

<p>Cabinet</p> <p>31 October 2017</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Ann Sutcliffe, Acting Corporate Director, Place</p>	<p>Classification: Unrestricted</p>
<p>The Infrastructure Delivery Framework: Report to Cabinet recommending the approval of the allocation of S106 and CIL funding and approval for the adoption of a capital budget in respect of the following projects:</p> <ul style="list-style-type: none"> ➤ King Edward Memorial Park Masterplan Delivery; ➤ Aberfeldy Village Health Centre; ➤ Suttons Wharf Health Centre; ➤ Wellington Way Health Centre; ➤ Raines Foundation School. 	

<p>Lead Member(s)</p>	<p><u>Covering Cabinet Report</u> Councillor Rachel Blake, Cabinet Member for Strategic Development</p> <p><u>Kind Edward Memorial Park Masterplan Delivery Project Initiation Document</u> Councillor Abdul Mukit, Cabinet Member for Culture and Youth</p> <p><u>Aberfeldy Village Health Centre Project Initiation Document</u> Councillor Denise Jones, Cabinet Member for Adult Services</p> <p><u>Suttons Wharf Health Centre Project Initiation Document</u> Councillor Denise Jones, Cabinet Member for Adult Services</p> <p><u>Wellington Way Health Centre (New Build Extension) Project Initiation Document</u> Councillor Denise Jones, Cabinet Member for Adult Services</p> <p><u>Raines Foundation School Project Initiation Document</u> Councillor Amy Whitelock Gibbs Cabinet Member for Education & Children's Services</p>
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Originating Officer(s)	<p><u>Covering Cabinet Report</u> Owen Whalley, Divisional Director, Planning and Building Control, Place Directorate</p> <p><u>Kind Edward Memorial Park Masterplan Delivery Project Initiation Document</u> Alice Bigelow, Interim Parks Manager, Children’s Services Alison Dickens, Interim Parks Manager, Children’s Services</p> <p><u>Aberfeldy Village Health Centre Project Initiation Document</u> Abigail Knight, Associate Director of Public Health (Children & Families), Adult’s Services Directorate</p> <p><u>Suttons Wharf Health Centre Project Initiation Document</u> Abigail Knight, Associate Director of Public Health (Children & Families), Adult’s Services Directorate</p> <p><u>Wellington Way Health Centre (New Build Extension) Project Initiation Document</u> Abigail Knight, Associate Director of Public Health (Children & Families), Adult’s Services Directorate</p> <p><u>Raines Foundation School Project Initiation Document</u> Debbie Jones, Corporate Director of Children’s Services Janice Beck, Head of Building Development, Children’s Services</p>
Wards affected	Bethnal Green; Poplar/Blackwall and Cubitt Town; Mile End; St Katharine’s and Wapping; St Peter’s
Key Decision?	Yes
Community Plan Theme	A great place to live; A fair and prosperous community; A safe and cohesive community; A healthy and supportive community.

1. **EXECUTIVE SUMMARY**

1.1 This document has been formed in order to seek approval from the Mayor in Cabinet for:

1. The allocation of £3,267,241 in Section 106 (S106) funding to the proposals set out in the “*King Edward Memorial Park Masterplan Delivery*” Project Initiation Document (PID), which is attached to this Cabinet report at Appendix A.

2. The allocation of £3,119,421 in Section 106 (S106) funding to the

proposals set out in the “Aberfeldy Village Health Centre” Project Initiation Document (PID), which is attached to this Cabinet report at Appendix B.

3. The allocation of £2,937,287 in Section 106 (S106) and £182,091 in Community Infrastructure Levy (CIL) funding to the proposals set out in the “Suttons Wharf Health Centre” Project Initiation Document (PID), which is attached to this Cabinet report at Appendix C.
4. The allocation of £1,493,700 in Section 106 (S106) funding to the proposals set out in the “Wellington Way Health Centre” Project Initiation Document (PID), which is attached to this Cabinet report at Appendix D.
5. The allocation of £4,000,000 in Section 106 (S106) funding to the proposals set out in the “Raines Foundation School” Project Initiation Document (PID), which is attached to this Cabinet report at Appendix E.
6. The adoption of capital estimates for each the five projects described in this document and the attached PIDs and incorporation of them into the Council’s capital programme.

