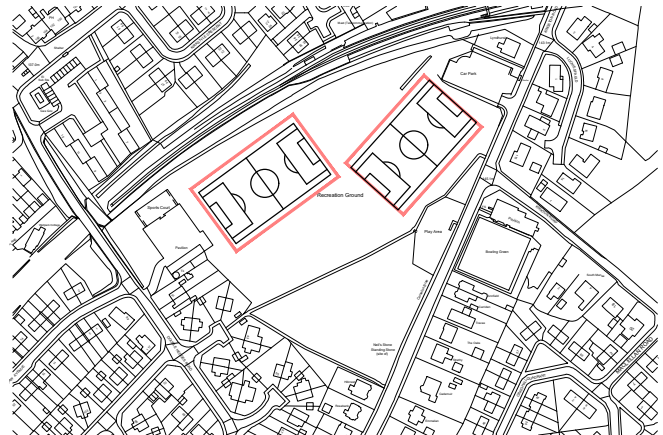
O.S.Map	Ward	File No.
Title No.	Drg. No.	Revision
Drawn by	Job Code	Survey Date
Drawn/Date	Checked	Issue Date
Address Kingston 11-a-side, Double Hedges Rd. Neilston G78 3JN		Purchaser(s)

BOUNDARY INFORMATION

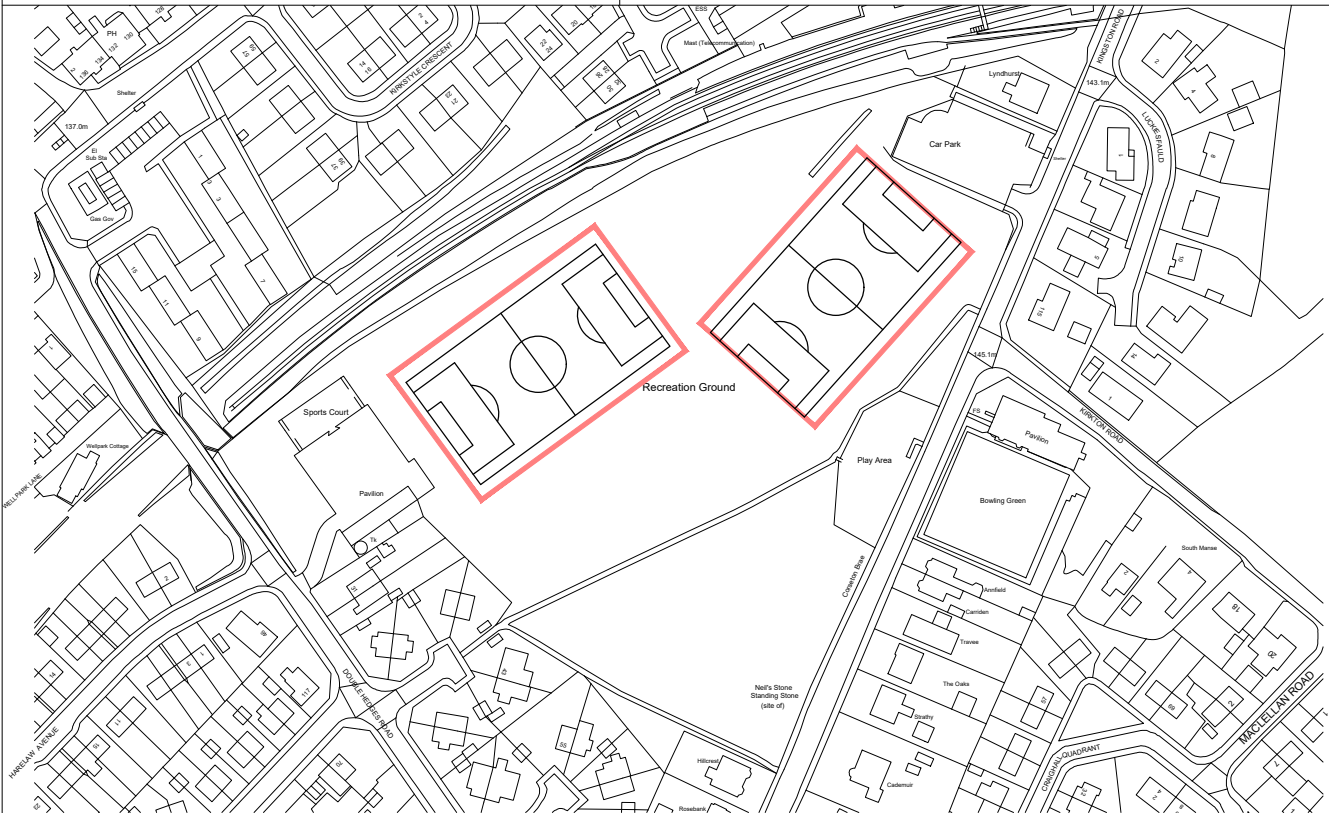
PLOT INFORMATION

LINE & POINT	DISTANCE (m)	FEATURE

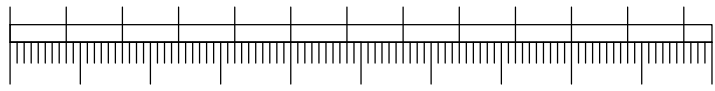
Contents within the boundaries coloured Red :
9565.3 square metres or thereby



Notes:



1:2500 0m 20m 40m 60m 80m 100m 120m 140m 160m 180m 200m 220m 240m



1:1 0 10 20 30 40 50 60 70 80 90 100





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O.S.Map	Ward	File No.
