

IMPROVING PLACES SELECT COMMISSION

**Venue: Town Hall, Moorgate
Street, ROTHERHAM.
S60 2TH**

Date: Thursday, 7th March, 2019

Time: 1.30 p.m.

A G E N D A

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any item(s) the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Apologies for absence
4. Declarations of Interest
5. Questions from members of the public and the press
6. Communications
7. Minutes of the previous meeting held on 14th February, 2019 (herewith) (Pages 1 - 6)
8. Update on the Rotherham Community Infrastructure Levy (report herewith) (Pages 7 - 18)
9. Date and time of the next meeting - Thursday, 18th April, 2019, commencing at 1.30 p.m.

Improving Places Select Commission Membership 2018/19:-

Chair – Councillor Mallinder
Vice-Chair – Councillor Sansome

Councillors Atkin, Buckley, B. Cutts, Elliot, Fenwick-Green, Jepson, Jones, Khan, McNeely, Reeder, Sheppard, Julie Turner, Vjestica, Walsh, Whysall and Wyatt.

Co-opted Members:- Mrs. W. Birch and Mrs. L. Shears.

IMPROVING PLACES SELECT COMMISSION
Thursday, 14th February, 2019

Present:- Councillor Mallinder (in the Chair); The Mayor (Councillor Buckley); Councillors Atkin, Birch, Buckley, Elliot, Fenwick-Green, Jepson, Jones, Khan, McNeely, Reeder, Mrs. L. Shears, Sheppard, Vjestica, Walsh, Whysall and Wyatt, Mrs. W. Birch and Mrs. L. Shears (Co-opted Members)

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, was in attendance for Minute No. 42 (Update report on the Agreement between Dignity Funerals Ltd. and Rotherham Metropolitan Borough Council).

Apologies for absence were received from Councillors B. Cutts, Sansome and Julie Turner.

The webcast of the Council Meeting can be viewed at:-
<https://rotherham.public-i.tv/core/portal/home>

38. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

39. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

There were no members of the press or public present at the meeting.

40. COMMUNICATIONS

There were no communications to report.

41. MINUTES OF THE PREVIOUS MEETING HELD ON 20TH DECEMBER, 2018

Consideration was given to the minutes of the previous meeting held on 20th December, 2018.

Resolved:- That the minutes of the previous meeting of the Improving Places Select Commission held on Thursday, 20th December, 2018, be approved as a correct record.

42. UPDATE REPORT ON THE AGREEMENT BETWEEN DIGNITY FUNERALS LTD. AND ROTHERHAM METROPOLITAN BOROUGH COUNCIL

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, presented an update on the Agreement between Dignity Funerals Ltd. and the Council as requested by the Select Commission at its meeting on 26th July, 2018 (Minute No. 11 refers). Louise Sennitt (Superintendent Registrar), Polly Hamilton (Assistant Director, Culture,

Sport and Tourism) and Nicola Cook (Dignity) were also in attendance to answer any questions by Members.

Management of the contract within the Council had changed significantly and had now moved from Licensing to being under the remit of Registrars where it now linked to other Registrar services and the Coroner's Office.

The report included information under the recommendations made at the July Select Commission as follows:-

Performance Management Framework

- There was a total of 54 Key Performance Indicators which had been RAG rated. 2 were red, 4 were amber and 48 were green
- There were 12 Service improvement targets of which 2 were red, one was amber and 9 were green
- A table of Key Performance Indicators and performance targets that had been met were set out in Appendix 1 of the report submitted

Project Liaison Group

- First meeting took place in November 2018 and planned quarterly throughout 2019
- Future meetings would consider additional burial space at Masbrough Cemetery, review of the Memorial Masons' Registration Scheme and a refreshed Equality Analysis

Multi-Faith Involvement

- The Superintended Registrar had joined the Rotherham Faith and Community Leaders Forum and had attended 2 meetings where Bereavement Services were discussed
- Progress reports and new issues identified for discussions would be future agenda items

Annual Performance Report

- Draft report received with the final documents to be submitted to the June Select Commission
- Detailed on the Performance Management Framework would be reported by exception