1.2 The projects to which this document relates can be summarised as follows:

- a) **King Edward Memorial Park Masterplan Delivery**: This project involves the expenditure of £3,267,241 of S106 funding on the detailed design and implementation of the King Edward Memorial Park (KEMP) Masterplan. The Masterplan incorporates a full refurbishment of King Edward Memorial Park, including both soft and hard landscaping, new entrances, path resurfacing, new play areas, refurbished sports courts and a catering outlet with publically accessible toilets.
- b) **Aberfeldy Village Health Centre**: This project involves the expenditure of £3,119,421 of S106 funding on the relocation of the Aberfeldy General Practice in the South-East Locality, to the Aberfeldy New Village Development. The proposed new health facility at Aberfeldy Village will help build the extra clinical capacity that will be required to meet the increased demand for primary care.
- c) **Suttons Wharf Health Centre**: The shell and core of the new health centre at Suttons Wharf has been completed and £182,091 of CIL and £2,937,287 of S106 funding is sought for the fit out of the premises to enable the reprovision of the Globe Town Surgery to the nearby Suttons Wharf development. The fitted-out premises will provide 12 consulting rooms and 3 treatment rooms, as well as a multi-purpose group room and counselling room. Two of the consulting rooms will be dedicated GP training rooms.
- d) **Wellington Way Health Centre**: This project involves the expenditure of £1,493,700 of S106 funding on a new extension at the existing Wellington Way Health Centre premises. The extension will provide six additional clinical rooms for the Health Centre.

- e) **Raines Foundation School:** This project involves the expenditure of £4,000,000 of S106 funding on improvements to the accommodation of Raines Foundation School, Lower site in Old Bethnal Green Road. The school is on a split site; the Upper site is in Approach Road. These improvements will allow the relocation of Sixth form from the Upper Site to the Lower Site, with facilities tailored to their needs. This has benefits for the organisation and management of the school and the curriculum delivery.

1.3 Table 1 below sets out the amount requested for each of the projects highlighted in 1.2, including the source of requested funding related to CIL and S106. Table 2 sets out the project costs and the amounts that require a capital budget to be adopted. Please note that the figures in this document, including in the tables below have been rounded to the nearest pound. For exact figures, please refer to the attached PIDs.

Table 1: Source of Funding and Overall Amount Requested for Allocation

Project Title	Amounts		
	Overall Request	S.106	CIL
King Edward Memorial Park Masterplan Delivery	£3,267,241	£3,267,241	-
Aberfeldy Village Health Centre	£3,119,421	£3,119,421	-
Suttons Wharf Health Centre	£3,119,378	£2,937,287	£182,091
Wellington Way Health Centre	£1,493,700	£1,493,700	-
Raines Foundation School	£4,000,000	£4,000,000	-
Total	£14,999,740	£14,817,649	£182,091

Table 2: Adoption of Capital Budget > Requested Amount

Project Title	Amounts	
	Overall Request	Adoption of Capital Budget > Request Amount
King Edward Memorial Park Masterplan Delivery	£3,267,241	£3,267,241
Aberfeldy Village Health Centre	£3,119,421	£3,119,421
Suttons Wharf Health Centre	£3,119,378	£3,119,378
Wellington Way Health Centre	£1,493,700	£1,493,700
Raines Foundation School	£4,000,000	£4,000,000
Total	£14,999,740	£14,999,740

RECOMMENDATIONS

1.4 The Mayor in Cabinet is recommended to:

1. Approve the allocation of £3,267,241 in Section 106 (S106) funding to the proposals set out in the “*King Edward Memorial Park Masterplan Delivery*” Project Initiation Document (PID), which is attached to this Cabinet report at Appendix A and Table 1.
2. Approve the allocation of £3,119,421 in Section 106 (S106) funding to the proposals set out in the “Aberfeldy Village Health Centre” Project Initiation Document (PID), which is attached to this Cabinet report at Appendix B and Table 1.
3. Approve the allocation of £2,937,287 in Section 106 (S106) and £182,091 in Community Infrastructure Levy (CIL) funding to the proposals set out in the “Suttons Wharf Health Centre” Project Initiation Document (PID), which is attached to this Cabinet report at Appendix C and Table 1.
4. Approve the allocation of £1,493,700 in Section 106 (S106) funding to the proposals set out in the “Wellington Way Health Centre” Project Initiation Document (PID), which is attached to this Cabinet report at Appendix D and Table 1.
5. Approve the allocation of £4,000,000 in Section 106 (S106) funding to the proposals set out in the “Raines Foundation School” Project Initiation

Document (PID), which is attached to this Cabinet report at Appendix E and Table 1.

