

**Councillor Denise Lelliott – Cabinet Member for Jobs and the Local Economy**

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Cllr Denise Lelliott

14<sup>th</sup> October 2022

Cllr Adam Tinsley  
Elected Member

[Adam.tinsley@rotherham.gov.uk](mailto:Adam.tinsley@rotherham.gov.uk)

Dear Cllr Tinsley

**Question at Council – 5<sup>th</sup> October 2022**

Thank you for your question at Council on Wednesday 5<sup>th</sup> October 2022. As promised, I said I would provide the answer in writing, and I have included the question and answer below:

***When a planning application dictates that S106 Money should be paid to Schools because student numbers are already beyond capacity. What checks are undertaken to make sure that money is spent towards increasing student places.***

There are a number of checks to ensure that S106 contributions to increase school places are spent on measures that actually deliver school places.

Firstly, S106 contributions are legal agreements and the rules governing Section 106 monies do not allow them to be spent on anything other than what they are collected for, so contributions for education are financially ringfenced to specific developments or wards and must be linked to increasing capacity in schools.

A record of all S106 agreements is kept on a specialist system which identifies all the S106 obligations and when they are due to be received. This system also provides the audit trail to ensure that money is collected and spent in accordance with these legal requirements

At the commencement of the planning process, the Education service will identify the need for school places, and any contributions that are needed are included in the S106 agreement. When the Education Service bring forward a school expansion project and S106 is identified as a source of funding, a check is undertaken to ensure that any S106 to be used complies with the criteria in the S106 agreement. All Section 106 funding is monitored by the Local Planning Department and the Finance Department.

S106 funds are paid directly by the developer to the Council, as these relate to planning agreements. These can either be spent directly by the Council, in which case capital projects are managed and checked through the Council's capital governance procedures, or alternatively the funds can be provided to the school to spend on a scheme, in which case such projects are governed through a funding agreement.

I hope you find this information helpful.

Yours sincerely,



**Councillor Denise Lelliott  
Cabinet Member for Jobs and the Local Economy**