

Report of^[x1]: Health Scrutiny Committee

To^[x2]: City Executive Board

Date^[x3]: 11th June 2008

Item No

Title of Report ^[x4]: Section 106 Agreements relating to leisure services / activities



Summary and Recommendations




Purpose of report^[x5]: To report to the Executive Board the recommendations of Health Scrutiny Committee as part of their discussions on Section 106 Agreements and Community Access Packages

Key decision^[x6]: No

Board Member^[x7]: Cllr Bob Timbs

Ward(s) affected^[x8]: All

Report Approved by:  Andy Collett – Financial & Asset Management Services
 Jeremy Thomas – Legal & Democratic Services
 Paul Spencer – Climate Change Officer

Policy Framework^[x9]: N/A

Recommendations^[x10]: The City Executive Board is asked to respond to the Health Scrutiny Committee's recommendations:



1. Ask City Executive Board to ask planning enforcement to investigate thoroughly those S106 legal agreements and/or planning conditions as outlined in the report to see if community access can be secured to those facilities;



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1. Background

- 1.1 The Chair of the Committee requested an update on the use of Leisure Facilities linked to Section 106 Agreements. Community Scrutiny had identified a lack of use of these community access packages in 2005 as part of their review of young Peoples' Services.
- 1.2 The Scrutiny Officer investigated the current use of Section 106 Agreements and found that there was still more work to be done to achieve effective joint working between Leisure and Planning to deliver contracted Section 106 benefits on the ground.
- 1.3 The Sports Development Officer at Oxford City Council identified the following factors that have undermined usage of Section 106 Agreements
 - a lack of Officer time,
 - a lack of facility time,
 - facility location
 - cost
 - a lack of transport
 - a lack of suitable staffing.

2. Minutes of Health Scrutiny – 14th April 2008

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The Head of Legal and Democratic Services submitted a report (previously circulated, now appended) concerning community access packages and Section 106 agreements. Kam Raval (Sports Development Officer) presented this report to the Committee.

Niko Grigoropoulos (Planning) explained that planners sought to provide public access to sports and leisure facilities by means of S106 agreements, planning conditions or via negotiation. It could be difficult to ensure packages agreed were also delivered as promised, as planning did not employ an officer solely responsible for ensuring compliance with conditions. However, he undertook to liaise more closely with Kam Raval to ensure that packages agreed could be delivered from now on.

Councillor Pressel expressed severe disappointment at the report. She felt that these community access packages needed to be organised differently in future, and that existing agreements should be revisited to ensure that there were running properly. Councillor Williams felt that the agreements were good, but that resources were needed to translate them into reality. Officers should be asked what resources were needed to ensure that this happened. Councillor Huzzey thought that a small increase in resources

was needed to leverage full value from the S106 agreements, and to help the City Council access other funding streams.

Steve Holt (Leisure Operations Manager) pointed out that resources did not allow constant monitoring of S106 agreements. Kam Raval agreed that this was the case – however much the Council might like to challenge some organisations to provide what was agreed, there was neither the time nor resources to do so. Councillor Williams observed that this was a matter for the incoming Head of Leisure to investigate.

Resolved to:-

- (1) Note the contents at the report and all comments made;
- (2) Ask Executive Board to ask planning enforcement to investigate thoroughly those S106 legal agreements and/or planning conditions as outlined in the report to see if community access can be secured to those facilities;
- (3) Request a further report, with proposed options and an action plan to tackle the issue of the use of S106 agreements generally and how they are agreed; this to be presented when the new Scrutiny arrangements were in place.

3. Comments from Board member – Leisure & Sport

'I support that the new Head of Leisure Services when in place, should work to maintain leisure facilities by using all the knowledge and skills of our support departments .To provide the best facilities that the public deserve by using s106 monies to his best advantage. This will of course have input from area committee's of where they would like improvements to their areas.'