6. Approve the adoption of a capital estimate for the five projects described in this document and the attached PIDs and incorporate them into the Council's capital programme.

2. REASONS FOR THE DECISIONS

2.1 Approval is sought to deliver these projects for the following reasons:

1. They help contribute to the delivery of positive improvements to people's lives that will underpin the Community Plan themes of:

- A Great Place to Live;
- A Fair and Prosperous Community;
- A Safe and Cohesive Community;
- A Healthy and Supportive Community.

2. They will improve the public realm, accessibility, and wellbeing of residents and workers; improve economic activity, and employment and enterprise opportunities, as well as overall levels of public participation.

2.2 Please refer to the following associated documents/appendices for more information about the projects:

- Appendix A: King Edward Memorial Park Masterplan Delivery PID
- Appendix B: Aberfeldy Village Health Centre PID
- Appendix C: Suttons Wharf Health Centre PID
- Appendix D: Wellington Way Health Centre (New Build Extension) PID
- Appendix E: Raines Foundation School PID

3. ALTERNATIVE OPTIONS

3.1 The projects within the attached PIDs can be individually or collectively approved. The only alternative option is to not allocate the funding to some or any of these projects.

3.2 It should be noted that the use of S106 funding proposed for allocation in this report is restricted, as it must be spent in accordance with the terms and conditions of its expenditure pertaining to a specific S106 agreement related to the development from which it originates. Further details of the specific restrictions attached to each S106 agreement can be found in the attached PIDs. Any alternative spend of this funding would have to be on the projects that would meet the requirements of the relevant S106 agreement.

- 3.3 With regards to Raines Foundation School, if there is no support from the Council, the alternative would be to spread the project and funding over several years which is likely to be more expensive as well as disruptive to the school. However, if a lower sum were to be agreed, a reduced scheme could be considered alongside the priorities within the available sum but that would reduce the potential benefits.

4. BACKGROUND

S106

- 4.1 S106 of the Town and Country Planning Act 1990 allows a Local Planning Authority (LPA) to enter into a legally-binding agreement or planning obligation with a developer over a related issue. Planning obligations/S106 Agreements are legal agreements, negotiated between a LPA and a developer, with the intention of making development acceptable which would otherwise be unacceptable in planning terms.
- 4.2 S106 contributions must be spent in accordance with the agreement to which they relate. The contributions secured in S106 Agreements are usually tied to the need to provide a certain type of project in a defined location.

PIDs

- 4.3 The background to the projects is provided below. For further information on the projects described in this report it is necessary to consult the PIDs attached at Appendices A to F.

King Edward Memorial Park Masterplan Delivery (PID attached at Appendix A)

- 4.4 This project involves the capital expenditure of £3,267,241.19 of S106 funding on a programme of works seeking to implement the King Edward Memorial Park Masterplan.
- 4.5 In September 2014, Thames Water was given approval by the government to build the Thames Tideway Tunnel, an eight metre diameter tunnel that will run along the Thames from Acton to Abbey Mills in Newham. It is designed to prevent stormwater and sewage from entering the River Thames during times of heavy rainfall. It will therefore connect with all the stormwater overflow sewers that at present discharge directly from both the north and south banks into the Thames.
- 4.6 One of those stormwater sewers discharges into the Thames in the south east corner of King Edward Memorial Park (KEMP), and therefore will need to be connected at that point to the Thames Tideway Tunnel. To mitigate any impacts caused by the Thames Tideway Tunnel, particularly during construction (which will take 3-4 years), Thames Water have agreed to fund £4 million of improvements to KEMP and

other local open spaces. This financial contribution has been secured through a Section 106 legal agreement.

