

Report to: **Scrutiny Committee**



Date of Meeting 7th March 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

S106 and CIL Resourcing Update

Report summary:

This is a brief report to update Members on progress with addressing resourcing issues involved in Section 106 obligations and CIL administration. This is further to a report to the Committee's meeting on the 7th September 2023 and subsequent resolutions from Cabinet on resourcing these key areas of work.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Members note the progress that has been made on addressing the resourcing of CIL and Section 106 work and note that a further update report will be brought to the committee in late summer 2024.

Reason for recommendation:

To ensure that Members are advised of progress in addressing the issue of resourcing Section 106 and CIL work as highlighted at previous meetings of the committee.

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information Previous Scrutiny Report - [070923 S106 CIL Resources and Processes 2023 Scrutiny.pdf \(eastdevon.gov.uk\)](#)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
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Background

This report seeks to update Members on progress in increasing staff resources associated with CIL and Section 106 work further to Members previous consideration of these issues at their meeting of the 7th September 2023. At that meeting Members made a series of recommendations as follows:

“RECOMMENDATIONS TO CABINET:

1. Recommend that Cabinet support the proposed revised S.106 Monitoring Fees charging schedule appended to the report [Report on Section 106 and CIL Resources and Processes] and recommend to Council that these charges be applied with effect to Section 106 agreements associated with planning applications received once the new charges have been published on the Council's website.
2. Recommend to Cabinet and to Council that the proposed Planning Obligations Team incorporating the existing CIL and Section 106 Officer posts and the proposed new Planning Obligations Manager and Planning Obligations Support Officer posts be created with the new posts to be funded from S.106 Monitoring Fees and CIL admin funds.
3. Recommend to Cabinet that the current spend process for S.106 receipts for spend in the community on play areas, open space and other community spaces be amended as per option 2 as detailed in the report and delegated authority be given to the Assistant Director – Planning Strategy and Development Management to issue best practice guidance on the Council's website on how Town and Parish Councils should engage their communities on spend decisions.
4. Recommend to Cabinet that an interim solution be found to put resources in place as soon as possible in respect of dealing with the approximately 150 outstanding cases where a notice of payment has been issued and monies remain outstanding.

The following was then agreed:

RESOLVED:

1. That the Scrutiny Committee receive an update report in late Summer 2024 to advise of progress in forming the new planning Obligations Team and their progress in addressing the issues highlighted in the report, and
2. That the Scrutiny Committee receive an interim update on progress in February 2024 as a matter of urgency.”

This report responds to resolution 2 above.

Current position

Further to the above resolutions the revised monitoring fees schedule has now been adopted and published on the Council's website and these charges are now being sought on new Section 106 agreements coming forward in the district.

In terms of staff resources, two additional temporary members of staff have been appointed in addition to the agency Section 106 Monitoring Officer who has been in post since early last year. This additional resource constitutes a full time CIL Officer and a part time Section 106 Officer who is working 20 hours a week. These additional resources have only been in place for a couple of weeks at the time of writing and were identified following an extensive recruitment process, however it is hoped that they will help in the short term to reduce the backlog of work in this area. Priorities for this extra resource are to help to recover outstanding S106 monies, assist in S106 monitoring tasks, assist with the issuing of CIL liability notices and checking of exemption applications. The agency support is also helping with answering incoming queries from town and parish councils.

In terms of the permanent roles referred to in the previous report a lot of work has gone into completing job descriptions and person specifications for these roles and then having these posts reviewed for job evaluation processes to determine an appropriate pay scale for each of them. Unfortunately following this work, it was too late to advertise the posts at the end of last year but they were advertised early this year. Advice from human resources was also to wait until the new year given how many people are often looking to change roles as part of the plans at the start of a new year. The adverts for the posts recently closed and we have a small number of applicants for each post with the exception of the support officer role where we had a large number of applicants. Officers have now shortlisted the candidates for these posts and are due to interview candidates before the end of February.

Members will be provided with a verbal update on the recruitment process at their meeting, but it is hoped that by the time of the committee meeting that the posts will have been offered to the successful candidates and we will be able to start to make plans for when the new officers arrive.

Recommendation 3 relates to revisions to the best practice guidance on the Council's website covering engagement with town and parish councils on the spend of Section 106 monies. It has not been possible to formally review the guidance and engage with town and parish councils on this work due to the limited staff resources available. It is intended to formally review and update this guidance once the permanent posts have been filled. In the meantime, town and parish councils are being advised that we will apply the principles of the new approach given the resourcing issues. This generally means that town and parish councils are encouraged to briefly set out how they intend to engage with their community so that we can review the approach and ensure that it meets the principles set out in the report to committee on the 7th September 2023. This approach seems to be working well as a short-term arrangement to minimise delays, but it is acknowledged that reviewing this guidance and resourcing spend work needs to be a priority for the new team once in place.

With the recruitment process well advanced attention is now moving to developing a work programme for the team for their first 6 months in post. This will include the review of the guidance referred to above, but also supporting the work of the proposed TAFF. At the time of writing, it is not known when the new recruits will be able to start work, but the intention is to bring a further update to members in the summer setting out the position at that time and a work programme for

the team. We look forward to working with Members through that forum to resolve the issues raised with the Section 106 and CIL service and develop a team with systems and processes in place that are fit for purpose and can meet the expectations of Members and our communities.

Financial implications:

There are no direct financial implications arising from this report.

Legal implications:

There are no legal implications arising from this update report