

EXECUTIVE SUMMARY

The purpose of the Scrutiny Panel was to review the operation of the Lease that Northampton Borough Council has with Northampton Town Football Club, the contractual arrangements between Northampton Town Football Club and the Rugby and Northampton Athletics Club; and make recommendations for improvement to the facility, if appropriate.

The Vice Chair of the Northampton and Rugby Athletics Club addressed full Council on 12 April 2010, conveying the concerns of the Athletics Club at the deterioration of the athletics track and Northampton Town Football Club's contractual requirements to maintain the facility. The Vice Chair of the Northampton and Rugby Athletics Club urged the Council to place pressure on the Football Club to maintain it. Following the address to full Council, the Overview and Scrutiny Committee agreed to include this issue onto its Work Programme 2010/2011.

A Scrutiny Panel was established comprising Councillor John Yates (Chair); Councillors Tony Clarke, Brendan Glynane, Richard Matthews, Pam Varnsberry and Natalie Lawrence, Development Manager, Northampton School Sports Partnership was co-opted to the Review.

An Agreement with Northampton Borough Council and the Northampton and Rugby Athletics Club was entered into in March 2004. Northampton Borough Council and Northampton Town Football Club signed a Lease in respect of land at Sixfields in April 2004. A Deed of Variation was made between Northampton Football Club and the Northampton and Rugby Athletics Club in November 2008. All three documents provided substantive background information to inform the Review.

The Scrutiny Panel agreed that the following needed to be investigated and linked to the realisation of the Council's corporate priorities:

- Contractual data
- Data from other (best practice) Athletics facilities
- UK Athletics Competition Standard Criteria
- Evidence from internal Officers
- Evidence from appropriate external witnesses
- Site visit and desktop research

This Review links to the Council's corporate priorities as it demonstrates the investigation of strong partnerships and engagement communities. Corporate priority 4 refers.

A short sharp Review commenced in December 2010 and concluded in March 2011.

CONCLUSIONS AND KEY FINDINGS

A significant amount of evidence was heard, details of which are contained in the report. After gathering evidence the Scrutiny Panel established that: -

5.1.1 The Scrutiny Panel acknowledged that Northampton Town Football Club (NTFC) do not promote the athletics facility, meanwhile Rugby and Northampton Athletics Club (R&NAC) promotes the athletics facility at Sixfields on its Website.

5.1.2 The Scrutiny Panel acknowledged, that in its opinion, there were a number of shortcomings that do not assist in the practical management of the facilities or the resolution of differences between Northampton Borough Council, Northampton Town Football Club and the Rugby and Northampton Athletics Club within the Lease and Licence, in relation to:

Lease

- It does not specify what actual standard the athletics facilities need to be kept up to (clause 5.5.2)
- It does not state that a full range of athletics disciplines must be provided for
- It does not specifically oblige the Landlord to provide and renew non fixed equipment for athletics use (for example jump covers and hurdles) and given absence of schedule of contents of stadium at April 2004 - no definitive reference in event of dispute.

Licence

- No original inventory of what equipment belonged to the Council (now Football Club) and what belonged to Athletics Club at date of Licence - so ambiguity about who is responsible for repair/ replacement of some items (clause 3.4 and 4.1 refer).
- No definitive list of athletics disciplines that facilities/ equipment have to be provided for by the Licensor (Football Club) within the "Defined Purpose" (Clause 1.9)
- No specific right for Licensee to park cars at all and Licensor has complete discretion about location and rules governing use of any car parking areas by athletics club members.

5.1.3 It was noted that when the Lease for the Stadium was taken over by Northampton Town Football Club in 2004 it was anticipated by the Football Club that there would be major redevelopment of the Stadium facilities in the near future. The parties at the time were aware of the contract conditions. The benefit to the Football Club was a rent- free 150 year Lease and the liability was the maintenance of the athletics facility. Some witness evidence indicated that there had a been a loss of status for the facility, at a time when Northampton Borough Council still had been responsible for the facility, but that this was mostly rectified

prior to the Football Club taking over the Lease.

