



AGENDA ITEM: 5(d)

**CABINET: 17 SEPTEMBER
2013**

Report of: Assistant Director Community Services/Assistant Director Planning

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holders: Councillor D. Sudworth/ Councillor M. Forshaw

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SUBJECT: USE OF SECTION 106 MONIES IN TARLETON

Ward affected: Tarleton

1.0 PURPOSE OF THE REPORT

1.1 To consider the proposal from Tarleton Parish Council regarding the use of Section 106 monies received by the Council, from housing developers, for the enhancement of public open space and recreation provision within the ward of Tarleton

2.0 RECOMMENDATION

2.1 That the proposed project to provide a new English Cricket Board Approved practice cricket net available for use by the community be approved and the Section 106 commuted sum of £10,000 generated in this area be made available towards the £20,500 cost of this project.

3.0 BACKGROUND

3.1 Members will recall that under policy LE.13 of the local plan, developers must provide open space facilities as part of housing developments. Where developments are less than 20 dwellings or on sites where it is not reasonable to expect a developer to provide on-site facilities, and where there is a deficiency of open space, the Council can require a commuted sum for the provision of new or the enhancement of existing areas of public open space within its area.

- 3.2 In accordance with the decision of the Planning Committee held on January 10th 2002 the views of the relevant Parish Council/ward councillors are sought in respect of the potential use of this money.
- 3.3 In February 2011 an Officer Section 106 Agreements – Public Open Space Working Group was established to co-ordinate the receipt of the commuted sums, and report to Cabinet on proposals for the use of the S106 funding. A function of this group is to establish levels of uncommitted S106 funds across all wards, and consult with Parish Councils and ward councillors as to how this funding could be best utilised in line with the requirements of the S106 agreements.

4.0 CURRENT POSITION

- 4.1 Following consultation with Tarleton Parish Council there is currently one new proposal to put forward for consideration for existing Section106 funding in this area. The proposal is set out in section 6 of this report. The funding can only be used in accordance with the terms of the related Section 106 agreements for the enhancement of existing areas of public open space within the localities.
- 4.2 The Assistant Director Planning offers the view that the proposed use of monies is in accordance with planning policy and the terms of the Section106 Agreement and consequently supports the proposal.
- 4.3 The proposal is in keeping with the aims of the Borough Council Play Policy and Cultural Strategy.

5.0 PROPOSALS

- 5.1 It is proposed to enhance the area by providing a new permanent outdoor cricket practice net at Carr Lane to be made available for community use.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 The project will support the Council's strategic aims in respect of improving access to quality facilities, providing facilities to improve the health and quality of life of the community, and ensuring access to a wide age range.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 The estimated capital cost of the proposal referred to at section 5.1 will be £20,500 for the cricket net project at Tarleton. The funding is split £10,000 section 106 funding with the remaining funding being from Tarleton Cricket club.

8.0 RISK ASSESSMENT

- 8.1 Section 106 funds need to be spent in accordance with criteria set out in the related planning agreements and usually within a set time from payment. If the Council does not spend the monies in accordance with the set criteria then they will be repayable to the developer. This risk can be mitigated by assessing all project proposals prior to commencement to assure compliance, and working in partnership with the applicants to ensure criteria is adhered to.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix 1 to this report, the results of which have been taken into account in the recommendations contained within this report.

Appendices

Appendix 1 - Equality Impact Assessment – Use of Section 106 Monies in Tarleton ward.

Date: 23/08/2013

Completed by : P.F.Campbell.

<p>1.</p>	<p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people: <i>People of different ages – including young and older people</i> <i>People with a disability;</i> <i>People of different races/ethnicities/ nationalities;</i> <i>Men; Women;</i> <i>People of different religions/beliefs;</i> <i>People of different sexual orientations;</i> <i>People who are or have identified as transgender;</i> <i>People who are married or in a civil partnership;</i> <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i> <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p>Use of Section 106 monies in the way proposed will improve access to open space facilities for all members of the community therefore the decision to support this scheme will not disadvantage or have a disproportionately negative effect on the above groups of people</p>
<p>2.</p>	<p>What sources of information have you used to come to this decision?</p>	<p>Consultation with Tarleton Parish Council and assessment by Section106 Working Group (Public Open Space).</p>
<p>3.</p>	<p>How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p>Proposals for these schemes were received from Tarleton Parish Council community consultation.</p>
<p>4.</p>	<p><i>Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:-</i> <i>Eliminate discrimination, harassment and victimisation;</i> <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i> <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p>Consideration of the needs of all the community will be considered as part of the design process, therefore support for the scheme can only help our ability to meet our duties under the Equality Act 2010</p>
<p>5.</p>	<p>What actions will you take to address any issues raised in your answers above</p>	<p>Regular liaison with Tarleton Parish Council throughout the design and implementation process will allow all issues to be considered.</p>