



Area Committee 1 Meeting Date 15th May 2019

Report of: Keith Houghton,

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RECOMMENDATIONS. The Committee is asked to:

1. Note the update on projects approved at the 3rd October 2018 AC1 meeting and the background from that meeting which has led to the MUGA/Park renovation Beachley Walk re-submission for approval (Item 2)
2. Note the CIL and S106 monies available at 31st March 2019, the projected CIL funds which are likely to be available to the Committee at end August 2019 and the option of pre-committing future CIL receipts to support the proposals in this paper; note the role of the Committee in making decisions about all delegated S106 contributions (Item 3)
4. To consider the approval of re-worked funding profile for the £50,000 CIL agreed for MUGA/Park renovation Beachley Walk in the light of the 'no-fence' option being pursued by Parks, the reduced cost of the MUGA and re-profiled delivery of the project phases to bring forward some play equipment delivery (Item 4)
5. Reverse the previously-allocated CIL decision of £50,000 to Avon Crescent Rerouting (Item 5)
6. To note the legal information concerning the Public Sector Equality duty in reaching all its decisions (Item 6)

1. Background: Area Committees and delegated CIL & Section 106 decision-making

- a. 6 Area Committees were approved at the Full Council meeting on 20th March 2018 to hold delegated decision-making powers over non-earmarked Section 106 and local Community Infrastructure Levy (CIL) funds.
- b. Area Committee 4 consists of the councillors representing the wards of Ashley, Central, Lawrence Hill, Easton, St George West, St George Central and St George Troopers Hill.
- c. Each Area Committee will meet formally once a year (with the option of a second, additional meeting if required) to make decisions on the awarding of local CIL and S106. 15% of CIL generated within each Area Committee area is available for spend. Those parts of an Area Committee which have a formally adopted Neighbourhood Development Plan receive 25% of the CIL generated within the defined border of their Plan to support their identified infrastructure priorities. In Area Committee 4 the area covered by the Old Market Quarter Neighbourhood Development Plan is one such (**See Appendix 1**). In principle CIL generated at the higher rate in a Neighbourhood Development Plan area should be deployed to support the infrastructure priorities in the ND Plan.
- d. Information about Area Committees, CIL and S106 processes can be found on the BCC website at:
<https://www.bristol.gov.uk/people-communities/local-decision-making>

2. Update of progress of projects approved in at the 3rd October 2018 AC1 meeting and background to St Mary's Recreation Ground/Beachley Walk funding amendment request

- a. The following project proposals were approved and funding was allocated to deliver them at the 3rd October 2018 Area Committee 1 meeting. The table below provides an update on progress to deliver these projects:

| No. | Project Name | Delivery Group | Full Proposal £ approved | Progress towards project completion | Expected delivery date |
|-----|-------------------|---------------------|--------------------------|---|------------------------|
| 1 | Match funding for | BCC Parks with SCAF | £50,000 | Unable to proceed without further AC decision - See Item X: St Mary's Recreation Ground/Beachley Walk funding amendment | May 2020 |

| No. | Project Name | Delivery Group | Full Proposal £ approved | Progress towards project completion | Expected delivery date |
|-----|---|--------------------------|--|--|------------------------|
| | MUGA/Park renovation Beachley Walk | | | request | |
| 2 | Funding modular hub for BMX bike club to complement new bcc BMX track | Ambition Lawrence Weston | £105,000 (£100,000 if a diesel generator was considered to be the best solution) | <p>Just to keep you in the loop re the CIL funding for welfare units at the BMX track.</p> <p>Part of the agreement was for ALW, to explore the possibility of a "Green" generator.</p> <p>We have had difficulty in obtaining one that would be deemed as green, therefore we are currently working with Western Power Distribution to see if a temporary power line from the national grid is doable and affordable.</p> <p>We have also progressed with the requirement of obtaining 3 competitive quotes for the required units.</p> <p>We are now arranging clear confirmation to ensure the quotes are for a like for like as a result in large difference in the prices given. Once we have received these we will progress on ordering from the chosen supplier, following agreement from the area 1 committee obviously.</p> <p>We will then consider the power supply, if we can achieve within budget we will crack on, if not we may well ask the committee to consider siting the units without power, temporarily, until CURO housing have installed a permanent supply, now that this has been agreed as a planning condition for their recently approved application to build houses nearby.</p> <p>Therefore, these issues may result in the delivery timeline slipping a fair bit, hope this will be ok with all.</p> <p>Mark Pepper, Ambition Lawrence Weston</p> | Still to be determined |
| 3 | Match funding for replacement | BCC Parks | £50,000 | Being tendered; match funding achieved | August 2019 |

