

**Agenda Item No:** 10

**Report To:** **Cabinet**

**Date of Meeting:** 9<sup>th</sup> November 2017

**Report Title:** Playing Pitch and Indoor Sports Facilities Strategies (2017 – 2030)

**Report Author & Job Title:** Len Mayatt, Cultural Projects Manager

**Portfolio Holder** Cllr. Mike Bennett  
**Portfolio Holder for:** Culture, Leisure, Environment and Heritage

**Summary:** Both of these strategies have been produced by Max Associates, to assess current and future demand for indoor and outdoor sports facilities. They both support the emerging Local Plan and will address the Borough's qualitative and quantitative needs. This Report seeks endorsement of the draft strategies and authority to adopt them following public consultation. Copies of both strategies can be found in the Members Room and on the Ashford Borough Council website.

**Key Decision:** Yes

**Significantly Affected Wards:** Borough wide

**Recommendations:** **The Cabinet is recommended to:-**

- I. Note the responses made against the draft Playing Pitch and Indoor Sports Facilities Strategies following consultation;**
- II. Approve the Playing Pitch and Indoor Sports Facilities Strategies and authorise their adoption;**
- III. Delegate authority to the Director of Place and Space, in consultation with the necessary Portfolio Holders, to put in place all actions necessary to implement both names strategies.**

**Policy Overview:** Both documents fulfil requirements of Sport England and the emerging Local Plan 2030.

**Financial Implications:** Various partners will contribute to the delivery of both strategies. It is proposed the Council will work with partners to secure external funding for key projects throughout the life of the strategies and may bid for funding for individual projects at the appropriate time.



<b>Legal Implications</b>	None identified at this time
<b>Equalities Impact Assessment</b>	See Attached
<b>Other Material Implications:</b>	Continued support from key officers for the sport and leisure sector
<b>Exempt from Publication:</b>	<b>NO</b>
<b>Background Papers:</b>	Both reports are available in the
<b>Contact:</b>	Ben.Moyle@ashford.gov.uk – Tel: (01233) 330475

## Report Title: **Playing Pitch and Indoor Built Sports Facilities Strategies.**

### Introduction and Background

1. Cabinet received copies of both of these strategies in their draft form on 11<sup>th</sup> May 2017 and authorised their placement on the Council's consultation portal. Cabinet also delegated authority to the Head of Culture in consultation with the relevant Portfolio Holder to incorporate any changes and complete the final versions of both strategies.
2. More detail on the consultation responses received and incorporated into the strategies is provided in paragraphs 21 to 23 of this Report.
3. Both of the strategies in their completed format follow the guidance produced by Sport England and are supported by National Governing Bodies for Sport. Their support and involvement ensures the documents are robust and follow approved guidelines to ensure accuracy and consistency. They have both been produced by external consultants, Max Associates.
4. The two strategies attached at **Appendix I** and **Appendix II** analyse the facilities under consideration in terms of quantity, quality and accessibility. They review facilities provided by the Council and other providers where there is current or potential community use.
5. The strategies identify an approach to be taken by the Council and its partners to ensure there are agreed priorities to meet current and projected demand. They both focus on the provision of sporting infrastructure, not the day to day programming or delivery of events. However, they reflect on any relevant opportunities to maximise usage within facilities where appropriate.
6. The documents recognise the balance needed between setting priorities for actions and the pressure on budgets in the public sector. Therefore, they identify the need for a partnership approach with Sport England, National Governing Bodies of Sport, schools, local clubs, town and parish councils and private facility operators; to enable delivery of the action plans which accompany each strategy, as resources allow.
7. The findings are based on individual technical, qualitative and quantitative assessments which were used to summarise the baseline data. This included site visits, consultation with site owners, users and key stakeholders.
8. Both strategies will be used to inform relevant sections of the emerging Local Plan to ensure future demand for indoor and outdoor sports facilities is planned and addressed. Sport England is a statutory consultee on planning applications and requires local authorities to have up-to-date assessments and strategies with a recommendation that the evidence base is reviewed every three years.

