

Meeting: Cabinet **Date:** 13th December 2022

Wards affected: Torquay and Paignton Neighbourhood Forum Areas

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: Cllr Morey – Cabinet Member Infrastructure, Environment & Culture

Director/Divisional Director Contact Details: David Edmondson - Divisional Director Planning, Housing & Climate Emergency

1. Purpose of Report

- 1.1 To ensure there is proper process in place to ensure the spend of the Neighbourhood proportion of the Community Infrastructure Levy (CiL) monies collected by Torbay Council.

Under the previous Cabinet decision in August 2020 the following process was agreed:

- i) *That the neighbourhood proportion collected in respect of development located within the Brixham Neighbourhood Plan area shall be passed directly to the Brixham Town Council to administer. With the spend of any funds received by the Brixham Town Council in respect of development located outside of the administrative area of the town council, (but located within the neighbourhood development plan area), shall be in consultation with the relevant Torbay Council members for the wards concerned.*
- 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.*
- ii) *That within a year of operation, or sooner if necessary, the bidding procedure, the make-up of the 'CiL Spend Board' and its operation should be reviewed. It will then be re-assessed against the success of Crowdfunding Torbay to determine whether the bidding process should continue, or be subsumed in whole, or part by Crowdfunding.*

- 1.2 The panel was established and met last year, developed the application forms, but has never met to determine any applications submitted by Community Groups. Four applications were submitted to the neighbourhood Planning Group in Torquay this year and there was a delay in determining the merits of the proposals.
- 1.3 That previous Cabinet Decision from August 2020 that established the Panel, was rescinded at Cabinet on 15th November 2022 and the four schemes that had been submitted through the Torquay Neighbourhood Forum this year were considered at that meeting under an Urgent Item and were agreed.
- 1.4 There has been much discussion around the need for a less onerous process that can be established and meet more regularly and prevent any backlog of cases coming forward, being considered. The proposed new process will involve the Leader of the Council, Cabinet Member for Infrastructure, Environment & Culture , Cabinet Member for Finance, Finance Director and the Divisional Director for Planning, Housing & Climate Emergency
- 1.5 The forms that were developed for Torquay, based on examples from other local authorities, will be adapted to be used in the Paignton Neighbourhood Forum area and be publicised through the three Community Partnerships as the Neighbourhood Forum is currently dormant.
- 1.6 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 administration process in order to ensure that CiL is spent appropriately.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to deliver this ambition by seeing the Neighbourhood proportion of the Community Infrastructure, spent locally, on well prepared community projects.
- 2.2 These projects as well as mitigating any harm from the impacts of new development will help to address the priorities of the Community & Corporate Plan in ensuring that our residents thrive, that will help turn the tide on poverty, let the economy thrive and in some cases we hope help address the climate emergency.
- 2.3 There needs to be greater awareness raising of the existence of the CiL neighbourhood proportion monies and the Council will produce a promotional flyer and add further information to the Council website in addition to encouraging the Community Partnerships to carry links to the information and application forms, to allow groups to tap into the funds.

- 2.4 Whilst the Council collects and protect the funds the money is for the Neighbourhood Plan areas, and where they represented by Town Councils, like in the case of Brixham Town Council, the money would be passed straight over. However, it is considered that we should take a facilitative role in assisting the Communities with the careful spend of these funds in those other areas.
- 2.5 The situation with Brixham Town Council remains the same and so Recommendation 1 reflects that existing situation. The situation for the collection of any CiL monies for any development in the newly formed Broadsands, Churston & Galmpton Neighbourhood Planning Area, would be addressed in the same manner as the other two forum areas, at 10% at present and 25% when their plan is in place.
- 2.6 The application forms, based on a nearby Unitary Authority, that were further developed by the Torquay Neighbourhood Forum will be replicated for Paignton, but submissions by groups in that area will be assessed by the TCDT, before being presented to the Panel.

