

7. Additional Sign Off Procedures for Section 106 Planning Obligations (Item for Information)

Corporate Director: Mark Pollock, Corporate Director (Economic Vitality)
Head of Service: Simon Gale, Head of Development & Building Control
Contact Details: mark.pollock@southsomerset.gov.uk or (01935) 462401
(01935) 462151

The following report was circulated to Area East Members at their meeting on 14th November 2007 and relates to a planning issue in Area East. The report is now being circulated to all Areas and the Regulation Committee for information.

Purpose of the Report

To update Members on the internal management and administrative procedures which have been put in place to avoid a recurrence of a problem, i.e. the release of a planning approval notice without the requisite Section 106 legal agreement.

Recommendation:

That the report be noted.

Background and Report

At the Area East Committee on the 13th June 2007, the Head of Development and Building Control explained the internal measures that had now been put in place to avoid identified problems with signing Section 106 planning obligations and it was agreed that the revised procedure would be brought back to Committee.

The Head of Development and Building Control has now implemented the following improvements to management and administrative procedures. These have been agreed in writing with the Corporate Director (Economic Vitality), have been considered by the Project Monitoring Board (established by District Executive to monitor the Development Control Improvement Plan) and reflect the main conclusions and recommendations of the internal investigation.

1. Written guidance for all relevant staff with respect to signing off procedures (both paper and electronic) for planning decisions and other relevant consents which includes clear reference to the use of the signing off sheet and the responsibilities attached to signing.
2. The signing off sheet has been reviewed to include a Section 106 tick box, (and other tick boxes added for other major considerations prior to the issue of a planning certificate).
3. That the Uniform software system is up-dated to include a Section 106 “fail safe” check as soon as possible. Discussions are continuing with the software provider to introduce such a “fail safe” system. In the meantime, the Officer Report template has been amended to include reference to Section 106 obligations. This will ensure that such obligations are considered when the case officer is finalising their report.

4. The paper files have been reviewed to ensure appropriate “visual triggers” are in place to flag-up important issues such as Section 106 agreements before decision notices are issued. Items 2 and 3 above will provide significant “visual triggers”. In addition the file diary, which is stapled in the front cover of every file, provides visual triggers for other important milestones.
5. That formal delegation by the Head of Service to other officers is properly documented as set out in Part 3, Section 6, paragraph 2 (Schedule of Functions Delegated to Officers) of the Council’s Constitution. This has now been agreed in writing with all relevant officers.
6. That there is a systematic procedure immediately after any “planning” committee to ensure actions taken by officers accurately reflect committee decisions/minutes. The local planning officer at Committee now agrees the decisions taken with the Committee Administrator and then completes a standard “decisions” sheet and then emails this to all development control staff, Committee Services and Legal. A copy of that email is then placed on the relevant planning file, so that anyone using that file is made aware of the Committee resolution.

The above measures will ensure that no further decision notices are issued without a Section 106 agreement when required.

Financial Implications

The proposed improvements can be incorporated within the Development Control service at no additional cost.

Implications for Corporate Priorities

Supports Corporate Aim One, which is to deliver well managed, cost effective services valued by our customers.

Background Papers: *Minute 26, Area East Committee 13th June 2007*