Title No.	Drg. No.	Revision
Drawn by	Job Code	Survey Date
Drawn/Date	Checked	Issue Date
Address Mearns Castle High School, Waterfoot Road, Newton Mearns G77 5GU		Purchaser(s)

BOUNDARY INFORMATION

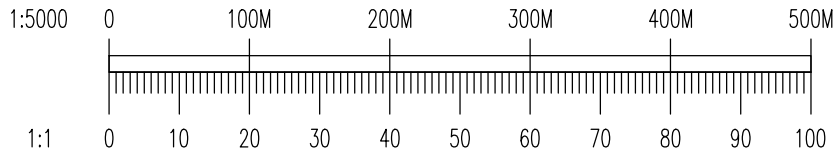
PLOT INFORMATION

LINE & POINT	DISTANCE (m)	FEATURE

Contents within the boundaries coloured Red :
 11,908.3 square metres or thereby



Notes:





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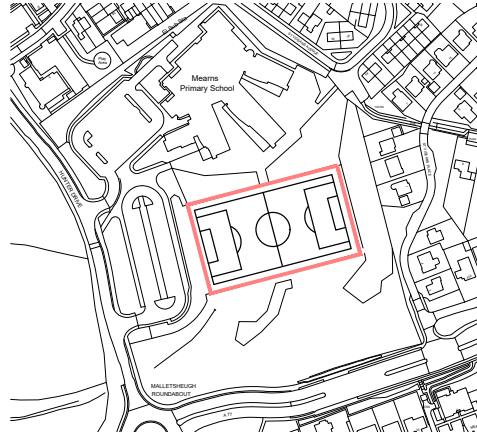
O.S.Map	Ward	File No.
Title No.	Drg. No.	Revision
Drawn by	Job Code	Survey Date
Drawn/Date	Checked	Issue Date
Address Mearns Primary School, Hunter Drive, Newton Mearns G77 6PR		Purchaser(s)

