

Cheltenham Borough Council
Social and Community Overview and Scrutiny Committee.
- 1st December 2005

S106, Member Working Group.

Report of the Assistant Director, Built Environment.

1. Executive Summary and Recommendation

- 1.1** During the summer of this year all three Overview & Scrutiny committees received a report which outlined the interim recommendations of the member working group. A great deal of work had been undertaken, considering the present planning and legal frameworks, clarifying objectives, reviewing how the council operates it's current arrangements, and reviewing how other councils manage the process.
- 1.2** As a result of these detailed considerations the member working group recommended a series of improvement measures, which were aimed at introducing operational changes to current procedures. These, where legally possible are being implemented.
- 1.3** The working group also proposed further work to be carried out at a more strategic level, looking specifically at the creation of mechanisms which establish what local aspirations may exist, and where these are considered to be achievable, what kind of process could be developed to deliver them through the S106 process.
- 1.4** This second phase of analysis and consideration has however proved to be very demanding on the members of the working group. Six members expressed an initial desire to be involved in undertaking this work; however the majority have not been able to attend meetings.
- 1.5** At the last meeting held in October it was reluctantly agreed that the working party should be disbanded. The work that had been previously identified, specifically at local level, and the information subsequently obtained would instead now be captured by the review of the community plan, and the local development framework processes, planned to commence in the New Year.
- 1.6 I therefore recommend that:**
- 1.6.1 The S106 member working party is disbanded and the processes which they had been planning to implement now be considered during the review of the community plan, and the local development framework consultation.**

1.7 Summary of implications

- 1.7.1 Financial None as a direct result of this report.
- 1.7.2 Legal None as a direct result of this report.
- 1.7.3 Human Resources None as a direct result of this report.

1.8 Statement on Risk.

- 1.8.1 The appropriate use of developer contributions can bring about important enhancements to a locality. Every opportunity therefore needs to be explored to ensure that this source of funding is maximised throughout the Borough. The community plan review and the LDF processes need to include a mechanism which identifies how, if possible such funding can be tapped. The risk to the council is self evident.

1.9 Introduction.

- 1.9.1 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. It is of course widely recognised that officers have been very successful in securing improvements to infrastructure, sustainable transport, community facilities and affordable housing contributions using the S106 approach in the past. Members have however been keen to understand more about the process, and to introduce where possible arrangements which can bring about benefits to local communities.

2. Background.

- 2.1.1 In January 2005 all three O & S committees agreed that a member working group be established to review the S106 process, with particular emphasis on enhancing member involvement, where appropriate.
- 2.1.2 A series of improvement measures were recommended to the O & S committees when an interim report was presented to them in the summer, along with a suggestion that further consideration be given to developing mechanisms aimed at establishing what locally specific aspirations were achievable and deliverable through any potential amendments to the system.
- 2.1.3 Three meetings of the group have taken place since the interim report was considered. One member felt that what was being asked of the working group was too onerous, and decided to resign his membership. Other members also voiced their concerns about the amount of time it was likely to take to engage with local communities, and to implement any meaningful alterations to the system.
- 2.1.4 Regrettably therefore at the last meeting of the working group it was reluctantly agreed to disband the activities of the group, and to request that when the consultation processes were undertaken for the community plan review, and the local development framework consideration be given to link community aspirations to future funding streams obtained from developer contributions.

Background Papers

Previous reports to all Overview and Scrutiny committees.

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Scrutiny Function	Environment Overview and Scrutiny.