

**Significant Risks Regarding Section 106 Agreements
as identified in February 2011 Audit**

Para ref	Recommendation	Categorisation
3.7	Planning officers in liaison with legal services should consider the implications to the Council of the Community Infrastructure Levy and the impact on s106 policy. There should be a clear interpretation of policy and law to enable officers to apply a consistent approach which maximises contributions in line with the legislation.	Significant
3.13	The development of a community 'priority list' created by Members in association with Town and Community Councils and officers should be considered.	Significant
3.21	Further development of the pre-application process including a formalised pre-application policy which requires applicants to submit a Heads of Terms with their application which includes designing a standard Heads of Terms template.	Significant
3.22	The Authority should develop a range of model clauses for s106 agreements and publish these with planning obligation policy on the Council Website.	Significant
3.23	To ensure that administrative delays are minimised Legal Services and Planning should improve processes from the point of committee approval of an application subject to completion of a s106 through to the point of issue of the decision notice.	Significant
3.26	The Authority should consider specifying in policy guidance and in planning committee reports that any s106 unsigned one year following the conditional approval by Planning Committee should be returned to Committee and be judged against the planning policies and supplementary guidance in force at that time.	Significant
3.27	A protocol on the role of Members should be developed to guide how they should be involved in s106 agreements.	Significant
3.28	A community engagement policy should be developed to include how the community and general public can be consulted and informed of s106.	Significant
3.29	Training should be offered to all Members on s106 and this should be extended to Town and Community Councillors.	Significant
3.33	There should be clear assignment of responsibility for each aspect of s106.	Significant

APPENDIX 1

Para ref	Recommendation	Categorisation
3.44	Local Planning Guidance Notes relating to s106 should be updated. Consideration should be given to preparing an over-arching planning obligations policy which includes the Authority's approach to viability analysis. Members should be involved and consulted in the policy design process and there should be early engagement of developers and stakeholders, such as Town and Community Councils.	Significant
3.50	LPG 13 needs to be updated to ensure that it meets the current requirements of the Authority and supports the delivery of the Play Strategy.	Significant
3.51	There should be consistent application of the thresholds in LPG 13 to ensure that the Authority is not missing out on contributions.	Significant
3.57	The Education LPG should be taken forward as a matter of priority and approved as an interim policy statement. Members should be involved and consulted in the policy design process.	Significant
3.66	A clear audit trail should be established across the Authority for s106 agreements which ensure consistent referencing and description to allow easy tracing of all transactions. A single reference number should be allocated and used by all departments.	Significant
3.67	Regular monitoring reports should be compiled which show what agreements have been signed, the progress of negotiating outstanding agreements and information on how signed agreements are being implemented. This will give confidence to all councillors and the community that their interests are being served and the benefits delivered.	Significant
3.68	There should be full and regular accounts of the receipt and spending of section 106 monies reported to senior officers and Planning committee members and available to all other local councillors.	Significant