BOUNDARY INFORMATION

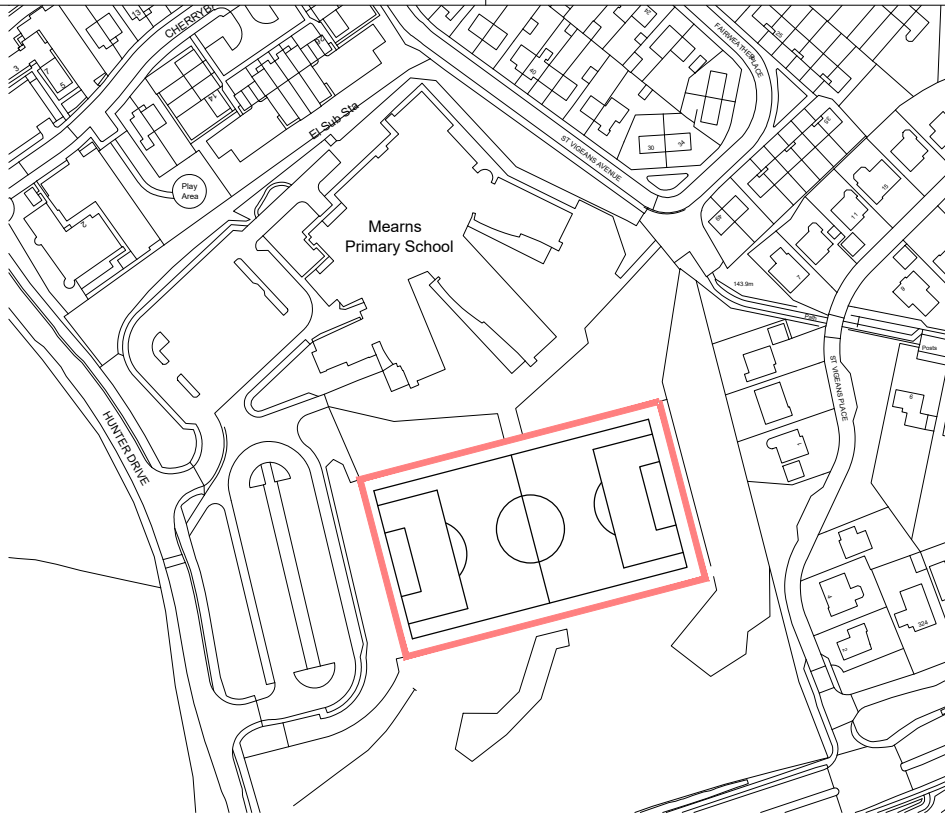
PLOT INFORMATION

LINE & POINT	DISTANCE (m)	FEATURE

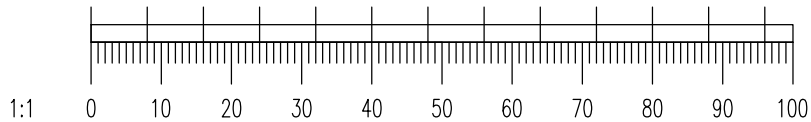
Contents within the boundaries coloured Red :
 7182 square metres or thereby



Notes:



1:2500 0m 20m 40m 60m 80m 100m 120m 140m 160m 180m 200m 220m 240m





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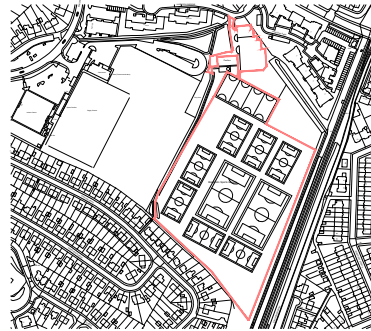
O.S.Map	Ward	File No.
Title No.	Drg. No.	Revision
Drawn by	Job Code	Survey Date
Drawn/Date	Checked	Issue Date
Address Muirend Playing Fields, Hazelden Gardens, Muirend G44 3HQ		Purchaser(s)

BOUNDARY INFORMATION

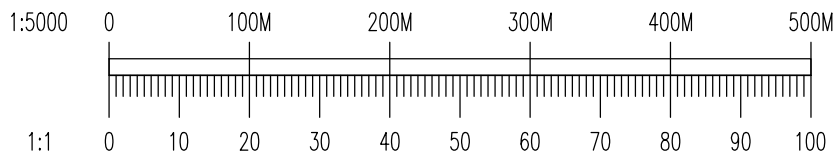
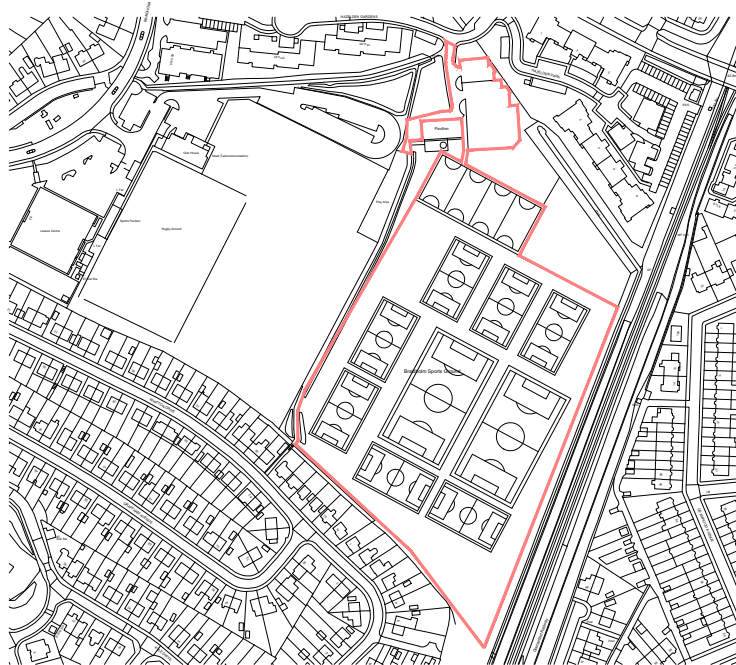
PLOT INFORMATION

LINE & POINT	DISTANCE (m)	FEATURE

Contents within the boundaries coloured Red :
 45450.5 square metres or thereby



Notes:





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O.S.Map	Ward	File No.
Title No.	Drg. No.	Revision
Drawn by	Job Code	Survey Date
Drawn/Date	Checked	Issue Date
Address Overlee Playing Fields, Moray Drive Clarkston G78 7NL		Purchaser(s)

