

OVERVIEW AND SCRUTINY COMMITTEE
24 MARCH 2026

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: SECTION 106 TASK AND FINISH GROUP REPORT

REPORT OF THE SECTION 106 TASK AND FINISH GROUP

EXECUTIVE MEMBER: NOT APPLICABLE

COUNCIL PRIORITY: THRIVING COMMUNITIES / ACCESSIBLE SERVICES / RESPONSIBLE GROWTH / SUSTAINABILITY

1. EXECUTIVE SUMMARY

The report details the Task and Finish Group's review of North Herts' application of the Section 106 (s106) mechanism for securing developer contributions from new development and provides an overview of the assessment undertaken and recommendations identified.

2. RECOMMENDATIONS

- 2.1. That the Overview and Scrutiny Committee note the content of the report and its recommendations.
- 2.2. That the Overview and Scrutiny Committee comment on the proposed recommendations and confirm which of these should be considered by Cabinet.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To enable the Overview and Scrutiny Committee the opportunity to scrutinise the s106 Task and Finish Group report and recommendations.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None. This report has been brought to the Committee and details the findings of the investigation undertaken.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Director: Place and the Development and Conservation Manager at North Herts Council held a s106 member briefing on s106 Obligations and Planning Enforcement.

- 5.2 Surveys and statement requests were sent to stakeholders, including Parish Councils, Housing Developers, Housing Associations, Statutory Consultees for Planning Applications and others as outlined in the report, for their view and comments on the North Herts s106 mechanism.
- 5.3 Members of the Task and Finish Group reviewed the survey and statement responses to identify further information requirements.
- 5.4 Senior Officers from the Growth and Infrastructure, Highways and Education teams at Hertfordshire County Council were invited to attend an in-person consultation, where members of the Task and Finish Group asked follow on questions from the statement response received.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 S.106 of the Town and Country Planning Act 1990 provides that planning obligations (commonly known as s106 Agreements) can be imposed by local authorities upon developers to make a development proposal acceptable, that otherwise would not be acceptable. They are usually focussed on site specific mitigation on the impact of a development and therefore it is important that s106 Agreement contributions are spent as intended. The work of the task and finish group is assessing the effectiveness of s106 Agreement contributions is in keeping with the spirit of the Town and Country Planning Act 1990.
- 7.2 At its meeting on [Tuesday 3 September 2024](#), the Overview and Scrutiny Committee discussed that a Task and Finish Group should be established to investigate and ensure the Section 106 mechanism provides the best outcomes for communities in North Hertfordshire.
- 7.3 Councillors had concerns that s106 commitments and contributions were not being delivered or spent and allocations of money were not put into community and social infrastructure for existing and new development within North Herts. It should also be considered whether another mechanism, such as a Community Infrastructure Levy (CIL), would deliver better outcomes for communities in North Herts prior to the adoption of the Local Plan.
- 7.4 With the Local Plan (adopted 2022) now being implemented, concerns have been exacerbated amongst Councillors, local residents and other stakeholders, as development is perceived to be taking place without appropriate levels of community infrastructure (such as, but not limited to Education, Healthcare and Highways Infrastructure) being delivered in order to mitigate the negative impacts of development and provide services to new and existing communities and residents in North Herts.

- 7.5 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 was agreed.
- 7.6 Following discussions with the Chair and Vice Chair of the Committee, Cllr Muncer volunteered to develop the scoping documents for the Task and Finish Group to investigate the s106 process at North Herts Council.
- 7.7 The s106 Scoping document was approved by the Overview and Scrutiny Committee at their meeting on [Tuesday 12 November 2024](#).
- 7.8 The Panels first meeting was an informal meeting on Wednesday 30 April 2025, followed by its first formal meeting which took place on Wednesday 16 July 2025.
- 7.9 On completion of the investigation, the details of the groups assessment for desired outcomes were noted as recommendations. These were shared with Internal Officers, who provided service response for each of the recommendation as set out in Appendix A.

