

HARBOROUGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE SCRUTINY PANEL – RESOURCE DEVELOPMENT

held in the Council Chamber,
Adam and Eve Street, Market Harborough

26th April 2012

commencing at 6.30p.m.

Present:
Councillor Holyoak.

Councillors: Bannister, Evans, Hall, Johnson, Knowles, Mrs. Page and Smith.

Officers: E. O'Neill, S. Pointer and V. Wenham.

593 MINUTES

The Panel noted that the following requests for information, from its Meeting on 15th December 2011, remained outstanding:

Re. Item 10128 (Recreation Strategy) shown on page 15 of Appendix A to the report: Can the Panel be provided with further information on how Arts Fresco is funded?	K. Mehta, Deputy Chief Executive and Section 151 Officer, agreed to provide a written response to all members of the Panel within four weeks of the date of this Meeting.
Re. Item 10188 (Homelessness) shown on page 15 of Appendix A to the report: Can the Panel be provided with further information on how the £76, 554 shown has been spent?	K. Mehta, Deputy Chief Executive and Section 151 Officer, agreed to provide a written response to all members of the Panel within four weeks of the date of this Meeting.

RESOLVED that: the Minutes of the Meeting of the Scrutiny Panel – Resource Development held on 9th February 2012 be taken as read and signed by the Chairman as a true record.

594 SECTION 106 PROCEDURES

The Planning Committee, at its Meeting on 20th December 2012, recommended that:

“the Scrutiny Panel for Resources examine the Council’s procedures for handling Section 106 agreements to ensure that these are fit for purpose. The proposed variation of the above Section 106 agreement [Airfield Farm, relating to the provision of a showgroud] should be used as a case-study in this report.”

Council Minute 351 2011/12

The Panel was joined by S. Pointer, Planning Policy Manager, and V. Wenham, Head of Legal and Democratic Services.

The Panel noted that:

- (i) **at its Meeting on 28th February 2012, the Constitutional Review Committee recommended to Council that:**

“all potential/requested variations to, or non-compliance with, Section 106 agreements be notified by Officers to the Chairman of the Planning Committee and relevant Ward Member(s). This notification should include copies of documents that show the proposed changes/amendments. The Chairman of the Planning Committee and Ward Members will have seven working days to submit any comments and/or, where it is felt necessary, to request that the item be recalled to the Planning Committee for consideration and decision.”

Council Minute 517 2011/12

- (ii) regarding the Airfield Farm case: the developers had asked for an Extension of Time, not a variation of a Section 106 agreement.

The Panel RECOMMENDED that:

- (i) **Council resolve the recommendation from the Constitutional Review Committee (see Minute 517 2011/12, set out above).**
- (ii) **In addition to (i), Ward Members be consulted on, and be involved with, Section 106 agreements from when they are first proposed.**
- (iii) the named Officers in the document ‘Planning Obligations Developer Guidance Note’, be removed and replaced with the names of posts. This should negate the need to update the document following Officers retiring/resigning.
- (iv) wording should be added to the document ‘Planning Obligations Developer Guidance Note’ to state that it should be expected that future Section 106 agreements would have a bond attached. Although the policy indicates a presumption that bonding will be used, the Council may exercise its discretion. It was recommended that some guidance be produced on when the Council may use its discretion. The Panel recommended that the proposed wording and guidance should come back before it before any amendments were made.
- (v) the Council consider which post would administer the Community Infrastructure Levy functions (at the time of the Meeting no nominated Officer was in post).
- (vi) it be provided with updates on the URS Infrastructure Study at appropriate stages.

The Meeting ended at 7.45p.m.