BOUNDARY INFORMATION

PLOT INFORMATION

LINE & POINT	DISTANCE (m)	FEATURE

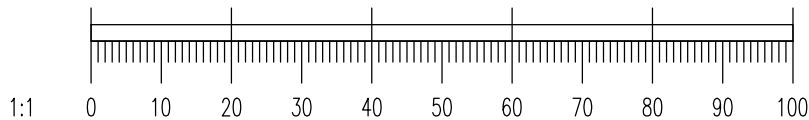
Contents within the boundaries coloured Red :
 20,370.8 square metres or thereby



Notes:



1:5000 0 100M 200M 300M 400M 500M





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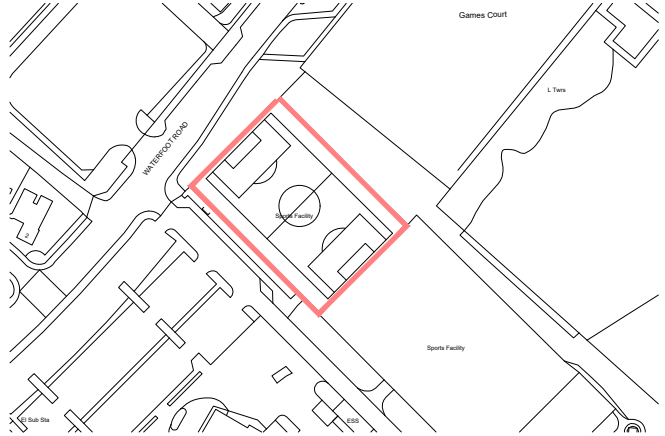
O.S.Map	Ward	File No.
Title No.	Drg. No.	Revision
Drawn by	Job Code	Survey Date
Drawn/Date	Checked	Issue Date
Address St. Clare's Primary School, Waterfoot Road, Newton Mearns G77 5GU		Purchaser(s)

