

## **Jobs Regeneration and Assets Overview and Scrutiny Committee**



Meriton Road Park funded by S106

# **Section 106 Agreements**

## **Task and Finish Group**

### **Final Report**

**February 2016**

## **1.0 Chairman's Foreword**

- 1.1 When I recommended to the Jobs Regeneration and Assets Overview and Scrutiny Committee in November 2015 that this Task and Finish review be established I did so to ensure that all Councillors had an opportunity to be involved in Section 106 Agreements that affect their ward and to ensure that their involvement is effective. The excellent response to our Member Survey shows that this is an important issue to all Councillors.
- 1.2 For many Councillors there has been a feeling of frustration about an apparent lack of involvement in something that affects their ward in a tangible way. This frustration may in part be down to a lack of understanding from Councillors and Town and Parish Councils as much as it is down to an ineffective system. The training sessions for Councillors have been important, particularly for new members like me, to help us understand what can and can't be done. There are a lot of new councillors at town and parish level as well and the Council needs to help their understanding. As Borough Councillors we also have a responsibility to ensure our town and parish councils and residents also have an accurate understanding of the S106 processes and support the Council.
- 1.3 The lack of a Section 106 Officer recently has contributed to a lot of the problems Councillors have raised and we hope that a strong candidate can be found to fill the post quickly. The role of the S106 Officer is extremely important in ensuring that all officers involved in the preparation of S106 agreements and the spending of funds know to involve the local councillors through out the process. Borough Councillors and Town and Parish Councils have the local knowledge and experience to ensure funding is raised and spent in the most effective way to support their community.
- 1.4 I would like to thank my Councillor Colleagues who have worked with me during this review and in compiling this report. We all thank the officers who have contributed their knowledge and experience to this review.
- 1.5 I commend this report to Cabinet and hope that our recommendations can be supported.

**Councillor Hayley Wells-Bradshaw**

**Chairman of the Section 106 Agreements Task and Finish Group**

### **Task Group Membership**



Cllr Hayley Wells-Bradshaw, Cllr Jon Weston, Cllr Suzanne Brookfield and Cllr Craig Browne

## **2.0 Recommendations**

- 2.1 To ensure the Council enables effective involvement of local councillors and towns and parish councils in the setting up and use of Section 106 Agreements the Task Group recommends that:
- 2.1.1 Ward Councillors be involved at the earliest possible stage about all possible Section 106 agreements for developments in their ward through the pre-planning application stages.
  - 2.1.2 The Section 106 Officer position be filled as soon as possible to avoid issues associated with the post being vacant and that other officers in the department have sufficient knowledge to cover the Section 106 Officer during absences to avoid issues recurring in future.
  - 2.1.3 Further training on S106 Agreements be provided for councillors who were unable to attend the sessions held in December 2015 to ensure councillors have opportunities to become more familiar to S106s.
  - 2.1.4 A fact sheet on Section 106 Agreements be created and shared with Borough Councillors and Town and Parish Councils to provide a better understanding of the process. This should be followed by briefing sessions for Town and Parish Councils on at least a North and South basis so that parish councillors have an opportunity to become fully informed about S106s.
  - 2.1.5 The fact sheet and training session information be published on the Council's website in the appropriate webpages so that they can be access by the public and referred to by councillors when needed to improve understanding.
  - 2.1.6 Once councillors are sufficiently informed about the Section 106 process ward members be encouraged to proactively work with their town and parish councils to develop a wish list of projects in their area which could potentially be allocated funding through Section 106 agreements.
  - 2.1.7 Based on the feedback to question 7 of the Member Survey data on S106 Agreements in their ward be provided to all councillors in a streamlined way to make it more user friendly.
  - 2.1.8 Six monthly Section 106 update meetings to be facilitated by the Section 106 Officer, with appropriate support from other relevant officers, be established for ward members based on the seven former Local Area Partnership boundaries on a trial basis for a 12 month period.
  - 2.1.9 A follow up member survey be carried out in March 2017 to review whether changes to the current process have improved member involvement and communication in relation to Section 106 Agreements.

## **3.0 Background**

- 3.1 Members of the Council have raised concerns about the lack of information being received regarding S106 Agreements in their wards. This has been a particular issue for new members who feel they have not received sufficient information about S106 Agreements since being elected in May 2015. Concern has also been expressed by Members regarding the desire to be more involved in how agreements are made, what the money is raised for and how the money is being spent. There has been coverage in the local press suggesting that the Council was holding onto £14m in S106 monies that it was not spending. A lack of understanding about how S106 Agreements work and how money was spent had impacted negatively on the reputation of the Council therefore the Corporate Overview and Scrutiny Committee decided to consider the issue.

3.2 In October 2015 the Corporate Overview and Scrutiny Committee received a briefing on Section 106 Agreements during which it was agreed that further consideration of the issue should be carried out by the Jobs Regeneration and Assets Overview and Scrutiny Committee (JRA Committee). The Corporate Scrutiny Committee also suggested that Members training sessions about S106 Agreements were needed and these took place in early December 2015. Following a meeting with officers and the Portfolio Holder responsible for planning the Chairman recommended to the JRA Committee that a Task and Finish Group be set up. The Task and Finish Group was established with its membership at the JRA Committee's November 2015 meeting.

#### **4.0 Methodology**

4.1 At its first meeting on 14 December 2015 the Task and Finish Group developed the objectives and project plan for the review. The scope of the review was to consider how S106 Agreements were developed and managed at Cheshire East and would lead to recommendations regarding how these practices might be improved, specifically in relation to member involvement in the process and how town and parish councils might become more involved.

4.2 The objectives for the review were:

- To develop a standard approach to member involvement to all future S106 Agreements.
- To improve communication with members, and town and parish councils.
- To ensure information is shared with members in an effective way
- To involve members more in how the money is spent
- To improve communication with the community

4.3 The Task and Finish Group held several meetings with officers to discuss the rules governing the use of Section 106 Agreements, how the current system within the Council operates, the issues that members have with the current system and possible ways in which improvements could be made.

4.4 The Task and Finish Group developed a questionnaire to gather the views of Councillors regarding their current level of understanding, the level of involvement they have had with the S106 Agreements process, and how they think improvements might be made. Using the information from the survey the Task and Finish Group developed its recommendations which are contained within this report.

#### **5.0 Other Local Authority Scrutiny Reviews**

5.1 The Task Group reviewed a number of S106 scrutiny reviews that have previously been carried out by other authorities which were obtained from the Centre for Public Scrutiny website. Below is a summary of some of the reasons for undertaking the review, findings and recommendations from the reviews as they relate to the remit of this Task Group.

## **Charnwood Borough Council – March 2015**

- 5.2 The most recent report from Charnwood Borough Council's Section 106 Funds Scrutiny Panel published in March 2015 is also the most relevant to this Task Group's remit. The Panel undertook a review of the extent to which communities and Borough Councillors could be involved in determining how Section 106 funds were used. The review was set up because current communication with councillors was poor and officers identified S106 projects without engaging ward councillors or town and parish councils.
- 5.3 The review identified areas of good practice elsewhere including: training for all councillors in S106s; developing 'Project Banks' as a means of identifying schemes suitable for using Section 106 contributions, which enabled proactive engagement of local groups and preparatory work on projects to strengthen the negotiation of S106s with developers; a protocol of codified practice, to ensure a consistent approach that could be monitored; and publicity of outcomes through an annual report to support effective communication with public.
- 5.4 The Panel recommended that:
- all councillors should be engaged as early as possible and throughout the S106 process,
  - training should be carried out for ward members, town and parish councillors and community groups,
  - ward councillors work with their town and parish councils to identify needs, and
  - that officers report regularly on S106 agreements.

## **Stoke-on-Trent City Council**

- 5.5 In September 2007 a scrutiny task group from Stoke-on-Trent City Council published a report on Section 106 Obligations. The task group had been set up because there were currently no set policies and procedures in place for negotiating and managing S106s and no formal records of agreements.
- 5.6 During the review the task group met officers and members from Macclesfield Borough Council (MBC). MBC had previously had similar problems to Stoke until a review they had undertaken themselves in 2005 following a 'public relations disaster'. MBC had developed a database for holding all records of S106 agreements which was monitored by a dedicated Section 106 monitoring officer. They had also introduced a public information leaflet which explained what S106 was and how it could be used. The Stoke task group also conducted a members survey which identified that councillors were not systematically involved in S106s and that they wanted greater involvement. It also established a need for better communication about S106 agreements in the wards and a need to identify local projects.
- 5.7 Among other things the task group recommended:
- The creation of a S106 database to monitor all agreements,
  - The development of a community priorities list for each ward,
  - Training for all councillors (particularly newly elected ones),
  - Information about S106 be shared on the council's website,

- A dedicated Section 106 monitoring officer post be created, and
- Twice yearly meetings of members, officers and developers to assess the planning process and consider potential improvements.

