

**Agenda Item No:** 9

**Report To:** Cabinet

**Date of Meeting:** 9<sup>th</sup> February 2017

**Report Title:** Kingsnorth Recreation Centre: Section 106 Expenditure

**Report Author & Job Title:** Ben Moyle, Facilities Development Officer

**Portfolio Holder / Portfolio Holder for:** Cllr Jessamy Blanford, Holder for Culture, Leisure, Environment & Heritage.



**Summary:**

This report seeks Cabinet approval for the release of Section 106 contributions from Park Farm South and East developments to be used for the enhancement of Kingsnorth Recreation Centre as detailed in the attached plans.

Kingsnorth Parish Council and Kingsnorth Recreation Centre Trust have jointly approved draft plans to reconfigure the Recreation Centre as phase 1 of a long term plan to develop the offer at the Centre for sport, fitness and community activities.

The plans include expansion of the gym, provision of a dedicated spin studio, improved changing, shower and toilet facilities and enhancements to the area of the building currently hired to Little Acorns nursery, including a dedicated entrance (refer Appendix 1 for layout proposed).

**Key Decision:** YES

**Significantly Affected Wards:** Kingsnorth area and surrounding wards

**Recommendations:** **The Cabinet is recommended to:-**

- I. Approve the release of Section 106 contributions of £128,574.84, subject to indexation, for the enhancement of Kingsnorth Recreation Centre to Kingsnorth Parish Council subject to signing of a S106 funding agreement between the Council and the Parish Council;**
- II. Authorise the Head of Culture and the Director of Law and Governance in consultation with the Portfolio Holder for Culture, Leisure, Environment & Heritage to take any further actions required to give effect to these recommendations;**
- III. Welcome the approach by the Parish Council to support the development of the site, including the Entrance Park, as a leisure and community hub.**

<b>Policy Overview:</b>	Relevant to the 5 year Business Plan because this project will make a significant and positive contribution to improving sports and recreation facilities in the area and improve the level of use of the Recreation Centre.
<b>Financial Implications:</b>	<p>The Council has received the relevant Section 106 contribution from Park Farm South and East Developments</p> <p>By approving this contribution the Council is not committing any further funding, capital or revenue, and will ensure the building works is adequately funded before releasing any money.</p>
<b>Legal Implications</b>	A legally binding funding agreement will be entered in to between the Parish Council and the Council prior to the potential release of the S106 contributions
<b>Equalities Impact Assessment</b>	See Attached
<b>Other Material Implications:</b>	No
<b>Exempt from Publication:</b>	No
<b>Background Papers:</b>	No
<b>Contact:</b>	ben.moyle@ashford.gov.uk – Tel: (01233) 330475

## **Report Title: Kingsnorth Recreation Centre: Section 106 Expenditure**

### **Introduction and Background**

1. This report is to ask for Member's approval to release S106 contributions to enable Kingsnorth Parish Council and Kingsnorth Recreation Centre Trust to fund the reconfiguration of the Recreation Centre as phase 1 of a long term plan to make the Centre a sports and community hub as indicated in the emerging Local Plan.
2. To identify the purpose of the proposed enhancements to the Recreation Centre and explain the conditions on which the monies will be released and monitored.
3. To delegate authority to the relevant Service Heads in consultation with the Portfolio Holder to manage any further liaison required with Kingsnorth Parish Council and the Kingsnorth Recreation Centre Trust to enable the completion of the project.

### **Proposal/Current Position**

4. The Kingsnorth Recreation Centre is used by a wide range of community groups including gym members, the nursery, the Parish Council, short mat bowls, fitness classes, celebrations and a wide variety of local social and community groups and clubs.
5. The plans include expansion of the gym, provision of a dedicated spin studio, improved changing, shower and toilet facilities and improvements to the area of the building currently hired to Little Acorns nursery including a dedicated entrance. All enhancements are aimed at increasing participation and thus income to be re-invested in the Centre. Planning permission has recently been submitted for the enhancements (refer Appendix 1).
6. The signed S106 agreements for the Park Farm South and East developments makes provision for sums of £46,421 and £82,153.84 totalling £128,574.84, to be paid to the Council and to be used towards the enhancement of leisure and recreation in the area and at the Recreation Centre. The Section 106 Working Group consider the expenditure of the S106 monies on these works is in line with the provisions of the S106 agreement.
7. An Architect has been appointed by the Parish Council to bring the project to Planning Permission. The Architect has approached the Council for planning and design advice and produced plans given existing and predicted usage following consultation with user groups, the Parish Council and residents.
8. Planning Permission for the enhancements is expected to be considered by March.

9. Ongoing asset repair liabilities to the Council will remain in line with the 99 year Lease and Trust Deed between the Council and Kingsnorth Parish Council (acting as Custodian Trustee) of 21st April 1998. The Council is responsible for structure and replacement of major plant, the Recreation Centre Trust (appointed by the Custodian Trustee to manage the Centre) is responsible for day to day maintenance and repair.
10. Officers are also working closely with the Parish Council on the potential leisure related developments on the public open space adjacent to the Recreation Centre (known locally as the 'Entrance Park'). Although at this stage it is unlikely that such developments will have a direct impact on the internal layout of the Recreation Centre. It is important to note that both the Parish Council and the Recreation Centre Trust are aware of the potential impact of such developments and have taken them into account in their proposed designs for the building.
11. A master planning exercise undertaken with the Parish Council for the Entrance Park will include the potential for relocating the Ashford Outdoor Bowls Club from the town centre. There are clear synergies with the incumbent short mat bowls and the Parish Council envisage the Bowls Club being an anchor for provision of facilities and activities on the site aimed specifically at the Over 60s. Further facility development may include additional indoor sports provision or a small sided 3G pitch suitable for walking football and netball.

## **Implications and Risk Assessment**

12. It is important the Council enters into a S106 funding agreement with the Parish Council for this proposed arrangement.
13. The funding agreement will be with Kingsnorth Parish Council, who, in consultation with the Recreation Centre Trust will undertake the enhancements. A funding agreement will require the Parish Council to spend the money only on the improvements outlined in this report. It will also require the works to be completed within an agreed timescale.
14. Construction costs have not been identified by the Parish Council at present but are anticipated to exceed the S106 funds available. As such the funding agreement will state that the shortfall will need to be secured by the Parish Council.
15. The Section 106 contribution may not cover the full cost of construction. It is for this reason that it is recommended Members give conditional approval subject to the Parish Council not only agreeing within the funding agreement to secure any shortfall but provides a satisfactory business plan to demonstrate that build completion estimates are to be fully funded.

