

CABINET

8 OCTOBER 2021

REFERENCE REPORT FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE

A.6 SCRUTINY OF THE USE OF SECTION 106 MONIES

(Report prepared by Keith Durran)

BACKGROUND

At its meeting held on 15 July 2021 (Minute 14 refers) the Resources and Services Overview & Scrutiny Committee ("the Committee") scrutinised the use of Section 106 monies.

It was reported to Members that Section 106 (S106) Agreements were legal agreements under Section 106 of the Town and Country Planning Act 1990 between Local Authorities and developers; linked to planning permissions and could also be known as planning obligations. Section 106 agreements were drafted when it was considered that a development would have significant impact on the local area that could not be moderated by means of conditions attached to a planning decision.

RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE'S RECOMMENDATIONS TO CABINET

After a detailed discussion the Committee had **RECOMMENDED** to Cabinet that it:

1. To the extent that it is not happening at present, details of the proposed schemes using S106 funds in a particular ward be advised as a routine to the local Ward Councillor(s) and consideration be given to the views expressed by the Ward Councillor(s) on the proposed scheme before and decisions are taken to implement the scheme.
2. That, for those parts of the District that are parished, the relevant Town or Parish Council be advised about S106 funds that had been secured and whether they could bid for schemes to be funded or identify schemes for officers to consider.
3. That, for those parts of the District that are un-parished, the locality descriptor should be the relevant District Ward rather than 'Clacton' so as to improve the understanding of the figures shown for that area.
4. That an annual statement be made on the amounts of monies received in S106 funds, the total sum held by the Council in S106 funds and the sums spent on schemes in that year against the common obligations of:
 - Public open space
 - Affordable Housing
 - Education
 - Highways
 - Town centre Improvements
 - Health

5. To note the commitment if the Council's Assistant Director for Finance and IT that the S106 spreadsheet publicly available on the Council's website would be amended to include commitments so that the sums shown are clear and complete.

PORTFOLIO HOLDER COMMENT(S) AND RECOMMENDATION(S) TO CABINET

Portfolio Holder's Comment(s)

The Portfolio Holder's comments will be circulated in due course either prior to the Cabinet or at the Cabinet meeting itself.

Recommendation(s) to Cabinet

That the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that the response(s) of the Portfolio Holder thereto be endorsed.