East Herringthorpe Chapel

- Extensive renovation works completed with the Chapel having been open for services since October 2018
- Open events held for Members, funeral directors, ministers, celebrants and other key partners to view the improved facility
- Christmas memorial service held on 1st December 2018 for those who had attended services in the temporary chapel during renovation works
- An Easter memorial service to be held on 28th April 2019 when the Chapel will be officially re-opened by the Mayor of Rotherham

Discussion ensued with the following issues raised/clarified:-

- Catholic burials – it had been established that there was no shortage of spaces within the Borough
- Child burials – in Rotherham certain aspects of the burials were free and certain funeral directors (Dignity and Co-op) provided free funerals but the desire was to make sure it was fair and equitable for everyone involved. Theresa May had made a commitment quite a while ago around free child burials, however, the information had not come through and the promise not acted upon. Some clarity was required and the promise enacted would give a real clear steer
- Secure storage of the registers – different options had been considered but proved to be very expensive. An option currently being explored with Dignity's IT Department was that of scanning all the registers, provision of a computer system in the reception and the registers removed and stored securely off site. There was no longer a statutory requirement to update the paper copies providing there was an electronic record
- Planned periodic meetings with funeral directors – Dignity had invited all the funeral directors to a meeting on 25th March but as of yet had received no responses. Some did not feel there was a need to meet as they worked quite well with Dignity and preferred the 1:1 approach rather than a forum. A decision would be made at the end of February (the deadline for responses)
- Lighting on East Herringthorpe driveway – Dignity had not been aware of this issue but would look into it
- Blocked drains – there was always an issue with blocked drains and there had been many CCTV investigations carried out with another scheduled to take place quite soon
- Extended hours pilot - the pilot would allow an assessment to be of how successful it was before any contract amendment
- Memorial Masons Registration Scheme – any stonemason who erected a memorial in a cemetery needed to have the appropriate insurances and also be connected with the appropriate affiliation (NAM or BRAM). Currently this came under the purview of the contractors but would form part of the review as to whether it came back into the management of the Crematorium Office. Every year the stonemasons had to apply for a permit and had to have all their certificates/verifications/insurance to provide assurance that they were safe and should anything happen when fixing a gravestone they had the correct liabilities to protect

themselves, the public and any damage to headstones. A new stonemason in Rotherham wished to carry out works inside the cemetery which had never happened before in Rotherham and was less costly for families. Rotherham's Registration Scheme was very outdated and did not allow for this new practice. It had been agreed that the Scheme would be discussed at the Project Liaison Group with a view to it being updated and come into practice for when stonemasons registered next year

- Project Liaison Group minutes – it was not it would be a problem for these to be submitted to the Select Commission in future
- Timescale for the repair of pathways in Wath Cemetery – there was a priority list of all the pathways which would take a number of years to complete
- Short notice burials – it was a very mixed picture with regard to what other authorities provided. The provision of extended burial hours would put Rotherham in the top section of local authority provision
- Coroner's Office – regular meetings took place to discuss a range of issues including the bringing in of the Coroner's Office into Registrars. The Coroner would attend the wider community meeting to be held in March. There had been a review of the Terms and Conditions nationally of Coroner pay and out of hours' provision. At the present time there were no changes as far as Rotherham residents were concerned. The contract was managed jointly with Doncaster and there would be discussions in the next financial year about the out of hours provision. The extended hours pilot would not be impacted by the changes in Terms and Conditions. Rotherham's Coroner was really keen to work with the Council and ensure that the service was as seamless as possible for Rotherham residents at a very difficult time in their lives with no additional layers of bureaucracy
- Environmental friendly burial options – this was currently not a priority. Dignity had not received any requests so far for woodland burials or environmentally friendly burial areas
- Comments, complaints and compliments – it was very difficult for the Crematorium/Cemetery to survey families as they were not the ones having 1:1 contact with the families. It was important to be very mindful and extremely sensitive in how the issue of a survey was approached. Work had taken place last year with an independent company who had carried out an industry service surrounding everything people would want from a bereavement service. Once the format of the survey was complete it would be shared for the purposes of feedback

All complaints, comments and requests for service were reviewed as part of the new performance management measures on a monthly basis. They were monitored, recorded and reported back to the Cabinet Member

