

# **Information/Discussion Paper**

## **Social and Community Overview and Scrutiny Committee - 11th July 2005**

### **S106 Member Working Group. Review of the S106 process**

#### **Report of Councillor Allen, Councillor Britter and Councillor Prince**

This note contains the information to keep Members informed of matters relating to the work of the Committee.

#### **1. Why has this come to scrutiny?**

- 1.1 This committee is asked to consider whether it would like to nominate another member to the working group.

#### **2. Summary of the Issue**

- 2.1 Elected members have for some time felt that the process of requiring, negotiating and obtaining developer contributions via the s106 process needed to be reviewed.
- 2.2 It is of course widely recognised that officers have, for a number of years been very successful in securing improvements to infrastructure, sustainable transport initiatives, community facilities and affordable housing provision using this approach and it is hoped that this will continue in the future.
- 2.3 Members, however, felt that it would be an appropriate topic for O & S committees to review and where appropriate suggest short, medium or long term improvements which can bring about benefits to the wider community.
- 2.4 The Council's Economy and Business Improvement Overview and Scrutiny committee discussed the working group's initial findings at its meeting on the 20<sup>th</sup> June 2005. Members were largely very supportive of the work already undertaken but felt further investigative work needed to be done on the improvements identified. They nominated an additional member of their committee, Councillor Gearing to assist the working party in the next phase of its review.

#### **3. The member working group propose that further work be undertaken as follows;**

- 3.1 It became apparent during our work that a more strategic view needs to be taken

regarding the future of s106 contributions, and in particular how they are derived and used. Members were keen to develop mechanisms which established what locally specific aspirations were deliverable and achievable.

- 3.2** A process will need to be established which can convert these local aspirations into physical developments on the ground. It has been realised that to achieve this, a specific and measurable need has to be identified. Members need to be aware that they can only require contributions or other obligations from developers that comply with planning law.
- 3.3** Such community enhancements can of course only be brought forward on the back of developer contributions and as such, areas of potential future residential growth would be the areas probably most suitable.
- 3.4** The next stages of work for the member group could therefore be identified as follows:-
- Members need to give proper consideration to the extent that local community aspirations can be delivered by way of the s106 process. There is a need to identify what these aspirations actually consist of and whether they are relevant and justifiable.
  - What evidence can be provided to illustrate that the community requirements which are identified by this process are actually needed.
  - Consider the opportunity to link local community aspirations, identified by the community planning process to a funding stream such as developer contributions.
  - The council's external partners also need to take part in this process.

## **4. Next Steps**

- 4.1** The next steps for the working party will be:
- Further investigation and consideration of the improvements identified
  - On-going discussions of a more strategic nature as outlined in paragraph 3
  - A follow up report will be submitted to O & S committees in 6 months time which will identify ways that the s106 process can be used to further enhance community needs.

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### **Background Papers**

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### **Accountability**

**Scrutiny Function**                      Environment Overview and Scrutiny Committee