

S106 Task Group – Interim Report

Purpose of report

1. To provide an interim update on the work of the Section 106 Scrutiny Task Group.

Background

2. The committee formed a task group in March 2010 to review how the authority managed the Section 106 (S106) process and to consider the impact of the forthcoming Community Infrastructure Levy.
3. The Task Group's initial work culminated in it recommending to the Executive (via the Capital Assets Committee) that a corporate database should be created to catalogue all S106 agreements pre and post 2009.
4. The Task Group met on 18th May 2011 to receive a 6 month update against this recommendation and this report is a summary of the key points that emerged.

Issues to Emerge

Database progress

5. The tables below illustrate the current position in relation to the development of the database:

Table 1 - S106's agreed post-unitary (2009 to 2011)

	On database	Triggers	Held electronically and linked to database	On Web
North	95%	95%	95%	45%
East	100%	100%	100%	92%
South	60%	86%	82%	0%
West	99%	90%	90%	0%

Table 2 - S106's agreed pre-unitary (2004 to 2009)

	On database	Triggers	Held electronically and linked to database	On Web
North	20%	100%	100%	98%
East	100%	97%	95%	1%
South	-	-	-	-
West	8%	8%	8%	-

6. Of the S106's agreed since 2009, the key anomaly is the 40% of records not captured in the south. These relate to 'R2' contributions for minor residential schemes and as a result have not been prioritised. The information on these agreements is held electronically and is in the process of being captured.
7. Focusing on the pre-unitary agreements, which were identified as the key risk area by the Task Group, progress has been inconsistent. The East historically captured their records electronically therefore the transfer to the database has been smooth. The missing 80% of Northern agreements are available electronically and will be next to be inputted; to be followed by the West and the South. Capturing the records from the South is the most difficult challenge as the agreements are not held electronically. The team may therefore be forced to access the information from the hard copies stored off site, which will be time consuming and resource intensive.
8. The temporary assistant who has been supporting the S106 officer in this process has had her contract extended to mid-August, when it is hoped the database will be completed.

Access to the Database

9. At the moment the intention is to not make the database accessible via the web until 95% of the records are catalogued.
10. The issue of access to the records has already presented challenges to officers, with a number of Area Boards requesting overviews of the S106's applicable to their community. This has resulted in officer time being diverted from the database and impacted progress.
11. At this stage there was not a definitive plan in place detailing how the database would be marketed to the public, area boards or town and parish councillors. The task group discussed this in detail questioning the level of secondary enquiries access to the database may bring, or conversely whether it would lead to a reduction of the enquiries to officers. The members concluded that this required further review in the autumn; when it was estimated the database would be completed.

Monitoring the Agreements

12. Members learnt that further work needed to be undertaken on the best approach to monitoring agreements. Currently there was not a coordinated approach between Council services setting out who does what. It was argued that were too many agreements covering different combinations for a single planning officer to take sole responsibility.
13. The Task Group was fortunate to have the new Cabinet member present and he confirmed that the responsibility for monitoring fell to his portfolio; the process for achieving this coordinated approach is recommended as an area for further scrutiny.
14. The members discussed the potential for area boards to have a role monitoring the agreements within their communities; it was confirmed that once completed the database could be manipulated to produce community area specific reports.

Community Infrastructure Levy

15. The Community Infrastructure Levy is a standard charge on most types of new development; ensuring infrastructure contributions do not only fall on major developments. To place this into context only 14% of residential and 7% of offices currently have planning obligations attached to them. In the past it has been difficult to demonstrate the cumulative impact of individual developments, resulting in under funding of infrastructure. The CIL by levying nearly all new development will ensure the lumpy flow of developer contributions is replaced by something more consistent.
16. The Task Group learnt the Core Strategy which will be out for an 8 week consultation from June 13 included reference for Wiltshire to adopt CIL. However, further details will emerge from the Localism Bill before CIL's 'go-live' date of April 2014 and this is an area where scrutiny may wish to review at an appropriate date.

Conclusion

17. The latest meeting of the Task Group has established the progress made towards development of a corporate S106 database. Additional resources have been secured and the cataloguing of agreements has seen significant improvements for post unitary S106's but a number of challenges are prohibiting the smooth completion of pre-2009 agreements.
18. The issue of when and how the database becomes accessible to the public is not finalised and is an area identified for further scrutiny.

19. The Cabinet member has confirmed that his portfolio retain responsibility for the monitoring of S106 agreements, although at the time of the meeting further work was required to agree a coordinated approach by officers to achieve this.
20. Final details of the CIL are still to be finalised in the Localism Bill but the Task Group recognise this as an area for potential scrutiny interest.

Recommendations:

- a) **The task group seeks endorsement to meet again in September to receive an update on the development of the database;**
- b) **To seek endorsement to work with the executive to develop how and when the database becomes accessible to the public;**
- c) **To recommend that Overview and Scrutiny reviews the draft Community Infrastructure Levy policy when available.**

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