



City of Westminster

Cabinet Member Report

Decision Maker:	Cabinet Member for Planning & Economic Development
Date:	15 November 2022
Classification	For General Release
Title:	Westminster Neighbourhood CIL – Autumn 2022 Project Allocations
Wards Affected:	All
Key Decision?	No
Financial Summary:	This report seeks to allocate a total of £173,040 of funding from the Neighbourhood CIL portion to various infrastructure projects and £50,000 of funding from the Carbon Offset Fund to the Green Doctors Service.
Report of:	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 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 Carbon Offset Fund is comprised of pooled section 106 contributions and is spent on projects which achieve carbon reductions. As of November 2022 £3.5 million remains available.
- 1.4. The purpose of this report is for the Cabinet Member to consider and approve applications for Neighbourhood CIL and Carbon Offset funding.

2.0. Recommendation

- 2.1. The Cabinet Member is asked to approve the following Neighbourhood CIL bids, details of which are set out in this report:
 - i) Porchester Gardens Crossing
 - ii) QEII School Mini-Buses
 - iii) North Paddington Youth Club Equipment
- 2.2. The Cabinet Member is asked to approve the following Carbon Offset, details of which are set out in this report:
 - i) Green Doctors Service

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.

4.0. Background

Neighbourhood CIL

- 4.1. The Community Infrastructure Levy (CIL) is a charge that local authorities can, in certain instances, 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 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 spent within the local area within which the development took place to provide local infrastructure. Neighbourhood CIL is collected and held by the council and spent by the council in consultation with the local community. The council accepts applications to provide Neighbourhood CIL to deliver projects.
- 4.5. As of November 2022 a total of £17.624m of Neighbourhood CIL has been collected; £12.601m remains available.

Carbon Offset Fund

- 4.6. The council secures s106 contributions that can be pooled for purposes including affordable housing, employment and skills, and carbon offsetting contributions. The Carbon Offset Fund is spent on projects which achieve carbon reductions.
- 4.7. As of November 2022 a total of £3.5m remains available.
- 4.8. The purpose of this report is therefore for the Member to consider and approve further allocations of funding for projects from the CIL Neighbourhood Portions.

5.0. Westminster's CIL: The Neighbourhood Portion

Overview of Neighbourhood CIL

- 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 the neighbourhood portion 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 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.
- 5.3. 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-principal 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 is ready for deployment.

Autumn 2022 Neighbourhood CIL Applications

- 5.4. **New Crossing on Porchester Gardens (Bayswater):** A resident living within the Southeast Bayswater Neighbourhood Area has requested £60,000.00 to construct a raised table in the carriageway at Porchester Gardens, opposite the entrance to the Gardens. The speed mitigation measure is intended to reduce vehicle speeds and increase safety on this residential street. The resident had originally requested a Zebra Crossing, but officers and members agreed with technical advice that a Zebra Crossing in this location is unfeasible and unsafe. Officers worked with the resident to develop a proposal which would better address the concerns she had raised. It is recommended that this application is approved.
- 5.5. **Queen Elizabeth II School Minibuses (Little Venice and Maida Vale):** The Queen Elizabeth II School is seeking £74,840.00 of funding to replace two minibuses to help the school transport pupils to daily, weekly, and monthly activities. The school is expanding its activities to meet the growing SEN student population in the city, with pressing need for more travel support after increases in demand for transporting students with special needs. The current vehicles in use by the school do not meet ULEZ standards. They are also

currently funded in a way which restricts use for evening and holiday times when key recreational activities and events take place. Only diesel minibuses are available to serve this market. It is recommended that this application is approved.

- 5.6. **North Paddington Youth Club (Little Venice and Maida Vale):** North Paddington Youth Club submitted a proposal seeking £38,200.00 to meet growing demand for their services, with the procurement of new equipment and support club-run daily and weekly activities. This would include new basketball hoops, a music studio, laptops, and other items as part of expanding their amenities. This will allow the expanding community centre to better serve the growing local area. It is recommended that this application is approved.

6.0. Proposals for funding from pooled Section 106 contribution

- 6.1. We have received one bid seeking s106 funding from pooled Carbon Offset contributions:
- 6.2. **Green Doctors Service (City Wide):** City of Westminster Council's Climate Emergency Team is seeking £50,000 to extend the Green Doctors energy advice and support service. The service provides in-person or online consultations to review household energy usage and recommends energy and cost-saving behaviours and technologies. The service currently has funding to support 80 households through March 2023 but is expecting increased demand moving into the winter months, given the huge energy price increases faced by consumers. This funding will allow the service to support an additional 400 households over the winter. 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 £0.173m of Neighbourhood CIL, bringing the balance to £12.428m.
- 7.2. This report is being considered simultaneously to another report to the Cabinet Member for City Management and Air Quality recommending allocating a further £0.436m of Neighbourhood CIL to the Elgin Avenue public realm project. If the recommendations of both reports are accepted, this would bring the Neighbourhood CIL balance to £11.992m.
- 7.3. Pooled section 106 (s106) contributions for city-wide purposes have largely been replaced by CIL. Nevertheless, there are residual amounts collected under historic s106 agreements that remain available to spend provided they align with the provisions of the individual legal agreements concerned.
- 7.4. £50,000 has been requested for approval from the S106 Carbon Offset Fund, from the current £3.5m.

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 government National Planning Policy 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:

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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](#)

For completion by the **Cabinet Member for Planning and Economic Development**
Declaration of Interest

I have no interest to declare in respect of this report

Signed:  Date: 14 November 2022

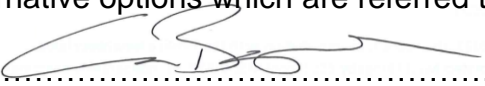
NAME: **Councillor Geoff Barraclough**

State nature of interest if any

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(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 **Westminster Neighbourhood CIL – Autumn 2022 Project Allocations** and reject any alternative options which are referred to but not recommended.

Signed 

Cabinet Member for Planning and Economic Development

Date ... 14 November 2022.....

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:
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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 Head of Legal & Democratic Services, Executive Director for Finance and Council Reform and, if there are resources implications, the Director of Human Resources (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.