

Joint Area Committee – South - 7th October 2009

Section 106 Obligations - For Information only

Members had asked for a report regarding protocol for Section 106 Obligations and how delivery was monitored. Unfortunately Development Control was not in a position to provide a report, but would provide feedback once the database was underway.

In the meantime a copy of the minutes from the Audit Committee dated 23 July 2009 of the **Audit Review Section 106 Obligations and Commuted Sums Update Report** is shown below:-

The Head of Development and Building Control summarised the agenda report, which updated members on the actions taken to date in response to the Audit review carried out by the South West Audit Partnership (SWAP) in respect of Section 106 planning obligations and commuted sums and since the Committee's meeting of 22nd January 2009, when this matter was last reported.

The Head of Development and Building Control referred to the key actions set out in the agenda report as follows:-

Action Point 2

Reference was made to action point 2, which related to ensuring that the monitoring databases in the various service areas were merged with the current legal database and that the central database was developed so that key dates in each obligation were flagged at the appropriate time. The Head of Development and Building Control reported that IDOX, the company that provided the current UNIFORM (planning back office) system were rewriting their bespoke module that would run in conjunction with the UNIFORM system. He reported that the IT unit had advised that it may not be wise for the Council to be the first users of the module and that realistically its implementation was 9 months' away but the module would do what the Council required. He further referred to a Microsoft Access based system that had also become available, which seemed to be satisfactory and was being used successfully by another local authority. The IT unit had advised, however, that if the system was bought in from another local authority support for it would not be available and therefore it would not be such a good option. Also, it would mean that information would have to be input into both that system and UNIFORM, which would mean an element of double handling.

The Head of Development and Building Control commented that with the current economic climate, there were not so many planning applications coming forward that involved Section 106 obligations. He recommended, therefore, that the Council wait for the bespoke module from IDOX. In the meantime, however, there was still a need to ensure that a robust database was available and the Head of Development and Building Control reported that a database had been developed in consultation with the Legal and Finance units, an example of which was handed to members present at the meeting. In response to a question he confirmed that the information within the database would be accessible to everyone that needed to refer to it.

The Head of Finance commented that she felt that the database would provide a good interim process until the new system from IDOX was available. She mentioned, however, that it must be ensured that the spreadsheet was sent to lead officers in each relevant service area periodically, notwithstanding that the information was contained on a computer database, to make certain that they monitored their part of it.

In response to members' questions, the Head of Development and Building Control commented that it would be worthwhile to enter information relating to external agencies or town/parish councils onto the database but the responsibility for monitoring would lie with the relevant organisation unless it involved a matter that required some form of enforcement input. It was accepted that any requirements relating to Section 106 obligations should be included on the database regardless of who was responsible for monitoring them.

In response to a member's question, the Head of Finance reported that where a commuted sum with interest was paid by the developers it would stay as part of the Section 106 obligation but where the interest was accumulated from monies already held in the Council's accounts, it would remain with the Council.

The Committee indicated its support for awaiting the availability of the new bespoke module from IDOX that would run in conjunction with the UNIFORM system and for the use of the interim database referred to by the Head of Development and Building Control in the meantime.

Action Point 4

The Head of Development and Building Control handed to members present at the meeting a copy of the process map for the handling of Section 106 obligations, which indicated the process before and after a Section 106 Agreement was signed. It was noted that the lead officers were being consulted on the content of the process map.

Members indicated their support for the process map shown by the Head of Development and Building Control.

Action Point 1

Reference was made to the need to ensure that there was a robust mechanism in financial services for allocating monies received from developers to the relevant service areas and the Committee showed its support for the process set out in the agenda report.

Action Point 3

The lead officers that had been designated in each relevant service area for the monitoring of Section 106 obligations were noted and supported by the Committee.

Action Point 5

The Committee noted the report of the Head of Development and Building Control that, once the new module from IDOX was in place, it would be able to run regular management reports.

Members indicated that they were content with the actions taken to date with regard to ensuring that an effective and robust system was in place for the monitoring of Section 106 planning obligations.

RESOLVED: that the report of the Head of Development and Building Control outlining progress with the actions being taken to ensure that an effective and robust system was in place for the monitoring of Section 106 planning obligations be noted and accepted subject to the comments of members set out above being taken into account.

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