

## Response to Buckinghamshire Select Committee Inquiry

Select Committee Inquiry Title: S106: Getting better outcomes and value from developer contributions

Committee Chairman: Warren Whyte

Date report submitted for response:

Lead BCC Cabinet Member and Lead Officer: Lesley Clarke/Peter Hardy and John Rippon/Richard Ambrose

Select Committee Advisor: Kelly Sutherland

Suggested frequency of future updates: 6 and 12 months

Recommendation	Agreed Yes/No	BCC Cabinet / Partner Agency Response including proposed action	Responsible Cabinet Member (for BCC recs)	Responsible Officer	Action by date
<b>1: We recommend that there should be a shared council wide approach to monitoring S106 agreements across the Council using a central register database for all agreements.</b>	Yes	It is agreed we need to have a better understanding of S106 resources for budgeting purposes. Work has already begun on merging the two databases held by Education (Children & Learning) and Transport (TEE). This will continue in order to provide a council-wide approach and central register for all agreements. The resultant database will need shared with finance as part of the new capital arrangements (see later responses).	Cllr Lesley Clarke OBE, Cabinet Member for Planning & Environment	John Rippon, Head of Growth & Development Strategy (TEE)	6 and 12 month updates.
<b>2: We recommend that all s106 investment should be recorded in the capital programme (where it is appropriate to capitalise), to provide corporate visibility and oversight (via the Asset Strategy Board), of all council investment and enhance the strategic focus in relation to s106.</b>	Yes	As part of new operating procedures the Asset Strategy Board will have corporate visibility and oversight of all capital spend. Education investment programmes already project forward on a multi-year basis; the area for improvement will be in TEE where commissioning is currently done on a scheme-by-scheme basis. However, part of the restructuring intent behind the Growth & Strategy Service within TEE is to develop this investment oversight at programme level.	Cllr Peter Hardy, Cabinet Member for Finance & Resources	Richard Schmidt, Head of Strategic Finance (HQ)	From July 2015
<b>3: We recommend that the Cabinet Member sets out clear criteria for how he/she will ensure the Council allows for appropriate local member involvement at the early stages to help positively shape s106 proposals and ensure suitable mitigation</b>	Yes	Relevant Cabinet Members will develop criteria for local Member involvement. It is important that as much flexibility as possible is included in agreements to enable local member involvement / influence with mitigation measures. This applies both at the early stages of shaping proposals and also at later stages when the S106 resource is due (and circumstances may have changed). Investment secured	Relevant Cabinet Member for each service.	Relevant officer for each service.	Ongoing.

<b><i>measures that meet local needs.</i></b>		under s106 of the Town & Country Planning Act has to be specifically deployed to mitigate the impact of the proposed development; education requirements are determined by need for school places, and transport requirements are substantially determined by technical assessment of development impacts.			
<b><i>4: We recommend that the Cabinet Member put forward a proposal for how all future s106 highways schemes will be delivered in a timely manner.</i></b>	Yes	<p>There is no single countywide S106 process and the extent to which transport schemes are resourced through S106 agreements varies from district to district.</p> <p>Once allocated to BCC, capital release is agreed via the Asset Strategy Board. Highways schemes (capital investment) to be commissioned as part of the TfB task order on a forward-planned basis. (See response to Q2). The revenue that is secured via s106 is allocated directly to the service areas commissioning or directly providing those services (public transport commissioning, travel plan monitoring etc).</p>	Cllr Ruth Vigor-Hedderly, Cabinet Member for Transport	John Rippon, Head of Growth & Development Strategy (TEE)	6 and 12 month updates.
<b><i>5: We recommend that the Cabinet Member for Finance and Resources should put forward a business case for a better resourced s106 team to ensure the value of future s106 agreements are as robust and effective as they can be and issues highlighted throughout this report are addressed.</i></b>	In Part	<p>A business case will be worked up that explores the value of a better-resourced team. This will include a review of the way in which other County Council's resource S106 teams.</p> <p>A new capital post within HQ Assurance has already been established, therefore options around the value of any additional resource and how this resource might be deployed will be something that service areas need to consider and reflect on within the constraints of the MTP process.</p>	Relevant Cabinet Member (depending on Business Unit proposal)	Stephen Walford, Director of Growth & Strategy (TEE) + Richard Ambrose, Director of Assurance (HQ)	To be considered within MTP process.
<b><i>6: We recommend that there should be a corporate role within HQ; a single senior officer with overall responsibility for the strategic oversight and co-ordination of s106 agreements across the council.</i></b>	In Part	<p>A new capital post within HQ Assurance has been established as part of the recent Future Shape restructure. Part of this role will ensure better oversight and co-ordination of s106 funding in terms of available resources and allocation of resources.</p> <p>Strategic oversight and co-ordination of agreements / planning negotiations is the responsibility of the TEE Business Unit. Whilst individual services control their own</p>	Cllr Peter Hardy, Cabinet Member for Finance & Resources	Stephen Walford, Director of Growth & Strategy (TEE) + Richard Ambrose, Director of Assurance (HQ)	

		negotiations, this Business Unit provides a central point at which BCC can take a view on competing priorities from the services in instances where this may occur.			
<b><i>7: We recommend that Cabinet clarify roles of relevant Cabinet Member(s) to ensure there is a strategic cabinet lead with oversight of s106 investment across the Council, along with the relevant Cabinet Member oversight at business unit level.</i></b>	Yes	As set out above, all investment has oversight by the Cabinet Member for Finance & Resources as part of the Asset Strategy Board remit. Relevant Cabinet Members will be service-specific as per corporate political portfolio allocation.	Cllr Peter Hardy, Cabinet Member for Finance & Resources	Richard Schmidt, Head of Strategic Finance (HQ)	