

Overview & Scrutiny Recommendation Response Pro forma

Under section 9FE of the Local Government Act 2000, Overview and Scrutiny Committees must require the Cabinet or local authority to respond to a report or recommendations made thereto by an Overview and Scrutiny Committee. Such a response must be provided within two months from the date on which it is requested¹ and, if the report or recommendations in questions were published, the response also must be so.

This template provides a structure which respondents are encouraged to use. However, respondents are welcome to depart from the suggested structure provided the same information is included in a response. The usual way to publish a response is to include it in the agenda of a meeting of the body to which the report or recommendations were addressed.

Issue: Infrastructure Funding and s.106 Contributions Update

Lead Cabinet Member(s): Cllr Judy Roberts, Cabinet member for Infrastructure & Development Strategy

Date response requested:² 14 May 2024

Response to report:

Enter text here.

Response to recommendations:

Recommendation	Accepted, rejected or partially accepted	Proposed action (if different to that recommended) and indicative timescale (unless rejected)
1. That the Council should ensure that the conditions attached to future s.106	Accepted	This recommendation is accepted and new S106 agreements are being drafted in this way wherever possible and agreed with

¹ Date of the meeting at which report/recommendations were received

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<p>contributions are wherever possible sufficiently flexible to ensure that they can be used to meet the actual needs of residents whilst ensuring that flexibility does not enable them to be spent in differing localities.</p>		<p>applicants. Please note there is a legacy issue whereby older agreements do not have flexibility clauses meaning that there will be a period of time where these older agreements will be closed out before more flexibly arrangements become the standard operating approach.</p>
<p>2. That the Cabinet should accept and acknowledge the frustrations and dismay of members and residents at the sheer scale of the funding received and yet to be spent and should commit to that money being used for the infrastructure projects for which it has been provided as speedily as practicable.</p>	<p>Accepted</p>	<p>This is accepted. In response a Corporate S106 review is underway that will address the issues with delivery with new process and use of technology. An update on progress will be provided during Autumn 2024.</p>
<p>3. That the Council should explore whether it would be better to enter s.278 agreements which could ensure that physical infrastructure is provided by developers at the early stages of development rather than primarily relying on s.106 contributions being earmarked for such infrastructure at a later date.</p>	<p>Accepted</p>	<p>A key recommendation of the S106 review is to place the onus on the developer to deliver infrastructure as opposed to passing monies to the Council.</p>
<p>4. That the Council should ensure that information makes clear where unspent moneys have already been earmarked for future expenditure.</p>	<p>Accepted</p>	<p>This information will be set out in the annual Infrastructure Funding Statement</p>
<p>5. That the Council should ensure that local members are informed about, involved in, and engaged with regarding any and all new developments from the beginning of proposals being discussed.</p>	<p>Accepted</p>	<p>The S106 dashboard, which is pending release of the Corporate Microsoft BI licence, will significantly improve Members' oversight of held monies and plans for delivery.</p>

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6. That the Council should arrange for Cabinet members to sit on the Strategic Capital Board to ensure democratic responsibility.	Rejected	The Board is an officer delivery board, with democratic accountability regular updates to the Cabinet Member for Finance and formal reporting to Cabinet, with oversight from the relevant Scrutiny Committees. These arrangements are tested by the Audit and Governance Committee.
7. That the Council should, when its dashboard goes live, ensure that contact details for appropriate officers are attached to each infrastructure project.	Accepted	To be picked up when the dashboard goes live.
8. That the Council should avoid silo working and consider whether each Locality should have a s.106 officer attached to it.	Accepted	The ongoing Corporate transformation will help address this by improved integration of teams.