

PLANNING OBLIGATIONS - QUARTERLY FINANCIAL MONITORING REPORT

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Planning, Transportation and Recycling
Report Author	Nicola Wyatt Planning, Environment, Education and Community Services
Papers with report	Appendix 1 - attached

HEADLINE INFORMATION

Purpose of report	This report provides financial information on s106 and s278 agreements up to 31st December 2010 against respective portfolio areas.
Contribution to our plans and strategies	Planning obligations are an established delivery mechanism for mitigating the effect of development, making it acceptable in planning terms and achieving the aims of the Community Strategy and other strategic documents that make up the Local Development Framework.
Financial Cost	The Council currently holds £14,063,524 relating to s106 and s278 agreements. Of this £7,042,879 is allocated/earmarked for projects and £3,659,551 relates to funds that the Council holds but is unable to spend directly, leaving a residual balance of funds that the Council holds of £3,361,094 that is currently spendable and not yet allocated/earmarked towards specific projects. In Quarter 3, the Council has received additional income of £937,124 and spent £176,798.
Relevant Policy Overview Committee	Residents' and Environmental Services
Ward(s) affected	All

RECOMMENDATION

That the Cabinet notes the updated financial information attached at Appendix 1.

INFORMATION

Reasons for recommendation

Circular 05/05 and the accompanying best practice guidance requires local planning authorities to consider how they can inform members and the public of progress in the allocation, provision

and implementation of obligations whether they are provided by the developer in kind or through a financial contribution. This report details the financial planning obligations held by the Council and what progress has and is being made in allocating and spending those funds.

Alternative options considered

To not report to Cabinet, however, it is an obvious example of good practice to monitor income and expenditure against specific planning agreements and ensure that expenditure takes place in accordance with the parameters of those agreements.

Comments of Policy Overview Committee(s)

The Committee did not ask to comment on the report.

Supporting Information

1. Appendix 1 provides a schedule of all agreements on which the Council holds funds. The agreements are listed under Cabinet portfolio headings. The appendix shows the movement of income and expenditure taking place during the financial year; including information at 30 September 2010 (which was subject of the report in December 2010) as well as up to 31 December 2010. Text that is highlighted in bold indicates key changes since the Cabinet report of 16 December 2010. Figures indicated in bold under the column headed 'Total income as at 31/12/10' indicate new income received. (Shaded cells indicate where funds are held in an interest bearing account) The table shows expenditure between 1 September and 31 December 2010 of £176,798 (compared to £359,001 during the previous quarter) and income of £937,124 (compared to £228,194 during the previous quarter) within the same period.

2. The balance of s278/106 funds that the Council held at 31 December 2010 is £14,063,524. It should be noted that the 'balance of funds' listed, i.e. the difference between income received and expenditure, is not a surplus. Included in the balance at 31 December 2010 are those s278/106 funds that the Council holds but is unable to spend for a number of reasons, such as cases where the funds are held as a returnable security deposit for works to be undertaken by the developer and those where the expenditure is dependant on other bodies such as transport operators. The column labelled "balance spendable not allocated" shows the residual balance of funds after taking into account funds that the Council is unable to spend and those that it has allocated to projects. The 'balance of funds' at 31 December 2010 also includes funds that relate to projects that are already underway or programmed, but where costs have not been drawn down against the relevant s106 (or s.278) cost centre.

3. In summary, of the 'total balance of funds' that the Council held at 31 December 2010 (£14,063,524) £3,659,551 relates to funds that the Council is unable to spend and £7,042,879 is allocated/earmarked for projects, leaving a residual balance of funds that the Council holds of £3,361,094 that is currently spendable and not yet allocated towards specific projects.

4. It was not possible to report this information to the Cabinet at any earlier meeting because the reporting deadlines were prior to the receipt of reconciled financial information.

Financial Implications

5. The S106 balance as at 31 December 2010 is £14,063k. The detail is shown in Table A below. This includes sums (£3,660k) of which the delivery of projects/schemes is dependent on the council's partners, eg PCT/TFL. Of the £ 7,042k earmarked/allocated to projects £2,670k,

excluding S278 fees, is currently estimated to be spent in 2010/11. The balance of £3,361k is yet to be allocated. Over the last quarter (December) the income received was £937k.

Services	Balance b/fwd (1/04/10)	Income Rec'd	Total	Spend	Month 9 Outturn	Balance c/fwd (31/12/10)	Allocated balances	To be allocated
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
S278								
Planning, Transportation & Recycling	1,380	196	1,576	172	206	1,404	1,404	0
S106								
Planning, Transportation & Recycling	2,950	14	2,964	257	294	2,707	2,465	242
Culture, Sports & Leisure	399	362	761	0	40	761	389	372
Education & Children Services	5,136	772	5,908	0	1,620	5,908	3,408	2,500
Improvements, Partnerships, & Community (PPR)	1,251	0	1,251	55	72	1,196	1,134	62
Environment	1,049	214	1,263	199	378	1,064	879	185
Social Services, Health & Housing	811	272	1,083	60	60	1,023	1,023	0
Sub total	12,976	1,830	14,806	743	2,670	14,063	10,702	3,361
Less: Money held on behalf of partners	3,479	181	3,660	0	0	3,660	3,660	0
Total LBH	9,497	1,649	11,146	743	2,670	10,403	7,042	3,361

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

7. The recommendation ensures transparency and assures probity in the area of planning obligations, thereby promoting public confidence.

Consultation Carried Out or Required

8. There are no external consultations required on the contents of this report.

CORPORATE IMPLICATIONS

Corporate Finance

9. A corporate finance officer has reviewed the report and the financial status of Section 106 and Section 278 agreements up to 31 December 2010 contained within it. The recommendation to note this monitoring information report has no financial implications.

10. While there is currently an unallocated balance of £2,500k under Education & Children's Services, it is anticipated that a significant proportion of these funds relating to Primary Schools would be available to support the on-going Primary School Expansions programme.

Legal

11. The monies referred to in this report are held by the Council for the purposes specified in each of the relevant legal agreements. Such monies should only be spent in accordance with the terms of those agreements. Where monies are not spent within the time limits prescribed in those agreements, such monies should be returned to the payee. Where officers are unsure whether monies held pursuant to particular agreements can be used for particular purposes, Legal Services should be consulted for advice on a case by case basis.

Corporate Landlord

12. The Corporate Landlord Department has reviewed this report and confirms that there are no direct property implications for the Council, arising from the recommendation.

BACKGROUND PAPERS

ODPM Circular 05/2005 'Planning Obligations'

District Auditor's "The Management of Planning Obligations" Action Plan May 1999

Monitoring Officers Report January 2001

Cabinet Report December 2002 / March 2003 / October 2003 / January 2004 / June 2004 / September 2004 / November 2004 / March 2005 / July 2005 / October 2005 / December 2005 / March 2006 / July 2006 / September 2006 / November 2006 / March 2007 / July 2007 / September 2007 / December 2007 / March 2008 / June 2008 / September 2008 / December 2008 / March 2009 / June 2009 / September 2009 / December 2009 / March 2010 / June 2010 / September 2010 / December 2010