

Divisions Affected – All

CABINET 17 June 2025

– Section 106 Improvement Project Update Report of Place Overview & Scrutiny Committee

RECOMMENDATION

1. The Cabinet is **RECOMMENDED** to —
 - a) Note the recommendations contained in the body of this report and to consider and determine its response to the Place Overview and Scrutiny Committee, and
 - b) Agree that, once Cabinet has responded, relevant officers will continue to provide each meeting of the Place Overview and Scrutiny Committee with a brief written update on progress made against actions committed to in response to the recommendations for 12 months, or until they are completed (if earlier).

REQUIREMENT TO RESPOND

2. In accordance with section 9FE of the Local Government Act 2000, the Place Overview & Scrutiny Committee requires that, within two months of the consideration of this report, the Cabinet publish a response to this report and any recommendations.

INTRODUCTION AND OVERVIEW

3. At its meeting on 23 April 2025, the Committee considered a report updating it on the Section 106 Improvement Programme.
4. This was the second meeting of the 2024/25 municipal year when the Committee considered the topic as a substantive topic as the Committee was keen to monitor and scrutinise the programme to ensure that it was delivering the improvements members across the Council had desired. The Committee had previously established that the Council had been very effective in collecting developer contributions but that there had been problems

encountered in spending them efficiently. The report set out the changes that had been implemented during phase 2 of the improvement programme which had focused on accelerating current delivery and a more transparent and systematic approach for the future. Phase 3 was beginning in April 2025 and would see a shift of focus to delivery and implementation of key projects.

5. The Committee was grateful to Cllr Judy Roberts, Cabinet member for Infrastructure and Development Strategy, and to Robin Rogers, Director of Economy and Place, and Paul Fermer, Director of Environment and Highways, for attending to present the report.
6. The Committee was grateful, too, to officers in Finance and Information Technology for attending and welcomed Tom Scholes, Operational Manager for Data Intelligence, Jason Sherwood, Head of Regulatory Planning Enforcement, Natalie Crawford, Capital Programme Manager, Alistair Read, Head of IT, and Melanie Graham, Operational Manager for Business Performance.

SUMMARY

7. The Cabinet member for Infrastructure and Development Strategy reported progress on Section 106 improvements, highlighting better fund delivery, system enhancements, and a new transparency dashboard. Cllr Roberts emphasised the need for flexible legal terms and repurposing leftover funds. The Director of Economy and Place addressed Section 106 funding and delivery system improvements and described having established a project team for better management and transparency.
8. The Operational Manager for Data Intelligence demonstrated how the new dashboard integrating financial, programme management, and Section 106 data for transparency and effective management worked. This was intended to be rolled out as part of the induction process for new and returning members after the May 2025 election. Members welcomed the dashboard and discussed data integration, project tracking, and resource limitations, suggesting appointing a Section 106 officer for better member engagement.
9. The Committee also explored the nature of Key Performance Indicators (KPIs) for programme elements within phase three of the improvement project which began in April 2025, particularly in relation to oversight.
10. The Committee noted with approval the improvements made so far and looked forward to the results of the improvements being embedded and coming to fruition.
11. The Committee makes seven recommendations, three related to the efficacy of the long-awaited data dashboard, one relating to officer capacity, one to publication of milestones, and one to exploration of Local Development Orders being employed more widely. The seventh celebrates the learning that has arisen as a result of the improvement project and calls for it to be disseminated across the organisation.

RECOMMENDATIONS

12. The s.106 dashboard was warmly welcomed by members of the Committee and will clearly be of use to all members so that they are able to easily monitor projects in their divisions. The Committee was pleased to note that its questions at the Committee meeting on 13 November 2024 had been taken on board to the extent that they were largely answered by the dashboard's functionality.
13. Nonetheless, the Committee also identified some additional points which the dashboard could incorporate to make it even more useful.
14. The first issue was the detail of contractual agreements. Funding is released at certain trigger points during infrastructure projects, depending on the detail of the contract. The Committee established that, whilst that data is available in the Master Gov system, it is not currently integrated into the dashboard as a factor. Its inclusion within the dashboard would be of value to members who could then monitor more closely progress within their divisions and would be welcomed by them. The Committee therefore recommends that this be done.

Recommendation 1: That the Council should include more detail of contractual agreements, including trigger points for funding release, within the s.106 dashboard.

