

**Customer and Corporate Services Scrutiny  
Management Committee**

18 April 2018

Report of the Assistant Director Planning and Public Protection

**Section 106 Agreements Update Report**

**Summary**

1. This report provides Members with further information on the administration and monitoring of Section 106 agreements, including the implementation of the planning mitigation measures secured by these agreements .

**Background**

2. At a meeting of the Customer and Corporate Services Scrutiny Management Committee on 4 September 2017 members received a report providing information on Section 106 agreements and how they are administered and controlled. During discussion Members stressed the importance of being able to see how these agreements were progressing easily and clearly, as Members wanted to ensure that monies were being spent appropriately.
3. Customer and Corporate Services Scrutiny Management Committee Members were provided with a copy of the “follow up” report from Veritau containing the agreed actions from the 2015/16 audit of S106 agreements.
4. Customer and Corporate Services Scrutiny Management Committee members requested that further update reports on S106 work were brought to the Committee for consideration.

**The administration of S106 planning obligations - on going work**

5. The “actions” recommended in the 2015/16 Veritau S106 report were implemented and on 9 August 2017 Veritau confirmed that the service had successfully addressed the issues of risk which were highlighted in the 2015/16 audit.

6. The Veritau programme of audit work for 2018 allocates time for further work relating to S106 agreements . This has been identified as : *“This review will build on the audit carried out in 2015/16 and will focus on ensuring that funding is used for its intended purpose”*. This was also a matter of interest to Customer and Corporate Services Scrutiny Management Committee when considered in September 2017.
7. Customer and Corporate Services Scrutiny Management Committee Members will be aware that S106 information is presently stored in S106 agreement legal documents , the planning application uniform system and correspondence but not in a single template / form which is public facing. The details of the financial obligations in relation to legal agreements in 2016 and 2017 have been published on City of York Council website under open data, but these spreadsheets do not include non- financial obligations forming part of many S106 agreements.
8. Since the report to Customer and Corporate Services Scrutiny Management Committee in September 2017 further work has been undertaken by the Development Management service and planning enforcement lead officer team to create a single template for each S106 agreement which contains all of the relevant information, including the appropriate elements of the legal agreement and the details of the mitigation requirements (financial contributions towards facilities and/ or non- financial actions – for example provision of an onsite play area at a defined stage in the development of a housing scheme).
9. Two examples of the draft template and details are attached at Appendix 1 (a relatively simple S106) and Appendix 2 (an example of a more complex S106 relating to 4 planning applications on major development site). The officer copies of the template will include embedded emails, plans and drawings as appropriate and relevant to the particular agreement. To illustrate this, if we consider an example of an agreement requiring a play area being provided on a site the template would include if appropriate : a plan, drawing or photo in addition to any relevant correspondence confirming implementation . As and when decisions are subsequently made in relation to the use of S106 financial contributions, these would be added with a further column. The format would allow the recording of the process from agreement to delivery / implementation of the required planning mitigation measures detailed in the S106 agreement.

10. Whilst the two attached tables have been in operation, the Enforcement Officers have looked at trying to make the template a lot simpler and would welcome Committee Members' views on the proposed Appendix 3.
11. It is envisaged the draft template which has been developed will be used to assist in the administration and monitoring of new S106 agreements. Work has recently commenced to put all S106 agreement monitoring information from 2016 – to date into this format. The Development Management team are presently working with business support colleagues to explore the possibility of publishing this information in a suitable form (or in a summarised form possibly?) on the City of York Council website. The views of Customer and Corporate Services Scrutiny Management Committee Members on this would be welcomed.

### **Council Plan**

12. This Report relates to A Prosperous City for All and A Council That Listens to Residents elements of the Council Plan

### **Options**

13. Members can choose to:
  - (i) Note the information received in this report.
  - (ii) Note the information received in this report and request further updates
  - (iii) Take another course of action.

### **Implications**

14. There are no direct implications associated with the recommendations of this report in relation to any of the following implications:
  - Financial
  - Equalities
  - Legal
  - Crime and Disorder
  - Information Technology (IT)
  - Property

### **Risk Management**

15. There are no known direct risk management implications associated with the recommendations in this report.

## Recommendations

16. Members are asked to:

(i) Note the information contained in this report and to advise if further reports are required

Reason: To ensure Members are aware of the follow up of the agreed actions from the 2015/16 audit of Section 106 agreements and the anticipated further audit work during 2018.

## Contact Details

### Author:

Mike Slater,  
Assistant Director for Planning  
and Public Protection  
Tel: 01904 551300  
[michael.slater@york.gov.uk](mailto:michael.slater@york.gov.uk)

### Chief Officer Responsible for the report:

Mike Slater,  
Assistant Director for Planning and Public  
Protection  
Tel: 01904 551300

Report Approved ☒ Date 3/04/2018

Wards Affected:

All ☒

For further information please contact the author of the report

## Background Papers:

Section 106 Agreements Report to the Customer and Corporate Services  
Scrutiny Management Committee, 4 September 2017

<http://modgov.york.gov.uk/ieListDocuments.aspx?CId=144&MId=10203&Ver=4>

## Appendices

Appendix 1 – Obligation Table St Leonard's Place

Appendix 2 – Obligation Table Derwenthorpe

Appendix 3 – Obligation Table Template