## **Equalities Impact Assessment**

16. Members are referred to the attached assessment. The key issues arising are that the decision will have no impact on people with different protected characteristics and will positively impact on all sections of the community.

## **Other Options Considered**

17. There are significant housing and leisure developments in the area most notably in Bridgefield. When set against the master plan for the whole parish the Parish Council felt that use of the contributions would have most impact and benefit for the local community by being centred on the Recreation Centre.

## **Consultation Planned or Undertaken**

18. Key officers from Cultural Services have consulted with the Parish Council and Recreation Centre Trust and will continue to consult with the partners, the Portfolio Holder and the Ward Member, Cllr Mrs Tina Heyes as the project progresses.

## **Reasons for Supporting Option Recommended**

19. This is considered the best use of the S106 monies as agreed by the Parish Council and supported by the Council. It has formed part of an initial master planning exercise of the whole site including relocation of the town centre bowls club and additional facilities identified by the Parish Council for the local community. Further consultation is required but works to the Recreation Centre do not impact on the future provision being suggested.

## **Next Steps in Process**

20. Kingsnorth Parish Council will fully cost the project based on the architect's draft plans and produce a strategic risk assessment.
21. Based on the project costs the funding agreement between the Council and the Parish Council will be confirmed to enable the Parish Council to identify to the Council the source of their additional funding, if required, to ensure the project is not under funded and can be completed without additional support from the Council.
22. The Council will then release S106 contributions to Kingsnorth Parish Council in line with the funding agreement.

## **Conclusion**

23. The enhancements to Kingsnorth Recreation Centre are aimed at increasing participation and thus improving income to be re-invested in the centre. Cabinet is asked to approve the release of the aforementioned S106 funds (once received) provided that all other funding for the pavilion is in place and the recipient of the Council's funding enters into an appropriate funding agreement with the Council.

## **Portfolio Holder's Views**

24. Kingsnorth Recreation Centre will become a key central hub for the area as housing developments come on stream. The improvements to the centre will form the first phase of a key project to provide a suitable mix of facilities on the site and I am therefore happy to support this Cabinet report.

Cllr Jessamy Blanford (Culture, Leisure, Environment & Heritage)

## **Contact and Email**

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# Equality Impact Assessment

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1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

## Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:

- (a) Eliminate discrimination, harassment and victimisation;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

## Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

## Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.

6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:

- removing or minimising disadvantages suffered by people due to their protected characteristics.
- taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
- Encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.

7. How much regard is 'due' will depend on the circumstances. The greater the potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.
  8. In terms of timing:
    - Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
    - Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
    - The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
  - The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
  - It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
  - A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
  - A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

### Case law principles

9. A number of principles have been established by the courts in relation to the equality duty and due regard:
  - Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
  - Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)



<b>Lead officer:</b>	Ben Moyle
<b>Decision maker:</b>	Cabinet
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	Release Section 106 contributions to Kingsnorth Parish Council for the enhancement of Kingsnorth Recreation Centre.
<b>Date of decision:</b> The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	9 <sup>th</sup> February 2017
<b>Summary of the proposed decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	To ask for Member's approval to release S106 contributions to enable Kingsnorth Parish Council and Kingsnorth Recreation Centre Trust to fund the reconfiguration of the Recreation Centre as phase 1 of a long term plan to make the Centre a sports and community hub as indicated in the Local Plan. Centre users from all sections of the community will benefit from the enhancement. Over 1000 people per week use the centre. The improvements will help lift participation.
<b>Information and research:</b> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> </ul>	The draft plans have been drawn up by an architect on the instruction of the Parish Council and Recreation Centre Trust in consultation with centre users and have been duly approved by both bodies.
<b>Consultation:</b> <ul style="list-style-type: none"> <li>• What specific consultation has occurred on this decision?</li> <li>• What were the results of the consultation?</li> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	Key officers from Cultural Services have consulted with the Parish Council and Recreation Centre Trust and will continue to consult with the partners, the portfolio holder and the ward member as the project progresses.  The consultation has resulted in the belief that this is the best use of the contributions.  The decision will have no impact on people with different protected characteristics.

**Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.**

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

<b>Protected characteristic</b>	<b>Relevance to Decision</b> High/Medium/Low/None	<b>Impact of Decision</b> <b>Positive</b> (Major/Minor) <b>Negative</b> (Major/Minor) <b>Neutral</b>
<u>AGE</u> Elderly	MEDIUM	POSITIVE
Middle age	MEDIUM	POSITIVE
Young adult	MEDIUM	POSITIVE
Children	MEDIUM	POSITIVE
<u>DISABILITY</u> Physical	MEDIUM	POSITIVE
Mental	MEDIUM	POSITIVE
Sensory	LOW	NEUTRAL
<u>GENDER RE-ASSIGNMENT</u>	NONE	NEUTRAL
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	NONE	NEUTRAL
<u>PREGNANCY/MATERNITY</u>	NONE	NEUTRAL
<u>RACE</u>	NONE	NEUTRAL
<u>RELIGION OR BELIEF</u>	NONE	NEUTRAL
<u>SEX</u> Men	NONE	NEUTRAL
Women	NONE	NEUTRAL
<u>SEXUAL ORIENTATION</u>	NONE	NEUTRAL

