



Democratic Services

Location: Phase II
Ext: 0693
DDI: 01895 250693
CMD No: 856

To: **OUNCILLOR JONATHAN BIANCO**
CABINET MEMBER FOR PROPERTY, HIGHWAYS AND TRANSPORT

OUNCILLOR MARTIN GODDARD
CABINET MEMBER FOR FINANCE

c.c. All Members of the Property, Highways & Transport Select Committee
c.c. Denise Ferguson – Place Directorate
c.c. Nicola Wyatt – Place Directorate
c.c. Neena Singh – Place Directorate
c.c. Perry Scott – Corporate Director of Place
c.c. Ward Councillors for Ruislip

Date: 13 July 2023

Non-Key Decision request

Form D

**NEW ALLOCATION OF S106 CONTRIBUTIONS / CAPITAL RELEASE 2023/24:
Contribution towards the construction of a new club house for the 2nd/9th
Ruislip Scouts Group at St Catherine's Road, Ruislip**

Dear Cabinet Members,

Attached is a report requesting that a decision be made by you as an individual Cabinet Member. Democratic Services confirm that this is not a key decision, as such, the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 notice period does not apply.

You should take a decision **on or after Friday 21 July 2023** in order to meet Constitutional requirements about publication of decisions that are to be made. You may wish to discuss the report with the Corporate Director before it is made. Please indicate your decision on the duplicate memo supplied, and return it to me when you have made your decision. I will then arrange for the formal notice of decision to be published.

Steve Clarke
Democratic Services Officer

Title of Report: NEW ALLOCATION OF S106 CONTRIBUTIONS / CAPITAL RELEASE 2023/24: Contribution towards the construction of a new club house for the 2nd/9th Ruislip Scouts Group at St Catherine's Road, Ruislip

Decision made:

Reasons for your decision: (e.g. as stated in report)

Alternatives considered and rejected: (e.g. as stated in report)

Signed Date

Cabinet Member for Finance / Cabinet Member for Property, Highways & Transport

NEW ALLOCATION OF S106 CONTRIBUTIONS / CAPITAL RELEASE 2023/24: Contribution towards the construction of a new club house for the 2nd/9th Ruislip Scouts Group at St Catherine's Road, Ruislip

Cabinet Member(s)	Councillor Martin Goddard Councillor Jonathan Bianco
Cabinet Portfolio(s)	Cabinet Member for Finance Cabinet Member for Property, Highways & Transport
Officer Contact(s)	Nicola Wyatt – Place Directorate Neena Singh – Place Directorate
Papers with report	Appendix A with capital release requests for approval

HEADLINES

Summary	To seek Cabinet Member approval to allocate and release £100k from the S106 contribution held at CSL/74/556A towards the construction of a new clubhouse for the 2 nd /9 th Ruislip Scouts Group at 18 St Catherine's Road, Ruislip.
Putting our Residents First	This report supports our ambition for residents / the Council of: Enjoy access to green spaces, leisure activities, culture and arts.
Delivering on the Council Strategy 2022-2026	This report supports our commitments to residents of: Safe and Strong Communities.
Financial Cost	This report seeks to allocate and release a total of £100k from a S106 contribution held by the Council towards the project outlined in this report. The £100k from the S106 contribution is to be used in conjunction with £125k previously released contribution from the Youth Provision Capital Budget (approved in principle by Cabinet in January 2018) to the Scout Group towards a new clubhouse. The works would be managed through the Contract Administrators appointed by the 2 nd /9 th Ruislip Scouts Group however, the Council's Capital Programme Clerk of Works will regularly review and check on works as they progress.
Relevant Select Committee	Property, Highways and Transport Select Committee
Relevant Ward(s)	Ruislip

RECOMMENDATIONS

That the Cabinet Member for Finance and the Cabinet Member for Property, Highways & Transport

1. Approve the allocation of the s106 contribution held at CSL/74/556A (£100,617) towards the construction of a new clubhouse for the 2nd/9th Ruislip Scouts Group at 18 St Catherine's Road, Ruislip, HA4 7RU; and,
2. Agree to the following capital release request of £100k from the S106 contribution held at CSL/74/556A to be used in conjunction with the previously released £125k from the Youth Provision capital budget to provide grant funding towards the construction of a new clubhouse for the 2nd/9th Ruislip Scouts Group at 18 St Catherine's Road, Ruislip, HA4 7RU (Appendix A).

Reasons for recommendations

In accordance with the Council Constitution, the allocation of Section 106 (S106) and Section 278 (S278) funds is required to be formally approved by the Cabinet Member for Finance on a case-by-case basis – and any capital release, in conjunction with the relevant Cabinet portfolio holder. This report requests the approval for the S106 funds held at the case reference detailed in this report to be committed as outlined in this report.

