



Doncaster Council

Report

Date: 16 October 2018

To the Chair and Members of the
Cabinet

**Cycle Circuit – Lease of Additional Land and Acceptance of British Cycling /
Sport England Funding Cabinet Report**

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Nigel Ball	All	Yes

Acronyms

DMBC – Doncaster Metropolitan Borough Council

DCLT – Doncaster Culture and Leisure Trust

EXECUTIVE SUMMARY

1. The Mayor and cabinet have already established a high level ambition to 'Get Doncaster Moving' and support Doncaster residents to be more physically active. These ambitions have been supported by establishing physical activity as one of the key transformation programmes in the Doncaster Growing Together approach, agreeing and investing in the overarching 'Get Doncaster Moving' physical activity and sport strategy and securing on behalf of Team Doncaster the successful Sport England 'Local Delivery Partnership'.
2. Cycling is a key approach to increase physical activity. In 2016 Doncaster hosted a stage of the Tour de Yorkshire and subsequently hosted two further stage finishes in 2018. Since 2016 there have been increased levels of both interest and participation in cycling, as a form of physical activity. One barrier to further increases in participation is the ability to identify a safe traffic free environment that enables all levels of participation, from learner through to seasoned professional, to practice and engage in cycling. This is particularly relevant for young riders where there has been a significant increase in club membership and cycling.

3. Doncaster will be a host for a start of the UCI World Road Cycling Championships in September 2019. This will provide a once in a life time opportunity to maximise the impact of this event, by inspiring local people to take to cycling and especially engage young people of the borough through this iconic, world event.
4. The development of a Closed Road Cycle Circuit (Cycle Circuit) is not only a key deliverable for the council but is also a key part of both Sport England's and British Cycling's UCI World Championship's legacy programme.
5. This report builds upon the previous 'Get Doncaster Cycling' strategy approved by Cabinet on the 9th January 2018 and details the final decisions needed by Cabinet to construct a 1km Closed Road Cycle Circuit that DCLT will manage on behalf of DMBC. This report identifies two crucial decisions that require approval to enable the construction of a Cycle Circuit.
6. The first requirement is to agree to lease additional land to DCLT to facilitate the build and delivery of the Cycle Circuit. DCLT currently hold a lease for 'The Dome' that includes a portion of the land required to house the Cycle Circuit. However, the remaining land required is currently owned by DMBC and is unused.
7. The second requirement is to agree to accept funding from British Cycling / Sport England to ensure the budget is sufficient to match funds allocated by DMBC to facilitate the build of the circuit. We are currently awaiting confirmation of the funding amount from British Cycling / Sport England. However to ensure the Cycle Circuit is built within the timescales required to showcase it when Doncaster host the UCI World Championships, it is proposed that the decision to accept funding be delegated to the Chief Financial Officer, in consultation with the Mayor. The delegated decision to accept funding will then allow construction to commence.
8. Therefore, to facilitate the construction of a Cycle Circuit, this report recommends leasing additional land to DCLT and delegating the decision to accept funding from British Cycling / Sport England to the Chief Financial Officer in consultation with the Mayor.

EXEMPT REPORT

9. No

RECOMMENDATIONS

10. Recommendations are
 - a. To agree to lease additional land to DCLT, to facilitate the construction of a 1km Cycle Circuit and allow DCLT to manage the facility on behalf of DMBC.

- b. To agree, on completion of the construction of the Cycle Circuit, that the Cycle Circuit will form part of the lease 'of additional land'.
- c. To agree to accept funding from British Cycling / Sport England to facilitate the construction of the Cycle Circuit and delegate to the Chief Financial Officer (in consultation with the Mayor) the decision to agree terms of any associated funding agreement.
- d. To agree that on acceptance of British Cycling / Sport England funding, construction of a Cycle Circuit (on land behind The Dome) can commence.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

11. By leasing additional land to DCLT, and accepting funding from British Cycling / Sport England, it will help enable the construction and management of a 1km closed road Cycle Circuit. This is an agreed key programme of activity outlined in the 'Get Doncaster Cycling' report and will contribute to increasing population engagement in physical activity via cycling. By increasing levels of physical activity, overall and individual health and wellbeing will improve along with numerous associated societal and economic benefits.

BACKGROUND

12. In the previous 'Get Doncaster Cycling' report it was highlighted; that Doncaster has some of the lowest physical activity levels in the country; that a new 'Physical Activity and Sport Strategy' has been produced to address this; and that cycling has been identified as a key means to improve Doncaster's levels of physical activity.
13. The construction of the Cycle Circuit will be part funded by DMBC and the remaining funds will be provided through match funding from British Cycling via Sport England.
14. DMBC have worked closely with British Cycling to agree a specification for the Cycle Circuit that will be innovative, engaging and can provide cycle training through to regional competition.
15. DCLT currently manage Doncaster's leisure facilities on behalf of DMBC and currently hold [25 year] leases with DMBC covering the leisure facilities across the borough. This includes a lease for The Dome that includes a portion of the land proposed to house the Cycle Circuit. The additional land identified that is required to build the circuit will be put under a similar lease with DCLT and will take on management of the circuit.