- Maintenance logs of toilet facilities – there was an expectation that chapel attendants would inspect the facilities between services and check the maintenance and cleanliness. There had been no complaints received regarding the toilet facilities in any of the cemeteries or Dignity related sites
- Cost of a plaque on a communal bench – feedback had been received that the cost was too high. Work was still taking place on the memorials the Council provided with discussions ongoing with regard to making it affordable for families
- Possible traffic issues impacting on the extended hours pilot – consideration had not been given as to the traffic on the surrounding road network which may impact upon the pilot. It would be monitored as part of the pilot and include discussions with Highways colleagues
- Communication with Vicars and parishes in the outlying areas of the Borough - the extension in burial times would be communicated through the Community Group as well as the meeting with community leaders, faith leaders, key stakeholders and partners. It would also be communicated to funeral directors who played a big part in helping families
- Bereavement Services – there were some areas that were not covered by Dignity and still had the traditional churchyards for burials and disposal of cremated remains for which the church authorities could only charge a low burial fee. The Authority had used to give a small grant to churches whom had no other sources of income but unfortunately it had been a reluctant budget cut some years ago. It was hoped that one day there may be an ability to revisit and provide some financial assistance for the services that were carried out on behalf of communities that did not have local authority cemeteries
- Role of funeral directors – it was hoped, through the Project Liaison Group, to discuss with funeral directors their expectations, timings and families' expectations. With everyone's co-operation further improvements could be made
- Disabled parking – there had been an issue during the chapel renovation works due to the strict one-way system in operation. It had not been an issue since the chapel re-opening and anyone parking in in the disabled bays outside the chapel would be asked

to move their vehicles by the chapel attendants

Resolved:- (1) That the report and the progress made in accordance with the Performance Management Framework be noted.

(2) That the 2018/19 annual performance report be submitted to the June meeting of the Select Commission.

(3) That the results of the pilot into extended hours be submitted to the Select Commission once known.

(4) That the extended burial time pilot include the issues raised at the meeting i.e. the possible impact of the traffic on the surrounding road network and the communication to churches in outlying areas of the Borough.

(5) That minutes from the Project Liaison Group be submitted to the Select Commission for information.

(6) That consideration be given to the submission of any complaints received in an anonymised format.

43. DATE AND TIME OF THE NEXT MEETING - THURSDAY, 7TH MARCH, 2019, COMMENCING AT 1.30 P.M.

Resolved:- That a further meeting be held on Thursday, 7th March, 2019, commencing at 1.30 p.m.

Committee Name and Date of Committee Meeting

Improving Places Select Commission – 07 March 2018

Report Title

Update on the Rotherham Community Infrastructure Levy

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Andy Duncan, Acting Head of Planning and Building Control
andy.duncan@rotherham.gov.uk

Scott Thurlby, Research and Spatial Analysis Officer
scott.thurlby@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The report provides an update on the implementation of the Rotherham Community Infrastructure Levy (CIL). It shows the potential CIL income generated by demand notices issued up to 31 January 2019. Information on monies received from Section 106 Agreements (S106) is also provided.

Recommendations

1. Members are asked to note the contents of the report as requested at Improving Places Select Commission on 20 September 2018.

List of Appendices Included

None.

Background Papers

Rotherham CIL Charging Schedule

https://www.rotherham.gov.uk/downloads/file/3426/rotherham_community_infrastructure_levy_-_charging_schedule

Rotherham CIL Regulation 123 List

https://www.rotherham.gov.uk/downloads/file/3425/rotherham_community_infrastructure_levy_-_regulation_123_list

Rotherham CIL Instalments Policy

https://www.rotherham.gov.uk/downloads/file/3424/rotherham_community_infrastructure_levy_-_instalments_policy

Rotherham CIL Annual Report 2017/18

https://www.rotherham.gov.uk/downloads/file/3991/rotherham_community_infrastructure_levy_-_annual_report_201718

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Council Approval Required

No

Exempt from the Press and Public

No

Update on the Rotherham Community Infrastructure Levy

1. Background

Community Infrastructure Levy

1.1 The Community Infrastructure Levy (CIL) is a financial charge via the Planning system, introduced as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. CIL was introduced by the Planning Act 2008 and is intended to largely replace Section 106 agreements on individual planning permissions. It is intended to help to fund infrastructure such as:

- Extra school places
- Road improvements
- Public transport improvements
- Better green spaces

1.2 Rotherham's CIL was prepared in tandem with the Local Plan Core Strategy. The strategy includes an Infrastructure Delivery Plan summarising what infrastructure is required to support Local Plan growth. Government regulations set out that the Council can only spend CIL income on infrastructure to support the development of its area. It cannot be used for general funding. CIL will help to fund this infrastructure, however the total cost of the infrastructure required (£50m) far exceeds the likely income from CIL (£15m). Therefore, other sources of funding will still be required and the Council will have to prioritise how CIL income is spent.