| No. | Project Name | Delivery Group | Full Proposal £ approved | Progress towards project completion | Expected delivery date |
|-----|---|------------------|--------------------------|---|------------------------|
| | park equipment at Mancroft Ave | | | | |
| 4 | Engage the Park Work team to undertake improvement work in parks throughout the wards | ParkWork | £12,000 | Funding drawn down and works being delivered and checked with Planning Obligations Manager to ensure eligible to be delivered using CIL | Ongoing as required |
| 5 | Environmental Improvements in Stoke Bishop, WOT, Henleaze | BCC Parks | £9, 400 | To be tabled at 15 th May 2019 meeting | |
| 6 | Replacing 14 street trees in Stoke Bishop, WOT, Henleaze | BCC Tree Bristol | £10, 712.94. | Planted Winter 2018/19 | completed |
| 7 | Tree Forum re-planting: 46 plots | BCC Tree Bristol | £35,199.66 | Planted Winter 2018/19 | completed |

b. **Match funding for MUGA/Park renovation Beachley Walk:** at the 3rd October 2018 AC meeting this proposal was approved with the following conditions:

Resolved – (Unanimously) to approve funding of £50,000 CIL to deliver the project subject to the following conditions:-

1. That the money is not released until the Steering Group know whether it is option 1 (without the fencing) or option 2 (with the fencing) that will be delivered;
2. That the £27,500 for the cost of the fencing, should option 2 be delivered, is ring-fenced for that purpose only.

Parks have decided not to install the fencing. This means that they have re-assessed their delivery priorities and are requesting the Area Committee to support their re-allocation of the £50,000 CIL approved as set out in **Item 4**

3. CIL and Section 106 Monies available to Area Committee 1 at 31st March 2019 and projected CIL funds likely to be available at 31st August 2019

a. CIL available:

At the end of March 2019 there was a total of **£66,879.10** available to Area Committee 1, taking into account all the CIL funding committed at the 3rd October 2018 meeting and CIL funds which have been paid into the City Council up to 31st March 2019. **Appendix 1**

b. Jim Cliffe, the Planning Obligations Manager, projects a likely CIL fund for AC4 at the end of August 2019 of £117,000, based on his known CIL incomes which are due for payment over the coming months.

c. Pre-commitment of future CIL receipts:

- i. Area Committees may wish to approve funding for a Stage 2 Proposal by pre-committing ‘still to be received’ CIL funds to its delivery. This would mean that any project which was approved in this way would be the priority to receive all incoming CIL until such date as its approved funding allocation was accumulated in CIL receipts by the Planning Obligations Manager.
- ii. Because of this these projects would not be able to receive a Funding Agreement, start any work which relies on CIL funding or receive any access to funding until the full CIL monies is accrued.
- iii. This means that the Area Committee will need to be very clear which project(s) are its priorities for immediate

action to support with currently-available CIL and which it is prepared to subject to delayed start by approving funding through pre-commitment.

iv. The rate at which CIL is paid to the Council is unpredictable and therefore the delayed start for these projects is similarly impossible to predict.

v. Pre-commitment of future CIL income will impact on the Area Committees ability to consider new proposals in future years

d. Section 106 available:

i. At the end of March 2019 there was a total of **£91,505.17** uncommitted Section 106 agreement monies available for AC1 to commit. These contributions are directed towards Community buildings in Clifton/Clifton East (2); various tree planting locations and 2 parks/open spaces contributions. **Appendix 2**

ii. All S106 agreements are legally bound to be spent according to the Purpose of the Contribution so can only be approved for projects which met these conditions.

