

ASHFIELD DISTRICT COUNCIL: OFFICER DECISION RECORD

Please use this form to record those executive decisions which are taken by officers and are **not** designated as 'Key Decisions' – or in other words those decisions which are **not** included in the Forward Plan. There is a separate form for recording Key Decisions.

You should also use this form to record decisions about those functions which are reserved to the Council or to its committees. The Constitution explains what these reserved functions are and who is responsible for them.

1. Title / Subject Matter:

Please give a brief summary of what the decision is about. A short title for future reference would also be helpful.

Portland Square S278 agreement

2. Decision reference number:

Each Directorate maintains its own decision records/reference system to number its decisions. Please make sure that you use this system:

Regen_2024_TF-12 Portland Square_S278 agreement

3. Decision taken:

Try to briefly summarise what you have actually decided to do. For instance, to purchase a specific piece of equipment for a specific cost, to be paid for from which budget heading etc. Don't include any exempt information in your summary that you would not want to be published.

To enter into S278 Agreement with Nottinghamshire County Council relating to the TF-12 Portland Square redevelopment project.

4. Reasons for the decision:

Again, briefly explain why you thought this was the right decision:

Background:

The Towns Fund project Portland Square Redevelopment involves works on adopted highway, and therefore requires a Section 278 Agreement with the relevant Highway Authority, Nottinghamshire County Council.

Ashfield District Council applied for the S278 agreement in April 2023. The application initiated a technical review and approval process, followed by a legal review process.

The S278 agreement is now ready for completion/execution.

Works on site cannot start until the S278 agreement has been completed by both parties.

5. **Alternative options considered / rejected:**

Briefly summarise what other options, if any, you considered and explain why you rejected them.

- **Do not enter into S278 agreement with NCC**

This option is not recommended because the S278 is a necessary requirement in order to deliver the Portland Square Redevelopment works. The completion of the agreement is extremely time sensitive, as contractors for the works have been appointed and the start date for the works has already been pushed forward several times. NCC have made it clear that works on site cannot start until the S278 agreement has been completed by both parties.

6. **Implications:**

Please ask the respective professional Officers for their assessment of the potential (a) Legal, (b) Financial and (c) Human Resources implications of the decision. You only need to consult other relevant officers if you think that the decision will have an impact on their areas of responsibility.

(a) Under section 278 of the Highways Act 1980 a local highway authority can enter into a legal agreement with a developer that allows the developer to make permanent alterations or improvements to a public highway. Legal Services will provide advice and assistance to Regeneration to ensure the transactions are formalised by way of the correct legal documentation. [LE 09.08.24]

(b) Financial: NCC have agreed to waive all S278 fees for the scheme, including Commuted Sum, Bond and Inspection Fee. However, the Council is still required to pay the associated NCC Legal Fees, which will be confirmed prior to the S278 engrossment, but they are not anticipated to exceed £2,000. The legal fees will be charged to the relevant capital schemes, Portland Square (C00255012). The capital scheme is included in the current approved capital programme as part of the Towns Fund Programme, funded through secured income from MHCLG. The total cost of the schemes needs to be managed within their approved funding allocations, with this cost as a commitment against the funding available. [PH 07/08/2024].

(c) Human Resources: No HR issues identified.

Name / Title of the officer taking the decision:


John Bennett: Executive Director: Place
Date: 09 August 2024

Use your own name and title. Do not 'pp' for a more senior officer who has asked you to take the decision.

Name / Title of the relevant Lead Cabinet Member consulted (if appropriate)

Name:	
Date:	

(This decision is not subject to call-in and is circulated for information only).

If a Cabinet Member has a conflict of interest relating to this decision, then this should be declared and a request for dispensation will be considered.

Name / Title of the relevant Committee Chairman consulted (if appropriate)

Name:	
Date:	

(For non Executive/Council side function decisions)

The completed form should be emailed to any member of the Democratic Services Team:

- democratic.services@ashfield.gov.uk

They will arrange for it to be published on the Council's website.

EXEMPT OR CONFIDENTIAL BACKGROUND INFORMATION IN SUPPORT OF THE DECISION

Use this section to share any confidential information that would not be published or placed on the Council's website.

The information will only be shared within the Authority, as appropriate.

N/A

Further support or guidance

Please contact:

Ruth Dennis, Assistant Chief Executive –Governance

email: Ruth.Dennis@ashfield.gov.uk

or any member of the Democratic Services Team.