### **Bradford City Council – September 2006**

- 5.8 In September 2006 the Section 106/278 Agreements Working Group of Bradford City Council's scrutiny function published its report. One of the issues that the working group considered was community leadership, mainly from ward councillors and town and parish councils. The review found that knowledge and awareness of S106s was not consistent in each ward and that involvement of local representatives in developing S106s needed to be increased.
- 5.9 In relation to community involvement the Working Group recommended:
- That elected members be fully informed and involved in S106 discussions at the earliest possible stage and be provided with a named officer to contact,
  - That communities should identify S106 priorities to inform negotiations with developments during the planning stage,
  - That the content of S106 agreements and progress/outcomes of projects should be shared publicly through quarterly monitoring reports and an annual report, and
  - That training should be provided to members in S106s and that a form of this training should also be offered to town and parish councils.

## **6.0 Key Findings**

### **What are S106 Agreements?**

- 6.1 The term 'S106' refers to Section 106 of the Town and Country Planning Act 1990 (as amended). They are legally binding agreements which are negotiated between the Planning Authority and the applicant/developer and any others that may have an interest in the land. Alternatively agreements can be proposed independently by applicants; this is known as a 'unilateral undertaking' and does not require the same legal frameworks.
- 6.2 The purpose of Section 106 Agreement monies is to mitigate the impact of development and support local infrastructure needs. They impose a requirement on the developer to undertake certain specific works, and/or require a monetary contribution (commuted sum) to enable the Council to undertake certain relevant works. These monies are not a reserve fund for other expenditure; they are solely for Section 106 spends only and are not transferable.
- 6.3 The legal tests for when a S106 can be used are set out in the Community Infrastructure Levy Regulations 2010. These are: (1) necessary to make the development acceptable in planning terms, (2) directly related to the development, and (3) fairly and reasonably related in scale and kind to the development. As well as the legal tests, the policy tests are contained in the National Planning Policy Framework (NPPF) paragraph 203 and 204.

6.4 An agreement will contain ‘triggers’ for when the money will be transferred to the Council by the developer. These can be related to when building of a particular number of dwellings (e.g. 50%) has been completed on the site, or when a particular number of dwellings are occupied but there are many other possible triggers. Therefore the funds related to an S106 Agreement will often not be received when the agreement is made or planning permission approved. S106 Agreements often contain a clause regarding a time limit of the funds being spent; if the limit expires the funds would have to be transferred back to the developer.

**Current Position at Cheshire East**

6.5 At the time of the Task Group’s review the Council was currently monitoring a total of 287 Section 106 Agreements. The following table (fig.1) contains information on the movement of the S106 Fund.

Figure 1 (as at December 2015)

Year	Opening Balance	Funds Received	Interest received	Funds Spent	Closing Balance
2011-12	4,764,758	466,428	7,157	560,905	4,677,437
2012-13	4,677,437	1,297,979	9,385	528,448	5,456,352
2013-14	5,456,352	3,679,076	10,052	1,031,258	8,114,222
2014-15	8,114,222	7,598,678	19,971	2,511,620	13,221,251
2015-16	3,221,251	1,596,894		549,751	14,268,393

6.6 Officers informed the Task Group that only applications over a certain size could be subject to an S106. This meant that only approximately 200 S106 agreements per year were created. The scale of funding available at present was due to a couple of S106 agreements which had recently triggered substantial contributions. During 2014/15 the Council received £7,598,678 which included large sums for Crewe Green Link Road and improvements to A500. Any interest earned from holding funds was required to be spent inline with the conditions of the associated S106 Agreement. The majority of funds currently held by the Council were allocated to major highways schemes.

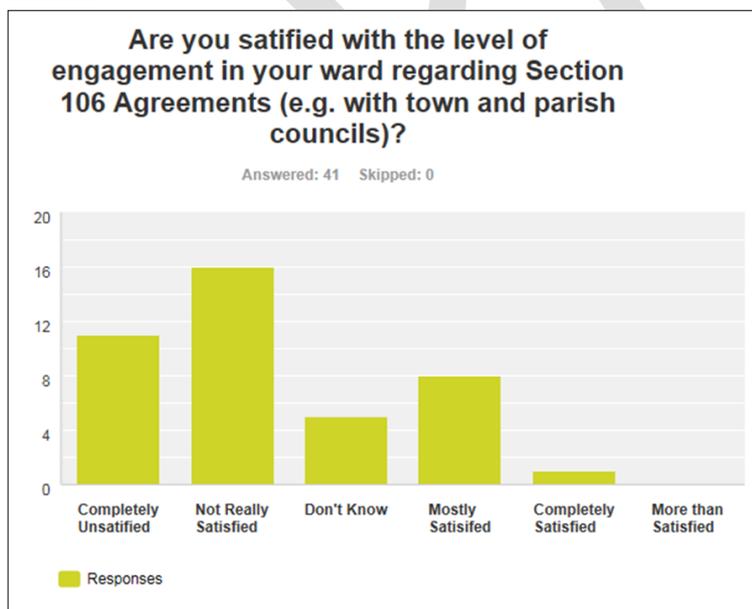
6.7 Officers explained that when a Section 106 agreement has been signed, an electronic copy of the agreement accompanied with a completion memo is circulated from Legal Services to all stakeholders which may include: highways, education, housing, spatial plans, parks and green spaces, land charges, finance and S106 Officer for monitoring (as well as the planning officer who will issue the decision notice). This ensures that all relevant parties have access to the information they require.

6.8 Information relating to the agreement is then entered into a Microsoft Access Database for the purpose of monitoring. The system records information including:

- The planning permission reference number,
- Address including ward and parish,
- Description of the development,
- Planning obligations – financial and in-kind,
- Amount of financial contribution,
- Trigger for planning obligation, and
- Physical works completed.

- 6.9 When payments are received they are recorded and noted against the relevant agreement and included in the Council’s Capital Programme for spending. To ensure that all relevant parties are informed of S106 income, the S106 Monitoring Officer circulates a memo to Finance, the relevant Stakeholder and the appropriate Ward member for information.
- 6.10 A Microsoft Excel Spreadsheet is maintained by the Council’s Finance department, in accordance with financial regulations. The spreadsheet is populated by both the Council’s Accountants and the S106 Monitoring Officer, and is then circulated to all budget holders and finance teams on a quarterly basis. It is disseminated to officers within the respective teams so that they are aware of the monies available for spend and project managers are appointed, where appropriate, to ensure the funds are spent against agreed priorities.
- 6.11 The spreadsheet enables the monitoring of deadlines where the money is due to expire. A risk assessment is done on a regular basis to identify where monies are due to expire so that the expenditure of the money can be expedited. In the unlikely event that money expires or there is a residual balance this will be paid back to the developer in accordance with the S106 Agreement. In the last four financial years no S106 monies have been repaid to the developer.
- 6.12 When stakeholders wish to access the S106 monies for spend a process is in place which verifies that spend. In addition to the stakeholders own internal process (i.e. a delegated decision notice sign off for certain amounts) a ‘drawdown request’ is completed for both finance and the S106 Monitoring Officer to verify that spend is in accordance with the specifics of the S106 agreement.

Figure 2



**Member Survey Findings**

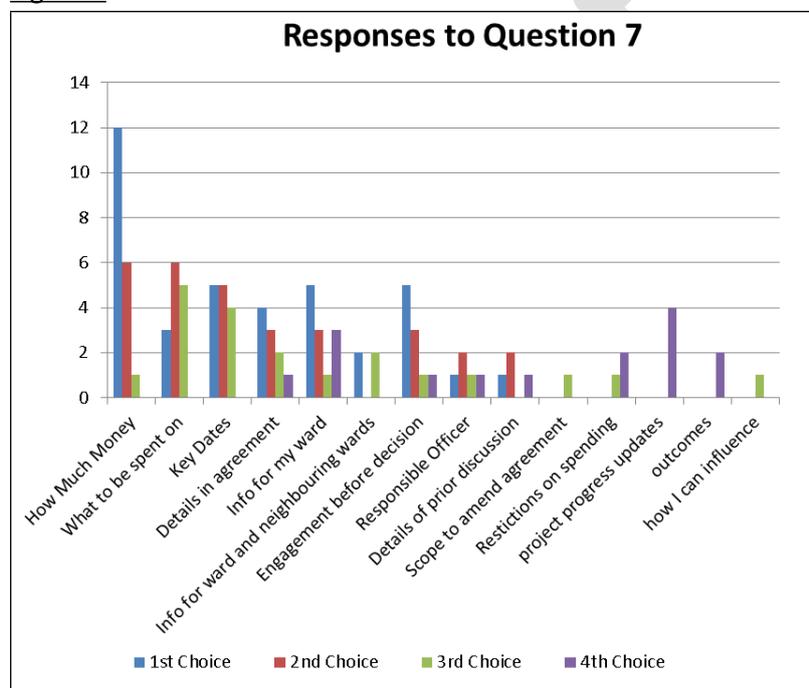
- 6.13 The Task Group decided to conduct a member survey to ensure that all members had an opportunity to contribute to a review that had attracted a lot of interest. The questions for the review were developed by the Task Group at its second meeting and took some inspiration from the Stoke-on-

Trent scrutiny report. The full survey and results are available in Appendices B and C respectively however some questions have been included below to illustrate the points raised.

