

## 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/054/2017

### Box 1

**DIRECTORATE:** AH&WB

**DATE:** 29<sup>th</sup> June 2017

**Contact Name:** Natasha Mead

**Tel. No:** 01302 862393

**Subject Matter:** Bentley Miner's Welfare (AFC Bentley) – Section 106

### Box 2

#### DECISION TAKEN:

To approve an allocation of £10,000 of Section 106 money, as a contribution towards the provision of a replacement clubhouse at Bentley Miners Welfare, The Avenue, Bentley. The funds to be allocated are from the S106 Agreement relating to Planning Application 97/3516/P - The Avenue, Bentley.

### Box 3

#### REASON FOR THE DECISION:

Bentley Miners Welfare is a CISWO owned recreational facility used by AFC Bentley as the home for the first team (a men's Step 7 Club), the reserve team plus the U15s, U16s, U17s and U18s. AFC Bentley also use two other local sites to house the other 10 of its 16 teams:

High Street School, Bentley -U7s, U8s, U9s, U10s, U11s, U12s, U13s x 2 teams.  
Bentley New Village School - U14s and over 35s.

AFC Bentley is a not for profit voluntary organisation run by local people. The structure of the club has been given very careful consideration to support their aim of producing their own players. That is the ethos of the Club from U7 right the way through to adult football.

Bentley Miner's Welfare is also used on Saturday mornings to run 'free' training and taster sessions for 4 - 6 year olds, engaging and encouraging young children to be involved in team sport. All the fully qualified club coaches help with this. The Avenue is an ideal venue as the Club can offer tea, coffee and shelter for the parents or guardians.

It is at this site that a new clubhouse is needed, incorporating changing facilities, a small kitchen and a club room which will be used for meetings etc. AFC Bentley has been granted planning permission under planning application 16/01437/FUL to demolish the existing clubhouse and erect a new one.

With the support of Sheffield & Hallamshire County FA, a joint application was made by AFC Bentley and Bentley Miners Welfare to The Football Stadia Improvement Fund (FSIF) for a grant to replace the clubhouse. On 21<sup>st</sup> June 2017, they received written confirmation from FSIF that their application had been successful and a grant of £50,000 was offered, being 61% of the total cost of the new clubhouse, subject to them being able to evidence they had the rest of the funding secured. The estimated cost of the new facility is £81,852 including contingency costs. The JET Social Club, which is based on the Welfare Ground, has committed to fund up to £21,852 and this ODR is seeking approval to allocate £10,000 of S106 funds attached to planning reference 97/3516/P to fund the shortfall.

Following ODR approval, a S106 Funding Agreement for a Small Grant will be drawn up between AFC Bentley, Bentley Miners Welfare and Doncaster Council to ensure the money is spent appropriately.

#### **Box 4**

##### **OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:**

###### Option 1 – To Grant the Money to the Project

To grant the above money would mean AFC Bentley and Bentley Miners Welfare would be able to secure FSIF funding to erect a new clubhouse on Bentley Miners Welfare site, The Avenue, Bentley.

This would improve facilities for AFC Bentley, impact on the 6 teams, their families, future generations and the wider community, improving aspirations etc.

###### Option 2 – To do nothing

To do nothing would mean that the facilities would remain in their dilapidated state. This could result in the club having to find facilities out of area, potentially meaning that the most deprived children are not able to access it. It is also possible that the club could eventually fold.

#### **Box 5**

##### **LEGAL IMPLICATIONS:**

The relevant section 106 obligation provides for the Public open space sum to be spend in part funding the provision of recreational facilities within the Bentley ward and more particularly within a specific area identified within the agreement itself. The decision maker should be satisfied that the spending of the monies for the purposes indicated within the ODR meet the provision of recreational facilities.

Legal advice should be sought at the time of entering into the funding arrangement and appropriate legal documentation drawn up to ensure that the monies are spent appropriately and in accordance with the terms of the funding

**Name:** Karen Winnard **Signature:** By email **Date:** 10<sup>th</sup> July 2017

**Signature of Assistant Director of Legal and Democratic Services (or representative)**

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

If approved, the value of the Council's contribution towards the provision of a replacement clubhouse at Bentley Miners Welfare will be £10k. With the overall project being undertaken by AFC Bentley and Bentley Miners Welfare this will be deemed a grant to a third party. For a grant of this value FPR's require that the ODR will need to be signed by the respective Director.

The contribution is intended to be met from S106 funding relating to Planning Application 97/3516/P - The Avenue, Bentley. To date, this has a balance of £178k but is all currently shown committed to other projects; however, one of those projects (the redevelopment of the CISWO land at The Avenue Bentley) is expected to have an under-spend of up to £80k. Approval of this ODR will allow £10k of that underspend to be earmarked for the contribution towards the replacement clubhouse with the balance of the under-spend being returned to the pot for re-allocation when the final value has been fully determined. As this is being undertaken as a separate grant award, the agreement relating to the original project will also need amending to formally reflect the reduction in funds available to it.

