

<b>Report of:</b>	<b>Head of Commissioning</b>
<b>Contact Officer:</b>	<b>Tom Walsh</b>
<b>Telephone No:</b>	<b>01543 464482</b>
<b>Portfolio Leader:</b>	<b>Culture and Sport</b>
<b>Key Decision:</b>	<b>Yes</b>
<b>Report Track:</b>	<b>Cabinet: 20/06/13</b>

**CABINET**  
**20 JUNE 2013**  
**PERMISSION TO SPEND – HLF – HEDNESFORD PARK AND WAR MEMORIAL**

**1 Purpose of Report**

- 1.1 To update Cabinet of progress to date in respect of the Heritage Lottery Fund Scheme at Hednesford Park.
- 1.2 To seek approval for permission to spend in relation to the HLF grant.

**2 Recommendations**

- 2.1 That Cabinet approve permission to spend on the Hednesford Park HLF scheme that was included in the Council's Capital Programme in January 2013.
- 2.2 That Cabinet retrospectively approve the delegated permission to spend match funding to secure additional grant from Staffordshire Environment Fund (SEF).

**3 Key Issues and Reasons for Recommendation**

- 3.1 In order to facilitate the improvements detailed in the July 2012 Cabinet report, it is now necessary for Cabinet to consider the granting of permission to spend.
- 3.2 The deadline for expenditure on the SEF precluded the option to seek Cabinet approval to spend approximately £180,000 of the HLF grant to lever in the SEF funding. This now needs retrospective approval as the scheme has started.

**4 Relationship to Corporate Priorities**

- 4.1 This report supports the Council's Corporate Priorities as follows:

- (i) Active and Healthy Lifestyles.
- (ii) Improved Living Environment.
- (iii) Contributing to promoting Community Engagement.

## **5 Report Detail**

- 5.1 The HLF Grant Award must be spent within five years of permission to start the scheme (May 2013).
- 5.2 The award must be spent in conjunction with the master plan approved as part of the HLF Stage II submission which was approved in December 2012.
- 5.3 The works to the park comprise of:-
  - (i) New perimeter fencing to the park.
  - (ii) Removal of tree belts along Rugeley Road.
  - (iii) Relocation of the play area and new skate park.
  - (iv) Refurbished tennis courts and access thereto.
  - (v) Circular path and maintenance road around the park to include green gym equipment.
  - (vi) Car park improvements/disabled access.
  - (vii) Lighting.
  - (viii) Refurbished fencing and improved surfacing at the war memorial.
  - (ix) Creation of a café and community room in the existing pavilion.
- 5.4 The HLF grant also includes a contribution to a number of community events, publicity and promotion of the park and heritage events and an oral history CD.
- 5.5 The volunteer time will be recorded and will also attract grant funding at the appropriate rate (71%).

## **6 Implications**

### **6.1 Financial**

The total scheme cost is £3,186,800 and HLF have awarded grant totalling £2,273,700 being 71.34% of total scheme costs. The difference between the total scheme cost and the HLF grant award is made up of various cash and non cash contributions. It will be critical that these cash contributions are received

and non cash contributions recorded properly so that full grant can be drawn down. If this is not achieved then HLF will not allow the full draw down of grant to cover costs incurred.

The following table summarises the expenditure and income including grant award and matching contributions.

<b>Expenditure</b>	<b>£</b>
Delivery Costs	£75,900
Works Costs	£2,397,545
Delivering Activities	£270,680
Other Scheme Costs	£442,575
<b>Total Expenditure</b>	<b>£3,186,800</b>

<b>Income</b>	<b>£</b>
HLF Grant	£2,273,700 (written offer)
Developer Contributions	£376,697 (in suspense account)
Staffs Environment Fund	£30,000 (Legal agreement signed with Council)
CCDC Cash Contributions	£353,303
Non cash Contributions	£153,100 (subject to volunteer time being recorded/ income targets being met)
<b>Total Income</b>	<b>£3,186,800</b>

One of the conditions of entering into the HLF Parks for People Programme is that the Council achieve and retain a Green Flag for five years. This will, however, require an increase in revenue budget provision. At the time of

application this was estimated to be an average of £39,300 per annum (excluding contingency) and is likely to start 2015-16 following completion of capital works. These maintenance elements required will need to be confirmed and financial provision made for on going maintenance arrangements.

Following the start up meeting with HLF in March 2013, there does appear to be a need to use both the Council’s Financial Regulations and the Heritage Lottery Fund guidance regarding procurement. The differences are shown below:-

<b>CCDC Financial Regulations</b>	<b>HLF Financial Rules</b>
Up to £1,000 – no quotes	Up to £10,000 – Best Value
Over £1,000 – 3 written quotes	More than £10,000 – 3 quotes and demonstrate Best Value
Over £50,000 – full tendering procedure	Over £50,000 – full tendering procedure
If cheapest quote not taken need Sc151 Officer to waive Financial Regulations	If cheapest not taken, grantees should be able to justify their choice on a value for money basis.

HLF have requested that the HLF scheme abides by HLF financial procedures. Approval is required from the Council’s S.151 Officer to operate outside or vary the Council’s financial regulations.

Some of the expenditure elements above are capital in nature. The capital elements of the scheme have been included in the 2013-16 Capital Programme as detailed to Cabinet 31<sup>st</sup> January 2013 and approval for permission to spend is now sought.

Any posts employed as part of the scheme would become redundant at the end of the grant draw down period unless alternative funding can be found. If redundancy payments arise for post holders employed as part of the scheme the Council would have to make provision for such payments.

**6.2 Legal**

Section 1 of the Localism Act 2011 gives the Council a general power of competence and replaces the well being power which was contained in Section 1 of the Local Government Act 2000. The power is wide ranging and establishes the legal framework to enable local authorities to improve the quality of life, opportunity and health of their local communities.

Ultimately it is for the Council to decide whether any particular action will achieve the promotion or improvement of well-being, taking account of local circumstances and the needs/wishes of the local community. It includes the power to incur expenditure and to enter into arrangements or agreements with any person as proposed in the report.

### 6.3 Human Resources

The following posts have been allowed for in the successful bid:-

Community and Education Officer (F/T 5 years) – Grade G  
Community Gardener (F/T 5 years) – Grade F  
Project Manager (P/T 2 years) – Grade H

Job descriptions have been prepared for the posts and they have been subjected to the Council's job evaluation scheme which has established the grading structure and confirmed the cost of each.

Any postholder employed for more than two years in the above roles will be entitled to a redundancy payment at the end of the fixed term contract. Potential redundancy costs will need to be factored into the overall budget for the project. Such costs may be increased if the relevant postholder has continuous Local Government service with another Local Government employer, upon appointment.

Conversely, if the Council appoint a consultant to any of these roles, no redundancy rights will accrue as they would be self-employed providing statutory taxation conditions are met. A worker is classed as self employed only where some or all of the following conditions are met, for example: 1) the worker has an option to hire another person to do the work (i.e there is no obligation to do it personally), 2) the worker supplies their own work equipment, 3) the worker agrees a fixed amount for completing the task, regardless of how long it takes, they have to correct any errors in the work at their own expense, 4) the worker is free to determine for themselves how and when the work is undertaken. Any contractual arrangement with a worker outside of these criteria can be deemed as 'employment' rather than 'self employment' and thus incur all the rights and liabilities arising from an employment contract

### 6.4 Section 17 (Crime Prevention)

The Council is obliged to consider activities which may lead to reduction in anti-social behaviour. Understanding the barriers to use have been built into this scheme ensuring play areas and the bowling green would be fenced but the floodlit teen zone would be available throughout the year when other activities are likely to close. The fear of groups of children and to much lesser extent crime deters many people from using parks. This is more the case with particular vulnerable groups and it is recognised that good design and management can allay these fears.

### 6.5 Human Rights Act

There are no direct implications in respect of the Human Rights Act 1998 arising from this report.

### 6.6 Data Protection

There are no identified implications in respect of the Data Protection Act.

**6.7 Risk Management**

The conditions around the HLF Parks for People Programme ensure that risk is assessed continually throughout the project. The risks associated with the project revolved around the bid being unsuccessful meaning that only the works associated with St. Modwen along Victoria Street would have been undertaken. This would have left the Council failing to meet its DDA requirements in respect of the access to the pavilion, bowling greens and tennis courts. Now that this is not the case the majority of risks revolve around technical aspects of the scheme and above inflation increases in crude oil based products/processes such as fencing, tarmac etc. This has been addressed in part by building in a 10% inflation on the capital side (up to a value of £192,500) and contingencies on every aspect of the scheme. The contingencies do, however, need to be approved by HLF prior to use.

**6.8 Equality & Diversity**

The scheme will acknowledge diversity and design out any barriers to access and use. Consultation has already been undertaken with a number of access groups in the park and their comments taken into account in the design process where appropriate.

**6.9 Best Value**

This has been encompassed in the bidding process.

**7 Appendices to the Report**

None

<b>Previous Consideration</b>	
Cabinet Report	15 September 2011
Cabinet Report	19 July 2012
Cabinet Report	20 February 2013

<b>Background Papers</b>
People, Places and their Green Spaces – CLG, BTVC, Green Space and Keep Britain Tidy
The Value of Public Space – Cabe Space
Conservation Management Planning Integrated Plans for Conservation Work, Physical Access, Management and Maintenance at Heritage Sites – Heritage Lottery Fund

Parks for People, Grants between £25,000 and £5 million, Introduction and help notes – HLF

Section 106 Environmental Schemes – Capital Programme 2011-12, 28/4/2011

HLF – Award of Grant letter – December 2012