6.14 The Task Group received a very good response (50%) from councillors to the Member Survey which provided very useful information as well as illustrating the interest that councillors have in S106 Agreements. The Task Group considered the results of the Member Survey at its third meeting.

6.15 Overall it is clear from the survey results that there is a significant proportion of councillors who are not currently satisfied with existing arrangements and the service they had received so far (Fig 2. Pg. 8 above). It is also obvious that members feel there is a need for better communication. The response to Question 7 (summarised in Fig. 3 below) of the survey highlights the type of information that members are interested in receiving. This information should be readily available however needs to be shared in an understandable and easy to manage format.

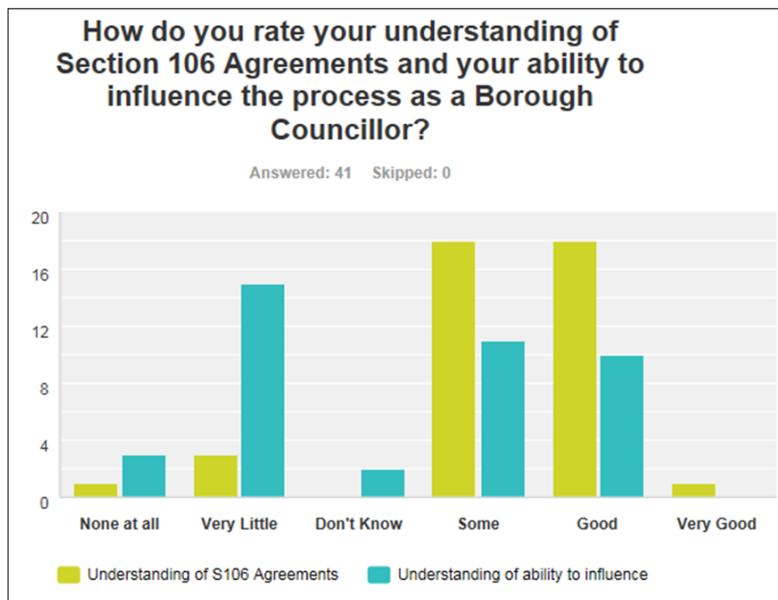
Figure 3



6.16 The training sessions for members held in December 2015 (as mentioned in 3.2 of this report) were relatively well attended however the survey results seem to suggest that there is still a significant proportion of members, particularly new ones, who have not yet had any form of training (Fig.4) and therefore may not understand what S106s are and how they can influence the process. This lack of understanding may have led to some of the dissatisfaction with the current process and may be resolved through further training sessions.

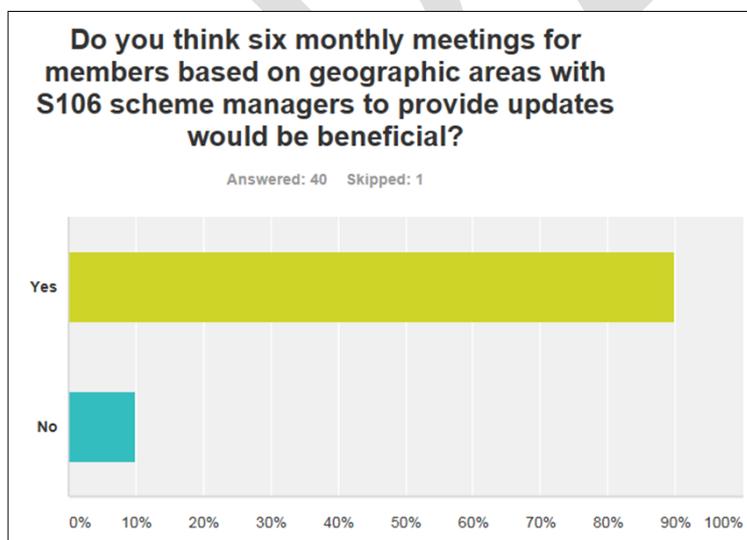
6.17 Knowing who to contact about an issue is an important part of gaining a greater understanding of something. The survey results highlight that there needs to be better communication to members about contact details for key officers in relation to S106s.

Figure 4



6.18 There was overwhelming support from respondents to the survey for establishing some six monthly meetings for members to be provided with updates on S106 agreements (Fig. 5). The Council currently has Area Highway Groups based on the seven former Local Area Partnership (LAP) areas where members discuss highways issues in their geographic area twice a year and it was suggested that these same footprints could be used for similar meetings regarding S106 agreements.

Figure 5



### Discussion with Officers

6.19 During the review the Task Group met with the Head of Planning and the former S106 Officer and discussed the findings of the Member Survey with them.

6.20 The Task Group found that S106 monies are most often collected for open spaces and education. The impact of a development and the requirement for S106 money for a specific need had to be

supported by solid evidence and a detailed plan of how it would be used. There were examples of when contributions for health issues (e.g. more facilities to cope with increased demand from developments) had been requested however these had been deemed unfounded on appeal because of the lack of evidence and a detailed plan for using the funds.

- 6.21 Local knowledge needs to be used to ensure that money is being raised to pay for projects that are of most value to the area. Neighbourhood Plans are seen as key to establishing a strong evidence base for the needs of communities and could contain a list of projects which could be funded by S106, to be used when applications for development are made.
- 6.22 Responses to Question 8 of the Member Survey suggested that members would prefer monthly updates. However it was considered unlikely that there would be much to update members on a monthly basis and that six monthly might be more likely to yield new information. This individual update for each ward councillor could be linked to the six monthly meetings suggested above. If members received an update automatically as and when new information was available then they would not necessarily need regular scheduled updates.
- 6.23 Officers suggested that one of the reasons new members may not have had communication about S106s so far is because there hadn't been any new agreements set up in their ward since they became a member in May 2015.

## **7.0 Conclusions**

### **Member Involvement**

- 7.1 Having considered the findings of the review the Task and Finish Group believes that members play a vital role in shaping their communities and should be involved early in the process of establishing a S106 agreement and then also involved in the monitoring and spending of monies. The Task Group agreed that members should be involved in the pre-agreement stage and invited to pre-planning meetings.
- 7.2 The Task Group believes that the scrutiny reports from other local authorities reinforces the position held in Cheshire East as they identified similar issues regarding member involvement and communication to those sighted by Councillors when this Task Group was established. The Task Group recognises the issues that those scrutiny reviews identified and believes the recommendations made by those groups would also work in Cheshire East.
- 7.3 The Task Group particularly recognises the benefits of having 'wish lists' or 'project banks' for each local community which establish projects that could be funded by S106 agreements and encourages Borough Councillors to work with their local town and parish councils to develop such lists. As mentioned above, Neighbourhood Plans are key to the development of local communities and a list of priority projects could be incorporated into these Plans. This way S106s could be created to fund specific priorities for each ward/town or parish council area.

