

**S106 Monitoring Report**

<b>Final Decision-Maker</b>	Strategic Planning and Infrastructure Committee
<b>Lead Head of Service</b>	Rob Jarman, Head of Planning and Development
<b>Lead Officer and Report Author</b>	Rob Jarman, Head of Planning and Development
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

At the 9 July Strategic Planning and Infrastructure Committee a s106 monitoring report was deferred inter alia in order to present the information in a different format and this report seeks to achieve this.

**Purpose of Report**

Noting

**This report makes the following recommendations to this Committee:**

That the content of Appendices 2 and 3, showing s106 monitoring information, be noted.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning and Infrastructure Committee	5 November 2019

# S106 Monitoring Report

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>Accepting the recommendations will materially improve the Council's ability to achieve Embracing Growth and Enabling Infrastructure.</p>	Head of Planning and Development
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation is Reduced and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The report recommendation(s) supports the achievement(s) of these by providing infrastructure directly or, more commonly, through financial contributions linked to s106 agreements.</p>	Head of Planning and Development
<b>Risk Management</b>	Regular reporting helps to reduce risk	Head of Planning and Development
<b>Financial</b>	Section 106 contributions are an important source of funding for capital projects and having a robust monitoring system in place assists in putting together future spending plans.	Senior Finance Manager (Client)
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Head of Planning and Development
<b>Legal</b>	Reporting on developer contributions helps local communities and developers see how contributions have been spent and understand	Practice Area Team Leader - Planning

	<p>what future funds will be spent on, ensuring a transparent and accountable system. In accordance with the Community Infrastructure Levy Regulations any authority that receives a contribution from development through the levy or section 106 planning obligations must prepare an infrastructure funding statement. For the financial year 2019/2020 onwards, any local authority that has received developer contributions (section 106 planning obligations or Community Infrastructure Levy) must publish online an infrastructure funding statement by 31 December 2020 and by the 31 December each year thereafter. Infrastructure funding statements must cover the previous financial year from 1 April to 31 March. Local authorities can publish updated data and infrastructure funding statements more frequently if they wish. This is such a report but it is not a substitute for the infrastructure funding statement.</p>	
<b>Privacy and Data Protection</b>	Accepting the recommendations will not increase the volume of data held by the Council.	Policy and Information Manager
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy & Information Manager
<b>Public Health</b>	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Head of Planning and Development
<b>Crime and Disorder</b>	N/A	Head of Planning and Development
<b>Procurement</b>	N/A	Head of Planning and Development

## 2. INTRODUCTION AND BACKGROUND

- 2.1 At the 9<sup>th</sup> July Strategic Planning and Infrastructure (SPI) Committee this item on s106 monitoring was deferred. Councillors welcomed the item but the data produced in the urgent update report was too extensive for appropriate consideration. It was the first time that all s106 agreements had been populated on the Exacom data system.
- 2.2 The committee report (as per the agenda, **Appendix 1**) contained all the data on s106 legal agreements and the context for the report. However,

the data presented in the urgent update included red, amber, green ('rag') ratings.

- 2.3 **Appendix 2** is a summary of funds that are held by Maidstone Borough Council with funds to be spent on MBC projects or, in the case of healthcare, passed to the relevant NHS Commissioning Care Group (in the vast majority of cases this will be to the West Kent CCG). It is the responsibility of MBC to distribute held funds to individual projects that are evidenced to accord with the definitions in each legal agreement.
- 2.4 **Appendix 3** is the equivalent for funds that are paid direct to KCC by the developer or need to be passed to KCC because the projects are County matters.
- 2.5 The reports have both been set out in Ward order and there are subtotals by Ward as well as overall totals on the final page.
- 2.6 The "Potential" column is the maximum amount of money that is expected to be paid if the planning permission is implemented. In cases which have outline planning permission only, it may be that the final total is not yet clear until reserved matters details are approved.
- 2.7 The "Received" column is the money invoiced and received i.e. the payments have been triggered by commencement or occupation of specified numbers of housing units as set out in individual legal agreements
- 2.8 The "Spent" column is the amount of money that has been transferred to the service provider.
- 2.9 The "Available" column is the difference between what has been received and what has been spent.
- 2.10 The "Spend-by date" is a date that relates to when funds received have to be spent on a defined project or returned to the developer. Not all legal agreements have spend-by dates. In those case where funds held are not subject to a spend-by deadline, there will be a n/a in the column.
- 2.11 The rating is as follows:
  - \* means that there are funds available with a Spend-by date of under 2 years from 1.10.2019.
  - \*\* means that there are funds available with a Spend-by date of over 2 years from 1.10.2019.
- 2.12 A blank entry means that no funds have been received (ie no triggers met) or the money has been spent or there is no spend by date in the legal agreement.
- 2.13 As set out in my previous report. The largest sums of money held by this Council relate to open space provision. New open space is not provided nor managed by MBC. It is now provided by a developer and then managed by a parish council or through a management company. The s106 monies

go toward the physical enhancement and management of the open space.

- 2.14 The largest sums of money connected to s106 agreements relate to the education (both primary and secondary) and highway infrastructure.
- 

### **3. RISK**

- 3.1 This report is presented for information only and has no risk management implications.

### **4. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 4.1 This is set out above.
- 

### **5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 5.1 There will be regular reporting of s106 agreements so that councillors can monitor progress. The format will be refined as time goes by.
- 5.2 Moreover, more focused s106 monitoring reports can be brought to SPI Committee, for example, by topic area and/or geographic area. There can also be a focus on detailed spend. Such reports are resource intensive but the foundation stone is now in place.
- 

### **6. REPORT APPENDICES**

- 6.1 The following documents are to be published with this report and form part of the report:
- Appendix 1: Strategic Planning and Infrastructure Committee report 9 July 2019
  - Appendix 2: Summary table by topic and full list of s106 monies held by Maidstone Borough Council
  - Appendix 3: Summary by topic and full list of s106 monies held by Kent County Council