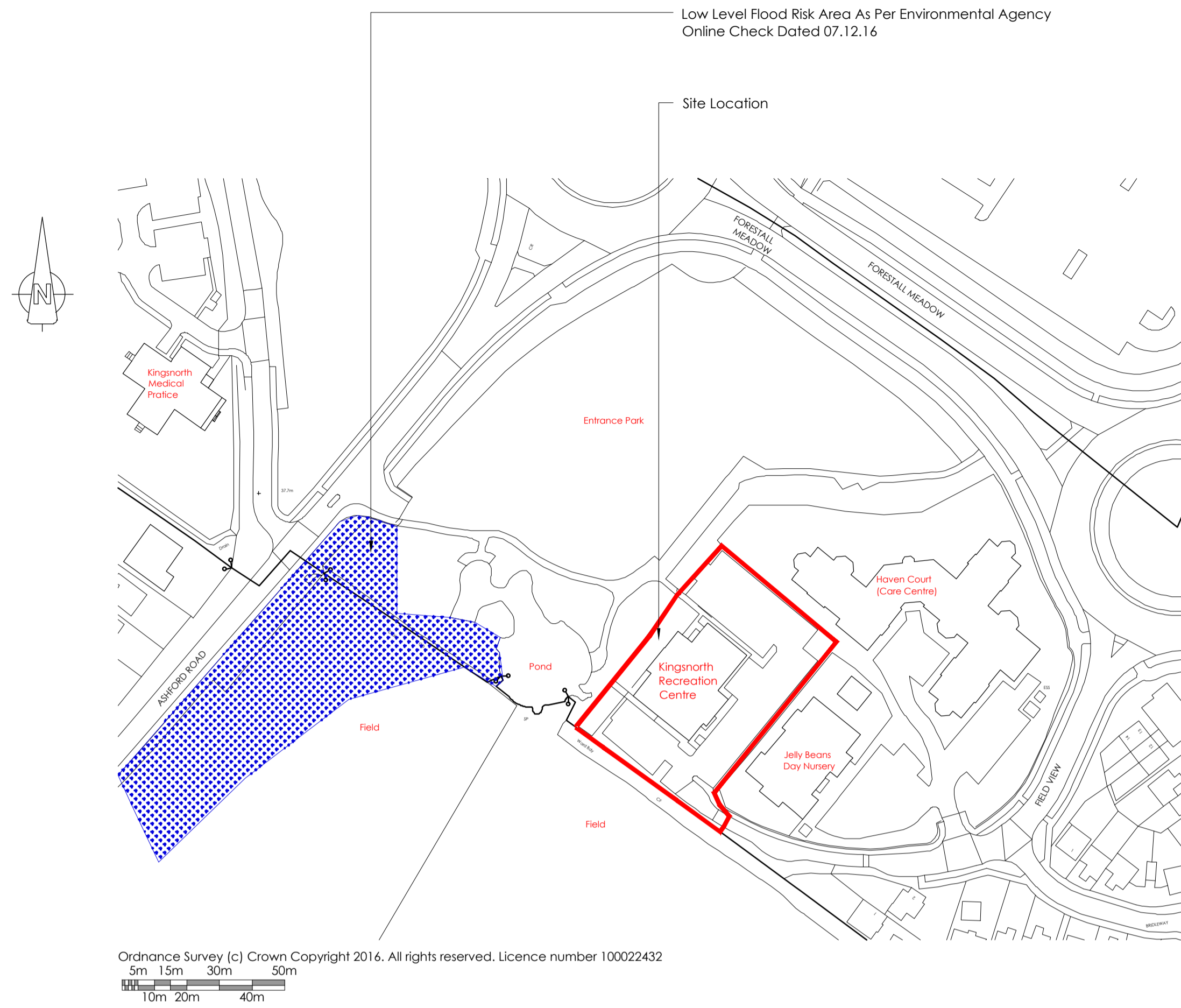
<b>Mitigating negative impact:</b> Where any negative impact has been identified, outline the measures taken to mitigate against it.	N/A
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**Is the decision relevant to the aims of the equality duty?**

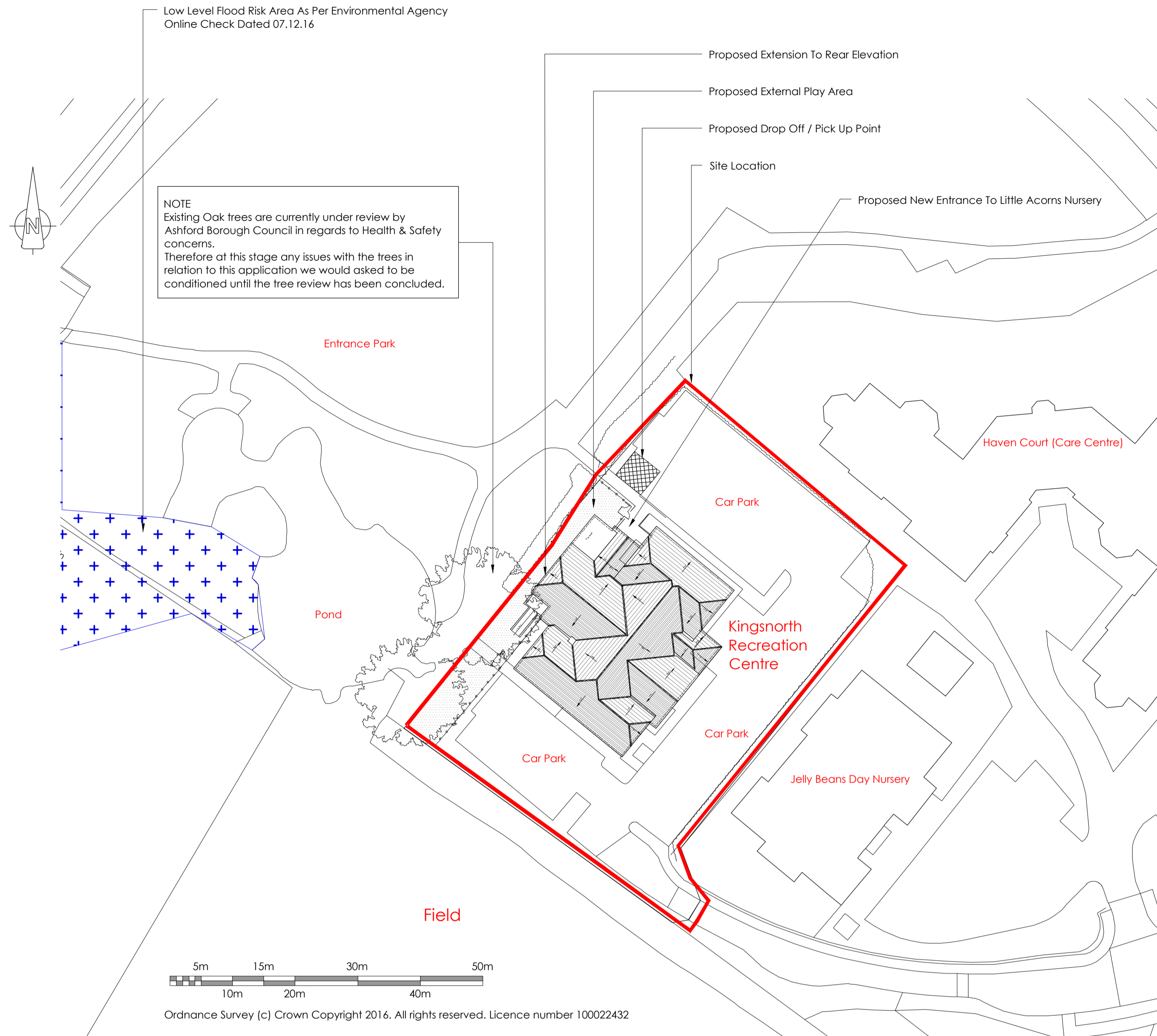
Guidance on the aims can be found in the EHRC's [Essential Guide](#), alongside fuller [PSED Technical Guidance](#).

Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	YES
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	YES
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	YES

<p><b>Conclusion:</b></p> <ul style="list-style-type: none"> <li>• Consider how due regard has been had to the equality duty, from start to finish.</li> <li>• There should be no unlawful discrimination arising from the decision (see guidance above ).</li> <li>• Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.</li> <li>• How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?</li> </ul>	<p>Due regard has been made to the equality duty, from start to finish of the consultation and scoping process.</p> <p>There will be no unlawful discrimination arising from the decision</p> <p>The proposal meets the aims of the equality duty as all sections of the community including those with protected characteristics will benefit from the enhancements to the centre.</p> <p>Monitoring of the policy, procedure or decision and its implementation be undertaken and reported will be undertaken by the partners.</p> <p><i>The council's revised policy register will assist services to meet this</i></p>
<p><b>EIA completion date:</b></p>	<p>15-1-17</p>



Site Location Plan  
scale 1:1250



Site Block Plan  
scale 1:500

**notes**

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**project**

client  
Kingsnorth Parish Council

project title  
Kingsnorth Recreation Centre  
Field View, Kingsnorth  
Ashford Kent TN23 3NZ

**drawing**

drawing title  
Site :Location and Block Plan

scale (A1) date drawn checked  
As Shown Dec 16 DD

**reference**

project no. discipline drawing no. revision  
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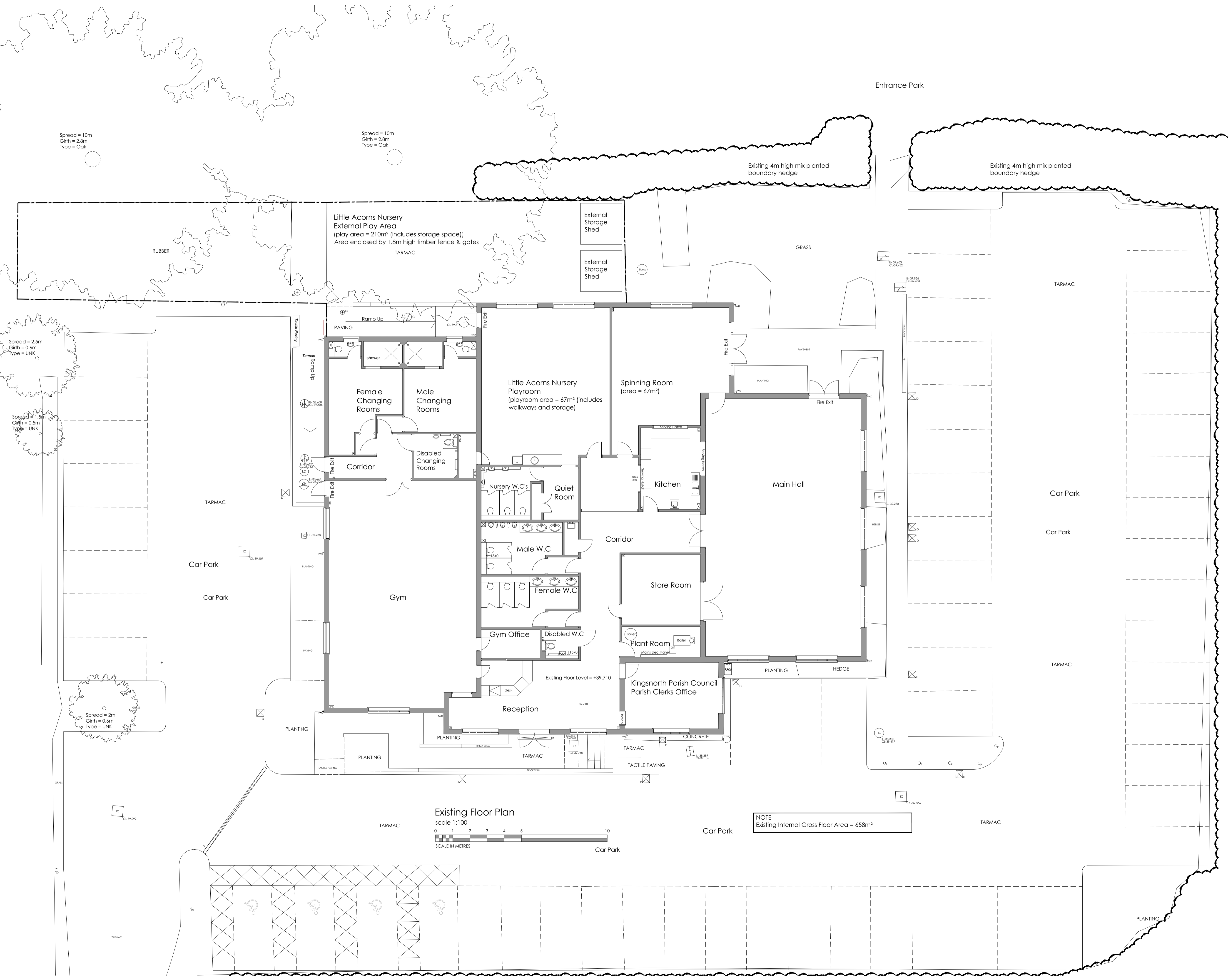
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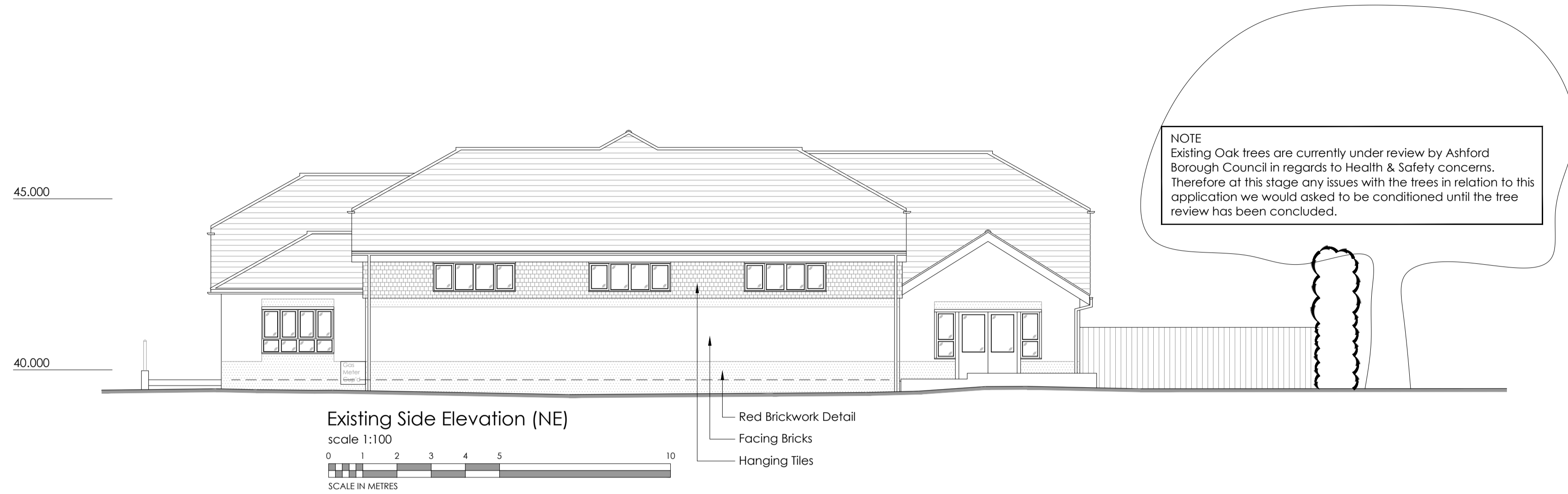
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**Existing Floor Plan**  
 scale 1:100  
 SCALE IN METRES