## **Communication with Members**

- 7.4 The spreadsheet held by the S106 Officer contains all the S106 agreements for the Borough which is separated on a ward by ward basis. There is a large amount of information for each agreement and the Task Group believes that the spreadsheet as whole is unwieldy and difficult to read. In future members should be supplied with more concise information based on the priorities identified in the member survey.
- 7.5 When services are preparing to spend S106 monies on projects they should carry out consultation with ward members and local residents. The Council needs to ensure this takes place by briefing service managers about the need to involve members.
- 7.6 The Task Group agreed that it is imperative that a new Section 106 Officer is appointed as many of the issues with communication and understanding for members may be due to the Section 106 Officer not being in place to provide the information.
- 7.7 Communication with members appears to have been mixed with some involved in S106s and others feeling they haven't been. The Task Group agrees that there should be an assumption on the part of officers that ward members need to be involved in pre application meetings.
- 7.8 While the Task Group believes more needs to be done to support members regarding S106 agreements members also need to ensure they have an understanding about what their responsibilities are in relation to planning in their ward; i.e. coordinating questions and views from their ward, liaising with parish councils etc.
- 7.9 The Task Group wishes to trial 6 monthly update meetings based on the former LAP areas for ward members. These will be for the Section 106 Officer and any other required officers to provide updates to members on the current position regarding S106s in the area. It is suggested that the meeting take place in March/April and September/October and be reviewed in twelve months following the first two meetings.
- 7.10 The Task Group also agreed that it would be useful to do another member survey in 12 months time to assess whether improvements in involvement and communication had been made and that this might be extended to town and parish councils.

## **Town and Parish Councils**

- 7.11 The Task Group believes that town and parish councils have a valuable role to play using their local knowledge to identify projects for S106 funding. Town and parish councils also have a responsibility to understand their role and to recognise that S106 funds are not a free for all to fund any local projects. The Task Group feels that there isn't enough understanding of what S106s are and what the money can be spent on. This has led to criticism of Cheshire East and ward members and officers need to be able to explain the reality to parishes. The Task Group suggests developing a factsheet which explains the basics and main points about S106 Agreements which should be distributed to town and parish councils so that their members, particularly the new ones, are able to understand

properly. This could possibly be followed up by training through briefings by the new Section 106 Officer if required once they were in post on a North and South or LAP area basis depending on resources.

7.12 During the review the Task Group considered the possibility of delegating spending of S106 funds to town and parish councils. It was explained that the S106 Agreements are contracts between the developers and Cheshire East Council. Therefore the Council is responsible for ensuring the money is used appropriately inline with the S106 and retains the risk when transferring funds to other bodies to spend. For this reason the Task Group does not feel it would be appropriate to follow this approach. It is however possible for a town or parish council to carry out works on a project and provide the funding initially; then they would be in a position to invoice the Council and be paid using S106 money for their area.

## **Appendices**

- A- Terms of Reference
- B- Member Survey Questionnaire
- C- Member Survey Responses Analysis

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## Scrutiny Project Initiation Document

Project Name:	Member Involvement in S106 Agreements
Project Manager	James Morley
Project Team	Hayley Wells-Bradshaw, Jon Weston, Derek Bebbington, Suzanne Brookfield, Craig Browne
Supporting Officer	Caroline Simpson, David Malcolm, Fiona Seddon
Timescales	December 2015-March 2015
Distribution:	Project Team, Portfolio Holder, Supporting Officers, Head of Service
Purpose of this document:	To document the reasons for undertaking the project, to define the project and to form the basis for its management
Project Initiator	Jobs Regeneration and Assets Overview and Scrutiny Cttee

### Background & Reasons for undertaking the project

Members of the Council have raised concerns about the lack of information being received regarding S106 Agreements in their wards since being elected in May 2015. Concern has also been expressed by Members regarding the desire to be more involved in how agreements are made, what the money is raised for and how the money is being spent. There has been coverage in the local press suggesting that the Council is holding onto £14m in S106 monies that it is not spending. A lack of understanding about how S106 Agreements work and how money is spent had impacted negatively on the reputation of the Council. Members requested training sessions to learn more about S106 Agreements which took place in early December 2015. The JRA Committee agreed to set up the task group at its November 2015 meeting.

### Project Objectives

- To develop a standard approach to member involvement to all future S106 Agreements.
- To improve communication with members, and town and parish councils.
- To ensure information is shared with members in an effective way
- To involve members more in how the money is spent
- To improve communication with the community

## **Project Scope**

The Task Group will consider how S106 Agreements are developed and managed at Cheshire East and can make recommendations regarding how these practices can be improved specifically in relation to member involvement in the process and how town and parish councils can become more involved.

## **Project Deliverables/Outcomes**

The Group will produce a report with recommendations which will be submitted to Cabinet for consideration. This may include a draft suggested protocol/process map for member involvement and how, when and under what circumstances they and town and parish councils may be consulted. This may include how money is spent and whether funds are passed on you town and parish councils to enable more effective outcomes.

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## Appendix B – Member Survey Questionnaire (Survey Monkey extract)

### Cheshire East Council Scrutiny: Section 106 Agreements Task and Finish Group

#### Member Survey

The Jobs Regeneration and Assets Overview and Scrutiny Committee set up the Section 106 Agreements Task and Finish Group to consider how member involvement, and the involvement of town and parish councils, could be improved to provide better outcomes for communities in the use of Section 106 Agreements.

This survey is designed to collect the views of Cheshire East Council members about current position, experience with the Section 106 Agreements process and how improvements might be made. The survey will take approximately one minute to complete and will be used by the Task Group to consider what recommendations to make to Cabinet about how the involvement of members can be improved.

1. Were you elected as a Borough Councillor for the first time in May 2015 and did you attend one of the S106 training sessions in December 2015?

	Yes	No
New in May 2015	<input type="radio"/>	<input type="radio"/>
Attended training session	<input type="radio"/>	<input type="radio"/>

2. How do you rate your understanding of Section 106 Agreements and your ability to influence the process as a Borough Councillor?

	None at all	Very Little	Don't Know	Some	Good	Very Good
Understanding of S106 Agreements	<input type="radio"/>					
Understanding of ability to influence	<input type="radio"/>					

3. Are you satisfied with the level of engagement in your ward regarding Section 106 Agreements (e.g. with town and parish councils)?

Completely Unsatisfied	Not Really Satisfied	Don't Know	Mostly Satisfied	Completely Satisfied	More than Satisfied
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4. Do you feel sufficiently involved in the spending of S106 funds by services in your area?

<b>not involved at all and I think I should be</b>	<b>slightly involved but not as much as I would like</b>	<b>Don't Know</b>	<b>nearly as much as I would like</b>	<b>as involved as I want to be</b>	<b>more involved than I need to be</b>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**5. Do you know who to contact regarding S106 Agreements and schemes funded by them in your area?**

<input type="radio"/> Yes
<input type="radio"/> No

**6. How do you rate current communication regarding S106 Agreements?**

<b>Very Poor/None</b>	<b>Poor</b>	<b>Don't Know</b>	<b>Okay</b>	<b>Good</b>	<b>Excellent</b>
<input type="radio"/>					

**7. What information would you like to receive regarding S106 Agreements?**

1

2

3

4

**8. How frequently would you like to be informed about S106 Agreements?**

<input type="radio"/> Weekly
<input type="radio"/> Monthly
<input type="radio"/> Quarterly
<input type="radio"/> Every 6 months
<input type="radio"/> Annually

**9. Do you think six monthly meetings for members based on geographic areas with S106 scheme managers to provide updates would be beneficial?**