1.3 The Rotherham CIL Charging Schedule was adopted by the Council in December 2016 (Council meeting 7/12/2016, minute 85). The charge came into force on 3 July 2017. CIL is mandatory for certain types of development and is charged on a £ per square metre basis for new development floorspace. Most new development which creates net additional floor space of 100 square metres or more, or creates a new dwelling, is potentially liable for the levy.

1.4 The charging schedule is available as a background paper to this report (see link on second page). The CIL rates payable by qualifying development are set out below:

Table 1: CIL charging rates		
Development type	Charge area	CIL charge rate (£/m²)
Residential Zone 1 High	Broom, Moorgate, Whiston, Wickersley, Bramley & Ravenfield	£55
Residential Zone 2	Rural North West, the Dearne and South	£30

Medium	Rotherham	
Residential Zone 3 Low	Rest of Rotherham Urban Area (part)	£15
Residential Zone 4	Bassingthorpe Farm Strategic Allocation	£15
Retirement Living(1)	Borough-wide	£20
Supermarket(2)	Borough-wide	£60
Retail Warehouse/ Retail Park(3)	Borough-wide	£30
All other uses	Borough-wide	£0
<p>(1) Retirement Living are residential units which are sold with an age restriction typically over 50s/55s with design features and support services available to enable self-care and independent living. For the purposes of the CIL charge, this type of development has been excluded from the residential use category.</p> <p>(2) Supermarkets are shops above 370 square metres gross internal floorspace where weekly and daily food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.</p> <p>(3) Retail Warehouses/Retail Parks are stores above 1,100 square metres gross internal floorspace (this includes any mezzanine floorspace) selling comparison goods such as bulky goods, furniture, other household and gardening products, clothing, footwear and recreational goods.</p>		

CIL income

- 1.5 CIL becomes payable when development commences (not when planning permission is granted). Builders usually have three years to implement a planning permission before it lapses, which causes a “time lag” between the grant of permission, for CIL-liable development, and income being received by the Council. The Council has also adopted an instalments policy for CIL payments, to ease concerns about development viability.
- 1.6 The Council is required to report on CIL income for each financial year, with the report published by the following 31 December. The first reporting year for the Rotherham CIL was from 3 July 2017 (when the charge was implemented) to 31 March 2018. There was no CIL income received in this period due to the above mentioned time lag. The annual report is available as a background paper to this report (see link on second page).

CIL income held by the Council – the “strategic” CIL

- 1.7 CIL income should be spent on infrastructure required to support growth from the Local Plan. The Council’s Regulation 123 list sets out the strategic priorities for spending CIL income to achieve this aim. The list was approved by the Council at its meeting on 7 December 2016 (minute 85) and provides detail of the infrastructure where the Council will not seek Section 106 contributions – to

ensure developments are not “double charged”. The Regulation 123 list is available as a background paper to this report.

- 1.8 As the list was drawn up some time ago, to support the independent examination of the CIL Charging Schedule, it is outdated in some respects and its review is being considered. However, the Government are proposing changes to the CIL regime, which may remove the requirement to publish a Regulation 123 list but replace it with an annual “Infrastructure Funding Statement”. Progress on any review is pending confirmation of the Government’s changes to the CIL regulations.
- 1.9 When a CIL-liable development commences, the builder is required to notify the Council. The Council then issues a “demand notice” (an invoice) to the builder confirming the CIL payable and the timetable for payments. Officers are therefore able to estimate projected CIL income from the demand notices issued to date. The table below shows the CIL income actually received by the Council and the income due from demand notices that were issued by 31 January 2019. This is a snapshot in time as demand notices are issued as a continuous process when CIL-liable developments start on site.