16. Currently the 'unleased' land owned by DMBC is not being used or identified for future provision. Transfer of the land and build of the circuit will result in increased physical activity participation will result in wider positive economic impact through improved health, social cohesion and community volunteering. It will also permit a new revenue stream for DCLT, supporting the viability of the trust.

17. It is worth noting that in the unlikely position funding from British Cycling is not received and/or DMBC are unable to construct the Cycle Circuit, the additional land will not be leased to DCLT and the land will remain available for future use. Additionally, it is proposed that a legal agreement will be entered into with DCLT confirming that they will take on the Cycle Circuit lease and management responsibility, on completion of construction.



Fig 1. Overview of the current lease area for The Dome (in green) and additional land proposed for lease to DCLT (uncoloured area within red-lined boundary).

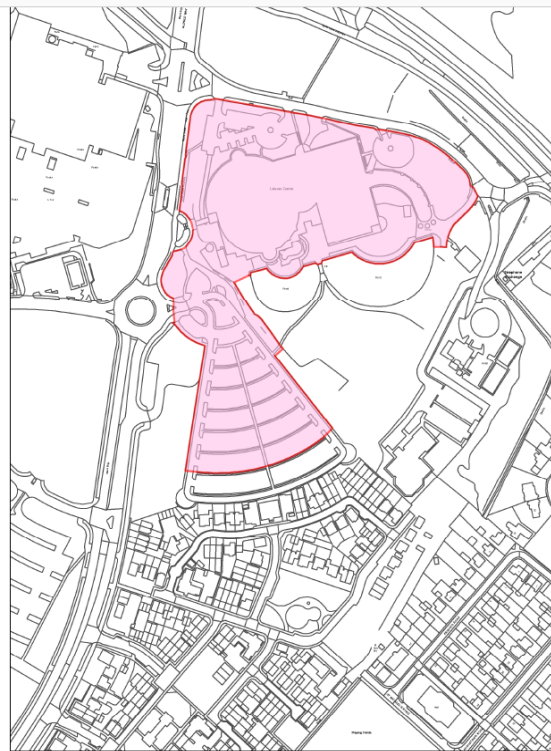


Fig 3. Overview of the newly proposed 'The Dome' lease area (in pink).

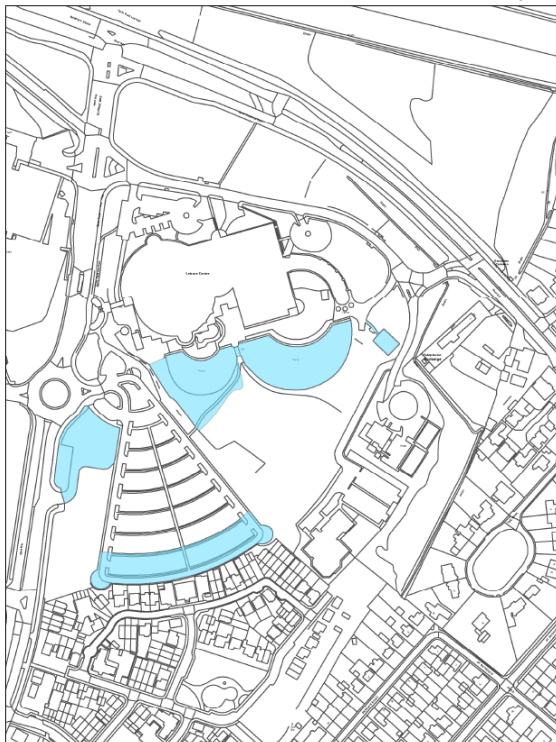


Fig 2. Overview of the proposed areas of the current 'The Dome' lease to be 'etched out' (in blue) to be encompassed in a new Cycle Circuit lease.