Yes

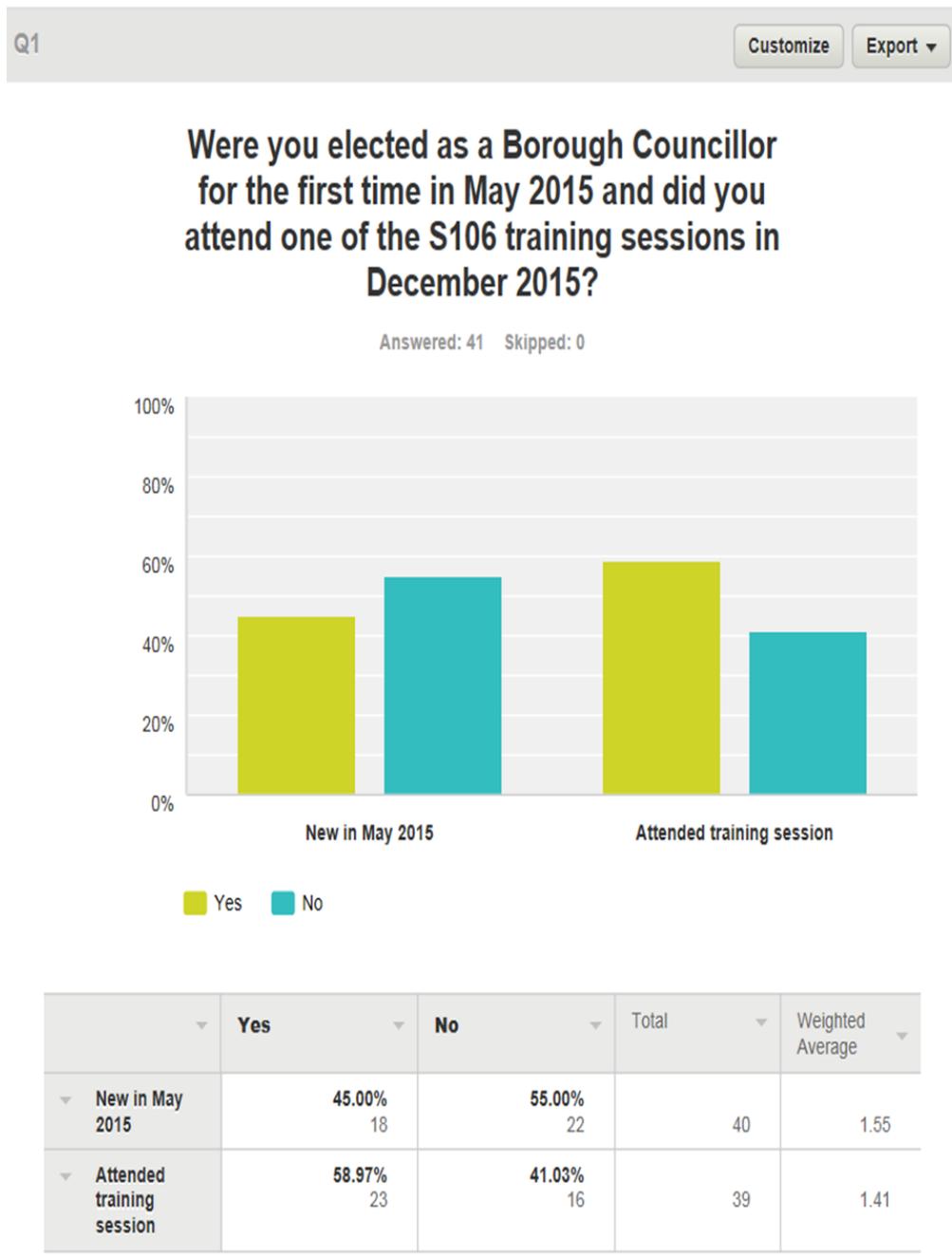
No

**10. Below is a section for you to provide any additional comments about your views and experiences with S106 Agreements, and any suggested improvements you would like the Task and Finish Group to consider:**



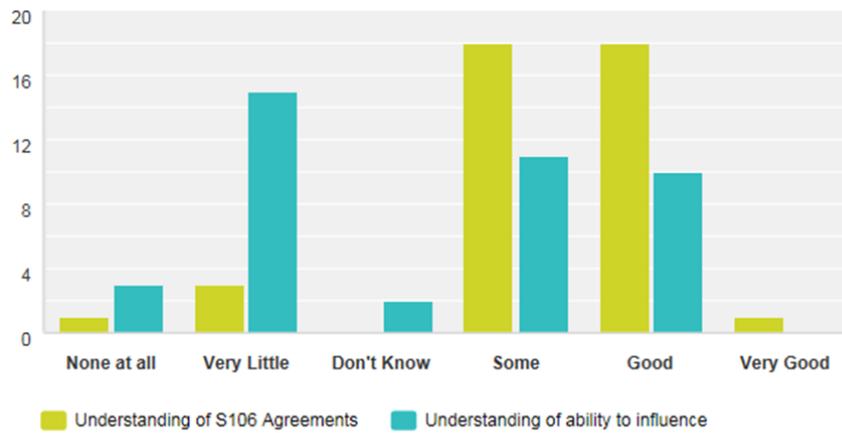
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**Appendix C – Member Survey Response Analysis (extracted from Survey Monkey)**



### How do you rate your understanding of Section 106 Agreements and your ability to influence the process as a Borough Councillor?

Answered: 41 Skipped: 0

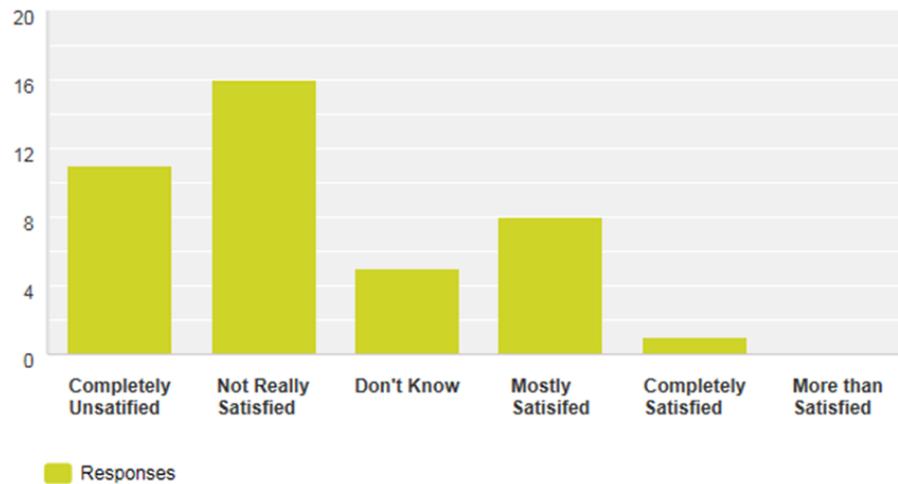


	Understanding of S106 Agreements	Understanding of ability to influence	Total	Weighted Average
None at all	25.00% 1	75.00% 3	4	0.00
Very Little	16.67% 3	83.33% 15	18	1.00
Don't Know	0.00% 0	100.00% 2	2	2.00
Some	62.07% 18	37.93% 11	29	3.00
Good	64.29% 18	35.71% 10	28	4.00
Very Good	100.00% 1	0.00% 0	1	5.00



### Are you satisfied with the level of engagement in your ward regarding Section 106 Agreements (e.g. with town and parish councils)?

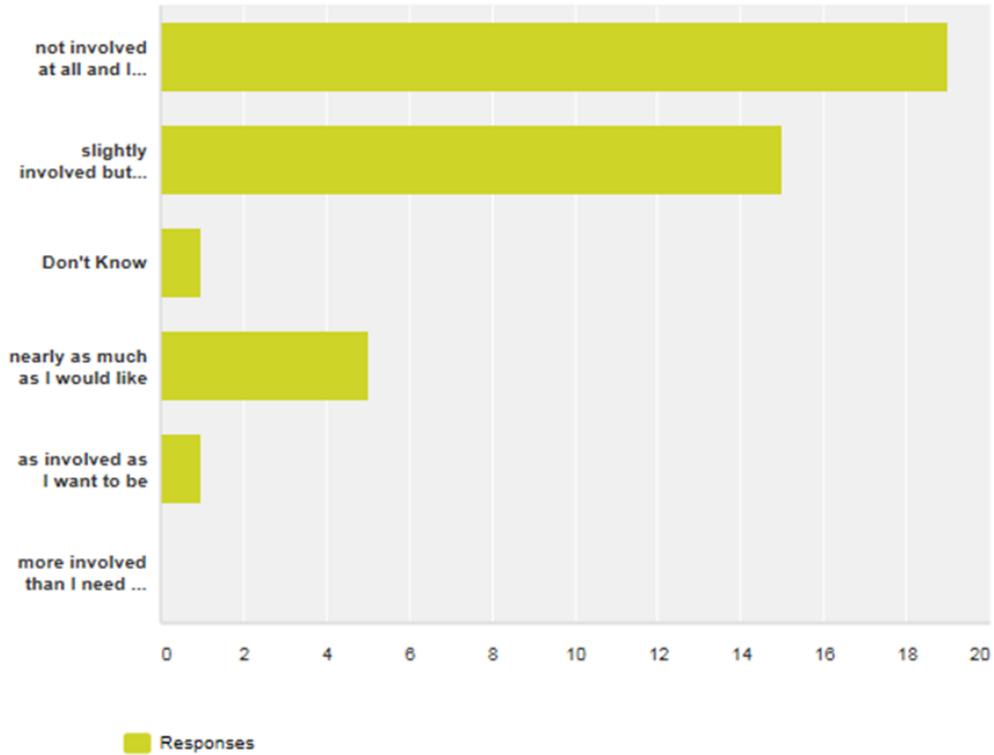
Answered: 41 Skipped: 0



	Responses	Total	Weighted Average
Completely Unsatisfied	100.00% 11	11	0.00
Not Really Satisfied	100.00% 16	16	1.00
Don't Know	100.00% 5	5	2.00
Mostly Satisfied	100.00% 8	8	3.00
Completely Satisfied	100.00% 1	1	4.00
More than Satisfied	0.00% 0	0	5.00