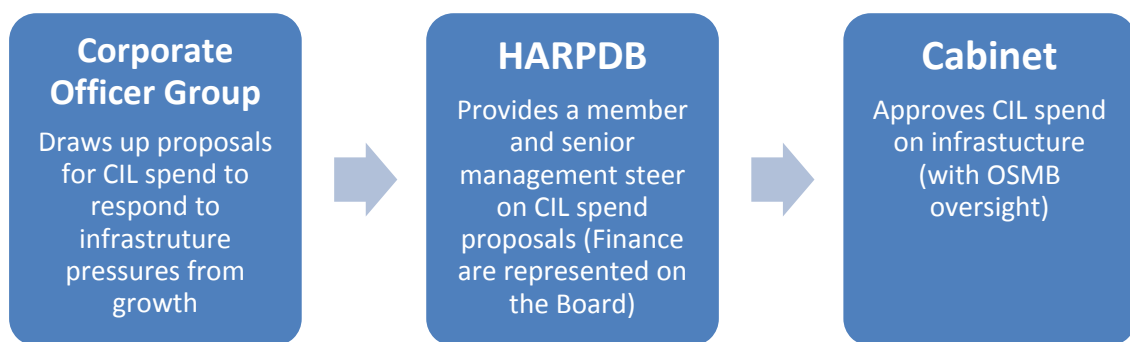
Table 2: CIL income (received and due)			
Year	2017/18	2018/19	2019/20
Amount received	£0.00	£200,662.49	£0.00
Amount due	£0.00	£24,620.00	£747,171.55
Total for year	£0.00	£225,282.49	£747,171.55

Decisions on spending CIL income

- 1.10 A corporate officer group is established to monitor S106 monies and more recently, CIL income. This group has representatives from Planning, Transportation, Education and Greenspaces, and acts as a forum to consider which infrastructure should be prioritised to support new development flowing from implementation of the Local Plan. A parallel officer group is also considering Sheffield City Region (SCR) investment opportunities and there is some useful cross-over between these groups to identify infrastructure and projects that could benefit from CIL spend and/or SCR spend.
- 1.11 The Planning Service is monitoring the take up of Local Plan development sites and feeding that information into the process. Officers are considering the amount of growth, and where it is taking place, and comparing that picture to the Infrastructure Delivery Plan in the Core Strategy and the Regulation 123 list to consider which infrastructure should be prioritised for spend. For instance, if new development in a particular location occurs earlier than planned, then there may be a case for bringing forward spend on specific infrastructure in that general area. Conversely, if some sites do not progress as expected then the

infrastructure identified in that area could be postponed. The Infrastructure Delivery Plan and Regulation 123 list set out requirements to support growth in general areas. This approach represents a strategic overview of the growth across the borough, rather than an explicit link between any particular development site and CIL funds.

- 1.12 There may also be a case for prioritising spend on a particular scheme in the Regulation 123 list if it would help the Council to secure match funding from Central Government or Sheffield City Region. For example, there may be a window for bids for transport projects that may secure much larger sums than the CIL alone but which may require a particular scheme to be brought forward.
- 1.13 Member approval and oversight will be critical to this process. It is suggested that the detail will be reported to the Housing and Regeneration Programme Delivery Board, proposing that infrastructure identified for CIL spend could be considered by the Board to provide member and senior management input. Decisions on where CIL monies will be invested would be made by Cabinet. The diagram below summaries this proposed approach:



Payments to town and parish councils – the “local” CIL

- 1.14 Town and parish councils are due CIL income raised from new development within their parish boundary. The default is payment of 15% of CIL income raised within their area; parishes with an adopted Neighbourhood Plan receive 25% of CIL income.
- 1.15 There are currently no adopted Neighbourhood Plans in the borough, so payments to parishes are calculated as 15% of payments received from CIL-liable development within the parish. Dinnington, Wickersley, Maltby and Dalton have started the process of preparing a Neighbourhood Plan, with Dinnington being the most advanced. When any Neighbourhood Plans are adopted, the parish payments for that area will increase to 25%.
- 1.16 CIL income is passed on to town and parish councils on a six monthly basis, with any income received between 1 April and 30 September being due by 28 October, and any income received between 1 October and 31 March being due by 28 April.

1.17 No CIL income was received from 1 July 2017 to 31 March 2018, so there was no proportion to pass on to parishes. For the 1 April 2018 to 30 September 2018 period, the only applicable CIL income was in Aston Cum Aughton Parish. A payment of £319.50 was made to Aston Cum Aughton Parish on the 28 October 2018.

