

## **Scrutiny Suggestions received since the previous meeting**

1. In 2009 a T&W Scrutiny Review Group lead by Cllr. Karen Tomlinson with Cllrs. Adrian Meredith, Kuldip Sahota and Roger Aveley reviewed and reported on the limitations of Section 106 agreements and the alternative/addition of the Community Infrastructure Levy (CIL) as a means of getting developers to provide more realistic contributions to the costs of upgrades, additions, changes etc. to infrastructure outside of a site where the extent of the construction on a site was likely to lead to significant costs being incurred as regards the required changes to the infrastructure.

Failing the proper implementation of CIL by a local authority, the most immediate consequences are that the developer makes a 'windfall profit' from the development by not paying/contributing to the cost for the necessary changes to infrastructure and the residents/Council Tax payers indirectly contribute to the developers profit by having to pay the cost of the work to the infrastructure through Council Tax, utility bills etc. The amount of funding generally available to the local authority to fund its entire services e.g. social care etc. is also thereby reduced.

Are the Scrutiny Committee satisfied that the guidance from the 2009 review is being properly applied as regards CIL in particular, where major developments are coming forward across Telford in general including, but not only limited, to Newport?

We have seen from the Minutes of the September 2011 Scrutiny Management Board, item SMB-9, Section 5, that a matter concerning S. 106 was not to be considered due to changes expected in the Localism Bill. We strongly urge that you go back to whoever supplied this advice as it is not accurate and incorrect in affecting your considerations. The legal provisions concerning both S.106 and CIL are to be applied as laid down in existing legislation - they have not and are not set aside when each planning application is considered and are very much part of what your planning officers consider for each application. Any possible changes to existing legislation which may be made in future legislation only comes into being on the promulgation date laid down by Parliament. We are so concerned about this fundamental error that we are sending a copy of this e-mail to the Borough Solicitor with a copy to the Chairman of the Scrutiny Management Board

2. A Scrutiny Commission for Environment and Regeneration chaired by Cllr. Alan Mackenzie with a review group of Cllrs. Green, Rhodes, Lomax, Tonks and Mason, provided a report with recommendations as to changes in procedures as to how and when Town and Parish Councils should be consulted in advance when the Borough Councils considers disposal of any Council assets. As regards the 'conditional sale' approved by T&W Cabinet at its meeting on 28th September 2011, of the land off Station Road, Newport, together with any other interests in land the Council may have in Newport, are the Scrutiny Panel satisfied that the revised procedures in the report (which were recommended to take account of perceived failings to consult town and parish councils) have been

fully and properly followed and implemented as regards the land off Station Road and other T&W interests in land in Newport ?

3. The Government has at an advanced state the reforms that will fundamentally change the way local authority finances operate from the commencement of the public sector financial year of 2013. The range of proposed measures are now generally referred to under the heading of 'Localist Finance'. The Government issued a series of eight technical papers over the summer months which gave details of how various receipts from business rates raised locally, CIL monies, funds from disposal of assets etc. will be retained by local authorities as opposed to being returned to Government under such mechanisms as the Housing Revenue Account (HRA) etc.

Are the Scrutiny Panel satisfied that the proposed disposal of land holdings off Station Road, Newport together with disposal of interests in other land in Newport, is providing value for money for Council Tax payers when taking into account the changes to financing of local authorities as set out above, that land prices are particularly low at present following the recession, credit crunch etc.etc., hence why developers and house builders are frantically buying up land and seeking planning approvals across the country.