

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/064/2017 Provision
of zebra crossing at Melton
Road, Sprotbrough

Box 1

DIRECTORATE: Adults, Health and Wellbeing

DATE: 30 June 2017

Contact Name: Steve Thomas

Tel. No.: 07717 701347

Subject Matter: Provision of zebra crossing at Melton Road, Sprotbrough

Box 2

DECISION TAKEN:

1. To approve the provision of a zebra crossing at Melton Road, Sprotbrough part funded by £11,000 of Section 106 monies from Planning Reference 11/03071/OUT.
2. To approve the scheme delivery inclusive of contract management/tender/contract award.
3. To include the scheme in the Adults and Communities Capital Programme.

Box 3

REASON FOR THE DECISION:

Give relevant background information

The Sprotbrough Ward has Section 106 monies of £11,000 from the Roe Croft Close/Stone Cross Drive development. Planning reference 11/03071/OUT.

The wording in the planning agreement states 'for the creation of public open space or for the enhancement of an area of existing public open space within the ward.

Elected Members, the Stronger Communities Team and the Parish Council have for some time been supportive of a zebra crossing being installed at this location. It is seen as a way to encourage increased footfall and better utilisation of a public open space area in close proximity to Melton Road by achieving a safer method of access across a busy road.

Several site visits have taken place between Ward Members and Council officers leading to the agreement to progress this project subject to Council approval.

It is estimated that ongoing maintenance costs will be in the region of £100 per annum which will be funded from Highways budget.

The use of identified Section 106 monies to fund this scheme would mean that there would be no call or pressure on Council resources.

Sprotbrough Parish Council has agreed to contribute £19,000 to the scheme. The provisional budget estimate is £30,000, assuming there would be no major conflicts with statutory undertakers' equipment (BT, gas, water, etc) in the highway. It has not been possible to identify any additional funding for contingencies should the cost estimate be exceeded.

Box 4

OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:

If other options were considered, please specify and give reasons for recommended option

No other options considered. Should the scheme not be delivered the area would remain without a formal crossing which is a clear desire of many local residents the Parish Council and Ward Members.

Box 5

LEGAL IMPLICATIONS:

The identified section 106 obligation specifically requires the Council to use the monies on the creation of a suitable area of public open space or the enhancement of an area of existing public open space and for no other purpose. Spending of the monies on a zebra crossing would put the Authority at risk of action from the developers for breach of the agreement.

In addition the decision maker should be aware of the comments of the Highways Officer who advise that the provision of a formal pedestrian crossing facility on Melton Road is not justified and could introduce collision problems resulting from misuse by road users, and leading to an adverse impact on the excellent long term pedestrian safety record.

Name: Karen Winnard Signature: by email Date: 20.07.17

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 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. 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.

The cost of the Zebra Crossing is estimated to be £30,153, of which £11,153 will be funded from S106 monies which is all expected to be spent in 2017/18 with a contribution of £19,000 from the Sprotbrough Parish Council. There is no contingency including in this figure, therefore if costs go above this rate then additional funding will need to be identified. Alternatively this will be a pressure for AHWB.

Ongoing maintenance is expected to be contained within existing highway budgets and is estimated to cost £100 per annum.

Name: Cheryl Slade **Signature:** C Slade **Date:** 25/07/17
Signature of Assistant Director of Finance & Performance
(or representative)

Planning Reference: 11/03071/OUT

There is currently a balance of £11,153 on the above planning reference, a commuted sum received in relation to a development at Roe Croft Close/Stone Cross Drive, Sprotbrough. This ODR seeks to use the full remaining value on this project.

Although no specific claw back conditions are included in the agreement, the Council has a covenant to use the contribution for creation of a suitable area of public open space or the enhancement of an area of existing public open space within the vicinity of the development and for no other purpose. The developer may consider the use of these monies for the purpose of this ODR as a breach of that covenant and could be entitled to claw back of the funds; or the Council might be required to find alternative funds to meet its obligations under the agreement. To date, very few developers have invoked claw back in relation to a S106 agreement, so the risk of this happening is low. Project Officer's should consider whether any liability for claw back should be passed on to the Parish Council as a major promoter of the scheme; otherwise any claw back or need for alternative funds that does ensue would be a pressure on AHWB budgets.

[redaction]

Name: Dave Rosser **Signature:** **Date:** 26th July 2017
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:** 24th July 2017

Signature of Assistant Director of Human Resources and Communications (or representative)

Box 8**PROCUREMENT IMPLICATIONS:**

The commissioning of a zebra crossing as detailed within the body of the report must adhere to the Councils contract procedure rules and in the first instance look to be carried out by the in house highways teams.

Where this is not possible, suitable quotations must be obtained and where ever possible at least one local company must be invited to submit a quote.

Where an external provider route is pursued then the author must ensure a suitable contract drafted by Legal service is issued at tender stage.

Upon completion of the exercise a suitable contract award notice must be completed (in house provider excluded).

[redaction]



Name: S Duffield **Signature:**

Date: 25/07/17

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 (ICT Strategy Programme Manager)

Signature: [redaction] **Date:** 25/07/17

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:** 27th July, 2017

Services and Assets (or representative)

Box 11

RISK IMPLICATIONS:

To be completed by the report author

To not approve the scheme using Section 106 monies would mean that the scheme would not go ahead as there are no other funds available.

(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

The Council has an obligation under the Public Sector Equality Duty to show 'Due Regard' in its decision making process. In terms of the decision being requested as part of this process, there are no implications that negatively impact on any of the protected characteristics covered by this legislation.

[redaction]

Name: Steve Thomas__ **Signature:** _____ **Date:** 30/06/2017__
(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 results of Highways Department assessments undertaken in the area and road casualty analysis demonstrate that in terms of vehicle and pedestrian demand and the long term pedestrian casualty record, the provision of a formal pedestrian crossing facility on Melton Road is not justified.

The provision of a crossing facility could introduce collision problems resulting from misuse by road users, leading to an adverse impact on the excellent long term pedestrian safety record.'

Highways have consulted with local residents who reside closest to the site in question. The only concern that was raised was in relation to potential of light pollution from the crossing lights, residents were assured that defectors would be fitted which will mitigate the issue.

However we understand this is a Community priority for the area.

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 Parish Council, Local Ward Members and Stronger Communities Team are all very much in support of the scheme.

**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: ^[redaction] Date: 03/08/2017
Signature of FOI Lead Officer for service area where ODR originates

Box 1 [redaction]

Signed: _____ **Date:** 2/10/17
Director Damian Allen

Signed: _____ **Date:** _____
Additional Signature of Chief Financial Officer or nominated
representative for Capital decisions (if required)

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