

## OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. This is attached at Annex 2.

Decision Ref. No:

AHWB.026.2017Kilham  
Lane Branton Playing Field  
improvements

### Box 1

**DIRECTORATE:** Adults, Health & Wellbeing

**DATE:** 13 March 2017

**Contact Name:** David Ridge

**Tel. No:** 735925

**Subject Matter:** To approve the allocation of £138,169 of Section 106 monies on Kilham Lane, Branton Playing Field Improvement Scheme.

### Box 2

#### DECISION TAKEN:

1. To approve the allocation of up to £138,169 of Section 106 monies for the enhancement of Kilham Lane playing field, Branton.
2. To include the scheme in the Adults, Health & Well Being Capital Programme.
3. To approve the award of tender and scheme implementation once tender process is completed.
4. To approve the allocation of up to £3,000 Section 106 monies as a maintenance sum to be paid to Cantley with Branton Parish Council in arrears for a maximum of two years for maintenance of the scheme. (up to a maximum £1,500 per year for the two year period) – The £138,169 includes the above £3,000. A breakdown of estimated costs for the scheme can be found at Appendix 1.

### Box 3

#### REASON FOR THE DECISION:

The receptor site is owned and managed by Cantley with Branton Parish Council. Doncaster Council has been working with the parish council to design an improvement scheme using feedback from public consultation carried out by the Parish Council.

An earlier consultation with local residents in the vicinity of Poppyfields Way to gauge the level of support for improvements to the open space on Poppyfields Way resulted in an almost 50% split between support for and those against. Given there was not a clear majority for a scheme at this location it was agreed, in consultation with the local ward members and parish council, that Kilham Lane was the most appropriate receptor site to target improvements at. Kilham Lane is also identified as a potential site in the Branton area for improvements within the Green Space Strategy list of local sites.

The scheme will be funded in full from the following Section 106 commuted sums:

Line Ref: 183 12/02113/FULM Doncaster Rd/The Close, Branton - £64,047

Line Ref: 189 14/00413/WCC Badgers holt, Doncaster Rd, Branton - £74,122

The scheme will be managed by Doncaster Council with DMBC's architects being responsible for the design, contract/tender process, scheme management and payment of all invoices to contractors/suppliers.

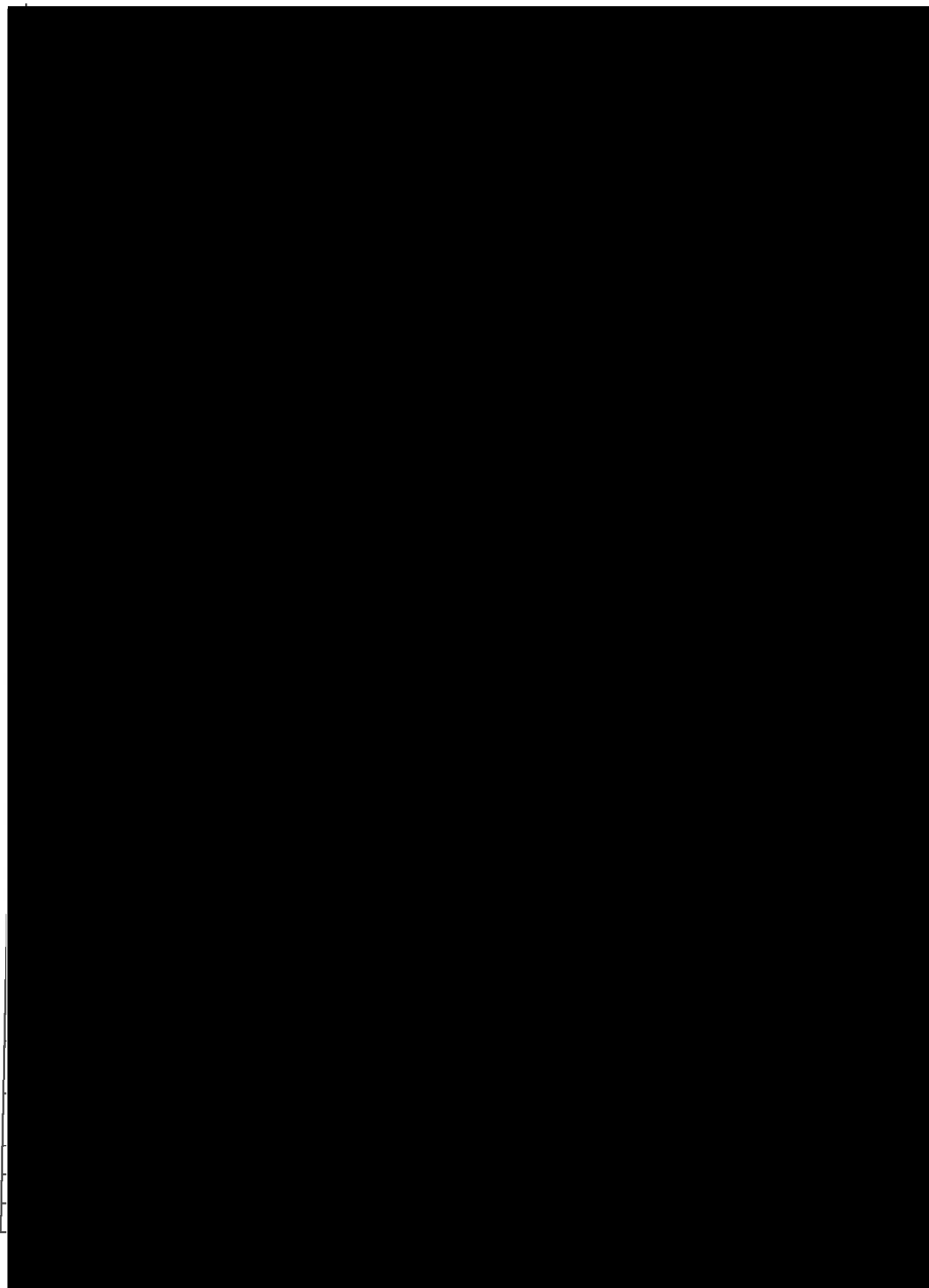
Once completed all items of equipment and improvements will be handed over to the parish council, who will become fully responsible for the ongoing maintenance, upkeep and any other liabilities associated with the improvements. An appropriate legal agreement will be put in place with the parish council to formalise these arrangements.

