

Proposal form for items for consideration by Overview Committee



Submitted by: Cllr Paul Millar

Date submitted: 30/09/2021

Item for Consideration: CIL/S106 Participatory Budgeting Policy

Expected outcome (i.e. new policy, new action, new partnership, improve the performance of other public bodies or of the Council in relation to its policy objectives, performance targets and/or particular service areas):

New CIL/S106 policy, new partnership with Town/Parish Councils

Priority for matter to be considered (please tick):

High (up to 3 months)	X
Medium (3 to 6 months)	
Low (over 9 months)	

Basis on which priority has been set:

The suggested item should be included in future programme(s) because: (please tick as appropriate)

a) It is a district level function over which the district has some control	X
b) It is a new policy area or service area of activity to be developed and introduced	
c) It is a policy area which has been required for some time and is due for development	
d) It is a major proposal for change	X
e) It is an issue raised via complaints received	X
f) It is an area of public concern	X
g) It would be of benefit to residents of the district	X

Which of the Council's objectives does the issue address?:

All

Is there a deadline for the Council to make a decision? (If so, when and why?): No, but as soon as possible.

Members are requested to provide information on the following:-

What do you wish to achieve from the review?:

Revised CIL/S106 decision-making process

Are the desired outcomes likely to be achievable?:

Yes

Will it change/increase efficiency and cost effectiveness?:

Potentially, but more relevant is democracy and transparency.

Additional information – an explanatory sentence or paragraph to be provided below to support each box which has been ticked:

It is a district level function over which the district has some control

"East Devon District Council is the organisation that is legally accountable for Section 106 monies on play, open spaces and sports being spent, and being spent correctly."

'Participatory Budgeting' Guide - <https://eastdevon.gov.uk/community-engagement/participatory-budgeting/guide-for-town-and-parish-councils/how-can-we-access-play-open-space-and-sports-money/#article-content>

It is a major proposal for change

I am proposing that East Devon District Council and Ward Members assume greater control of arranging consultations and deciding which play parks, and projects, ought to go out to consultation.

Currently decisions are devolved to Town and Parish Councils, many if not all of which meet behind closed doors when designing, debating and deciding projects for allocations of CIL/S106 spend. Only EDDC officers are able to attend these meetings.

Ward Members at EDDC, the authority legally accountable for S106 monies, have very little if no say unless they are on the town/parish council and the relevant 'Steering Group'. This is neither transparent nor democratic.

I am proposing that there still be a role for representatives of Town/Parish Councils and Councillors in steering groups but that these be partnership groups between the District and Town/Parish Councils.

It is an area raised via complaints received / it is an area of public concern

While I was Portfolio Holder for Democracy & Transparency, a local resident got in touch with me to complain about the process with Exmouth Town Council, with meetings held behind closed doors and an attempt made by one Town/Parish Councillor to remove a project.

Clearly one of the issues here was the meeting being held privately, but it did lead me to the 'Guide to Town and Parishes' which states that they are not aware of any other local authority in the country that allows the towns/parish councils to make the decisions on how this funding is spent.

The fact that East Devon District Council is the only Council in the country pursuing this policy is a potential concern. Therefore I wish for it to be reviewed, with more of an emphasis on Ward Member involvements in each town/parish, and meetings in public.

CIL/S106 is a very important area for residents as the cuts to local government means many open spaces are rife for investment. Therefore, it is crucial to my mind that decision-making even prior to public

consultation is taken in meetings which are open to the public (so that the exclusion of unsuitable projects is transparently decided).

It would benefit the residents of the District

Transparency leads to better decision-making. For residents interested in the process which gets us to consultations, public meetings would be helpful to them, but this may be too much of a burden on Democratic Services.

However, a review of the processes would no doubt be a potentially good thing, even if it results in just an increased role for EDDC Ward Members in closed 'Steering Group' meetings (which should in my view be a partnership between EDDC and Town/Parish Councils before decisions / public votes are undertaken).

Here is an example of a review undertaken by another authority (although I am not suggesting we set up a task group to do this - however, a report to the next Overview Committee would be welcome - <https://democracy.brent.gov.uk/mgAi.aspx?ID=21616>)

Please can you return the completed form to Democratic Services via email to democraticservices@eastdevon.gov.uk.

MONITORING OFFICER COMMENTS

It is clearly open for the Committee to consider the policy approach to the spending of CIL / S106 receipts and whether there may wish to be a review / revised policy approach.

Date: 4 October 2021