

Release of Section 106 funding to Horsmonden Parish Council for Horsmonden Pavilion Project

For Cabinet Member for Leisure, Wellbeing and Culture

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: Brenchley and Horsmonden

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 £5,689.00 of developer contribution received through planning obligation 17/00763 Land West of Maidstone Road is allocated and released to Horsmonden Parish Council towards the development of the sports ground at Maidstone Road

1. Introduction and Background

- 1.1 Horsmonden Parish Council are undertaking a project to improve their sports facilities through the provision of a new pavilion. The Borough Council is holding Section 106 funds from the development of Land West of Maidstone Road Horsmonden (17/00763) The terms set out in the associated S106 agreement for the adult and youth recreation contribution are towards improvements to the sports ground at Maidstone Road Horsmonden, for the provision of scoreboards and for the use towards ground improvements and the provision of adult and youth recreation facilities in the village of Horsmonden.
- 1.2 Contributions have been held by Tunbridge Wells Borough Council pending Horsmonden Parish Council and Horsmonden Sports Club identifying a suitable project to allocate funds.
- 1.3 Horsmonden Sports Club appointed a company specialising in the design and management of sports buildings, Sports Clubhouses, who have 35 years' experience in delivering sports pavilions nationwide.
- 1.4 Sports Clubhouses proposal has developed the project in preparation of pre-application submission. The work to include.
 - Consultation with client and all stakeholders
 - Initial feasibility design
 - Design of scheme including plans
 - Design access statement.
 - Consultation with planning during design stage.
- 1.5 This stage of the work is complete. Horsmonden Sports Club sought quotations and appointed the company offering the best value accepting the lowest quote.
- 1.6 Horsmonden Parish Council are seeking the release of £5,689.00 of developer contributions relating to the development of Land West of Maidstone Road Horsmonden as a contribution towards the total cost of the project with grant funding being sought from Sport England for the full cost of the project.

2. Options Considered

- 2.1 Do nothing the agreement is specific towards the use of the funding, failure to allocate the money will result in the funds being paid back to the developer.

- 2.2 Agree. The project meets the terms of the S106 agreement and allocate the funds to Horsmonden Parish Council to contribute towards the project costs.

3. Preferred Option and Reason

- 3.1 The recommended and most durable option is to allocate the funds and contribute towards the development of the sports grounds at Maidstone Road. This project will upgrade the existing facilities and improve the opportunities for youth and adult sport

4. Consultation on Options

- 4.1 Horsmonden Sports Club working with Horsmonden Parish Council carried out a consultation exercise with local users and club members.

Cross Cutting Issues

A. Legal (including the Human Rights Act)

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 contribution in this instance is in accordance with the terms of the S106 agreement and the funding can be utilised as proposed.

The funds should be released subject to the conditions set out in the S106 agreement 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 03 11 22

B. Finance and Other Resources

The Section 106 funds have been received and can be used for this purpose. The future running costs of the project are the responsibility of the Parish Council and Sports Club

Clare Hazard – Accountancy Manager – 31 October 2022

C. Staffing

There are no staffing implications for Tunbridge Wells Borough Council

Peter Every Parks and Sports Team Leader 15 November 2022

D. Risk Management

This report relates to Horsmonden Parish Council and Horsmonden Sports club and all risk associated with this project rests with both organisations.

Peter Every Parks and Sports Team Leader 15 November 2022

E. Environment (inc. Biodiversity) and Sustainability

A Climate Emergency Impact Assessment must be undertaken at the start of any new project etc. and as part of project planning and not as an 'add on' towards the end of completing the committee report.

Horsmonden Cricket Club have taken into account what they require from the building briefing the architects to make the building energy efficient and cost effective to run. As this will be a new build and subject to planning consent there will be a requirement for a building to be efficient as possible. The club appointed an independent energy consultant to prepare an energy statement, this statement proposes an air source heat pump driven building that scores an A-22 EPC rating. The club will be including a rainwater harvesting solution to sustain water supplies for ground maintenance

Peter Every Parks and Sports Team Leader 15 November 2022

F. Community Safety

No impact on community safety.

Section 17, Crime and Disorder Act 1998

17(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Terry Hughes, Community Safety Manger 18 October 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 Councils. Horsmonden Parish Council will be responsible for demonstrating due regard to this in any development they carry out.

Sarah Lavallie Corporate Governance Officer 24 October 2022

Section 149, Equality Act 2010

149(1) A public authority must, in the exercise of its functions, have due regard to the need to –

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

H. Data Protection

No implications

Sarah Lavallie Corporate Governance Officer 24 October 2022

Article 5, General Data Protection Regulation 2016

1. Personal data shall be:

(a) processed lawfully, fairly and in a transparent manner in relation to the data subject;

(b) collected for specific, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;

(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

(d) accurate and, where necessary, kept up to date;

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;

(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

[Name, title and date of Data Protection Officer who signed off the report.]

I. Health and Safety

No Health and Safety issues.

J. Health and Wellbeing

Contributing towards the project costs will support the increase of physical activity through providing facilities and opportunities for youth and adult sport. This will encourage physical activity and social interaction for a range of ages which will promote health and wellbeing.

- 1. Areas of deprivation: Will the proposal have an impact (positive or negative) on those living in areas of deprivation within the borough (40% most deprived in the country). These are Sherwood, Southborough and High Brooms, Broadwater and Rusthall.*
- 2. Healthier lifestyle opportunities: Will residents be more or less able to make healthier lifestyle choices such as physical activity (e.g. active travel, access to green spaces or access to leisure facilities), healthy eating (e.g. proximity or access to take away shops, allotments, food stores) and being smokefree*
- 3. Social and Community networks: Will the proposal make it easier for people to interact with one another e.g. encouraging community engagement*
- 4. Living and Working Conditions: does to proposal improve work or home environments, increase job, education or training opportunities, improve access to health services or housing*
- 5. General Socioeconomic, cultural and environmental conditions: Are there any other factors that may impact the above*

Rebecca Bowers Health and Improvement Team Leader 4th November 2022