

# Allocation and Release of Section 106 funding to Southborough Town Council.

For Cabinet Member for Leisure, Wellbeing and Culture.

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## Summary

**Lead Member:** Cllr Wendy Fitzsimmons

**Lead Director:** Paul Taylor

**Head of Service:** Gary Stevenson

**Report Author:** Peter Every

**Classification:** Public document (non-exempt)

**Wards Affected:** Southborough

| Approval Timetable      | Date            |
|-------------------------|-----------------|
|                         |                 |
| Cabinet Member          | 20 January 2023 |
| Report Published        | 27 January 2023 |
| Decision due not before | 6 February 2023 |

## Recommendations

Officer recommendations to as supported by the Cabinet Member:

1. That £8,113.47 of developer contribution received through planning obligation 12/03496 at Vauxhall Lane Southborough is released and allocated to Southborough Town Council towards the refurbishment of Pennington Grounds play area on Pennington Road.

# **1. Introduction and Background**

- 1.1 Southborough Town Council have submitted a request for the release of Section 106 funds held by the Council from the development at Vauxhall Lane Southborough (reference 12/03496) The description set out in the associated S106 agreement was for funding towards children's play space the refurbishment of recreation facilities.
- 1.2 Contributions have been held by Tunbridge Wells Borough Council pending Southborough Town Council identifying a suitable project to allocate the funds.
- 1.3 A project has been identified and relates to the refurbishment and the purchase of new play equipment including the supply and installation of new swings in line with the requirement of the S106 agreement.
- 1.4 Southborough Town Council obtained three quotes in line with the Council's financial regulations and standing orders and accepted the quotes offering the best value.
- 1.5 Southborough Town Council are seeking the release of £8,113.47 of developer contributions relating to the development at Vauxhall Lane, Southborough. The total cost of the work is £38,218.75 with the remainder being met through Southborough Town Council budgeted funds.

# **2. Options Considered**

- 2.1 Do Nothing – however the wording of the agreement is specific towards its use for the provision of children's play.
- 2.2 Agree to the request - the project meets the terms of the S106 agreement and allocate the funds to Southborough Town Council.

# **3. Preferred Option and Reason**

- 2.1 The recommended and most durable option is to allocate the funds and contribute towards the project set out by Southborough Town Council. This project will refurbish and extend the life of the Pennington Grounds play area.

## **4. Consultation on Options**

- 2.1 Southborough Town Council conducted a six-week consultation exercise seeking the views of residents on the proposed work via online and in person survey.

## **5. Cross Cutting Issues**

### **A. Legal (including the Human Rights Act)**

Planning obligations provide a mechanism for collecting contributions from developers through the planning process. Section 106 contributions may only be used for the purpose specified in the deed.

Any release of funds should be subject to the conditions set out in the S106 deed being met in full and any necessary agreements or contracts entered into on release of the contributions must be in accordance with the Council's Contract Procedure Rules and should be in a form approved by the Head of the Mid Kent Legal Partnership

Tracey Wagstaff Senior Planning Lawyer Mid Kent Legal Services 05 01 2022

### **B. Finance and Other Resources**

The Section 106 funds have been received and can be used for this purpose. The ongoing maintenance of the equipment is the responsibility of Southborough Town Council.

Clare Hazard Accountancy Manager 3<sup>rd</sup> January 2023

### **C. Staffing**

There are no staffing implications for Tunbridge Wells Borough Council

Peter Every – Parks and Sports Team Leader. 19 December 2022

### **D. Risk Management**

The project is being undertaken by Southborough Town Council therefore no risk to Tunbridge Wells Borough Council.

Peter Every – Parks and Sports Team Leader. 19 Dec 2022

## **E. Environment (inc. Biodiversity) and Sustainability**

This report relates to the refurbishment of equipment extend the lifespan of the play area. The work will prevent further deterioration and early replacement. The works are outside of the scope of the borough council's carbon reduction commitment.

Peter Every – Parks and Sports Team Leader 19 Dec 2022.

## **F. Community Safety**

No community safety issues identified.

Peter Every – Parks and Sports Team Leader 19 December 2022

## **G. Equalities**

Decision-makers are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper could directly impact on end users. The Public Sector Equality Duty applies to Parish and Town Councils. Southborough Town Council will be responsible for demonstrating due regard to this in any works or development they carry out.

Sarah Lavallie Corporate Governance Officer 19 December 2022

## **H. Data Protection**

No data protection issues relating to this report.

Peter Every – Parks and Sports Team Leader 19 December 2022

## **I. Health and Safety**

There are no Health and Safety concerns connected to this report.

Mike Catling Corporate Health and Safety Advisor 3<sup>rd</sup> January 2023

## **J. Health and Wellbeing**

Releasing these funds for playground repairs will support the increase of physical activity and outdoor play for children in the local area. This will provide parents and families with a safe outdoor space for their children.

Peter Every – Parks and Sports Team Leader 19 December 2022