

Information/Discussion Paper

Social and Community Overview and Scrutiny Committee

12 January 2005

Section 106 working group

1. Why has this come to scrutiny?

- 1.1 Members of this committee are asked to nominate a member to the Section 106 working group and comment on the Terms of Reference for the review.

2. Summary of the Issue

Definition of Section 106 agreement

- 2.1 Section 106 Planning Agreements secure community infrastructure to meet the needs of residents in new developments and/or to mitigate the impact of new developments upon existing community facilities.
- 2.2 Financial contributions towards community infrastructure are used, for example, for the provision or enhancement of community halls and play areas, for the provision of open space, and for the enhancement of our transport infrastructure. Such Agreements should be relevant to planning permissions, directly related to the proposed development and necessary to make it acceptable in land-use planning terms.

Background to the issue

- 2.3 In October 2004, all the overview and scrutiny committees reviewed the business plan and had the opportunity to nominate future scrutiny topics for inclusion in their work programmes. Both the Environment and Economy and Business Improvement Overview and Scrutiny Committees suggested some aspect of Section 106s as a potential scrutiny topic.
- 2.4 The Environment Overview and Scrutiny Committee received a follow up report on the Business Plan and Work programme at their November meeting which suggested that Section 106 payments was an issue that crossed all three overview and scrutiny committees. The report said "Economic & Business Improvement Overview & Scrutiny's remit focuses around the financial spend of Section 106's, whereas the remit of both Social & Community and Environment Overview & Scrutiny covers the nature of the spend, i.e. affordable housing or open space. It was felt there was merit in setting up a small joint member group consisting of one member from each of the Overview & Scrutiny Committees. This would enable members to fully understand

the current position in terms of Section 106 Agreements.”

- 2.5 At their meeting on the 13 December 2004, the Economy and Business Improvement Overview and Scrutiny committee requested a report on the financial status of section 106 agreements and also received a presentation from the Assistant Director (Built Environment) on the procedural and financial management of Section 106 agreements.
- 2.6 In the discussions that followed, members were keen for further work to be done to consider the level of member involvement in the process and how the local community needs could have an influence on the process. They acknowledged the complex planning regulations that might constrain this and the crossover with other the remit of other overview and scrutiny committees and for these reasons supported the setting up of a joint working group.
- 2.7 The committee requested that officers draft terms of reference to reflect members' objectives for the proposed working group which is attached as Annex 1. This is being sent to all overview and scrutiny committees for comment on the scope and objectives of the review and if they wish to be involved in the working group they are asked to nominate a member to join the group.

3. Next Steps.

- 3.1 The Terms of Reference will be finalised by the Economy and Business Improvement Overview and Scrutiny Committee on the 19th January 2005 and the working group will then get together to determine how they wish to carry out the review.
- 3.2 The suggested timescale for the review is six months in duration and it will report back to the Environment Overview and Scrutiny Committee. This committee will then endorse the recommendations before passing them on to Cabinet/Planning/Council as appropriate.

Background Papers	Environment Overview and Scrutiny 29 November 2004 – Business Planning and Work Programme Economy and Business Overview and Scrutiny Committee minutes 13 December 2004
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