### Do you feel sufficiently involved in the spending of \$106 funds by services in your area?

Answered: 41 Skipped: 0



	Responses	Total	Weighted Average
not involved at all and I think I should be	100.00% 19	19	0.00
slightly involved but not as much as I would like	100.00% 15	15	1.00
Don't Know	100.00% 1	1	2.00
nearly as much as I would like	100.00% 5	5	3.00
as involved as I want to be	100.00% 1	1	4.00
more involved than I need to be	0.00% 0	0	5.00

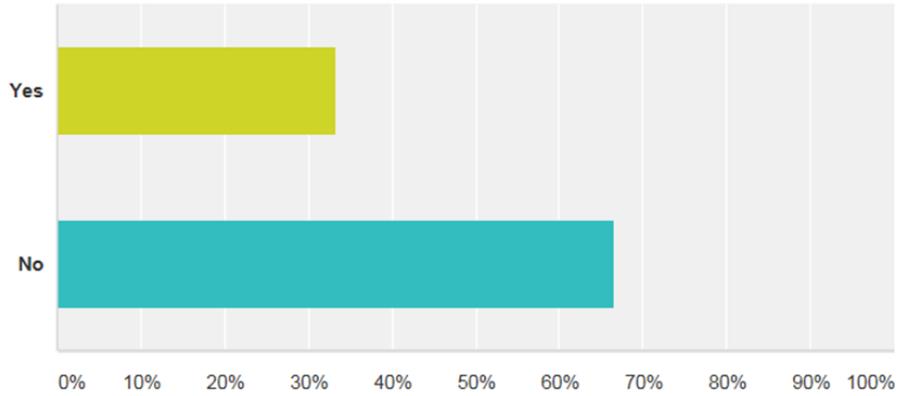
Q5

Customize

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### Do you know who to contact regarding S106 Agreements and schemes funded by them in your area?

Answered: 39 Skipped: 2

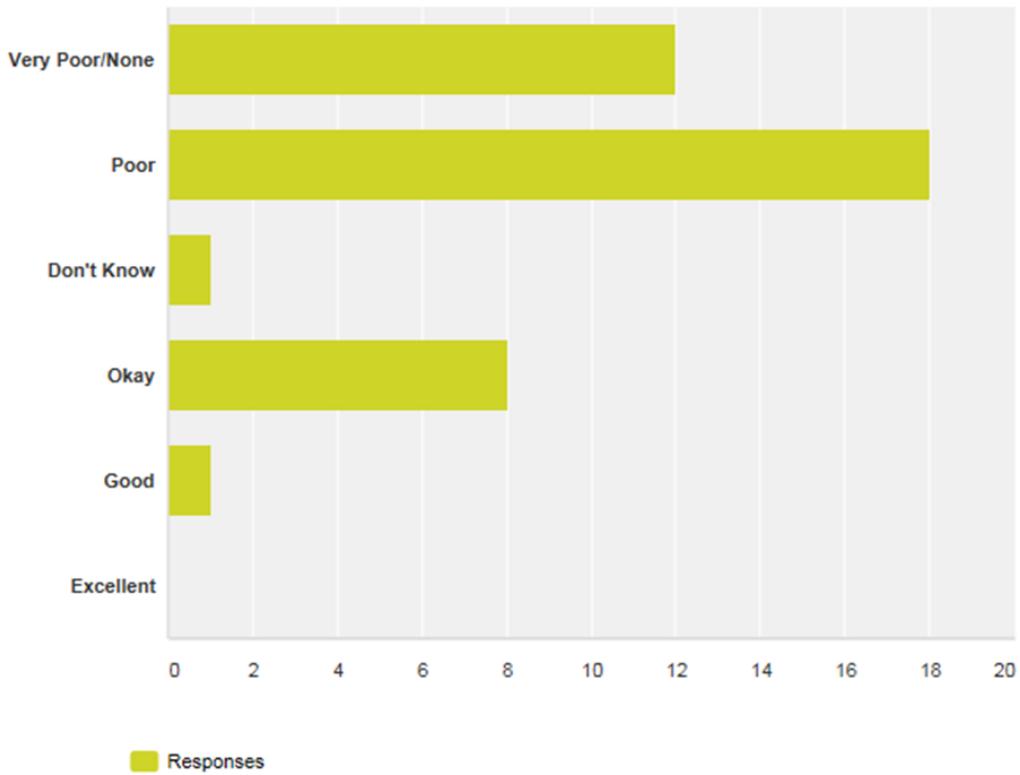


Answer Choices	Responses
Yes	33.33% 13
No	66.67% 26
Total	39

DRAFT

### How do you rate current communication regarding S106 Agreements?

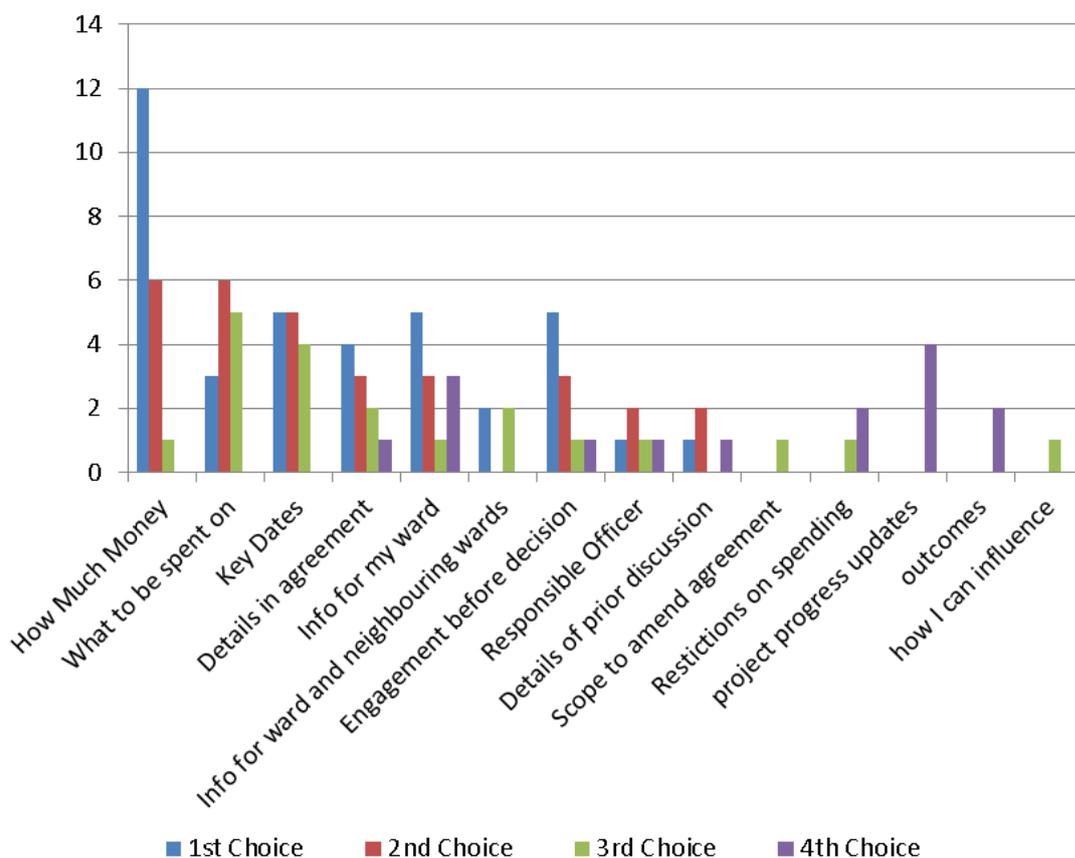
Answered: 40 Skipped: 1



	Responses	Total	Weighted Average
Very Poor/None	100.00% 12	12	0.00
Poor	100.00% 18	18	1.00
Don't Know	100.00% 1	1	2.00
Okay	100.00% 8	8	3.00
Good	100.00% 1	1	4.00
Excellent	0.00% 0	0	5.00

Question 7 What information would you like to receive regarding S106 Agreements?				
Response	1st Choice	2nd Choice	3rd Choice	4th Choice
How Much Money	12	6	1	0
What to be spent on	3	6	5	0
Key Dates	5	5	4	0
Details in agreement	4	3	2	1
Info for my ward	5	3	1	3
Info for ward and neighbouring wards	2	0	2	0
Engagement before decision	5	3	1	1
Responsible Officer	1	2	1	1
Details of prior discussion	1	2	0	1
Scope to amend agreement	0	0	1	0
Restictions on spending	0	0	1	2
project progress updates	0	0	0	4
outcomes	0	0	0	2
how I can influence	0	0	1	0

