

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

2813

Author:

James Dymond

Department:

Commercial and Operations

Contact:

Eddie Curry

(Job Title: Head of Parks, Open Spaces and Investment Funding, Email: eddie.curry@nottinghamcity.gov.uk, Phone: 01158764982)

Subject:

Section 106 Funding for Parks in the West Area, Area 5 and Area 8

Total Value:

£371,176.56 (Type: Capital)

Decision Being Taken:

1. To authorise the use of the section 106 open space contribution totaling £37,711.48 linked to planning permission reference 11/00211/POUT towards the works at Melbourne Park, Bilborough Park, Western Boulevard play area and Moorfield Allotments as detailed in the first table in Appendix 1;
2. To authorise the use of the section 106 open space contribution totaling £58,577.40 linked to planning permission reference 13/01703/POUT towards the work at Broxtowe Country Park and Strelley Recreation Ground as detailed in the first table in Appendix 1;
3. To authorise the use of the section 106 open space contribution totaling £190,887.68 linked to planning permission reference 14/00436/PFUL3 towards the works at Peggy's Park and Valley Road Park as detailed in the second table in Appendix 1;
4. To authorise the use of the section 106 open space contribution totaling £34,000.00 linked to planning permission reference 02/00365/PFUL3 towards the works at Queen's Walk Recreation Ground as detailed in the third table in Appendix 1;
5. To note the pending application for WREN funding of £50,000 for the Western Boulevard play area as set out in Appendix 1;
6. To delegate authority to the Director of Sport and Culture to sign funding agreements with WREN in relation to 5 and, if the application is successful, to accept the funding and sign funding agreements, and issue tenders and place orders relating to the projects;
7. Delegate authority to the Director of Sport & Culture to issue and award tenders and sign orders for the above spend; and
8. Amend the capital programme to reflect the expenditure detailed.

Reasons for the Decision(s) Re recommendation 1, £37,711.48 of Section 106 funding was received in October 2015 from the development at Linden House, Beechdale Road, planning reference 11/00211/POUT.

Re recommendation 2, £58,577.40 of Section 106 funding was received in December 2016 from the development at Woodhouse Park, Woodhouse Way, planning reference 13/01703/POUT.

Re recommendation 3, £190,887.68 of Section 106 funding was received in October 2015 from the former Haywood School site, planning reference 14/00436/PFUL3.

Re recommendation 4, £34,000.00 of Section 106 funding was received in August 2005 from the development at the Hicking Building, Queen's Road, planning reference 02/00365/PFUL3.

Further details on the proposed spend is set out in the attached briefing document.

Briefing notes documents: S106 in West, 5 & 8 March 2017 - Appendix1.pdf

Other Options Considered: To do nothing: If the Section 106 funding is not allocated to parks and open spaces projects in a timely manner, it could be reclaimed by developers.

Background Papers: None

Published Works: Report to West Area Committee, 15 February 2017 - Section 106 Funding on Parks and Open Spaces
Report to Area 5 Committee, 1 March 2017 - Section 106 Funding for Peggy's Park and Valley Road
Report to Area 8 Committee, 1 March 2017 - Section 106 Funding for Queen's Walk Recreation Ground

Affected Wards: Bilborough, Bridge, Leen Valley, Sherwood

Colleague / Councillor Interests: None

Any Information Exempt from publication: Yes

Exempt Information:

Description of what is exempt:

Legal Advice

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because disclosure would impede the Council's ability to receive advice on its contractual position which is required for it properly to exercise its functions

Documents exempt from publication:

Legal Implications (Exempt).docx

Consultations:

Date: 15/02/2017

Area Committees: Area 3: Aspley, Bilborough and Leen Valley, Area 5: Berridge and Sherwood (from May 2012), Area 8: Clifton North, South and Bridge (from May 2012)

West Area Committee, 15 February 2017 - endorsement of Section 106 spend proposals. Area 5 Committee, 1 March 2017 - endorsement of Section 106 spend proposals. Area 8 Committee, 1 March 2017 - endorsement of Section 106 spend proposals.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

The proposals in this report aim to improve parks and open spaces for local people, increase their usage and thereby reduce crime and disorder.

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:

21/04/2017

Advice Sought:

Legal, Finance, Procurement

Legal Advice: This advice is exempt from publication and is contained within an exempt appendix
Advice provided by Judith Irwin (Senior Solicitor) on 10/04/2017.

Finance Advice: This decision seeks approval to incur expenditure as follows:

£146,288.88 to be spent at various sites across the West Area (Melbourne Park, Bilborough Park, Western Boulevard Play Area, Moorfield Allotments, Broxtowe Country Park / Strelley Recreation Ground). The expenditure at these sites will be funded from two Section 106 receipts 11/00211/POUT, 13/01703/POUT and £50,000 WREN Grant.

£190,887.68 to be spent in Area 5 at the following sites; Valley Road Parks & Play Area and Peggy's Park & Play Area. These projects are to be funded from Section 106 planning application approval reference 14/00436/PFUL3.

£34,000 to be spent in Area 8 at Queen's Walk Recreation Ground, this project is to be funded from Section 106 planning application approval reference 02/00365/PFUL3.

All the above Section106 receipts will be earmarked as detailed in this report and are not available for any other projects.

The Head of Parks, Open Spaces & Investment Funding will put in place monitoring arrangements to ensure the expenditure will be contained within the approved funding.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 31/03/2017.

Procurement Advice: Procurement has no significant concerns with the recommendations set out in the report and will support the client through the procurement phase to ensure that value for money is achieved. Advice provided by Sue Oliver (Category Manager - Procurement) on 07/04/2017.

Signatures

David Trimble (Portfolio Holder for Leisure and Culture)
SIGNED and Dated: 11/04/2017
Andrew Vaughan (Corporate Director Commercial and Operations)
SIGNED and Dated: 11/04/2017