



WOKING JOINT COMMITTEE

DATE: 4 MARCH 2020
LEAD OFFICER: ERNEST AMOAKO, PLANNING POLICY MANAGER

SUBJECT: COMMUNITY INFRASTRUCTURE LEVY – APPLICATION FOR CIL FUNDING TO INSTALL THREE BENCHES AT WEST BYFLEET RECREATIONAL GROUND IN WEST BYFLEET NEIGHBOURHOOD AREA

AREA: WEST BYFLEET NEIGHBOURHOOD AREA

SUMMARY OF ISSUE:

The Joint Committee at its meeting on 13 March 2019 agreed the arrangement for local communities to identify local community infrastructure projects that CIL money could be used and how Ward Councillors could make a request to the Council to secure CIL money to enable the delivery of the projects. The Ward Councillors for West Byfleet Neighbourhood Area have submitted an application to secure £1,594.68 to install three benches at the West Byfleet Recreation Ground. The new benches are intended to meet local need, enhance the overall quality of the Recreational Ground and consequently, its usability. A Map showing the locations of where the benches will be installed (marked in purple arrows) is in Appendix 1. For the avoidance of doubt, as at 31 January 2020, £385,021.20 on CIL money had been earmarked for community projects in West Byfleet Neighbourhood Area

RECOMMENDATIONS:

Woking Joint Committee is asked to agree that:

- (i) The application submitted by Ward Councillors for West Byfleet Neighbourhood Area to install three benches at West Byfleet Recreation Ground be approved;
- (ii) The Deputy Chief Executive be authorised to approve payment for the total cost of installing the benches when the works have been undertaken and the invoices have been submitted to the Council. The cost of installing the benches is estimated at £1,594.68 and will be drawn from the total CIL income earmarked for the West Byfleet Neighbourhood Area, this currently stands at £385,032.20; and
- (iii) The Ward Councillors for the West Byfleet Neighbourhood Area be asked to oversee all works relating to the procurement and installation of the benches in accordance with their project plan, project specification, costs and quality control.

REASONS FOR RECOMMENDATIONS:

To enable funding to be secured for the installation of three benches at the West Byfleet Recreational Ground, West Byfleet Neighbourhood Area.

1. INTRODUCTION AND BACKGROUND:

1.1 The Council introduced the Community Infrastructure Levy (CIL) from 1 April 2015 as the main means for securing development contributions towards the provision of infrastructure to support development across the Borough. To date, a total of £4,215,367.19 CIL contributions have been received by the Council. The Government requires the Council to pass on a proportion of the income to local communities where the chargeable development occurred. If the community has a Neighbourhood Plan such as West Byfleet Neighbourhood Area, it receives 25% of the CIL income from development occurred in the Neighbourhood Area. As at 31 January 2020, £385,021.28 has been secured for community projects within the West Byfleet Neighbourhood Area. The Government expects the Council to keep the community element of the CIL money in its account and ring-fence it for local community projects.

1.2 The Joint Committee has agreed an arrangement for local communities to identify community projects that could be delivered with CIL money and how the money could be secured from the Council to deliver them. The Ward Councillors for the West Byfleet Neighbourhood Area have submitted an application to secure £1,594.68 of the CIL money earmarked for the West Byfleet Neighbourhood Area to install three benches at the West Byfleet Recreational Ground. The Joint Committee is asked to consider the application and decide whether or not the application meets the agreed criteria for the money to be approved.

2. ANALYSIS:

2.1 The Joint Committee has agreed a list of requirements to be met when submitting an application for CIL money to fund local community projects. This include:

- a. Name of the infrastructure/project that the CIL income will deliver;
- b. A brief description of the project and what it seeks to achieve; and
- c. Evidence of broad community support for the project.

2.2 The Government has prescribed that the CIL receipts can only be used for:

- 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.

2.3 The above are the key requirements against which Members should assess the application. The application is specific and clear about the number of benches to be installed, their precise locations within the Recreational Ground as demonstrated on the attached Map. There is a description of the type of benches to be installed (benches with hard ground fixings). The entire project is well costed and the

indicative costings covers both the acquisition of the benches and their installation. Given that the benches are to be installed at the Recreational Ground, which the Council owes, it is highly likely that their future maintenance cost would be met by the Council through its general maintenance budget. In this regard, the costing for the project does not make any allowance to cover maintenance costs. Members should note in this instance that any commitment by the Council to cover the maintenance cost is not setting a precedent to bear the maintenance cost for future applications. Each future application should be treated based on its own individual merits.

2.4 It is possible for the actual cost of the project to be marginally higher or lower than the original quote set out in the report due to changing market conditions and unforeseen contingencies. However, the Neighbourhood Area has sufficient money to be able to mitigate the risk of any marginal cost overrun. The installation of the benches falls within the Government's definition of what CIL receipts could be used. The proposal has broad community support. Appendix 2 is an email from the West Byfleet Neighbourhood Forum confirming their support for the proposal. A survey carried out to inform the adopted West Byfleet Neighbourhood Plan identified improved sports and recreational facilities as an objective to achieve. Based on the above, Officers are satisfied that the proposal broadly meets the agreed list of requirements and the application should be approved.

2.5 **Recent changes to CIL Regulations** - There has been recent changes to the CIL Regulations which Members should note. Of particular relevance are the removal of the requirement to publish a Regulation 123 list with effect from September 2019. Instead of Regulation 123 list, the Government requires local authorities to publish an Infrastructure Funding Statement by 31 December of each year starting from 31 December 2020 setting out how much money they have received, spent and on what. Members should be aware that any CIL money approved by the Joint Committee for both borough-wide and local community projects will be published in the public domain. There is also the removal of 'pooling restrictions'. Local authorities can now collect more than five contributions to fund the same infrastructure by using S106 Agreements.