- 5.1.4 Northampton Borough Council has no present contractual relationships with the Rugby and Northampton Athletics Club.
- 5.1.5 It was realised that Northampton Borough Council has no repairing responsibilities for the Stadium complex. The Council has the right to inspect the property twice per annum and can serve notices to require works to be completed – if the Football Club is found to be in breach of the Lease.
- 5.1.6 The Scrutiny Panel was concerned that Northampton Town Football Club has not regularly provided copies of insurance certificates to the Council.
- 5.1.7 The Scrutiny Panel acknowledged that the athletics facilities at Sixfields were not fit for purpose; children and adults could not effectively participate (train or compete) in all athletic disciplines. For example only one Primary School event is held at the Stadium annually. Witness evidence indicated that top athletes use alternative facilities to train. There is no facility of women's steeple chase, or pole vault for either sex, available at the athletics facilities.
- 5.1.8 The Scrutiny Panel acknowledged that the only competitions that are held at the Athletics facility at Sixfields are for Primary School age children. It was further noted that there are inadequate facilities for spectators and for marshalling children who are competing. It was emphasised that there had never been enough seating. An internal structure (football club storage room) built within the clubhouse, without the permission of Northampton Borough Council has now also reduced the internal floor space, providing inadequate indoor space.
- 5.1.9 The Scrutiny Panel realised that it can be common practice for Stadiums to be downgraded by the Athletics Governing Body, noting the example provided by the Alexandra Stadium (that it had had to repair its Pole Vault facility to be re-awarded Class A standard).
- 5.1.10 It was further realised that rules and regulations in respect of athletics can change, which is usually led by the governing body – International Association of Athletics Federation (IAAF). If a facility does not fully comply with new regulations it would be downgraded, or at worst, would not be permitted to host an athletics event.
- 5.1.11 Costs of repairing and replacing athletics facilities were highlighted. The Scrutiny Panel noted the cost to replace the surface of the Track at Bedford International Stadium. The cost for the materials chosen and installation was £450,000. The previous surface had been refurbished approximately every five years and the cost of the last refurbishment was £140,000. The cost of purchasing 'the budget end' of athletics equipment such as those detailed in information seen by the Panel equate to £49,540.
- 5.1.12 The Scrutiny Panel noted that grounds-staff at Bedford International Stadium are required to lay a protective cover when crossing the Track to carry out groundwork. The Scrutiny Panel was concerned that players of Northampton Town Football Club frequently walk across the Athletics Track in their football boots. It also noted that NTFC's grounds staff should be using a protective cover over the Track when crossing it with equipment, such as a lawnmower. The

Scrutiny Panel further noted that the in-field at Bedford is used for athletics only.

- 5.1.13 It was realised that the car park located at the Football Club has a barriered entrance, the purpose of which is to prevent access to the site by unauthorised persons. It was felt that this is inconvenient for the Athletics Club, but it was also noted that the Athletics Club does not have a designated key holder for the car park. The Scrutiny Panel noted that the NTFC had offered the R&NAC one key for the car park barrier but had been unable to accommodate the Athletics Club request for three keys as the Football Club's Insurance stipulates a set number of key holders only. It was further noted that Rugby & Northampton Athletics Club originally requested six sets of keys from NTFC, including the barrier key. The Football Club offered three sets. R&NAC accepted three sets, on the basis that the Football Club would leave the facility open and the R&NAC would only have to lock up. By that time in the negotiations, R&NAC accepted that the set of keys would not include a key to the car park barrier.
- 5.1.14 The Scrutiny Panel realised that whilst there is no obligation in the agreement between Northampton Borough Council, Northampton Town Football Club and the Rugby and Northampton Athletics Club, it would be a gesture of goodwill and intention if an agreement could be put in place that permits athletic participants to park near to the Athletics Track when using the facilities.
- 5.1.15 The Scrutiny Panel was pleased to note the Council's intention to fully utilise the six free days usage per year of the athletics facilities, in partnership with the new Leisure Trust and Northampton School Sports Partnership (NSSP), during 2011 and 2012.
- 5.1.16 The Scrutiny Panel concluded that the infield should be kept in a condition whereby all athletics disciplines could be performed, however appreciates that this area could also be used for football training, but that all football equipment should be removed after every training session so that it can be used by others.

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Recommendations

- 6.1 Scrutiny Panel H - Lease between Northampton Borough Council and Northampton Town Football Club and the contractual arrangements between Northampton Town Football Club (NTFC) and the Rugby and Northampton Athletics Club (R&NAC), therefore recommends to Cabinet that:
- 6.1.1 Officers be instructed to enforce, as far as is legally possible, all obligations that Northampton Town Football Club has under the Lease in respect of the condition of the athletics facility.
- 6.1.2 Officers be instructed to explore all opportunities with Northampton Town Football Club, taking into consideration the reasonable representations of the Rugby and Northampton Athletics Club, regarding changes to the Lease structure which would help to give greater clarity as to the respective obligations of Northampton Town Football Club and Rugby and Northampton Athletics Club for the range and standard of athletics facilities/ equipment that should be available at Sixfields Community Stadium.

- 6.1.3 Officers be instructed to communicate with Northampton Town Football Club to require that it takes all necessary steps in the ongoing management of the athletics facility and in-field to help prevent damage to the Track and athletics equipment.
- 6.1.4 Officers be instructed to write to Northampton Town Football Club asking that, as a gesture of goodwill and positive intent, it agrees to permit athletics participants and spectators to park near to the Athletics Track when using the facilities and operating a security regime in co-operation with Rugby and Northampton Athletics Club that facilitates this.
- 6.1.5 Officers be instructed, to explore with Northampton Town Football Club, the potential opportunities for educational establishments, Leisure Trust and other such bodies, entering into an agreement with NTFC for the overall management of the athletics facility.
- 6.1.6 Cabinet be informed that the Scrutiny Panel supports the intention of fully utilising the six free days usage at the Athletics Stadium during 2011 and 2012.
- 6.1.7 Cabinet be informed that the Scrutiny Panel would wish to see the Stadium fit for use for athletics competitions/meetings, including the ability for primary, secondary and special schools to utilise the facilities for local, district and county competitions and events (instead of events being held at Corby).
- 6.1.8 Officers be instructed to write to Northampton Town Football Club requiring that it ensures that the athletics infield is made available to organisations hiring the facility for the purpose of athletics training and competition. Football training should continue to be permitted on the infield as well as making it a dual purpose facility. Equipment should be removed at the end of all training sessions and competitions by all parties utilising the facility.