

| Board and Topic | Rec No. | Recommendation as approved by the Executive on 8th September 2009 | Update on recommendations as of September 2010 | Update on recommendations as of March 2011 |
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| Planning Enforcement Ad Hoc Scrutiny Committee Mike Slater & Jonathan Carr | 1 | That the Head of Development Control: | | |
| | 1(i) | Prioritises new cases/complaints | Cases are categorised as described in the enforcement guide published on the website, to prioritise the caseload. Following the restructuring of the Section and the change to development Management, the Enforcement Appeals and S 106 team Leader is in post and has dedicated responsibility for the management and prioritisation of cases. | The Enforcement and S106 Team Leader has dedicated responsibility for the management and prioritisation of cases. This is still considered to be appropriate. |

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| | 2 | That, once trigger points are reached and payment has not been received, Section 106 Agreements are promptly passed to Legal for action | Initial reminder letters to developers can often be sufficient prompt to secure payment, and avoid costly and time consuming formal action. Otherwise cases are referred to Legal Services. In many cases now, given the use of conditions to secure infrastructure works, there may a breach of condition rather than a non compliance with a S106 agreement. Review of the process for S 106 agreements is considering ways of streamlining the process such that one letter advising of the trigger point is reached will be sent prior to Legal proceedings being instigated. | Meetings have taken place between officers from Legal Services, the Head of Development Management and the Enforcement and S106 Team Leader to discuss greater reliance on formal S106 agreements as opposed to the use of conditions, even where smaller and less complex contributions are required. Officers from legal services are working on simpler, more standard S106 agreement templates which can be used in planning decisions as opposed to relying on conditions. The monitoring of S106 agreement contributions and conditions is subject to resources available in the enforcement section but meetings between the Head of Development Management and the Enforcement and S106 Team Leader are ongoing on this issue. |

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| | 4(i) | That the expenditure of Section 106 monies be made entirely in accordance with the Council's Financial Regulations | As previously reported, this is dependent on the directorates responsible for the required infrastructure improvement. A recent internal audit suggested that the funds were being used as intended. The new Team Leader for Enforcement, S106 and Appeals will be reviewing the Section 106 contribution arrangements. | 4(i) The system of S106 contribution arrangements and how these are managed is under review (see rec.no 2 and 4ii). Officers from all the relevant fund receiving directorates and the legal and financial services have met to discuss improvements to the system following the audit report. There is no indication that funds are not being used as intended but the reporting of how these contributions have been spent is forming the basis of these meetings. |
| | 4(ii) | That a regular report be presented to the relevant Planning Committees detailing where Section 106 monies have been spent by the receiving Directorates | The new Team Leader will be considering the most appropriate reporting arrangements in liaison with relevant fund-receiving directorates, which need to feedback on how the contributions have or will be spent. Assessment of the preparation time and resource implications will be required. | As a result of the recent audit report meetings have taken place between the relevant fund-raising directorates, the Planning Enforcement and S106 Team Leader and officers from the Council's City Strategy Finance dept. to discuss improved reporting on how and where contributions have been paid. It is proposed that this will be fed back into a central database and managed and held in the City Strategy finance dept. Exact details of this, in terms of preparation time and resource implications are still being considered. Once this has been agreed, details of reporting this to the relevant Planning Committee will be considered. |

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| | 5 | That Planning Enforcement Officers be issued with: | | |
| | 5 (i) | Necessary mobile communications technology (e.g.; laptop, mobile phone, PDA, laser rule) subject to the outcome of the pilot scheme to be undertaken by Building Control and to funding being available | The final outcome of the Building Control pilot project is still awaited. Various devices have been trialled and issues identified. The costs, benefits and value added of tablet devices for enforcement are being considered as part of the More for York process review work, as changes to existing and purchase of new software would be required. Mobile phones, are already issued to staff. | Software compatibility problems have delayed the BC trial, although devices will be piloted by BC in April. Mobile phones continue to be available |
| | | That at a meeting of Economic & City Development in March 2010 the following recommendations were signed off as complete: 1(ii), 1(iii), 3,6,7,8 and 9 | | |
| | | That at a meeting of Economic & City Development in September 2010 the following recommendations were signed off as complete: 5(ii) | | |