4. Comments from Executive Director – City Regeneration

Section 106 agreements provide an opportunity to secure additional resources for the community, however the benefits are only realized if the agreements are enforced and enabling measures put in place e.g. transporting youngsters to the venue for which the community access has been secured.

If one views a section 106 benefit in the same way as a grant which must be match funded then the issue becomes clear. I have tasked the Head of City Development to work with the incoming Head of Leisure to tackle the

barriers to delivering community benefits identified. This may entail an “Invest to Save” bid.

I have agreed with the Executive Director of City Services that the Head of Leisure and the Head of City development will bring back a joint progress report within six months.

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Background papers: None

Appendix 1

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Report of: Head of Legal & Democratic Services

To: Health Scrutiny Committee

Date: 14th April 2008

Item No[EM11]:

Title of Report: Section 106 Agreements relating to leisure services / activities

Summary and Recommendations

Purpose of report: To update Members on the current utilisation of Section 106 agreements and barriers to use.

Key decision: No



Portfolio Holder: Councillor van Zyl

Scrutiny Responsibility: Health

Ward(s) affected: All

Report Approved by

Legal: James Pownall

Finance:

Policy Framework: N / A

Recommendations:

Members are recommended to:

1. Note the contents of the report,
2. To consider whether they wish to make recommendations to the Executive Board relating to :
 - i.) Maximising the use of current 106 agreements

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- ii.) Ensuring new 106 agreements relating to community usage are fit for purpose and can be practically utilised.

Introduction

- 1 The Community Scrutiny Committee in 2005 looked at 106 agreements relating to use of leisure sites, as part of a review of Young People's Services

The Committee's findings were as follows:

- The most extensive 106 agreement operates with respect to The David Lloyd Centre. An interview with the site manager identified that main parts of the agreement were not activated or were used on a limited basis.
 - The leisure facility site 'Esporta' had no S106 community access agreement operating with respect to it. It was not clear why this did not have an extensive 106 agreement similar to the David Lloyd site.
 - The Joint Use agreement at Iffley Road site did have elements that were working well such as pitch usage. However the free pool usage for schools was not being used. One school no longer exists, post the merging of infant and junior schools, and some schools are tied into contracts with City Leisure facilities. The free water time for schools amounts to 9am – 12pm access Monday – Friday during term times.
- 3 The Committee in 2005 were informed that greater partnership working was being developed between Leisure and Planning Services, to maximise the potential for community access packages and their feasibility. A Draft Sport & Leisure strategy also highlighted the need for an evidence - based policy on 106 agreements.
- 4 The Committee recommended that :
- 'All relevant agencies should be consulted on S.106 community access packages, to ensure they reflect local needs and are feasible. In regard to City Council usage, packages could contain free coaching / training options, given the lack of staff resources in this area.'

Current position

- 4 There is no evidence of greater partnership working between Leisure and Planning Services, particularly in assessing the feasibility of community access packages. Of concern is the apparent lack of 106 Agreements attached to recent developments such as the Astro Turf and Sports Hall on St Gregory the Great School site.

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5. The Sports Development Officer at Oxford City Council has detailed all the significant 106 agreements attached to Leisure sites and the barriers to use (see Appendix 1) Factors that have undermined use are:
 - a lack of Officer time,
 - a lack of facility time,
 - facility location
 - cost
 - a lack of transport
 - a lack of suitable staffing.
6. In light of the above evidence relevant Service input needs to extend beyond consultation regarding feasibility and include the development of delivery & monitoring plans for each access package to ensure maximum / targeted usage.
7. Services in assessing resources to deliver the packages need to have a wider appreciation of links to related initiatives e.g. The Well Being Hub. Could outreach resources and funding be used to widen usage amongst target groups?
8. Community access packages attached to Leisure Services would contribute to meeting one of the Council's Corporate objectives 'To raise the levels of participation in Sport by 5% (attached to the corporate priority 'to reduce inequality through social inclusion') If developed and assessed more robustly they also offer a cost effective way of increasing levels of participation.

Name and contact details of author^[x12]:

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Background papers: None



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