The improvements will include the following:

- 1) Cable rider (zip wire)
- 2) Basket swing
- 3) Table tennis table
- 4) Climbing wall
- 5) Outdoor gym equipment
- 6) Benches for use by the public sited in close proximity to the gym equipment
- 7) Perimeter track for exercise walks
- 8) Replacement climbing net
- 9) Painting of existing play equipment

The scheme is estimated to cost £138,169. Actual costs will not be known until the tender process is complete. Should the total cost exceed the funding available the scheme will be refined accordingly.

The scheme includes a revenue maintenance sum that will be paid to the parish council annually in arrears on the presentation of satisfactory evidence of expenditure for a two year maximum period after the scheme is completed. (up to £1,500 per year for two years – total £3,000). Maintenance payments must be completed by no later than March 2020 as the Section 106 agreement (Line Ref: 189 14/00413/WCC Badgers Holt, Doncaster Rd, Branton) from where this element of the funding is proposed to be used from is time limited in terms of expenditure.



**Box 4****OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:**

Open space improvements at Poppyfields Way were considered, however as outlined above, as there was not a clear majority of support from those who responded to the consultation it was considered that Kilham Lane would be a more appropriate site. The site is also identified as a priority site within the Green Space Strategy list of sites for the area.

The Parish council are very supportive and have a strong desire for the field at Kilham Lane to be improved. With the exception of the £3,000 Maintenance allocation, there will be no additional or ongoing financial implications on Doncaster Council as the improvements will become the responsibility of the parish council.

**Box 5****LEGAL IMPLICATIONS:**

Regulation 123 Community Infrastructure Levy Regulations 2010 allows for contributions from up to five separate S106 obligations to be pooled towards the provision of a single infrastructure project. The planning obligation agreements noted in background all allow for contributions to be spent on public open space in the Branton.

There is no requirement that the S106 monies are expended on land owned by the Council so the proposed agreement with Cantley with Branton Parish Council is acceptable. The Council and the Parish Council will need to enter into a licence agreement for the Council to enter the land and carry out the works.

For the purposes of utilising S106 monies the provision of infrastructure includes maintenance so the proposed maintenance payment does not raise an legal implications.

