

Report of The Head of Planning and Local Development and Head of Finance**Notification of Urgent Action – S106 Spend****1 Purpose of report**

- 1.1 To note the urgent actions taken to approve spending some of the Town & Country Planning Act Section 106 (S106) monies the Council holds.

2 Executive summary

The council, as planning authority, has a duty to ensure the money collected is properly allocated for the purpose it had been obtained. Two projects were identified by the S106 Monitoring Group as needing to be funded, these met the criteria but needed to be completed as soon as possible therefore approval was sought through the urgent action process.

3 Appendices

Appendix 1 - Request for Urgent Action Form Pitch Improvements
Appendix 2 – Request for Urgent Action Form Croyland Park Adult Play Equipment

4 Proposed action:

- 4.1 The committee is invited to RESOLVE to note the urgent action taken by the Head of Planning and Development and Head of Finance.**

5 Background

- 5.1 A section 106 agreement is a legal agreement between the Planning Authority and an applicant/developer and any others that may have an interest in the land (e.g. County Council). Section 106 agreements or alternatively a unilateral undertaking is types of Planning Obligation authorised by section 106 of the Town and Country Planning Act 1990 as amended by section 12 of the Planning and Compensation Act 1991.
- 5.2 Planning obligations are used following the granting of planning permission to secure community infrastructure to meet the needs of residents in new developments and to mitigate the impact of a new development upon existing community facilities. They can also be used to restrict the development or use of land in a specified way or require specific operations or activities to be carried out on the land.

- 5.3 Benefits will be secured either in kind or via financial contributions depending on what is required. The most common issues that arise are affordable housing, primary and secondary education, parks amenities and open space, highway improvements and healthcare

6 Discussion

- 6.1 The Council currently holds £770,519 of S106 monies. These S106 monies are held in trust and are outside of all current budgets and not included in the medium term financial plan.
- 6.2 Two projects were identified by the S106 Monitoring Group as needing to be funded, these met the criteria but needed to be completed as soon as possible therefore approval was sought through the urgent action process.

7 Legal powers

- 7.1 Section 106 of the **Town & Country Planning Act**, in conjunction with Department of Environment Circular 5/05, allows for Local Planning Authorities and persons interested in land to agree contributions, arrangements and restrictions as Planning Agreements or Planning Obligations. Applicants can offer such agreements unilaterally or negotiate and agree them as support for their application to make it accord with local planning requirements, but without some of the rigorous controls of Planning Conditions under s 70(1).
- 7.2 It can also relate to monies paid by developers to Local Planning Authorities in order to offset the costs of the external effects of development. A Section 106 agreement is part of the granting of planning permission.
- 7.3 Section 106 arrangements are currently being reviewed with it being changed and supplemented by a Community Infrastructure levy.
- 7.4 Section 1 of the **Localism Act 2011** gives the Council a general power of competence. The general power gives local authorities the same power to act that an individual generally has, including the power to do things for a commercial purpose subject to certain constraints set out in sections 2-4 of the Act.

8 Financial and value for money implications

- 8.1 There are some significant S106 contributions, which will make notable upgrades to both urban and rural areas in need of improvements in the Borough. These S106 monies have been reviewed against the current financial pressures of the Medium Term Financial Plan and can not help to mitigate these.
- 8.2 A review will be undertaken to identify if any of these S106 monies can be used to support approved Capital Programme schemes. Once this work has been completed a holistic approach to capital spending will be developed incorporating S106 into the capital programme.

8.3 Should these S106 monies remain unspent or uncommitted after the prescribed time limit, they would need to be returned to the developers.

9 Risk analysis

9.1 As there are time limits within which the money held has to be spent, unless criteria for expenditure are agreed, there is a risk that money will have to be returned. Without an effective strategy there is a risk that the Council's assets will not be used efficiently.

Nature of risk	Consequences if realised	Likelihood of occurrence	Control measures
Do nothing - S106 monies remain unspent and therefore reach their deadline for spending	Contributions returned to developer Poor use of resources Loss of reputation	Low	S106 monitoring group continue to suggest and agree to projects and spending S106 monitoring group continue to review agreed projects and ensure they are progressing efficiently Effective project management

10 Implications for resources

10.1 Officers' time would be required to manage any projects and oversee any improvements works. Legitimate costs incurred by the council in delivering projects will be met out of S106 monies.

