

Decision under Delegated Powers

Officer Making the Decision

Head of Neighbourhood Services

Recommendation

That the sum of £50,000 of section 106 monies that has been received as a contribution towards the provision of an all weather pitch at Cedars Academy (previously Longslade High School) in Birstall is paid to Cedars Academy to assist in the provision of an all weather Multi Use Games Area (MUGA).

Reason


To enable section 106 monies that has been received for the provision of an all weather MUGA at Cedars Academy to be spent.

Authority for Decision

Authority to pay over Section 106 monies in respect of non-housing items received by the Borough Council as the responsible authority, but which will not result in expenditure by the Council and where the Head of Service has been determined to be the relevant Head of Service by the Head of Finance and Property Services. (item 8 of the delegations to Heads of Service in section 8.3 of the Constitution)

(For the Head of Service to approve the release of funds they must be satisfied that the works to be carried out fulfil the requirements set out in the S 106 agreement and have written confirmation from the relevant body that the monies will be used for their intended purpose).

Decision and Date

 Roburion
26/2/18

Background

Under the provisions of the Corporate Plan to 2016 - 20, there is a commitment to ensure that a growth in homes and infrastructure benefits residents through improved community facilities.

Planning agreements negotiated with developers and land owners under Section 106 of the Town and Country Planning Act 1990 (as amended) provide a vehicle for the delivery of contributions towards infrastructure, facilities and amenities which should be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonable related in scale and kind to the development

Detail

Within Birstall there are a number of section 106 agreements that have been negotiated, with contributions for Children's Play, Youth and Adult Recreation, community facility provision, Public Art and specific contributions towards the provision of an all weather pitch at Cedars Academy (previously Longslade High School) in Birstall.

The Hallam Fields S106 agreement makes provision for an all weather pitch contribution of £50,000 subject to the availability of match funding (pound for pound) which has to be spent before January 2021 (extended by agreement with developer).

Cedars Academy have been working on the provision of an all weather pitch for some time recognising the need for the enhanced facilities within the new development. The Cedars Academy is part of the Lionheart Academies Trust, which has an Executive Board based at Beauchamp College. There is also a local Governing Body and Senior Leadership Group that manage the interests of The Cedars Academy. The Trust have a 125 year lease.

The school are committed to making their facilities available for the community and have provided a copy of their community lettings policy.

This is a £200,000 project to install an all weather 3G MUGA (55 x 37m) to the rear of our purpose built Palmer-Tomkinson Centre. This project will compliment the already excellent changing facilities and viewing balcony in the Palmer-Tomkinson Centre. The new facility will be shared between the community, local sports clubs and 'Team Charnwood' primary schools and academy users. During school times the MUGA will be primarily used by the pupils of the academy and other South Charnwood primary schools (i.e. as part of the 'Team Charnwood' project). Out of school hours the facility will be made available for the community to use.

The Cedars Academy are proposing to contract MUGA UK to oversee the whole project, which includes arranging planning consent. There has been planning permission provided in the past so do not envisage any issues. The project costs are anticipated to be in the region of £200,000 of which there is £50,000 of section 106 monies towards the scheme. The Cedars Academy have confirmed that the other £150,000 is currently in place from the Leicestershire County Council and the Palmer Tomkinson Trust.

Planning permission will be sought for the scheme and no monies will be paid until this is in place, copies of the proposed plans have also been provided.

Officers are satisfied that the scheme meets the criteria for the use of the section 106 monies. The money will not be released to the Cedars Academy until appropriate invoices have been received to ensure verification that the

money has been spent. It is anticipated that phased payments may be made depending on invoicing arrangements.

The Cedars Academy have provided information in relation to this project including design drawings, evidence of security of tenure, confirmation of the management arrangements for the facility.

Section 106 Monies

The following section 106 monies will be utilised towards the schemes :

PA No	Location	Contribution
P/00/2507/2	Hallam Fields	£50,000 – all weather pitch contribution
		Total - £50,000

Financial Implications

There are no financial implications for the Borough Council, the monies will be paid directly to Cedars Academy.

It is anticipated that the payments will be made in instalments. Payment will be made on receipt of invoices and confirmation that the scheme is progressing.

The monies have been received from the developers listed above. The scheme will need to be added to the Capital Plan and will be included in the next Capital Amendment Plan.

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
All funding not in place	Low	High	Monies in relation to the construction will not be released until all funding in place and scheme is affordable
Scheme is over budget	Low	Medium	Costs to be received, Value engineering to be undertaken if necessary

Key Decision:
Background Papers

No
Section 106 proforma, designs and copies of information provided
Copies of Planning permissions
Evidence re Security of Tenure