In addition the construction contract must be procured in accordance with the Council's Contract procedure rules and the Public Contracts Regulations 2015

**Name:** Adam Bottomley **Signature:** By Email **Date:** 21/03/2017  
**Signature of Assistant Director of Legal and Democratic Services (or representative)**

**Box 6****FINANCIAL IMPLICATIONS:****Capital**

The approved 2016/17 Adults, Health & Wellbeing Capital Programme does not currently include this project.

This scheme will be approved via approval route B.10 Relevant approval is required before a project can commence or commit to capital spend. This new addition to the

A,H&WB capital programme will be approved by CFO and relevant Director, in consultation with the relevant Portfolio Holder. Any changes will then be reported to Cabinet on a quarterly basis.

The capital cost of the Branton Playing Field Improvement Scheme detailed in the report above is estimated to be £135,169. There is a 10% contingency of £11,158 included in this figure.

The proposed grant for Cantley with Branton Council is for the maintenance of the play park, this will be funded from section 106 monies of £1,500 per year for the maximum of 2 years, total of £3,000. The Parish Council will be fully responsible for the ongoing maintenance once completed.

In line with financial procedure rules E14-16 relating to 3<sup>rd</sup> party grants, the relevant Director must ensure that the Council's interests are protected at all times and must be in a position to provide assurance that the detailed list of requirements have been met, or will be met, before any grant is made. Included in this list is the requirement to ensure that a formal legally binding agreement is in place between the Council and the body receiving the grant.

On approval of the report, the Capital Programme will be updated to include this project and a capital sub cost centre will be created and allocated for the projects use.

**Name:** Cheryl Slade **Signature:** C Slade/FM-AHWB **Date:** 24/03/17  
**Signature of Assistant Director of Finance & Performance**  
(or representative)

### **Section 106**

#### **Planning reference :12/02113/FULM**

There is currently a balance of £64,047 on the above planning reference, a commuted sum in relation to S106 monies. This project is seeking to use all the remaining balance for improvements at Kilham Lane, Branton Playing Field, leaving a nil balance on the commuted sum. This S106 Agreement is time limited, to be utilised by 2019/20 financial year end, after which the remaining balance may be required to be paid back to the developer.

#### **Planning reference :14/00413/WCC**

There is currently a balance of £90,309 on the above planning reference, a commuted sum in relation to S106 monies. This project is seeking to use £74,122 of the remaining balance for improvements at Kilham Lane, Branton Playing Field, leaving a balance on the commuted sum of £16,187 for other projects.

£71,122 of the works are Capital in nature with £3,000 being set aside for a maximum of two years maintenance of the scheme, which will be incurred in revenue. There is sufficient flexibility in the nature of the balance to be used for these purposes. This S106 Agreement is time limited, to be utilised by 2019/20 financial year end, after which the remaining balance may be required to be paid back to the developer.

Name: Dawn Fisher Signature:   
Signature of Assistant Director of Finance & Performance  
(or representative)

Date: 21/03/17

**Box 7**

**HUMAN RESOURCE IMPLICATIONS:**

There are no Human Resources Implications

Name: Kelly Gunn Signature: By Email Date: 21<sup>st</sup> March 2017  
Signature of Assistant Director of Human Resources and Communications (or  
representative)

**Box 8**

**PROCUREMENT IMPLICATIONS:**

It is identified within the body of this report that an intermediate value procurement exercise is carried.

Contract Procedure Rules (CPR's) must be adhered to in relation to the procurement of the requirements. The Rules outline the policy and procedures for procurement activities across the council which includes ordering for the purchase, commissioning, hire, rental of goods, supplies, works and services on behalf of the Council.

Competitive tendering exercises must be undertaken with due consideration to Contract Procedure Rules, EU Procurement Regulations and EC Treaty principles.

Due to the value of the proposed and estimated value of the contract for intermediate value procurement (between £25k-£164,176) and in line with CPR's, Where no appropriate In House Supplier, Council Wide Contract or Framework Agreement exists, competition should be carried out formally using the Councils Invitation to quote documents, which must be advertised openly to the market using the Councils electronic tendering portal Pro-Contract which ensures best value, fairness, transparency and non- discrimination.

Name: H Donnellan Signature:  Date: 28/03/2017  
Signature of Assistant Director of Finance & Performance  
(or representative)

**Box 9**

**ICT IMPLICATIONS:**

There are no ICT implications associated with this decision.

