

Item No	Referred from:	Overview and Scrutiny Committee
6C	Date:	24 March 2026
	Title of item:	Section 106 Task and Finish Group Report
To be considered alongside agenda item:		Agenda Item 12

The report considered by the Overview and Scrutiny Committee at the meeting held on 24 March 2026 can be found here: [Agenda for Overview and Scrutiny Committee on Tuesday, 24th March, 2026, 7.30 pm | North Herts Council](#)

RECOMMENDED TO CABINET: That recommendations 1-8, as detailed in Appendix A to the report, be considered by Cabinet.

REASON FOR RECOMMENDATION: To enable the Overview and Scrutiny Committee the opportunity to scrutinise the s106 Task and Finish Group report and to consider which recommendations should be considered by Cabinet.

Audio recording – 2 hours 9 minutes 5 seconds

Councillor Ralph Muncer, as Chair of the Section 106 Task and Finish Group, presented the report entitled 'Section 106 Task and Finish Group Report' and advised that:

- The Local Plan adopted in 2022 would deliver 13,000 homes across the district, and reformed Government policies would only add to the burden to deliver housing.
- Communities deserved infrastructure that accompanied housing developments.
- The report provided a review of the current mechanism for S106 contributions, assessed whether it was fit for purpose and made recommendations to improve it.
- A disconnect between the Council and its communities on infrastructure priorities had been identified, and the recommendations would make communities feel that they were more involved.
- Other Members of the S106 Task and Finish Group, the Director – Place, Development and Conservation Manager, Hertfordshire County Council Officers, the Scrutiny Officer and the Committee, Member and Scrutiny Manager should be thanked for their support and contributions towards the group.
- S106 contributions was a broad policy area, and they had tried to address this through focused recommendations, that would deal with its issues directly.

The following Members asked questions:

- Councillor Claire Winchester
- Councillor Elizabeth Dennis
- Councillor Vijaiya Poopalasingham
- Councillor David Chalmers
- Councillor Jon Clayden
- Councillor Paul Ward

In response to questions, Councillor Ralph Muncer advised that:

- Lessons could be learned from the workings of the group to help inform the workings of any future task and finish groups.
- It had been disappointing to see a lack of consultation responses, particularly from some parties like the NHS Integrated Care Board, therefore, unilateral engagement might be needed.
- It was accepted that the roles of Community Partnership Officers would have to be reprioritised as resourcing was an issue.
- S106 training in recommendation 3 could potentially be offered to Members as well, and communication reporting would keep them better informed about S106 funding.
- There was an organisational readiness and excitement to engage in this proposed new process, as it would have the potential to deliver real benefits to communities now and in the future. However, the focus of engagement as part of this had been with Senior Officers, who had highlighted concerns about resourcing, and it would be for Cabinet to consider whether this would be an appropriate use of Community Partnership Officers.
- Engagement had taken place with Community Partnership Officers. However, more work would be required to explore what the training provided would look like and that it would appropriately delivered to support Officers to feel confident in this proposal to support communities. This work would be explored further should the recommendations be adopted by Cabinet.
- This work would provide resilience to communities ahead of Local Government Reorganisation (LGR), and a strong foundation for a new unitary authority to build upon.
- Chairs of Community Forums had not been consulted on the recommendations, but it had been decided that they would be the best place to consider community infrastructure priorities for unparished areas.
- Regulations for the S106 process could not be changed, therefore, the recommendations focused on simplifying the process for stakeholders and closing the gap between local authorities and the communities they served to deliver better outcomes.
- If recommendation 8 was approved, they could explore different ways of making the Government aware of this such as writing to Government Ministers.
- Recommendation 7 may not be fully achievable within current Government regulations, but it would aim to encourage more community engagement by developers and build on the Statement of Community Involvement.
- The response rate to the consultation had been disappointing, therefore, they had released it a second time to capture more views.
- It was hoped that this process would encourage more engagement on planning related consultations in the future if consultees could see that their views had been listened to through the recommendations.
- The lone developer response to the consultation, which suggested having a standardised S106 agreement template, had been noted, and could be considered by the Planning Team to make any improvements to the current process.

In response to questions, the Director – Place advised that:

- The Planning Team were pleased with the recommendations that had been put forward, and they were already investigating the implementation of some of them through the Local Plan Review and other mechanisms.
- They were also investigating how they would work with Parish Councils under the new plan making system to help them submit Neighbourhood Priority Statements.
- Pre-application engagement by developers could not be mandated, but they could explore tools to encourage this, such as through a Development Charter.

- The Local Plan and its underpinning evidence meant that developers were not liable to pay S106 contributions for developments of 9 homes or less, but a viability assessment had been commissioned to investigate the possibility of this in the Local Plan Review.