11 Implications for stronger and safer communities

11.1 Any improvements to facilities will stimulate social pride and reduce the impact of anti-social behaviour around the borough as well as promote value in the area, and therefore encourage social cohesion.

12 Implications for equalities

12.1 An Equalities Impact Assessment (EqIA) will be completed for each project as they progress.

13 Author and contact officer

Victoria Phillipson, Principal Planning Policy and Regeneration Manager
Samantha Knowles, Principal Accountancy Manager


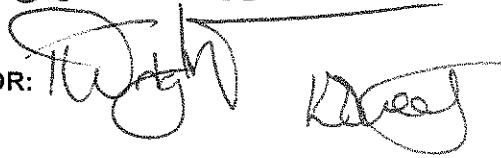


13 Consultees

Terry Wright, Director of Services
Steven Wood, Head of Planning and Local Development
Liz Elliot, Head of Finance
Nina Taylor, Project Coordinator
Quintin Allen, Sports Development Officer, Northamptonshire Sport
Paul Burnett, Principal Property and Facilities Manager
Mike Kilpin, Principal Development Control Officer
Gill Chapman, Principal Community Support Manager
Tracey Cave, Service Accountant
Carol Wilson, S106 Officer/Technical Officer
Jennifer Bell, Project Coordinator
Amanda Johnson, Project Coordinator
Felicity Webber, Landscape Officer
Nicola Holden, General Manager, Norse
Vicki Jessop, Principal Housing Manager

14 Background papers

None

REQUEST FOR URGENT ACTION
(In accordance with Section 3.4.09 Urgent Action of the Constitution)

REPORTING COMMITTEE: RESOURCES COMMITTEE	
DATE OF NEXT MEETING: 17 JULY 2013	
PURPOSE OF REPORT: TO SEEK APPROVAL TO SPEND £19,900 OF S106 MONIES FOR PITCH IMPROVEMENTS. THE COUNCIL PROVIDE FOOTBALL PITCHES TO SERVE LEAGUE GAMES. THE FOOTBALL SEASON IS AUGUST - APRIL. WELLINGBOROUGH NORSE PAINTS THE LINES AND MOWS THE GRASS ON THESE PITCHES. DUE TO HEAVY USE AND OVER THE LAST FEW YEARS, EXTENDED SEASONS, THE QUALITY OF THE PITCHES HAS DETERIORATED AND THERE IS AN URGENT NEED TO INVEST IN SOME IMPROVEMENT WORKS TO BRING THE PITCHES BACK TO A SAFE PLAYABLE STANDARD.	
REASON FOR URGENCY: THIS WORK NEEDS TO BE STARTED BEFORE THE END OF JUNE TO ALLOW THE HERBICIDE TO TAKE EFFECT AND FOR THE SEED TO GROW. THIS WILL MEAN THAT THE SEED CAN BE ESTABLISHED IN TIME FOR THE NEW SEASON START IN AUGUST 2013.	
KEY FACTS: THE MONIES WILL BE USED TO PURCHASE AND APPLY HERBICIDE, SEED, FERTILISER, TOP DRESSING, HIRE OF EQUIPMENT. THIS MAJOR REFURBISHMENT/ IMPROVEMENTS ARE OVER AND ABOVE THE NORMAL MAINTENANCE REGIME FOR THE FOOTBALL PITCHES. WITHOUT THIS INVESTMENT CLOSURE OF SOME/ ALL OF THE PITCHES WOULD NEED TO BE CONSIDERED.	
FOOTBALL IS A FUNDAMENTAL SERVICE OFFERED BY BCW FOR WHICH IT RECEIVES INCOME. IT IS NOT FEASIBLE TO CONTINUE TO TAKE FEES FOR THIS SERVICE IF WE DO NOT IMPROVE THE FACILITIES OFFERED. THE MAJOR RISK OF ALLOWING MATCHES TO CONTINUE ON SUBSTANDARD PITCHES IS INSURANCE CLAIMS AGAINST THE COUNCIL FOR INJURIES SUSTAINED DURING FOOTBALL MATCHES.	
IT IS ANTICIPATED THAT FURTHER RESOURCES WILL NEED TO BE PROVIDED FOR PITCH IMPROVEMENTS IN THE FUTURE, THESE WILL BE IDENTIFIED IN A FOOTBALL PITCH STRATEGY WHICH WILL BE DEVELOPED SHORTLY.	
FINANCIAL IMPLICATIONS (SEE BELOW): THE S106 MONITORING GROUP HAS DISCUSSED THE NEED FOR THIS AND PROPOSED THAT S106 CONTRIBUTIONS FROM WP/2006/0510/FM FOR OPEN SPACE BE USED TO FUND THIS WORK.	
SIGNATURES:	
<ul style="list-style-type: none"> • REPORT AUTHOR:  • CORPORATE DIRECTOR:  • CHAIRMAN/VICE-CHAIRMAN OF COMMITTEE:  	<ul style="list-style-type: none"> DATE: 27.06.13 DATE: 27.06.13 DATE: 27-6-2013
IF FINANCIAL IMPLICATIONS SIGNATURE OF:	
<ul style="list-style-type: none"> • CHAIRMAN/VICE-CHAIRMAN OF RESOURCES COMMITTEE:  	<ul style="list-style-type: none"> DATE: 27-6-2013

