

Divisions Affected – ALL

CABINET 21 March 2023

PROPOSAL FROM OXFORD UNITED FOOTBALL CLUB TO OXFORDSHIRE COUNTY COUNCIL AS LANDOWNER

Engagement and Communications Strategy, Timeframe and Memorandum of Understanding

Report by Corporate Director Customers and Organisational Development

RECOMMENDATION

1. **The Cabinet is RECOMMENDED to**
 - a) Agree the engagement and communications strategy set out at annex 1.
 - b) Agree the memorandum of understanding (MoU) as set out at annex 2 and delegate authority to the Corporate Director, Customers and Organisational Development to sign on behalf of the Council. Whilst not anticipated, any non-material changes to be agreed in consultation with the portfolio holder for Finance and Property.
 - c) Note the timetable set out at annex 3.

Executive Summary

2. In January 2023 the Cabinet agreed to begin negotiations on commercial head of terms for the use of a parcel of land known as 'Land to East of Frieze Way / South of Kidlington Roundabout or the triangle' for the development of a new stadium for Oxford United Football Club (OUFC).
3. Cabinet recognised that these heads of terms are non-binding, and that any final decision would be subject to the scheme addressing a set of strategic priorities set out below:
 - maintain a green barrier between Oxford and Kidlington
 - improve access to nature and green spaces
 - enhance facilities for local sports groups and on-going financial support

- significantly improve the infrastructure connectivity in this location, improving public transport to reduce the need for car travel in so far as possible, and to improve sustainable transport through increased walking, cycling and rail use
 - develop local employment opportunities in Oxfordshire
 - increase education and innovation through the provision of a sports centre of excellence and facilities linked to elite sport, community sport, health and wellbeing
 - support the County Council's net zero carbon emissions pledge through highly sustainable development
4. Furthermore, the Cabinet would need to be satisfied that medium and long term financial liabilities and risks to the Council could be managed and that further work on due diligence would need to be undertaken.
 5. Work is now underway to negotiate commercial heads of terms for the parcel of land known as 'the triangle'.
 6. OUFC are continuing to undertake their own community engagement activities and develop a scheme proposal that addresses the strategic priorities set out at paragraph 3.
 7. Oxfordshire County Council (OCC) has also made clear its intention to seek stakeholders' views and the annexes to this report set out a proposed timeframe and approach to undertake this. In addition, a memorandum of understanding between OCC and OUFC is proposed to underpin an open, transparent and productive relationship between the two parties. Whilst it is unusual to publish a Memorandum of Understanding, OCC is keen to be transparent about the working arrangements between the council and OUFC.

Background

8. This report follows those received by Cabinet on 18 January 2022, 15 March 2022 and 24 January 2023 (all available on the Oxfordshire County Council website). It provides an update on work underway and sets out indicative timetables, a framework for stakeholder engagement and a memorandum of understanding between OUFC and OCC. The content of these proposals is set out in annexes 1-3.
9. OUFC approached OCC in late 2021 with a proposal to develop Stratfield Brake playing fields and 'the triangle' for a scheme including a new home stadium and enabling commercial development. In January 2021 the Cabinet resolved to undertake a public engagement exercise to understand local views and set out a series of strategic priorities or objectives that any scheme should address prior to a final decision being made.
10. Following the public engagement activity, the Cabinet meeting held on 15 March 2022 agreed that officers would conduct discussions with OUFC to deepen their understanding of the detailed proposals being made and to consider their compatibility with the strategic objectives set out in paragraph 3 above and that

OUFC should provide information to OCC setting out how their proposals would address these strategic priorities.

11. OUFC have chosen to utilise the design process set out by the Royal Institute of British Architects (the RIBA plan of work) and on 10 November 2022, Officers received a response from OUFC in the form of the RIBA stage 0 report. It should be noted that this report has been undertaken in relation to a wider proposal encompassing a land parcel including the Stratfield Brake playing fields. OUFC published their final stage 0 report on their website in December 2022.
12. Following a series of clarifications and stakeholder meetings and a consideration of the proposals, the Cabinet met on 24 January 2023 and resolved to enter into negotiations for non-binding heads of terms for the use of 'the triangle' for a new stadium. This decision was undertaken recognising the scope and complexity of the original proposal was subject to a series of challenges both in terms of deliverability and the extent to which the strategic priorities would be addressed.
13. At the time of writing OCC have received no further detailed information from OUFC regarding the scheme. OUFC have continued to undertake their own stakeholder engagement and OUFC and OCC have begun negotiations on non-binding Heads of Terms.