BOUNDARY INFORMATION

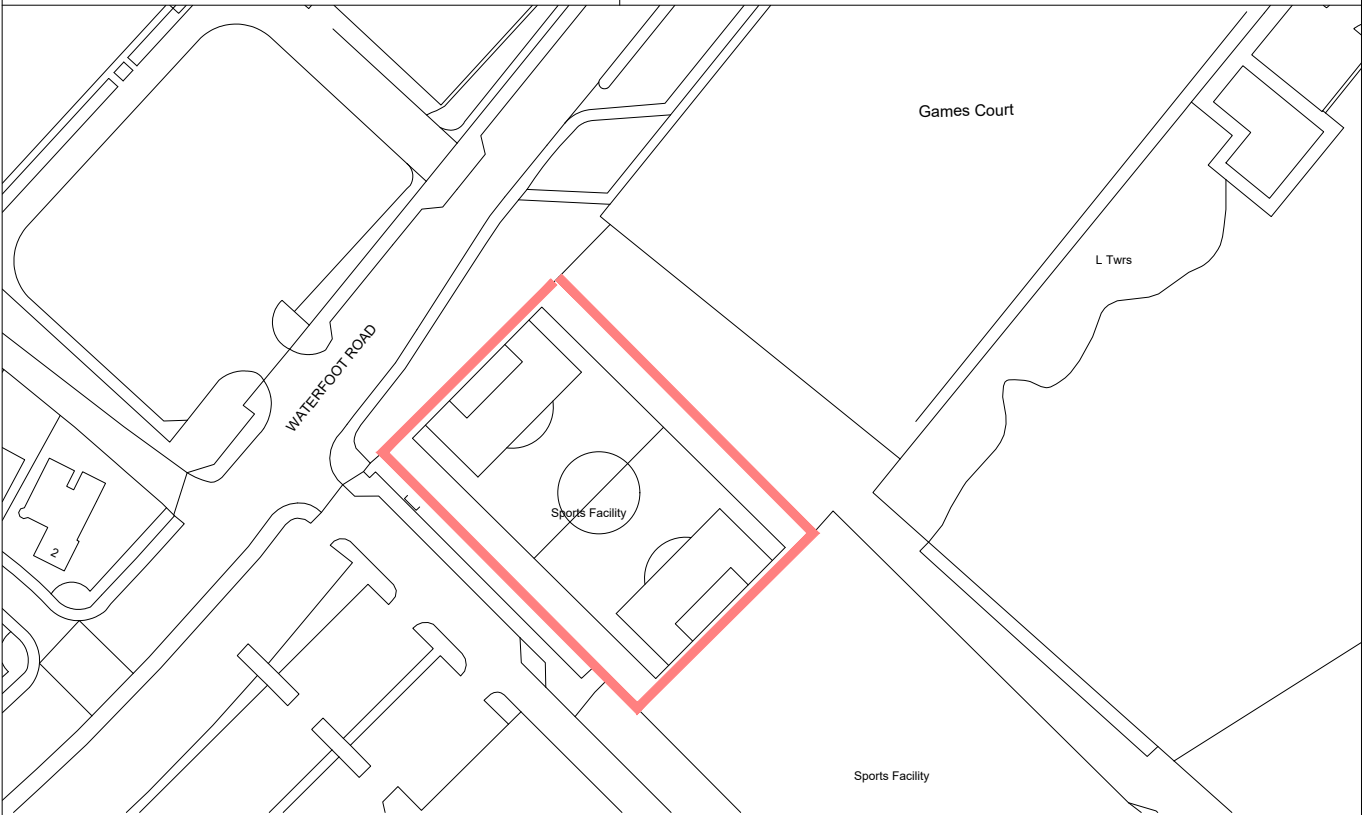
PLOT INFORMATION

LINE & POINT	DISTANCE (m)	FEATURE

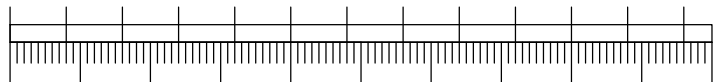
Contents within the boundaries coloured Red :
 2,841.8 square metres or thereby



Notes:



1:1250 0 10m 20m 30m 40m 50m 60m 70m 80m 90m 100m 110m 120m



1:1 0 10 20 30 40 50 60 70 80 90 100





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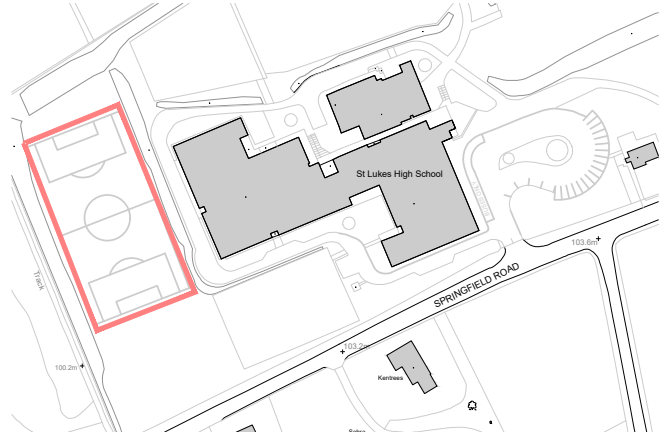
O.S.Map	Ward	File No.
Title No.	Drg. No.	Revision
Drawn by	Job Code	Survey Date
Drawn/Date	Checked	Issue Date
Address St. Luke's High School, Springhill Rd. Barrhead G78 2SG		Purchaser(s)

