

Decision under Delegated Powers

Officer Making the Decision

Head of Neighbourhood Services

Recommendation

That the sum of £500,000 of section 106 monies that has been received as a contribution towards the provision of a Community Meeting Hall within the Hallam Fields Development in Birstall is paid to Birstall Parish Council to assist in the provision of the new Community Meeting Hall.

Reason


To enable section 106 monies that has been received for the provision of a community meeting hall within the Hallam Fields Development in Birstall 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

 15/3/18

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 a new community meeting hall within the Hallam Fields Development in Birstall.

Birstall Parish Council have been working on the provision of the community meeting hall for some time recognising the need for additional facilities within the new development.

Birstall Council are in the process of going out to tender for the project. The project costs are anticipated to be in the region of £500,000 of which there is £500,000 of section 106 monies towards the scheme. It is anticipated that the scheme may need to go through a value engineering exercise to reduce the costs further once the tenders have been received. The Parish Council have also earmarked reserves towards the project. It is anticipated that works will start April / May 2018 with an anticipated completion date of January 2019.

Planning permission has been granted for the scheme (P/17/0666/2) and copies of the proposed plans have also been provided.

The section 106 agreement allows for on completion of the community meeting hall that the freehold interest in the land and the building to be transferred to the Borough Council or it's nominee. Cabinet resolved on the 28 February 2008 that on completion the freehold of the community meeting hall and the land on which it stands be transferred to Birstall Parish Council for the sum of £1 as provided for in the agreement.

The £500,000 shall be used as a contribution towards :

- The costs incurred in the detailed design and specification work of the community meeting hall
- The costs of the construction of the community meeting hall to be established by confirmation that the contract for the building of the community meeting hall has been let and the schedule of works containing a detailed breakdown of the construction and other associated costs of the building of the community meeting hall prepared by the contractor or his duly authorised agent

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 Birstall Parish Council until appropriate invoices have been received to ensure verification that the money has been spent. It is anticipated that phased payments will be

made which will also cover project management costs and pre construction costs.

It is anticipated that the breakdown of costs are as follows :

- £40,000 – detailed design and specification work
- £460,000 – construction and project management costs

Birstall Parish Council 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	£500,000 – community meeting hall
		Total - £500,000

Financial Implications

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

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.

There is currently a scheme in the Capital Plan for £350,000 for Hallam Fields Community Hall, this scheme will need to be increased by £150,000 to £500,000 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	Tenders to be received, Value engineering to be undertaken

Key Decision:
Background Papers

Yes
Section 106 proforma, designs and copies of
information provided
Copies of Planning permissions
Evidence re Security of Tenure