Key Issues

14. The Cabinet report that was considered on 24 January 2023 agreed further stakeholder engagement as greater details of the scheme are presented by OUFC. The purpose of the engagement will be to seek views on the extent to which the strategic priorities have been addressed by the scheme proposals.
15. Annex 1 sets out the proposed strategy for OCC's engagement and communication and this approach is also reinforced in the proposed MoU. Communication and engagement will be undertaken in two phases, both meeting with stakeholder groups and inviting wider feedback. There will be a period of six weeks set aside (outside of main holiday periods in August) where OCC will seek views after information has been received (and published) from OUFC.
16. In addition, and as set out in the Cabinet report considered in January 2023, the County Council expects OUFC to undertake community engagement as part of the development of their scheme plans.
17. The report considered by Cabinet on 24 January 2023 set out the requirement for publication of a timetable and this requirement has been addressed at annex 3. OCC recognises the time constraints facing OUFC and remains open to flexing the timetable if this is possible. This will be subject to the submission of the required information from OUFC, to demonstrate the willingness of OCC to be flexible, and in the interests of transparency a series of timetable scenarios are set out in the annex. It is recommended that scenario 1 is utilised as the

assumed timeframe for the decision and that the Cabinet's forward plan of business will reflect this.

18. OCC remains committed to a period of stakeholder engagement of 6 weeks following the receipt and publication of scheme information from OUFC and is further committed to avoiding undertaking this engagement in the peak holiday period.

Proposed Next Steps

19. Officers are instructed to plan and organise engagement activities as set out in annex 1.
20. Officers are instructed to add updates to the Cabinet's forward plan of business as set out in annex 3 (scenario 1).
21. Officers to provide regular updates on progress to the Cabinet Member for Finance including Property and, as appropriate, Cabinet and Oxfordshire County Council Members as a whole.

Financial Implications

22. The costs associated with the engagement and communications strategy include officer time and the use of any independent advisors. This will be resourced from existing budgets and supplemented through use of the Transformation Reserve, if necessary. The cost is estimated to be less than £30k.

Comments checked by:

Lorna Baxter, Director of Finance and S151, lorna.baxter@oxfordshire.gov.uk

Legal Implications

23. It should be noted that this report relates to Oxfordshire County Council as landowner, and not in its roles as statutory consultee to a planning application. Any potential stadium development would be subject to the usual planning process and Oxfordshire County Council will undertake its role as a statutory consultee with regards to relevant matters as part of that process.
24. It should be noted that the proposed Memorandum of Understanding (annex 2) is not legally binding but should be seen as a serious statement of intent.

Comments checked by:

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Equality and Inclusion Implications

25. No further equality or inclusion implications have been identified in addition to those noted in previous reports relating to this matter. The approach to engagement set out in annex 1 sets out how the council will undertake an

inclusive stakeholder engagement. The publication of a timeframe and commitment to a period of six weeks for feedback seeks to enable as wide as participation as possible.

Sustainability Implications

26. Whilst there are no specific sustainability implications arising from this report it should be note that any scheme proposal by OUFC must support OCC's net zero carbon emissions pledge through high sustainable development aspirations and overall net zero emissions targets; that any proposal must seek to enforce less reliance on cars and improve sustainable transport through increased walking, cycling, and rail use and that any proposal must achieve a 10% biodiversity net gain.

Risk Management

27. The county council will identify and mitigate financial risks associated with the potential development of a stadium on leased land (should a leasehold rather than a freehold transaction be pursued) as part of the next steps of this work. The council will take appropriate legal and financial advice to develop the mitigations, currently this advice is being sought.
28. Professional fees will need to be incurred before it is clear whether the transaction can proceed. The liability for these fees must rest with OUFC and not the County Council. Whilst the County Council will always act in good faith, if ultimately it was unhappy with the proposals in the professional reports, the County Council must retain the right to refuse to proceed with the transaction without being liable for OUFC's costs.
29. For the avoidance of doubt, the County Council will not be willing to enter into a conditional agreement for lease or transfer before the professional reports are obtained which might tie it to proceed with the transaction despite being unhappy with the proposals in the professional reports.

Consultations

30. The County Council undertook a significant public engagement exercise in January 2022. Lasting four weeks, with specific local targeting, this exercise was open to all and explored the strategic priorities identified in this report. It related to proposals from OUFC covering both the playing fields at Stratfield Brake and the land known as the 'triangle' and described as land to the east of Frieze Way / south of Kidlington roundabout.
31. The County Council will welcome and take into consideration further views from communities and stakeholders when more detailed plans from OUFC are available at future milestones. Annex 1 sets out the proposed approach and Annex 3 sets out various timescale scenarios.
32. If a decision is made to make available the land to OUFC for a stadium, formal consultation would take place as part of the statutory planning process in due