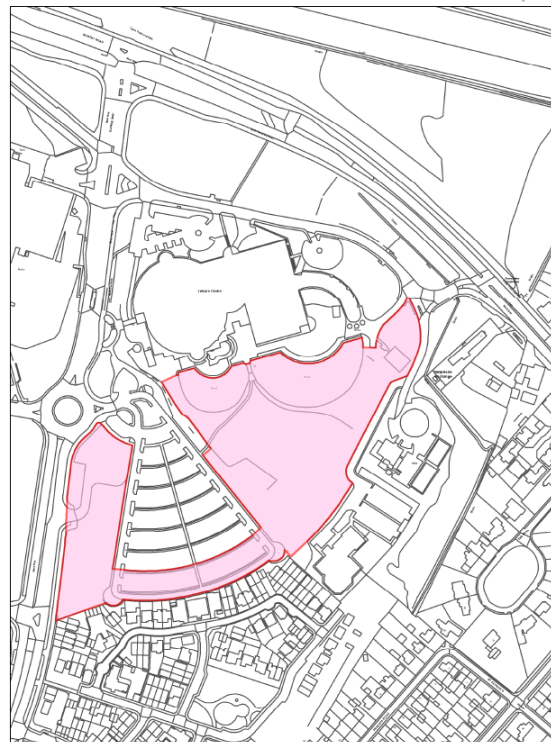


Fig 4. Overview of the proposed lease area for the housing of a new Cycle Circuit (in pink).

OPTIONS CONSIDERED

18. Option 1 – To not lease additional land to DCLT, and not to accept funding from British Cycling / Sport England. This would prevent us from building the Cycle Circuit which has been identified as a mayoral priority.

Option 2 – To agree to lease additional land to DCLT, accept funding from British Cycling / Sport England and approve construction of the cycle circuit.

Option 2 is the recommended option

REASONS FOR RECOMMENDED OPTION

19. Option 2 is recommended as it will put DMBC in a position to construct the Cycle Circuit – an agreed key programme within the initial ‘Get Doncaster Cycling’ report. Additionally, and as mentioned in the ‘Get Doncaster Cycling’ report, it will contribute to the continuation of developing Doncaster’s cycling aspirations, enabling communities to improve their overall sense of health and wellbeing.

IMPACT ON THE COUNCIL’S KEY OUTCOMES

20.

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	N/A
	<p>Doncaster Living: Our vision is for Doncaster’s people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating 	Leasing additional land to DCLT and accepting funding will facilitate the construction of a Cycle Circuit that will provide a further, unique opportunity for Doncaster residents to engage in physical activity and sport. This will contribute to reducing the

	<p>heart of Doncaster</p> <ul style="list-style-type: none"> • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>number of inactive residents and improving overall and individual health and wellbeing along with numerous associated benefits.</p> <p>By facilitating the construction of a Cycle Circuit DMBC are also building on and contributing to Doncaster’s cultural and sporting heritage, further supporting cycling as an important part of Doncaster life – and in turn continuing to assist in engaging the population in physical activity.</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	<p>A closed road circuit can provide life changing experiences for learning outside the school setting.</p>
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	<p>By constructing a Cycle Circuit (facilitated by the decisions within this report), children of Doncaster will be provided with another opportunity to engage in physical activity/sport. This has the potential to highlight the importance of and support lifelong physical activity. Children are therefore being provided with a contribution to ‘the best start in life’, benefitting their lifelong health and wellbeing.</p>

	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	<p>Using council assets to unlock resources from partners is an effective way for the council to show leadership.</p>

RISKS AND ASSUMPTIONS

21. This report assumes that funding from British Cycling / Sport England will be provided; therefore further rationalising the requirement for additional land to be leased to DCLT. However, as previously stated, the additional land will only be leased to DCLT if the Cycle Circuit is constructed. Therefore, in the eventuality that the Cycle Circuit is not constructed, the additional land will remain available for future use by DMBC.
22. Additionally, while agreed in principle, it is assumed that upon its completion, DCLT will take on the lease agreement for the Cycle Circuit. If they were not to do this, significant strain would be placed on current DMBC resource to manage the Cycle Circuit. To mitigate this, the legal team have been consulted and an 'agreement to lease' document is in development, allowing DMBC to enter into a formal agreement with DCLT to take over the lease upon completion of the Circuit.

LEGAL IMPLICATIONS [Officer Initials AB Date 30/08/2018]

23. The Local Government Act 1972 provides a local authority with the power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.
24. Legal services will provide support and advice regarding the contents of the Funding Agreement to be entered into to secure the British Cycling monies.
25. The British Cycling Funding Agreement will place obligations on the Council and may well contain claw-back provisions if the Council fails to comply with the terms upon which funding is provided. Further detailed work will be required on that agreement when it is received from British Cycling and appropriate legal advice on the risks to the Council and mitigation/management strategies to manage those risks. Careful monitoring of any claw-back provisions and compliance with the terms of the Funding Agreement will be required by the project team.
26. Further legal advice will be required as the project progresses particularly in relation in relation to Procurement, Planning and Highways Law and compliance with the term and conditions of the Funding Agreements.
27. Section 1 of the Localism Act 2011 provides the Council with the general power of competence, meaning that “a local authority has power to do anything that individuals generally may do.”
28. It is understood from the report author that the lease will be at a peppercorn rent and the disposal will therefore be at an undervalue. Under s.123 of the Local Government Act 1972 the Secretary of State’s consent is required for the disposal of land for less than the best consideration reasonably obtainable. Under Circular 06/03 the Secretary of State has given their consent to the disposal of non-housing/HRA land by local authorities for less than the best consideration reasonably obtainable provided that
 - (i) The difference between the consideration being received and full open market value does not exceed £2 Millionand
 - (ii) The Council is satisfied that the purpose of the disposal will contribute to the promotion or improvement of the economic, environmental or social well-being of the area.
29. These two criteria apply in this case so the Secretary of States consent is deemed to be granted for this disposal.
30. The Council’s Financial Procedure Rules require that if the market value of the disposal would exceed £250,000 then the approval of Cabinet is required to dispose of the property at an undervalue.