- 4.7 In early 2016, the KEMP Masterplan (Masterplan) was prepared in accordance with the requirements within the S106 agreement. The Masterplan incorporates a full refurbishment of King Edward Memorial Park, including both soft and hard landscaping, new entrances, path resurfacing, a new, expanded sequence of play areas, refurbished sports courts and a catering outlet with publicly accessible toilets. The design aims to address the needs of the whole community, and will be fully accessible.
- 4.8 The implementation is planned to take place in phases (with Phase 1 being the preparation of the Masterplan) to ensure the park can remain open to the public throughout. These include:
- **Phase 2 (October 2019 – September 2020):** The Tideway delivery of the advance playground is counted in the master plan as Phase 1; North-East entrance, new tennis and other courts on bowling green, play spaces between ball courts.
 - **Phase 3 (July 2020 – December 2020):** North and West edge, remainder tennis and play, Edwardian terrace.
 - **Phase 4 (December 2020 – March 2021):** Northwest entrance, stepped edge to MUGA, ramp and step access from the south to the court area, new landscape to the southern park boundary and final surfacing to footpaths.
- 4.9 It is proposed that further consultation is carried out with the local community on the detailed design prior to construction beginning on site, for which the estimated start date is October 2019. The consultation will consist of three elements:
- **From October 2017 to ongoing:** Invite members of the existing Tideway-led Community Liaison Working Group and members of the public through the KEMP Newsletter to attend periodic meetings to advise on the design. It is anticipated that this open liaison group will meet regularly during the design development period and may continue during work on site. The project manager will also continue to attend the Community Liaison Working Group meetings to update members on development of the master plan.
 - **From Feb to June 2018:** Carrying out consultation meetings with designers and key interest groups/stakeholders as recommended in the master plan section 6, to include sports organisations, neighbouring community organisations, organisations with special knowledge of play, organisations concerned with the needs of older people, especially relating to health and fitness.
 - **Summer 2018:** Hold a public event in the park to show the design and invite feedback.

Aberfeldy Village Health Centre (PID attached at Appendix B)

- 4.10 The shell and core health facility within the Aberfeldy New Village development is scheduled for completion and hand over to the NHS in June 2019. This project involves the expenditure of £3,119,421 of S106 funding to undertake the fit out of the shell and core premises to enable a reprovision for the Aberfeldy GP Practice. The fit-out works are expected to take approximately 12 months.
- 4.11 The existing Aberfeldy Practice premises are severely under-sized and lack the physical capacity to accommodate the additional doctors and nurses that will be needed to meet the future needs of the population in the South-East Locality. The Aberfeldy Practice's current clinical workload, measured by GP and nurse contacts is approximately 57,500 contacts per annum and the utilisation rate of clinical space is now running at 100% during opening hours, with only very limited room further expansion within the footprint of the existing practice premises.
- 4.12 The proposed new health centre would provide the modern facilities and clinical capacity needed to enable the Aberfeldy Practice to register new patients who will move into the catchment area over the next five years, serving the population of the Lansbury, Limehouse, Poplar and Blackwall and Cubitt Town Wards, within the South-East Locality.
- 4.13 The fitted-out Aberfeldy Village Health Centre premises will provide up to 21 clinical rooms, compared to nine rooms at the existing surgery. A counselling/interview room and a large multi-purpose group room will also be provided. The new facility will be accessible in the evenings and at weekends.

Suttons Wharf Health Centre (PID attached at Appendix C)

- 4.14 The shell and core of the new health centre at Suttons Wharf has been completed and £182,091.44 of CIL and £2,937,286.56 of S106 funding is sought for the fit out of the premises. This will enable the reprovision of the Globe Town Surgery to the nearby Suttons Wharf development. If approved, the fitted-out premises will provide 12 consulting rooms and 3 treatment rooms, as well as a multi-purpose group room and counselling room. Two of the consulting rooms will be dedicated GP training rooms. The new Health Centre will be accessible in the evenings and weekends.
- 4.15 The Suttons Wharf development was completed in 2015 and comprises over two hundred apartments contained within four modern tower blocks. The development is situated approximately 600 metres from the Globe Town Surgery's existing practice premises. The Globe Town Surgery is proposed to occupy 992.8 m² of ground premises within Block A2 at the Suttons Wharf development in Palmers Road, Bethnal Green.

