

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/126/2017 S106
Grant Barnby Dun & Kirk Sandall Parish Council

Box 1

DIRECTORATE: Adults, Health & Wellbeing

DATE: 06/11/17

Contact Name: David Ridge

Tel. No.: 735925

Subject Matter: Section 106 Funded Grant to Barnby Dun with Kirk Sandall Parish Council for Public Open Space Improvements

Box 2

DECISION TAKEN:

1. To approve a grant of up to £24,056.00 to Barnby Dun with Kirk Sandall Parish Council for green space improvements to two sites under the responsibility of the Parish Council, namely The Barnby Dun Sports Association Field and Parish Hall Field, in accordance with the Section 106 Agreement for the Maltings Development (14/00157/WCC).
2. To include the grant in the Adults, Health & Wellbeing Capital Programme.

Box 3

REASON FOR THE DECISION:

The Section 106 Agreement (14/00157/WCC) relating to land at The Maltings, dated 23 Oct 2015, includes an open space covenant, which makes provision for the open space commuted sum to be used for:

- Improvements of children's play facilities at the Parish Field rear of Barnby Dun Parish Hall, and/or
- The improvements of sports pitch facilities associated with Kirk Sandall with Barnby Dun Sports Association.

The agreement states that the commuted sum cannot be used for any other purposes.

The Parish Council owns and is responsible for both receptor sites and will work in conjunction with the Sports Association and the Barnby Dun Rangers, who have developed the ideas for improvements to be delivered at each location.

Each site project will receive up to 50% of the total commuted sum funding available (£12,028 per project)

The grant will be administered through an appropriate funding agreement between Doncaster Council and the Parish Council.

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

This option is the only option that enables compliance with the requirements of the Section 106 Agreement.

Box 5**LEGAL IMPLICATIONS:**

Section 1 of the Localism Act 2011 provides the Council with the general power of competence which allows a Council to do anything which an individual may generally do.

A grant for the improvement of children's play and sport pitch facilities would fall within these powers. Furthermore the grant of monies for these purposes is in compliance with the Section 106 Agreement, in relation to the land at the Maltings, Doncaster Road, Kirk Sandall.

A formal legally binding grant agreement will need to be put in place to ensure that the Council's interests are protected.

Barnby Dun with Kirk Sandall Parish Council will need to certify that they are below the De Minimis level for State Aid, as part of the legal grant agreement which will be completed.

The report author should ensure that the Parish Council contractually commit to the delivery of timed outputs as part of this Agreement.

Name: Debra Buckingham **Signature:** Debra Buckingham **Date:** 10.11.17
Signature of Assistant Director of Legal and Democratic Services (or representative)

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

The approved 2017/18 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 Adults, Health & Wellbeing 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 Barnby Dun Parish Hall Field and Kirk Sandall with Barnby Dun sports Association Improvement Scheme, detailed in the report above, will be £24,056. No contingency has been included in this figure because this is a contribution to the scheme.

The proposed grant for Barnby Dun with Kirk Sandall Parish Council is for improvements to the children's play facilities and sports pitches, this will be funded from Section 106 monies. Each site will receive 50% of the total funding (12,028) per project. The Parish Council will be fully responsible for the ongoing maintenance once completed.

In line with financial procedure rules E14-16 relating to 3rd 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 project's use.

Name: Cheryl Slade **Signature:** C Slade/FM-AHWB **Date:** 15/11/17
Signature of Assistant Director of Finance & Performance
(or representative)

Planning Reference: 14/00157/WCC

There is currently a balance of £24,056.00 on the above planning reference, a commuted sum received in relation to the development at the Maltings, Doncaster Road, Barnby Dun. This project seeks to use the remaining £24,056 and, if approved, would leave a nil balance.

