

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

2832

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:

Victoria Embankment Children's Cycle Track

Total Value:

£147,000 (Type: Capital)

Decision Being Taken:

Children's Cycle Track at Victoria Embankment and Meadows Recreation Ground:

1. To accept the WREN (Waste Recycling Environmental Ltd) funding totalling £50,000 for the construction of a cycle track for children at the Victoria Embankment and Meadows Recreation Ground, as detailed in the table at Appendix 1.
2. To delegate authority to the Director of Sport and Culture to sign funding agreements with WREN in relation to 1. and issue tenders and place orders relating to the project.
3. To authorise the use of £42,000 of Section 106 funding from the Odeon Cinema development, planning permission reference 10/04106/PFUL3, for the project.
4. To authorise the use of £55,000 of Local Transport Plan funding for the project.
5. Amend the capital programme to reflect the expenditure detailed.

Reasons for the Decision(s) Following consultation with local people in 2016, plans were drawn up for a children's cycle track to be constructed adjacent to the play area at the Victoria Embankment and Meadows Recreation Ground. The track will be a unique facility which replicates a miniature road layout, complete with junctions, crossings, roundabouts and signals and will allow young children to have fun whilst learning about road safety.

A WREN bid for £50,000 towards the project was successful and funding awarded on 30th January 2017.

£42,000 of Section 106 is proposed to be allocated to the project from the Odeon Cinema development, 10/04106/PFUL3. This funding was previously approved for use on the site masterplan under DD1863.

£55,000 of Local Transport Plan funding has been allocated to the project by the Sustainable Transport team.

Briefing notes documents: Victoria Embankment Cycle Track budget for DD.docx

Other Options Considered: To not accept the WREN funding: in this case, the money would be lost as it is allocated specifically for this project.

Background Papers:

Published Works: Delegated Decision 1863 - Victoria Embankment and Meadows Recreation Ground - Restoration and Improvement Project

Affected Wards: Bridge

Colleague / Councillor Interests: None

Consultations: Date: 14/09/2016
Area Committees: Area 8: Clifton North, South and Bridge (from May 2012)
Area 8 Committee, 14 September 2016: agreed use of £42,000 Section 106 funding towards the cycle track project.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: The project aims to increase usage of the park and widen its audience, thereby reducing anti-social behaviour.

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: 15/05/2017

Advice Sought: Legal, Finance, Procurement

Legal Advice:

1. Recommendations 1 and 2 relate to the receipt and use of the proceeds of a WREN funding application. Grants may be made by WREN (Waste Recycling Environmental Limited) from its Community fund for amenity projects within 10 miles of a FCC Environment landfill site in WREN's operating area. In the case of the projects covered by this decision, this site is Eastcroft. Funding applications may be made between £2000 and £50,000 and the primary intent of the project must be for the protection of the environment, maintenance or improvement of a public park, or another public amenity.
 2. In the case of all grant applications which are approved by WREN, the City Council will be required to enter into an agreement covering the purpose to which the monies are put, delivery of progress reports, maintenance of records of income derived and provision of documentation and expenditure details to WREN as the projects are implemented. There are also obligations relating to the projects being available to the general public for a minimum spend.
 3. In relation to Recommendation 3, the section 106 agreement dated 15 November 2011 from which the £42,000 derives was, as stated above, linked to the redevelopment of the former Odeon Cinema site at Angel Row and Bromley Place (planning ref 10/04106/PFUL3) for student accommodation, retail, leisure and offices.
 4. A total open space contribution of £223,693.30 was paid pursuant to this agreement. The Council is obliged under the agreement to use the contribution towards the provision or enhancement of off site public open space, and that is defined as being publicly accessible open space likely to be of benefit to occupiers of the development.
 5. It is considered that the proposed spend is compliant with the obligation, as the distance between the Odeon Cinema development and Victoria Embankment is modest (1.5 miles) and the children's cycle track will be open to all (subject to age).
 6. The s106 agreement requires that the open space contribution be spent within 5 years of receipt, failing which the Council is liable to repay it. The contribution was received in August 2014 and therefore the liability to repay has not yet arisen.
 7. Also in relation to Recommendation 3, the Council's Constitution requires that Area Committee be consulted in relation to the use of section 106 monies in the local area. It is noted that Area 8 Committee was consulted at its meeting in September 2016 on the application of the particular section 106 monies to the Victoria Embankment children's cycle track.
 8. It is considered that the decision is within the remit of the Portfolio Holder.
- Advice provided by Judith Irwin (Senior Solicitor) on 20/04/2017.

Finance Advice:

- See attached paper for Finance comments.
Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 27/04/2017.
Advice documents: 18600 - Victoria Embankment Project - Finance.docx

Procurement Advice:

- There are no significant procurement concerns with the recommendations set out in the report. The procurement team will support the client with any external procurement activity. Advice provided by Sue Oliver (Category Manager - Procurement) on 02/05/2017.

Signatures

David Trimble (Portfolio Holder for Leisure and Culture)
SIGNED and Dated: 05/05/2017
Andrew Vaughan (Corporate Director Commercial and Operations)
SIGNED and Dated: 04/05/2017