1.18 Based on expected CIL income for the period from 1 October 2018 to 1 April 2019, the next parish payments due on 28 April 2019 are as follows:

Table 3: CIL income due to parishes	
Town/parish council	Projected payment on 28 April 2019
Aston Cum Aughton	£319.50
Catcliffe	£29,151.00
Wickersley	£2,751.38
North and South Anston	£981.00
Total	£33,202.88

1.19 Town and parish councils can spend CIL income on infrastructure in their parish. The CIL regulations give more leeway to how parishes spend CIL income than applies to the borough Council.

Section 106 Agreements

1.20 Historically, Section 106 Agreements were planning obligations attached to the grant of planning permission to secure community infrastructure. The Community Infrastructure Levy was introduced to replace S106 and is now used to secure funding for strategic infrastructure. S106 agreements now focus on site specific investment to mitigate the impact of development or to meet the needs of residents in new developments. S106 Agreements can also be used to restrict the development or use of land in a specified way or require specific operations or activities to be carried out on the land.

1.21 Benefits are secured either in kind or via financial contributions depending on what is required to mitigate the impact of the scheme. The main areas to benefit are generally:

- Affordable housing
- Primary and secondary education
- On site green space
- Local highways improvements (specific to the development)
- Public transport

- 1.22 This list is not exhaustive and any other relevant and necessary matter may be included within a planning obligation that cannot be secured through the normal planning process.
- 1.23 Each development is judged on its own merits; however there are certain requirements that apply to most major developments, e.g. affordable housing and education provision.
- 1.24 The use of planning obligations is governed by the fundamental principle that planning permissions cannot be bought or sold. Planning obligations are only required to make a development acceptable in planning terms, where otherwise it would be refused permission.
- 1.25 In order to ensure that the correct process is followed, a corporate S106 policy is in place governing the procedure from planning application to grant of permission, invoicing and collection and spend of the contribution.
- 1.26 A corporate officer group monitors, updates and reviews S106 policy and process and resolves any individual issues. In order that the group can also deal with the Community Infrastructure Levy it has been renamed the "Infrastructure Delivery Group".
- 1.27 The table below provides a summary of the S106 Agreements entered into, monies collected and monies expended/transferred from the S106 (central) account up to 31 March 2018. The balance at year end contains all the monies received in that year plus the monies that were left over in the S106 account from the previous year. Therefore, the balance at year end of the 2017/18 financial year includes unspent monies from previous financial years.

Table 4: S106 account summary 2013/14 to 2017/18					
	2013/14	2014/15	2015/16	2016/17	2017/18
(a) Number of S106 Agreements signed	17	16	15	13	4
(b) Total agreed (sums in signed S106 Agreements)	£1,317,958.41	£653,651.76	£494,426.72	£317,809.00	£170,000.00
(c) Balance brought forward from previous year	£720,791.18	£1,432,981.28	£2,706,780.39	£2,392,021.68	£1,249,773.56
(d) Total monies	£991,321.13	£1,681,510.55	£354,112.03	£844,347.09	£310,003.34

received in year					
(e) Total monies spent in year	£279,131.03	£407,711.44	£668,870.74	£1,986,595.21	£695,393.23
(f) Balance at year end (c + d - e)	£1,432,981.28	£2,706,780.39	£2,392,021.68	£1,249,773.56	£864,383.67

1.28 There have been seven S106 Agreements signed in the current financial year of 2018/19 to date, with S106 contributions actually received up to 31 December 2018 totalling £139,433.25.

1.29 The money held in the S106 account is to be spent on the items specified in signed S106 agreements (S106 commitments), as summarised in the table below. Some items are subject to “trigger” clauses so the spend may not be required until a development is partially completed, eg “after 100 dwellings are completed, a new primary school shall be provided”. However, financial contributions gained via S106 are usually subject to a claw back period of five years, so if unspent must be returned to the developer. The Council has always ensured S106 monies have been spent and has not had to return any financial contributions to date.