**NOTE**  
 Existing Internal Gross Floor Area = 658m²



NOTE  
Existing Oak trees are currently under review by Ashford Borough Council in regards to Health & Safety concerns. Therefore at this stage any issues with the trees in relation to this application we would asked to be conditioned until the tree review has been concluded.

Existing External Finishes	
Roof	Concrete Roof Tiles
Windows	White uPVC Double Glazed Units
Doors	White uPVC Double Glazed Units
Wall	Facing Bricks With Red Brick Detail As Noted
Hanging Tiles	Red Concrete Tiles



notes

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project

client  
Kingsnorth Parish Council

project title  
Kingsnorth Recreation Centre  
Field View, Kingsnorth  
Ashford Kent TN23 3NZ

drawing title  
Existing Elevations

scale (A1)      date      drawn      checked  
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project

client  
Kingsnorth Parish Council  
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Kingsnorth Recreation Centre  
Field View, Kingsnorth  
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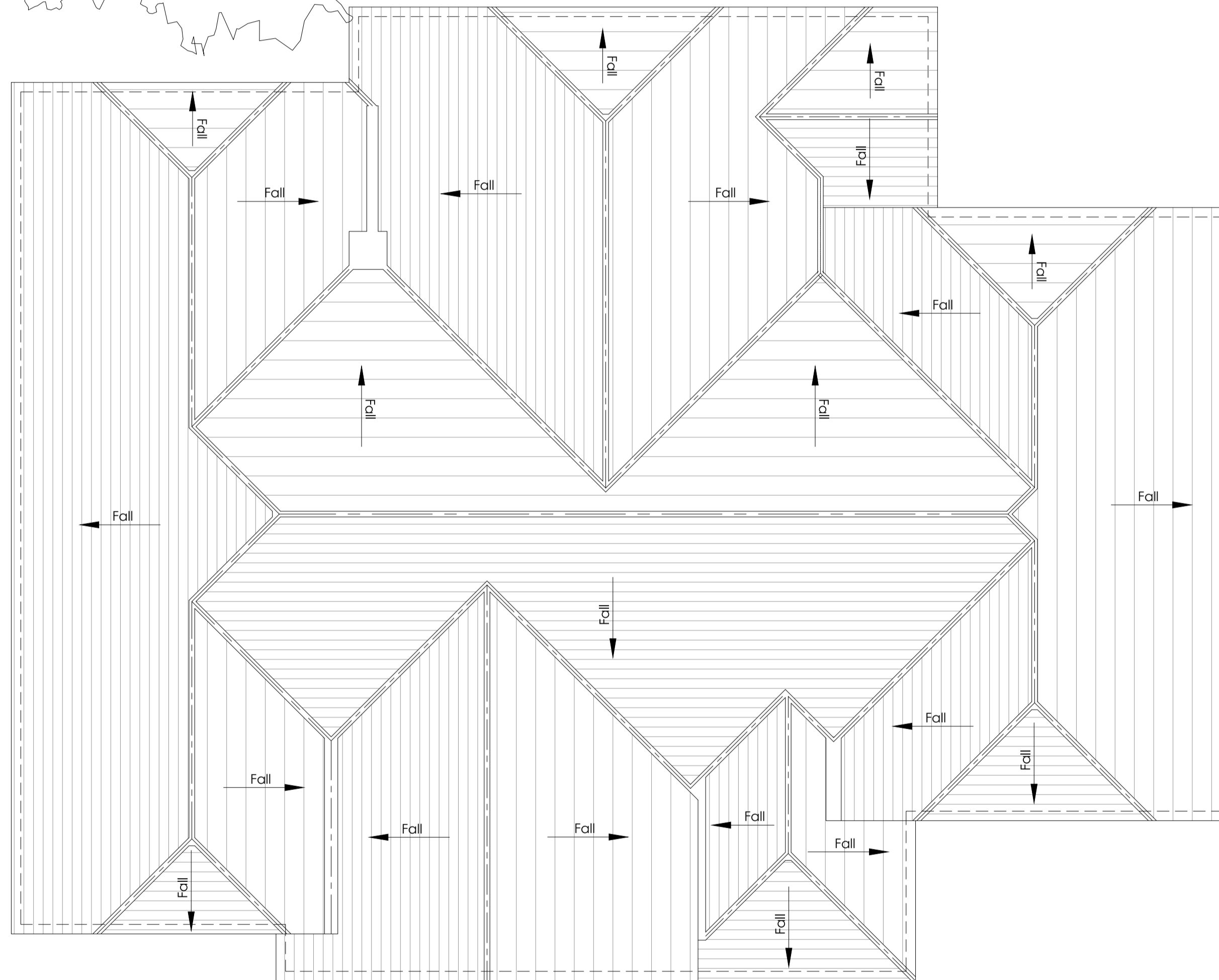
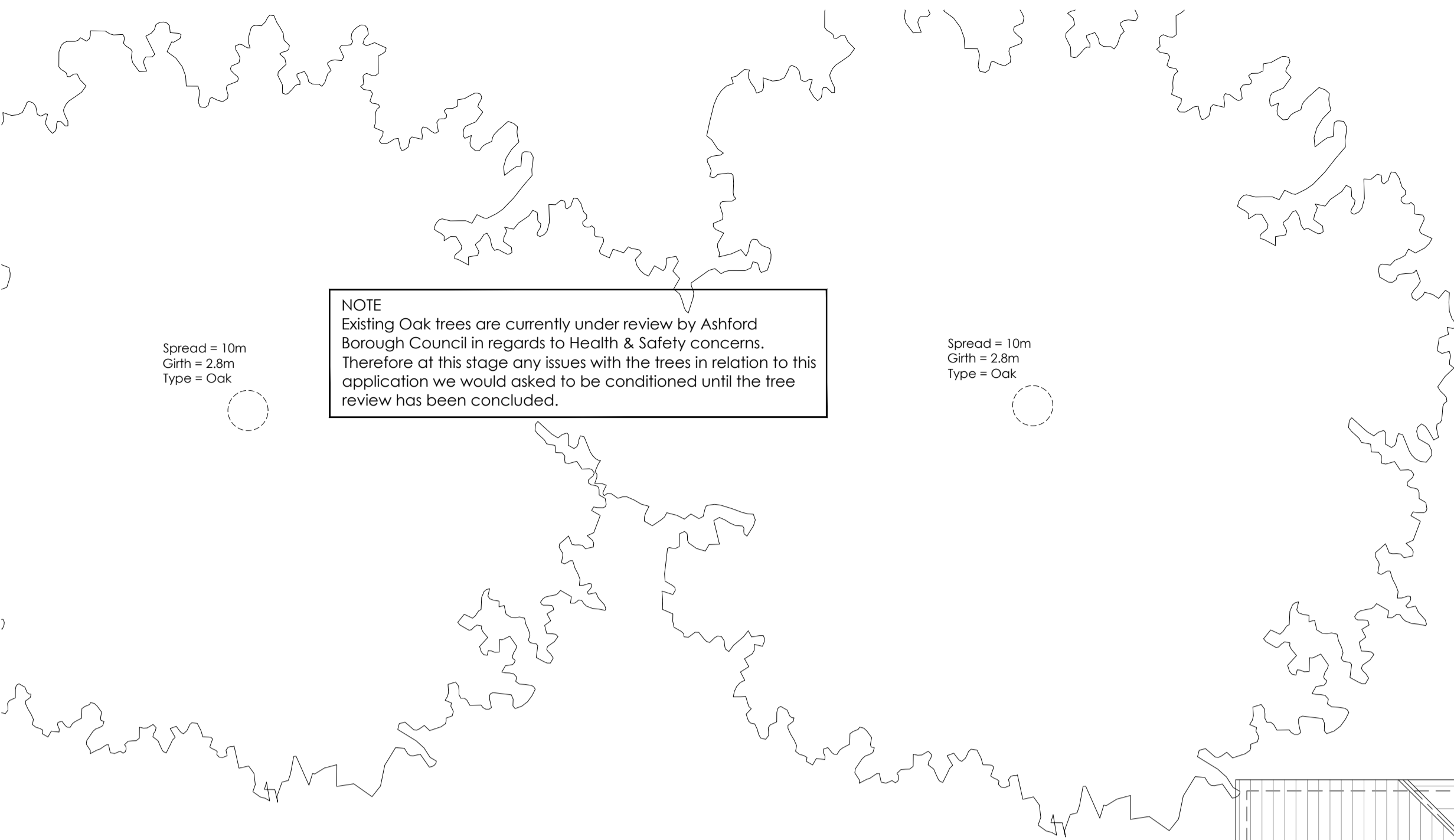
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Existing Roof Plan

