

Summary:	The Council's Section 106 process has been refined in the past year to ensure that the system makes even more effective use of the benefits of the process. There are however still areas for improvement and it is to this end that this paper outlines the changes proposed and seeks to formalize the process of S106 implementation and the involvement of the community.
-----------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

BACKGROUND

Actions Taken and Ongoing

In recognition of the work required, a one year secondment was agreed earlier this year, funded by S106 monitoring monies, and the post was filled in May. This officer has been tasked with developing the database, ensuring that all appropriate processes are in place by the end of the secondment and building an effective liaison network with the community to ensure that money is effectively distributed and spent to meet needs.

Since the S106 process spans across the organisation, and to ensure proper monitoring of what is going on, an officer group has been formed that meets quarterly to monitor the way the council is dealing with these agreements and with the Section 106 monitoring process overall.

A clear process has now been agreed that outlines the actions to be taken from start to finish where a S106 is required. Key to this process is a recognition that communities' needs and aspirations are being taken into account in the planning process, so that appropriate community benefits can be secured within the legitimate scope of Section 106.. Appendix A contains this process.

Work is being carried out to identify the most effective way of developing and maintaining the database of S106s. One important aim is to have the database online and interactive so that the community can obtain specific details of planning obligations which are in force in their areas. The current intention is to have this in place by financial year end.

Community awareness and involvement

There has been a slow, but strong, build up of queries from parishes and the general public relating to S106 agreements. In some cases their purpose has been to establish the extent of funds which might be available in their area and in others it has been to question whether obligations are being correctly met.

The drive of the localism agenda is for the community to have an influence, where possible, over what happens in its area. With this in mind the council has therefore ensured that the S106 process includes key points where the community will be able to contribute to the creation, delivery and direction of S106s.

Locally led delivery of S106 funded projects is the Council's preferred system of delivery. A community lead approach is currently being piloted by Frome Town Council as part of a process to spend the S106 contribution received for improvements to its

Showground. Public meetings held at the Showground have successfully encouraged public involvement in this process.

RECOMMENDATIONS

1. Cabinet approves the adoption of the proposed S106 drafting, monitoring and implementation procedure at MDC.
2. Cabinet approves the proposed revised monitoring charges.
3. Cabinet approves the formation of a S106 Monitoring Board.

REASONS FOR RECOMMENDATIONS

The Council has an obligation to ensure that S106 funds are used in as effective a way as possible. In order for this to be done the process needs to be properly monitored to ensure that any weaknesses are quickly addressed and the system strengthened.

Contact Officer: Kevin Riley
Extension: 332
e-mail: Kevin.Riley@mendip.gov.uk

List of background Papers:

Appendix A to Agenda Item ?? for Cabinet Meeting dated 6th Nov 12 – Section 106 drafting, monitoring and implementation procedure at Mendip District Council – Corporate Protocol.

Appendix B to Agenda Item ?? for Cabinet Meeting dated 6th Nov 12 – Review of the Fee Charging Schedule for Monitoring S106 Legal Agreements.

Agenda Item 12 to Cabinet Meeting dated 7 Dec 09 - Monitoring of Section 106 Agreements