## **Proposal/Current Position**

9. The Borough of Ashford is experiencing a significant period of growth, with substantial new residential development proposed during the life of these strategies and emerging Local Plan. Therefore, it is important the Council works with its partners to ensure there is a range of quality sporting facilities available for the Borough's residents to enjoy and benefit from.
10. This importance is reflected in the Borough Council's Corporate Priority 3, Active & Creative Ashford: Healthy choices through physical, cultural and leisure engagement.
11. Both strategy documents contain Action Plans aimed at ensuring those aspirations are met, along with indicative timescales and key partners for delivery.
12. The overall proposals focus on ensuring that any current or projected shortfalls in facility provision are met during the life of both strategies which align with the emerging local plan i.e. until 2030.
13. For example the Indoor Sports Facilities Strategy suggests that gymnastics is a sport that will require closer support to ensure future provision meets demand at both Ashford and Tenterden. It also identifies an opportunity for the Council and key partners to aim to secure community use agreements to safeguard current and future sports club use of key Education Facilities.
14. The Playing Pitch Strategy contains a range of measures for a Playing Pitch Steering Group to deliver. It is proposed the Group should consist of key stakeholders, National Governing Body representatives and representation from the Council and will work with the identified individual sites to ensure the quantity, quality and accessibility of outdoor facilities is met.
15. Both documents propose the development of a "hub approach" for the Borough. This will enable the Council and its partners to maximise any capital or revenue funding that becomes available; as well as ensuring residents have access to suitable facilities within an acceptable travel time (currently twenty minutes drive time for indoor built sports facilities).

## **Implications and Risk Assessment**

16. The implications for the Council generally fall into two main areas, which are; financial and operational. This will mean that wherever possible the Council will seek to continue to support and improve on the provision of such facilities. The Council will need to work with partners to secure funding for new and existing projects from the most appropriate source and in line with the priorities identified in the Action Plans.

17. Operationally, the Council is a key partner, with a central role to play in facilitating elements of the work identified in the Action Plans. This will include supporting the Steering Group and acting as a central point of contact within the Borough on sports and leisure facility issues. This will require support from officers across a range of disciplines but mainly from the Culture and Planning teams.
18. Without each of these documents the Borough Council is at risk of challenge from Sport England (and others) on planning applications relating to indoor and outdoor sports facilities. Also, without these key strategic documents the Borough as a whole is at risk of missing opportunities for funding, development and not supporting the Council's aims of encouraging sport and leisure at a time of unprecedented growth for the Borough.

### **Equalities Impact Assessment**

19. Members are referred to the attached Assessment. The key issues arising are that the strategies under consideration will not have a negative impact on people with protected characteristics.
20. Provision will need to be made to continue providing facilities for people with different abilities and characteristics.

### **Consultation Planned or Undertaken**

21. Consultation on the development of both strategies has included Sport England, National Governing Bodies of Sport, Sports Clubs, Facility Providers, Users and Town & Parish Councils.
22. The draft strategies were placed on the consultation portal for the general public to comment upon. Sports clubs, schools and organisations were also directly approached for comment. The process ended on 30th June 2017.
23. Amendments of fact and opinion, where relevant and informative, from sports clubs, schools and organisations, relating to the draft strategies have been incorporated in to the final strategies. A summary of representations is enclosed at Appendix III.

### **Options and Reason for Recommendation**

24. As identified above under Risks, it is important the Council produces these documents in consultation with key stakeholders. In doing so, they need to follow the prescribed Sport England guidance and criteria.
25. The work by Max Associates has followed the Sport England guidance and has been approved by each of the appropriate National Governing Bodies as statutory consultees as part of their development.
26. Therefore, it is recommended both draft strategies are adopted.

## **Next Steps in Process**

27. Adopt the final versions of the strategies and develop a timetable for facilitating the delivery of the Action Plans for both documents and review progress in three years.

## **Conclusion**

28. Both of these strategies form an integral part of the Council's commitment to supporting sport and leisure opportunities for the Borough. They provide substantive evidence for the development of associated policies in the emerging Local Plan and provide a clear way forward to ensure the quantity and quality of provision meets current and future demand.

## **Portfolio Holder's Views**

29. I fully support the evidence based approach offered by these strategies and recommend their adoption.

Cllr Mike Bennett

## **Contact and Email**

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# Equality Impact Assessment

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1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

## Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

## Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

## Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
  - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
  - Encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

**Case law principles**

9. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a

policy, for example, is being developed and agreed but also when it is implemented.

- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)



<b>Lead officer:</b>	Ben Moyle
<b>Decision maker:</b>	Cabinet
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	Adopt the Playing Pitch Strategy for Ashford Borough
<b>Date of decision:</b> The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	11 <sup>th</sup> May 2017
<b>Summary of the proposed decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	<p>To ask for Member's approval to adopt the Playing Pitch Strategy for Ashford Borough which has been compiled by external consultants Max Associates over the past 18 months to assess current and future need across the sports and recreation infrastructure and inform the Local Plan.</p> <p>The adoption of the strategy will affect the population borough-wide</p>
<b>Information and research:</b> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> </ul>	<p>The Strategy has been formed from research in to the current shortfalls in demand for sport and recreational facilities and opportunities and the potential future shortfall through housing growth.</p> <p>Sources have included, clubs, organisations, schools and parish councils</p> <p>Key findings include potential shortfalls in pitches, sports halls and swimming lanes to 2030.</p>
<b>Consultation:</b> <ul style="list-style-type: none"> <li>• What specific consultation has occurred on this decision?</li> <li>• What were the results of the consultation?</li> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	<p>Max Associates have consulted widely as above.</p> <p>The consultation has resulted in key findings above</p> <p>The decision will have no impact on people with different protected characteristics.</p> <p>The decision to adopt the Strategy positively affect people with different protected characteristics not</p>

**Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.**

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

<b>Protected characteristic</b>	<b>Relevance to Decision</b> High/Medium/Low/None	<b>Impact of Decision</b> <b>Positive</b> (Major/Minor) <b>Negative</b> (Major/Minor) <b>Neutral</b>
<u>AGE</u> Elderly	MEDIUM	POSITIVE
Middle age	MEDIUM	POSITIVE
Young adult	MEDIUM	POSITIVE
Children	MEDIUM	POSITIVE
<u>DISABILITY</u> Physical	MEDIUM	POSITIVE
Mental	MEDIUM	POSITIVE
Sensory	LOW	NEUTRAL
<u>GENDER RE-ASSIGNMENT</u>	NONE	NEUTRAL
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	NONE	NEUTRAL
<u>PREGNANCY/MATERNITY</u>	NONE	NEUTRAL
<u>RACE</u>	NONE	NEUTRAL
<u>RELIGION OR BELIEF</u>	NONE	NEUTRAL
<u>SEX</u> Men	NONE	NEUTRAL
Women	NONE	NEUTRAL
<u>SEXUAL ORIENTATION</u>	NONE	NEUTRAL

<b>Mitigating negative impact:</b> Where any negative impact has been identified, outline the measures taken to mitigate against it.	N/A
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**Is the decision relevant to the aims of the equality duty?**

Guidance on the aims can be found in the EHRC’s [Essential Guide](#), alongside fuller [PSED Technical Guidance](#).

Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	YES
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	YES
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	YES

<p><b>Conclusion:</b></p> <ul style="list-style-type: none"> <li>Consider how due regard has been had to the equality duty, from start to finish.</li> <li>There should be no unlawful discrimination arising from the decision (see guidance above ).</li> <li>Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.</li> <li>How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?</li> </ul>	<p>Due regard has been made to the equality duty, from start to finish of the Playing Pitch Strategy process.</p> <p>There will be no unlawful discrimination arising from the decision</p> <p>The proposal meets the aims of the equality duty as all sections of the community including those with protected characteristics will benefit from the enhancements to the centre.</p> <p>Monitoring of the policy, procedure or decision and its implementation be undertaken and reported will be undertaken by the partners.</p> <p><i>The council’s revised policy register will assist services to meet this</i></p>
<p><b>EIA completion date:</b></p>	<p>23-3-17</p>



## Appendix I – Playing Pitch and Indoor Sports Facility Strategies 2017

### Ashford Borough Council

## Public Consultation May – June 2017

- 1.1 The draft Playing Pitch and Indoor Sports Facility Strategies were out to consultation for six weeks ending June 30<sup>th</sup> 2017.
- 1.2 The documents were publically available for viewing on the Ashford Borough Council website, with a questionnaire format for all comments.
- 1.3 The consultation resulted in the following:
  - 0 questionnaires via the consultation portal
  - 1 hard copy questionnaires received via email
  - 3 responses via the consultation portal
  - 4 emails
  - 0 telephone calls
- 1.4 The replies have been collated and commented on in the next section of this document.
- 1.5 Some of the respondents used the consultation process as an opportunity to discuss specific sports and recreation issues. These comments have been forwarded to relevant officers within the council. The comments have also shaped and informed the observations and recommendations within the strategy.

### Consultation responses

- 1.6 Questionnaire responses:

<b>1</b>	<b>In general do you consider the draft Sports Strategies follow the appropriate planning policy guidance?</b>
Yes	1
No	
<b>2</b>	<b>Do you consider the evidence base and audit that underpins the draft Sports Strategies findings, is broadly accurate?</b>
Yes	
No	1
Comment	The Playing Pitch Strategy document does not identify that Mersham Sports Club is a multi-sport club and its existing ground and Facilities are in use all year round. September to May it is used for football having 1 x Adult pitch and 3 Junior Pitches, running 2 x Adult teams and teams for ages 5 to 16 years. April to September it is used for Cricket having 1 square with 11 wickets which provide wickets for 3 x Adult teams, 1 x Ladies / Girls