BOUNDARY INFORMATION

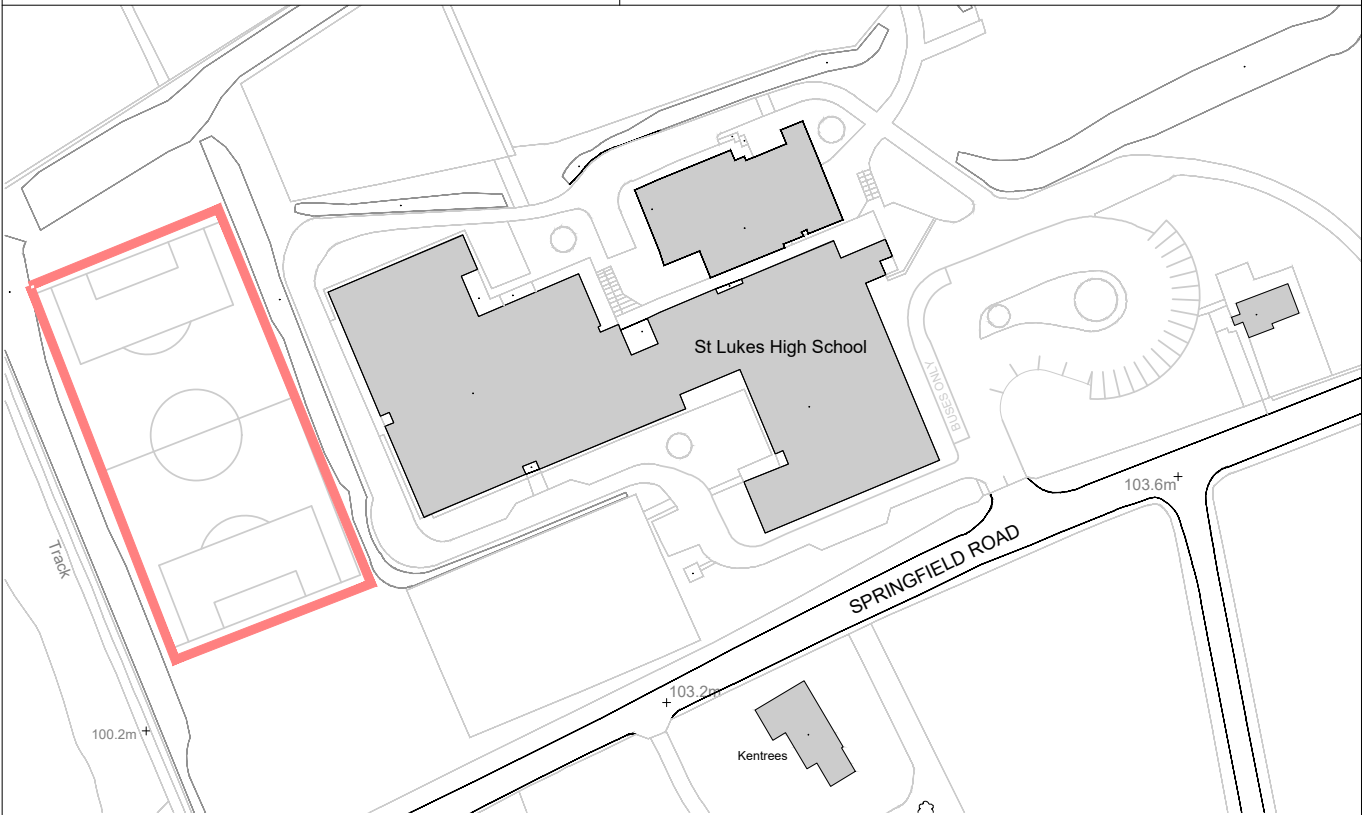
PLOT INFORMATION

LINE & POINT	DISTANCE (m)	FEATURE

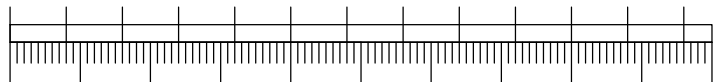
Contents within the boundaries coloured Red :
2641 square metres or thereby



Notes:



1:1250 0 10m 20m 30m 40m 50m 60m 70m 80m 90m 100m 110m 120m



1:1 0 10 20 30 40 50 60 70 80 90 100





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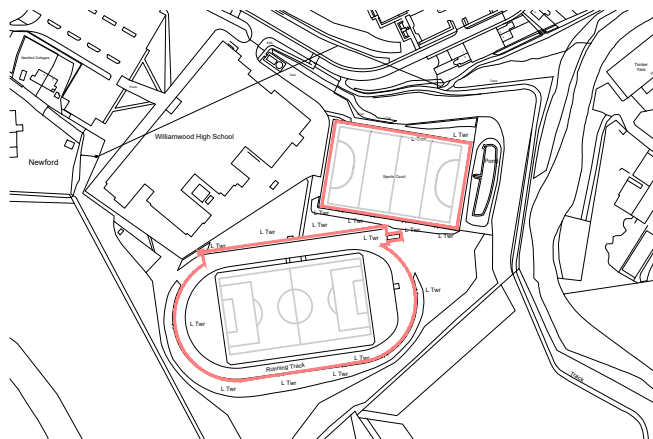
O.S.Map	Ward	File No.
Title No.	Drg. No.	Revision
Drawn by	Job Code	Survey Date
Drawn/Date	Checked	Issue Date
Address Williamwood School Eglesham Rd. Clarkston G76 8RF		Purchaser(s)

