

Minute extract from Scrutiny Committee 28 June 2012

Sc.13 Section 106 audit - follow up report

The cabinet member for planning, Councillor Roger Cox, was present to answer questions and to assist in the discussion of this item. Also present were Adrian Duffield, Head of Planning and Mike Gilbert, Planning Development Manager.

Councillor Dudley Hoddinott was invited to ask his question about when the Vale would expect to be operating the new Community Infrastructure Levy (CIL) and whether there would be a criterion that a parish must have a neighbourhood plan adopted before it could obtain a contribution from CIL. Councillor Roger Cox explained that the CIL needed to be co-ordinated with the core strategy and that this needed to be bought forward. Councillor Roger Cox undertook to provide a written response to Councillor Hoddinott's question.

Councillor Roger Cox introduced the section 106 audit follow up report. The process flowchart needed to be withdrawn and re-issued.

Section 106 agreements are entered into between applicants and the council when planning permission is granted. They secure financial payments or other measures to mitigate the impact arising from a new development. In the future, the new community infrastructure levy will secure payments for the provision of off-site facilities and infrastructure, and section 106 agreements will be limited to ensuring the provision of on-site facilities and infrastructure only. From April 2014, section 106 agreements will not be able to be used to secure off-site the provision of off-site facilities and infrastructure – that will only be able to be secured through CIL.

Community Infrastructure Levy money will be locally controlled by the district council.

The committee was concerned about existing section 106 money and how it had been spent or not spent. Councillors were assured that there was just under £1,000,000 available assigned to particular facilities, and that none had been repaid to developers.

A new officer had been regularising and co-ordinating the section 106 agreements and money, and preparing for the introduction of CIL. This officer worked across both South and Vale councils and had two days per week allocated to Vale work. He had worked on introducing new software which was now in place which was more automated and tailored to the needs of the council.

The committee was concerned that targets had been missed in the past but was reassured that new target dates would be met and that these would be monitored formally every month. There had been historical problems with manual monitoring. There had been delays in embedding the new computer

system, but monitoring would be significantly improved now that it was in place.

The committee asked that ward councillors be told how much money/what section 106 commitments were outstanding in each parish in their wards. They were told that this would be possible once all agreements were loaded onto the new system and would be published on the internet.

The Community Infrastructure Levy would be working in parallel with the core strategy, but the council was waiting for further regulations from government on how it could spend the CIL funds. The committee was assured that there was sufficient officer capacity, according to current timescales.

By October, councillors would be able to view s106 agreements. The information would be available on the council's intranet, the internal network. Some councillors reported that they could not access the intranet. The strategic director agreed to request the head of HR, IT & customer services to advise councillors on how to access the intranet. Training would be provided by the planning department for all councillors on s106 agreements/CILs.

The cabinet member for planning, the head of planning and the development control manager agreed to come back to Scrutiny Committee next year to provide a further update on the s106/CIL project (date to be agreed outside the meeting).

The committee asked whether advice could be provided to parishes to assist them in interacting with s106s. The head of planning agreed to provide information for councillors to feed back to parishes

RESOLVED: to

- a) receive advice from the head of planning that councillors could share with the parishes in their ward to enable the parishes to influence section 106 agreements as part of neighbourhood planning;
- b) Receive a further update from the cabinet member for planning, the head of planning and the development control manager at a Scrutiny Committee meeting next year, and for this to be added to the committee's work programme.