

Meeting: Cabinet **Date:** 15 November 2022

Wards affected: All

Report Title: Community Infrastructure Levy Funds - Administration and Governance of Neighbourhood Proportion

When does the decision need to be implemented? ASAP

Cabinet Member Contact Details: Councillor Morey, Cabinet Member for Infrastructure, Environment and Culture

Director/Divisional Director Contact Details: David Edmondson, Divisional Director of Planning, Housing and Climate Emergency

1. Purpose of Report

- 1.1 To determine a number of bids, that have been submitted by a number of Community Organisations to the Torquay Neighbourhood Forum, for Community Infrastructure Levy Fund (CIL) Torquay neighbourhood proportion, so that they can be progressed and in order to do so rescind a previous Cabinet decision.

2. Reason for Proposal and its benefits

- 2.1 Whilst the law does not prescribe a specific process for agreeing how the neighbourhood portion should be spent, the guidance indicates that the Council should identify a suitable administrative process in order to ensure that CIL is spent appropriately. The process can however be reviewed at any time and it is recommended in the guidance that this should take place annually with consideration given to either using the crowdfunding option or possibility a combination of the bidding process and crowdfunding in the future.
- 2.2 There is an ongoing financial commitment to use the Neighbourhood proportion of CIL to fund suitable projects however, as the funds are paid by planning applicants, developers or landowners specifically for this purpose there is no financial burden for the Council.
- 2.3 During the course of the last year, bids have been received by the Torquay Neighbourhood Forum on behalf of Community Organisations that have been discussed by the forum steering group before submission to the Council. However, the administration of the Board originally proposed has proved to be very cumbersome and overly complicated resulting in

a number of bids being undetermined. Therefore the Cabinet as the ultimate 'parent' and decision maker in establishing the administration and Board are requested to rescind their previous decision in this regard, determine the bids that have been submitted in order that they can be progressed and seek to implement a more streamlined process for future applications.

3. Recommendation(s) / Proposed Decision

1. That the following decision made by Cabinet on 11 August 2020 (Cabinet Minute 115d/08/20 refers) be rescinded:
 - 'ii) That a standalone bidding process is introduced to determine what local projects the CIL Neighbourhood proportion should be spent on (as set out in the main body of the report). The establishment of the panel (CiL Spend Board) and its operation will be the responsibility of Torbay Council, but shall include representatives of the Neighbourhood Forums, Community Partnerships, Local Member(s) and the Cabinet Member for Infrastructure, Environment & Culture.'
2. That the following bids to the Torquay Neighbourhood proportion of Community Infrastructure Levy be approved:
 - a) Maidencombe Beach, steps and railings: restoration;
 - b) Replacement of damaged toddler swing, Stoodley Knowle Meadow, Ilsham Road, Wellswood;
 - c) Reinstatement of stone wall on Southwest Coast Path close to Imperial Hotel, Wellswood;

That the following bid to the Torquay Neighbourhood proportion of Community Infrastructure Levy be approved for year 1 costs only:

- d) Clearing a safe, off-road path from Babbacombe Theatre to Babbacombe Beach, land including Glen Sannox at Babbacombe (St Marychurch & District); and
3. that the Divisional Director of Planning, Housing and Climate Emergency be instructed to present to Cabinet on 13 December 2022 a revised and streamlined bidding process to determine what local projects the Community Infrastructure Levy Neighbourhood proportion should be spent on.

Appendices

Appendix 1: Application Forms

Background Documents

Cabinet report and Record of Decision - Community Infrastructure Levy Funds - Administration and Governance of Neighbourhood Proportion

Community Infrastructure Levy Regulation 59F

1. Introduction

- 1.1 At its meeting on 11 August 2020 the Cabinet agreed that a standalone bidding process would be introduced to determine what local projects the CIL Neighbourhood proportion should be spent on. The Cabinet established the CIL Spend Board and its operation would be the responsibility of Torbay Council, but would include representatives of the Neighbourhood Forums, Community Partnerships, Local Member(s) and the Cabinet Member for Infrastructure, Environment and Culture.
- 1.2 During the course of the last year, bids have been received by the Torquay Neighbourhood Forum on behalf of Community Partnerships that have been discussed by the forum steering group before submission to the Council. However, the administration of the Board has proved to be very cumbersome and overly complicated resulting in a number of bids being undetermined. Therefore the Cabinet as the ultimate 'parent' and decision maker in establishing the administration and Board are requested to rescind their previous decision in this regard, determine the bids that have been submitted in order that they can be progressed and seek to implement a more streamlined process.
- 1.3 In order for the Cabinet to be recommended approval or refusal of the bids that have been submitted to date, Officers have assessed the bids against Community Infrastructure Levy Regulation 59F which sets out

