



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
6 February 2025

Ward(s) Affected: Adur All

Transfer of Adur s106 funding to Sussex Police

Report by the Assistant Director for Regenerative Development

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Executive Summary

1. Purpose

- 1.1. Adur District Council secured the obligation for a financial contribution of £104,376.97 (index linked) of s106 funds for Police Services in the s106 legal agreement dated 04/08/2023 under the development AWDM/0323/19 at Land South Of West Street And West Of Loose Lane, Sompting.
- 1.2. £107,155.06 is due to be paid by the end of January 2025. The stipulations of how the s106 funds should be spent are “towards improvements to the Sussex Police Service”.
- 1.3. Sussex Police are requesting the utilisation of s106 funds received by Adur District Council in accordance with section 4.

2. Recommendations

The Joint Strategic Committee is recommended to:

- 2.1. Approve the release of £107,155.06 of s106 funds held by Adur District Council to Sussex Police as detailed in 3.1 onwards and to approve a budget virement of £107,155.06 from S106 monies for Adur District Council, creating a capital budget of the same amount.
- 2.2. Authorise the Assistant Director for Regenerative Development to enter into a Deed of Agreement with Sussex Police to release those funds.

3. Context

- 3.1. The s106 agreement dated 04/08/2023 under the development AWDM/0323/19 at Land South Of West Street And West Of Loose Lane, Sompting (West Sompting) contained an obligation for the developer to provide a financial contribution of £104,376.97 (index linked) to Adur District Council to be used 'towards improvements to the Sussex Police Service'.
- 3.2. The payment was due 'on or before the Occupation of the first (1st) Dwelling'. The payment of £107,155.06 (which was index linked from the date of the agreement) is due to be paid by the end of January 2025. There is a deadline of 10 years from the receipt of a contribution for it to be spent, as stipulated in the s106 agreement.
- 3.3. The legal agreement also covenants 'the Council to pay the Policing Contribution received under this Deed to Sussex Police or to any successor group which undertakes the same function ("the Group") upon receipt of a document from the Group confirming that it will apply the Contribution for the purpose set out in this Deed and for no other purposes whatsoever and further that it shall refund any unspent portion of the Contribution within ten (10) years of the date was paid to the Council by the Owner.'
- 3.4. The Adur Infrastructure Delivery Plan (IDP) 2016, which was prepared alongside the Adur Local Plan 2017, in section C lists the infrastructure requirements needed to meet the needs generated by the development proposed with the Adur Local Plan and to ensure that infrastructure is properly planned for and delivered in line with the identified requirement.

- 3.5. In relation to the West Sompting development planned for in the Adur Local Plan 'Improvements to police services' was included as being essential to meet demand arising from the development. It was noted that this would be funded through developer contributions.
- 3.6. The Planning Committee Report includes the following comments from Sussex Police relating to the application:
Advises that the development will place permanent, on-going demands on Sussex Police which cannot be fully shouldered by direct taxation. In order to maintain the current level of policing, developer contributions towards the provision of capital infrastructure will be required. The capital cost of policing new growth as a result of this major planning application equates to £104,376.97, to go towards the cost of additional police officers and support staff, the cost of accommodating additional staff and one additional vehicle.

4. Issues for consideration

- 4.1. Since the development was approaching the trigger point for the contribution being due from the developer, discussions have been held between ADC officers and Sussex Police on how the s106 funds could be best utilised in Adur.
- 4.2. Sussex Police have suggested that the funds are likely to be spent on the following:
- £14,368.80 - Officer – Set-up kit/equipment – Within Peverel Sompting Neighbourhood Police Team
 - £5,067.49 - Staff – Setup – kit/equipment – Shoreham Police Station
 - £66,245.12 - Premises/Reprovision – Shoreham Police Station
 - £21,473.65 - Fleet – Peverel (Sompting) Neighbourhood Policing Team
- 4.3. Sussex Police's original request for a developer contribution in respect of planning application AWDM/0323/19 can be found under the list of background papers. This document sets out the formula with regard to calculating the required contribution. The document also provides the justification for policing contributions.

- 4.4. The Council and Sussex Police will need to enter into a Deed of Agreement relating to the transfer of the s106 funds. Once this has been completed and signed by all parties, the funds will be transferred. The Deed meets the requirement of the legal agreement relating to the clawback of the funds from the developer should they remain unspent after 10 years.

5. Engagement and Communication

- 5.1. Discussions between the parties have taken place regarding the s106 obligations which have been secured by Adur District Council in relation to Police services in the district. Included in these discussions are the utilisation of any forthcoming s106 funds.

6. Financial Implications

- 6.1. Financial regulations require that the release of S106 funding be approved by the Joint Strategic Committee where it is in excess of £100,000.
- 6.2. Section 25 of 2003 Statutory Instrument No. 3146 - Local Authorities (Capital Finance and Accounting) regulations 2003 requires that 'the making of an advance or the giving of a grant or other financial assistance to any person, whether for use by that person or by a third party, towards expenditure, which would, if incurred by the authority, be capital expenditure shall be treated as capital expenditure. Consequently, if approved, this funding will need to be recognised in the capital programme.
- 6.3. s106 funds are held by ADC in relation to the transfer and therefore there are no revenue or capital financing implications to be considered.

7. Legal Implications

- 7.1. Under Section 111 of the Local Government Act 1972, the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.
- 7.2. s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation
- 7.3. Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

Background Papers

- [AWDM/0323/19 - s106 agreement](#)
- [AWDM/0323/19 - Schedules 1 to 9 of s106 agreement](#)
- [AWDM/0323/19 - Committee Report](#)
- [AWDM/0323/19 - Sussex Police consultation response](#)

Sustainability & Risk Assessment

1. Economic

- Use of the ADC s106 funds to improve the level of police services in Adur will help to improve our economy.

2. Social

2.1 Social Value

- Improvements to the level of police services in Adur will bring a social benefit to the residents of Adur.

2.2 Equality Issues

- Matter considered and no issues identified

2.3 Community Safety Issues (Section 17)

- Use of the ADC s106 funds to improve the level of police services in Adur will help to improve the safety of the residents and visitors to the district.

2.4 Human Rights Issues

- Matter considered and no issues identified

3. Environmental

- Matter considered and no issues identified

4. Governance

- This proposal helps to meet the strategies included in the adopted Adur Local Plan and Adur Infrastructure Delivery Plan (IDP) 2016.