3. OPTIONS:

3.1 The Council has a statutory duty to pass on a proportion of its CIL receipts to local communities where the development occurred. The Joint Committee has agreed a criteria that local communities have to meet to be able to secure CIL money from the Council to implement community infrastructure projects. It will be indefensible for an application that meets the agreed criteria to be refused unless there is a substantive reason to do so. It is important to also note that the Joint Committee has the authority to refuse an application if it felt that the criteria have not been met. On this particular occasion, Officers are satisfied that the application be approved.

4. CONSULTATIONS:

4.1 The following have been consulted and their comments have been incorporated into the report:

- Councillor David Bittleston – Chair of the Woking Joint Committee;
- Councillor Graham Cundy – Portfolio Holder for Planning (Woking Borough Council)

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- Douglas Spinks – Deputy Chief Executive (Woking Borough Council)
- Leigh Clarke – Finance Director

5. FINANCIAL AND VALUE FOR MONEY IMPLICATIONS:

- 5.1 The cost of administering how much CIL income will be earmarking for local community projects, managing the individual accounts for the various Wards and Neighbourhood Areas and providing Members with update on money received and spent is presently being met from existing Planning Policy and Finance Service Plan budgets. Members should note that 5% of the CIL income has been set aside to cover CIL administration.
- 5.2 As at end of January 2020 a total of £385,021.19 (net) has been earmarked for community infrastructure projects within West Byfleet Neighbourhood Area. The estimated overall cost of the project is £1,594.68. There is sufficient money to cover the cost of the project and to mitigate against any risk due to cost overrun.
- 5.3 By 31 December of each year, the Council is required to publish the total amount of CIL income received and how much has been spent and on what. This information will be published in the Council's Annual monitoring Report.

6. RISK MANAGEMENT:

- 6.1 The Council has a statutory duty to pass on a proportion of its CIL income to local communities where the development occurred. The Joint Committee has agreed a list of requirements that local communities have to satisfy to secure the CIL money earmarked for their areas to implement identified community projects. The Joint Committee would be failing on its duty if it refuses an application for CIL money for community projects that meets the agreed criteria.
- 6.2 The money being sought would contribute towards the delivery of necessary infrastructure to minimise development impacts on the local community. Refusing the application could encourage resentment against future development in the local community.
- 6.3 There is the expectation that Councillors would provide oversight on the delivery of the project to ensure that it is delivered to the agreed specification and project costs.

7. LOCALISM:

- 7.1 The installation of the benches is a locally specific project, which relates to the use of CIL money to deliver benches at the West Byfleet Recreational Ground in West Byfleet Neighbourhood Area.

8. EQUALITIES AND DIVERSITY IMPLICATIONS:

- 8.1 There are no equalities and diversity implications.

9. OTHER IMPLICATIONS:

Area assessed:	Direct Implications:
Crime and Disorder	No significant implications arising from this report.
Sustainability (including Climate Change and Carbon Emissions)	No significant implications arising from this report.
Corporate Parenting/Looked After Children	No significant implications arising from this report.
Safeguarding responsibilities for vulnerable children and adults	No significant implications arising from this report.
Public Health	No significant implications arising from this report.
Human Resource/Training and Development	No significant implications arising from this report.

9.1 Crime and Disorder implications

No implications arising from the report.

9.2 Sustainability implications

No implications arising from the report.

9.3 Corporate Parenting/Looked After Children implications

No implications arising from the report...

9.4 Safeguarding responsibilities for vulnerable children and adults implications

No implications arising from the report.

9.5 Public Health implications

No implications arising from the report.

9.6 Human Resource/Training and Development

No implications arising from the report.

10. CONCLUSION AND RECOMMENDATIONS:
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10.1 It is important that development is supported by the provision of the necessary infrastructure to ensure sustainable development, in particular, infrastructure projects that local residents have identified to benefit their communities. The identification of the benches and the choice of the locations for their installation have all been decided by the local community with their Ward Councillors. The proposal is well costed and there is sufficient money earmarked for West Byfleet Neighbourhood Area to cover the cost. The application meets the criteria agreed by the Joint Committee, and in this regard, should be supported..

11. WHAT HAPPENS NEXT:

11.1 Subject to the Joint Committee approving the application, both Borough Ward Councillors and County Divisional Councillors representing the West Byfleet Neighbourhood Area should be notified of the decision and be advised to go ahead and procure and deliver the project according to their own project plan and specification. Responsibility for overseeing the delivery of the project rests with the Ward Councillors. The Deputy Chief Executive will authorise payment of invoices when the Ward Councillors are satisfied of the works undertaken.

Contact Officer:

Ernest Amoako, Planning Policy Manager (01483 743427).

Consulted:

Douglas Spinks – Deputy Chief Executive

Leigh Clarke – Finance Director

Councillor David Bittleston – Chair of the Joint Committee

Councillor Graham Cundy – Portfolio Holder for Planning, Woking Borough Council

Borough Portfolio Holder

Councillor Graham Cundy – Portfolio Holder for Planning

Annexes:

Appendix 1 - Map showing the various locations of where the benches will be installed.

Appendix 2 – Copy of e-mail from West Byfleet Neighbourhood Forum

Sources/background papers:

- The Community Infrastructure Levy Regulations 2012 (as amended).
- Community Infrastructure Levy (CIL) – Arrangement on managing the proportion of the CIL income earmarked for local community projects – report to Joint Committee meeting on 13 March 2019.