

## **Management of s106/s278 Agreements – follow up**

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Cabinet Member: Cllr John Woodman, Cabinet Member for Highways and Transport Division and Local Member: All

### **1. Summary / link to the County Plan**

- The purpose of this report is to provide an update to Audit Committee on management and administration of Section 106 prior to a follow up audit scheduled to commence at the end of January 2019.

### **2. Issues for consideration / recommendations**

- ; The Committee is asked to consider and comment on the latest position in response to the audit findings.

### **3. Background**

- 3** Section 106 (S106) Agreements or Planning Obligations are commonly used by Local Authorities to bring development schemes in line with the objectives of sustainable development as articulated through the relevant local, regional and national planning policies.
- 3** Planning obligations can be provided by developers "in kind" (where the developer builds or provides directly the matters necessary to fulfil a planning obligation), by means of a financial payment, or in some cases a combination of both. Planning obligations in the form of financial contributions can be made by developers as a one-off contribution towards the total cost, or as a series of payments phased over time, depending on how the payment schedule has been negotiated.
- 3** Following an audit into the management of s106 agreements the key findings for the service were;
  - There is no formal policy that documents the agreed approach to agreeing and obtaining S106 contributions from developers.
  - There is a lack of co-ordination in the recording and monitoring processes for S106 contributions by different sections of the Council, with highways contributions being added to a database.
  - There are no defined minimum standards for data entry of the detail of legal agreements into the systems used for monitoring of contributions.
- 3** In response the summary findings above the service has been addressing these through a number of different actions. The findings and summary action are set out in the appendix to this report.

3 A follow up audit has been requested by the service to consider whether the actions undertaken have addressed the risks identified, provide further guidance to the Service and to inform any future service improvement plans.

#### **4. Consultations undertaken**

4 Not applicable

#### **5. Implications**

! The audit report identified that if management actions were not put in place there was a risk that contributions due to the County Council via legal agreements are not received or the actions from developers do not materialise.

! The actions of the service are designed to address this risk and ensure that the actions recommended by the South West Audit Partnership are addressed.

#### **6. Background papers**

! SWAP Section 106 Agreements – final audit report. March 2016.

**Note** For sight of individual background papers please contact the report author