

All Party Member and Officer Working Group on 'Developer Contributions'

0.1 Terms of Reference

Format

The Working Group on 'Developer Contributions' will take the form of a Task and Finish Group to meet every two to three weeks with a view to completing its work by the end of March. Papers are to be circulated one week before each meeting.

Membership

It is proposed that the Membership will include:

- Cabinet Lead for Planning and Regeneration (City Centre) and Deputy Leader
- Cabinet Lead for Planning and Regeneration (Outer City)
- Cabinet Lead for Planning and Regeneration (Housing)
- Triumvirate for Strategic Planning and Regeneration Scrutiny Committee
- Triumvirate for Housing Scrutiny Committee
- Leader of the Labour Group
- Officers representing the planning, regeneration, Legal, property, housing, highways, education and open space services.
- Chief Executive, Leicester Regeneration Company, as and when appropriate; with all papers and minutes being sent to him
- Representatives from external agencies to be invited to attend meetings as required.

The Group will be chaired by the Deputy Leader and serviced by officers from the Regeneration and Culture Department.

Overall Aims

It is proposed that the overall aims are:

- To review existing Council policies and procedures for dealing with developer contributions.
- To learn from best practice from other authorities and from recent cases within Leicester.
- To prepare revised policies and procedures together with an action plan to deliver improvements.
- To respond to the issues raised by the Housing Committee and other Committees as they wish, in respect of affordable housing.

There should be wide consultation on the proposed recommendations emerging from the Working Group, and these recommendations should then be considered by Cabinet and approved by Full Council.

Objectives

The strategic objective for the Group is "to maximize Developer Contributions and their distribution, tied into the overall priorities of the Council".

A further objective is to provide "unified advice": for Councillors from officer and for external people seeking Council advice.

Topics to be covered

- Framework and policy context within which developer contributions can be sought.
- Summary of possible developer contributions including specific requirements and any formulae used to quantify requirements. This sections would include a list of the Department or individual responsible for each contribution.
- Flow chart showing the process for handling developer contributions including the pre-application, application and post application stages
- Viability appraisals – what they are and the role they play in determining developer contributions.
- Prioritisation policy – process for prioritising possible contributions relating this to the availability of funding from other sources including the City Council. Possible use of a tariff approach. This will include the provision of affordable housing.
- Legal Services input – early involvement in the process with work starting on the Section 106 Agreement at the same time as discussions start on the planning application. Greater use of standard agreements and of conditions instead of a Section 106 Agreement. Clarity needed on when and how applications could be refused if developer contributions have not been satisfactory resolved.
- Corporate group to meet on a regular basis to co-ordinate developer contributions work. Would consider proposals for contributions and advise the Development Control Committee accordingly. Responsibility also for monitoring Section 106 Agreements already made to ensure that payments are made. Possible Member involvement with this? Developer Contributions officer – role and responsibilities need clarifying.
- Data establishment and maintenance. Need to ensure that data is properly recorded and maintained and that past section 106 Agreements are properly monitored. Will require appropriate IT.
- Communications. The needs of the community to be informed, consulted, and involved where appropriate, are a key issue. Further information, and training, for Members. Leaflet/information sheet for developers, which sets out the possible requirements and the process including a flow chart. Greater sharing of information and best practice with other authorities.
- Preparation of revised policies and procedures and an action plan to deliver improvements.

Administration

The Working group meetings are to be organized as seminars, and will be held every two to three weeks. A schedule of meetings is to be circulated widely, and papers are to be circulated to the Group one week prior to each schedule meetings. These papers will be 'work in progress', having been checked factually with officers from different departments.