

S. 106 agreements – Progress Update

The report suggested 11 recommendations (5 High, 6 Medium)

Management accepted the report findings and agreed to all 11 recommendations and are now in the process of implementing these recommendations.

The audit report identified five agreements where the deadline for spending contributions had passed, concluding the Council could have lost £180k of s106 funds as a result of not meeting the deadlines:

PLANNING REF	SITE/POT NAME	Date of Legal Agreement	DEADLINE	REMAINING
11/00742/OUT	Hucclecote Centre	13/09/2012	09/12/2019	£348.20
14/01317/OUT	Blackbridge Allotments	30/10/2013	17/10/2021	£18,261.53
12/01098/FUL	Hallmark Hotel	31/07/2013	05/01/2020	£19,338.95
07/00472/OUT	St Gobain	01/05/2013	26/06/2021	£60,452.72
08/01171/OUT	Travis Perkins	14/03/2011	21/02/2019	£81,263.94

Management reviewed these agreements to establish whether the Council had failed to commit the funds within the appropriate timeframes and if that was the case, the amount of s106 potentially lost.

- **Hucclecote Centre** – not material
- **Blackbridge Allotments** – The deadline noted (17/10/2021) listed on the s106 spreadsheet refers to the Education Contributions as per the legal agreement. There is no deadline specified within the agreement for ‘Play Space Contributions’ – As such, these funds remain available for the City Council to spend.
- **Hallmark Hotel** – Letter dated 11/12/2019 commits £25,577 to Matson Rugby Club. This commitment ensures all funds were committed within the agreement timeframe – all sums secured under the S106 are committed with draw down happening on a phase basis and £19,338.95 remains to be drawn down but remains available.
- **St Gobain** – These funds have been committed as a contribution to ESIF – Urban Greenings Project. There was the £35k committed in 22/23 and £10k committed in 23/24. These were originally committed to the scheme as part of the original ESIF application signed in 2017. These funds were committed so remain available for the City Council to spend on this project.
- **Travis Perkins** – The remaining balance was committed to the Play Area Improvement Grant (PIG). This was covered by the Playing Pitch Strategy report which went to cabinet 6/2/2019. These funds were committed and remain available for the City Council to spend.

Summary

With the exception of Hucclecote which wasn’t reviewed for materiality. The four remaining suggested s106 sums have been reconciled against the relevant legal agreements and available evidence. This confirmed all funds made available under each of these s106 agreements was either

spent or committed within the timeframes specified, as such no funds need to be returned to developers.