

Newbury Community Football Group

Introduction:

This is a formal complaint, submitted on Monday 4th June 2018, against West Berkshire Council (WBC) by Newbury Community Football Group CIC (NCFG), which is the representative body of the formal footballing community in Newbury. It follows the procedure for complaints set out on the Council's website.

NCFG has for almost three years persistently offered to engage positively with the Council, the aim being to protect and enhance participation in football in Newbury, particularly amongst the young. The Council has resisted this approach and has also failed to positively engage, by any other means, with Newbury's football community. Consequently, and with significant regret, NCFG is forced to lodge this complaint. For the avoidance of doubt, NCFG remains wholly open to positive engagement with the Council.

The Football Ground and Clubhouse at Faraday Road is:

1. Newbury's community football ground, which as evidence presented by NCFG has proved is, an essential facility used frequently by Newbury's numerous football organisations and hundreds of regular players.
2. An important and affordable social facility close to the Town Centre
3. Consequent of the above, a registered Asset of Community Value under the Localism Act 2011 (listed 10 October 2016).
4. Protected and promoted for enhancement as a Cultural facility for football in West Berkshire's Core Strategy Area Delivery Plan Policy 2.
5. Protected and promoted for enhancement in Core Strategy 18
6. Essential to the continued success of community football in Newbury - a popular and crucially important physical-exercise sport. This goes to the heart of the Council's strategy for Health and Wellbeing, particularly relating to children and teenagers, and to the Council's responsibility to have an effective strategy to combat obesity.
7. Central to the objectives set out in Newbury Vision 2026: Culture, Leisure and Sport – Opportunities to grow.

Background:

The Ground is the premier community football facility in Newbury and classified by the FA as one of the best facilities in the region. In the early 2000's it fell into disrepair and disuse until 2006, since when it has been diligently maintained on behalf of the Council by Newbury Football Club and other volunteers (referred to from hereon in as the "Operator"). Unlike many other local recreational and sports facilities, and despite that football is probably the most popular local sport (especially amongst youngsters), the Ground has not received any investment by the Council. In fact, the Council has received rent and business rates from the Operator.

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In 2015, WBC notified the Operator that its occupation and management of the Ground would be terminated. Consequent of public pressure, including a petition containing several thousand signatures and robust evidence of need, WBC issued two extensions of one year which will finally expire on June 24th, 2018, at which time WBC will close Newbury Football Ground to the public. WBC has given no explanation as to why the current Operator Newbury FC will be evicted /dismissed nor has any succession plan been put in place.

Football and other activities (games, events, etc.) are organised several months in advance, these include children's and youth football championship finals and penalty shoot-out events, charity & community events (past events include Jake Charity Day, Charity Match for Rory Rowbottom, Tahlia Luella's Easter Family Fun, Will Pemberton Breast Charity Fundraising Night, Sandra Talman Charity Match, The Big Match – the latter raised almost £60,000 for charities).

Furthermore, the ruling bodies impose criteria that includes access to playing facilities and in some cases and security of tenure. For example, men's senior football is currently shackled to the lower echelon football league because the Council removed security of tenure. This contrasts dramatically by the recent successes achieved by Thatcham Town and Hungerford Town. There is no doubt that national sporting success has a massively positive effect on participation in sport.

Since 2017, NCFG has made repeated requests on the Council to supply details of arrangements for the continued use of the Ground by the footballing community, but to no avail.

For three years, WBC has repeatedly been invited to continue with NFC and NCFG as the operator but has, without explanation, rejected the option. In late April 2018, WBC announced plans to hand over operation of the Ground to Newbury Town Council, who immediately rejected the offer most likely for financial and/ or operational reasons. NCFG repeated an offer for the voluntary sector to run the facility at no cost to the public purse, but this was summarily rejected by WBC without reason. In its correspondence of 23rd May 2018 WBC stated, *"At this point of time it is West Berkshire Council's intention to operate the site itself"*. However, despite numerous and continuous requests no information has been provided by WBC about how bookings will be made and what facilities will be available? As a consequent it is reasonable to conclude that, unless the Council agrees to at least a 12 month stay of eviction, WBC's approach risks total or partial closure of the facility to the detriment of the community.

The footballing community in Newbury (not to be conjoined with neighbouring communities of Thatcham and Hungerford) comprises many hundreds of players of both genders and all age groups. Formal children's and youth football activity regularly involves almost four hundred participants.

Newbury has a long and rich history of success involving all ages and both genders, about which the community is justifiably proud. Newbury Football Ground in Faraday Road is essential to the continued success of the Sport, which itself is fundamental to improving health and wellbeing in society, particularly young people.

