



CITY OF WESTMINSTER

MINUTES

Cabinet CIL Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Cabinet CIL Committee** held on **Thursday 2nd November, 2017**, Room 3.4, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Daniel Astaire (Chairman), Robert Davis and David Harvey

Also Present: Julia Corkey, (Director of Policy, Performance and Communications), Andrew Barry-Purcell (Place and Investment Policy Manager), Rachael Ferry-Jones, (Principal Policy Officer) and Reuben Segal, (Senior Committee and Governance Officer)

1 MEMBERSHIP

- 1.1 It was noted that Councillor Robert Davis had replaced Councillor Danny Chalkley.

2 DECLARATIONS OF INTERESTS

- 2.1 Councillor Astaire declared that he is a trustee of the Sir Simon Milton Foundation which is a supporter of the Sir Simon Milton Westminster University Technical College.
- 2.2 Councillor Davis declared that he is a trustee of the Sir Simon Milton Foundation which is a supporter of the Sir Simon Milton Westminster University Technical College. He also declared that he is the Cabinet Member with responsibility for the Westminster Employment Service and for large public realm schemes and is one of the Ward councillors that represents Queensway.
- 2.3 Councillor Harvey declared that as the Cabinet Member for Environment, Sports and Leisure a number of the projects recommended for approval fall within his portfolio.

3 TERMS OF REFERENCE

- 3.1 Officers tabled the following amendment to the Terms of Reference (**in bold**) for clarification purposes:

2. (iv)

To take decisions on spending proposals **for CIL and strategic section 106 funds** submitted by the officer working group or to refer decisions to Cabinet as appropriate.

- 3.2 **RESOLVED:** That the Terms of Reference, as amended for clarification purposes, be noted.

4 GOVERNANCE OF THE WESTMINSTER COMMUNITY INFRASTRUCTURE LEVY (CIL) AND POOLED SECTION 106 RESOURCES

- 4.1 Westminster's Community Infrastructure Levy (CIL) is a charge applied to development to help fund strategic and neighbourhood infrastructure that is required to support the development of Westminster. Westminster's CIL was formally introduced on 1st May 2016 and as of the 30 September 2017 a total of £7,444,076 had been received.

- 4.2 The majority of this funding had been received since April 2017 and as the funds have accrued the availability of CIL has encouraged proposals to be put forward to deliver projects that, as well as dealing with demands placed on infrastructure to support new development, can also deliver wider benefits to the local community.

- 4.3 The Cabinet CIL Committee, as appointed by Cabinet, met to consider and agree a policy spending statement that sets out the eligibility criteria for considering future proposals for funding from Westminster's CIL at both a strategic and neighbourhood level. Taking account of this the Committee also considered the first allocations from the Strategic CIL expenditure as well as funding for priority projects from a number of Section 106 pooled resources.

- 4.4 Julia Corkey, Director of Policy, Performance and Communications, introduced the report. She drew attention to the draft CIL spending policy statement which explained the approach the Council would take in governing the Levy and in making spending decisions. It would be used in future to help engagement with neighbourhoods about their portion of CIL. She explained that the proposals put forward for funding from Westminster's CIL were the result of extensive work by officers to identify projects. They had been considered by the senior officer working group, which she now chaired, to ensure that meet the eligibility criteria as set out in the draft policy statement, balanced against the availability of CIL monies.

- 4.5 Officers tabled additional representations that had been received since the publication of the agenda and the committee was invited to consider the

submissions. The Central London Clinical Commissioning Group had written confirming their support for improvements to the Paddington Green Health Centre to increase capacity for new growth. This supported the recommendation made at Paragraph 2.1, sub paragraph 9.(i) of the report. Councillor Prendergast had put forward projects for development and consideration of funding in relation to Elgin Road/Randolph Avenue junction improvements and a cycle hire docking station at a site in Maida Vale.

