

## STEVENAGE BOROUGH COUNCIL

### OVERVIEW AND SCRUTINY COMMITTEE MINUTES

**Date: Thursday 9 October 2014**

**Time: 6.00 p.m.**

**Place: Shimkent Room, Daneshill House, Danestrete, Stevenage**

Present: Councillors L Martin-Haugh (Chair), R Parker CC (Vice Chair)  
L Bell, R Broom, J Brown, M Cherney-Crew, M Gardner,  
J Hollywell, L Harrington, C Latif, S Mead and P Stuart.

Start / End Time      Start Time: 6.00 p.m.  
                                 End Time: 7.50 p.m.

#### **1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

An apology for absence was received from Councillor P Bibby.

There were no declarations of interest.

At this juncture the Committee **RESOLVED** to adjourn for a period of 45 minutes.

The Committee reconvened at 6.50 p.m.

#### **2. SCRUTINY OF SECTION 106 AGREEMENTS**

The Committee received a briefing paper on the Section 106 (s106) process from the Head of Planning, Regeneration and Transport and the Assistant Director Finance.

The Committee was advised that s106 payments were a feature of more major developments and were usually provided to fund infrastructure improvements through either capital or revenue projects.

The Committee was further advised that a s106 payment should not jeopardise the economic viability of the proposed scheme and that payments were time limited. If the monies had not been used within a five year period they were to be handed back to the developer.

A number of questions were raised which were considered to be more appropriate for the review session. Subjects raised included:

- The use of s106 monies to provide sustainable transport
- The monitoring of s106 spend
- Specific case studies of renegotiated agreements (the case referred to by the Member was Great Ashby)

- The ability to use s106 monies on either revenue or capital projects dependant on the project meeting the viability tests.
- The addition of s106 projects to the weekly planning list.

The Committee discussed the decision of the Council not to pursue securing monies via the Community Infrastructure Levy (CIL). The Head of Planning, Regeneration and Transport agreed to circulate the report that had been presented to the Senior Management Board on why CIL was not practical for the Council.

Members indicated that they wished to undertake a thorough review of the role of s106 payments in the planning process; however they were advised that such a study would probably be best served by a joint review with the Environment and Economy Select Committee.

The Scrutiny Officer reminded the Committee that they had originally indicated a desire to restrict the review to how s106 monies were allocated and project spend monitored. Given the level of activity planned for the Environment and Economy Select Committee for the remainder of the year it was decided to postpone a wider review of s106 payments until a further date.

Members then asked a number of questions concerning the authority and communications process around the proposed use of s106 monies for any given development and concerns were expressed that the Council's Case Officer appeared to have responsibility for the discussion around the allocation and monitoring of the s106 agreement. The Committee was of the view that there should be a greater role for Members and community groups in the decision making process.

It was **RESOLVED:**

1. That the focus of the Scrutiny Review be:
  - a) the decision making process regarding the spending s106 monies, with particular regard to the input provided by Members, Community Groups and the public, and to include the review of a number of case studies,
  - b) the co-ordination of spending priorities across the Council for s106 monies
  - c) Instances where agreed s106 projects had been renegotiated at a later stage.
2. That the Scrutiny Officer be requested to revisit and update the scoping document based on Members' comments made at the meeting and to highlight those issues identified for scrutiny.

### **3. URGENT PART I BUSINESS**

None.

**4. EXCLUSION OF PRESS AND PUBLIC**

Not required.

**5. URGENT PART II BUSINESS**

None.

**Chair**