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In light of WBC's stated intention to permanently close the Ground so as to make way for the development of flats (or other private sector buildings), NCFG has lodged a planning application to deliver much needed enhancements including 3G all-weather pitches. This will make a very positive contribution to the regeneration of the wider London Road Estate and link into leisure facilities in Victoria Park.

An opportunity to succeed and an age-succession route (i.e. children-to-youth-to-senior) are crucial to motivating teenagers to participate in football rather than submitting to the temptations of passive and less healthy pastimes. Newbury Football Ground is at the epicentre of football in Newbury and its closure would cause inexorable damage to retain and expand participation, particularly by teenagers and young adults. The threat of closure has already had a profound impact.

Grounds for Complaint:

This complaint relates to the Council's persistent failure to address the need to retain Newbury Football Ground for community use and its threat to permanently remove the community football ground, stadium and clubhouse at Faraday Road, Newbury.

The grounds for the complaint are:

1. WBC has persistently failed to supply a substantive and meaningful response to NCFG's repeated requests relating to the future use of the facility.
2. WBC has persistently failed to engage with the football community in Newbury and thereby to consider the needs of the community.
3. WBC has failed to produce a plan for the continuous availability of the facility, as currently provided, after 24th June 2018.
4. By rejecting the offer of continuity by the Operator and NCFG, WBC will be forcing the unnecessary closure of the facility and thereby denying the community its rights.
5. By rejecting the offer of continuity by the Operator and NCFG and electing to run the facility directly (although with no guarantee that this will occur and what will be provided), the Council will almost certainly have to use public funds. By contrast, continued management by the Operator and NCFG will obviate the need to use public funding. The Council is therefore intending to use public funds inappropriately and thereby risks reducing funding for other services by a corresponding amount.
6. WBC's eviction of the Operator is inappropriate and unnecessary. WBC's decision to evict the Operator is not the result of poor performance but is to facilitate an apparently ideological desire to redevelop the land into residential flats (or other non-community use). There is no evidence to demonstrate that redevelopment is impartially justified or that the benefits of redevelopment would outweigh the benefit of retaining and enhancing Newbury Football Ground as an asset of the community. Nor is the case for redevelopment supported by a feasibility study or evidence of need. The plan to redevelop does not accord with local or national formal planning strategies and policies. The Council's removal of the Operator and closure of facility will deny the community its right to use the facility and damage the prospects for enhancing participation in football.

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7. The Chief Executive of the Council stated at the Vision Conference in 2017 that development was unlikely to start for 5-years. This statement is additional evidence that WBC's actions are unnecessary and premature.
8. Alteration (including demolition) or change of use of the Ground and facilities requires planning permission. The AVC makes the burden even higher. No such planning permission exists nor has an application been prepared, which adds to the weight to evidence that WBC's actions are unnecessary and premature.
9. By attempting to close the facility to community use, WBC is undermining the purpose of the ACV.
10. By its actions, WBC has failed to act in accordance with aspects of the Committee on Standards The 7 Principles of Public Life (extract enclosed). In particular, holders of public office (therefore including Councillors) are required:
 - a. To act solely in terms of the public interest. The corporate body of the Council is required to serve this purpose.
 - b. To act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
 - c. Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
11. WBC's threat to permanently close the ground is against overwhelming evidence of demand. The evidence of demand justified listing of the facility as an ACV.
12. WBC is intending to close the facility without having applied due process.
13. The Council has failed to be transparent in its decision making.
14. WBC's decision to redevelop the ground into residential flats fails accord with the objectives of the Core Strategy, Newbury Vision 2026 and disrespects the ACV.
15. WBC has failed to undertake specific public consultation about the future of the Ground.
16. WBC persistently and irrationally confuses Newbury Football Club, a private club that uses the Ground, with Newbury Football Ground.
17. WBC has failed in a timely manner to develop a plan to keep the Ground available for use by the community.

NCFG requires WBC to:

1. Properly investigate the above complaints in a transparent and respond to NCFG in timely manner.
2. Pending the outcome of the investigation, immediately delay the eviction of the Operator so that Newbury Football Ground will remain available for use. This approach WILL NOT prevent WBC from investigating other alternatives ways in which to operate the Ground in the public interest.
3. Immediately engage in a positive manner with NCFG and to commit to carrying out proposer public consultation to inform the decision making about the future of Newbury Football Ground.

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4. Not to change the way in which the Ground is operated until a plan for continued use of the whole facility has been subjected to public consultation and put in place.

This complaint is without prejudice to other remedies available to NCFG.

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The 7 principles of public life

Published 31 May 1995

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.