FINANCIAL IMPLICATIONS [Officer Initials OB Date 29/08/18]

31. The original piece of land identified for the cycle circuit is currently unused and was identified as a potential disposal site with an estimated value of £1,497,000. The footprint of the cycle circuit has now increased and the revised value of the land is still to be confirmed (note – now confirmed as £1,380,000). Instead of disposing of this land to gain a capital receipt, it is proposed to use it as the site for the new Cycle Circuit construction. The land is not on the Asset Disposal Programme as it has been the intention to use this land for this purpose since the Cycle Circuit scheme was first approved. On completion of the Cycle Circuit, it is proposed to lease the land to DCLT to enable them to manage the track along with other DMBC leisure facilities.
32. The Cycle Circuit scheme was approved in principle by Cabinet and £626k was added to the AHW capital programme in 2016/17 (Quarter 1 report). £54k has been drawn down to-date for preliminary works. The scheme is expected to be in the region of £1.1m, conversations are ongoing to secure a bid for approx. £500k from British Cycling/Sport England. The addition of the grant will therefore need to be included in the capital scheme and an ODR will be required to draw the funding down. In the event of the grant not being forthcoming, there will be a significant shortfall in funding and unless further funding can be sought viability if the scheme needs further consideration.
33. This report states that the additional land will only be leased to DCLT if the Cycle Circuit is constructed. Therefore, in the eventuality that the Cycle Circuit is not constructed, the additional land will remain available for future use by DMBC and the remaining Corporate Resources capital allocation should be reflected as no longer required through the quarterly Capital Monitoring process.
34. It has not yet been established whether there will be any further costs associated with the transfer of the Circuit to DCLT in terms of whether an increase in the capital grant to DCLT will be required. Any increase would need to be addressed as part of the Capital budget setting process in future years. There is no revenue implications with regard to this decision as the maintenance of the cycle circuit will be met by DCLT. There would be no income generated to DMBC from the lease of the land as it is proposed to lease the land at nil value.

HUMAN RESOURCES IMPLICATIONS [Officer Initials BT Date 28/08/2018]

35. There are no apparent HR implications as the new facility is being managed on behalf of DMBC by the DCLT. However that said, as an authority we have an internal Leisure Services team which includes co-ordination responsibilities in discharging its obligations under the Get Doncaster Moving initiative.

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 29/8/18]

36. There are no technology implications in relation to this report.

HEALTH IMPLICATIONS [Officer Initials CEH Date 30/08/18, 04.10.18]

37. Creating a more active borough is an investment in developing greater human, economic, social and environmental capital. Doncaster has experienced low levels of physical activity and currently there is almost a third of our adult residents who are sedentary (do less than 30 minutes per week). The Get Doncaster Moving Programme is driving key elements of Doncaster's Physical Activity and Sport Strategy to embed physical activity into the fabric of daily life.

38. It is recommended that the development of the cycle circuit ensures that it considers the inequalities that exist in Doncaster's physical activity participation and ensures that there are measures to encourage and support residents to access the facility especially those who traditionally would not have the opportunity or capabilities. Robust monitoring and evaluation of the cycle circuit usage is essential to ensure inequalities are not exacerbated and this should be overseen by the Get Doncaster Moving Programme Board.

EQUALITY IMPLICATIONS [Officer Initials AM Date 05/09/18]

39. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a "protected characteristic" and those who do not share that protected characteristic. This development will enable wider engagement with and opportunities for the communities of Doncaster to engage in physical activity through providing a safe and traffic free environment to participate in cycling. The business plan for operation will actively seek to engage existing unrepresented and low level participation groups that don't currently take part in cycling.

CONSULTATION

40. Consultations have been held with the Public Health Portfolio Holder and Directors. Land valuation was also requested from Assets.

BACKGROUND PAPERS

41. The previous 'Get Doncaster Cycling' Cabinet report, referenced in this report, provides further background.

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