

Notes of the Scrutiny and Overview Committee
Business Improvement Working Group
8th March 2016

- Present:** Councillors: Brian O'Connell (Chairman), John Chidlow (Vice-Chairman), Paul Clarke, Matthew French, Godfrey Newman, Michael Willett
- Apologies:** Councillors: David Coldwell, Jonathan Dancer, Tony Hogben, David Jenkins, Nigel Jupp
- Also present:** Councillors: Leonard Crosbie (Chairman of Scrutiny & Overview Committee)
- Officers:** Paul Cummins, Head of Legal & Democratic Services
Chris Lyons, Director of Planning, Economic Development & Property
Aidan Thatcher, Development Manager

1. MINUTES

The notes of the meeting held on 10th February were approved as a correct record.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. ANNOUNCEMENTS FROM THE CHAIRMAN OR CHIEF EXECUTIVE

There were no announcements.

4. REVIEW OF THE S106 PROCESS

The Chairman gave a brief summary of the conclusions that the Working Group had come to during its review of the S106 process, which had found that the process was essentially sound, with the key area of concern being the extent to which Members could engage in the process.

At the previous meeting it had been proposed that a panel of three Members with relevant experience should be appointed to meet on a quarterly basis so they could be briefed on current S106 negotiations and then report back to relevant Ward Councillors and other Members. Since that meeting the Chairman had been advised by the Director of Planning, Economic Development & Property that such a panel would have a Planning rather than a Scrutiny function and

4. Review of the S106 Process

therefore would not be valid on legal grounds. The confidential nature of the negotiation process would also make the setting up of such a panel inappropriate.

The Chairman tabled his proposed recommendations to the Scrutiny & Overview Committee, with a summary of the findings of the Working Group, and asked Members to consider whether it was fair and comprehensive, and whether the following recommendations were adequate:

1. Ward Members should be sent a copy of the draft heads of terms when they are first identified (this is usually following receipt of consultations and when legal services are instructed). This means there is still time to influence the process, if appropriate.
2. All members should be reminded that they can discuss the content of the S106 (and planning application) at any stage from receipt of the application and ask for an update on the negotiations and likely content of the S106 and officers will be happy to advise them.
3. At briefings on planning applications the officers will present a summary of the heads of terms within the S106 specifically.
4. Heads of terms within committee reports should be explained in more detail than currently happens.

The Chairman advised that in relation to North of Horsham development, given its scale, full Member briefings would be given during every stage of the process. The Development Manager also confirmed that there would be briefing sessions for committee Members on major applications as currently take place, but they would now include information on S106 agreements.

Members discussed the draft recommendations and emphasised the need for adequate dialogue between Members and officers.

- It was broadly agreed that this was covered by the first two draft recommendations. The recommendations would be reworded to clarify.

The Development Manager cautioned that it would be difficult to predict anticipated timescales for negotiations at the stage when Heads of Terms are agreed.

4. Review of the S106 Process

With regards to Recommendation 1, Members discussed single Member wards and developments close to a border with another Ward.

- The Working Group agreed that Recommendation 1 should be re-written so that the Chairman of the relevant planning committee would be sent the Heads of Terms at the same time that they were sent to Ward Member(s). It would then be at the discretion of the Chairman whether members from other Wards should be sent the information as well.

The extent to which Parish Councils could influence S106 agreements was raised and the Development Manager advised that he had met with Parish Clerks to brief them on how they can be involved. It was also noted that it had recently been agreed that the HDC Leisure Team would seek feedback from the relevant Parish Council when responding to a planning consultation.

Whilst it was not a Scrutiny function to review the negotiation of S106 agreements, the Chairman advised that if a problem were perceived with a particular S106 this could be put on the agenda of the BIWG so that it could be scrutinised with the Development Manager or Director of Planning, Economic Development & Property.

- The Working Group agreed that the draft Chairman's Report and amended draft recommendations should be brought to the next Business Improvement Working Group meeting on 12th April for approval.
- The finalised report and recommendations would then be submitted to Scrutiny & Overview Committee on 9th May 2016.

The Working Group discussed concerns regarding the ongoing maintenance and management of open spaces in cases where the terms of the S106 agreement were not fulfilled.

The Development Manager confirmed that this was an issue that had been identified and was being looked at by officers. A standard clause regarding the ongoing management and maintenance of open spaces was to be drafted that would be more open ended and flexible so that there would be more options for ongoing maintenance.

The meeting finished at 7.00pm having commenced at 6.00pm

CHAIRMAN