

Notice of KEY Executive Decision

Subject Heading:	Acceptance of Tithe Barn National Highways Company Funding
Decision Maker:	Cllr Ray Morgon, Leader
Cabinet Member:	Cllr Barry Mugglestone, Lead Member for Environment
SLT Lead:	Neil Stubbings, Strategic Director of Place
Report Author and contact details:	<i>James Rose</i> james.rose@havering.gov.uk
Policy context:	<p><i>The Havering Vision</i></p> <p><i>Place Outcome – Havering is a Green Borough</i></p> <ul style="list-style-type: none"> • <i>Investing in our parks</i> • <i>Number of parks with Green Flags</i>
Financial summary:	The Council will benefit from £0.650m of external funding to improve the Tithe Barn. No match funding or additional budget is required to manage this.
Reason decision is Key	Grant application exceeding £500,000
Date notice given of intended decision:	11th December 2023

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Relevant Overview & Scrutiny Committee:	<i>Places OSSC</i>
Is it an urgent decision?	No
Is this decision exempt from being called-in?	No

The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents

X Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

Place an X as appropriate

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

For the reasons stated in this report, the Leader is recommended:

1. To accept and enter into a grant agreement with the National Highways Company (NHC) for £650,000 to carry out essential renovation and improvement works at the Tithe Barn, commencing approximately in May 2024 until approximately March 2025.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 of the Council's Constitution

Under the Council's Constitution, this should be a decision for Cabinet as per section 2.1 of the Constitution, under Part 3.

Other matters

(q) To approve application for the submission of bids for grants and other financial assistance which require the provision of additional finance or match funding or are likely to lead to residual costs or implications for the Council or where the amount of the grant exceeds £500,000 and, to accept such funding when granted

However, the governance timeline will not allow for the matter to be agreed in time. The Leader can exercise any Executive functions on behalf of Cabinet, upon the provision of substantial prior notice, as per Part 3, Section 2 paragraph 2,3,4,5.

STATEMENT OF THE REASONS FOR THE DECISION

1. Designated funds from the National Highways Company (formally known as the Highways Agency), ring-fenced from the Department for Transport's Road Investment Strategy 2 (RIS2), are available for improvement projects in the borough. Improvement locations must be within 5km of the M25, and must fit within the three improvement subjects; Heritage, Biodiversity and Access. The funding period runs until 2025. The Council is not required to match fund.
2. Project proposals are submitted to the Lower Thames Crossing (LTC) Benefits Lead officer and agreed by the National Highways Company Board.
3. Following discussions between the Council's Parks team, Historic England and LTC Heritage Advisor regarding the condition of the Tithe Barn, a grant has been agreed to deliver the following improvements:
 - Repairs to structural timbers, sole plates and brickwork
 - Replacement of Norfolk Reed thatch roof.
 - Replace/repairs external weatherboard clad walls, ground level drainage works to restore the french drain, works to steps and ground levels to ensure water doesn't pool against the building.

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- Installation of a WC
4. Once the improvements are completed, in addition to the existing usage by the historical society, the space will be better utilised for exhibitions, activities and events where feasible to allow wider community use.

OTHER OPTIONS CONSIDERED AND REJECTED

Option 1 - Do not accept: If the grant is not accepted the project will not progress.

Option 2- Refuse the funding and investigate other sources of external funding. There is no certainty that any other applications will be successful, especially to this value.

Therefore, both options were considered and rejected.

PRE-DECISION CONSULTATION

No formal consultation is required to accept the grant from the NHC.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: James Rose

Designation: Park Development Manager

Signature:



Date: 8th December 2023

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has power to accept the grant

Utilising its general power of competence under Section 1 of the Localism Act 2011 to do anything an individual can do, subject to any statutory constraints on the Council's powers. None of the constraints on the Council's S.1 power are engaged by this decision.

Any dealings which the Council has the grant will need to be in compliance with the Council's Contract Procedure Rules (CPR) 25.1, 25.2 and 25.4 and a procurement process will be conducted in line with CPR where any procurement is required to deliver the project. This will also need compliance with the Council's governance arrangements.

The grant agreement will set out certain conditions which officers will ensure to adhere to in order to achieve full utilisation of the funding arrangements and prevent recovery of clawback sums. Subject to the officers having an understanding the terms and conditions of the grant funding, the Council may accept the grant funding and enter into the grant agreement.

FINANCIAL IMPLICATIONS AND RISKS

The NHC have offered the Council £0.650m subject to the council agreeing and complying with the terms and conditions of the grant agreement.

The grant must be used solely for the purpose set out in the grant offer letter relating to the Individual Site-Specific Works.

The grant offer is the maximum amount of grant that will be paid, and this amount will not be increased as a result of any overspend or otherwise, except with NHC's explicit prior written agreement to such an increase in the amount of Grant. Any incorrect amount paid to the council as a result of administrative error or otherwise will be promptly repaid to NHC.

The council shall ensure that prior to claiming any part of the grant, the applicable works have been carried out in accordance with the relevant call off contract.

Budget and contract monitoring will be regularly carried out by officers throughout delivery to ensure the project is completed within the approved grant allocation.

The council will provide NHC at their request such information, explanations and documents as they may reasonably require in order to determine whether the conditions of the grants agreement have been complied with.

As set out above the overspend risk sits with the Council. This has been mitigated by seeking advice from specialist consultants on the expected cost of the works and there is a contingency sum within the agreed cost limit.

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Moreover the property is currently at high risk of deterioration and the Council is responsible for its upkeep. It is a Scheduled Ancient Monument and close to a public open space and so the Council will almost certainly incur the same or higher costs in future if this work is not undertaken now.

The funding agreement has a tight timescale – the deadline for final spend is March 2025 and the works need to commence as soon as possible to avoid further damage to the fabric of the building.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

Works will be carried out externally and will not impact staff or existing resources.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

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HEALTH AND WELLBEING IMPLICATIONS AND RISKS

Carrying out the improvements being made possible through this funding will allow better access to the barn and the artefacts within for the community. School groups will be especially encouraged to visit the barn when it has better facilities and is safe to do so.

Improving the barn will also lead to better utilisation such as for exhibitions, activities and events and that those activities encourage community and social activities which help to reduce isolation and thereby improve psychological health and well-being of residents.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

None

BACKGROUND PAPERS

None

APPENDICES

Key Executive Decision

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Delete as applicable

Proposal NOT agreed because

Details of decision maker

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

Lodging this notice

The signed decision notice must be delivered to Committee Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____