3. Recommendation(s) / Proposed Decision

1. That the neighbourhood proportion collected in respect of development located within the Brixham Neighbourhood Plan area shall be passed directly to the Brixham Town Council to administer. With the spend of any funds received by the Brixham Town Council in respect of development located outside of the administrative area of the town council, (but located within the neighbourhood development plan area), shall be in consultation with the relevant Torbay Council members for the wards concerned. Regular reviews of the neighbourhood proportion monies spend, will be undertaken, through liaison with the Town Council.
2. That the Divisional Director of Planning, Housing and Climate Emergency be given delegated authority to determine submissions from community groups, in consultation with a newly established CiL Spend Panel, which are endorsed by the Neighbourhood Forums. The Panel to be made up of Leader of the Council, Cabinet Member for Finance, Cabinet Member for Infrastructure, Environment and Culture and representatives of Neighbourhood Forums, (or if not) representatives from the Local Community Partnerships and the Torbay Community Development Trust and terms of reference for the Panel, as set out in Appendix 3 be approved.
3. The new CiL Spend Panel be established with quarterly meetings, the first meeting to take place by the end of February 2023.

Appendices

Appendix 1: Cabinet Report & Minute August 2020

Appendix 2. Cabinet Report & Draft Minute November 2022

Appendix 3. CiL Spend Panel Terms of Reference

Background Documents

Government Advice [Neighbourhood planning - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/neighbourhood-planning)

PAS Guidance [Understanding Community Infrastructure Levy \(CIL\) - Locality Neighbourhood Planning](#)

Supporting Information

1. Introduction

- 1.1 There are currently two considerable pots of collected CiL Neighbourhood Proportion monies for both the Torquay and Paignton Neighbourhood Forum Areas.
- 1.2 There is a need for a more streamlined process to agree new proposals coming forward for funding.

2. Options under consideration

- 2.1 An initial proposal, involved the suggestion of a simple sign off process from the Section 151 Officer, along with Divisional Director Planning - Housing & Climate Emergency, Cabinet Member for Infrastructure, Environment & Culture and the Cabinet Member for Finance.
- 2.2 Following initial assessment through the Neighbourhood Panel this would have been an easy sign off for such projects. However, with the current dormancy of the Paignton Forum and the issues of favoured schemes perceived to be filtered positively by the Forum, the establishment of the panel is seen as the most accountable route.

3. Financial Opportunities and Implications

- 3.1 Smoother, faster process for the Council to redistribute monies that it is only holding on behalf of local communities and cannot be spent on other issues.

4. Legal Implications

- 4.1 No formal requirements laid out as to how Local Authorities should conduct their role as gatekeeper for these monies, but this proposal reflects how other authorities deal with the same issue.

5. Engagement and Consultation

- 5.1 Liaised with the Forums and held initial Panel last year, but they too are keen that the Council has a smoother quicker process in place.
- 5.2 Groups recognise that some form of sign off is needed from a Council body, we did discuss individual Officers combined with key Councillors, but a simplified panel of this nature is more transparent.

6. Purchasing or Hiring of Goods and/or Services

6.1 Not applicable.

7. Tackling Climate Change

- 7.1 Questions within the Application form for community infrastructure levy monies address how the proposal affects the climate emergency crisis.
- 7.2 Proposals that would clearly adversely affect the environment, be carbon heavy and against the Council's desire to address the climate emergency by 2030, would not be supported.

8. Associated Risks

- 8.1 The monies are being collected and held by the Council, but really the monies should be spent in the community and proposed by local community groups.
- 8.2 Potential reputational risk that the Council is holding the finance and not enabling Community Groups to spend the monies collected, to mitigate the impacts of development in their area.

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	Projects proposed could benefit these sectors of society.		
People with caring Responsibilities	Potential for respite facilities.		
People with a disability	Projects proposed could benefit these members of society.		
Women or men	Both		
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community) Potentially	Potentially		

Religion or belief (including lack of belief)	Proposed projects. All sectors of the community		
People who are lesbian, gay or bisexual	All sectors of the community		
People who are transgendered	All sectors of the community		
People who are in a marriage or civil partnership	All sectors of the community		
Women who are pregnant / on maternity leave	All sectors of the community		
Socio-economic impacts (Including impact on child poverty issues and deprivation)	Positive benefit potential from community projects proposed.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Positive benefit potential from community projects proposed.		

10. Cumulative Council Impact

- 10.1 Care need to be taken that projects are not agreed that are effectively Council maintenance responsibilities.

11. Cumulative Community Impacts

- 11.1 None.