

S106 Areas	Obligations/Infrastructure	Amount currently held	Notes
Aylesbury	Affordable Housing	£2.057m	
	ALUTS (transport schemes in/around Aylesbury)	£1.094m	All funds have been allocated to projects through a BCC Cabinet Report.
	Leisure	£15.539m	These reports would usually be circulated to Senior Colleagues on a quarterly basis. In the meantime, a manual process is in place to report on S106 monies within a year of expiry and this would include actively chasing Parish Councils on S106 Leisure monies which were generated within their Parish.
	Other	£2.121m	
Former BCC	Education	£26,620,181m	All Education s106 is Ring-fenced to education projects as outlined in the s106 agreements and MTFP
Former BCC	Highways/Transport	£4,934,532.34	Reserved at the end of March 2020. Where money has not been spent, they are ring fenced for a specific project in accordance with the s106 agreement.
Chiltern and South Bucks	Affordable Housing	£2,300,138.52	
	Affordable Housing confirmed committed (see notes)	£1,922,045.70	Funds received where there are conditions attached to the legal agreements are prioritised to be allocated (committed) to a spending project
	Affordable housing not uncommitted (see notes)	£378,092.82	This amount is not committed, however, it is to be noted that these are from legal agreements where there are no conditions (clawback) attached to the legal agreements whereby there is a risk they can be returned.
South Bucks area	Affordable Housing	£2,079,081.46	
	Affordable Housing confirmed committed (see notes)	£1,235,490.76	Funds received where there are conditions attached to the legal agreements are prioritised to be allocated (committed) to a spending project
	Affordable Housing uncommitted (see notes)	£843,590.70	This amount is not committed, however, it is to be noted that these are from legal agreements where there are no

			conditions (clawback) attached to the legal agreements whereby there is a risk they can be returned.
Wycombe	Overall	£4.9m (based on calculation from June 2020 report)	All s106 allocations in the former WEC area were allocated through the financial budget setting process i.e Cabinet. All capital schemes are published on line via the Capital Plan.

Area	CIL Strategic	Neighbourhood Portion (Parishes)	Notes
Wycombe	£4,952,079 (retained at the end of 2018/2019 financial year)	£847,063	<p>There are no funds due back from parishes as there was a big push a year or so ago to ensure parishes were aware if they did not spend within the 5 year period (from when they receive it), the Council would recover the unspent fund.</p> <p>The Council is able to keep track on the Parishes receipt and expenditure through the annual Parish CIL reports as required under the CIL Regulation.</p>
Chiltern and South Bucks	£0	£0	<p>We are expecting several payments and invoicing for CIL.</p> <p>The Council is able to keep track on the Parishes receipt and expenditure through the annual Parish CIL reports as required under the CIL Regulation.</p>

Notes:

It is to be noted that whilst Buckinghamshire Council is in its infancy, the different areas and their responsibilities for the collection and spending of s106 financial contributions remain the same. Each of the areas have in place a robust system and rules to ensure that all money received is spent on the allocated project in line with the terms of the legal agreement

The majority of the s106 legal agreements have a clawback date, that is the monies are to be spent within a certain period, this can range from 5 to ten years. However, s106 agreements are specific on what the contributions are to be spent on, bearing in mind that some projects can take longer to deliver, especially large projects such as highway/transport and education, so the contributions on receipt are ring fenced to specific projects to minimise the risk of any contributions being returned to the developer.

While not all contributions received for the various infrastructures have been spent to date, this is to be expected as some projects can take a number of years to be delivered. There are a number of contributing factors to unspent sums; with significant projects it may be due to mitigating factors and the requirement of additional funding. For Affordable Housing, it may be that the provision of affordable housing is to be funded from different s106 agreements which are at different stages of development and when the affordable housing contribution is to be received. As such, the sums received will not have been spent until the remaining sums are received, however they are committed to a project. S106 contributions are specific on what it's to be spent on so there is no room for it to be spent other than what it's intended for. The only way this can be done is if the Developer agrees to it by means of a Deed of Variation or an agreement in writing. Clawback are normally 5 or 10 years where the money can be returned to the Developer and usually starts from the date the money is received. Where money has not been spent, they are ring fenced for a specific project in accordance with the S106 agreements.