

Bleak House Farm Section 106 Funding Allocation

Relevant Portfolio Holder	Cllr Rod Laight
Portfolio Holder Consulted	Yes
Relevant Head of Service	John Godwin
Wards Affected	Drakes Cross
Ward Councillor Consulted	Yes

1. SUMMARY OF PROPOSALS

The report outlines the proposed use of the Section 106 funding from the Bleak House Farm development and seeks Cabinet's approval for recommendations to be made to Council to increase the capital programme accordingly.

2. RECOMMENDATIONS

The Cabinet is asked to RECOMMEND to the Council that:

- 2.1 That the Council's 2015/16 capital programme is increased by £133k to fund the fit out of new Health & Fitness facilities at Woodrush High School Academy to be funded by the S106 payments applicable to the Bleak House Farm site
- 2.2 That the S106 funds are only released to the school when they are received from the developer.
- 2.3 That authority is delegated to the Head of Leisure & Cultural Services to enter into a suitable legal arrangement and contract management process to protect the Council's funding in this matter.
- 2.4 That the Head of Legal, Equalities and Democratic Services be authorised to prepare and complete the necessary documentation for the agreements in recommendation 2.3 above.

3. KEY ISSUES

Financial Implications

- 3.1 There are no direct financial implications for the Council from this report as all funds under discussion relate to Section 106 agreements.
- 3.2 The total cost of the funding that will be available subject to Member approval and completion of the legal documents is £133k.

Legal Implications

- 3.3 The legal document relating to the Bleak House Farm development sets out the calculation, trigger points and for what purpose the Section 106 funding can be used. This document is available as background information as required from the committee services team.
- 3.4 One of the key priorities included in the Section 106 agreement under the off-site adult and youth play purposes is a scheme at Woodrush High School, details of which are set out below. This scheme is fully compliant with this agreement and its intended outcomes as it contributes to meeting strategic need in the local area. At this stage the first trigger point for release of the funding from the developer has yet to be reached as occupation of the first dwelling has not occurred. However it is understood from discussions with the developer that this point is anticipated prior to Christmas 2015.
- 3.5 The provision included in the Section 106 is for:
- New fitness suites
 - Enhancement of the existing astro turf pitch
 - A new dance studio
 - Additional changing rooms and/or
 - Improvements to the existing playing pitches
- 3.6 In order to protect the Council's investment in this project and to ensure that the wider community benefits are realised over the next 15 years, officers are in negotiation with the school and have agreed the heads of terms that will be the basis of the funding documentation. This will include:
- A Community Use Agreement;
 - Establishment of repairs and renewals fund;
 - Limitation on what the funding can be used for;
 - A set of key measures and outcomes;
 - Reporting mechanism and meeting schedule to monitor the agreement;
 - Requiring the school to make all sport and leisure facilities available to the public for the duration of this agreement;
 - A claw back and repayment process should the school fail to meet the expected standards in this matter.
- 3.7 The offer from BDC will remain conditional and no funding will be awarded until the funding is drawn down from the developer, this

document, associated information and its requirements are signed and all aspects discharged to officers' satisfaction.

Service / Operational Implications

- 3.8 In partnership with the County Council and the High School, the District Council operated a dual use agreement for community access at Woodrush for a number of years. During this time expansion and refurbishment plans were prepared including external funding bids for consideration by the partners which were ultimately unsuccessful and led to the School taking over the running of the site in 2006.
- 3.9 The facilities on site have been successfully operated on a hire and lettings basis since this time with some refurbishment work being undertaken to enhance the facilities.
- 3.10 This includes most notably the resurfacing of the sand dressed Astro Turf Pitch (ATP), the refurbishment of the gymnasium to increase usage and enhancement to ancillary facilities including changing rooms etc. to support the community usage programme.
- 3.11 Since transferring to Academy status the school has undertaken a large capital investment and expansion project to increase its community involvement/influence and to take forward the extended services agenda.
- 3.12 As part of this work discussions were held with Leisure & Cultural Services officers regarding the sports facilities on site and what options could be explored to improve the local offer.
- 3.13 Based on this conversation and the professional advice given a number of changes to the delivery model site have been made to increase participation and usage, improve income generation and make the delivery model more sustainable and outward facing.
- 3.14 During these discussions it was also raised that the area itself had a shortage of suitable venues for hire to support wider social objectives such as Postural Stability Instruction, Mobility sessions and exercise on referral. Due to these limitations the full range of development services that could be delivered (with and through partners) including access to local social prescribing sessions and other activities such as group exercise classes, were not available.
- 3.15 Given what we know from national research and best practice guidance this would at best reduce local residents' access to physical activity based sessions but at worst negatively impact on people's health and wellbeing and increase costs for other agencies.