Type	Amount held
Recreation	£101,000
Transportation	£108,000
Affordable housing	£264,000
Education	£257,000
Libraries	£125,000
Ecology	£9,000

1.30 The table below provides a breakdown of S106 spend by service area.

Year spent	Green Spaces	SYPTTE	Transportation	Housing	Education	Total per year
2013/14	£8,309.62	£240,521.41	£20,000.00	£0.00	£0.00	£279,131.03
2014/15	£0.00	£32,000.00	£1,240.60	£10,000.00	£364,470.84	£407,711.44
2015/16	£62,429.70	£32,000.00	£0.00	£339,445.00	£234,996.04	£668,870.74
2016/17	£150,838.73	£18,146	£55,000	£220,514.41	£1,542,096.07	£1,986,595.21

2017/18	£281,820.01	£0.00	£95,067.25	£203,050.05	£115,455.92	£695,393.23
Total spend 2013/14 to 2017/18	£503,398.06	£322,667.41	£171,307.85	£773,009.46	£2,257,018.87	£4,037,701.65

Examples of projects funded by S106 monies

1.31 Historically, the areas with the largest spend and commitments in recent years are Education with the majority of these funds going towards school places in various areas around the borough. Waverley and the development of the new school has accounted for nearly £750k received and committed in 2017/18, with the actual total build costs payment going out for tender in early 2019. In future, CIL monies may be used for education provision for schools identified on the Regulation 123 list. Affordable housing projects are the next largest of S106 funds received and committed.

2. Key Issues

2.1 If the planning permissions linked with Section 106 Agreements are not implemented, then these contributions will not be received by the Council. Furthermore, the choice to implement, and when, is down to the developer and can happen at any point three years from the date of the grant of planning permission. There can be a long time lag between the grant of planning permission and payment of monies in some cases, especially if the S106 Agreement includes trigger clauses.

3. Options considered and recommended proposal

3.1 The report is presented for information.

4. Consultation on proposal

4.1 The report is presented for information.

5. Timetable and Accountability for Implementing this Decision

5.1 The report is presented for information.

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

6.1 There are no procurement implications for consideration within this report.

6.2 Income from CIL and Section 106 contributions is used to support the Council's approved Capital Programme, as outlined in Section 1 above. Systems and processes have been put in place by the Planning Service and Financial Services to ensure that CIL and Section 106 contributions are accounted for in line with the appropriate regulations, including the Community Infrastructure Levy Regulations 2010. These regulations state that the Council should recognise income from CIL immediately. In addition, the Council is allowed to retain up to 5% of CIL income to help fund the revenue costs associated with the establishment and administration of the CIL system. This equates to a sum of £56k to date.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

7.1 There are no direct legal implications arising from the recommendations within this report.

8. Human Resources Advice and Implications

8.1 There are no Human Resources implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no implications for Children, Young People and Vulnerable Adults arising from this report.

10. Equalities and Human Rights Advice and Implications

10.1 There are no implications for Equalities and Human Rights implications arising from this report.

11. Implications for Partners

11.1 When the Government issues revised CIL regulations, the Council will need to consider these and decide on a replacement for the Regulation 123 list. There will be a need to engage infrastructure partners regarding their forward investment plans when revising the infrastructure list to be funded by CIL.

12. Risks and Mitigation

Financial governance

- 12.1 A corporate procedure is in place to ensure sound financial governance of the S106 and CIL processes. Up to 5% of CIL income can be used for the administration of CIL, so over time the monitoring costs of CIL will become self-financing after the initial lead in time needed for planning permissions to be implemented.

Monitoring and reporting

- 12.2 The Council must ensure all S106 funds received are spent within the deadlines and on the projects specified by each agreement. CIL funds received must be reported at each year end and funds to parishes must be transferred six monthly as per the CIL regulations and guidelines. A procedure is in place to ensure this.

13. Accountable Officer(s)

Paul Woodcock, Strategic Director of Regeneration and Environment

Approvals obtained on behalf of:

	Named Officer	Date
Chief Executive		Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Graham Saxton	07/02/19
Assistant Director of Legal Services (Monitoring Officer)	Stuart Fletcher	08/02/19
Assistant Director of Human Resources (if appropriate)	John Crutchley	05/02/19
Head of Human Resources (if appropriate)	Joanne Kirk	06/02/19

*Report Author: Andy Duncan, Acting Head of Planning and Building Control
andy.duncan@rotherham.gov.uk*

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