

BACKGROUND REPORT

7 November 2023

REPORT OF CORPORATE DIRECTOR OPERATIONAL SERVICES

A. RELEASE OF SECTION 106 FUNDS FOR IMPROVEMENTS TO TOKELY ROAD PLAY AREA

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval to release £142486.22 Section 106 for the improvements of Tokely Road Play Area, Frating.

EXECUTIVE SUMMARY

- As a result of an acknowledged deficit in play provision in the area, planning applications relating to a housing development in Frating secured unilateral undertakings for payments in respect of open space and play totalling £142486.22
- The S106 agreement requires the contribution to be used towards the provision and/or replacement and/or maintenance of play equipment at the play area located on Tokely Road opposite the site.
- The new development adjacent to the existing play area, only provided open space, due to the location of the existing play area and off site contribution was secured via a S106 agreement.

RECOMMENDATION(S)

It is recommended that:

- a) That the Portfolio Holder approves
The release of £142486.22 to enable Tendring District Council to make improvements to the play area at Tokely Road, Frating.

REASON(S) FOR THE RECOMMENDATION(S)

To enable Tendring Council to provide improvements and new play equipment on the existing play area at Tokely Road.

ALTERNATIVE OPTIONS CONSIDERED

The Council could choose not to release the money. As this can only be allocated for the improvements to play facilities as this site. The money would need to be returned to the developer.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Our Council / Our Community

- Deliver High Quality Affordable Services

- Make the most of our District
- Support the vulnerable
- Transform the way we work

Our Opportunities

Supports

- Vision for economic growth and prosperity
- The rural community
- Good facilities within easy reach

OUTCOME OF CONSULTATION AND ENGAGEMENT

N/A

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	Yes	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input checked="" type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	

The Section 16 of the Financial Procedure Rules as set out in Part 5 of the Council's Constitution requires that any application for external funding to finance or contribute to the financing of a function, investment or activity for which the Council is either the sole provider or is the accountable body must be approved by Management Team following consultation with the Chief Financial Officer to ensure the external funding being sought is in accordance with the Council's priorities and not an additional impact on resources. Such approval will be recorded with an Officer Decision.

The procurement process has yet to be undertaken. This will be done once the approval of funds has been gained.

The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:

FINANCE AND OTHER RESOURCE IMPLICATIONS

Planning application 18/00194/FUL secured unilateral undertakings for payments in respect of open space and play totalling £142486.22.

The section 106 agreement all require the Play Equipment Contribution to be used towards the provision of equipment and / or the improvement of play facilities at the area of open in Tokely Road, Frating. It is not possible to spend the money anywhere else.

The only alternative to using the contribution towards the improvement of the play area in Tokely Road, Frating is to return the money to the developers.

The proposal in this report if agreed, will ensure the provision of high quality play facilities available to local children including the most vulnerable younger members of the Tendring community, with no impact on existing budgets.

The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	There will be no impact on our current resources, these facilities are already on our inspections regime.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks.	This report and any agreed actions will ensure decisions have been made in accordance with Council procedures.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Refer to financial and other resource implications above.

MILESTONES AND DELIVERY

The creation of this facility along with associated improvements will provide the residents of Frating with good quality recreation facilities in their own village, without the need to travel.

The additional development has already seen an impact on the existing facilities. There have been requests from residence to improve the current play provision and kick about area.

ASSOCIATED RISKS AND MITIGATION

See finance and other resource implications above.

EQUALITY IMPLICATIONS

There are no direct implications

SOCIAL VALUE CONSIDERATIONS

Having good quality play areas in rural locations, enabling all children the opportunity to access open space and play without having to travel.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
There are no direct implications.	
OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
Crime and Disorder	High quality facilities for young people helps reduce crime and anti-social behaviour
Health Inequalities	The policy supports and identifies the need for children and young adults to play together, and to stay active.
Area or Ward affected	Frating

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>Following the recent increase in development in Frating there is and increased need to provide new play facilities to cope with the additional residents that now live in the Parish of Frating.</p> <p>Play areas act as focal points for the community, providing a meeting area for children and parents alike. In an age when younger generations can appear more concerned with the latest technology than social interaction, the importance of playgrounds cannot be underestimated in bringing people together. They offer a place for children to play and forge new friendships, while ensuring they remain healthy and active.</p> <p>There is currently a deficit of play facilities Frating. Tokely Road provides the only open space and play facilities that are within walking distance for the residents.</p> <p>Increasing the current range of play equipment to include for all children can only increase opportunities for the whole community and to broaden children's knowledge and experience as well as provide significant social benefit associated with the community gathering for a common purpose.</p>
PREVIOUS RELEVANT DECISIONS
None to consider
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
None

APPENDICES
Appendix A Site Location
Appendix B Decision Forms

REPORT CONTACT OFFICER(S)

Name	Andrew Nepean
Job Title	Public Realm Operations Manager
Email/Telephone	anepean@tendringdc.gov.uk 01255 686772