'that a charging authority may use CIL receipts passed to it to 'support the development of the local council's area, or any part of that area, by funding:

 - a) the provision, improvement, replacement, operation or maintenance of infrastructure:
or
 - b) anything else that is concerned with addressing the demands that development places on an area'.
- 1.4 The assessment of each of the applications is set out as follows and the applications themselves are set out in Appendix 1:
 - a) Maidencombe Beach, steps and railings: restoration and extension – this bid is in accordance with the maintenance of physical or green infrastructure and should therefore be approved;
 - b) Replacement of damaged toddler swing, Stoodley Knowle Meadow, Ilsham Road, Wellswood – this bid is in accordance with the maintenance of green infrastructure and should therefore be approved;

- c) Reinstatement of stone wall on Southwest Coast Path close to Imperial Hotel, Wellswood – this bid meets the maintenance of green infrastructure but in this case also improving the safety of something that will be used by a wider community, therefore this bid should be approved; and
- d) Clearing a safe, off-road path from Babbacombe Theatre to Babbacombe Beach, land including Glen Sannox at Babbacombe (St Marychurch & District) – site clearance is a maintenance matter and so is arguable. However the steps would be rebuilt which is in accordance with the maintenance of physical or green infrastructure. Given that site clearance is the necessary first step before rebuilding the steps then this also becomes acceptable and therefore should be approved. The extent of works needed for further maintenance in future years is unknown and therefore no commitment is to be made at this time beyond year 1 costs.

2. Options under consideration

- 2.1 An alternative option would be to further delay the consideration of the bids until a new bidding process has been determined. However, given the length of time that some of the bids have been waiting this option was deemed unacceptable.

3. Financial Opportunities and Implications

- 3.1 There is an ongoing financial commitment to use the Neighbourhood proportion of CIL to fund suitable projects however, as the funds are paid by planning applicants, developers or land owners specifically for this purpose there is no financial burden for the Council.
- 3.2 The proposals contained in this report will commit the Council financially in respect of: Spending the Torquay Neighbourhood proportion of CIL collected by the Council on an ongoing basis.
- 3.3 The current funds (as of the end of March 2022) available to be allocated of the Torquay Neighbourhood proportion of CIL are £134,406. The recommendation approves £44,241.85 from that balance.

4. Legal Implications

- 4.1 Whilst not a formal legal requirement, the relevant guidance provides for a clear expectation for the process to be transparent and directly involve the community. Funding of projects will require a robust process of financial management to ensure that funds are spent appropriately.

5. Engagement and Consultation

- 5.1 Feedback had been received that the administration and determination of bids for the CIL Neighbourhood proportion was not working affectively therefore the decision above enables the process to be refined in light of the feedback received.
- 5.2 The bids have been received and supported by the Torquay Neighbourhood Forum after their Steering Group considered the submissions by Community Partnerships in the area.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Where the Council, SWSICO, or TDA are asked to carry out the works appropriate procurement procedures would be followed.

7. Tackling Climate Change

- 7.1 These applications support the community to be active and to choose to walk around the bay more easily and safely.

8. Associated Risks

- 8.1 Whilst not a formal legal requirement, the relevant guidance provides for a clear expectation for the process to be transparent and directly involve the community. Funding of projects will require a robust process of financial management to ensure that funds are spent appropriately.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			X

People with caring Responsibilities			X
People with a disability			X
Women or men			X
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			X
Religion or belief (including lack of belief)			X
People who are lesbian, gay or bisexual			X
People who are transgendered			X
People who are in a marriage or civil partnership			X
Women who are pregnant / on maternity leave			X
Socio-economic impacts (Including impact on child poverty issues and deprivation)			X
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			X

10. Cumulative Council Impact

10.1 Not applicable

11. Cumulative Community Impacts

11.1 None