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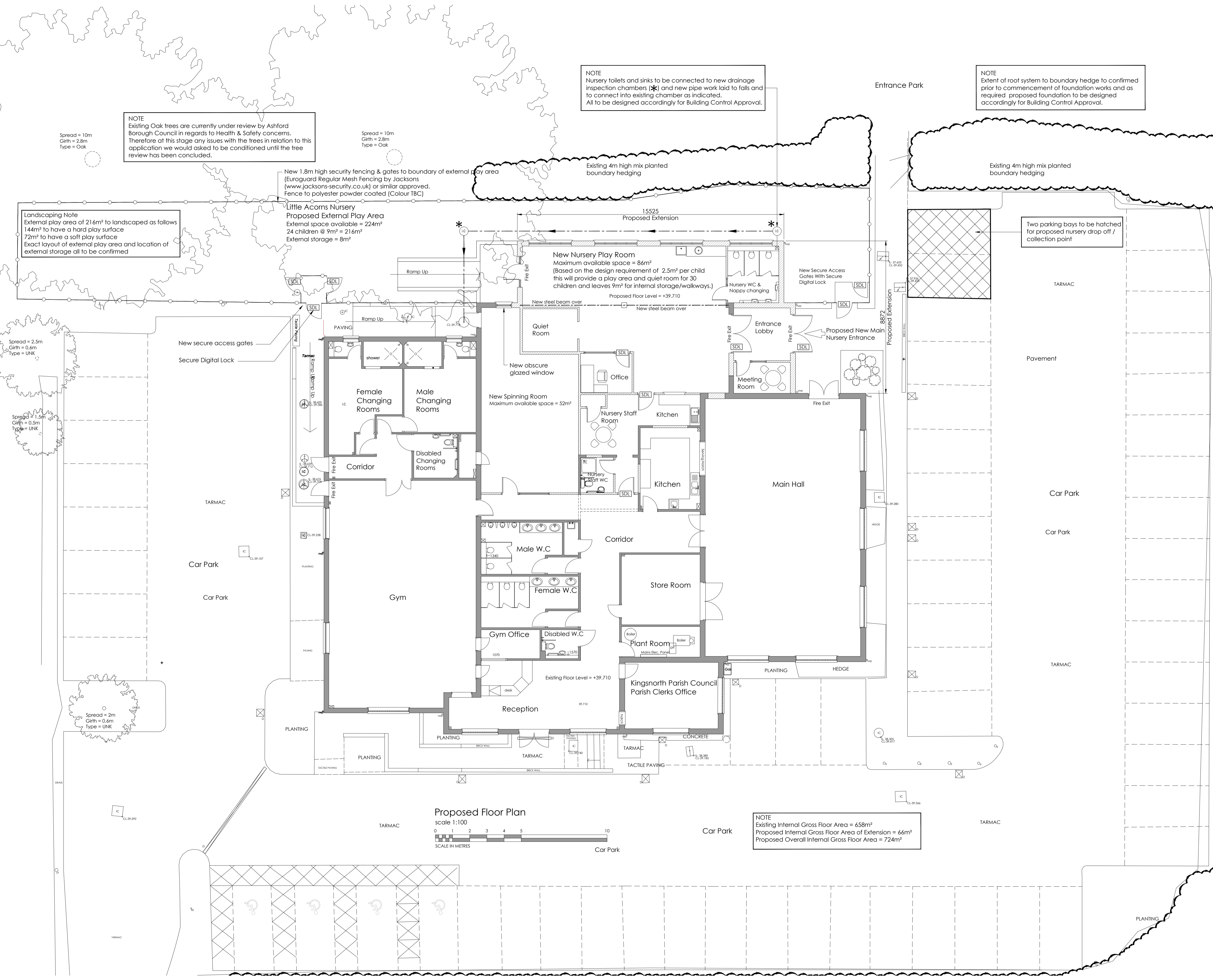
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Existing Roof Plan  
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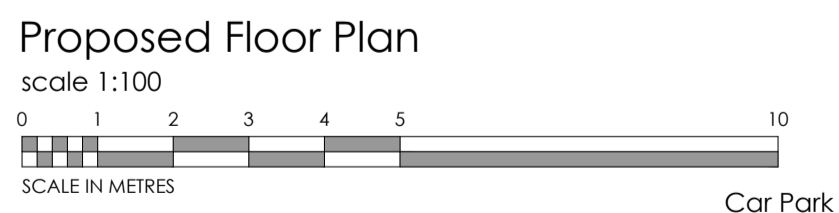
**NOTE**  
Existing Oak trees are currently under review by Ashford Borough Council in regards to Health & Safety concerns. Therefore at this stage any issues with the trees in relation to this application we would asked to be conditioned until the tree review has been concluded.

**Landscaping Note**  
External play area of 216m<sup>2</sup> to landscaped as follows  
144m<sup>2</sup> to have a hard play surface  
72m<sup>2</sup> to have a soft play surface  
Exact layout of external play area and location of external storage all to be confirmed

**Little Acorns Nursery**  
Proposed External Play Area  
External space available = 224m<sup>2</sup>  
24 children @ 9m<sup>2</sup> = 216m<sup>2</sup>  
External storage = 8m<sup>2</sup>

**NOTE**  
Nursery toilets and sinks to be connected to new drainage inspection chambers (IC) and new pipe work laid to falls and to connect into existing chamber as indicated.  
All to be designed accordingly for Building Control Approval.

**NOTE**  
Extent of roof system to boundary hedge to be confirmed prior to commencement of foundation works and as required proposed foundation to be designed accordingly for Building Control Approval.



**NOTE**  
Existing Internal Gross Floor Area = 658m<sup>2</sup>  
Proposed Internal Gross Floor Area of Extension = 66m<sup>2</sup>  
Proposed Overall Internal Gross Floor Area = 724m<sup>2</sup>

