

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4785
Author:	Eddie Curry
Department:	Resident Services
Contact:	Eddie Curry (Job Title: Head of Public Realm, Email: eddie.curry@nottinghamcity.gov.uk, Phone: 01158764982)
Subject:	Victoria Embankment Paddling Pool & Park Improvement Projects
Total Value:	£612,971.18 (Type: Capital)
Decision Being Taken:	To Approve:- 1. the allocation of section 106 and Parks Levelling Up funds to the projects as detailed in appendix 1 section 4. 2. delivery of the proposed projects as detailed in appendix 1 section 4. 3. delegation of authority to the Director of Residents Services to procure and enter into contracts relating to the projects 4. Note the submission of a bid to the National Lottery Heritage Fund (NLHF) to support the phase two paddling pool improvement project.
Reasons for the Decision(s)	The S106 and Parks Levelling Up funding has been secured to fully fund the projects. Without these funds there are no other ways to fund the deliver of the projects. Included within the report is details of an additional bid to the NLHF. If awarded this funding will be used to enhance the scope of the project.
Briefing notes documents:	Appendix 1 Paddling pool park Improvements DLT Reportv241122.docx
Other Options Considered:	Do Nothing - This option has been rejected as it will not help meet the expectation of the community nor will it help to improve the quality of facilities at the Victoria Embankment . Not to accept the Parks Levelling Up Funding. This option has been rejected as the funding has been allocated to Nottingham for the purpose of improving parks. The paddling pool has been identified as a priority project.

Background Papers:	N/A
Published Works:	N/A
Affected Wards:	Meadows
Colleague / Councillor Interests:	N/A
Consultations:	<p>Date: 14/10/2022</p> <p>Ward Councillors: Michael Edwards, David Liversidge, Nicola Heaton, Corall Jenkins</p> <p>The ward councillors in the Meadows ward have been consulted (14/10/22) on the project and are in agreement with the funding allocations. The St Ann's ward councillors have endorsed the allocation (18/11/22) of S106 funding from the Parliament Street development for the Victoria Embankment Paddling Pool project.</p> <p>Those not consulted are not directly affected by the decision.</p>
Crime and Disorder Implications:	The projects will help to improve the visual appearance of the parks and will help to drive out the fear of crime and anti social behaviour.
Equality:	EIA not required. Reasons: No EIA has been produced at this time. The EIA will be produced once the final design of the facilities is completed.
Regard for NHS Constitution:	the new facilities all aim to encourage people to come out and enjoy a day out in the fresh air and to engage in healthy lifestyle activities whilst enjoying spending time in our open and green spaces.
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	06/12/2022
Advice Sought:	Legal, Finance

Legal Advice:

This advice is offered on the assumption that the proposed works follow a properly undertaken consultation process and any decision on design is not subject to successful challenge based on the consultation process.

In using the s106 funds, the Council must ensure that the proposed use falls within the specified scope of works detailed in the s106 agreement/s and that funds are spent in accordance with other relevant requirements flowing from the use of s106 funds.

The procurement has to be undertaken in accordance with Council's Constitution, for example any agreement executed under deal cannot be executed by the Director of Residents Services. Further, any procurement must comply with the Public Contract Regulations 2016.

If NLHHF funds are secured, they must be used in accordance with any conditions imposed.

Anthony Heath, Senior Solicitor, Contracts and Commercial, 23rd November 2022.
 Advice provided by Anthony Heath (Senior Solicitor) on 23/11/2022.

Finance Advice:

The S106 funding outlined in detail at Appendix 1 has been received and is available for commitment to the specified projects. Once final approval is granted, capital project codes will be set up, and the S106 funding formally committed to fund these.

In all three cases, every effort should be made to ensure that funds have been committed within five years of the date of receipt of each contribution. At any time after the fifth anniversary, the Owner may request confirmation of any balances not expended or committed and repayment of any such balance.

The project is designed to maximise the availability of external grant funds and currently unallocated S106 funding therefore there will be no call to earmark funding for this scheme from the Capital Prioritisation Programme for 2023/24. Therefore, this scheme will be removed from the Capital Prioritisation Process for 2023/24.

On the assumption that the prioritisation submission is successful and the external grant funding is secured, any ongoing revenue costs of the paddling pool would need to be contained within existing budgets.

The £69k as detailed in Table 2 is fund from secured S106 and external grants requiring no match from the City Council.

As these projects don't generate any exempt output tax this project does not adversely affect the Council's Partial Exemption calculation.

As this decision requirement additions and amendments to the current Capital Programme it will require endorsement by the Capital Board prior to the Council contractually committing.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) & Sarah Baker (Senior Commercial Business Partner - Strategic Assets & Property) on 16/11/2022.

Signatures

Audra Wynter (Portfolio Holder for Highways, Transport and Parks)
SIGNED and Dated: 29/11/2022
Frank Jordan (Corporate Director, Resident Services)
SIGNED and Dated: 25/11/2022