15. The second element that the Committee considers could be improved is showing the links between infrastructure projects and the Local Transport and Connectivity Plan (LTCP) and its targets – particularly whether or not new infrastructure is helping to meet those targets. The Committee recognised that this would involve some work if it was not currently possible to filter infrastructure projects by mode of transport but was assured this was technically possible. Similarly, the impact of a particular project on the likely impact on mode share should also be included.
16. This level of integration would help members to monitor but also to show the strategic direction. Recording it in this way would also save considerable time and effort in the long-term because answers could be more readily available and remove the need for discrete investigation to ask about a particular project.

Recommendation 2: That the Council should include information within the dashboard linking projects to LTCP targets, including modal share.

17. The benefits of wider dataset integration – so that the various data the Council holds in different places are able to be manipulated and monitored more readily within one system - are clear but the Committee recognises that this will have resourcing implications. The Committee was assured that the Council was committed to the successful integration of more and more datasets so that the dashboard is as useful as possible. For it to successfully

do so, though, it will need to ensure that budgets are available for officer time and capacity to prioritise that integration.

Recommendation 3: That the Council should prioritise dataset integration to enhance the dashboard's capabilities.

18. The Committee explored the benefits to developments of members being aware of discussions between the Council and developers at an early stage pre-application but also, and perhaps more importantly, officers being involved with developer fora when considering and planning developments. That enables the Council to influence proposals so that they are aligned with, for example, the LTCP and that they reflect Council policies.
19. Whilst it is not unusual for officers to attend them, it is not universal and the Committee recognises that this is largely a resourcing issue: there is a finite amount of officer time. However, the early prioritisation of attendance at, and engagement with, these fora would – the Committee considers – reap benefits.

Recommendation 4: That the Council should ensure that there is sufficient officer resource to be represented at developer fora.

20. The Committee noted the increased efficiency that has arisen as a result of the improvement project and noted that the report set out that Key Performance Indicators would be developed as part of the implementation of continuous monitoring and performance improvement. The Committee was supportive of proposed metrics given as examples (namely, the percentages of funds committed within set timescales; Number of schemes delivered on schedule; Overall spend vs collection rate; Level of fund expiry risk) but would like to encourage milestones and targets within those metrics.
21. The example provided in Committee was that increasing funding to accelerate delivery could legitimately be marked as achieved were an additional £1.00 per year to be provided. Greater granularity with challenging targets and milestones along the journey would be to provide a benchmark and ensure that the Council remains on track and maintains an healthy pressure.

Recommendation 5: That the Council should publish milestones and targets for its Key Performance Indicators related to the s.106 Improvement Project.

22. The Committee discussed the benefits of using Local Development Orders¹ (LDOs). These allow a flexibility which can potentially help to accelerate delivery of appropriate development. The Committee accepted that these are not always going to be appropriate and heard it explained that they are very complex agreements to deliver. However, it was also explained that they can give businesses confidence about their plans and can also be used to help

¹ <https://www.local.gov.uk/pas/topics/local-development-orders/local-development-orders>

release s.106 contributions and deliver infrastructure more quickly.

23. The Committee recognises that there are both advantages and disadvantages to using LDOs and that it not be universally appropriate to employ them and – indeed – that it might be inappropriate in the main. However, given the benefits established, the Committee is of the view that the Council should continue to explore their benefits and to consider their wider use.

Recommendation 6: That the Council should continue to explore the benefits of Local Development Orders and whether they should be used more widely.

24. The Committee makes no apology for the amount of time it has spent considering this topic. Its scrutiny has drawn attention and focus to an issue that needed highlighting. That attention and focus has resulted in considerable achievements on the Council's part in becoming more efficient and effective due to the improvement project. The Committee commends those who have worked so diligently and looks forward to continuing to monitor progress.

25. The learning that has arisen is considerable and the Committee thinks that should be made known more widely and that, also, its benefits and examples should be disseminated across the organisation.

Recommendation 7: That the Council should celebrate the learning that has arisen from the s.106 Improvement Project and disseminate it across the organisation.

FURTHER CONSIDERATION

26. It will be for the 2025/2026 Committee members to decide whether or not to continue scrutinising the improvement programme but it is expected that they will do so.

LEGAL IMPLICATIONS

27. Under Part 6.2 (13) (a) of the Constitution Scrutiny has the following power: 'Once a Scrutiny Committee has completed its deliberations on any matter a formal report may be prepared on behalf of the Committee and when agreed by them the Proper Officer will normally refer it to the Cabinet for consideration.
28. Under Part 4.2 of the Constitution, the Cabinet Procedure Rules, s 2 (3) iv) the Cabinet will consider any reports from Scrutiny Committees.

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Annex: Pro-forma Response Template

Background papers: None

Other Documents: None

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