



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

13 June 2024

Report of the Executive Director of Children's Services

Children's Services Capital Allocations S106

(Cabinet Member for Education)

1. Divisions Affected

1.1 County-wide

2. Key Decision

2.1 This is a key decision because it is likely to result in the Council incurring expenditure which is significant having regards to the budget for the service or function concerned. This level is set at £500,000. It is also significant in terms of its effect on communities living or working in an area comprising two or more electoral areas in the County.

3. Purpose

3.1 To inform Cabinet of the receipt of recent Section 106 developer contributions and to seek approval for the allocation of those contributions to projects in line with the individual Section 106 agreements. To also inform Cabinet of the return of Section 106 contributions that have exceeded the spend date, in line with the individual Section 106 agreement.

4. Information and Analysis

- 4.1 Appendix 2 details the S106 contributions that have been received and/or allocated by the Authority. The Appendix details the schools that are to benefit from the investment, together with the planned projects.

Appendix 2 details the S106 contributions to be returned to the developer due to expiry of spend date, in line with the individual section 106 Legal Agreement.

5. Consultation

- 5.1 Not applicable

6. Alternative Options Considered

- 6.1 Developer contributions are to be utilised as per the S106 agreements. If we did not allocate these contributions the funding for additional school places related to the growth in housing would have to come from Basic Need.

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

- 8.1 These are held on file in the Children's Services Development Section

9. Appendices

- 9.1 Appendix 1- Implications.
9.2 Appendix 2 – Proposed schemes.

10. Recommendation(s)

That Cabinet:

- a) Notes the receipt/availability of S106 funding and approves allocations to the projects outlined in Appendix 2.
- b) Acknowledges expiry of spend date of Section 106 funding and approves return of funds to developer.

11. Reasons for Recommendation(s)

11.1 The approval of the S106 allocations will ensure that the funding can be spent in line with the agreement in the allotted time available and ensure there is sufficient capacity at schools in the County.

The approval of the return of the expired S106 allocations to the developer will ensure the Local Authority adheres to the individual Section 106 Agreement held between the Local Authority and the Developer.

12. Is it necessary to waive the call in period?

12.1 No

Report Author: Nicola Ward

Contact details: x35402

Implications

Financial

- 1.1 The contributions are wholly S106 Developer Contributions. Appendix 2 summarises the funds received. The total S106 to allocate is **£2,152,796.36** Appendix 2 summarises total spend date expired S106 funds to be returned in the sum of **£33,982.96**.

Legal

- 2.1 The projects and return of expired Section 106 funds are agreed in line with the individual S106 legal agreements.

Human Resources

- 3.1 None

Information Technology

- 4.1 None

Equalities Impact

- 5.1 No impact

Corporate objectives and priorities for change

- 6.1 Not applicable

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 Subject to funding approval the design and project delivery will either be procured via Concertus Derbyshire Ltd or via the schools.