

Record of operational decision

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| Decision title: | Decision to fund £50,000 of Section 106 monies for “Sports” towards Hereford Cycle Track Phase 2, Hereford Leisure Centre the creation of an off road skills area, enhancements to the learn to ride area, an additional toilet facility and enhancements to the cycle hub at Herefordshire Leisure Centre, Holmer Rd, Hereford, HR4 9UD. |
| Date of decision: | 23 August 2023 |
| Decision maker: | Mark Averill, Service Director - Environment & Highways |
| Authority for delegated decision: | Economy and Environment scheme of delegation line 71 Corporate Centre Directorate Scheme of Delegation line 159 Cabinet decision dated 02 March 2023 - Section 106 Portfolio of Works – S106 Delivery Proposals. Cabinet Report 02 March 2023 |
| Ward: | Holmer |
| Consultation: | Herefordshire Sports Partnership Approval: <ul style="list-style-type: none"> • Confirmation of support for the second £50,000 subject to this August commission. • Undertaken via email as post June meeting • Emails received from (emails contained in Appendix 1) : <ul style="list-style-type: none"> o Football: Dan Chance Herefordshire Football Association, o Cricket: Richard Cox Herefordshire Cricket Board, o Rugby: Stuart Eades Rugby Football Union, o Hockey: Joanna Hawley England Hockey • No response from 2 emails sent: <ul style="list-style-type: none"> o Tennis: Van Willerton Lawn Tennis Association o Active Herefordshire and Worcestershire: Steve Brewster • Overall no objections received |
| Decision made: | Decision to fund £50,000 of Section 106 monies for “Sports” towards Hereford Cycle Track Phase 2, Hereford Leisure Centre the the creation of an off road skills area, enhancements to the learn to ride area, an additional toilet facility and enhancements to the cycle hub at Herefordshire Leisure Centre, Holmer Rd, Hereford, HR4 9UD. |
| Reasons for decision: | In June 2023, £50,000 of S106 monies for Sports was previously allocated to the project. The project has reported a significant shortfall in funding due to rising costs and unforeseen factors. A statement by Alex Haines Partnership Manager HALO, has been provided in Appendix 2 which highlights additional costs of £214,000. The new Section 106 Contributions is allocated from one Section 106 legal agreement: |

| | Planning Reference | GT / FIN Code | Original Contribution | S106 Allocation | Expiry Date |
|---|---|---------------|-----------------------|-----------------|-------------|
| | 184662 | GT04 FIN2151 | £81,334.33 | £50,000.00 | 17/03/2028 |
| | TOTAL £50,000.00 | | | | |
| | <p>The decision to fund £50,000.00 will not fully utilise the Section 106 Contribution. The remaining contribution balance of £31,334.33 will be appropriately commissioned and come forward for delivery in due course.</p> <p>The allocated project will support the creation of an off road skills area aimed at young adults 14-24 year olds, enhancements to the learn to ride area, an extra toilet and enhancements to the cycle hub infrastructure to better support and further improve disability access and the use of the facility. The additional toilet facility will also support hockey and the particular issues raised by Hereford Hockey club of accessing facilities.</p> <p>The Cycle Project at Hereford Leisure Centre went out to tender in March 2022. The process was agreed by the two main funding providers Sport England and Herefordshire Council. The project construction contract was subsequently awarded to OwenPel Limited (based in Hereford) for a sum of £1,025,000. The project commenced on 27th November 2022 and is due for completion in 2023.</p> <p>We are therefore satisfied that a sufficient tendering exercise has been completed in accordance with Herefordshire Councils Contract Procurement Rules (CPR).</p> <p>Responsibility for monitoring the project and managing expenditure within the total spend budget is to be with the S106 Programme Manager.</p> | | | | |
| Equality Considerations | <p>Equality duty</p> <p>Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:</p> <p>A public authority must, in the exercise of its functions, have due regard to the need to -</p> <ol style="list-style-type: none"> a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; 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. <p>The Project will better support and further improve disability access and the use of the facility. The additional toilet facility will also support hockey and the particular issues raised by Hereford Hockey club of accessing facilities.</p> | | | | |
| Highlight any associated risks/finance/legal/considerations: | <ul style="list-style-type: none"> • Delivery oversight – S106 is providing a contribution but works on-site will be fully managed by Hereford Leisure Centre. Herefordshire Council will provided oversight and assurance only in respect of the contribution made. • Cost variation – Project has an assigned budget which it cannot exceed. • Unforeseen events/costs – Potential unknown or unforeseen costs | | | | |

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| | could lead to an overspend. The S106 contribution is finite, any overspend would need to be provided for the project. |
| Details of any alternative options considered and rejected: | <p>Not to fund.</p> <p>This option is not recommended. Not to approve would lead to delays in delivery of Section 106 projects.</p> <p>Alternative projects were not considered due to the specific requirements of the S106 agreement.</p> |
| Details of any declarations of interest made: | None declared. |

Date: 23 August 2023

Print Name: Mark Averill