iii. The Committee is the only body entitled to allocate all devolved S106 monies in Area Committee 1 and is encouraged to explore their application to future projects which they might identify in collaboration with their ward communities

4. MUGA/Park renovation Beachley Walk: for decision

a. The original Full Project Proposal for the MUGA/Park renovation in Beachley Walk/St Mary's Recreation Ground in Shirehampton was costed to upgrade the MUGA and with two options to a. include fencing or b. not include fencing.

b. In response, the Committee approved the following:

approve funding of £50,000 CIL to deliver the project subject to the following conditions:-

1. That the money is not released until the Steering Group know whether it is option 1 (without the fencing) or option 2 (with the fencing) that will be delivered;
 2. That the £27,500 for the cost of the fencing, should option 2 be delivered, is ring-fenced for that purpose only
- c. Parks are now clear that option 1, without the fencing, is the preferred delivery model. They have also re-assessed the estimated costs for the MUGA and their delivery of the three stages of this project. They are seeking, therefore, the Committee's approval for using the £50,000 CIL agreed in October 2018 to deliver to the following budget/delivery phasing. It has the advantage of reduced costs to install the MUGA, releasing funding to enable them to introduce some improved play equipment and improved access immediately, as set out below:

| Phase | Work | Budget | Funded by S106 | Funded by CIL | Funded by BCC Parks | External fundraising | Totals |
|--|---|---------------|----------------|---------------|---------------------|----------------------|---------|
| 1. Muga | Renovate the existing MUGA, without fencing | £25,000 | £39,913 | £50,000 | £5,087 | ? | £95,000 |
| 2. Play equipment and access improvements | Deliver some new play equipment and essential access improvements | £70,000 | | | | | |
| 3. Additional play equipment and access improvements | Fundraising to add extra play equipment and access improvements | Up to £80,500 | | ? | | ? | |

- d. Phase 3: this phase still needs to identify funding to deliver. One option is to seek landfill funding, which has been accessed to support new play equipment in Avonmouth (Richmond Terrace) and in Lawrence Weston (Mancroft) in recent years.

Recommendation:

That the Area Committee decides whether to approve the re-profiling of the £50,000 CIL already approved for this project to deliver play equipment upgrades at the Beachley Walk/St Mary's Recreation Ground

5. Reversing previously-allocated CIL decision: Avon Crescent Rerouting - £50,000.00

- a. Avon Crescent Re-routing was allocated £50,000 CIL by the relevant Neighbourhood Partnership.
- b. At the 3rd October 2018 AC1 Meeting it was minuted that 'that the Avon Crescent Rerouting scheme allocation of £50,000 of CIL was now not possible to spend as the project had been abandoned.'
- c. In light of this the Committee is recommended to cancel this CIL allocation and restore the £50,000 to its available AC1 CIL funds.
- d. This will have the effect of increasing the projected CIL monies available to the Committee at end August 2019 to: **£167,000**

Recommendation: that the Committee cancels the allocation of £50,000 CIL to the now-abandoned Avon Crescent Rerouting scheme.

6. Equalities/Public Sector Equality Duty: Legal Information

When councillors decide how CIL and Section 106 is spent they should have due regard to the Public Sector Equality Duty that applies to all public bodies. This duty is contained in the Equality Act 2010 and came into force on 6 April 2011. It replaces previous equality duties under the Sex Discrimination, Race Relations and Disability Discrimination Acts.

The duty means that councillors are required to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act
- Promote equality of opportunity between different groups
- Foster good relations between people from different groups

The duty covers the following protected characteristics:

- Disability
- Sexual orientation
- Age
- Gender reassignment
- Religion and belief
- Sex
- Race
- Pregnancy and maternity

It also applies to marriage and civil partnership, but only in respect of the requirement to eliminate discrimination and harassment.