

## WILTSHIRE COUNCIL

### ORGANISATION AND RESOURCES SELECT COMMITTEE

17 NOVEMBER 2011

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#### SECTION 106 SCRUTINY TASK GROUP – FINAL REPORT

##### Purpose of Report

1. To provide a final update on the work of the Section 106 Scrutiny Task Group.

##### Background

2. The Committee created a Task Group in March 2010 to review the way the authority manages its Section 106 agreements. Over the ensuing months a number of updates have been presented to the Committee and members will be aware that the Task Group has been instrumental in:
  - a) the development of a S106 database and;
  - b) confirming that the Cabinet member for Development has overarching responsibility for Wiltshire's S106's.
3. Following an update in May the Committee asked the Task Group to meet in the autumn to establish if the database had been completed and to confirm how the Cabinet member intended to ensure a coordinated approach towards monitoring.
4. The Task Group met on 31 October, 2011 and the findings are detailed below.

##### Findings

##### Database Development

5. Progress towards the development of a fully functioning database has been extremely positive, with records from the North, South and East of the county all completed for 'pre and post unitary' agreements (see below). In the South approximately 80% of post unitary and 611 of pre-unitary agreements have been catalogued, the only outstanding agreements are minor and are linked to R2 funding in the southern area.

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>2004 – April 2009</b>	279 of 279 100%	411 of 611 72%	149 of 149 100%	109 of 109 100%
<b>2009 to date</b>	197 of 197 100%	147 of 188 78%	59 of 59 100%	52 of 52 100%

## Monitoring

6. Until the creation of the database, no one in the Council had an overview of the S106 process or funding. The S106 Monitoring Officer now has that overall picture and knows what contributions have been negotiated, which have been made, when the trigger points are and which are outstanding. Each recipient service actively monitors the contributions relating to it and the section 106 database is centrally updated accordingly.
7. The members were told that this liaison between the S106 officer and the key service areas was an area of work that had 'greatly improved' and was now working well.
8. The Task Group also discussed the role of Area Boards and respective Town/Parish Councils in monitoring S106s within their communities; under the umbrella of how accessible the authority makes the database. A report had been prepared for the Malmesbury Area Board which captured all the S106's relevant to their area. As part of this exercise the Board identified that £104,204 from a total £985,705 had not been received; this related to open space funding. The members felt that this would be a useful exercise for all community areas to, and recognising that Town and Parish Councils have access to the Area Board papers it was felt important that they were involved in the process to utilise their detailed local knowledge. The Task Group agreed that the Area Boards should be the ultimate owner/conduit of the process, avoiding the S106 officer having to work directly with approximately 300 Parishes and Town Councils.
9. In addition to the Malmesbury report, requests had been received from Trowbridge, Devizes, South West Wiltshire, Chippenham and Marlborough Area Boards for similar information. The Task Group recognised that it was important that the Community Area Managers (CAMs) were fully aware that the database was capable of producing these reports and have recognised this within the recommendations.
10. After the initial review by Area Boards it was felt appropriate that on an approximate 12 month basis, or on request, the Boards could revisit an updated report on the S106's for their area.

## Succession Planning

11. Following an August site visit by the members, it was suggested that the work that the S106 has been undertaking should be documented in case another officer was required to fulfil the function. The Task Group was pleased that this work was nearly completed.

## Resources

12. The temporary member of staff who had been recruited to support the development of the database had left the authority in August. The report presented to the Task Group stated that if further resources were available they could probably be best directed at working on financial reconciliation, linking the money the Council holds in central accounts back to individual agreements undertake (*for info the Council currently holds £21million of S106 funds*). Current resources meant that this process of producing a report for a community area and allowing the community to confirm it was satisfied

with the information provided could only be done on an area by area basis. The Task Group felt that this work should be accelerated and have attempted to address this within the recommendations.

## **Conclusions**

13. The Task Group is satisfied with the work undertaken to complete the S106 database and congratulates the officers for the progress made since the start of the review. The database will ultimately be incorporated into the new Development Control software, which is programmed to go live by the summer of 2012. The only areas of work outstanding are linked to the R2 funding, introduced originally by Salisbury District Council, where the Task Group felt it would be useful for officers to work with local parish and Town Councillors to ensure completion of the database.

The Task Group has also established that the Cabinet member is accountable for the monitoring of agreements and that there is a comprehensive set of monitoring procedures in place within each of the beneficiary services, which is being linked into the central S106 database.

The Area Boards which would like information will in future have the ability to monitor the delivery of S106's within their community. Current resources mean that this process faces time restrictions but by encouraging joint working with the Community Area Managers it is hoped that Area Boards can play a positive role in ensuring the delivery of S106's for their communities. It was suggested that it would be appropriate for this process to take place to coincide when respective Parishes and Town Councils set their precepts.

## **Recommendations**

### **14. The Organisation and Resources Select Committee is asked:**

- (i) To thank the Task Group for its work and to endorse the concluding findings to emerge from the review;**
- (ii) To congratulate the officers for the work done to date on the S106 database;**
- (iii) To ask the Service Director for Development to nominate officers to attend a future Community Area Managers' meeting to outline the capabilities of the S106 database, to show an example of an Area Board report and ask them to discuss future requirements for information with their Board Chairmen;**
- (iv) To recommend to the Cabinet member that he asks the Service Director for Development to examine the Business Case for directing resources on a short-term basis to support and accelerate the financial reconciliation process.**

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