

APPENDIX A – DRAFT SCOPING DOCUMENT
TASK AND FINISH GROUP – Section 106 Contributions

Concerns had existed for a while that Section 106 contributions were not being spent and allocations of money were not put into schemes. Regular updates on S106 had been requested at Planning Control Committee, but a further in-depth look at the overall process by the Overview and Scrutiny Committee would be worthwhile.

The aim of this review is:

To investigate the effectiveness of Section 106; and

To examine whether it is the best mechanism to deliver community infrastructure.

Key issues:

- What is the current process for allocating the S106 contributions?
- What happens to unallocated S106 contributions?
- What are the alternatives to the S106 mechanism?

Key questions to be answered:

- How does the S106 funding system currently operate in North Hertfordshire?
- Is S106 funding in North Hertfordshire effective in providing community and social infrastructure for existing and new development?
- What are the alternatives to S106 funding?
- Would alternatives to S106 funding deliver better outcomes for residents in North Hertfordshire?
- Should the S106 funding system continue in North Hertfordshire or should it be reformed?

Areas of investigation and scope:

1) Rules governing S106 agreements

- a) To identify how the mechanism for S106 works.
- b) To understand if there are any draw backs of the S106 mechanism.

2) How the current mechanism operates in North Herts Council

- a) To understand and assess how the S106 has been implemented at North Herts Council.
- b) To understand how S106 funding is being allocated to provide community and social infrastructure for existing and new developments.
- c) To understand the limitations of the S106 mechanism, establish how these limitations are restricting effective allocation of funds.
- d) To identify if there are any opportunities to enhance the current S106 mechanism to address any limitations.

3) Issues/ concerns with the current mechanism

- a) To identify why the current S106 contributions are not being allocated and spent in a timely manner.
- b) To establish how and why such problems are arising, understand if such issues could have been foreseen and highlight any specific characteristics such problems have in common.

APPENDIX A – DRAFT SCOPING DOCUMENT
TASK AND FINISH GROUP – Section 106 Contributions

4) Improvements or alternative mechanisms

- a) To identify what lessons can be learned from the assessment of the S106 mechanism.
- b) To identify and examine alternative available mechanisms and their benefits/limitations.
- c) Comparison of S106 and alternative mechanisms.
- d) To understand what elements, make up best practice and identify new ideas that can be incorporated into future development of the mechanism.
- e) To consider future changes in development at North Herts and challenges the Council may face that the mechanism would need to track/ take into account.

The following topics will *not* be considered by this review:

- The Scrutiny will not look at Planning policies or process as part of this review.
- The Scrutiny will not look at planning applications.
- The Scrutiny will not look at specific allocations of the S106 funding other than to understand the decision-making process and associated timelines.

Timeframe

TBC

Link with Council Priorities

Thriving Communities / Accessible Services / Responsible Growth / Sustainability

Potential Witnesses and Contributors

- Executive Member for Planning and Transport (Past and Present)
- Planning Officers at NHDC
- Hertfordshire County Council (Particularly those involved in Education and Highways)
- Hertfordshire and West Essex ICB (Local GP/Primary Care Provision)
- Local Parish Councils who have been involved in S106 negotiations
- Community Organisations who have/plan to benefit from S106 Funding
- Local Residents

Methodology

To assist members with the Scrutiny, a training session for Section 106 will be held in advance of the formal topic group meeting (date tbc).

Live Evidence Sessions consisting of workshops, interviews, and written submissions.

Information documents

- North Hertfordshire Local Plan
- Past and Present Strategic Site S106 Agreements
- Current allocations of S106 (spent and unspent)

Membership

5 Members - to be confirmed

Lead Support Officer - to be confirmed

Support Officer - Jeevan Mann, Scrutiny Officer, Jeevan.Mann@north-herts.gov.uk

APPENDIX A – DRAFT SCOPING DOCUMENT
TASK AND FINISH GROUP – Section 106 Contributions

APPENDIX A: AREAS OF INVESTIGATION – QUESTIONS

Members and Officers have proposed the following questions. These questions are included under each heading of the areas of investigation identified above.

1) Rules governing S106 agreements

- a) To identify how the mechanism for S106 works
 - i) X
 - ii) Y
 - iii) Z
- b) To understand if there are any draw backs of the S106 mechanism
 - i) X
 - ii) Y
 - iii) Z

2) How the current mechanism operates in North Herts Council

- a) To understand and assess how the S106 has been implemented at North Herts Council.
 - i) X
 - ii) Y
 - iii) Z
- b) To understand the how S106 funding is being allocated to provide community and social infrastructure for existing and new developments.
 - i) X
 - ii) Y
 - iii) Z
- c) To understand the limitations of the S106 mechanism, establish how these limitations are restricting effective allocation of funds.
 - i) X
 - ii) Y
 - iii) Z
- d) To identify if there are any opportunities to enhance the current S106 mechanism to address any limitations.
 - i) X
 - ii) Y
 - iii) Z

3) Issues/ concerns with the current mechanism

- a) To identify why the current S106 contributions are not being allocated and spent in a timely manner.
 - i) X
 - ii) Y
 - iii) Z
- b) To establish how and why such problems are arising, understand if such issues could have been foreseen and highlight any specific characteristics such problems have in common.
 - i) X
 - ii) Y
 - iii) Z

APPENDIX A – DRAFT SCOPING DOCUMENT
TASK AND FINISH GROUP – Section 106 Contributions

4) Improvements or alternative mechanisms

- a) To identify what lessons can be learned from the assessment of the S106 mechanism.
 - i) X
 - ii) Y
 - iii) Z
- b) To identify and examine alternative available mechanisms and their benefits/limitations.
 - i) X
 - ii) Y
 - iii) Z
- c) Comparison of S106 and alternative mechanisms.
 - i) X
 - ii) Y
 - iii) Z
- d) To understand what elements, make up best practice and identify new ideas that can be incorporated into future development of the mechanism.
 - i) X
 - ii) Y
 - iii) Z
- e) To consider future changes in development at North Herts and challenges the Council may face that the mechanism would need to track/ take into account.
 - i) X
 - ii) Y
 - iii) Z