- 4.16 The existing Globe Town Surgery building, situated in Roman Road, is in poor condition and is far too small to provide the level of service that is required. The premises are held on a lease with a third-party landlord, which is due to expire in September 2020. The Practice will surrender its existing lease when the service relocates to the Suttons Wharf premises in September 2018. However, in the event of a failure to agree terms with the landlord for an early surrender of the lease, the CCG has undertaken to repurpose the use of the building temporarily and to meet the revenue costs for the rental charge and business rates and other associated property charges for the remaining two year term.
- 4.17 The new health centre will provide the modern facilities and clinical capacity needed to enable the Globe Town Surgery to grow its patient list from 13,000 to 18,000 over the next five years to 2022. The facility will provide the new infrastructure required to meet the primary care healthcare needs of the population of the Bethnal Green, Bow West, Mile End and St Peters Wards.
- 4.18 The new Health Centre will serve as a key resource for the local community for public health and health promotion activities, and will be accessible in the evenings and at weekends.

Wellington Way Health Centre (PID attached at Appendix D)

- 4.19 This project involves the expenditure of £1,493,700 of S106 funding on the construction and fit out of a new extension at the existing Wellington Way Health Centre premises in the North-East Locality of Tower Hamlets. The extension will provide six additional clinical rooms for the Health Centre. This project builds on existing plans to refurbish the interior the old health centre building to provide accommodation for the Merchant Street and Stroudley Walk GP practices.
- 4.20 A previous PID for Section 106 capital to fund the refurbishment of the existing footprint of the Wellington Way Health Centre was approved at IDB in October 2016. The refurbishment will enable a re-provision of both the Merchant Street and Stroudley GP practices at the Wellington Way Health Centre. It is proposed that construction of the new build extension be included as part of the overall works contract for the Wellington Way health centre refurbishment. Completing these works as part of a single contract would minimise disruption as the works would not have to be completed in two phases. The newly refurbished health centre and extension would open in September 2018.
- 4.21 The Merchant Street and Stroudley Walk GP practices currently have a combined registered list of 9,666 patients¹. The extra clinical capacity provided by the new build extension will enable the two practices to expand their combined patient list by a further 5,000 over the next five

¹ Registered Patient List at 31st January 2017, recorded by THCCG

years to 2021/22. The new facility will be fully integrated with the existing health centre building, enabling patients to access a wider range of community and specialist health services that will be provided from the site

Raines Foundation School (PID attached at Appendix E)

- 4.22 This project involves the expenditure of £4,000,000 of S106 funding on improvements to Raines Foundation School.
- 4.23 The works will enhance the curriculum facilities and support recruitment to the school. The Lower site is now used for Years 7 and 8 with all other year groups and the sixth form at the Upper site. The proposal is to reorganise the school so that the 6th form will be at the Lower site and Year 7–11 at the Upper site. This has benefits for the organisation and management of the school and the curriculum delivery.
- 4.24 The project supports the reorganisation of the school across the two sites and aims to improve the teaching accommodation at the Bethnal Green Road site. The works include roof renewal and a range of accommodation improvements to upgrade the site to make it educationally and functionally a more efficient and attractive 6th Form Centre.
- 4.25 The improvements include: improvements to accessibility, sixth form specialist facilities including a new lecture theatre, multi-use gym, cafe, library, kitchen and dining area and a dance studio. New toilets are also proposed as well as enhancements to external recreation areas including an all-weather surface MUGA.
- 4.26 In terms of benefits to the wider community, a number of facilities will be made available to the public outside of school hours including the dance studio, gym, lecture theatre, internet café and MUGA pitch.
- 4.27 It is anticipated that the improved facility, as well as the removal of the 50% cap on open places from September 2017, will result in an increase in student enrolments and the recruitment of staff.

5. COMMENTS OF THE CHIEF FINANCE OFFICER

- 5.1 In accordance with the Council's Infrastructure Delivery Framework, this report seeks the approval of the Mayor in Cabinet to allocate Section 106 resources totalling £14,817,649 and Community Infrastructure Levy funding totalling £182,091 to five projects.