### Responses to Question 7



## Transcript of responses to Question 7

### 1<sup>st</sup> Choice (37 responses)

- |  |  |   |
|--|--|---|
| 1. Explanation as to what it is  | 22. How much is available  | 3. When will it become due  |
| 2. How much available  | 23. Up to date list and details of S106 Agreements and spend by dates                      | 4. Amount   |
| 3. What is the money for (i.e. education, open spaces)   | 24. Where money will be spent  | 5. Plans  |
| 4. Dates valid Till  | 25. Name of officer  | 6. Notice of any and all discussions between CEC and applicants re S106 agreements in my ward   |
| 5. Amount  | 26. Details of 106 discussions between planners and developers for applications in my Ward | 7. time limits  |
| 6. When/where planning officers feel that there is an opportunity to request S106 monies             | 27. where they are in all Crewe wards?   | 8. What were the criteria used to arrive at such allocation                                     |
| 7. criterea for spend  | 28. Amounts involved   | 9. Notifications in advance   |
| 8. The percentage of allocation to my ward   | 29. ward councillors informed when PA's will trigger S106's                                | 10. Current allocation by project   |
| 9. Agreements in my ward   | 30. The planning application number and description  | 11. General planning clauses to be implemented on all building contracts of more than 50 houses |
| 10. Current cash balance   | 31. All that is on the spread sheet and relevant to my ward on the adjacent wards          | 12. Areas of choice for spending  |
| 11. All Schemes available in my area (recently done)   | 32. More specific information regarding allocated funds                                    | 13. If there are any S106 agreements in my ward, what are they?                                 |
| 12. What monies become available   | 33. How much   | 14. whereabouts   |
| 13. Engagement necessary before any planning decision  | 34. Knowledge of when an application is received that may be subject to Sn106 agreement    | 15. details of the agreement  |
| 14. Are there any S106 agreements in my ward? (Crewe South)  | 35. How to be involved in the negotiations from an early stage                             | 16. Advised when they are agreed (in similar way to Planning Apps)                              |
| 15. value  | 36. Final details following approval of planning app.                                      | 17. Details of S106 money being delivered from projects, amounts and timescales                 |
| 16. date funds received  | 37. Amount that it affects ward work   | 18. Exact info re on what it can be spent   |
| 17. Detail re application to which they refer  |  | 19. Where it can be used  |
| 18. Any in Shavington Ward   |  | 20. Details of schemes already in place and contacts for scheme managers                        |
| 19. Knowledge that a development was going to create S106 money before the heads of terms are agreed |  | 21. The process by which members can participate in suggestion/decisions                        |
| 20. More regular info re amounts to spend  |  | 22. How much in ward  |

### 2<sup>nd</sup> Choice (30 Responses)

1. How it is applied
2. How much committed

- |  |   |  |
|--|---|--|
| 23. What they are planned to be spent on?  | 9. Mechanism for influencing allocations  | 4. review/discussion of outcomes   |
| 24. When an instalment arrives and how it is proposed to be spent  | 10. Quarterly updates and reminders of schemes about to expire                            | 5. The assurance that such allocation will be used primarily for the ward            |
| 25. ward councillors involved in decisions and timing of spend   | 11. How the above decision is arrived at  | 6. Updates on s106 supported projects etc.   |
| 26. The name of the officer Who would be dealing with the individual s106 scheme                                     | 12. Who is the key officer to contact about these agreements?                             | 7. General clauses allowing future AHG approved schemes to be covered                |
| 27. When to be spent by  | 13. content of agreement  | 8. More consultation with ward members   |
| 28. Details of monies that is not being spent by the relevant service department and timescales of anticipated spend | 14. Restrictions  | 9. Alerts when S106s are triggered   |
| 29. How much is available under existing schemes   | 15. Reminders when about to disappear   | 10. More contact info  |
| 30. Date signed by 'legal' as can be quite some time after planing app. approval                                     | 16. What it can be used for   | 11. Is there any possibility of widening the scope of use                            |
|  | 17. How my ward compares with others in the borough                                       | 12. funding formula details  |
|  | 18. Advance notice of any development in any Crewe ward where there will be a 106 payment | 13. A realisation form officers that Councillors know their towns and what they need |
|  | 19. Invitation to be involved in how the money is to be used                              | 14. Any constraints on individual s106 agreements                                    |
|  | 20. The date the s106 funding expires   | 15. In respect of which application  |
|  | 21. What allocated to (specifically)  | 16. Remaining time limit on existing schemes   |
|  | 22. What the money can be spent on  | 17. When complted.   |
|  | 23. Monitoring of various S106's in connection with a planning app.                       |  |

### 3<sup>rd</sup> Choice (23 Responses)

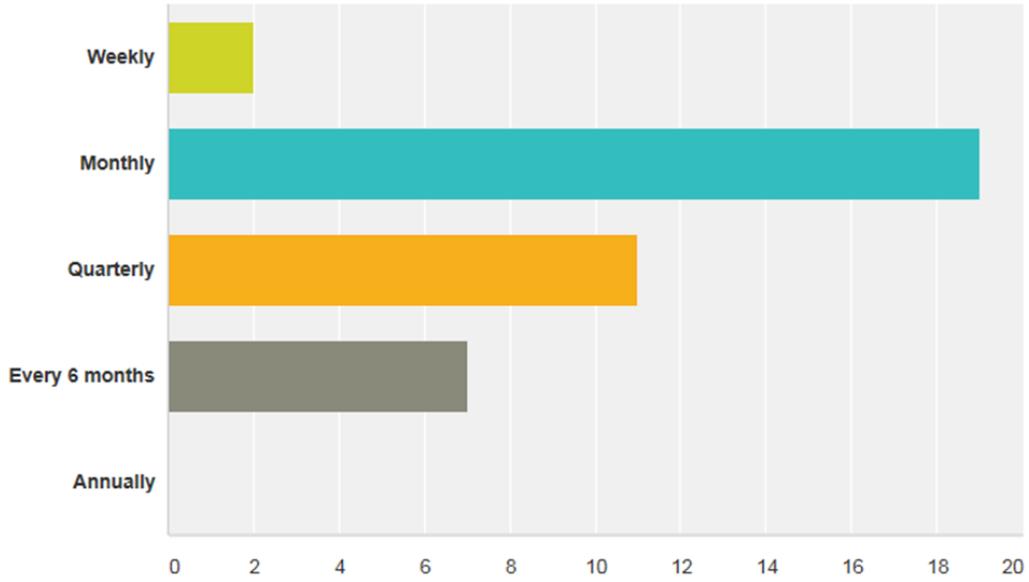
1. What it is for
2. How much spent last year
3. When will it expire
4. Areas / Locations where it can be allocated too
5. Openness to change of plans
6. areas it can be spent on
7. How many new homes were under radar for the allocation
8. Money not yet put to use