In response to questions, Councillor Donna Wright, as Executive Member for Place, advised that the recommendations set out clear, practical measures that could improve how S106 contributions were managed by increasing transparency and community involvement.

In response to questions, Councillor Paul Ward advised that:

- It had been concluded that improving the current S106 contributions mechanism would be more beneficial than replacing it with the Community Infrastructure Levy.
- Recommendations 1-4 would increase transparency of the mechanism, improve skills for those involved, and better prepare stakeholders to respond with their priorities.
- Recommendation 7 had been formed not only to improve community engagement by developers, but also to improve the outcomes from it by ensuring that developers demonstrated how they had considered community feedback in their applications.

In response to questions, Councillor Ruth Brown advised that:

- Community Partnership Officers understood communities and could act as a conduit between the Council, Parish Councils and communities where there was a disconnect.
- Timing and community priorities were the main issues with the current S106 mechanism.
- Good community engagement by developers should be recognised through an award mechanism to promote good practice, even if it could not be mandated.

Councillor Ralph Muncer proposed and Councillor Jon Clayden seconded the recommendations in the report.

The following Members took part in the debate:

- Councillor Elizabeth Dennis
- Councillor Vijaiya Poopalasingham
- Councillor Jon Clayden
- Councillor Ralph Muncer
- Councillor Claire Winchester

The following points were made as part of the debate:

- An additional recommendation should be included for councillors to be trained, empowered and supported to work alongside Community Partnership Officers on the S106 mechanism.
- Councillors should be engaging with community groups already and be provided with S106 training to fulfil their roles.
- Recommendations 2 and 3 should be undertaken with caution as corporate risk would materialise as advice given by Community Partnerships Officers on S106 applications would be open to scrutiny, therefore, the feasibility of this should be properly investigated.
- A response from the Community Partnership Team to the recommendations should be provided before any decisions were taken by Cabinet.
- It was unclear whether Community Forums were the right place to consider S106 contributions, and their Chairs should be consulted.
- Recommendation 1 would ensure that projects could be quickly identified in the S106 process.

- S106 training for Parish Councils would mean less reliance on Community Partnership Officers to help them respond to S106 consultation forms.
- Recommendation 2 had been made after seeking advice from several sources and considering other alternatives.
- Additional resources to better support communities would be strongly welcomed.
- Recommendation 4 was an easy win and would improve transparency of the S106 mechanism.
- It was acknowledged that recommendations 7 and 8 were needed and made sense, but it would be hard to fully implement them, and they might have little impact if they could not be made mandatory.

In response to points raised in the debate, Councillor Val Bryant, as Leader of the Council, advised that there would be elections to a shadow authority in 14 months, the budget for 2026/27 had already been approved, and the Executive Member for Governance had not been consulted on the recommendations, therefore, there would be drawbacks in implementing them.

In response to points raised by Councillor Val Bryant, Councillor Ralph Muncer advised that:

- Planning applications would continue to be submitted to the Council up until April 2028, and communities would continue to suffer if they did not act now.
- It was acknowledged that there would be challenges in implementing the recommendations.
- Senior Officers had been consulted on the recommendations to ensure that they would be deliverable.
- Although Executive Members had not been consulted on the recommendations, there would be an opportunity for them to consider the report and its recommendations at the next Cabinet meeting.

Councillor Claire Winchester summarised the discussions and outlined that:

- Upskilling Community Partnership Officers, Councillors and other staff to support S106 applications had been discussed, but they should be aware of the capacity of Community Partnership Officers, who should be consulted on the feasibility of changing their roles.
- Chairs of Community Forums should be consulted on how lists for Community Infrastructure Priorities would be drawn up as these were important.
- It was noted that the budget for the next financial year had been set, and that the Council would cease to exist in two years, but the work undertaken by the S106 Task and Finish Group had been important and could be carried forward to a new unitary authority.
- Better communication and transparency around the S106 process was vital, and work on this was encouraged.
- While recommendations 7 and 8 were less achievable, it was understood why they had been formed.

Having been proposed and seconded and, following a vote, it was:

RESOLVED: That the Overview and Scrutiny Committee:

- (1) Noted the content of the report and its recommendations.
- (2) Provided comment on the proposed recommendations and confirmed which recommendations were to be recommended to Cabinet.

RECOMMENDED TO CABINET: That recommendations 1-8, as detailed in Appendix A to the report, be considered by Cabinet.

REASON FOR RECOMMENDATION: To enable the Overview and Scrutiny Committee the opportunity to scrutinise the s106 Task and Finish Group report and to consider which recommendations should be considered by Cabinet.