

FOLLOW-UP OF SIAS RECOMMENDATIONS – ESSENTIAL REFERENCE PAPER “C”

<u>REVIEW AREA</u>	<u>RECOMMENDATIONS</u>	<u>PRIORITY</u>	<u>OFFICER & TARGET DATE</u>	<u>MANAGEMENT UPDATE</u>	<u>OPEN/ CLOSED</u>
Section 106 Agreements Oct 12	The Service Department Responsible Officer should ensure that contributions are used in accordance with the original agreement. Progress on spend should be monitored quarterly to ensure that agreed work has been undertaken. Monitoring should also ensure that eligible works have not been carried out using other Service Department budgets.	High	Head of Communications, Engagement and Cultural Services	Recommendation cleared by SIAS	CLOSED
	The Development Control Manager should identify all contributions which are more than 5 years old and where the money is unlikely to be spent for the original purpose. Meetings should then be held with the developer to discuss possible changes to the original agreement.	High	Development Control Manager (DCM)	Recommendation cleared by SIAS	CLOSED
	The S106 Monitoring Officer should record the clawback date on the shared spreadsheet and inform both the Service Department and Finance of the date by which the contributions should be spent.	High	S.106 Monitoring Officer	Recommendation cleared by SIAS	CLOSED
	For the older contracts (those over 5 years old), the Heads of Service should either: a) review the legal agreement to try to identify the purpose of the contribution; or b) Arrange a meeting with the Development Control Manager to agree the spending of the contributions to meet the documented spending criteria.	High	Development Control Manager	Recommendation cleared by SIAS	CLOSED
	Development Control Section and Service Department Officers should meet and clearly document what is required on each site and the specific purpose of each contribution.	High	Head of Planning and Building Control	Recommendation cleared by SIAS	CLOSED
	Process notes should be produced for the S106 process within Planning.	Medium	Development Control Manager & S.106 Monitoring Officer	Actioned	CLOSED

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	Roles and responsibilities of all departments involved in the S106 process should be documented to ensure that all parts of the process are completed for each contribution received.	High	Head of Planning & Building Control & Head of Communications, Engagement and Cultural Services	Recommendation cleared by SIAS.	CLOSED
	The S106 Monitoring Officer should continue to send out receipt of contribution emails to the responsible officers.	High	s.106 Monitoring Officer	Actioned	CLOSED
	The Development Control Officer who produces the document taken to the Development Control meeting for approval must ensure that a monitoring fee is always included on that document, currently £300 per clause to ensure that it is included in the agreement prepared by legal.	Medium	Development Control Manager and s.106 Monitoring Officer	Planning case officers reminded to ensure that appropriate requirement is included in report. Managers who check reports also reminded of need to ensure the matter is addressed.	CLOSED
	The S106 Monitoring Officer should check that all contracts include a monitoring fee. Even if a monetary figure has been omitted from the agreement, there is a clause which does state that the developer will pay a monitoring fee and therefore the local authority are entitled to this fee.			S106 Monitoring officer has been reminded of need to check this matter.	CLOSED
	The S106 Monitoring Officer should take care when checking the number of clauses that should be charged for and ensure that the monitoring fee is not included as a clause.	Medium	S.106 Monitoring Officer	As above	CLOSED
	The S106 Monitoring Officer should only keep “live” S106 contracts on the shared drive spreadsheet. All those that show contributions for other bodies, i.e. HCC, which have been received should be removed and all those for EHDC where the contribution has been received and all spent should also be removed.	Merits Attention	S.106 Monitoring Officer	Reminder sent.	CLOSED

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	The Head of Communications, Engagement and Cultural Services should pass the name of the responsible officer on to the S106 Monitoring Officer to add to the spreadsheet.	Merits Attention	The Head of Communications, Engagement and Cultural Services	The responsible officer for each spend project is identified on the monitoring form.	CLOSED
			The S.106 Monitoring Officer	S.106 Monitoring Officer now updates spreadsheet.	CLOSED
	The Accountancy Manager should ensure that a unique code is set up for all future monitoring fee contributions and all 2012/13 monitoring fee contributions are journalled to this code.	Merits Attention	Accountancy Manager	New code set up and 2012/13 monies transferred to it.	CLOSED