

Committee Model Working Group

24th November 2023 (reconvened to 1st
December 23 following adjournment)



Report of: Director – Legal and Democratic Services

Title: Local decision-making – follow up report

Ward: All

Officer Presenting Report: Director – Legal and Democratic Services

Recommendations:

That the Committee Model Working Group considers and makes recommendations to Full Council in respect of the matters raised in this report.

The significant issues in the report are:

This report sets out further detail relating to the proposed arrangements for local decision-making through Area Committees for implementation from May 2024, in particular a proposal relating to the Local element of the Community Infrastructure Levy.



1. Overview of adjourned meeting on 24 November 2023

At its meeting on 24 November 2023, the Working Group considered a report relating to local decision-making. The Working Group agreed the following matters and they will be referred to Full Council for a decision.

a. The boundaries of Area Committees

The Working Group agreed that there would be 9 Area Committees as set out in the table below.

No	Ward 1	Ward 2	Ward 3	Ward 4
1	Avonmouth and Lawrence Weston	Henbury and Brentry	Southmead	Horfield
2	Stoke Bishop	Westbury on Trym and Henleaze	Redland	Bishopston and Ashley Down
3	Clifton	Clifton Down	Cotham	Hotwells and Harbourside
4	Central	Ashley	Lawrence Hill	Easton
5	Lockleaze	Eastville	Hillfields	Frome Vale
6	St George West	St George Central	St George Troopers Hill	-
7	Southville	Bedminster	Windmill Hill	Filwood
8	Hartcliffe and Witherwood	Bishopsworth	Hengrove and Whitchurch Park	-
9	Knowle	Stockwood	Brislington West	Brislington East

b. In-person meetings of Area Committees

The Working Group agreed that Area Committees should hold public facing meetings in local areas and that these will meet approximately 2 times per year in person and this will be a specific requirement where formal decisions need to be taken. Members of the public would be able to attend these meetings and public forum arrangements would be in place for statements, questions and petitions, including arrangements for a petition debate to take place where a petition had received 200 signatures.

c. Online meetings of Area Committees

The Working Group agreed that some informal meetings of the Area Committees could be held online which would facilitate information sharing and engagement, provided that no decisions were being taken. Members of the public would also be able to attend remote meetings.

d. Location of meetings of Area Committees

The Working Group agreed that (as per point b) Area Committee formal meetings would be held in-person in local areas.

e. Protocol for consultation and engagement

The Working Group agreed that a protocol for engagement and consultation will be prepared that sets out the arrangements for engagement and consultation with the Area Committees.

2. Community Infrastructure Levy

Further advice from officers was requested in respect of the Local element of the Community Infrastructure Levy and how the Local element of CIL could be allocated in a more equitable way to support the development of the area by funding either infrastructure or anything else to address the demands that development places on an area. Therefore, the meeting was adjourned until Friday 1 December to enable officers to consider and make recommendations in respect of the Local element of CIL.

This report considers how an equitable approach to the Local Element of CIL could be structured and how decision-making would operate. Furthermore, the Working Group needs to finalise any recommendations in respect of the budget/financial assumptions to support the new Area Committee arrangements.

One of the main sources of funding for Area Committees will continue to be the local element of the Community Infrastructure Levy (CIL). The local element of CIL (Local CIL) was introduced to reward communities that embraced new development. It is not intended to be either redistributive or fair, rather to provide those communities in which new development is located with a financial incentive to enable them to deliver local infrastructure priorities. In rural areas the Local CIL is passed to Parish Councils to allocate. In those areas that do not have parishes (such as Bristol), Local CIL is to be allocated using existing community engagement processes, which in Bristol's case are the Area Committees. Local CIL is capped at 15%, or in areas where a Neighbourhood Development Plan (NDP) is in place, 25%. There is no discretion over these percentages as they are set out in government regulations.

Once a CIL payment is received, and the appropriate amount of Local CIL allocated to the relevant Area Committee, there is no restriction on where in the Area Committee area it is to be spent, (other than Local CIL deriving from areas with a NDP in place). However, the majority of development in Bristol is concentrated in relatively few wards, so there is likely to be a disparity in the level of Local CIL available to Area Committees. In other words, those Area Committees in which most new development takes place will get more in the way of Local CIL than those Area Committees in which little new development takes place.

3. Creation of an Equity Fund from the Local element of CIL

This section of the report sets out a proposal for how a percentage of the Local element of CIL could be allocated to areas of highest deprivation in the city, whilst still retaining the principle of local decision making by the Area Committees. It proposes the creation of a Local CIL Equity Fund based on the following principles.

As set out above, the Local element of CIL is capped at 15% by the CIL Regulations. To enable the creation of a CIL Equity Fund, it is proposed that 15% of the overall Local CIL is ringfenced for this purpose. This will aid the City's development through the funding of various infrastructure-related projects in areas of deprivation. It will support the development of the city by funding either new or improved infrastructure, or anything else to address the demands that development places on it, as

required by the CIL Regulations.

A worked example, based on the CIL receipts for the financial year 2022/23 is as follows.

CIL income of £9,152,000 was received in the financial year 2022/23. It was apportioned as follows:

- £7,279,000 to Strategic CIL (80%)
- £458,000 to Administration (5%)
- £1,415,000 to Local CIL (15%)

If an Equity Fund had been in place in the financial year 2022/23 and 15% of the Local element of CIL had been allocated to an Equity Fund, then this would have created an Equity Fund of circa £200,000. The remaining circa £1,200,000 of the Local element of CIL would have been allocated to the relevant Area Committee, where decisions would be taken in the same way as at present.