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	<p>team, and 6 Junior teams for ages 11 to 17 years and Kwik Cricket for Under 9's. It is also regularly used as venue for School Cricket tournaments through Chance to Shine and Chance to Compete. On 8 separate occasions within the Playing Pitch Strategy document (see listed above) it mentions that Mersham Sports Cricket Club urgently requires an additional Cricket Square on our existing ground. Mersham Sports Cricket Club does not have sufficient room on existing ground to add an additional Cricket Square.</p>
<i>ABC reply</i>	<i>The PPS has been amended to reflect these comments</i>
<b>3</b>	<b>Do you agree with the key findings identified in the draft Sports Strategies?</b>
Yes	0
No	1
Comment	<p>We do not agree with the key findings relating to Mersham Sports Club. With regard to the cricket section the club does not have sufficient land to establish a second square at the Flood Street ground and therefore the repeated statement that this is what we need is incorrect. In order to alleviate the overuse of the Flood Street ground we would like a second ground but accept that this must form part of our longer term strategy. With regard to the football section with the projected growth in participation it is estimated that the club will require full size pitches to accommodate 6 teams by the 2018/2019 season.</p> <p>For the last 4 years in conjunction with Ashford Leisure Trust, and more recently with Kent Community Cricket and 3 Hills Sports Centre we have run weekly Adult disability cricket sessions, these are currently all held in sports halls. Ideally during the summer month's we would love our players in these sessions to play outside at Mersham Sports Club, but due to our present lack of disability access and disability toilet and changing facilities this cannot be facilitated at Mersham</p> <p>Therefore the essential requirement of Mersham Sports Club is the replacement of the existing clubhouse with a bigger, modern, more user friendly (disabled access) facility that can accommodate both the existing sports and the identified additional sports and recreational activities. With the current decrease in adult participation for many cricket clubs (excluding Mersham whose numbers have again increased) we can see no purpose to the planned expenditure on cricket facilities at Chilmington Green. Instead these costs would be better spent supporting our club to allow us to continue to develop our support of the local community.</p>
<i>ABC reply</i>	<i>The PPS has been amended to reflect these comments</i>

## Appendix I – Playing Pitch and Indoor Sports Facility Strategies 2017

<b>4</b>	<b>Do you agree with the action plan in the draft strategy?</b>
Yes	1 in principal
No	0
Comment	We support the principles of the draft action plan in that investment should be focused on clubs who demonstrate long term development, increase participation and have achieved the appropriate accreditations. However Mersham Sports Club has the opportunity to do more with different sections of our local community and it is the absence of a suitable building that is preventing us from achieving these goals.
<i>ABC reply</i>	<i>Noted – meetings have been held with a representative of the Sports Club to offer business plan, funding and planning advice towards the new pavilion.</i>
<b>5</b>	<b>Are there any additional critical points which you wish to make?</b>
Yes	1
No	0
Comment	The Playing Pitch Strategy document details that Mersham Sports Club requires improvements to Changing Rooms and a need to refurbish Club House this is not correct. The Club urgently requires new Changing rooms and new a Club house as the existing facilities do not meet the current demands of the club due to no disabled access or facilities, very limited height in the club house and only 1 Ladies Toilet and 1 Gents Toilet and 1 urinal. Our existing changing rooms are also not up to current standards regarding space, male / female facilities, and shower / toilet facilities. Mersham Sports Club has produced a comprehensive development plan which includes plans to add new entrance to our Ground and also plans to provide new Clubhouse and changing facilities aimed at providing adequate modern facilities for our growing Club.
<i>ABC reply</i>	<i>The PPS has been amended to reflect these comments</i>

- 1.7 Two comments were provided on the response section of the questionnaire. The comments are summarised below:
- South Ashford FC: would like to be found 1 x 7v7 and 2 x 5v5 pitches on the John Wallis Academy campus when redeveloped due to pitch shortages on the site's 3G pitch. The respondent believes the new primary school on site would also benefit from these pitches.
  - Nathalie Tucker: Supports the re-location of kestrels Gymnastic Club to a dedicated home in Tenterden.
  - Stefanie Kitney: Supports the re-location of kestrels Gymnastic Club to a dedicated home in Tenterden.

## Appendix I – Playing Pitch and Indoor Sports Facility Strategies 2017

*All comments have been forwarded to relevant officers within the council.  
Meetings have been held with the owner of Kestrel Gymnastics Club.*

### 1.8 Emails were received as follows:

- Callie Durrand: Supports the re-location of kestrels Gymnastic Club to a dedicated home in Tenterden.  
*See above*
- Lee Robinson representing Kennington Core Group: Supports increased usage of Sandyacres as a site. Notes residents might object but believe access is better than at similar sites such as Spearpoint.  
*Noted*
- Sandyhurst Lane Residents Association: Strongly supports the development of pitch facilities across the borough especially for young people. Welcomes the PPS finding that Sandyacres could be developed to take on more of a hub status. With the caveat that development should be done in keeping with the local environment, its character and infrastructure. Notes that Sandyhurst Lane sits within a rural not urban ward and this should be considered. Supports all activity at the sports club so long as organisational issues are carefully managed. Notes specific examples of poorly managed events causing parking, and access issues. Concerns over increased traffic volume and noise.  
*Noted*
- Westwell Parish Council: Endorses the comments of the SLRA. Describes the Westwell village centre playing field facilities.  
*Noted*