5.2 The scheme allocations and their relevant funding sources are summarised in the table below.

	<u>Allocation</u>			<u>Funding</u>	
	Capital £	Revenue £	Total £	Section 106 £	CIL £
King Edward Memorial Park Masterplan Delivery	3,267,241	-	3,267,241	3,267,241	-
Aberfeldy Village Health Centre	3,119,421	-	3,119,421	3,119,421	-
Suttons Wharf Health Centre	3,119,378	-	3,119,378	2,937,287	182,091
Wellington Way Health Centre	1,493,700	-	1,493,700	1,493,700	-
Raines Foundation School	4,000,000	-	4,000,000	4,000,000	-
	14,999,740	-	14,999,740	14,817,649	182,091

Note: All figures are shown to the nearest £. Certain items in the tables contained in the main body of the report show allocations in pence in order to ensure that the exact balance held in respect of each planning obligation is allocated. Many Section 106 payments received from developers are subject to indexation meaning that receipts are not necessarily in exact pounds.

5.3 In order that spending decisions can be made during the financial year by the Infrastructure Delivery Board and the Mayor in Cabinet, an initial provision of £30 million for infrastructure delivery was incorporated within the 2016-17 capital programme, with uncommitted resources being carried forward into 2017-18 and future years as necessary. The approval to fund schemes from this budgetary provision can only be made following the receipt of the relevant developer contributions - in the case of the schemes proposed in this report, the required resources have been received by the Council. The planning contributions that are being applied to the projects are detailed in section 2 of each of the Project Initiation Documents that are included as Appendices A to E of this report.

5.4 A significant element of the Section 106 resources that are held by the Council relates to capital projects. The proposed allocation of these funds is undertaken by the Infrastructure Delivery Board and should take place in accordance with the priorities within the Council's capital strategy, although certain resources are specific to particular initiatives. In order to undertake Section 106 funded capital schemes, projects must be incorporated into the capital programme and appropriate capital budgets adopted. The approval of capital estimates totalling £14,999,740 is sought in this report.

5.5 Due to the risk that funding will have to be repaid to developers, with interest, if the time period specified in the Section 106 agreement

expires, it is important to ensure that projects continue to be closely monitored and that actions are taken to mitigate any risk that resources will be lost. The possibility of applying funds to alternative projects should be considered if schemes are unlikely to drawdown the funding before the time limited resources expire, although this must be done in accordance with the specific use conditions that are detailed in each Section 106 agreement.

- 5.6 Payments of Section 106 resources to external bodies can potentially be determined to be grants which require the approval of the Grants Determination Sub-Committee in accordance with the Council's decision making framework. In the case of the projects in this report, those managed by the Council itself do not require approval unless payments are to be made to external voluntary organisations. The proposed allocation to Raines Foundation School will however require Grants Determination Sub-Committee approval as it is a payment to a non-Local Authority maintained school, as will the allocations to statutory bodies (NHS Tower Hamlets Clinical Commissioning Group / NHS Property Services).
- 5.7 The delivery of the projects proposed in this report may impact on existing Council revenue budgets, particularly in the case of the public realm and open space schemes i.e. the King Edward Memorial Park Masterplan Delivery. Any additional call on revenue resources will need to be incorporated into existing budgets or considered as part of the 2018-19 budget process.

6. LEGAL COMMENTS

- 6.1 Section 106 Planning Obligations are obligations secured pursuant to section 106 of the Town and Country Planning Act 1990. Such Planning obligations, commonly known as s.106 agreements, are the mechanism whereby development proposals which would otherwise not be acceptable can be made acceptable in planning terms. They are focused on site-specific mitigation of the impact of development. As a contract the Council are required to spend any monies received in accordance with the terms of the s.106 agreement. It is therefore important to consider the provisions of each agreement when allocating monies to a particular project.
- 6.3 The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008 to help deliver infrastructure to support the development of their area. A charging authority must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area. The Council has published a list under Regulation 123 of the Community Infrastructure Levy Regulations 2010 which lists health and social care facilities as infrastructure that the Council intends to be wholly or partly funded by CIL.

