



REPORT of CHIEF EXECUTIVE

**to
PLANNING AND LICENSING COMMITTEE
14 SEPTEMBER 2017**

SECTION 106 AGREEMENTS – SIX MONTHLY UPDATE

1. PURPOSE OF THE REPORT

- 1.1 This report provides an update on Section 106 (S106) agreements. The report principally refers to a report submitted to the Overview and Scrutiny Committee on 30 August 2017 (attached at **APPENDIX A**). A verbal update on the discussion from that Committee will be given at the meeting.

2. RECOMMENDATIONS

Members are asked to give their views and comments on the information in this report.

3. SUMMARY OF KEY ISSUES

- 3.1 At 19 January 2017 meeting of this Committee, it was agreed that a report is made to the Committee on Section 106 agreements (Minute No. 896 refers).
- 3.2 Attached in **APPENDIX A** is the report made to Overview and Scrutiny Committee on 30 August 2017. That report aimed to address issues raised by that Committee at its meeting on 21 June 2017.
- 3.3 Although seeking to address specific issues, the report also provides an update on the current status of Section 106 agreements to the end of July 2017. The Appendix to the Overview and Scrutiny report summarises, from the current S106 monitoring system, the agreements; the provisions contained within them, both financial and non-financial; details of any payments made and outstanding; and the clawback date.
- 3.4 The clawback date is the date by which the Council or any other parties to the agreement who is a recipient of a financial contribution must spend that contribution in accordance with the agreement or repay any unspent sums back to the developer or landowner.
- 3.5 The report also highlights the basis for drafting Section 106 agreements and the relationship with the head of terms which are set out in the Reports on the planning applications.

- 3.6 The report was well received by the Overview and Scrutiny Committee. Issues were raised with regards to the ongoing bus service provided by Tesco, secured by a Section 52 agreement; Community Infrastructure Levy (CIL); and the collaboration between the S106 Monitoring Officer and other services, in particular, Finance.
- 3.7 An offer has been made to fill the vacant S106 Monitoring Officer post.

4. CONCLUSION

- 4.1 Section 106 agreements are a successful means through which the Council secures financial contributions, facilities or works to prescribe, compensate or mitigate the impacts of development.
- 4.2 Officers have put in place a process for negotiation, decision, monitoring and enforcement of the agreements. As a learning authority, the processes are kept under review by officers and reported to this Committee and any improvements identified will be reviewed and implemented.

5. IMPACT ON CORPORATE GOALS

- 5.1 The use of section 106 agreements to prescribe, compensate and mitigate the impacts of development enables the Council to enhance services to meet new local demands.

6. IMPLICATIONS

- (i) **Impact on Customers** –Scrutiny aids improvement to services to the public by the Council and external authorities
- (ii) **Impact on Equalities** – Facilities and works secured through Section 106 agreements are subject to specifications that meet known national standards and available to all sectors of the community.
- (iii) **Impact on Risk** – Recommendations arising from scrutiny could assist in mitigating corporate risks. The Section 106 process identified in this report aims to be transparent, minimise risk and ensure that developments are viable and deliverable.
- (iv) **Impact on Resources (financial and human)** – The negotiations of Section 106 agreements is part of the planning services core budgets. The developer pays for the Council's costs in drafting and completing the agreements.
- (i) **Impact on the Environment** – Agreements can seek to compensate and mitigate for the impacts of development on the local environment.

Background Papers: None.

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