

**Template Scoping Document**

<b><u>Overview &amp; Scrutiny Committee</u></b>	
<b><u>“Select Committee” Review Title:</u></b>	<b>Section 106 Agreements</b>
<b><u>Background issues</u></b> to review – rationale for scrutinising this issue:	Members raised the issue of scrutinising the performance of Section 106 Agreements when they were canvassed for potential Scrutiny items in February 2014. The Overview & Scrutiny Committee subsequently agreed 20 March 2014 to consider this item once the internal review that was being undertaken by the Resources Portfolio Holder had been concluded. For some time Members have been concerned regarding the way Sec.106 Agreements are administered specifically the long time period for securing commitments and for the perceived lack of transparency regarding the delivery of the community enhancements derived from the agreements.
Is the issue highlighted as one of the Council’s corporate aims and objectives of the Council’s draft <b><u>Corporate Strategy</u></b> , – ‘Sharing the Dividends’? If so which one:	As would be expected, as a strategic document there are no specific references to Section 106 Legal Agreements in the Corporate Plan. However, the plan does commit to providing a quality environment and the benefits derived from Section 106 legal agreements directly enhances the amenities of the area.
Is this issue one that raises interest with the public via <b>complaints</b> or Members’ surgeries?:	Sec 106 Agreements do not generate complaint from the wider general public or are an issue that is raised at Members’ surgeries. However, the provision of amenities that are funded via the agreements are very much of interest to local residents, and it was raised as a matter of concern by Sport Stevenage, as many sports clubs, specifically cricket, hockey and rugby, have said they find the process opaque as they would like to access the potential funding but find it difficult to find out what is available and who might be eligible and the criteria for funding.
<b><u>Focus of the review:</u></b> (State what the review focus will be)	<b><i>Members provide a focus for the review and areas to concentrate on when the Committee met on 9 October – these issues are in bold italic text below:</i></b>  <i>Officers and the Chair of O&amp;S Committee have suggested the following possible Options when</i>

	<p><i>they met informally to consider the scope for the review:</i></p> <ul style="list-style-type: none"> <li>• The desired outcome of the review should be that Members have assurance that the Council is providing good governance with regard to its decision making processes with Section 106 Agreements</li> <li>• Provide challenge around the on-going costs of schemes that are funded from Sec 106 Agreements, is the Council building in adequate revenue funding via commuted sums to maintain facilities? – Can this be demonstrated by documentation?</li> <li>• The use and availability of funds</li> <li>• Clarify what the Council’s position is re any external groups looking to secure Sec 106 monies for related activities such as Sports Clubs equipment/facilities etc – We appear to have an unofficial policy that throughout this on-going period of austerity the Council’s Capital Programme is supported first</li> <li>• How are decisions currently published?</li> <li>• <i>How decisions are made regarding the spending of Sec 106 monies? Who decides?-</i>  <b><i>The decision making process regarding the spending of 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 – Members wish to establish a mechanism to raise their interest in potential Sec 106 as they emerge – potentially via notice of forthcoming Sec 106 on Planning &amp; Development agendas</i></b></li> <li>• <i>Establish how effectively Officers communicate with each other re the priorities for the Council across the departments i.e. the Officer negotiating the Sec 106 wording is aware of all of the local needs/priorities – Can there be any future proofing of the agreement? The co-ordination of spending priorities across the Council for s106 monies</i></li> <li>• <b><i>Instances where agreed s106 projects had been renegotiated at a later stage</i></b></li> </ul>
<p><b><u>Timing issues:</u></b>  Are there any timing constraints to when the review can be carried out?</p>	<p>Officers will advise at the meeting if there are any timing issues to consider. The review will have to fit in with the timing of the other Select Committee review work programme items.</p>

