

CABINET SPOKESPERSON FOR PLACE

Record of a decision taken on

Section 106 Allocation Brierley Playmates Nursery**Subject**

This report seeks approval for the allocation of Section 106 monies as set out in the recommendation section of this report.

Key Risks Associated with the Proposed Action

The proposed scheme is considered to be viable from a delivery perspective. The approval report does identify risks which may arise during the delivery phase of the project. It is however anticipated that identified risks can be effectively mitigated through the formal project management arrangements established in relation to delivery. Risk areas include:

Risk Description	Solution/ Mitigation	Risk Level
There is a risk that developers may request the return of monies if the proposals contained within this report are not progressed.	The proposals contained within this report will directly mitigate this risk through the establishment of deliverable schemes.	Low

Recommendation

It is recommended that:

- **£12,000 of S106 monies is allocated as a contribution to the improvement of this well-used facility.**

Decision / Comments of the Cabinet Spokesperson

Recommendation approved by Cabinet Spokesperson



 (Signed) Cabinet Spokesperson

7/8/18

 Date

BARNSLEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the council's definition and has not been included in the relevant Forward Plan

Report of Executive Director, Place

Section 106 Allocations Brierley Playmates Pre-school Nursery

1. Purpose of report

- 1.1 This report seeks approval for the allocation of Section 106 monies as set out in the recommendations section of this report.

2. Recommendations

2.1 It is recommended that:

- **£12,000 of S106 monies is allocated as a contribution to the improvement of this well-used facility.**

3. Introduction

- 3.1 This report relates to monies totalling £12,000 in the form of a Community Facilities Contribution which has been received from the S106 Legal Agreement relating to planning application 2010/0432 Brierley Hall. The defined spend condition contained within this legal agreement is specified as:

Towards the construction improvement or maintenance of community facilities in the administrative area of Brierley Town Council.

- 3.2 The proposed allocation will enhance and provide long term sustainability of a much used community asset within the local area. The proposal is therefore deemed to be compliant with the terms of the legal agreement.
- 3.3 The proposals contained within this report are also deemed to be compliant with the CIL Regulations as adopted 1st April 2015 where no more than 5 legal agreements can be pooled to fund site infrastructure. Other S106 allocations to the site contained within this report on or after 6th April 2010 are shown in Appendix B of this report.
- 3.4 The nursery was established in August 1993 and is a registered charity whose committee are responsible for the financial accounting, the supply of resources and the recruitment of staff. Parents and carers are welcome to support their management and staff teams.

3.5 Brierley Playmates Pre-school Nursery work closely with local schools, and Family Services, they are a registered member of Pre-School Learning Alliance and work in accordance to current legislation being regulated by Ofsted

3.6 The roof of this much loved facility is leaking causing water damage to the internal walls and ceilings and requires urgent repairs.

4. Consideration of alternative approaches

4.1 This report has been prepared within the agreed protocols established for the progression of S106 related projects within the Council.

5. Proposal and justification

5.1 The roof is in a dire state and it is feared that it will not last another winter leading to the closure of the building if not renewed. It is proposed to make the roof water tight.

5.2 The cost of the full roof repairs would be £12,000

6. Implications for local people / service users

6.1 The proposals contained in this report will deliver significant benefits for local residents through the retention of a much used community facility.

Project benefits:

- Improved health and wellbeing
- People volunteering and contributing towards stronger communities
- Improved community asset
- Stronger and more resilient communities

7. Financial implications

7.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).

7.2 Section 106 monies totalling £12,000 as a Community Facilities contribution are available to fund the provision of the scheme identified within this report through the S106 legal agreement established through planning permission for planning application 2010/0432 (Brierley Hall).

7.3 There are no limits on when the Section 106 monies from this development must be spent.

7.4 Expenditure identified within this scheme will be managed within the resources available.

7.5 The financial implications relating to this proposal are shown in Appendix A to this report.

8. Employee implications

8.1 There are no employee implications arising through this proposal.

9. Communications implications

9.1 There are no communications implications.

10. Consultations

10.1 Consultations have taken place with colleagues within Finance, Safer, Stronger & Healthier Communities, Economic Development, and Legal Services.

10.2 Local Councillors within the North East Ward have been consulted and are supportive of the proposal.

11. Community Strategy and the Council's Performance Management Framework

11.1 The proposals contained within this report will have a direct contribution to the Council priorities:

- Thriving and vibrant economy
- People achieving their potential
- Strong and resilient communities

13. Risk Management Issues

13.1 A high level analysis of risks assessment has been carried out and can be found below. The overall risk assessment of this proposal is low. Formal risk management arrangements will be established and managed through the delivery project.

Risk Description	Solution/ Mitigation	Risk Level
There is a risk that developers may request the return of monies if the proposals contained within this report are not progressed.	The proposals contained within this report will directly mitigate this risk through the establishment of deliverable schemes.	Low

14. Promoting Equality & Diversity and Social Inclusion

14.1 Equality and Diversity requirements will be factored into the design of the individual delivery schemes.

15. List of Appendices

- Appendix A - Financial Implications
- Appendix B - CIL Regulation Assessment

16. Glossary

- BMBC - Barnsley Metropolitan Borough Council
- CIL - Community Infrastructure Levy

Office Contact: David C Gill Telephone No: 01226 775551 Date: 13/07/2018

Financial Implications / Consultation Date:

Consultations have taken place with representatives of the Acting Executive Director, Finance

Appendix B – CIL Regulation Assessments


Brierley Community Pavilion		
Infrastructure	Spend	S106 Legal Agreement
Traditional park infrastructure (paths, boundary treatments, bins, signage, gateway improvements, benches etc.)	£0	None
Child and Youth Facilities	£0	None
Sports Provision/Formal Recreation	£0	None
Biodiversity Improvements	£0	None
Community Facility	£0	None

Report of the Executive Director Place

FINANCIAL IMPLICATIONS

<u>i) Capital Expenditure</u>	<u>2018/19</u> £	<u>2019/20</u> £	<u>2020/21</u> £	<u>2021/22</u> £
Contribution towards the Improvement of Brierley Playmates Pre-School Nursery.	12,000			
	<u>12,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
To be financed from:				
Section 106 planning permission 2010/0432 - Brierley Hall.	12,000			
	<u>12,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
 <u>ii) Revenue Effects</u>	<u>2018/19</u> (£)	<u>2019/20</u> (£)	<u>2020/21</u> (£)	<u>2021/22</u> (£)
	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
To be financed from:				
	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

<p>Impact on Medium Term Financial Strategy</p> <p>Not applicable in this report</p>

<p>Agreed by: On behalf of the Service Director-Finance, Section 151 Officer</p> <p>Date: 03.08.2018</p>