In addition, the Working Group may wish to consider whether a greater proportion of the Local element of CIL could be ringfenced from wards where there is a significant amount of development, for example 30% from Central Ward, as opposed to 15%.

4. Decision-making in respect of the Equity Fund

As part of the proposal for the establishment of an Equity Fund, there will need to be a procedure in place for bids to the Equity Fund. The following procedure could be put in place.

- Bids to the Equity Fund would be made to the relevant Area Committee in line with current eligibility criteria for applications for the Local element of CIL;
- The relevant Area Committee would consider the application(s) as part of their annual decision-making process;
- The Area Committee would express their support or otherwise for each bid to the Equity Fund;
- If an Area Committee supports a bid then the Area Committee will submit the bid to the Council for consideration;
- If an Area Committee does not support a bid, then the bid will not be submitted to the Council (however in those circumstances, the bid may still be eligible for the Local element of CIL that is not part of the Equity Fund);
- The final decision on bids for the Equity Fund would be taken by the Public Health & Communities Committee on an annual basis, having considered all applications supported by the Area Committees.

The principles above set out a framework for bids to the Equity Fund. If the proposals are supported by the Working Group, officers will be able to prepare the detail to ensure that the appropriate arrangements are in place from May 2024.

5. Financial and budget implications

Further details relating to any financial and resourcing matters will need to be considered by the

Working Group in the context of the development of the Council's budget for 2024/25. The financial and resourcing costs of supporting Area Committees include the resources required in both the Community Engagement and Democratic Services teams as well as the administrative costs of funding room bookings in local communities. It should be noted that any current arrangements for the local support to deliver Local Ward Forums are unaffected by the proposals in this report.

The option for 9 Area Committees meeting twice a year would cost in the region of £110,000 - £125,000 per annum.

If the Area Committees were to meet four times per annum, the indicative cost of an increased number of meetings would be in the region of 25,000 per annum per Area Committee, based on the assumption that there would be two formal in-person meetings and two informal online meetings.

Whilst the amount of preparation to support in-person and online meetings is the same, the cost of supporting online meetings will be slightly less as there will not be formal reports and minutes required and venues will not need to be booked.

It should also be noted that the proposed increase from 6 to 9 Area Committees along with the introduction of a CIL Equity Fund will result in the need for significant additional monitoring and reporting of CIL monies. It is anticipated that the additional resource requirement would be in the region of £10,000 per annum.

Therefore, if there are 9 Area Committees, the annual cost would be in the region of £235,000.

Any additional funding to support the administration of additional Area Committees would need to be factored into the Council's budget setting process for 2024/25. The Working Group need to make a recommendation to the Mayor to make provision in the budget for 2024/25 to reflect the increased funding requirement as set out above. Details of that recommendation should also be provided to the Finance Task Group which is currently scrutinising the Council's budget.

6. Legal and Constitutional matters

The Legal and Constitutional matters raised by this report are as follows.

Area committees are currently committees of council and Part 3 of the Council's Constitution contains the terms of reference and rules of procedure relating to Area Committees.

Under the committee system, Area Committees will be set up under s.102(1)(a) of LGA 1972 and power will be delegated to them by Full Council under s.101(1)(a) of LGA 1972 i.e., in the same way as all other council committees.

The political balance requirements under the Local Government and Housing Act 1989 do not apply to Area Committees by virtue of Regulation 16A of the Local Government (Committees and Political Groups) Regulations 1990.

The Community Infrastructure Levy Regulations 2010 set out the arrangements relating to the Local element of CIL. Regulation 59F sets out the requirement for the use of the Local element of CIL. Furthermore, there is Planning Practice Guidance on the Community Infrastructure Levy.

The use of the Local element of CIL will be lawful provided that there is an area link to the development which provides the CIL or, for example, as suggested by the PPG, identified objectives in growth plans for the wider area.

The Reg 59F requirements for the use of the Local element of CIL state that the allocation should be used to support the development of the relevant area by funding infrastructure or anything else to address the demand placed by development. The PPG also provides guidance on consultation, i.e., that the consultation 'should be at neighbourhood level' and that the Council 'should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding'.

Therefore, provided that the decision-making process is transparent (and allocation is in line with the Regulation requirements), with appropriate consultation with the neighbourhoods where the development arises (or relevant Area Committee), the proposal in this report should be in line with the CIL regulations.

7. Matters for the Working Group to consider

The Working Group should consider the following matters as part of the preparation for the Committee Model of governance.

- a. Does the Working Group support the principles relating to the creation of an Equity Fund for the Local element of the Community Infrastructure Levy?
- b. Does the Working Group support the principle that a greater proportion of the Local element of CIL could be ringfenced from wards where there is a significant amount of development, for example 30% from Central Ward, as opposed to 15%?
- c. Does the Working Group recommend that officers should prepare further details for the Equity Fund for May 2024?
- d. Does the Working Group have any recommendations to make in respect of the budget/financial assumptions to support the new Area Committee arrangements?

Appendices:

Appendix 1 – Indices of Deprivation for Bristol

Appendix 2 – Map showing the proposed 9 Area Committees

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None