NB: To comply with the Constitution this signed urgent action pro forma must be attached to a report to the next meeting of the Committee concerned.

**Borough Council of Wellingborough Capital Project Form
Capital Programme 2013-14**

Scheme Title Football Pitch Improvement Code _____
 _____ Version 1

Corporate Director Terry Wright Head of Service Bridget Lawrence

Estimated project start and finish date June 2013 - April 2014 Budget Manager Paul Burnett/ Nicola Holden

Project Purpose - Describe the main objectives which are to be met by the achievement of the project and provide a description of the work
 The Council provide football pitches to serve league games. The football season is August - April. Wellingborough Norse paint the lines and mow the grass on these pitches. Due to heavy use and over the last few years, extended seasons, the quality of the pitches has deteriorated and there is an urgent need to invest in some improvement works to bring the pitches back to a safe playable standard.

Explain the nature of the works and how it meets the criteria for capital expenditure - Identify what is being purchased built or developed eg equipment, machinery - see notes on capital nature
 The capital funds will be used to purchase and apply herbicide, seed, fertiliser, top dressing, hire of equipment. This major refurbishment/ improvements are over and above the normal maintenance regime for the football pitches. Without this investment closure of some/ all of the pitches would need to be considered.

State (in specific and measurable outputs) how the project will contribute to the delivery of the councils PRIDE objectives

Promoting high quality growth	Lack of sport and leisure activities could have adverse impact on growth
Reducing crime and anti-social behaviour	Providing a robust facility to divert attention away from crime and antisocial behaviour
Improving life chances for young people	The league supports youth football teams, promoting health and well being in future generations
Delivering efficient and responsive services	
Enhancing the environment	Making a safe environment in which people to carry out healthy activity.

Disadvantages and risks of running the project
 If the project is not started soon (before the end of June), to enable the seasonal growth of grass seed to develop a suitable sward/ playing surface for the season to start in August.

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Implications - if do nothing
Pitches are currently dangerous to play on. The white lines are sunken and there is an uneven playing surface which could lead to trips and falls of players.

Legal requirements, Health and Safety related issues, DDA met by the project,
We (BCW and Wellingborough Norse) have a duty of care to provide a safe playing surface for football.

Has there been any options appraisals or feasibility studies undertaken/or to be completed
We have had 2 independant inspections of the playing surfaces that has resulted in recommendations and quotes for improvement works.

Has any other work previously commenced on this project	No	
Do any of assets in the project not belong to the council	No	

if yes please provide further information below

Additional Information and Corporate Risk Addressed
Football is a fundamental service offered by BCW for which it receives income. It is not feasible to continue to take fees for this service if we do not improve the facilities offered. The major risk of allowing matches to continue on substandard pitches is insurance claims against the council for injuries sustained during football matches.