The Council currently holds the monies as £22,853 available for projects and £1,203 ring-fenced for the Council's costs in negotiating, administering, monitoring and collecting payments attributable to this and any other agreement completed by the Council pursuant to S106 of the Town and Country Planning Act. The Council is free to un-ring-fence the latter sum and apply the full balance for the purpose of this grant award. Use of the overall pot of "admin" monies is under consideration but no formal commitments have been made; approval of this ODR will confirm the intention to release £1,203 of the ring-fenced monies towards funding for this grant, leaving

£26,666 of Public Open Space monies available for “admin” purposes.

The award of £24,056 to Barnby Dun with Kirk Sandall Parish Council constitutes a grant to an outside body. In respect of a grant of this value, Financial Procedure Rules require that the ODR be signed by the respective Director. The Director must also ensure that the Council’s interests are protected at all times and must be in a position to provide assurance that the requirements of Financial Procedure Rule E15, relating to external funding, have been met before any grant is actually made.

[redaction]

Name: Dave Rosser Signature: Date: 13/11/17
Signature of Assistant Director of Finance & Performance
(or representative)

Box 7
HUMAN RESOURCE IMPLICATIONS:

There are no Human Resources Implications.

Name: Kelly Wilks Signature: By Email Date: 14th November 2017
Signature of Assistant Director of Human Resources and Communications (or representative)

Box 8
PROCUREMENT IMPLICATIONS:

As highlighted within the report the Council is to provide a grant to the Parish Council for the delivery of the open space improvements and thus sits outside of the Council’s Contract procedure rules.

The Parish Council however has a duty to ensure that all public monies are spent efficiently and transparently and therefore must ensure all procurement activity is carried out due diligently and in the interests of best value.

[redaction]

Name: S Duffield Signature: Date: 09/11/17
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 (Governance & Support Manager)
Signature: [redaction] Date: 09/11/17
Signature of Assistant Director of Customers, Digital & ICT (or representative)

Box 10**ASSET IMPLICATIONS:**

The sites that will benefit from the S106 funding have been confirmed to be held in the ownership of Barnby Dun with Kirk Sandall Parish Council. As such, there are no implications arising from the recommendations of this report that impact on the use of Doncaster Council assets.

Name: Gillian Fairbrother (Principal Property Surveyor)

Signature: By email

Date: 9th November, 2017

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

Box 11**RISK IMPLICATIONS:**

By not taking this decision the Council will be unable to comply with the requirements of the Section 106 Agreement and run the risk of having to repay the commuted sum back to the developer. This in turn will stop the improvements from going ahead.

Box 12**EQUALITY IMPLICATIONS:**

We are aware of the Equality Act 2010 and the Council's commitment to show 'due regard' to the need to eliminate discrimination, harassment, and victimisation and other conduct prohibited under the Act.

The taking of this decision complies with the requirements of the said Section 106 Agreement in that it approves the giving of a grant to a third party and in doing so it is considered there are no implications associated with equality by the giving of the grant.

Name: Dave Ridge **Signature:** By email **Date:** 06/11/17
(Report author)

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

Discussions have taken place with the Programmes team staff in relation to the Section 106 commuted sum.

Members

Please list any comments from Members below:

The use of said funding is supported by the local elected members and Parish Council.

Cllr Chris McGuinness has been informed as appropriate portfolio lead.

Box 14

INFORMATION NOT FOR PUBLICATION:

In accordance with the Freedom of Information Act 2000, it is in the Public's interests for this decision to be published in full, redacting only the signatures.

Name: Gillian Parker_ Signature: _by email_ Date: 16/11/2017
Signature of FOI Lead Officer for service area where ODR originates

Box 15

[redaction]

Signed: _____ Date: 20/11/2017
Director of People Damian Allen

[redaction]

Signed: _____ Date: 21/11/2017
Steve Mawson Chief Financial Officer & Assistant Director Finance.

[redaction]

Signed: _____ Date: 21/11/2017
Signature of Mayor or relevant Cabinet Member, Cllr C. McGuinness,
consulted on the above decision (if required).

- 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