

Community Leisure and Recreation Committee

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 Community Leisure and Recreation (CLR) Committee on the Elms Park improvement plans and subject to prior agreement by the Full Council, to consider delegating responsibility to manage and deliver the project to a new Open Spaces Sub-Committee (OSSC) made up of members from the Open Spaces Working Group (OSWG).
2. To consider the Terms of Reference for the OSSC (attached 8b)

Background

3. It is not possible to delegate authority to make decisions or spend money to a working group. Local Government Act 1972 101 (1) (a) & (2) only allows the council to delegate its functions to a Committee, Sub-committee, or Officer.
4. A Sub-committee can be created and then dissolved after the completion of a specific project as the Council requires.
5. 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).
6. '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'
7. '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.
8. Consultations required as part of Phase 2 have taken place and the results will steer the final scope of works.
9. 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.

10. The OSSC will review the consultation data and initial plans for the park from 2016. The project has been restarted by OSSC 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)
11. 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.
12. A procurement exercises will be carried out for each element of the project in line with the Council's Financial Regulations and Procurement Policy

Action Required

13. To enable this project to progress, it is proposed that CLR delegate suitable responsibilities to OSSC who would be required to keep CLR/Council updated on progress, due diligence, budget control of the £300,000, the scope and decisions made.
14. To consider the ToR for the Open Spaces Sub-committee.

Resource Appraisal

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

Risk Assessment

19. Delay in project delivery due to timing of meetings to seek approval, the delegated responsibility will greatly mitigate this risk and allow OSSC to meet more regularly as required.
20. Funds are not available for the project. No contracts will be awarded until the S106 application has been completed and the funds are available.
21. 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 Community Leisure and Recreation Committee approve the creation and Terms of Reference for a Sub-Committee, named the Open Spaces Sub-Committee, with delegated responsibility 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.**