

Title of meeting: Planning Committee

Date of meeting: 1 October 2014

Subject: S106 Monitoring Charges

Report by: City Development Manager

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1 To inform the Planning Committee of the proposed charges for monitoring S106 Legal Agreements.

2. Recommendation

- 2.1 That the Planning Committee notes the proposed charging scheme

3. Background

- 3.1 The city council regularly enters into S106 Legal Agreements with developers as part of the development management process. These legal agreements most commonly bind the developer to take particular actions, to deliver infrastructure relevant to the specific development, or to make payments to the city council at certain points during the development. Occasionally, agreements will place restrictions on the future use of the development.
- 3.2 They bring with them the need to monitor compliance, which has resource implications for the city council. It is now common for local authorities to charge a fee for the monitoring phase of these agreements. To date charges for these costs have been made on a case by case basis in Portsmouth. This is not efficient in terms of resources, neither does it give applicants any certainty as to the likely costs.
- 3.3 It is therefore proposed that a charging scheme should be published, which makes clear the monitoring charges that will apply to different types of terms in S106 agreements. Charges are based on an estimate of the officer time spent to monitor each agreement and a cost recovery basis.

3.4 It may be necessary from time to time to update the charges. The revised charges will be published on the city council's website.

4. Reasons for recommendations

4.1 The current system of negotiating monitoring charges for S106 agreements is inefficient in terms of resources and not transparent for applicants. Publishing a charging schedule will make clear to all parties involved in the process what the charges will be.

5. Equality impact assessment (EIA)

5.1 The proposed S106 monitoring charges standardise a system of charging which is already in place. As such, there is no change in policy, and therefore an EIA is not required.

6. Legal Implications

6.1 Requiring a developer to make a payment commensurate to the cost to the Council of monitoring compliance with the requirements of a Section 106 Agreement is justified and lawful because it reduces the cost to the Council of permitting development applications subject to Section 106 obligations. The transparency afforded by publishing the charging schedule ensures that the process of making such charges is fair in itself.

7. Finance Comments

7.1 The S106 monitoring charges proposed reflect the full cost to the Council of providing this service. The charges will be reviewed annually and updated as necessary.

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Signed by:

Appendices: Proposed S106 Monitoring Charges

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

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Signed by: