

REPORT AUDIT TRAIL**CONSULTATION**

*This is important as it shows that consultation has been undertaken in the preparation of the report and provides a quick reference point for specific comments, whilst the report will not be publishable if these areas have not been completed by the named persons below. **You must liaise with and receive sign off from the relevant Cabinet Member(s).***

Name/Position	Portfolio/Ward/ Directorate	Date Sent	Date Received	Comments in para:
Councillor <i>Victoria Cusworth</i>	Cabinet Member for Children and Young People	29/07/24	30/07/24	Supports proposed Policy changes
<i>Nicola Curley</i>	Assistant Chief Executive/ Strategic Director for Children and Young People's Services	Click here to enter a date.	Click here to enter a date.	
<i>Joshua Amahwe,</i> Finance	Finance and Customer Services	20/06/24	17/07/24	Comments added
<i>Stuart Evans,</i> Legal Services	Legal Services	20/06/24	22/07/24	Comments added
<i>Amy Leech,</i> Human Resources	Assistant Chief Executive's Office	20/06/24	20/06/24	No HR implications
<i>Karen Middlebrook,</i> Procurement	Finance and Customer Services	23/07/24	23/07/24	No procurement implications
<i>Steve Eling,</i> Equalities	Assistant Chief Executive's Office	20/06/24	26/07/24	Equality Impact Assessment logged
<i>Other officers below</i>		Click here to enter a date.	Click here to enter a date.	

REPORT APPROVAL TRACKING			
Equalities Your report will not be authorised for submission to Cabinet by your Strategic Director if you have not undertaken and included an initial equalities screening. All equalities analysis documents should be included as appendices	Initial Screening completed and included with report	YES	20/06/24
	Full Assessment completed and included with report	YES	26/07/24
Carbon Impact Assessments Carbon Impact Assessments are to be appended to the associated cabinet reports. Carbon Impact Assessments should be sent to climate@rotherham.gov.uk for feedback prior to your report being sent to your Strategic Director for approval.	Carbon Impact Assessment completed and included with report.	YES- ref CIA297	24/7/24
Background information MANDATORY: Insert headings for a few main public documents you have used or referenced to write this report. This is a legal requirement. For Cabinet reports, insert hyperlinks . Do not list private documents.	Report to Council Cabinet (19/12/22): Section 106 Developer Education Contributions Policy Department for Education Guidance, August 2023: Securing developer contributions for education (publishing.service.gov.uk)		
Appendices If appendices are essential to the understanding of the report, list titles here. Ensure that appendices have proper titles. List any appendices relevant to the decision being taken first with the Equality Analysis documents coming next and the Carbon Impact Assessment being listed as the last Appendix for all reports.	Appendix 1 Revised Section 106 Developer Contributions – Education (Draft) Appendix 2 Equalities Impact Assessment Appendix 3 Carbon Impact Assessment		
Cabinet Member Approval You should retain an email confirming the Cabinet Member approval for your records. Strategic Directors should not authorise reports unless Cabinet Members have given sign off	YES	30/07/24	
Report Authorised by Strategic Director	YES/NO (delete as appropriate)	Click here to enter a date.	
Report Authorised for publication by Chief Executive	YES/NO (delete as appropriate)	Click here to enter a date.	

Select report type
Name of Committee

Committee Name and Date of Committee Meeting

Delegated Officer Decision – Click here to enter a date.

Report Title

Updated Section 106 Developer Education Contributions Policy

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

Yes

Strategic Director Approving Submission of the Report

Name of Strategic Director

Report Author(s)

Sarah Whitby, Head of Service Access to Education
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Ward(s) Affected

Borough-Wide

Report Summary

The Section 106 Developer Contributions Policy aligned to the Town and Country Planning Act 1990 has been updated to reflect the latest cost multipliers published by the Department for Education and BCIS (Building Cost Information Service).

Recommendations

1. That approval be granted to the revised Section 106 Developer Education Contributions Policy.

List of Appendices Included

Appendix 1 Revised Section 106 Developer Contributions – Education (Draft)

Appendix 2 Equalities Impact Assessment

Appendix 3 Carbon Impact Assessment

Background Papers

Report to Council Cabinet (19/12/22): Section 106 Developer Education Contributions Policy

Department for Education Guidance, August 2023: [Securing developer contributions for education \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Council Approval Required

No

Exempt from the Press and Public

No

Insert report title hereError! Reference source not found.

1. Background

- 1.1 Housing development can have a significant impact on local education infrastructure and create a shortfall in available school places for local schools and within local communities. The Town and Country Planning Act 1990 (Section 106) makes provision for Local Authorities to seek financial contributions from developers towards education infrastructure where it can be evidenced that a development will put pressure on existing school capacity.
- 1.2 The Section 106 Developer Education Contributions Policy sets out the Council's strategy towards analysing the impact on education and requesting developer contributions towards creating additional school places where necessary and appropriate.

