

POLICY & FINANCE COMMITTEE

28 JUNE 2018

ALLOCATION OF SECTION 106 FUNDS

1.0 Purpose of Report

1.1 To seek Committee approval for the transfer of S106 funds to Ollerton & Boughton Town Council.

2.0 Background

2.1 At its meeting of 22 February 2017 the Councillor's Commission agreed that the remit of the Policy & Finance Committee should be amended to make clear that the determination of how s106 monies should be applied or obligations fulfilled falls within the remit of that committee rather than the Planning Committee;

2.2 The Commission further agreed that the scheme of officer delegation be extended to give all the Chief Executive and Chief Officers delegated powers to determine how s106 monies should be applied or obligations fulfilled where the terms of the s106 Agreement are sufficiently precise or where the amount of the proposed expenditure does not exceed £50,000. However in cases where the amount of money in question is significant it was agreed that there should be some Member input into this process.

3.0 Proposals

3.1 Over a number of years and via several contributions, the Council has received s106 funds from the Miller Homes development on Newark Road in Ollerton. These have been generated by a s106 agreement (AG767b) which states that in relation to open space there should be a financial contribution for 'the provision and maintenance of children's playing spaces and playing pitches within the vicinity of the Site or for the provision of access to such children's play space or pitches as the Council in its absolute discretion shall decide'. Funds generated by this agreement have previously been transferred to Ollerton & Boughton Town Council and the current amount available is £100,000, with a spend-by date of 10 February 2021.

3.2 In addition the Council is holding £220,000 of s106 funds which were generated by a unilateral undertaking (AG884) linked with the development of a site off Newark Road in Ollerton. The funds were received in lieu of the provision of off-site open space and there is no time limit governing their expenditure.

3.3 Ollerton & Boughton Town Council is planning improvements to the play facilities for children and young people on their Whitewater Road open space and has requested that the District Council release s106 funds to the value of £110,000 to allow it to progress this project. The Town Council has consulted with local people about the scheme and the local community has raised funds towards it. The Town Council will also be contributing funds from its own budgets.

3.4 It is proposed that the full amount of the funds held against AG767b (£100,000) be transferred with the balance (£10,000) coming from the funds held against AG884. Prior to the funds being transferred the Town Council will be required to enter into a legal agreement which will bind it to spending the funds in a manner which is consistent with the S106 agreements.

4.0 Equalities Implications

None.

5.0 Impact on budget/Policy Framework

5.1 The £100,000 and the £10,000 proposed for transfer in this report are held on the Balance Sheet of the Council and are therefore available for transfer to Ollerton and Boughton Town Council.

6.0 RECOMMENDATION

That the transfer of the open space Section 106 funds totalling £100,000 arising from AG767b and £10,000 arising from AG884 to Ollerton & Boughton Town Council, subject to an appropriate legal agreement being entered into by the Town Council, be approved.

Reason for Recommendation

To ensure that the S106 funds are spent in an appropriate and timely fashion.

Background Papers

Relevant s106 Agreements

For further information please contact Phil Beard on Extension 5714.

Kirsty Cole
Acting Chief Executive