

Single Member Cabinet Decision

Executive  
Forward Plan  
Reference

**E3027**

**Approval to release S 106 capital funding for repairs to ponds in Royal Victoria Park**

<b>Decision maker/s</b>	Cllr Charles Gerrish, Cabinet Member for Finance & Efficiency Cllr Bob Goodman, Cabinet Member for Development & Neighbourhoods
<b>The Issue</b>	The Council proposes to allocate up to £24,336 of S106 funded developer's contributions towards the repair of the ornamental ponds in Royal Victoria Park - thus discharging responsibilities associated with S106 agreement for planning reference 12/00980/FUL. All capital expenditure will be funded using developer contributions (Section106 deposits) ensuring that the work is cost neutral for the authority.
<b>Decision Date</b>	<b>3<sup>rd</sup> January 2018</b>
<b>The decision</b>	The Cabinet Member for Development & Neighbourhoods and the Cabinet Member for Finance & Efficiency approve: <ul style="list-style-type: none"><li>• The allocation of up to £24,336 of S106 funded developer's contributions towards the repair of the ornamental ponds in Royal Victoria Park, discharging responsibilities associated with S106 agreement for planning reference 12/00980/FUL to improve green spaces in the vicinity of the development.</li><li>• To increase the capital programme to incorporate this wholly funded capital spend. All capital expenditure to be funded using developer contributions (Section106 deposits) ensuring that the work is cost neutral for the authority.</li></ul>
<b>Rationale for decision</b>	Approval of these proposals will enable the Council to deliver repairs to the asset, to maintain a high standard of maintenance and reduce the risks of poor water quality (such as toxic blue-green algae).  Developer contributions have been made to the Council to invest in green infrastructure within defined locations. This proposal details one of these projects which the contributions will fund and seeks approval to progress.
<b>Financial and budget implications</b>	All work will be funded exclusively from deposits received from S106 agreements associated with development 12/00980/FUL (the former Lime Grove School, Lime Grove, Bath) All work is compatible with the terms of the S106 deed: [that the contribution] 'be paid by the developer towards the provision, enhancement and maintenance of off-site public open space and the provision of play services within the vicinity of the development'  All work will be delivered on B&NES' owned sites and will be cost

	<p>neutral to the authority. This work will not create any additional revenue costs and will remove the current seasonal maintenance costs of installing and removing temporary aerators.</p> <p>The specific developer's contribution allocated to this project has been selected based on the proximity of the development to Royal Victoria Park, and by reference to specifications and timetables dictated by the terms of the agreements.</p>
<b>Issues considered (these are covered in more detail in the report)</b>	Customer Focus; Sustainability; Human Resources; Property; Corporate; Health & Safety; Impact on Staff; Other Legal Considerations
<b>Consultation undertaken</b>	Ward Councillor; Cabinet colleagues; Staff; Other B&NES Services; Section 151 Finance Officer; Chief Executive; Monitoring Officer;
<b>How consultation was carried out</b>	Parks have worked extensively with officers in the Council's Property Services team to find a way to address the problems caused by the loss of the fresh water supply to the pond and cascades in the park. Officers have overseen repairs to leaks in the pond itself but have been unable to establish a new freshwater supply and/or repair leaks in the upper and lower cascades.
<b>Other options considered</b>	<p>To not undertake any improvement works. This would:</p> <p>a)Lead to a further deterioration of assets and potentially put us in breach of our obligations</p> <p>b)Contribute to the council failing to deliver its responsibilities (under the S106 agreement), to use the developer's contributions to enhance off-site public open space'. Any unspent contributions would need to be repaid to the developer.</p>
<b>Declaration of interest by Cabinet Member(s) for decision, including any dispensation granted:</b>	<i>The nature of interest and whether interest is a disclosable pecuniary interest or an-other interest, including any conflict of interest, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests). Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of their staff before taking the decision.</i>
<b>Any conflict of interest declared by anyone who is consulted by a Member taking the decision:</b>	

<b>Signatures of Decision Makers</b>	
<b>Date of Signature</b>	
<b>Subject to Call-in until 5 Working days have elapsed following publication of the decision</b>	