



AGENDA ITEM: 6(c)

CABINET: 1 JULY 2014

Report of: Assistant Director Community Services/ Assistant Director Planning

**Relevant Managing Director: Managing Director (People and Places /
Managing Director (Transformation)**

Relevant Portfolio Holders: Councillors D Sudworth & M Forshaw

**Contact for further information: Mr S Kent (Extn. 5169)
(E-mail: Stephen.kent@westlancs.gov.uk)**

SUBJECT: USE OF SECTION 106 MONIES IN ORMSKIRK

Ward affected: Derby

1.0 PURPOSE OF THE REPORT

1.1 To consider a proposal from Ormskirk Bowling Club regarding Section 106 monies received by housing developers for the enhancement of public open space and recreation provision to be used within the Derby Ward.

2.0 RECOMMENDATION

2.1 In addition to the existing allocation of £40,000 Section 106 funds approved by Cabinet in November 2013, the expenditure of the section 106 commuted sum of £136,000 generated from the re-development of the Comrades Club site in Ormskirk be approved for the project identified in clause 6.1

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, Members agreed that applications/proposals for the use of S106 funding would first be scrutinised by an Officer Working Group to ensure that proposals are compliant with the related S106 agreements and that the proposals are sustainable, supported by planning policy and strategies adopted and approved by the Council. It was also agreed that Parish Councils and ward councillors would be consulted about what funds are available and invited to suggest proposals as to how this funding could be best utilised in line with the requirements of the related S106 agreements and planning policy.

4.0 CURRENT POSITION

- 4.1 Following consultation with ward Councillors there is one new proposal put forward by Ormskirk Bowling Club (the "Club") for consideration for existing Section 106 funding in the Derby Ward.
- 4.2 The proposal, outlined in section 6, has been considered by the officer S106 working group, in addition the Assistant Director Planning offers the view that the proposed use of monies is in accordance with the terms of the related Section 106 agreement "for the provision of a crown bowling green (or greens) associated facilities and administration costs"
- 4.3 The proposals are in keeping with the aims of the Borough Council Playing Pitch and Cultural Strategies
- 4.4 Lancashire County Council has currently offered the Club a 25 year licence to occupy the site, the terms of which are being negotiated.

5.0 ISSUES

- 5.1 Initially the Club requested a lease with LCC, however, this was refused in favour of a licence. LCC stated that "the use and development of school playing fields is controlled by the School Standards and Frameworks Act. This prevents the County Council ...entering into a lease of school playing fields...if it has previously been used for sports purposes." The site in question is the former tennis courts of St Bedes school.

6.0 PROPOSALS

- 6.1 It is proposed to provide two crown bowling greens on the LCC owned playing fields adjacent to Ormskirk Cricket Club. One green to be of natural turf and one to be of synthetic 3G turf. The greens to be located alongside each other and have associated facilities including shelter, toilets and seating. Floodlighting may be considered at a later date.

6.2 The facility will be managed by Ormskirk Bowling Club under an agreement currently being negotiated with Lancashire County Council. The S106 funding for this scheme will be dependent upon satisfactory completion of this agreement.

7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

7.1 The projects 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.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

8.1 The estimated total capital cost of the proposals mentioned in section 6 will be £176,000 which can be covered by the Section 106 funds currently available. (£136,000 from Comrades Club and £40,000 previously allocated from Ormskirk Grammar School). Project implementation will be co-ordinated by the Borough Council, and once completed the facility will be maintained by Ormskirk Bowling Club, through a licence with LCC.

9.0 RISK ASSESSMENT

9.1 Section 106 funds need to be spent in accordance with the terms of the related planning agreements and in accordance with the statutory criteria and relevant policies. Failure to do so could leave the decision open to challenge and may result in the monies being repayable to the developer.

9.2 Security of this investment will be reliant upon a suitable long term agreement being negotiated with Lancashire County Council. The licence currently being offered is for a term of 25 years.

Background Documents

The Case for New Bowling Greens in Ormskirk (July 2012).
New Bowling Greens adjacent to Ormskirk CC (June 2013)

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

1. Equality Impact Assessment

Appendix 1

Equality Impact Assessment – Use of Section 106 Monies in Ormskirk

<p>1 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: People of different ages – including young and older people People with a disability; People of different races/ethnicities/ nationalities; <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 recreational facilities for all members of the community therefore No this decision to support this scheme will not disadvantage or have a disproportionately negative effect on the above groups of people</p>
<p>2 What sources of information have you used to come to this decision?</p>	<p>Consultation with the ward councillors on local requirements, and assessment by S106 Working Group (Public Open Space).</p>
<p>3 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>Proposal for scheme for which funds are proposed to be used has been developed and proposed by Ormskirk Bowling Club, in conjunction with ward councillors.</p>
<p>4 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>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 What actions will you take to address any issues raised in your answers above</p>	<p>Regular liaison with ward councillors throughout the design implementation process will allow all issues to be considered.</p>