

KCC risk assessment

Query/Risk raised	Mitigation proposed
<p>The ability of KCC to input into the S106 agreement and have this checked by their independent legal team.</p>	<p>A monitoring group has been created and will include various TMBC colleagues and KCC to ensure they are able to receive updates relating to ongoing negotiations, ongoing monitoring, and make/raise queries in relation to specific sites.</p> <p>Draft copies of the agreement would be distributed to KCC to enable them to review and provide any potential comments.</p> <p>For those agreements where the reciprocal covenants to TMBC and/or the relevant developer are required, then KCC will still be a signatory to the agreement.</p>
<p>KCC costs incurred from independent legal checking would not be funded by the agreement</p>	<p>Potential to include KCC legal fees into the S106 agreements and the agreement not being signed and completed until KCC have received their legal costs from the developer.</p>
<p>Potential for a threshold for KCC to be included as signatories on agreements.</p>	<p>Thresholds would not be required as they would be party to any agreements with reciprocal covenants to TMBC and/or the relevant developer are required e.g. such as Land Transfer and School provision. These would be the similar sized developments as the threshold would incur (approx. 500 dwellings).</p>
<p>KCC do not feel the current proforma works effectively for them, they are unable to provide details relating to project start dates and timelines.</p>	<p>TMBC will work alongside KCC when using the proforma, we will investigate any potential changes, however for majority use the current proforma supplied is suitable.</p>
<p>Concerns of being notified when funding has been paid to TMBC and is available for use by KCC.</p>	<p>Reassured in previous meeting that KCC will be notified when funds are received and what project/site they are to be allocated to.</p> <p>We will look to share real time live data with KCC which outlines the funds held by TMBC and breakdown of contribution, thus enabling KCC to properly plan for the delivery of essential mitigation via the S106 agreement funding.</p>