

Decision under Delegated Powers

Officer Making the Decision

Head of Neighbourhood Services

Recommendation

That the sum of £17,833.88 of section 106 monies that has been received as a contribution towards the provision of a Cemetery in Syston is paid to Syston Town Council to assist in the provision of the new cemetery.

Reason

To enable section 106 monies that has been received for the provision of a cemetery in Syston 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

Julie Robinson 14/5/19

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 Syston 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 cemetery on land at Millstone Lane.

Syston Town Council have been working on a replacement cemetery, recognising that the existing cemetery was close to capacity.

DD013 17/18 committed £219,610 of section 106 monies towards the cemetery. An additional £17,833.88 of section 106 monies has been received towards the development of the new cemetery.

Syston Town Council have been out to tender for the project and works have commenced. The project costs are anticipated to be in the region of £350,000 - 400,000, the contract work costs are in the region of £300,000 with project management fees on top. Originally there was £219,610 of section 106 monies towards the scheme, with this additional 17,833.88, a total of £237,443.88 section 106 monies will go towards the scheme. The balance of funding is to be provided by Syston Town Council. It is anticipated that completion will be August 2018.

Planning permission has been granted for the scheme and copies of the proposed plans have also been provided. The Town Council are in the process of transferring the land from the developer to themselves and works will not commence until this is completed or they have consent to construct the cemetery.

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 Syston Town Council until 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 construction costs.

Syston Town 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/113/0925/2	Land at Barkby Rd	£17,833.88 – cemetery provision
		Total - £17,833.88

Financial Implications

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

The additional monies towards 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 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

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

