

RECORD OF URGENT DECISION

Date: **12th May 2023**

Lead Officer: Matt Lamb, Director of Planning & Growth
Matt.Lamb@newark-sherwooddc.gov.uk, 01636 655842

Part D, Section 6 of the Council’s Constitution provides that the Head of Paid Service (or in their absence a nominated deputy) shall have delegated authority to take urgent decisions following consultation with the Monitoring Officer and the Section 151 Officer (or their deputies). In respect of Executive Functions the Head of Paid Service (or their nominated deputy) will consult with the Leader of the Council (or in their absence the Deputy Leader or in their absence a Portfolio Holder), and in respect of non-Executive functions the Head of Paid Service (or their nominated deputy) will consult with the Chairman of the Council (or in their absence the Vice-Chairman of the Council or in their absence the Chairman of the relevant Committee).

If the matter is likely to be a key decision and has not been advertised for a minimum of 28 clear days on the Council’s website, the decision can still be taken if a) it is impracticable to defer the decision until it has been possible for 28 clear days’ notice to be given; b) the Monitoring Officer has informed the Chairman of the Policy & Performance Improvement Committee.

Note – this urgent decision record will be reported to the next available meeting of the Full Council.

Decision Record Summary	
Nature of Decision	Open (Exempt Appendix containing legal advice) Non-Key Decision
Decision Title	Transfer of Section 106 Community facility and Off-site Sports contributions to Clipstone Miners Welfare Trust (CMWT)
Decision	That a budget of £169,168.91 is added to the Capital Programme, financed by the S106 receipts agreement references AG833c and AG955 – Community facility and Off-site Sports to pay Clipstone Miners Welfare Trust to conclude works to deliver a sports and community hub at Mansfield Road, Clipstone as detailed in this report.
Reason for Decision	To approve the recommendation to allow the CMWT to continue with plans to deliver a sports and community hub. The facilities will enhance the quantum and quality of sports and community uses, meeting a range of Community Plan

	objectives linked to regeneration, community infrastructure, and health and well-being outcomes.
Alternative Options Considered	There are limited other alternatives within the village available at the current time to accommodate sports and community facilities funds. The only alternative therefore would be to return the S106 receipts to the developer, which would mean the community missing the opportunity of enhanced community facilities and sports provision.
Decision Taker and Consultation	Head of Paid Service in consultation with Section 151 Officer and Monitoring Officer
Members Consulted	District Council elections took place on 4 May 2023; the posts of Leader, Deputy Leader and all Cabinet positions are vacant until Full Council on 23 May 2023. Consultation has been undertaken with local Members as follows: - Councillor Celia Brooks Councillor Andy Freeman Councillor Paul Peacock
Reason for Urgency	The ability to spend the relevant Section 106 monies is time restricted. Given that the posts of Leader, Deputy Leader and all Cabinet positions are vacant until Full Council on 23 May 2023 in order for the monies to be passported to the Clipstone Miners Welfare Trust to commit work in good time the decision has to be taken under the urgency procedure set out above.

1.0 Background

1.1 Officers have been working with a number of organisations in Clipstone over several years to improve the community and sporting facilities of the village. This has been to address the impact of additional residential development, principally at Cavendish Park in the north of the village. To that end the District Council has secured Section 106 contributions from the various developers of Cavendish Park to improve and expand Community Facilities and outdoor sports facilities in the village, an agenda which is now matched by the raised ambitions to provide bigger and better facilities of the Clipstone Miners Welfare Trust (CMWT). The table below shows the monies that have been collected.

Agreement	Spend Date	Community Facilities	Sports
1) AG833c	15th May 2023	£17,891	£42,008
2) AG955	30th May 2023		£33,761
3) AG833c	2nd July 2023	£17,720	£57,786

- 1.2 A number of projects have been in development to address the need for better facilities, some of which have now fallen away. This has finally resulted in a scheme which involves the relocation and expansion of Clipstone Miners Welfare sporting and community provision from its current location to the former Clipstone Colliery site. The scheme was included as one of two schemes in the Council's unsuccessful Levelling Up Fund 2 bid for the Sherwood Constituency. It had been anticipated that the Section 106 contributions would provide match funding for the scheme to enhance and add to new sports and community offer for the village and beyond.
- 1.3 Unfortunately the Section 106 funding is time limited and therefore to avoid having to return the money to the developers it needs to be urgently expended and transferred to the CMWT. Therefore it is proposed that that £169,168.91 financed by the S106 receipts from agreement references AG833c and AG955 – Community facility and Off-site Sports be made available to Clipstone Miners Welfare Trust (CMWT). CMWT are poised to commission a range of required technical studies and works to deliver the new facility.

2.0 Options Considered and Reasons for the Decision

- 2.1 Officers have considered the possibility of returning the monies to the developers however given that there is a significant community focussed project underway in Clipstone which meets the criteria for spend it is felt inappropriate not to provide the monies to CMWT to deliver the scheme. Furthermore it would be unlikely that another scheme of this nature could be developed in Clipstone.

3.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

- 3.1 Legal Implications are set out in an exempt appendix

3.2 Financial Implications (FIN22-23/4930)

- 3.2.1 The £169,168.91 is available in S106 with reference to the legal agreement AG833C and AG955 as detailed in the table at paragraph 1.1.
- 3.2.2 Due to the expenditure being Capital in nature, the budget and the expenditure will be added to the Capital Programme, financed by the S106 receipts.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972. Any documents that contain confidential information or personal information about individuals should not be included in this list.

None