



Scrutiny Review 2009/10: Section 106 Agreements

Terms of Reference

- 1 **Proposed Subject:** Review of the role of Town and Parish Councils, and other third parties, in determining the scope and content of Section 106 agreements and the application of funds received.
- 2 **Why suggested?:** Current Scrutiny Committee work programme and Minute 33 of meeting held on 2 April 2009
- 3 **Remit**
 - (a) To consider the status and role of Town & Parish Councils, and other third parties to the planning process, in planning applications which may involve an agreement under Section 106 of the Town & Country Planning Act 1990.
 - (b) To consider any ways in which the role of Town & Parish Councils, and other third parties, in determining the scope and content of Section 106 agreements could be enhanced.
 - (c) To consider any ways in which the role of Town & Parish Councils, and other third parties, in determining how funding and other benefits from Section 106 agreements are spent and monitored, could be enhanced.
- 4 **Scope and content (e.g. areas to cover, activities to be undertaken, possible consultees)**
 - (a) **Status and role**
 - Review the current law relating to Section 106 agreements, and current policies and practices at LDC.
 - Review policy and practices at selected other local authorities in East Sussex, and in LDC's Audit Commission "family group", and any other relevant or useful examples of good practice from elsewhere.

- Provide summary overview of the role of Town & Parish Councils, and other third parties, in the Section 106 agreement process.
- Identify any items of good practice from other areas which might be considered in Lewes District.

(b) Scope and content

- Identify, and assess the advantages and disadvantages of, possible mechanisms to enhance the role of Town & Parish Councils, and other third parties, in determining the scope and content of S.106 agreements.
- Consider any recommended changes to LDC policy and practices.

(c) Allocation of funds and benefits

- Identify, and assess the advantages and disadvantages of, possible mechanisms to enhance the role of Town & Parish Councils, and other third parties, in allocating and monitoring funds and other benefits for Section 106 agreements.
- Consider any recommended changes to LDC policy and practice.

Consultees will include Town & Parish Councils in the LDC area; other local planning authorities in East Sussex and in the Audit Commission “family”; and the Planning Service User Group.

5 Priority: Medium

Report to Cabinet: 24 March 2010
Report to Council: 12 May 2010

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