

Communities Scrutiny Commission

Date 14th January 2019



Report of: Colin Molton, Executive Director of Growth & Regeneration

Title: Local Community Infrastructure Levy (CIL) & devolved S106 Area Committee arrangements

Ward: City wide

Officer Presenting Report: Keith Houghton, Community Resource Manager

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Recommendation

That Communities Scrutiny Commission consider the results of the review of the first year of operation of the Area Committee local Community Infrastructure Levy (CIL) and Section 106 (S106) decision-making process 2018 and comment on the improvements which are being delivered in the 2019 process set out in the report and the appendices .



1. Summary

The 2018 Area Committee local CIL and S106 decision-making process was developed and delivered to carry through the resolution approved by Full Council on 20th March 2018. It has delivered its first year of decisions through Area Committees. This report describes the results, the learning from this first year and the proposed improvements to the process for 2019.

2. Context

- i. 6 Area Committees were created at the Full Council 20th March 2018. Their purpose is to take decisions over spend of the local element of CIL (15% of the total CIL allocation) and devolved S106 where there is a decision to be made about what and or where the s106 is spent.
- ii. The committees will meet once a year with the option of an additional meeting where required and will be supported by Democratic Services.
- iii. The 2018 decision-making process was delivered in 3 Stages between February – November 2018, resulting in £1,831,162 of funds being approved by Area Committees to deliver 45 projects, using both local CIL and S106 monies
- iv. A review of the 2018 process was started in late September, involving Chairs of the 6 Area Committees and an online survey
- v. The results have been used to shape an improved timeline and process for 2019 to reflect the suggestions and views emerging from the review.
- vi. A report of the learning review will be available on the council website in January 2019.
- vii. Area Committee Terms of reference and guidance about the process is available on the BCC website.
[\[https://www.bristol.gov.uk/documents/20182/32767/CIL+and+S106+funding+guidance/2eb385d6-c933-7f0d-6d59-dcb7b8e6f2a2\]](https://www.bristol.gov.uk/documents/20182/32767/CIL+and+S106+funding+guidance/2eb385d6-c933-7f0d-6d59-dcb7b8e6f2a2)
- viii. The Strategic element of CIL (85%) is to be applied to infrastructure schemes that support the growth identified in the Local Plan. This could be items such as a new school, major highway works, a new railway station etc. The purpose of these allocations is that they help to deliver major infrastructure that either unlocks or supports the delivery of strategic growth in Bristol.
- ix. Government guidance on the Strategic element of CIL states as follows:
Local authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed.

This flexibility gives local areas the opportunity to choose what infrastructure they need to deliver their relevant Plan (the Local Plan in England, Local Development Plan in Wales, and the London Plan in London). Charging authorities may not use the levy to fund affordable housing.

The Senior Responsible Officer in respect of the spending of the strategic component of CIL is Zoe Willcox (Director of Development). Potential allocations are initially considered by the Growth & Regeneration Board, before being taken to Cabinet for a formal decision to allocate funding to a specific project.

Cabinet decisions taken in respect of the Strategic element of CIL are contained in the table below. It is anticipated that further decisions will be taken in 2019, as funding is now available for new allocations.

Cabinet Decision	Scheme to be Funded	CIL Allocation	Date funding drawn down
1 September 2011	Ashton Vale to Temple Meads Metrobus Scheme	£5,000,000	February 2016
26 April 2012	Gainsborough Square Environmental Improvements	£750,000	March 2016
1 March 2016	Infrastructure to support Arena (now Temple) Island	£8,000,000	Funding available but not yet drawn down

All CIL allocations and spend are reported in CIL Annual Reports. These are required by the CIL Regulations and can be found at the following link:

<https://www.bristol.gov.uk/planning-and-building-regulations/community-infrastructure-levy-money>

3. Policy

The delivery of the Area Committee CIL & S106 decision-making process enables ward members working with local communities to invest in local infrastructure and deliver key priorities such as; Inclusive growth

Community building /empowering local communities and VCSE organisations

Access to good quality parks and green spaces

Access to opportunity

4. Consultation

a) Internal

- Area Committee chairs and ward members
- Head of Parks and Green Spaces
- Head of Local & Sustainable Transport

b)External

- Residents on the Neighbourhoods & Communities mailing list
- VCSE groups participating in 2018 Area Committee process
- VCSE groups funded through Bristol Impact Fund

5. Public Sector Equality Duties

- 5a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.
- 5b) All Stage 2 Full Proposals were required to produce an Equalities Impact Statement to identify how their project will deliver benefit to relevant equality communities or mitigate negative impacts. These were shared with Area Committees and were considered as part of their deliberations in allocating CIL and S106 to projects
- 5c) All projects in addition were required as a condition of funding to identify any relevant improvements to access for disabled people they would deliver. This has produced a suite of projects which all deliver identified improvements in neighbourhoods around disabled access and

which will be monitored on their delivery and reported back to Area Committees

Appendices:

Appendix 1: Local Community Infrastructure Levy & devolved S106 (update and review of the new Area Committee arrangements) Powerpoint presentation

Appendix 2: Timetable for Area Committee CIL/S106 decision-making 2019

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

- Area Committees and Community Infrastructure Levy/Section 106 2018: Feedback survey
- AC, CIL & S106 issues for improvement of 2019 process
- 2018 Proposals Tracking Sheet