

Title of Report: Recommendations of the Connected Communities Scrutiny Committee: The policy, prioritisation and delivery of section 106 funding

Meeting: Cabinet

Meeting date: 28th March 2024

Report by: The Statutory Scrutiny Officer

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose:

The purpose of this report is to notify the Cabinet of the recommendations from the Connected Communities Scrutiny Committee, made at its meeting on 27 February 2024, and to request a response from the executive.

Recommendations

- a) That the recommendations on the policy, prioritisation and delivery of section 106 funding, made by the Connected Communities Scrutiny Committee at its meeting on the 27 February 2024, be noted.
- b) That an executive response to the scrutiny recommendations be prepared for consideration by the Cabinet within two months.

Alternative options

None proposed; it is a statutory requirement for the Cabinet to be notified and consider reports and recommendations made by a scrutiny committee.

Key considerations

1. Scrutiny committees have statutory powers to make recommendations to the executive, and the executive (Cabinet) has a statutory duty to respond. They may also make reports and recommendations to external decision making bodies.
2. Scrutiny recommendations are addressed to the Cabinet, as the main executive decision making body of the council (or, where appropriate, an external agency).
3. Cabinet is being asked to note the scrutiny report / recommendations and that an executive response to the scrutiny recommendations be prepared for consideration by the Cabinet within two months.
4. The minutes of the meeting of the scrutiny committee provide the record of the scrutiny committee's consideration of the issue and the scrutiny recommendations made during the meeting.
5. The scrutiny committee will be notified of the executive response made in respect to the scrutiny recommendations and may track the implementation of the Cabinet decisions and any actions agreed. This enables the scrutiny committee to track whether their recommendations have been agreed, what actually was agreed (if different) and review any outcomes arising.

The policy, prioritisation and delivery of section 106 funding

6. At a work programme planning meeting of the Connected Communities Scrutiny Committee in July 2023, the committee agreed to request an overview report on the council's arrangements regarding the policy, prioritisation and delivery of section 106 funding.
7. The committee scrutinised the policy that enables the council to secure section 106 funding, the mechanisms for identifying projects to be incorporated into the legal agreements, and the delivery of section 106 funded schemes since Cabinet approved the delivery model on 2 March 2023.

Scrutiny Recommendations

8. At the end of its consideration of this issue, the committee made ten recommendations to the Cabinet, as set out at Appendix 1 to this report.

Procedure for Recommendations from Scrutiny Committees

9. Where scrutiny committees make reports or recommendations to the Cabinet, as soon as this has been confirmed, these will be referred to the Cabinet requesting an executive response. This will instigate the preparation of a report to Cabinet and the necessary consideration of the response, the technical feasibility, financial implications, legal implications and equalities implications etc.
10. Where scrutiny committees make reports or recommendations to full Council (e.g. in the case of policy and budgetary decisions), the same process will be followed, with a report to Cabinet to agree its executive response, and thereafter, a report will be prepared for Council for consideration of the scrutiny report and recommendations along with the Cabinet's response.

11. Where scrutiny committees have powers under their terms of reference to make reports or recommendations to external decision makers (e.g. NHS bodies), where they do this, the relevant external decision maker shall be notified in writing, providing them with a copy of the committee's report and recommendations, and requesting a response.
12. Once the executive response has been agreed, the scrutiny committee shall receive a report to receive the response and the committee may review implementation of the executive's decisions after such a period as these may reasonably be implemented (review date).

Community Impact

13. In accordance with the adopted code of corporate governance, the council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review. Topics selected for scrutiny should have regard to what matters to residents.

Environmental Impact

14. There are no direct environmental impacts connected with this report or the outcomes it seeks to deliver.

Equality Duty

15. There are no specific equalities impacts.
16. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
17. A public authority must, in the exercise of its functions, have due regard to the need to –
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
18. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Resource Implications

19. There are no resource implications arising from this report, however, fulfilling the recommendations and considerations outlined in the report may require investment from the council and wider partners.
20. Resource implications should be considered as part of the requested report to Cabinet on the Executive Response to the scrutiny recommendations.

Legal Implications

21. The council is required to deliver a scrutiny function.
22. There are no specific legal implications arising from this report.

Risk management

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the notification of recommendations from the scrutiny committees and agreement of an Executive Response should help mitigate this risk.

Consultees

The Chair of Connected Communities Scrutiny Committee.

Appendices

Appendix 1: Recommendations of the Connected Communities Scrutiny Committee: The policy, prioritisation and delivery of section 106 funding

Background papers

[The policy, prioritisation and delivery of section 106 funding - report to Connected Communities Scrutiny Committee 27 February 2024](#)