The 2nd/9th Ruislip Scouts Group informed the Council of their decision to relocate the Scouts hut from Ladygate Lane, Ruislip to 18 St Catherine's Road, Ruislip following the decision by the London Diocese to develop the original site into residential development. The Scouts Group are committed to providing a new facility for their members and have sought match funding from the Council and the S106 contribution received from the redevelopment of the Ladygate Lane site.

Alternative options considered / risk management

The Council has committed funds to the Scout Group towards the new clubhouse to provide facility for local Scout Members.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

Purpose of Planning Obligations

- 1 Planning obligations, or S106 agreements, are an established mechanism for mitigating planning effects arising from development proposals. The agreements are usually negotiated within the context of planning applications, between Local Planning Authorities and persons with an interest in the piece of land (owners, leaseholders or developers). They are intended to make development acceptable, which would otherwise be unacceptable in planning terms.

2 Any S106 monies generated from planning agreements must be spent on their intended purpose and that the associated development contributes to the sustainability of the area by addressing the impacts of the development proposals. As a result, expenditure of S106 funds must relate to a specific development and must be in accordance with the corresponding legal agreement. If a contribution is not used for the intended purpose, or not spent within the period allocated in the S106 agreement, the monies may need to be returned.

S106 contribution held at case reference CSL/74/556A

Details of contribution

3 A financial contribution totalling £100,617 (including indexation) has been received in accordance with a S106 agreement dated 22nd October 2019 and subsequent DOV dated 24th November 2022 relating to the development of land at the former Scout Hut site, 4 Ladygate Lane, Ruislip (planning ref 702/APP/2018/4224). The funds have been received as the "New Scout Hut Facility Contribution" to be used by the Scouts towards the provision of a new scout hut facility. The new facility is to be constructed by the scouts at the St Catherine's Road site, Ruislip.

4 Under the terms of the agreement, the funds are to be spent within 7 years of receipt (February 2028).

Planning background

5 On 21 August 2019, at the Council's North Planning Committee, permission for the demolition of the existing Scout Hut building at 4 Ladygate Lane, Ruislip and the erection of 3x3 bed and 1x2 bed dwellings with associated parking and amenity space was approved. At Committee, officers had advised that the existing scout hut facility located on the site was to be relocated to a more suitable location at St Catherine's Road (approximately 0.5 miles from the existing site) and that a planning application for the provision of a replacement scout hut had been approved under planning reference 6039/APP/2018/4478. Planning permission was therefore granted subject to the completion of a S106 agreement to secure a financial obligation towards the replacement of scouting facilities on the alternative site.

6 In line with the provisions of the agreement, the Council has received a financial sum of £100,000 (plus indexation) towards the re-provision of the new scout hut facility at the St Catherine's Road site.

Proposed allocation

7 The Scout Group has subsequently submitted a new planning application to provide a modular timber scout hut (planning reference 6039/APP/2021/3465) which received approval in March 2022. The project has also been further delayed due to ongoing negotiations regarding the renewal of the lease for the St Catherine's Road site. Subject to confirmation that the lease for the site has been renewed and as is the intention of the legal agreements, officers are requesting that the contribution held at CSL/74/556A is allocated and released towards the provision of the new scout hut at St Catherine's Road, as outlined in paras 8-13 below.

Proposal: Construction of a new clubhouse for the 2nd and 9th Ruislip Scouts Group at 18 St Catherine's Road, Ruislip, HA4 7RU.

- 8 The Scout Group has received planning approval for a new scout hut and storage unit of 192m² adjacent to 18 St. Catherine's Road, West Ruislip (Planning reference 6039/APP/2021/3465). The Scout Group have agreed the new terms for the lease renewal of St Catherine's Road and the Council's Legal team have been instructed to draft the new lease for signing.
- 9 Planning approval was received in August 2019 to the London Diocese for a residential development at the location of the original site of the scout hut at Ladygate Lane, Ruislip. As part of this, the S.106 Agreement between the Council and London Diocese Fund confirms the S.106 contribution of £50k at vacant possession of site and £50k prior to commencement of development. The Scout Group vacated the Ladygate Lane site on 31 January 2021 and to date the Council has received a S.106 contribution of £100k from the redevelopment of the scout hut site at Ladygate Lane. It is confirmed that the S106 funding from the redevelopment of the Ladygate Lane site has been received and is earmarked for the new scout hut.
- 10 The Council has also committed £125k contribution approved in principle by Cabinet in January 2018 to the Scout Group towards the new clubhouse. This Capital Release requests the release of the available £100k S106 funding. The table below shows the funds released and to be released towards the development of the new scout hut.

Funding	Budget £	Previously Released £	Requested for Release £
S106 Funding CSL/74/556A (London Diocese)	100,000		100,000
Youth Provision Capital Budget (LBH General Fund)	125,000	125,000	
Total	£225,000	125,000	100,000

Proposed works and tender process

- 11 The Scout Group has previously undertaken a tender process to appoint a contractor and will obtain revised tenders based on the new designs as approved by Planning.
- 12 Once a contractor has been appointed, arrangements will be made for the Council to verify that the works are being completed before funds can be transferred to the Scout Group in instalments at a percentage of the works complete and the balance at completion of works.

