

**BROMSGROVE DISTRICT COUNCIL**

**CABINET**

**4 JUNE 2008**

**CAPITAL PROGRAMME INCREASE – BRIAR CLOSE PLAY AREA**

Responsible Portfolio Holder	Councillor Roger Hollingworth
Responsible Head of Service	Street Scene and Community

**1. SUMMARY**

1.1 This report requests members to agree to an increase in the Council's capital programme in relation to the above play area refurbishment.

**2. RECOMMENDATION**

2.1 The Cabinet is recommended to:

2.1.1 Agree to the increase of the capital programme by £28,000 in respect of the play area refurbishment/enhancement.

2.1.2 Request the Council to amend its capital programme for 2008/09 accordingly.

**3. BACKGROUND**

3.1 As part of the 2004 development of the McAlpine/Westbury site at Lickey End (Hamilton Gardens) a number of small play areas and open spaces were created with in agreed lay out and an off site contribution provided to develop a play area and recreation ground near by.

3.2 As part of the original 106 agreement there was no provision for the adoption of the land and/or play areas by the Council. As such the inspection & maintenance of these areas has remained the responsibility of the developers.

3.3 Subsequently the developers have requested that the Council adopt the open space and play areas. However due to the poor condition of the inspection/maintenance arrangements this offer was original declined as it was not appropriate to do so.

3.4 Following a number of site visits between both parties to discuss these issues an agreed work programme was developed to bring the standard of provision to an acceptable standard. The work programme also included discussion around the quality of the play provision and the level of

commuted sum required to under take the works required for the foreseeable future.

- 3.5 The Executive Director for Partnerships & Projects has lead on these discussions and has finalised the arrangements mentioned in 3.4 accordingly. As part of the agreement the Developer has agreed to make a contribution of £28,000 toward the replacement/enhancement of the play provision on site. However due to the nature of these discussion this project was not included with the forward capital programme as initially it was BDC's intention to request the developer to carry out these work.
- 3.6 However based on discussion with the developer and their proposed play area provision it was agreed it would be beneficial if the Council assumed responsibility for the design & build of this project.
- 3.7 This approach does though create a risk for the Council as the payment will be draw down immediately upon the adoption of the site taking place. In order to ensure that any health & safety risk is minimised, as soon as adoption takes place we need to commence work on site as the play provision does not conform to best practice principles. In order to do so this project is required to be built into the capital programme in advance of receipt of the monies.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The additional expenditure incurred by this project will be met from the contribution agreed with the developers as part of the adoption of the open space.

#### **5. LEGAL IMPLICATIONS**

- 5.1 There are no outstanding legal implications contained with in this report.

#### **6. COUNCIL OBJECTIVES**

- 6.1 The play area improvements will contribute to the Sense of community and Well Being objective by enhancing the current level of provision provided to residents.

#### **7. RISK MANAGEMENT**

- 7.1 The main risks associated with this project has been outlined in section 3.7 and relates to the timing of the works to coincide with the adoption process.
- 7.2 These risks are being managed by ensuring that the funding that is required to carry out this work is agreed in advance and the funding drawn down prior to the completion of the works.

7.3 Currently the risk identified in the in 7.1 is not addressed by any risk register and will be added to the Culture & Community risk register as part of the effective and efficient delivery of project section.

**8. CUSTOMER IMPLICATIONS**

8.1 There are no Customer Implications contained with in this report, other than those highlighted in the Corporate Objectives section.

**9. EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 There are no Equality & Diversity implications contained with in this report.

**10. VALUE FOR MONEY IMPLICATIONS**

10.1 The Value for Money implications of this report are covered in section 3.6 and relate to using BDC’s framework contract for play provision to achieve a higher quality provision on site than the developer would be able to realise.

**11. OTHER IMPLICATIONS**

Please include the following table and spell out any particular implications in the relevant box. If there are no implications under a particular heading, please state 'None':-

Procurement Issues – This project is covered by the play provision framework contract.
Personnel Implications - None
Governance/Performance Management - None
Community Safety including Section 17 of Crime and Disorder Act 1998 - None
Policy - None
Environmental - None

**12. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (Partnerships and Projects)	<u>Yes</u>

Executive Director (Services)	<u>No</u>
Assistant Chief Executive	<u>No</u>
Head of Service	<u>Yes</u>
Head of Financial Services	<u>Yes</u>
Head of Legal, Equalities & Democratic Services	<u>Yes</u>
Head of Organisational Development & HR	<u>No</u>
Corporate Procurement Team	<u>No</u>

**13. WARDS AFFECTED**

Norton

**14. APPENDICES**

None

**15. BACKGROUND PAPERS**

None

**CONTACT OFFICER**

Name: John Godwin  
E Mail: j.godwin@bromsgrove.gov.uk  
Tel: (01527) 881730