BOUNDARY INFORMATION

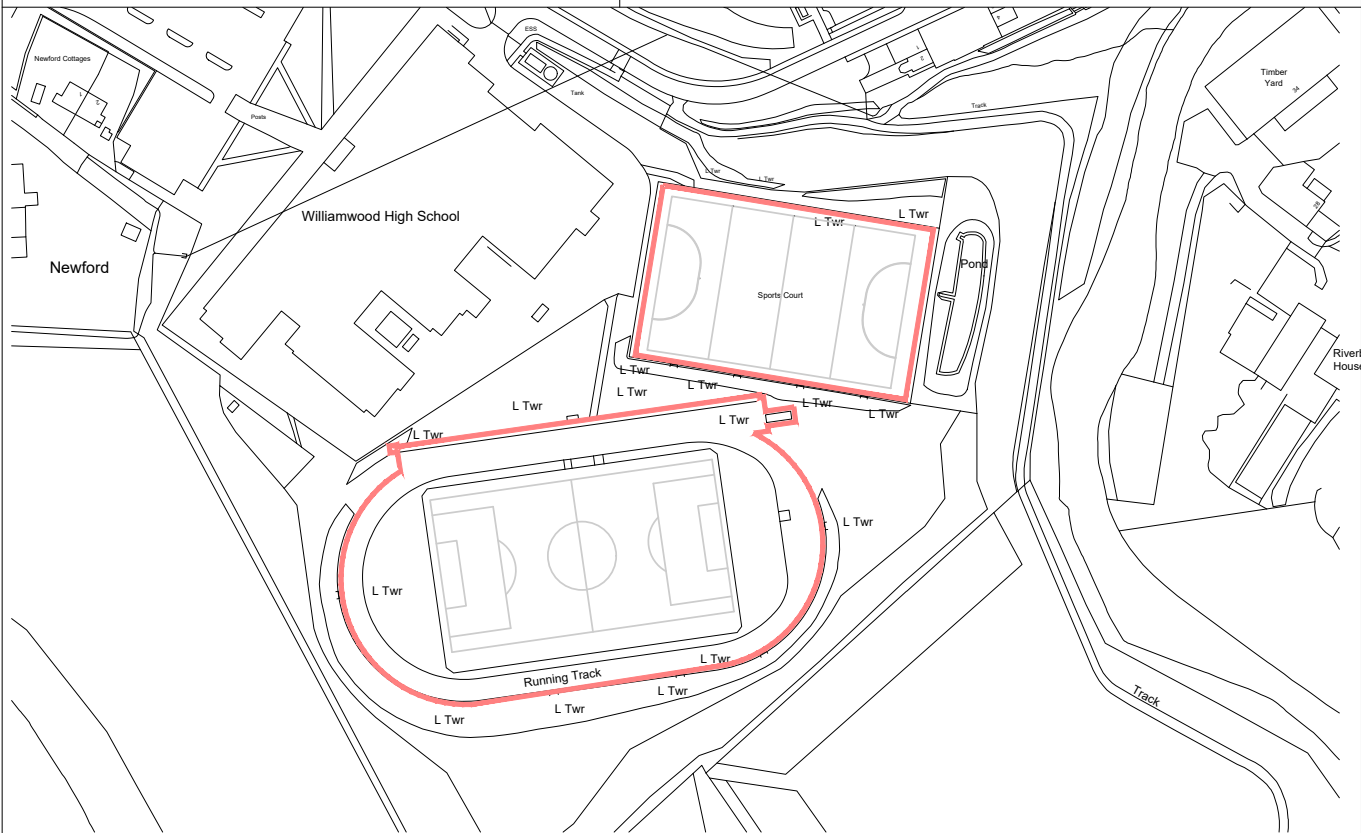
PLOT INFORMATION

LINE & POINT	DISTANCE (m)	FEATURE

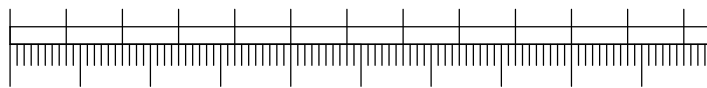
Contents within the boundaries coloured Red :
20,482.2 square metres or thereby



Notes:



1:2500 0m 20m 40m 60m 80m 100m 120m 140m 160m 180m 200m 220m 240m



1:1 0 10 20 30 40 50 60 70 80 90 100





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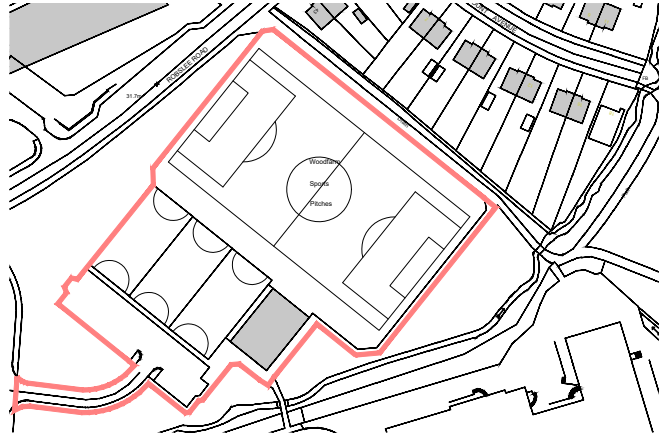
O.S.Map	Ward	File No.
Title No.	Drg. No.	Revision
Drawn by	Job Code	Survey Date
Drawn/Date	Checked	Issue Date
Address Woodfarm High Schhol Robslee Rd. Woodfarm G46 7HG		Purchaser(s)

