

# Taunton Deane Borough Council

## Corporate Governance Committee 12<sup>th</sup> March 2012

### Section 106 Developer Contributions Centralisation

#### Report of the Community Leisure Officer

(This matter is the responsibility of Executive Councillor Edwards)

#### 1. Executive Summary

This report gives details of the work undertaken to centralise contributions made under Section 106 of the Town and Country Planning Act 1990 as recommended during a 2011 Audit review and detailed in the report to Committee dated 25<sup>th</sup> July 2011.  
The Committee is asked to note the information within the report.

#### 2. Background

- 2.1 Section 106 of the Town and Country Planning Act 1990 allows a local planning authority to enter into a legally binding agreement or planning obligation with a landowner in association with the granting of planning permission. The obligation is termed a Section 106 Agreement.

These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms. They are used to support provision of services and infrastructure, such as children's play, recreational open space, village halls and community centres, allotments, affordable housing, arts, highways, education and health.

- 2.2 A 2011 report from Audit, commissioned by Shirlene Adam, advised the Section 106 Agreements for this Authority should be centrally monitored from creation of an agreement through to implementation, collection of contributions and spending of the funds.

Section 106 agreements had until the report been held within a number of different services across the Council.

### **3. Details of works carried out**

- 3.1 A master spreadsheet has been created using Microsoft Excel. The spreadsheet contains a list of signed the Section 106 agreements and Unilateral Agreements across the Authority for either current developments with payments made or sites awaiting development. Historic Agreements for developments which have been built and fulfilled their obligations and where the contributions have been spent have not been included. The start date for the centralisation was August 2011.
- 3.2 The master spreadsheet lists the agreements by site name but has been built to allow a search to be made by planning reference, date agreement signed, or the SAP code. Details of the contributions due or paid for each agreement follow, the amounts may be totalled if required.
- 3.3 Further details for each agreement such as when payment is due, known as a trigger point, where the funds must be spent and the spend by date have been included in each case as a comment and may be found by hovering over the relevant cell under each heading.
- 3.4 The master spreadsheet continues with separate pages for Parks Commuted Sums and On-Site Unresolved Issues. Parks Commuted Sums contains a full list of all sites where commuted sums for Parks maintenance are held and On-Site Unresolved Issues has been compiled with information from both Legal and Parks.
- 3.5 The master spreadsheet and electronic copies of Section 106 Agreements and Unilateral Agreements have been posted on an especially created Sharepoint site. The information may only be amended by one officer although all other officers whose work entails Section 106 may view the Spreadsheet and make any suggestions for changes as necessary
- 3.6 During the course of this work other local authorities have been contacted and visited for comparison. No local authorities have been found to be using Acolaid for Section 106 monitoring. The nearest user found by the manufacturer of Acolaid is Southwark Council.
- 3.7 Visits have been made to both West Somerset District Council and South Somerset District Council both of whom use Microsoft Access to monitor and implement their Agreements. Both Councils have researched Acolaid for Section 106 monitoring and found it to be unsuitable in its present form.

### **4 What is happening now**

- 4.1 Since the start date for centralisation copies of all signed Section 106 Agreements have been sent to the Community Leisure Officer for entry onto the Master Spreadsheet. Details of all payments received or spent are also forwarded for inclusion on the Spreadsheet. The Council is therefore now complying with the recommendations made in the Audit report.

4.2 A meeting is also held once a month where the officers with responsibility for Section 106 get together to exchange information on the current position for each site. Officers from Parks, Community Development, Legal, Affordable Housing and Planning attend.

**5. Finance Comments**

The creation of a central spreadsheet has led to more control of this key source of external funding.

**6. Legal Comments**

The use of legal agreements to secure planning obligations is well established with S106 agreements have been in use since 1990.

**7. Links to Corporate Aims**

As a major source of funding assisting with the delivery of infrastructure improvements, Section 106 Agreements support all the Corporate Priorities.

**8. Environmental Implications**

Environmental issues can be supported by planning conditions.

**9. Community Safety Implications**

Planning conditions can be used to support community safety issues

**10. Equalities Impact**

S106 Agreements provide infrastructure improvements to the benefit of the wider community.

**11. Risk Management**

Any risks identified will feed in to the corporate risk management process

**12. Partnership Implications**

There are no partnership implications with respect to the content of this report

**13. Recommendations**

Members of the Corporate Governance Committee are requested to Note this report and support the changes that have be made.

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