8. RELEVANT CONSIDERATIONS

- 8.1 The report of the Task and Finish Group, including the recommendations themselves, as well as commentary on the opportunities of these recommendations and responses from service areas, are included at Appendix A.
- 8.2 Paragraph 6.2.7(u) of the Council's Constitution enables the Overview and Scrutiny Committee: To appoint time limited task and finish groups to undertake detailed scrutiny work and report back to the Overview and Scrutiny Committee to make recommendations to the Cabinet/Council/relevant Executive Member.
- 8.3 In 2020 the Committee approved the Task and Finish Group which sets out the process to be followed for the establishment of task and finish groups.
- 8.4 The Corporate Peer Action Plan 2020 at part 57 recommends that the Committee "Use the task and finish programme to support early engagement and involvement with policy making."
- 8.5 The Committee, Member and Scrutiny Manager contacted the Group Leaders seeking nominations for the Task and Finish Group. The principle of political proportionality was applied and agreed with the Group Leaders. Members of a Task and Finish Group do not have to be a Member of the Overview and Scrutiny Committee.
- 8.6 A lead officer was appointed by the authority and to act as support to ensure only that factual/legal guidance is given to and discussed by the Task and Finish Group.
- 8.7 All drafts of the scope, report and recommendations were shared with the lead officer/Leadership Team so that a parallel report could be produced by them in whatever

format they see fit. This is crucial to ensure that informed decisions that are taken also consider the advice and guidance of senior officers.

9. LEGAL IMPLICATIONS

- 9.1 Overview and Scrutiny Committees were established by the Local Government Act 2000 (s.9) (amended by the Localism Act 2011).
- 9.2 Section 6 of the Council's Constitution set out the Council's obligations with regard to scrutiny.
- 9.3 A task and finish group is an informal group, which undertakes scrutiny work, but is not covered by legislation. Section 6.2.7(u) of the Council's Constitution, however, permits the Overview and Scrutiny Committee to: appoint time limited task and finish groups to undertake detailed scrutiny work and report back to the Overview and Scrutiny Committee to make recommendations to the Cabinet.
- 9.4 S.106 of the Town and Country Planning Act 1990 provides that planning obligations (commonly known as s106 Agreements) can be imposed by local authorities upon developers to make a development proposal acceptable, that otherwise would not be acceptable. They are usually focussed on site specific mitigation on the impact of a development and therefore it is important that s106 Agreement contributions are spent as intended. The work of the task and finish group is assessing the effectiveness of s106 Agreement contributions is in keeping with the spirit of the Town and Country Planning Act 1990.

10. FINANCIAL IMPLICATIONS

- 10.1 Depending on how they are applied in practice, the scope of the recommendation presented in Section 7 and 8 have the potential to be wide reaching. As detailed in Section 14: Human Resource Implications, the wider the reach, the more significant the impact on Officer time in terms of report writing, data analysis, and committee meeting attendance. Given recent funding pressures and the consequent reduction in Officer numbers, significant requests for scrutiny work will limit officer time available to spend on activities such as identifying and delivering cost reductions, income generation and project management.
- 10.2 Although not significant, a committee attendance allowance of £25.17 per Officer per evening meeting is payable to officers in attendance. This is in addition to providing time off in lieu or overtime as an alternative.

11. RISK IMPLICATIONS

- 11.1 Effective overview and scrutiny of policy, administrative, service delivery, and expenditure decisions helps reduce the risk of an inappropriate decision being made. The scope and timeframe for scrutiny interventions should be considered in light of the

potential impact of inappropriate scrutiny leading to decisions not being made, inappropriately made or not made at the right time.

12. EQUALITIES IMPLICATIONS

12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 There are no direct equality implications arising from this report. Effective scrutiny is an essential part of ensuring the local government remains transparent, accountable and open which ensures that the delivery of public services benefits all aspects of the community, where practical.

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1 While the process of the Task and Finish Group report does not have direct implications on the environment, the recommendations for s106 spend will likely have impacts on the environment which will be picked up through the Environmental Impact Assessment process

15. HUMAN RESOURCE IMPLICATIONS

15.1 The widening of the remit of the Community Partnerships Officers has the potential to significantly impact on officer time in terms of the reprioritisation of already agreed projects, their scope or timetabling or resources. There is also likely to be training required to ensure that Community Partnerships Officers are aware of the relevant considerations when supporting Parish Councils

16. APPENDICES

16.1 Appendix 1 – Section 106 Task and Finish Group Report

17. CONTACT OFFICERS

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

17.2 James Lovegrove, Committee, Member and Scrutiny Manager, James.Lovegrove@north-herts.gov.uk

18. BACKGROUND PAPERS

- 18.1 Minutes of Overview and Scrutiny Meeting on Tuesday 3 September 2024, at which the Section 106 Task and Finish group was discussed - [Agenda, decisions and Minutes from Overview and Scrutiny Committee - Tuesday, 3rd September, 2024 7.30 pm](#)
- 18.2 Minutes of Overview and Scrutiny Meeting on Tuesday 12 November 2024, at which the Section 106 Task and Finish group scope was approved - [Agenda, decisions and Minutes from Overview and Scrutiny Committee on Tuesday, 12th November, 2024, 7.30 pm | North Herts Council](#)