

**Notes of the Scrutiny and Overview Committee**  
**Business Improvement Working Group**  
**10<sup>th</sup> February 2015**

**Present:** Councillors: Brian O'Connell (Chairman), John Chidlow (Vice-Chairman), David Coldwell, Matthew French, Nigel Jupp, Godfrey Newman, Michael Willett

**Apologies:** Councillors: Paul Clarke, Jonathan Dancer, Tony Hogben, David Jenkins

**Also present:** Councillors: Leonard Crosbie (Chairman of Scrutiny & Overview Committee), Brian Donnelly (Cabinet Member for Finance & Asset)

**Officers:** Aidan Thatcher, Development Manager

**1. MINUTES**

The notes of the meeting held on 12<sup>th</sup> January were approved as a correct record.

**2. DECLARATIONS OF INTEREST**

Councillor Godfrey Newman declared a personal interest because he lives on Highwood Estate, the Berkeley development.

**3. ANNOUNCEMENTS FROM THE CHAIRMAN OR CHIEF EXECUTIVE**

There were no announcements.

**4. REVIEW OF THE S106 PROCESS**

The Working Group compared the Heads of Terms of the three S106 agreements which had been requested at the previous meeting: the Berkeley development (Highwood, land West of Horsham); the Countryside development (Wickhurst Green, land South of Broadbridge Heath); and the Crest development (Kilwood Vale, land West of Bewbush).

The extent to which they varied from each other, in particular Kilwood Vale which included provision for Crawley, was noted.

Members discussed the value of using a template S106 agreement and the Development Manager confirmed that templates were often used, although these were not always appropriate because of the unique nature of many

4. Review of the S106 Process (Cont.)

developments. The Chairman agreed that the use of a standard template for all S106 agreements would not benefit the process, given the number of variables between each case.

The Working Group was mindful of the Housing and Planning Bill, which would lead to some changes in the way S106 agreements are negotiated.

Members discussed the North of Horsham development, which would be the largest scheme ever seen in the District, requiring significant new infrastructure. The Chairman confirmed that there would be full Member briefings during every stage of the North of Horsham process.

Members requested a breakdown on what was established at outline stage and then at reserved matters stage. The Development Manager confirmed that a seminar regarding parameter plans, which would include information on the outline and reserved matters stages, had already been timetabled for a future Member Seminar.

At outline stage, affordable housing provision was negotiated as a percentage of total units, not as a monetary value. This was government policy and reflected that of the local policy framework within the HDPF. Any monetary value could only be indicated through a voluntary agreement with the developer and there are issues using this approach as development costs change over time (up and down) and thus could result in less provision being provided.

With regards to monetary value at reserved matters stage, the Chairman suggested that this could be established using a calculation based on square footage (although noting the above caution), with a clawback clause to ensure that the developer would compensate the local authority should the selling price of houses increase.

- The S106 review would recommend a clawback clause in future S106 moving forward where the proportion of affordable housing does not meet the required level.

In response to comments from a member of the public to the S106 agreements connected to recent major developments, the Chairman concluded that no fault had been identified in the system. The Council was in a stronger position than when these S106 agreements had been negotiated now that the new Development Team was well established and the HDPF adopted.

4. Review of the S106 Process (Cont.)

The Working Group discussed the need to protect the amount of affordable housing in the district, and the Chairman made a recommendation to the Scrutiny & Overview Committee that:

- A Working Group be established to look into the potential for the Council to invest in building and managing its own affordable housing stock.

The Working Group acknowledged that Members could not expect to be involved in negotiations, which were carried out by suitably qualified officers, but there was a need for transparency and Members needed to be kept aware during the process and assured that the best deals were achieved.

In order to ensure transparency and Member engagement the Chairman suggested that a panel of three Members with relevant experience should be appointed, two of whom would meet on a quarterly basis with the Development Manager or other relevant staff, so they can be briefed on current S106 negotiations. Those Members could then report back to relevant Ward Councillors and other Members.

- The Chairman would arrange to meet with the Chief Executive, Director of Planning, Economic Development & Property and the Development Manager before the next BIWG meeting to discuss this idea with a view to establishing appropriate terms of reference for a S106 Panel.
- The formation of this Panel would then be discussed at the next BIWG meeting to establish details of its role and function, with a view to recommending it to Council, via the Scrutiny & Overview Committee.

*The meeting finished at 7.20pm having commenced at 6.00pm*

CHAIRMAN