

**S106 Update Spend by Dates**

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

**Executive Summary**

At the 11 January 2022 meeting of this committee, Members resolved that officers attempt to extend the expiry date for those agreements nearing their spend by date. This report provides the requested update as set out in the attached Appendix.

**Purpose of Report**

Noting

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

1. That the report is noted.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning and Infrastructure Committee	8 March 2022

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## 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> <li>• We do not expect the recommendation will by itself materially affect achievement of corporate priorities. However, it will support the Council’s overall achievement of its aim of enabling infrastructure by providing a position statement.</li> <li>• Accepting the recommendations may materially harm the Council’s ability to achieve [corporate priority]. We set out the reasons we think, nevertheless, the proposed action remains the best approach within section 3 [preferred alternative].</li> <li>• Accepting the recommendations will materially improve the Council’s ability to achieve [corporate priority]. We set out the reasons other choices will be less effective in section 2 [available alternatives].</li> </ul>	Rob Jarman Head of Planning & 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 and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul>	Rob Jarman Head of Planning & Development

	<p>The report recommendation(s) supports the achievement(s) of the xx xx cross cutting objectives by [XX] .</p> <p>The report recommendation(s) impairs the achievement of the cross-cutting objectives by [XX]</p>	
<b>Risk Management</b>	The report reduces risk by focusing on 'spend by' dates.	Rob Jarman Head of Planning & Development
<b>Financial</b>	<ul style="list-style-type: none"> <li>• The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.</li> <li>• Accepting the recommendations will demand new spending of £x. We plan to fund that spending as set out in section 3 [preferred alternative]. We expect accepting the recommendations will result in net extra income of £x. This income is above/within amounts already accounted within the Council's financial planning.</li> </ul>	Mark Green Section 151 Officer & Finance Team
<b>Staffing</b>	<ul style="list-style-type: none"> <li>• We will deliver the recommendations with our current staffing.</li> <li>• There will be Staffing implications, and these are set out in section 3</li> <li>• We will need access to extra expertise to deliver the recommendations, as set out in section 3 [preferred alternative].</li> <li>• Accepting the recommendations will lead to a need for savings that may put staff at risk of redundancy. We will bring forward specific proposals soon.</li> </ul>	Rob Jarman Head of Planning & Development
<b>Legal</b>	<ul style="list-style-type: none"> <li>• Accepting the recommendations will fulfil the Council's duties under [act]. Failure to accept the recommendations without agreeing suitable alternatives may place the Council in breach of [act].</li> </ul>	Cheryl Parks Mid Kent Legal Services (Planning)

	<ul style="list-style-type: none"> <li>Acting on the recommendations is within the Council's powers as set out at [x].</li> </ul>	
<b>Privacy and Data Protection</b>	<ul style="list-style-type: none"> <li>Accepting the recommendation will increase the volume of data held by the Council. We will hold that data in line with our retention schedules.</li> <li>We recognise the recommendations will impact what personal information the Council processes and so have completed a separate data privacy impact assessment [at reference].</li> </ul>	Policy and Information Team
<b>Equalities</b>	<ul style="list-style-type: none"> <li>We recognise the recommendations may have varying impacts on different communities within Maidstone. Therefore, we have completed a separate equalities impact assessment [at reference].</li> <li>The recommendations do not propose a change in service therefore will not require an equalities impact assessment</li> </ul>	Policy & Information Manager
<b>Public Health</b>	<ul style="list-style-type: none"> <li>We recognise that the recommendations will have a positive impact on population health or that of individuals.</li> <li>We recognise that the recommendations will not negatively impact on population health or that of individuals.</li> <li>We recognise the recommendations may have varying impacts on the health of the population or individuals within Maidstone. Therefore, we have completed a separate health impact assessment.</li> <li>In accepting the recommendations, the Council would be fulfilling the requirements of the Health Inequalities Plan</li> </ul>	Public Health Officer
<b>Crime and Disorder</b>	<ul style="list-style-type: none"> <li>There are no crime and disorder implications.</li> <li>The recommendation will have a negative impact on Crime and Disorder. The Community Protection Team have</li> </ul>	Rob Jarman Head of Planning & Development

	been consulted and mitigation has been proposed	
<b>Procurement</b>	<ul style="list-style-type: none"> <li>On accepting the recommendations, the Council will then follow procurement exercises for [listed parts of the action]. We will complete those exercises in line with financial procedure rules.</li> <li>The actions need procurement that for [reasons] we cannot complete in line with financial procedure rules. So, we will seek a waiver through [procedures]</li> </ul>	Rob Jarman Head of Planning & Development & Section 151 Officer
<b>Biodiversity and Climate Change</b>	<p>The implications of this report on biodiversity and climate change have been considered and are;</p> <ul style="list-style-type: none"> <li>There are no implications on biodiversity and climate change.</li> <li>This aligns with action(s) (number and quote action) of the Biodiversity and Climate Change Action Plan</li> </ul>	James Wilderspin Biodiversity and Climate Change Manager

## 2. INTRODUCTION AND BACKGROUND

- 2.1 At the 11 January 2022 meeting of the Strategic Planning and Infrastructure Committee, Members resolved that the report; be presented to the Committee bi-annually and officers be requested to attempt to extend the expiry date for those agreements nearing their spend by date. This report provides an update to the January report.
- 2.2 Officers sought responses from the NHS/CCG, Parish Councils and the Council's Parks and Recreation team in relation to those sums secured which have spend dates of on or before the end of the spring 2022. It was made clear to the infrastructure providers that those sums were at risk of being lost back to the developer if they failed to spend the sums before the payback date towards the provision of infrastructure identified within the S106.
- 2.3 The resulting communication with infrastructure providers offered some positive responses; the NHS and Railway providers are to request from the Council to spend the sums before the end of the financial year.

- 2.4 In addition, the Parish Councils and officers have engaged in discussions with developers to modify those S106 obligations and include agreement from the developer to extend the payback dates.
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### **3. AVAILABLE OPTIONS**

- 3.1 This report is for information only.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 N/A
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### **5. RISK**

- 5.1 The report reduces the risk of monies not being spent.
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### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 N/A
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### **7. REPORT APPENDICES**

The following document is to be published with this report and form part of the report:

Appendix 1: Updated S.106 Spend by Dates to May 2023

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