

Full Council

Report Title:	MUGA & Elms Park Improvements
Meeting Date:	4 April 2023
Contact Officer:	Mandy Sturdy, Town Clerk

Purpose of the Report

1. To provide an update to Council on the Elms Park improvement plans and to consider delegating responsibility to manage and deliver the project to the Community Leisure and Recreation Committee (CLR) through a new project limited Open Spaces Sub-Committee.

Background

2. The S106 agreement relating to The Elms planning application P14/S2176/FUL was signed on 5 August 2015 and includes the sum of £300,000 towards the Elms Park Phase 2 Improvements (SODC reference 15S32).
3. 'Elms Park Phase 1 Improvements' means the removal of the Multi-Use Games Area within Elms Park and the provision of footpaths / cycleways linking Elms Park and the Site, both as approved under reserved matters'
4. 'Elms Park Phase 2 Improvements' means works identified as the result of a public consultation exercise approved under reserved matters ...which may include the relocation of the MUGA within Elms Park to a specification previously approved by the Town Council.
5. Consultations required as part of Phase 2 have taken place and the results will steer the final scope of works.
6. Despite the S106 agreement specifying that £300,000 be paid on the occupation of the 20th house, Rectory Homes have agreed to work with the Council by releasing the funds sooner to enable Phase 1 and 2 improvements to be completed together and reduce the impact on neighbours of, and residents who use Elms Park.
7. The Open Spaces Working Group (OSWG) will review the consultation data and initial plans for the park from 2016. The project has been restarted by OSWG and the scope is currently being developed to include:
 - a. the replacement of the MUGA to a new location in the park
 - b. installation of footpaths / cycleways with lighting bollards which will link the new Elms development with the existing Elms Park path
 - c. replacement playground equipment and fencing
 - d. installation of a performance area (in the form of hard standing)

8. Once the funds are received by SODC, officers will submit the S106 application. It is expected to take approximately 4-6 months to process the application.
9. A procurement exercise will be carried out for each element of the project in line with the Council's Financial Regulations and Procurement Policy
10. CLR's Terms of Reference (n) authorise the committee to spend up to £10,000.

Action Required

11. To enable this project to progress, it is proposed that the Council delegate suitable responsibilities to CLR who would be required to keep the Council updated on progress, due diligence, budget control of the £300,000, the scope and decisions made.

Resource Appraisal

12. The allocated funds will be £300,000 of Section 106 funding which must only be spent in this area.
13. There is also £8075.23 commuted sum at 20th Occupation – towards maintenance of play facilities in the vicinity of the site.
14. Additional funding may be sought subject to need based on the agreed scope.
15. Officer time to carry out due diligence and deliver the project.

Risk Assessment

16. Delay in project delivery due to timing of meetings to seek approval, the delegated responsibility will greatly mitigate this risk and allow CLR to delegate to OSWG who are able to meet more regularly as required.
17. Funds are not available for the project. No contracts will be awarded until the S106 application has been completed and the funds are available.
18. The quotations for all works are greater than the available budget. In this case options relating to the scope or additional funding would be brought back to the Council for a decision to progress.

Legal Powers

Local Government Act 1972 101 (1) (a) & (2)
Public Health Act 1875 s164
Local Government (Miscellaneous Provision) Act 1976, s19
Parish Councils Act 1957 s3
Highways act 1980 s301

Recommendation

- i) The Council approve the development of the project to refurbish areas of Elms Park in line with the S106 agreement.**
- ii) The Council approve delegating responsibility to the Community Leisure and Recreation Committee for the delivery of the S106 project to improve areas within Elms Park; To include the moving of the MUGA, creation of new pathways, a performance area and replacement of play equipment subject to agreed, regular update reporting.**
- iii) The Council approve delegation to Community Leisure and Recreation to spend up to £300,000 of specified S106 funds.**