

K2: Leisure and culture

New sports facilities in village – delay – lost opportunity for funding

The complaint

Mr May complained on behalf of local residents about the way a council dealt with a project to create new leisure facilities in his village. He claimed that, because of council failings, funding from Sport England was lost and with it the opportunity to develop sporting and social facilities on a scale that later proved impossible.

Background

In 1994 users of Firpark, a recreation ground on the edge of Mr May's village, formed a steering group to pursue a project to improve facilities. In 1999 the steering group became a more formal management committee of 43 representatives of 20 organisations in a community partnership that included the council, the parish council, the bowls and football clubs, and three local schools organisations.

The site was owned by a local landowner and leased to the council who managed it. The facilities included a bowling green, football pitch, pavilion, playground and three hard tennis courts. The scheme that Sport England agreed funding for, subject to various conditions being fulfilled, would have provided a large activity hall, changing rooms, an equipped fitness suite with an emergency access, a surfaced car park, footpaths and lighting, a new access road, an all-weather five-a-side pitch with floodlights, a multi-sports pitch, and levelling of the existing football pitch.

The council had four main roles in relation to the project: a 'community leadership role' in which the council supported and facilitated the community in identifying and pursuing possible sources of funding and in advancing the project; as a provider of professional architectural services; as a provider of funds for the project; and as a party with land and planning interests.

In 1999 the council granted £380,000 of single regeneration budget funding to the project, and in 2001 it submitted a lottery grant application to Sport England for nearly £1m. The application was approved subject to various conditions. Between August 2001 and May 2003 negotiations continued on various fronts during which time the estimated costs of the scheme increased substantially. In May 2003 elections led to a change in leadership of the council and the new cabinet decided not to provide funding at the previously agreed level. A reduced scheme was later agreed and implemented.

The Ombudsman's investigation

The Ombudsman found the council at fault in a number of crucial areas. One of the reasons the scheme failed was because the design located the pavilion on land that was later found to have a mains waste pipe that would need to be diverted, entailing additional costs of £40,000. The location of the mains water pipe could and should have been identified two years earlier. The council's architectural services did not comply with the conditions of engagement set out by their professional body and did not make enquiries of the public utilities at the proper time. If it had, the council could have either redesigned the scheme with the pavilion in a different place or decided to halt the whole scheme. In either case substantial costs and time would have been saved.

In addition, the Ombudsman found that the way the council dealt with land and planning issues resulted in a substantial delay in securing an interest in the land that was essential for Sport England funding.

There were also disagreements between departments as to who was responsible for progressing the application and for ensuring that sufficient funding was available.

The Ombudsman's findings

The Ombudsman found significant maladministration by the council in terms of administrative failures, avoidable delay and wasted money. Although the Ombudsman recognised that funding from Sport England was never guaranteed, she concluded on the balance of probabilities that, but for the maladministration by the council, a scheme close to the wishes and plans of local residents would have been achieved. The Ombudsman regarded the loss of such a scheme as a significant injustice to the local community and particularly to Mr May and other members of the committee who had given their time and energies to the scheme.

Settlement

The council offered to refurbish existing tennis courts and to upgrade them to include an all-weather multi-games area with floodlighting for winter use. This was accepted by Mr May on behalf of the local community. The council had already reviewed its procedures for design input to projects resulting in a written code of practice.

The council also agreed to:

- review its procedures surrounding the development of proposals of this kind;
- review its arrangements for involvement in community projects;
- prepare guidance for elected members who are involved in meetings with external bodies; and
- review the management of its valuation service.

(Report 03/C/11352)