

Release of Section 106 funds to Cranbrook and Sissinghurst Parish Council for Replacement of Play Equipment to The Ball Field Cranbrook

For Cabinet Member for Culture and Leisure

Summary

Lead Member: Councillor Wendy Fitzsimmons Portfolio Holder for Culture and Leisure

Lead Director: Paul Taylor

Head of Service: Gary Stevenson

Report Author: Peter Every

Classification: Public document (non-exempt)

Wards Affected: Cranbrook and Sissinghurst

Approval Timetable	Date
Cabinet Member	23 January 2023
Report Published	27 January 2023
Decision due not before	6 February 2023

Recommendations

Officer recommendation as supported by the Cabinet Member:

1. That £14,958.13 of developer contributions, received through a planning obligation 19/02136/FULL Dulwich Preparatory School Cranbrook, is allocated and released to Cranbrook and Sissinghurst Parish Council towards the replacement of Children's Play equipment in The Ball Field, Cranbrook.

1. Introduction and Background

- 1.1 This report seeks Cabinet Member approval to allocate £14,958.13 of Section 106 funding to Cranbrook and Sissinghurst Parish Council towards the upgrading and provision of children's play equipment at Ball Field Play Area Jockey Lane Cranbrook.
- 1.2 The funding comes from a payment of £14,958.13 received through a planning obligation for Dulwich Preparatory School Cranbrook, planning reference 19/02136/FULL
- 1.3 Contributions have been held by Tunbridge Wells Borough Council pending Cranbrook and Sissinghurst Parish Council identifying a suitable project to allocate the funds
- 1.4 The agreement for Dulwich Preparatory School indicated that the funds should be used towards the upgrading and provision of children's play equipment at Ball Field Play Area Jockey Lane.
- 1.5 Cranbrook and Sissinghurst Parish Council engaged ROSPA to review the existing play equipment at the site with the result the multi play unit was condemned and unsafe to use
- 1.7 Cranbrook and Sissinghurst Parish Council proposal consists of the following equipment
 - Supply and install a Biba tube multiplayer unit supplied by Prelude Play.
 - Associated wetpour safety surfacing.
 - Groundworks to remove existing equipment.

Total cost £41,259.44

- 1.8 The Parish Council followed their procurement rules and obtained two quotes from reputable play equipment suppliers for replacement equipment accepting the lowest quote of £41,259.44
- 1.9 Cranbrook and Sissinghurst Parish Council are seeking the release of £14,958.13 of developer contributions relating to the development at Dulwich Preparatory School planning reference 19/02136/FULL as a contribution towards the total cost of the project with the remainder being funded by Cranbrook and Sissinghurst Parish Council.

2 Options Considered

- 2.1 Do nothing – this is not an option as the agreement is specific towards the use of the funding and this proposal meets the requirement of the planning obligation.
- 2.2 Proceed, allocate and release the funding to Cranbrook and Sissinghurst Parish Council to contribute to the total cost of the replacement play equipment.

3 Preferred Option and Reason

- 3.1 The recommended and most durable option is to allocate the funds and contribute towards the purchase and installation of the play equipment. This will upgrade the play area and provide increased opportunities for interactive and social play. It does not create an ongoing revenue commitment for the Borough Council.

4 Consultation on Options

- 4.8 Cranbrook and Sissinghurst Parish Council has consulted with local users and carried out a tender exercise to select their preferred supplier.

5 Implementation

- 5.8 Cranbrook and Sissinghurst Parish Council will carry out all communication in connection with the work to be carried out via notices displayed in the play area and the parish newsletter.

6 Appendices and Background Documents

None

7 Cross Cutting Issues

A. Legal (including the Human Rights Act)

Section 106 planning obligation agreements 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 agreement. The report states that the proposed use for the contributions in this instance are in accordance with the terms of the agreement and the funding can be utilised as proposed.

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 Legal Partnership

Tracey Wagstaff Senior Planning Lawyer Mid Kent Legal Services 14 09 2021

B. Finance and Other Resources

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

Clare Hazard Accountancy Manager 16.09.21

C. Staffing

No staffing issues

Nicky Carter Head of Human Resources, Customer Services and Culture.

03.09.21

D. Risk Management

Upgrading the quality of play equipment reduces potential risks to users, including reducing both the chance of injury and the potential severity of injury to users. These works will also reduce the likelihood of insurance claims against the council from any injured parties.

Mike Catling, Health and Safety Advisor. 18.11.21

E. Environment and Sustainability

No adverse Issues

Karin Grey Sustainability Manager 06.09.21

F. Community Safety

No adverse community safety issues

Terry Hughes Community safety manager 19.06.21

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 Public Sector Equality Duty applies to Parish Councils: Paddock Wood Town Council will be responsible for demonstrating due regard to this in any refurbishment works they carry out.

Sarah Lavallie Corporate Governance Officer 10.09.21

H. Data Protection

No implications

Sarah Lavallie Corporate Governance Officer 10.09.21

I. Health and Safety

Upgrading the quality of the playing surfaces reduces potential risks to all users, including reducing both the chance of injury and the potential severity of injury to players.

Mike Catling Health and Safety Advisor 03.09.21

J. Health and Wellbeing

Refurbishment of the tennis courts and cricket wicket will improve the facilities benefitting local residents by increasing opportunities to be more physically active. This will encourage community activities and social interaction for a range of ages which will promote health and wellbeing.

Rebecca Bowers Health Improvement Team Leader 08.09.21