2. Key Issues

- 2.1 There is a statutory duty on Local Authorities under the requirements of the Education Act 1996 to ensure the sufficiency of school places in their area within funding parameters.
- 2.2 Rotherham has a historic profile of satisfying parental preferences on Primary and Secondary School entry National Offer Days annually that is broadly in line with statistical Neighbours and above the national average.
- 2.3 A lack of sufficiency in areas of need can lead to parents being unable to secure a place locally for their child(ren) meaning that places have to be sought further afield potentially impacting on the Council's home to school transport budget and National Offer Day allocation profiles.
- 2.4 The latest cost multipliers issued by Department for Education and BCIS (Building Cost Information Service) have uplifted the previous cost formula from £3,472 to £5,455 for Primary, whilst Secondary remains £3,737 and £1,621 for Sixth Form. The policy revision reflects the uplift.
- 2.5 A previous Cabinet report in December 2022 regarding update to the S106 Education Developer contributions policy stated that 'In future these costs will be updated annually to reflect increases in build costs and as good practice in negotiating S106 planning contributions'. This report is prepared in relation to such an update.

3. Options considered and recommended proposal

- 3.1 Leave the S106 Education Developer Contributions Policy as it is. This was last updated in December 2022 and references figures that have been outdated by more recent Department for Education Guidance. The impact would be that education contributions that are sought

aligned with new development are below those recommended to support education infrastructure requirements.

- 3.2 Recommended- the revised Section 106 Developer Education Contributions Policy is approved to reflect the most up to date cost formula and ensure that appropriate education contributions are sought from housing development to support education infrastructure.

4. Consultation on proposal

- 4.1 Consultation has taken place with relevant Officers within School Organisation, Legal and Planning departments.

5. Timetable and Accountability for Implementing this Decision

- 5.1 June 2024- addition of decision to forward plan.
- 5.2 July 2024- Officer delegated decision taken and revised Policy implemented.

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 The cost multipliers issued by the Department for Education (DfE) and BCIS (Building Cost Information Service) are used to assist property developers / agents in establishing the potential levels of S106 contributions. It should be noted that these calculators are for guidance only and do not determine the final value of contributions.
- 6.2 The uplift in the cost multipliers would result in future increases in S106 contributions in line with rises in build costs. This would ensure that the council receives sufficient funding from developers to cover costs of the capital works.
- 6.3 There are no direct procurement implications arising from the recommendations detailed in this report.

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

- 7.1 The s.106 Education Contribution Policy sets out the Council's Strategy for analysing the impact of new developments on education provision within the borough. The Strategy provides the necessary evidence to allow officers to judge the need caused by new developments to ensure the sufficiency of school places. This calculated need can then be translated into a financial contribution to be secured by way of a s.106 Agreement pursuant to the Town and

Country Planning Act 1990 as amended payable by the Developer to the Council where it can be justified.

- 7.2 There is a statutory duty under the Education Act 1996 for the Council to ensure the sufficiency of school places. There is also a legal requirement embedded with s.106 of the Town and Country Planning Act that any request for an education contribution should be reasonable, fully justifiable and linked to the Development. Such a request can only be justified by up to date evidence, such evidence in relation to any harm caused by development in relation to the efficiency of school places can be justified by the updated s.106 Developer Education Contributions Policy.

8. Human Resources Advice and Implications

- 8.1 There are no direct HR implications within this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 Contributions from developers are sought, where the Council can evidence a shortfall in school places will occur as a result of future development. Section 106 contributions and other funding streams such as basic need funding (allocated to local authorities for the provision of new school places) are used for the provision of new school places to meet demand and are accompanied by strict contractual arrangements including timeframes for the utilisation of funding.

10. Equalities and Human Rights Advice and Implications

- 10.1 The Council Plan theme supported by the proposal is to ensure every child is able to fulfil their potential. This is supported by providing school places in areas of need and in line with parental wishes.
- 10.2 An equalities impact assessment has been completed and is Appendix 2 to this report.

11. Implications for CO2 Emissions and Climate Change

- 11.1 An impact assessment has been undertaken linked to the proposals contained within this report and is Appendix 3.

12. Implications for Partners

- 12.1. The revised policy has been prepared following consultation with Planning Officers, School Admissions and other internal stakeholders including finance, Legal department and Procurement.

13. Risks and Mitigation

- 13.1 The Local Authority has a statutory duty to ensure a sufficiency of school places in areas of current and future need within funding parameters.

14. Accountable Officers

Sarah Whitby Head of Service – Access to Education

Christopher Stones Principal Officer – School Organisation and Planning

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