<p>The Committee will meet on (provide <b>dates</b> if known):</p>	<p>Dates: Day/Month/Time/Venue –  <b>Thursday 9 October 2014, 6pm, Shimkent Room</b> – Presentation by Officers on Sec 106s  <b>Monday 3 November 2014, 6pm, Shimkent Room</b> – Challenge meeting – Interview witnesses</p>
<p><b>SBC Leads</b> (list the Executive Portfolio Holders and SD's Heads of Service or other officers who should appear as witnesses):</p>	<p><i>Officers have suggested the following people:</i></p> <ul style="list-style-type: none"> <li>• <i>Assistant Director of Finance, Clare Fletcher</i></li> <li>• <i>Head of Planning Regeneration &amp; Transport, Paul Pinkney</i></li> </ul>
<p>Any <b>other witnesses</b> (external persons/critical friend)?:</p>	<p>To be identified by the Committee at the scoping meeting. <i>Possible options identified by officers:</i>  <b>None identified</b></p>
<p><b>Allocation of lead Members</b> on specific individual issues/questions:</p> <p>Any other Questions Members wish to cover:</p>	<p>To be identified by the Committee at the scoping meeting.</p> <p>Members will ask questions on the following areas identified above in Focus of the Review (and any other supplementary questions at the meeting).</p> <ul style="list-style-type: none"> <li>• <i>On-going costs of the schemes that are funded from Sec 106 Agreements, is the Council building in adequate revenue funding via commuted sums to maintain facilities? – <b>This has been demonstrated by briefing paper provided to Members at 9 October meeting</b></i></li> <li>• <i>Can officers demonstrate where the Section 106 funds are allocated? <b>This has been demonstrated by briefing paper provided to Members at 9 October meeting</b></i></li> <li>• <i>Can officers clarify what the Council's position is re any external groups looking to secure Sec 106 monies for related activities such as Sports Clubs equipment/facilities etc – (unofficial policy that the Council's Capital Programme is supported first)?</i></li> <li>• <i>Who decides where the funding is allocated - <b>This was established at the meeting on 9 October but can be addressed again via a discussion at 3 November meeting</b></i></li> <li>• <i>Can officers demonstrate how they communicate with each other re the priorities for the Council across the departments i.e. the Officer negotiating the Sec 106 wording is</i></li> </ul>

	<p><i>aware of all of the local needs/priorities – <b>To be explored at 3 November meeting</b></i></p> <ul style="list-style-type: none"> <li>• <i>Can there be any future proofing of the agreement? <b>To be explored at 3 November meeting</b></i></li> </ul>
<b><u>Site visits and evidence gathering in the Community</u></b>	<i>Not necessary with this review</i>
<p><b><u>Equalities and Diversity issues:</u></b> The review will consider what the relevant equalities and diversity issues are regarding the Scrutiny subject that is being scrutinised</p>	<p>Equalities &amp; Diversity Issues – <b><i>Are there any E&amp;D issues to consider in this review? – What measurers are currently in place to see that E&amp;D issues are addressed regarding the use and spread of Section 106 monies – Are all Protected Characteristic Groups fairly benefiting from Sec 106 allocations?</i></b></p>
<p><b><u>Constraints</u></b> (Issues that have been highlighted at the scoping stage but are too broad/detailed to be covered by the review):</p>	<p><i>To be identified by the Committee at the scoping meeting 9 October (These issues can be captured and dealt with via other means – Briefings/email/officer action etc)</i></p> <p><b><i>Where the discussion leads away from resources and into a Planning remit Members are recommended to direct their deliberations/recommendations to the Environment &amp; Economy Select Committee to address.</i></b></p>
<p><b><u>Background Documents/data</u></b> that can be provided to the review</p>	<p><i>Possible options suggested by officers:</i></p> <ul style="list-style-type: none"> <li>• <i>Evidence of Sec 106 Agreement allocations over recent years</i></li> <li>• <i>Evidence of sharing of information between officers re Council Priorities for Sec 106s</i></li> <li>• <i>Evidence of adequate revenue funding via commuted sums to maintain facilities</i></li> </ul>