

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

30 NOVEMBER 2006

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

CORPORATE – LEAD CABINET MEMBER - COUNCILLOR COLEMAN

**STOCKTON SIXTH FORM COLLEGE – NEW CHANGING FACILITIES AND SPORTS PITCH
DRAINAGE WORKS**

1. Summary

This report advises Members of a request by Stockton Sixth Form College that Property Development undertake the management of the construction of changing facilities and works to improve drainage on sports fields in the college grounds and at Our Lady and St Bede Comprehensive School. All as required by the planning consent provisions of the 106 agreement to development of land sold by the College. This facility will provide a much needed community sports facility in the area. This report outlines the financial package delivery timetable and associated risks that the council be accepting

2. Recommendations

1. That Cabinet approve the principal of the Council Taking over responsibility as Client for the construction of the Changing pavilion and remedial work to drainage on sports pitches at Stockton Sixth Form College and Our Lady & St Bede Comprehensive School, subject to satisfactory mitigation of the risks identified in Paragraphs 8 and 9
2. That the Cabinet formally delegate powers to the Corporate Director for Development and Neighbourhood Services in consultation with the relevant cabinet members to authorise all legal agreements and Delegated Decisions associated with the project, subject to the funding being in place and the satisfactory mitigation of risks set out in paragraphs 8 and 9.

3. Reasons for the Recommendations

To facilitate the construction of changing rooms and remedial drainage in accordance with the 106 Planning agreement

4. Members Interests

Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting is being held, whilst the matter is being considered; not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc.; whether or not they are a member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting, and if their interest is prejudicial, they must also leave the meeting room during consideration of the relevant item.

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RECOMMENDATIONS

1. That Cabinet approve the principal of the Council Taking over responsibility as Client for the construction of the Changing pavilion and remedial work to drainage on sports pitches at Stockton Sixth Form College and Our Lady & St Bede Comprehensive School, subject to satisfactory mitigation of the risks identified in Paragraphs 8 and 9.
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BACKGROUND

1. Stockton Sixth Form College sold surplus Land to Bellway Homes Ltd and Persimmon Homes Ltd. As part of the planning permission to develop the land, a section 106 Agreement of the 1990 Town and Country Planning act (as amended) was made between Stockton Sixth Form College and Stockton Borough Council. One of the provisions of the 106 agreement contained in the Second Schedule item 1.1 and 1.2 is the provision of adequate drainage to sports pitches on the remaining Sixth Form College Site and on the Our lady & St Bede site. Also the provision of 4 New changing rooms on the College site. Once the works are complete, the pitches and changing rooms are to be available under the terms of a community use agreement
2. Due to the experience and excellent track record of Property Development in undertaking the management of projects of this type, Stockton Sixth Form College have requested that

the Council on their behalf undertake the design and management of works and that they, the Sixth Form College and their partners will provide all the funding required to complete the works.

3. From Stockton Borough's Point of view these works will provide a much need sports facility in the Grangefield, Elmtree and Fairfield area of Stockton, wholly run and funded by external partners

FINANCIAL AND LEGAL IMPLICATIONS

4. Stockton Sixth Form College will give the Borough a 25year lease on the footprint of the land upon which the changing block is to be built.
5. An agreement will be drawn up to pass the administration and maintenance of the building to Stockton Town Football Club who presently uses the college and Our lady and St Bede Comprehensive School facilities. They will be granted the lease to administer the building and provide all revenue costs to facilitate this.
6. Overall the project is valued at £1,800,000.00 Funding to be provided by Stockton Sixth Form College in partnership with Stockton Town Football Club.

Stockton Sixth form College	£1,312,000.00
Football Foundation Grant	£488,000.00
<u>Total Funding</u>	<u>£1,800,000.00</u>

DELIVERY

106 Agreement with Stockton Sixth Form College	June 2004	✓
Stockton Sixth Form College agree to a 25year Lease for the footprint of the land on which the changing facility is to be built to be held by SBC	November 2006	
Planning Application	October 2006	Application submitted Decision due 8 December
Written agreement from Stockton Sixth form College that SBC is to facilitate the construction of the Changing facility and that funding will be provided by Stockton Sixth form college and Stockton Town Football Club.	December 2006	
Confirmation of all Funding in Place and agreement in place for maintaining the facility by Stockton Junior Football Club	December 2006	
Construction commences	March 2007	
Construction Complete	October 2007	

RISK ASSESSMENT

Risk Issue	. Undertaking the construction of a changing pavilion for Stockton Sixth Form College as part of a 106 Planning agreement. Works are to be wholly paid for by the College and grants through Stockton Town Football Club. Works will be a SBC contract	
Description of Risk	<ol style="list-style-type: none"> 1. Agreement on Land to be leased to SBC to build pavilion on 2. Construction costs initially paid by SBC may not be reimbursed by the 6th Form college and their partners. 3. Running costs for next 25 years will not be kept up by College and the Football Club 	
Description of Impact	Source of funding from the College could stop which would leave SBC in a position to either complete the project or remove partial construction	Score 5
Description of Likelihood	<ol style="list-style-type: none"> 1. Written agreements with the 6th Form college would tie them in to full liability. Therefore reducing risk to SBC 2. Loss of grant from Football Foundation would possibly make the project not viable. 	Score 2 <hr/> Total Score 10

Risk Category (please circle) Use matrix to determine	Very Low	Low	Medium	High	Catastrophic
Existing Control Measures	<ol style="list-style-type: none"> 1. Legal agreements from Sixth Form College will cover all SBC expenses with regard to the procurement of the building. 2. No construction would take place until all funding is in place and all agreements signed with Stockton Sixth Form College and Stockton Town Football Club. 3. Legal agreement to include that the Sixth form College will cover all costs in relation to the final account for the project. 				

SUMMARY ASSESSMENT OF RISK

All funding will be from outside sources. No funding contribution required from the Council. Not undertaking the work will put the Sixth Form College in breach of the 106 agreement.

POLICY CONTENT

Outline Planning approval for residential redevelopment 04/2149 OUT.

COMMUNITY STRATEGY IMPLICATIONS

Environment:

Land sold by the College for residential site re-development will be developed in accordance with the planning approval.

Community Safety and Well-Being:

The proposed works and will greatly improve sporting facilities in the area.

Economic Regeneration:

As outlined in the report.

CONSULTATION INCLUDING WARD/COUNCILLORS

Grangefield : Councillors Johnson and Mrs Wade
 Bishopsgarth & Elmtree : Councillors Mrs Fletcher and Roberts
 Fairfield : Councillors Perry and Woodhead

A positive response was received from Councillor Wade. Consultation with Councillors Fletcher and Hawkins was undertaken by Stockton 6th Form College.

During the public planning consultation period requests were made to revise the fence line to enclose the wildlife area to the west of the playing fields and adjacent to the railway footpath. This has been taken into account and the fence line amended. There are no flood lights proposed for this development.

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Background Papers

106 Agreement Stockton Borough Council and Stockton Sixth Form College
ref: (P)HJC.RJN.BEL027.2043

Property Implications

As outlined in the report.