



City of Westminster

# Cabinet Member Report

<b>Decision Maker:</b>	Cabinet Member for City Management and Air Quality
<b>Date:</b>	14 November 2022
<b>Classification</b>	For General Release
<b>Title:</b>	Westminster Neighbourhood CIL – Autumn 2022 Allocation (Central Island Improvements at Elgin Avenue)
<b>Key Decision:</b>	Non-key
<b>Financial Summary:</b>	<b>This report seeks to allocate a total of £435,605 of funding from the Neighbourhood CIL portion to Central Island Improvements at Elgin Avenue.</b>
<b>Report of:</b>	Director of Policy and Projects

## **1.0. Executive Summary**

- 1.1. Westminster City Council's (WCC) Community Infrastructure Levy (CIL) is a charge applied to development to help fund strategic and neighbourhood infrastructure that is required to support the development and growth of the City of Westminster. WCC formally adopted its CIL on 1<sup>st</sup> May 2016, and as of November 2022 a total of £145.288 million has been collected; remaining balances are set out in the report.
- 1.2. Neighbourhood CIL is a proportion of CIL apportioned to the local area in which the development took place. The Council has 22 Neighbourhood Areas all that have their own portion of Neighbourhood CIL accrued. Neighbourhood CIL can be used to fund a variety of community infrastructure to support that neighbourhood area cope with population/demographic pressures. The council encourages organisations and individuals to apply for Neighbourhood CIL to deliver projects that benefit the local community of residents and businesses. As of November 2022 a total of £17.624 million of collected CIL has been apportioned to Neighbourhood CIL; £12.601 million remains available.
- 1.3. The purpose of this report is for the Cabinet Member to consider and approve a funding application for Neighbourhood CIL funding in Little Venice and Maida Vale.
- 1.4. Neighbourhood CIL applications are normally decided by the Cabinet Member for Planning and Economic Development. However in this case the cabinet member lives locally to the project and was an earlier advocate for the Central Island Improvements at Elgin Avenue, and it is therefore considered it would have been inappropriate for him to take the decision which is the subject of this report. Accordingly, the Cabinet Member for City Management and Air Quality will take the decision .

## **2.0. Recommendation**

- i) The Cabinet Member is asked to approve the Neighbourhood CIL bid for Central Island Improvements at Elgin Avenue, details of which are set out in this report.

## **3.0. Reasons for Decision**

- 3.1. To ensure robust and effective expenditure and reporting in line with the Community Infrastructure Levy Regulations 2010 (as amended) and in accordance with the council's strategic priorities, CIL Spending Policy Statement and its framework for resource allocation and management.

- 3.2. To mitigate the impact of development, including the construction on the adjoining Hamilton Terrace, and to support growth, including the newly opened cafes and shops in Lauderdale Road.
- 3.3. To secure public realm and other benefits, including: increased pedestrian permeability of the area through both new and upgraded crossing points; additional car parking bays for residents; and additional pay to park bays for visitors to the cafes and shops

#### **4.0. Background**

- 4.1. The Community Infrastructure Levy (CIL) is a charge that local authorities can impose on new development to help raise funds to deliver infrastructure that is required to support the development and growth of their area. WCC's CIL became effective on the 1st of May 2016 and applies to liable developments that were granted planning permission on or after this date. CIL is payable when works to implement the development commence.
- 4.2. All CIL funding decisions are taken with regard to national legislation and regulations. Local policy and priorities, as set out in the Westminster CIL Spending Policy Statement (October 2022), inform decisions.
- 4.3. CIL Regulations require apportionment of CIL receipts between:
  - the **City CIL Strategic Portion (70-80%)** – spent by the Council according to its strategic infrastructure priorities.
  - **a Neighbourhood Portion of receipts from development in each neighbourhood (15-25%)** – spent by the Council in agreement with the neighbourhood communities concerned (other than in Queen's Park, where the portion is paid to, and spent by, the Community Council);
  - **a CIL Administrative Portion (5%)** – spent by the Council on the administrative costs of CIL collection and administration.
- 4.4. Neighbourhood CIL is collected and held by the council and spent by the council in consultation with the local community. The council accepts applications from organisations and individuals to provide Neighbourhood CIL to deliver projects that benefit the local community of residents and businesses.
- 4.5. The Paddington Waterways and Maida Vale Society has applied for £435,605 to deliver public realm improvements along Elgin Avenue within the Maida Vale and Little Venice Neighbourhood Area. The works would create a raised concrete island with planting along two stretches of the road in Maida Vale.
- 4.6. The purpose of this report is therefore for the Member to consider and approve allocation of funding for the Central Island Improvements at Elgin Avenue project from the CIL Neighbourhood Portions.

#### **5.0. Westminster's CIL: The Neighbourhood Portion**

- 5.1. A proportion of CIL is apportioned to the area within which the development took place. There are 21 neighbourhood areas throughout Westminster; primarily commercial areas around Victoria are not included within any neighbourhood area. As set out in legislation this is set at 15% of CIL receipts in a neighbourhood area capped at £100 per council tax paying dwelling, per annum. Where a neighbourhood area has an adopted neighbourhood plan, the percentage allocated to the neighbourhood rises to 25% uncapped.
- 5.2. The total available monies assigned to the neighbourhood portion of CIL is £12.601m as of November 2022.
- 5.3. The council accepts applications for Neighbourhood CIL funds from local organisations and individuals through quarterly application rounds. Applications are assessed with regards to national legislation and regulations, principally Planning Act (2008) and the Community Infrastructure Levy Regulations 2010 (as amended) and the associated National Planning Practice Guidance, and with regards to local policy, criteria and priorities as established by the Westminster CIL Spending Policy Statement. Applications are processed and reviewed by officers and considered by the Infrastructure Governance Group.
- 5.4. Applications that are recommended for **approval “in principle”** means that the proposal is eligible for Neighbourhood CIL Funding and is considered viable, however further engagement with council’s departments is needed prior to allocation of funds. An in-principle allocation does not mean the project is being refused for Neighbourhood funding, but rather that, outstanding issues must be addressed prior to the formal allocation of funds. Applications recommended for **approval** means that the project is considered viable by officers and are ready for deployment.

