

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

3935

Author:

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Department:

Commercial and Operations

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Subject:

Section 106 funding for Parks Projects, April 2020

Total Value:

£968,253.19 (Type: Capital)

Decision Being Taken:

1. That the Interim Chief Executive, in exercise of the Area Committee executive powers under delegation 82 (b), endorses the allocation of s106 funding for the works detailed at Items 1, 2, 9, 13, 14, 15, 16, 17 in Appendix A.2. That the Portfolio Holder for Culture, Leisure and IT authorises the allocation of the s106 funding for the works at Items 1-18 inclusive in Appendix A.3. That the Portfolio Holder for Culture, Leisure and IT delegates authority to the Director of Neighbourhood Services to issue and award tenders, and sign orders for the above spend.4. That the Portfolio Holder for Culture, Leisure and IT authorises the Director of Neighbourhood Services to amend the capital programme to reflect the expenditure as detailed at Appendix A.

Reasons for the Decision(s) The open space Section 106 funding currently available across the City is set out in Appendix A, along with proposed spend proposals; these are taken from the Ward Investment Plans, which were refreshed in 2020 to reflect current priorities.

In March 2020, certain Area Committees met and considered the use of s106 funding for parks and open space projects in their wards. These were Bulwell and Bulwell Forest; Castle, Hyson Green & Arboretum and Radford; and Dales, Mapperley and St. Ann's. Details of the decisions of those Area Committees are set out in the final column of the table at Appendix A in relation to Item 3 (Bulwell and Bulwell Forest), Items 4, 5, 6, 7 and 8 (Castle, Hyson Green & Arboretum and Radford) and Items 8, 10, 11 and 12 (Dales, Mapperley and St Ann's). However, in relation to all of the other proposals at Appendix A (Items 1, 2, 9, 13, 14, 15, 16, 17) it has not been possible to report to the relevant Area Committees via formal meetings, for the purpose of carrying out a consultation as to the spend. Because of COVID 19, the meetings have either been cancelled or no meeting has taken place for some months. It is not currently known when formal meetings of these Area Committees will resume. The interruption in meetings has the potential to cause an unacceptable delay to the programme of works, and to impede the progress of securing match funding for the works. Therefore, the exercise of the Corporate Director's executive power under delegation 82(b) is sought for the endorsement of those eight spending allocations under decision 1 above. Full details in relation to the consultation arrangements for those eight Items in decision 1 are set out in the briefing note at Appendix B. In addition to consultation with the relevant Area Committee Chairs, Councillors in the relevant Wards have had the chance to comment on the spend proposals and their responses have been included in Appendix B. In accordance with the requirements of delegation 82(b), a report on the exercise of the executive power will be taken to the next available meeting of each relevant Area Committee.

Briefing notes documents: Appendix B - Consultation briefing note 06-07-20.docx, Appendix A final 01-07-20.docx

Other Options Considered: To not allocate the Section 106 funding now was rejected as, if the Section 106 funding is not spent within any timescale contained in the relevant Section 106 agreement, it may be subject to claw-back by the developer. It is therefore important to allocate these funds now so that plans can be made for their spend and match-funding sourced for larger projects where necessary.

Background Papers: None

Published Works: Minutes of Bestwood, Bulwell and Bulwell Forest Area Committee 4th March 2020
Minutes of Castle, Hyson Green & Arboretum and Radford Area Committee, 11th March 2020
Minutes of Dales, Mapperley and St Ann's Area Committee, 3rd March 2020

Affected Wards: Aspley, Berridge, Bestwood, Bulwell, Bulwell Forest, Castle, Dales, Hyson Green and Arboretum, Mapperley, Meadows, Radford, St Ann's, Wollaton West

Colleague / Councillor Interests: None

Consultations:
Date: 26/05/2020
Ward Councillors: Graham Chapman, Michael Edwards, Rosemary Healy, Nicola Heaton
See Appendices A and B.

Date: 03/03/2020
Area Committees: Bestwood, Bulwell, Bulwell Forest, Castle, Hyson Green and Arboretum, Radford, Dales, Mapperley, St Anns
Bestwood, Bulwell and Bulwell Forest Area Committee, 4th March 2020 - approved. Castle, Hyson Green & Arboretum and Radford Area Committee, 11th March 2020 - approved. Dales, Mapperley and St Ann's Area Committee, 3rd March 2020 - approved.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:
All of the projects listed aim to improve parks and open spaces, increase their usage and thereby reduce crime and disorder in and around the sites.

Equality:
EIA not required. Reasons: There is no proposal for new or changing policies / services / functions or financial decisions that would have a major impact on services.

Decision Type:
Portfolio Holder

Subject to Call In:
Yes

Call In Expiry date:
03/08/2020

Advice Sought:
Legal, Finance

Legal Advice:
Advice provided by Judith Irwin (Senior Solicitor) on 21/07/2020.
Advice documents: Legal comments - DD s106 Parks June-July 2020.docx

Finance Advice:

This decision proposes to use £968,253.19 of S106 receipts for a variety of works to parks and open spaces across the City of Nottingham. These finance comments refer to the information supplied in the attachment to this decision, 'Appendix A'. The planning permissions which gave rise to each financial contribution are also listed in this appendix.

The amounts listed against each S106 agreement are confirmed to agree to those held on the ledger. The proposed schemes of work agree to the spend conditions on each S106 agreement. In each case, the proposed works will have been committed well within the timeframe laid down in the Council's obligation section of the S106 agreements.

Upon approval, the Capital Programme will be amended to reflect the total sum of £968,253.19, and capital project codes will be created for each separate scheme of works to enable the expenditure to be monitored to the S106 agreements.

Advice provided by Sarah Baker (Commercial Business Partner - Projects) on 17/07/2020.

Signatures

David Trimble (Portfolio Holder for Leisure, Culture and IT)
SIGNED and Dated: 24/07/2020
Katherine Kerswell (Interim Chief Executive)
SIGNED and Dated: 23/07/2020