The S106 contribution is time limited and must be spent within five years of receipt, i.e. by the close of 2015/16 financial year. Any sum not expended by that date might need to be repaid to the developer and would include this grant award. Although the original project for redevelopment of the CISWO land was approved in 2015/16 it included elements that would take place outside of the timescale – this risk over these monies at that time was accepted by Cabinet as part of that approval. To date, very few developers have requested details of expenditure against their S106 contributions and, although not provided for in the agreement, formal commitment against a project might satisfy a developer in this regard. As a result, the risk of claw-back is still considered low. If claw back occurs the Council would have to identify replacement funding to honour the original commitments but with the awarding of a separate grant there is an opportunity to pass the claw back risk onto the grant recipients.

In giving the grant, the respective Director must ensure that the Council's interests are protected at all times and be in a position to provide assurance that the requirements of FPR E.15 will be met before any grant or other assistance is actually made. FPR E.15 prescribes the minimum requirement for the administration and due diligence relating to the grant, which should include: -

- the drawing up of a suitable funding agreement with the recipients;
- assurance that other funding necessary for the delivery of the wider project is in place;
- responsibility for any project overspend rests with the recipients and that they have the capacity to deal with it should that occur (i.e. so the Council's contribution is not made to a project that cannot be finished);
- cover for the risk of claw back by the developer (e.g. pass on to the recipients if possible);
- treatment of VAT – the Council expects that the grant award is outside the scope of VAT and any arising from the clubhouse development is the responsibility of the grant recipients.

[redaction]

**Name: Dave Rosser Signature:**  
**Signature of Assistant Director of Finance & Performance**  
**(or representative)**

**Date: 30<sup>th</sup> June 2017**

**Box 7**

**HUMAN RESOURCE IMPLICATIONS:**

There are no immediate HR implications associated with this report.

[redaction]

**Name: Kevin Mills Signature:**  
**Signature of Assistant Director of Human Resources and Communications**  
**(or representative)**

**Date: 29th June 2017**

**Box 8**

**PROCUREMENT IMPLICATIONS:**

There are no direct procurement implications associated with the allocation of S106 grant funding to this project. The Council will, through the drafting of the funding agreement need to ensure that public monies are being spent efficiently and in the interests of best value.

[redaction]

**Name: S Duffield Signature:**  
**Signature of Assistant Director of Finance & Performance**  
**(or representative)**

**Date: 10/07/17**

**Box 9**

**ICT IMPLICATIONS:**

There are no ICT implications associated with this decision.

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

**Signature:** [redaction]

**Date: 05/07/17**

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

**Box 10**

**ASSET IMPLICATIONS:**

There are no implications arising from the recommendations of this report that impact on the use of DMBC assets.

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

**Signature:** By email                      **Date:** 29<sup>th</sup> June, 2017

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

**Box 11**

**RISK IMPLICATIONS:**

**To be completed by the report author**

There is a risk that the money would not be spent on what has been agreed. However, following this ODR being signed, a S106 Small Grant Funding Agreement will be completed, ensuring compliance with DMBC's stipulations for the money.

Failure to approve this ODR could result in the S106 money, already previously allocated to another project and unspent, being lost due to the time restraints.

There is a risk that if AFC Bentley are not granted this money to improve and replace their facilities, that they would no longer be able to run the club or that out of area facilities would need to be found.

**(Explain the impact of not taking this decision and in the case of capital schemes, any risks associated with the delivery of the project)**

**Box 12**

**EQUALITY IMPLICATIONS:**

**To be completed by the report author**

There are no negative equality implications relating to these proposals. AFC Bentley is open to all.

[redaction]

**Name:** Natasha Mead   **Signature:** \_\_\_\_\_   **Date:** 20<sup>th</sup> March 2017  
**(Report author)**

**Box 13**  
**CONSULTATION**

**Officers**

**(In addition to Finance, Legal and Human Resource implications and Procurement implications where necessary, please list below any other teams consulted on this decision, together with their comments)**

The Communities Area team are aware of the above plans and no concerns have been raised.

**Members**

**Under the Scheme of delegation, officers are responsible for day to day operational matters as well as implementing decisions that have been taken by Council, Cabinet, Committee or individual Cabinet members. Further consultation with Members is not ordinarily required. However, where an ODR relates to a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member before exercising the delegated powers. In appropriate cases, officers will also need to consult with the Chair of Council, Committee Chairs or the Chair of an Overview and Scrutiny Panel as required. Officers shall also ensure that local Members are kept informed of matters affecting their Wards.**

**Please list any comments from Members below:**

The 3 elected Members for the Bentley Ward have identified this work as a priority for their area and have asked for this to be put forward.

**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: <sup>[redaction]</sup> Date: 18/07/2017  
Signature of FOI Lead Officer ~~for~~ service area where ODR originates

**Box 15**

**Signed:** \_\_\_\_\_  
**Director/Assistant Director**

**Date:** 18/7/17

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Additional Signature of Chief Financial Officer or nominated representative for Capital decisions.**

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Signature of Mayor or relevant Cabinet Member 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**