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Dec 16

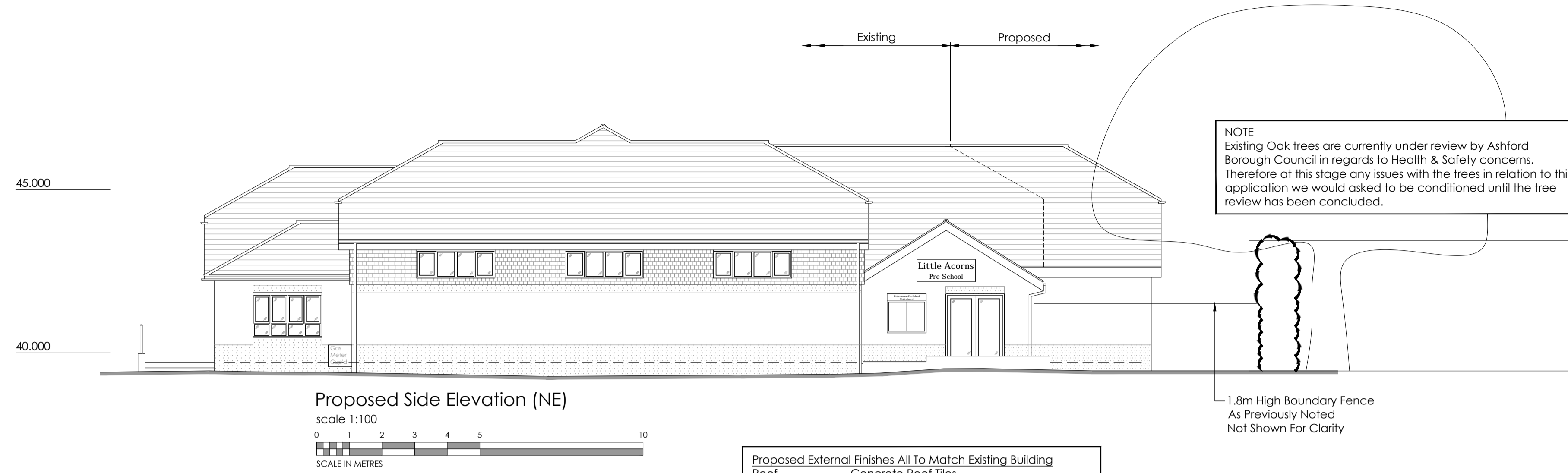
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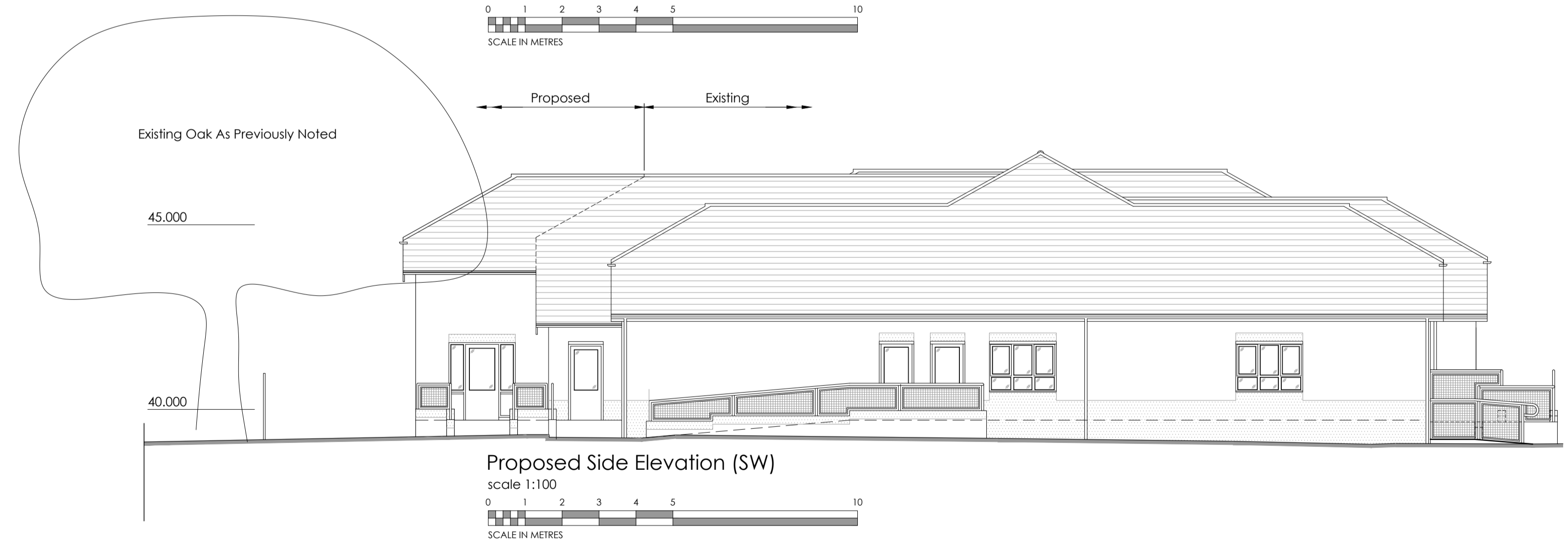
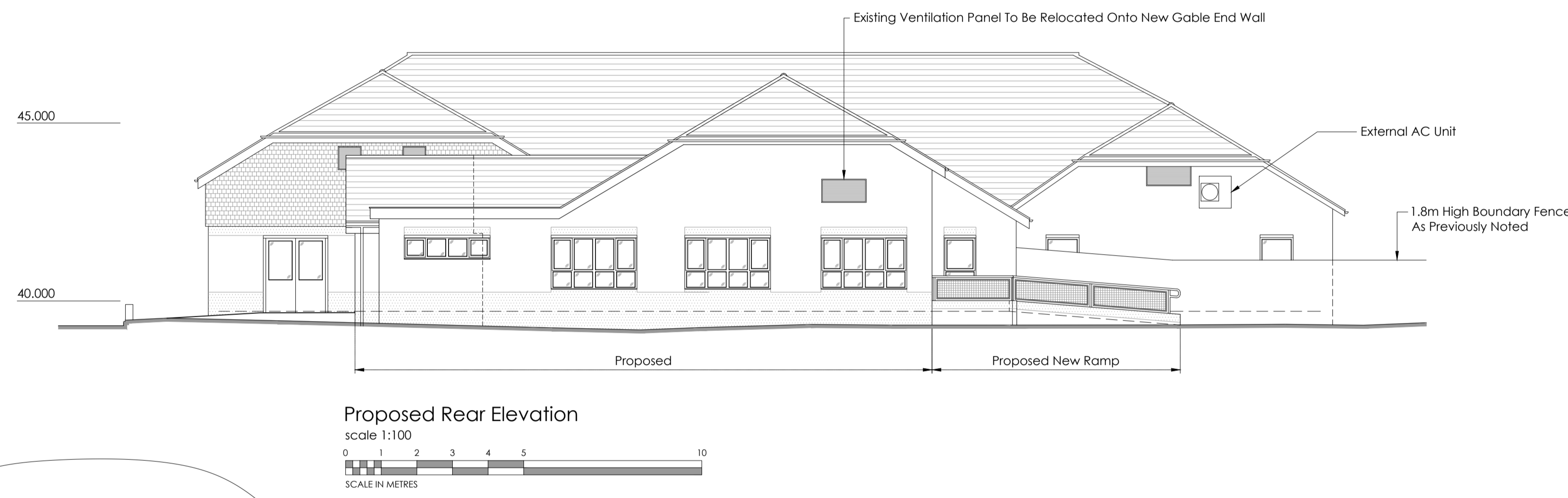
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Proposed External Finishes All To Match Existing Building

Roof	Concrete Roof Tiles
Windows	White uPVC Double Glazed Units
Doors	White uPVC Double Glazed Units
Wall	Facing Bricks With Red Brick Detail As Noted
Hanging Tiles	Red Concrete Tiles



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project

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Kingsnorth Parish Council

project title  
Kingsnorth Recreation Centre  
Field View, Kingsnorth  
Ashford Kent TN23 3NZ

drawing title  
Proposed Elevations

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drawing status

general notes

revision

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project

client  
Kingsnorth Parish Council  
project title  
Kingsnorth Recreation Centre  
Field View, Kingsnorth  
Ashford Kent TN23 3NZ

drawing title

Proposed Roof Plan

scale (A1)      date      drawn      checked  
1:100      Dec 16      DD

reference

project no.    discipline    drawing no.    revision  
433    /    /    07

NOTE  
Existing Oak trees are currently under review by Ashford Borough Council in regards to Health & Safety concerns. Therefore at this stage any issues with the trees in relation to this application we would asked to be conditioned until the tree review has been concluded.

Spread = 10m  
Girth = 2.8m  
Type = Oak

Spread = 10m  
Girth = 2.8m  
Type = Oak