## **6.0. Central Island Improvements at Elgin Avenue**

- 6.1. This report considers the scheme to deliver public realm improvements along Elgin Avenue in Maida Vale. The project is located within the Maida Vale and Little Venice Neighbourhood Area.
- 6.2. The Paddington Waterways and Maida Vale Society has applied for £435,605 for the scheme, to be delivered by the council and its contractors.
- 6.3. This scheme would see the creation of a raised concrete island and planting of trees along the central reservation in two sections of Elgin Avenue (between Lanark Road and Maida Vale, and between Delaware Road and Morshead Road), continuing the improvements already constructed from Randolph Avenue to Lanark Road.
- 6.4. The proposed changes will increase the available residents parking, and provide an opportunity to increase the pedestrian permeability of the area through both new and upgraded crossing points

6.5. The project would help to address the impact of development and growth within the local area and across the City. Developments taking place in the local area, such as construction on the adjoining Hamilton Terrace, would be offset by increased urban greening and an investment in place-making. The additional car parking spaces in the proposed Morshead Road to Delaware Road section of the street, would provide additional pay to park bays for visitors to the cafes and shops that have recently opened in Lauderdale Road, contributing to economic growth.

6.6. It is recommended that this application is approved.

## **7.0. Financial Implications**

7.1. To date, the council has collected £17.624m in Neighbourhood CIL. £5.023m has been allocated, leaving a balance of £12.601m. This report will allocate a further £0.436m of Neighbourhood CIL, bringing the balance to £12.165m.

7.2. This report is being considered simultaneously to another report to the Cabinet Member for Planning and Economic Development recommending allocating a further £0.173m of Neighbourhood CIL to other infrastructure projects. If the recommendations of both reports are accepted, this would bring the Neighbourhood CIL balance to £11.992m.

## **8.0. Legal Implications**

8.1. The legislation governing the development, adoption, and administration of a Community Infrastructure Levy (CIL) is contained within the Planning Act (2008) and the Community Infrastructure Levy Regulations 2010 (as amended). The associated National Planning Practice Guidance is also important in guiding this process. There are other areas of law which should be considered when assessing certain developments for CIL liability and determining the appropriate sum due. These include matters relating to social housing, procurement, charitable institutions, and state aid.

## **9.0. Consultation**

9.1. Local policy requires local ward councillors, neighbourhood forums, and business improvement districts, where they exist, be given the opportunity to comment on all proposals within their area. All applications in this report have been subject to Ward Member and community engagement, as well as Cabinet Members where necessary.

## **10.0. Equalities**

10.1. Under the Equalities Act 2010 the council has a “public sector equality duty”. This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act; to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership,

pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it; and to foster good relations between persons who share a relevant protected characteristic and those who do not share it.

- 10.2. The council is also required to have due regard to the need to take steps to take account of disabled persons' disabilities even where that involves more favourable treatment; to promote more positive attitudes toward disabled persons; and to encourage participation by disabled persons in public life.
- 10.3. The 2010 Act states that "having due regard" to the need to promote equality of opportunity involves in particular having regard to: the need to remove or minimise disadvantages suffered by persons sharing a protected characteristic; take steps to meet the needs of persons sharing a protected characteristic that are connected with it; take steps to meet the needs of persons who share a protected characteristic that are different from those who do not; and encourage persons with a protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.
- 10.4. The courts have held that "due regard" in this context requires an analysis of the issue under consideration with the specific requirements set out above in mind. It does not require that considerations raised in the analysis should be decisive; it is for the decision-maker to decide what weight should be given to the equality's implications of the decision.
- 10.5. All decisions on spending CIL will themselves be subject to assessment to ensure the 2010 Act duties are complied with. The council will review its CIL charging schedule on a biennial basis.

**If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:**

Alex Csicsek, Principal Policy Officer

E-mail: [ACsicsek@westminster.gov.uk](mailto:ACsicsek@westminster.gov.uk)

## **BACKGROUND PAPERS**

Report to Cabinet dated 17 October 2022 on Priorities for the Community Infrastructure Levy (CIL) and update to the CIL Spending Policy Statement and governance arrangements

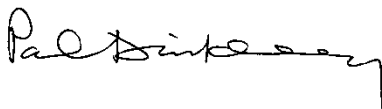
Westminster CIL Spending Policy Statement

*NB: For individual Cabinet Member reports only*

For completion by the **Councillor Paul Dimoldenberg, Cabinet Member for City Management and Air Quality.**

**Declaration of Interest**

I have <no interest to declare / to declare an interest> in respect of this report

Signed:  Date: 14/11/2022  
NAME: **Councillor Paul Dimoldenberg**

State nature of interest if any:

*(N.B: If you have an interest, you should seek advice as to whether it is appropriate to make a decision in relation to this matter)*

For the reasons set out above, I agree the recommendation(s) in the report entitled Contract Award of the Traffic Management Order Contract and reject any alternative options which are referred to but not recommended.

Signed: 

Cabinet Member for City Management and Air Quality.

14/11/2022

Date: \_\_\_\_\_

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are resources implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.