

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

Working Group 6.6 Progress* and Future Actions

*measured against WG0.1, the original Terms of Reference for the All Party Member and Officer Group

Objectives

The strategic objective for the All Party Member and Officer Group has been to review and improve procedures and policies that will "maximize Developer Contributions and their distribution, tied into the overall priorities of the Council".

A further objective was set for the Working Group to provide a mechanism for "unified advice" from officers for Councillors and for external people seeking Council advice.

Overall Aims Achieved

1. Existing Council policies and procedures for dealing with developer contributions have been reviewed thoroughly. A cross-departmental officer group has analysed the work-flow for obtaining developer contributions procedures to clarify and improve relations between departments and directorates, and where for example the most effective use of viability appraisals can be made (see Flowcharts 1-4 attached).
2. A matrix of all policies and requirements has been produced. This summary identifies policy, thresholds, and who is responsible, providing a framework and policy context within which developer contributions can be sought. It enables transparency on where to find specific formulae, who is the lead officer in each department, whether a model S106 clause is available, and how policies relate overall to the Local Plan and other policy documents.
3. An outline of the Developer Contributions Officer post is attached. This post will guide a cross-departmental officer group, the Developer Contributions Group, terms of reference for which are attached.
4. 'Best practice' from authorities like South Bedfordshire, Leeds and Richmond-upon-Thames informed the updating of LCC procedures and policies; and further examples of good practice from West Berkshire, Wycombe and Norfolk are attached here as good practice guides.
5. On-going actions are to be managed through the officer group, as above. Further actions are also listed below in the proposed action plan.
6. Papers from the All Party Members and Officer Working Groups have been provided in the form of a reference manual for Members and officers to keep and update.
7. Draft 'RULES' are attached for Member discussion and decision at Working Group 6, to address outstanding issues in respect of affordable housing. These RULES enable prioritization to be applied in a clear and consistent form, when there are competing interests for resources.

8. Data and communications are two strands that require further and on-going work. An initial trawl of existing data has revealed unclaimed contributions of over £300,000; that situation is being addressed. It has also revealed the scale of potential contributions to be project-managed and monitored from now onwards – this could be some millions of pounds. Improving and managing communications with all stakeholders requires specialist input, viz West Berkshire and Wycombe examples attached.
9. Consultation on recommendations emerging from the Working Group has been carried out with LCC departments, the LRC and a number of external agents over the past six months.

Recommended Action Plan

1. Recommendations from Working Group 6 should be considered by the relevant Scrutiny Committees and Cabinet prior to going to Full Council for approval.
2. Convene a 'Developer Contributions Group' on a regular basis, chaired by the Service Director for Planning (or his representative).
3. Appoint a Developer Contributions Officer, who will co-ordinate the on-going project management for developer contributions.
4. Provide resourcing to manage data and monitoring of developer contributions.
5. Increase use of standard/model agreements for S106.
6. Focus on communications:
 - a. With developers (especially at early/pre-app stage) – leaflet, marketing and negotiating
 - b. With other stakeholders in Leicester, including local communities
 - c. With other local authorities to gain from good practice elsewhere (peer group reviews)
 - d. Between Council departments to support emerging "unified advice"
 - e. Through continuing website updates on adopted policy for potential investors in Leicester
7. Publish RULES in formats for internal and external use.
8. Ensure SPGs/SPDs are moving forward from 'draft' to 'adopted' for developer certainty.
9. Maintain informed position on changes in national system, to maximize Leicester's advantage to benefit from Planning Gain Supplement or tariff.