- 3.16 As part of the capital investment programme the schools team reviewed this position and undertook some feasibility work assisted by the Council officers, to look at the possibility of implementing a fitness and group exercise offer into a large capital investment scheme that was planned.
- 3.17 The fitness gym and studio is part of a larger development scheme, Woodrush Community Hub, consisting of a range of community facilities. The £2.1 million capital development scheme has been funded via the EFA, Woodrush High School and WCC Libraries and Learning.
- 3.18 This has resulted in the following facilities being developed with key partners including the County Council:
- 40 Station Fitness Suite Space
 - 30 person Dance Studio Space
 - New Youth and Community Centre
 - New public and school Library
 - Conference facilities
 - Meeting and Classroom space
 - Ancillary Facilities Inc. Café and soft play area.
- 3.19 Due to the configuration and access arrangements of this site, the new facility offers community access during the school day to ensure that a robust programme can be developed to support all aspects of the local community.
- 3.20 This will also allow development services access to suitable facilities, working in partnership with Woodrush Youth, Sport and Community, to widen the local offer and ensure that key groups can be targeted based on demographic data sets, health profiles and the Joint Strategic Needs Assessment for the area.
- 3.21 The funding requested from Council is towards the fitness equipment fit out and associated costs within the gym and studio.
- 3.22 As highlighted above when negotiating the Bleak House Farm Section 106 agreement, officers were aware of this scheme and the key role it would play in addressing the shortage of facilities and activities within the local area.
- 3.23 As such the funding agreement was drafted to allow the funds available to be used subject to Member approval to support the overall cost of the project, as it was understood at the time that the external funding

stream being accessed for the building works could not be used to fund the fit out as they were not directly educational based.

- 3.24 The school has continued its dialogue with the Council over the Section 106 funding, with the new facilities expected to achieve practical completion later this year. The school has also undertaken a procurement exercise for the fit out costs including health and fitness equipment and selecting its preferred supplier.
- 3.25 Officers have reviewed the specifications prepared and have no concerns on its content and have been invited to overview the submission from prospective contractors in order to assist with selecting the preferred contractor.
- 3.26 The proposed cost of this are £127,044.87 with the remainder of the budget being required for additional items such as stretching mats, AV systems, group cycling bikes and exercise equipment to support group exercise programmes.
- 3.27 Based upon the above information and the knowledge of the scheme it is considered that for a relatively small investment the Council will achieve a large improvement in the provision of public sector facilities and create a positive impact on the health and wellbeing of local residents. This will allow us to continue to ensure that we deliver against our Strategic Purposes of Give Me Good Things to Do See and Visit and Help Me to Live my Life Independently.

Customer / Equalities and Diversity Implications

- 3.28 There are no direct Customer, Equality or Diversity Implications contained within this report. However the above section highlights the benefit the funding will provide to local residents and within the Heads of Terms (that will form the basis of the funding agreement) the school are required and have agreed to ensure that all facilities will support Equality and Diversity agendas, improve access arrangements and that Inclusive Fitness Initiative equipment is provided where possible.

4. RISK MANAGEMENT

- 4.1 The risks associated with this project relate to the use of Council funding to support an outside body to facilitate improved services within a locality.
- 4.2 The funding agreement will be supported by a detailed legal framework and ongoing monitoring from Leisure & Cultural Services to ensure that all aspirations during the course of the agreement are met and that where any issues arise they are proactively addressed in the best

interests of both parties. As such the risk to the Council is considered to be minimal when considered against the benefit it will deliver and should the school fail to perform in line with expectations the Council has the right of claw back at its disposal.

5. BACKGROUND PAPERS

Section 106 Agreement dated 5th Feb 2014 between Bromsgrove District Council, Worcestershire County Council and Gallagher Estates Ltd

Proposed heads of terms between Bromsgrove District Council and Woodrush High School for the funding of the fitting out of the Health and Fitness Suite at the school.

6. KEY

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