### 4<sup>th</sup> Choice (17 Responses)

1. How is it accessed
2. What projects are underway
3. Updates on progress

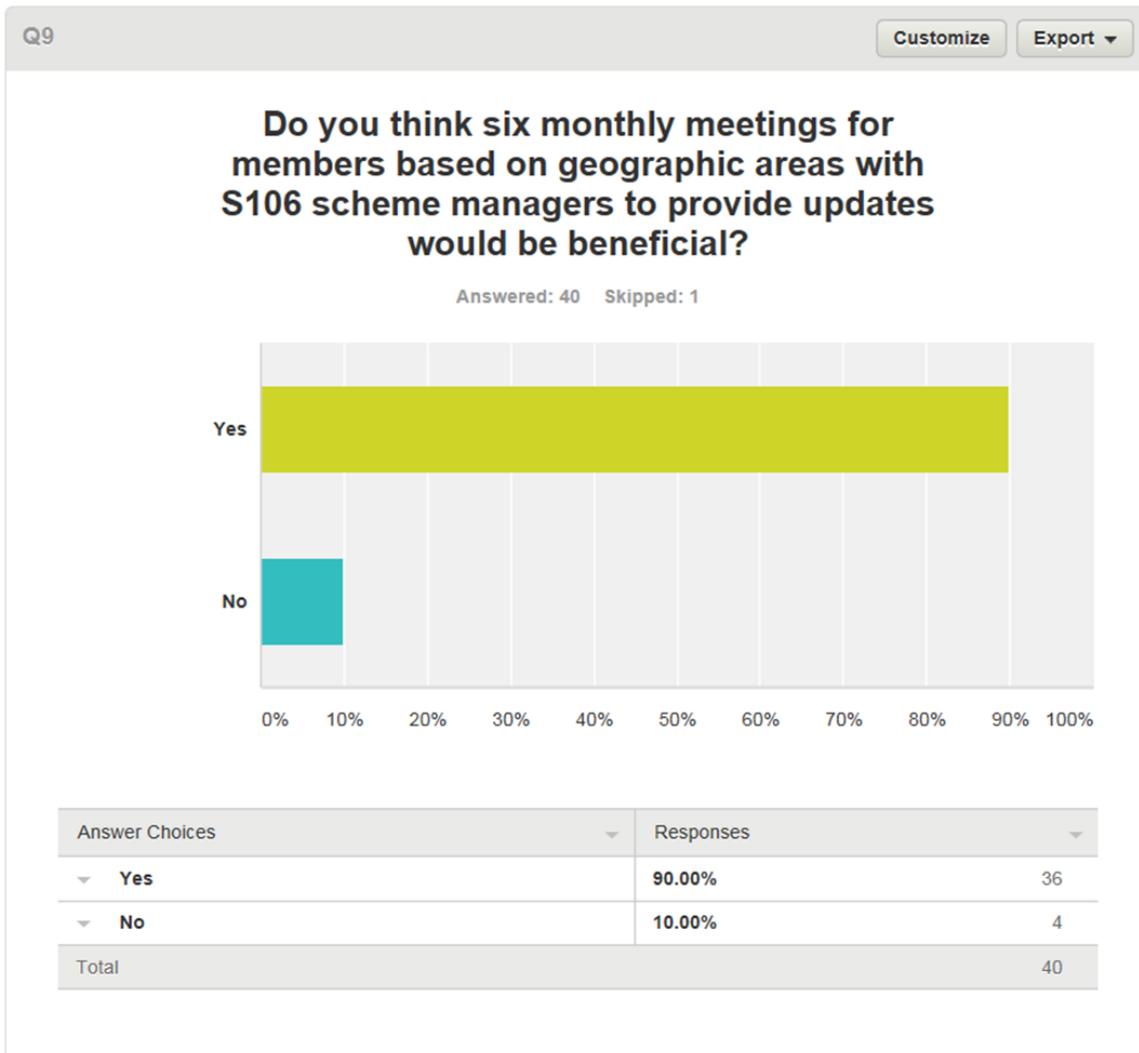
### How frequently would you like to be informed about S106 Agreements?

Answered: 39 Skipped: 2



Answer Choices	Responses
Weekly	5.13% 2
Monthly	48.72% 19
Quarterly	28.21% 11
Every 6 months	17.95% 7
Annually	0.00% 0
Total	39





### Transcript of Question 10 Responses

Below is a section for you to provide any additional comments about your views and experiences with S106 Agreements, and any suggested improvements you would like the Task and Finish Group to consider:

- Answered: 33
- Skipped: 8

1. Difficult to comment, I need training in order to understand the 106. Cannot ask questions or answer questions, I have had no information or training. I am a new Councillor, never stood before, I have a lot to learn.
2. How is the amount of money negotiated. How is the money attached to projects.
3. Annually would be better for members update. Very concerned that I thought this had already transferred to the CIL in which case is S106 money still going to be coming through? The members

do need to be clear whether seeking payments or areas under which route this is happening as I thought S106 had reached the end of the road!

4. Meetings should be held quarterly. 6 monthly meetings is too frequent and onerous on officers.
5. Local area needs and reasons for consideration or otherwise
6. Question eight misses the point. Information about S106 agreements should be forthcoming when there are (or potentially are) S106 agreements to be agreed.
7. I would hope that rather than officers waiting for councillors to request informations regarding S106, they would issue notices of such allocations to ward councillors. I appreciate the work load of officers, but notices once a quarter isn't asking too much?
8. Appalling. I have received no consultation and no s106 funds accrued from large planning applications have been signposted for a neighbouring ward for a park that does not need the investment. This in regard to the Bentley application to expand on the back of Minshull New Road. Rather than £40,000 being spent in Crewe St.Barnabas, it will be getting spent in Leighton. My protests fell on death ears. Brassed off! Cllr D Bailey
9. May there be scope and resources to develop a s106 page on the intranet for each ward that members and officers can access?
10. Meetings are not always possible or necessary to attend and should be supported with emailed updates
11. Meetings with developers in advance of development always seem to include statements they cannot hold to. Once development is underway to encourage no opposition giving false hope for improvements to the ward concerned.
12. I have asked Fiona Seddon about S106 agreements in my ward, and await an answer.
13. Cheshire East Ward members should be involved with the direction of any 106 monies when this is being discussed between officers and developers. There is no need for meetings about 106 monies thereafter as certainly I know about all the outstanding amounts in our ward and we are constantly dealing with projects which might use the outstanding funds. It is important that parish councils do not become involved with any of the spending of the money other than suggestions of how the money can be spent, otherwise we will have a chaotic system where we as Ward Councillors will not know what is going on and money could be spent on trivial things which are not money well spent. Officers must not be able to spend any of the money without the agreement of the Ward members. Control of the spending is every bit as important as having it hanging around almost forgotten but safe!

14. Ward members should be able to influence the content of the agreement. At the moment officers seem obsessed with the provision of unwanted play parks and potentially unsustainable maintenance agreements.
15. S106 monies should not be spent without informing Ward Members - there is too little involvement currently.
16. New members are not sufficiently briefed on S106 agreements in their Wards. More en
17. Early communication between CEC and local councils would be beneficial to both parties.
18. When is a replacement S106 officer to come on board Please let me have a copy of the ToR and project plan for this key innanative
19. There are few opportunities for S106 monies in my ward but I haven't had any input to the few that have been applied since the inception of CE. Q8 should have the question "Would you like to be informed every time an agreement needs to be made?"
20. It is extremely unsatisfactory that the position of S106 Officer has been vacant for 6 months during which time sums of money could have been lost. Members should be consulted on S106 Agreements and informed and have the facility to be involved in any resulting schemes.
21. My experience and knowledge of the process has been gleaned by happenstance and opportunity. Members need to assured that they are clearly part of the process.
22. We do not have large amounts in the urban areas but we are effected by decisions that are made for surrounding wards
23. Unfortunately I had to leave to go to another CE meeting just before the briefing ended and so I did not get the chance to ask a question about an issue which had been bothering me. I have been invited to a couple of pre planning meetings between planners and developers regarding proposed large developments in my Ward. I have declined and not attended as I was nervous of being in meetings where developers were getting advice and negotiating. The reason for my nervousness is that I have to attend and deal with residents and action groups who are objecting and it would not sit well if they knew that I had been in meetings with developers. I felt that I needed advice about this. I think that there should be a mechanism where local members can feed in local issues that could be addressed by 106 monies but not have to meet with developers. If there is an opportunity for members to do this already I have not found out about it during the 17 years that I have been a L A Councillor.
24. I represent the West Ward of Crewe, an area where there is little likelihood of new development. Yet infra-structure needs updating as the area is being effected by developments in nearby wards. The planning department needs to look at issue that effect wider areas, not just those local to the development. It should consult not just ward councillors but nearby ward Councillors. Crewe is large

enough to be a small city and it is time planners realised that and developed city type thinking. Meetings with Councillors should be quarterly not every 6 months.

25. More involvement of ward members.
26. This is a most secretive area, worthy of the Masons. The sooner all councillors are involved the more transparent and explainable to residents it will be.
27. I would also like 1:1 meetings with officers to keep up to date on the progress of schemes within my individual ward area. It would be helpful to have the information I've listed in Section 7 as an additional spreadsheet.
28. Here we go again. We did all this work 3 years ago and a comprehensive spread sheet listing the detail including the wards etc was completed only then to be buried.
29. Training was great, but still feels like agreements are mainly a done deal by the time we are told, which somewhat limits our ability to influence. Need to look more creatively at allocating resources e.g. Leisure not always on an on-site play area!
30. The six monthly meetings should be sufficient to allow Members to keep a watching brief
31. I would like Town and Parish Councils to be asked for their input and involved completely. Applicants to be put in touch with the ward members when a planning application involves a potential Sn 106 agreement. There has been a recent planning application in a deprived ward whereby the Sn 106 monies went to a more affluent ward - where in my opinion the need was not at all great and the ward member of the deprived ward was not even consulted. This is extremely unfair.
32. Realising it is a very difficult subject to keep a watch on all the S106's even relating to a single Ward it would be useful to create a spread sheet containing all detail however I would not wish to see a mammoth job creation put in place!
33. That in the past they have been treated almost as personal budget streams by officers and no input required from councillors especially play schemes and public space