Management of works and project costs

- 13 A Clerk of Works from the Council will review progress of the works to ensure works are being completed to the required standards and instalments of funding will be agreed pending stages of completion as follows:

Building Control Stages of Sign Off	% Release of funds	Grant funds (£) to be issued
Excavation for a foundation (before covering up) and Foundation concrete	20%	45,000
Laying of damp proof coursing and installation of new drains (before covering up)	20%	45,000
Construction of primary structure and insulation	20%	45,000
Roof construction	20%	45,000
Completion (obtain completion certificate)	20%	45,000
	100%	225,000

Financial Implications

Youth Provision 2023/24 Budget £700k, Previously Released £174k, Capital Release Requested £100k – Appendix A

In January 2018, Cabinet agreed in principle a grant of £125k to provide match-funding towards the building of a new Hut for the 2nd/9th Ruislip Scout Group to be funded from the Youth Provision Capital Budget. These monies have been carried forward and retained within the existing Youth Provision revised budget of £700k from 2023-24 including the £100k S106. At the time of the Cabinet decision this was subject to planning advice being satisfactory and Cabinet also agreed an exceptional waiver of the usual capital release reporting requirements for this, to enable any grant payment to be expedited.

The London Diocese obtained planning consent for a residential development at the original scout hut site at Ladygate Lane and the scouts have obtained planning consent for the rebuilding of a new scout hut in St Catherine's Road, West Ruislip. The planning agreement for the residential development included S106 contributions of £100k which have been received from London Diocese and are earmarked for the building of the Scout Hut under the planning agreement. The S106 monies form part of the total project budget.

The report requests the allocation of £100k towards the construction of a new clubhouse for the 2nd/9th Ruislip Scouts Group from the S106 contribution held at CSL/74/556A relating to Scout Hut Site, Ladygate Lane, Ruislip. The funds have a time limit to spend by February 2028.

The report also seeks the capital release of £100k to contribute to the £125k previously released capital funding towards the construction of the new clubhouse for the 2nd/9th Ruislip Scouts Group. The tendering and appointment of contractor will be managed by the Scout group. To manage risk and quality assurance, contributions are proposed to be made in 20% instalments at various stages of completed works following review by an internal clerk of works.

The proposal of the scheme meets the conditions stipulated by the developer on the intended use of the S106 contribution.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities

Providing a new scout hut facility for members of the 2nd/9th Ruislip Scouts in the Ruislip area. The recommendations will enable external funds to be spent to the maximum effect to provide viable improvements for the benefit of local communities.

Consultation carried out or required

Consultation and agreement of works as part of the planning process.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate finance concurs with the financial implications above, noting that the proposed contribution to the 2nd/9th Ruislip Scouts Group for the re-provision of a new scout hut building, will be funded from a combination of the previously approved by Cabinet grant award of £125k within the Youth Provision capital budget and £100k of Section 106 contributions arising from a planning agreement related to the former scout hut site.

Legal

Legal Services has considered the content of the Section 106 agreement and Deed of Variation (DoV) referred to in this report and concludes that the recommendation presented to approve the allocation of the New Scout Hut Facility Contribution being the sum of £100,617 (inclusive of indexation) is consistent with the terms of the agreements.

Infrastructure / Asset Management

Asset Management concurs with the proposal above and can confirm that this does not contravene any plans or future strategy. The proposal runs alongside the lease renewal, terms have been agreed between parties. Legal have been instructed to prepare the necessary document to formalise the proposed agreement – subject to contract and the council's formal approval process.

Capital Release Protocol

The release of all capital funds, and certain revenue funds, held by the Council is to be made by a formal democratic decision. No expenditure can be placed or committed by officers until this formal approval is given by Democratic Services. Release of funds must be for identified projects only and strictly not for the general release of funds for projects to be identified at a later date. No block releases of capital or funding will be allowed, except if authorised by the Leader of the Council in advance to Corporate Finance. The release of funds will only be made if previous Council, Cabinet or Cabinet Member agreement has been given to the project and only if there is an approved budget.

BACKGROUND PAPERS

Planning Obligations Supplementary Planning Document 2014

APPENDIX A - CAPITAL RELEASE REQUEST FOR APPROVAL

S106 allocation: Contribution towards the construction of a new club house for the 2nd and 9th Ruislip Scouts Group 18 St Catherine's Road, Ruislip, HA4 7 RU

Location	Project / Expenditure Title	Information	Funds Release Sought £000's	Approve	Hold	More Information Required
Ruislip	Youth Provision - 2 nd /9 th Ruislip Scout Hut	Contribution towards the Construction of a new clubhouse for the 2 nd /9 th Ruislip Scouts Group at 18 St Catherine's Road, Ruislip	100			
Total seeking release			100			
Previously released			174			
Budget			700			
Remaining budget			426			