BOUNDARY INFORMATION

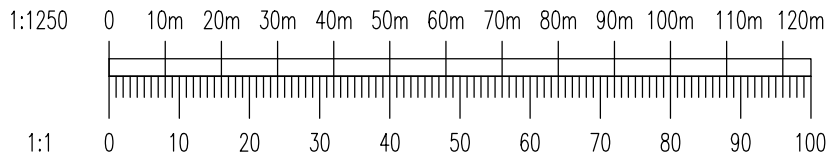
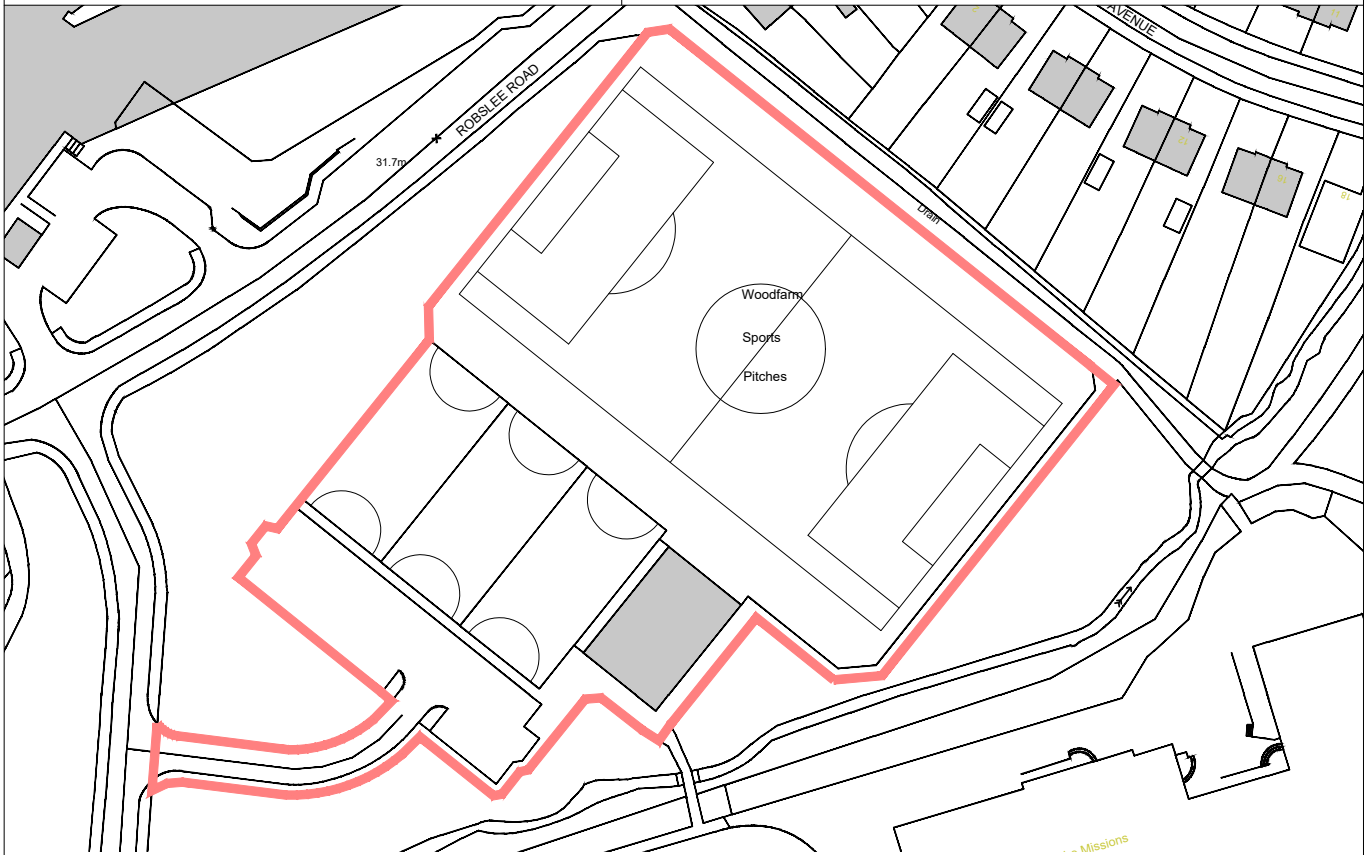
PLOT INFORMATION

LINE & POINT	DISTANCE (m)	FEATURE

Contents within the boundaries coloured Red :
11,546 square metres or thereby



Notes:



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