- 6.4 This report is asking the Mayor in Cabinet to approve the allocation of s.106 and CIL resources to the projects that were recommended for progression by the Infrastructure Delivery Steering Group on 16th February 2017 and 30th August 2017 and to adopt the necessary capital budget. The funding for these projects will be taken from contributions received pursuant to s106 agreements, with a small amount of CIL proposed for use in respect of the Sutton's Wharf Health Centre project. The terms of the relevant s.106 agreements have been reviewed and (other than as noted at paragraph 6.4) it is considered that the allocation of this s.106 funding is in accordance with the relevant agreements and therefore lawful. The use of CIL for the Suttons Wharf Health Centre is also acceptable. Further commentary is provided below on some of the individual projects.
- 6.5 **The Raines Foundation School (Capital Works) Project** – The Council has power under the School Standards and Framework Act 1998 (Schedule 3, Part 11) to provide the governing body of a voluntary aided school with such assistance as the authority thinks fit, in respect of capital expenditure in relation to the school premises.
- 6.6 In this case, although (in general terms) the section 106 agreements require the contributions to be spent towards educational facilities in the borough, they do not specify the individual project that the monies can be used for, or specify any organisation/school to whom payment is to be made. The Council is not under a legal duty to provide this payment to the Raines Foundation School in respect of this project, and as such the payment is discretionary because the school is voluntary aided. As such it is considered by Legal to be a grant. If the allocation of this payment is agreed by Cabinet, approval should then be sought through the Grants Determination (Cabinet) Sub-Committee before any payment is made.
- 6.7 **Aberfeldy Village Health Centre, Suttons Wharf Health Centre and Wellington Way Health Centre (New Build Extension)** - The Council has power under section 76 of the National Health Service Act 2006 to make payments to a clinical commissioning group towards expenditure (either capital or revenue) incurred by them in connection with their prescribed functions (including medical services). In this case, although the section 106 agreements limit what types of projects the monies can be used for, they do not specify any organisations to whom payment is to be made. Therefore the Council is not under a legal duty to provide the payments to the NHS in respect of these health care centres. As such these payments are discretionary to those organisations and are considered by Legal to be grants and therefore, if the allocation of this payment is agreed by Cabinet, approval should then be sought through the Grants Determination (Cabinet) Sub-Committee before any payment is made.
- 6.8 The Council has a duty under Section 3 of the Local Government Act 1999 to ensure that all agreements into which it enters satisfies the

Council's Best Value duty. Therefore, grant agreements with the providers must contain robust monitoring and performance clauses ensuring that value for money is achieved through the grant.

- 6.9 When making decisions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). A proportionate level of equality analysis is required to discharge the duty. Where equality issues arise in respect of the projects these have been considered within the attached PIDs. This is with the exception of the PID for the allocation of s106 funding to Raines Foundation School. An Equality Analysis Checklist should be prepared prior to Cabinet in order that any equality implications are considered and assessed.

7 ONE TOWER HAMLETS CONSIDERATIONS

- 7.1 This report proposes to allocate funding to help deliver infrastructure at a local level. In scoping these infrastructure projects the objectives of One Tower Hamlets and those of the Community Plan have been considered.
- 7.2 It is hoped that these infrastructure projects will contribute to the reduction of inequality and will foster cohesion in the borough.

8 BEST VALUE (BV) IMPLICATIONS

- 8.1 If approved, the project referred to in this document is required to be delivered in consideration of best value implications and the Council's Best Value Strategy and Action Plan (2015).

9 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 9.1 This report seeks the approval of projects, including ones related to pocket parks which will enhance open spaces in the borough. These projects will contribute towards achieving a greener environment.

10 RISK MANAGEMENT IMPLICATIONS

- 10.1 The risks relating to the delivery of this project as well as mitigating measures are set out in detail in the attached PIDs.

11 CRIME AND DISORDER REDUCTION IMPLICATIONS

- 11.1 It is hoped that a number of these projects will improve places in the borough including buildings, making them less susceptible to crime or disorder and increasing natural surveillance.

12 SAFEGUARDING IMPLICATIONS

12.1 Whilst not related to greening of the environment, these projects are partly focussed on improvements to the environment more broadly. Sustainability considerations will be applied as far as possible and as appropriate to the use of building materials and fixtures.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- King Edward Memorial Park Masterplan Delivery PID – Appendix A;
- Aberfeldy Village Health Centre PID – Appendix B;
- Suttons Wharf Health Centre PID – Appendix C;
- Wellington Way Health Centre (New Build Extension) PID – Appendix D;
- Raines Foundation School PID – Appendix E.

Background Documents – Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2012

- None

Officer contact details for documents:

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