Capital Expenditure	2013/4	2015/16	2016/17	2017/18	2018/19	Total
	£	£	£	£	£	£
Acquisition of land & buildings	0					0
New construction, conversion & renovation	19,900					19,900
Materials/Equipment						0
Vehicles						0
Plant, Machinery & Equipment						0
Grants						0
Professional Fees						0
Salary Charge						0
Total Capital Expenditure	19,900	0	0	0	0	19,900

Please state any limitations in your costing

Capital Funding	2013/4	2015/16	2016/17	2017/18	2018/19	Total
	£	£	£	£	£	£
Capital Reserves						0
Grants*						0
Third Party Contribution (eg S106)*	19,900					19,900
Revenue Contribution*						0
Capital Receipts*						0
Unspecified*						0
Total Funding	19,900	0	0	0	0	19,900

*Funding Source Fully funded by S106 contributions

*Funding arrangement Funding from one S106 agreement, WP/2006/0510/FM (£19,900)

Future Capital Costs

Are there any revenue costs associated with the project No
 Are there and revenue savings or income generation associated with the project No

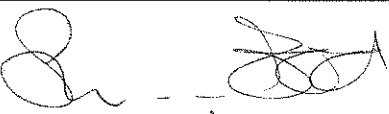
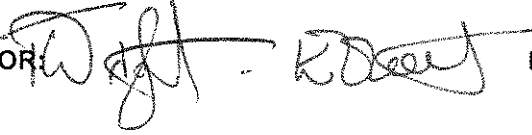
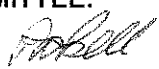
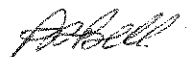
Revenue Budget implications (savings to be shown in negative numbers)	2014/15	2015/16	2016/17	2017/18	2018/19	Total
	£	£	£	£	£	£
Employees						0
Running Costs						0
Income						0
Total revenue budget	0	0	0	0	0	0

Details supporting revenue implications (Cost Centre)
 Football pitch income goes into BCW account

Budget manager approval and date:-
 Project Sponsor approval and date:-

REQUEST FOR URGENT ACTION

(In accordance with Section 3.4.09 Urgent Action of the Constitution)

REPORTING COMMITTEE: RESOURCES COMMITTEE	
DATE OF NEXT MEETING: 17 JULY 2013	
PURPOSE OF REPORT: TO SEEK APPROVAL TO SPEND £3264 OF S106 MONIES NEW ADULT GYM EQUIPMENT IN CROYLAND PARK. ITEMS USUALLY COST IN THE REGION OF £2000 EACH SO FIVE ITEMS WOULD NORMALLY COST £10,000. HOWEVER WE HAVE SECURED A DEAL WITH WICKSTEED WITH SOME NEW EQUIPMENT TRIALS TO HAVE THE EQUIPMENT FREE OF CHARGE, JUST PAY FOR THE GRASS MATTS AND INSTALLATION. THEREFORE WE CAN HAVE 5 ITEMS FOR THE PRICE OF 2.	
REASON FOR URGENCY: THIS OFFER FOR FREE EQUIPMENT IS CURRENTLY AVAILABLE AND WICKSTEED ARE READY TO COMPLETE THE INSTALLATION OF THIS EQUIPMENT.	
KEY FACTS: THE MONIES WILL BE USED TO PURCHASE NEW ADULT GYM EQUIPMENT IN CROYLAND PARK. THESE ARE NEW PIECES OF EQUIPMENT TO ENHANCE THE PARK.	
FINANCIAL IMPLICATIONS (SEE BELOW): THE S106 MONITORING GROUP HAS DISCUSSED THE NEED FOR THIS AND PROPOSED THAT S106 CONTRIBUTIONS FROM WP/2008/0023/FM 101 CROYLAND ROAD FOR OPEN SPACE BE USED TO FUND THIS WORK.	
SIGNATURES:	
• REPORT AUTHOR: 	DATE: 27.06.13
• CORPORATE DIRECTOR: 	DATE: 27.06.13
• CHAIRMAN/VICE-CHAIRMAN OF COMMITTEE: 	DATE: 27-6-2013
IF FINANCIAL IMPLICATIONS SIGNATURE OF:	
• CHAIRMAN/VICE-CHAIRMAN OF RESOURCES COMMITTEE: 	DATE: 27-6-2013

NB: To comply with the Constitution this signed urgent action pro forma must be attached to a report to the next meeting of the Committee concerned.