**Name:** Peter Ward (ICT Strategy Programme Manager)

**Signature:** [REDACTED] **Date:** 21/03/17

**Signature of Assistant Director of Customers, Digital & ICT (or representative)**

**Box 10**

**ASSET IMPLICATIONS:**

Kilham Lane playing field, Branton is owned and managed by Cantley with Branton Parish Council.

The proposal as outlined therefore represents investment in a non Doncaster Council owned asset that will enhance its appeal and promote increased use. This in turn will assist in ensuring that Cantley with Branton Parish Council is meeting the on-going needs of service users.

This Officer Decision Record demonstrates that clear arrangements are in place to ensure effective scheme management and that the ongoing maintenance, upkeep and any other liabilities associated with the improvements are accounted for post handover of the equipment/improvements to the Parish Council.

As such, the proposal as outlined is fully supported from an assets perspective.

**Name:** Gillian Fairbrother (Assets Manager, Project Co-ordinator)

**Signature:** By email **Date:** 21<sup>st</sup> March, 2017

**Signature of Assistant Director of Trading Services and Assets (or representative)**

**Box 11**

**RISK IMPLICATIONS:**

**To be completed by the report author**

Should the decision be taken not to release the Section 106 monies the project will not progress as there are no alternative funding resources identified. This could potentially result in community dissatisfaction as there is a clear desire from the parish council and local community for the scheme to progress.

**Box 12****EQUALITY IMPLICATIONS:**

All equality implications will be considered during the design and delivery of this project to ensure the requirements of those with protected characteristics are taken into account.

**Name:** D Ridge  
**(Report author)**

**Signature:** Electronic Signature **Date:** 07 March 2017

**Box 13****CONSULTATION****Officers**

A Pre-Scheme Site Assessment document has been completed for this location containing observations from the following:

Planning/PROW  
Corporate Health & Safety  
Street Scene  
Public Health  
Programmes  
Assets & Properties  
Pollution Control  
Flood Risk Engineer  
South Yorkshire Police

Specific service comments can be viewed on request within the Pre-Scheme Site Assessment document.

**Parish Council Comments**

The parish council carried out a general consultation with residents in Branton in May 2016 asking specifically whether there was support for new equipment for all ages at Kilham Lane recreation ground.

80 residents supported the idea and 15 did not. Of the 15, 10 supported equipment at Poppyfields, (one resident lived on Kilham Lane and of the remaining nine most lived near Poppyfields). None of the five who did not support the proposal lived either on Kilham Lane or Whiphill Top Lane, the nearest being in the development off Chapel Lane.

Once proposals had been formulated a detailed public consultation was held on 28 January 2017 to enable plans of the proposed type and layout of the equipment to be viewed. Thirty five people attended (a small number were children) and 28 completed forms providing a very positive response. One resident from Kilham Lane did express some concern that the additional equipment could lead to an increase in anti-social behaviour.

The parishes of Auckley, Blaxton and Finningley were contacted to ask if there had been any increase in anti-social behaviour when additional equipment had been installed and none reported any and it was felt the increased provision had a positive



effect on the community.

The addition of the perimeter path was an idea put forward by residents attending the consultation event on 28 January, and also to renovate the existing play area. These were supported by the parish council.

### **Members**

Cllr C McGuinness as portfolio holder has been notified regarding the proposed scheme.

Cllr Richard A Jones

I support the proposals and welcome the principle authorities support; for the enjoyment of our younger generation, providing facilities to enable active participation for their health and wellbeing.

Cllr Steve Cox

I would like to say that it is a fantastic compliment to a great building that is usable by the whole community.

Cllr Jane Cox – No written comments received but supportive of the scheme.

### **Box 14**

#### **INFORMATION NOT FOR PUBLICATION:**

It is in the public's interest to be aware of this decision under the Freedom of Information Act 2000, therefore this decision will be published, with redactions to signatures and information in Appendix 1 under section 43 of the Freedom of Information Act 2000 because this is deemed commercially sensitive information.

**Name: Amy Haughan Signature: by email Date: 30/03/2017  
Signature of FOI Lead Officer for service area where ODR originates**

Box 15

Signed: \_\_\_\_\_

Director/Assistant Director

Date: 30/3/17

Signed: \_\_\_\_\_

Additional Signature of Chief Financial Officer or nominated representative for Capital decisions.

Date: 3/4/17

Signed: \_\_\_\_\_

Signature of Mayor or relevant Cabinet member consulted on the above decision (if required).

Date: 4/4/17

- This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.
- A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.
- A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.
- A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox