

CANNOCK CHASE COUNCIL

COUNCIL

2ND NOVEMBER 2011

REPORT OF THE CORPORATE DIRECTOR

RESPONSIBLE PORTFOLIO LEADER(S) – ENVIRONMENT

REQUEST FROM NORTON CANES PARISH COUNCIL REGARDING S106 FUNDING

KEY DECISION –NO

1. Purpose of Report

- 1.1 For Council to consider a request from Norton Canes Parish Council regarding the use of £9,375 S106 funds as matched funding in a grant bid to develop the skate park facilities at Brownhills Rd recreation area; and to transfer these funds if the grant bid is successful subject to entering a Legal Agreement with the Parish Council.

2. Recommendation(s)

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| 2.1 | That Council confirm to Norton Canes Parish Council that the sum of £9,375 can be identified as matched funding for any external grant bid to develop a skate park at Brownhills Rd recreation area. |
| 2.2 | That Council confirm that the sum of £9,375 can be transferred to Norton Canes Parish Council if they are successful in their bid to secure grant funding for a skate park scheme at Brownhills Rd recreation area. |
| 2.3 | That Council delegate authority to the Corporate Director to enter into the appropriate Legal Agreements with the Norton Canes Parish Council in line with any decision made above. |

3. Summary (inc. brief overview of relevant background history)

- 3.1 A request has been received on 5th October 2011 from the Chairman of Norton Canes Parish Council as follows: "We have been in discussion with you recently with regard to the balance of £9,375 S106 money relating to the development on Brownhills Rd / Railway Street. We are now putting forward a bid to refurbish the skate park located on the Brownhills Rd site but require 20% match funding to enable the application to be put forward. Could we please have confirmation from you that this funding will be released to the Parish Council".
- 3.2 Council approves the S106 Capital Programme each year and therefore needs to consider this specific request from Norton Canes Parish Council.

4. Key issues and Implications

- 4.1 The Council obtained the S106 sum of £9,375 from the flats development by Classic Refurb Ltd at the junction of Brownhills Rd and Railway Street. The agreement relates to public open space provision and specifies that the funds will be used to make improvements to the Brownhills Road Recreation Ground.
- 4.2 These funds are currently allocated in the 2011/12 Budget to form a revenue scheme entitled Norton Canes Play Area. No scheme has yet been determined for the use of these funds.
- 4.3 The Parish Council wish to develop an upgraded skate facility on the section of the Brownhills Rd Recreation Ground owned by the Parish Council and is in the process of making bids for grant funding. The Parish Council has asked that the £9,375 can be identified as 20% matched funding in the bidding process with 80% potentially being secured by additional grant.
- 4.4 If Council agree that the £9,375 can be used as 20% matched funding it does not automatically follow that this sum would transfer to the Parish Council. The sum should only transfer if the Parish Council provides evidence that it has been successful in securing external grant funding and that the £9,375 is required to deliver the full scheme. If the grant applications made by the Parish Council are all unsuccessful then Cannock Chase Council will retain the funds and progress a scheme on this site as currently intended.
- 4.5 If the Parish Council is successful in securing grant funding and Council approve the transfer of the £9,375 to the Parish Council in these circumstances a legal agreement will need to be entered into between the District Council and the Parish Council.

5. Conclusions and Reason(s) for the Recommendation(s)

- 5.1 Norton Canes Parish Council are seeking additional grant funding to develop a skate facility on the Brownhills Rd recreation area and require the support of Cannock Chase Council to identify this in the bid application as matched funding and if the bid is successful, to transfer the £9,375 S106 funds to support delivery of the scheme.

6. Other Options Considered

- 6.1 The other options are to refuse the request from Norton Canes Parish Council and reserve the £9,375 S106 funds for a Cannock Chase Council scheme on this site.

7. Report Author Details

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SCHEDULE OF ADDITIONAL INFORMATION

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Section 1

Contribution to Council Priorities (i.e. CHASE, Corporate Plan)

The proposed new skate facilities should contribute to the Council's Priority to increase physical activity and improve health in the District.

Section 2

Contribution to Promoting Community Engagement

Norton Canes Parish Council has consulted the local community on the development of skate facilities on the Brownhills Rd recreation area.

Section 3

Financial Implications

The S.106 account Q212 of £9,375.84 was given for improvements to the Brownhills Road Recreation Ground. The sum of £9,375.84 has part funded the S.106 revenue scheme of £12,200 included in the Councils 2011-12 Budget titled "Norton Canes Play Area".

This scheme has not commenced and officers have confirmed that no expenditure has been committed against this sum.

The sum of £9,375.84 can be held until the determination of the grant application. Whilst the grant application is being determined then Norton Canes Play Area scheme can not commence.

Section 4

Legal Implications

The sum of £9,375 was received by the Council under the terms of a S106 agreement being 'a contribution towards the upgrading of Brownhills Road Recreation Ground'. The use of these funds to upgrade a skate park on this site falls within the terms of the Section 106.

The Council is able to use its wellbeing powers under Section 2 of the Local Government Act 2000 to transfer the money to the Parish Council to enable them to carry out the work but it will be necessary for a legal agreement between the Council and the Parish Council to be entered into which will include safeguards to ensure that the money is spent as the Council requires.

Section 5

Human Resource Implications

There are no identified implications in respect of Human Resources arising from this report.

Section 6

Section 17 (Crime Prevention)

There are no identified implications in respect of Crime Prevention arising from this report. Consultation on the design of the scheme will be required with the Architectural Liaison Officer from Staffordshire Police.

Section 7

Human Rights Act Implications

There are no identified implications in respect of Human Rights arising from this report.

Section 8

Data Protection Act Implications

There are no identified implications in respect of Data Protection arising from this report.

Section 9

Risk Management Implications

A Legal Agreement will need to be entered into concerning any transfer of funds to Norton Canes Parish Council in the event that the bid is successful.

Section 10

Equality and Diversity Implications

There are no identified implications in respect of Equality and Diversity arising from this report.

Section 11

List of Background Papers

Email from Chairman of Norton Canes Parish Council dated 5th October 2011.

Section 12

Report History

None