**Borough Council of Wellingborough Capital Project Form
Capital Programme 2013-14**

Scheme Title Play Equipment Croyland Park Code _____
 _____ Version _____

Corporate Director
Terry Wright

Head of Service
Bridget Lawrence/John Casserly

Estimated project start and finish date
May 2013 - July 2013

Budget Manager
Paul Burnett/ Nicola Holden

Project Purpose - Describe the main objectives which are to be met by the delivery of the project and provide a comparison to any work
 New adult gym equipment in Croyland Park. Items usually cost in the region of £2000 but we have secured a deal with Wicksteed with some new equipment trials to have the equipment free of charge, just pay for the grass mats and installation. Therefore we can have 5 items for the price of 2.

Explain the nature of the works and how it meets the criteria for capital expenditure - Use the following numbers of hours or days related to procurement, installation, maintenance, etc. to be completed by:
 Triple Pull-up Bars
 Chest Press
 Xerscape Bike
 Pull-Down Exerciser
 Leg Press

State (in specific and measurable outputs) how the project will contribute to the delivery of the councils PRIDE objectives

Promoting high quality growth	Lack of leisure activities could have adverse impact on growth
Reducing crime and anti-social behaviour	Providing a robust facility to divert attention away from crime and antisocial behaviour
Improving life chances for young people	Exercise equipment can help in promoting health and well being in future generations
Delivering efficient and responsive services	
Enhancing the environment	Making an environment in which people to carry out healthy activity.

Disadvantages and risks of running the project
 None

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Implications - if do nothing
Miss out on an opportunity to get great value for money on a project that has already been highlighted as a need on the S106 recommended open space projects list.

Legal requirements, Health and Safety related issues, DDA met by the project.
n/a

Has there been any options appraisals or feasibility studies undertaken/or to be completed
Wicksteeds are monitoring use and we have asked for feedback.

Has any other work previously commenced on this project	No	
Do any of assets in the project not belong to the council	No	

If you please provide further information below.

Additional Information and Corporate Risk Addressed
2 of the 5 peices of equipment have been installed as it was previously agreed to spend £2000 at the S106 meeting. The additional 3 items of equipment will cost an additional £1200 for installation (equipment provided free of charge).

Capital Expenditure	2013/4	2015/16	2016/17	2017/18	2018/19	Total
	£	£	£	£	£	£
Acquisition of land & buildings						0
New construction, conversion & renovation						0
Materials/Equipment	3,264					3,264
Vehicles						0
Plant, Machinery & Equipment						0
Grants						0
Professional Fees						0
Salary Charge						0
Total Capital Expenditure	3,264	0	0	0	0	3,264

Please state any limitations in your costing

Capital Funding	2013/4	2015/16	2016/17	2017/18	2018/19	Total
	£	£	£	£	£	£
Capital Reserves						0
Grants*						0
Third Party Contribution (eg S106)*	3,264					3,264
Revenue Contribution*						0
Capital Receipts*						0
Unspecified*						0
Total Funding	3,264	0	0	0	0	3,264

*Funding Source S106 Funding

*Funding arrangement S106 Funding from W/P/2008/0023/FM 101 Croyland Road for Open Space

Future Capital Costs

Are there any revenue costs associated with the project No
 Are there and revenue savings or income generation associated with the project No

Revenue Budget implications (savings to be shown in negative numbers)	2013/4	2015/16	2016/17	2017/18	2018/19	Total
	£	£	£	£	£	£
Employees						0
Running Costs	In Budget					0
Income						0
Total revenue budget	0	0	0	0	0	0

Details supporting revenue implications (Cost Centre)

Budget manager approval and date:-
 Project Sponsor approval and date:-