- 4.6 The chairman thanked officers for their work in bringing the proposals forward and advised that he was in favour of the recommendations. He explained that a number of questions had been raised whether the expenditure approval of CIL was an Executive Function. Having received legal advice he was satisfied that it is entirely lawful for a Cabinet Committee to authorise expenditure of CIL as it is the exercise of an executive function, which is the sole preserve of the Cabinet.
- 4.7 With reference to recommendation 2.1, sub paragraph 6. (i) he stated that there had been some concern from officers regarding the significant level of S106 pooled funding proposed for the Westminster Employment Service. He advised that he did not share the concerns given that getting people into work is a City for All priority. This was supported by Councillors Davis and Harvey. Julia Corkey clarified that the issue raised by officers prior to the committee was solely in relation to the value of the allocation and not the merits of the proposal. Historically grants from this fund have been much smaller.
- 4.8 Councillor Davis requested where councillors put forward projects that could potentially benefit from CIL or S106 funding that officers consult with the other councillors representing the Ward for their views. Reference was made in the report to the fact that all proposals for CIL funding would only be considered if they are accompanied by a record of approval of the relevant Cabinet Member(s). He asked officers to strengthen procedures for checking confirmation of such approvals.
- 4.9 With reference to the Hanover Square Public Realm scheme, Councillor Davis noted that the proposals for hard landscaping was recommended for approval. He advised that the project to landscape the gardens is integral to the entire public realm scheme. Whilst implementation of the latter is not scheduled until 2019 he advocated the committee supporting in principle the prioritisation of future CIL funding for Hanover Square Gardens. This was supported by Councillors Astaire and Harvey.
- 4.10 Councillor Harvey asked whether CIL funding could be used to facilitate environmental improvements. Julia Corkey advised that CIL had to be used to help fund strategic and neighbourhood infrastructure that is required to support the development of Westminster. The type of infrastructure that could be funded is set out in the Council's Regulation 123 list which was set out at Appendix H of the report. This could include infrastructure that supports the green agenda such as greening or the installation of electric vehicle recharging points.

- 4.11 Councillor Harvey also asked whether CIL funds could be used to help residents establish a neighbourhood forum area. Rachael Ferry-Jones, Principal Policy Officer, advised that this could possibly be facilitated through the “neighbourhood portion” as this ring-fenced funding can be spent on anything that supports local development. She suggested that funding for this could also be obtained by applying for related Government grants.
- 4.12 With reference to the proposals for funding from the Health S106 funds, Councillor Harvey commented that the sums requested were fairly small and he asked how the Council have determined and will assess that the sums invested will make a difference. Julia Corkey explained that officers will undertake robust, in-depth monitoring of outcomes to demonstrate the difference that such investments have made.
- 4.13 Councillor Harvey supported Councillor Prendergast’s proposal for funding a cycle hire docking station in the Maida Vale area as the scheme does not currently extend to the north of the borough. This was supported by the Committee.
- 4.14 **RESOLVED:**

The Cabinet CIL Committee:

1. Approved the draft spending policy statement set out at Appendix A and agreed that the senior officer working group continue to use the statement as the basis on which to invite expressions of interest for funding from Westminster’s Community Infrastructure Levy (CIL) for both the Strategic City CIL and the neighbourhood portions.
2. Approved the expenditure of Westminster’s City CIL Strategic Portion as set out in Section 6 and Section 8 of this report. This includes the allocation of funding for the following projects set out in Appendix B.1 and Appendix F of the report: there
 - (i) Hanover Square Public Realm (Hard Landscaping) (Appendix B.1, Project 1)
 - (ii) Church Street Green Spine Phase 2 (Appendix B.1, Project 3)
 - (iii) Queensway (Appendix B.1, Project 4)
 - (iv) Strutton Ground (Appendix B.1, Project 6)
 - (v) Beachcroft House (Appendix B.1, Project 7)
 - (vi) Play Facilities (Appendix B.1, Project 8)
 - (vii) Parks landscaping and infrastructure improvements (Appendix B.1, Project 9)
 - (viii) Berkeley Square infrastructure improvements (Appendix B.1, Project 10)
 - (ix) Hall Park Estate CCTV (Project CMC1, Appendix F)
3. Approved the expenditure of Section 106 funds held for education purposes as set out in Section 7.2 of this report. This included the allocation of funding for the following projects set out in Appendix D of the report:
 - (i) Sir Simon Milton Westminster University Technical College (UTC) & Ebury Place (Appendix D, Project 1)

- (ii) Secondary Schools expansions (Appendix D, Project 2)
 - (iii) Additional works at Paddington Green School (Appendix D, Project 3)
 - (iv) Hallfield School MUGA (Appendix D, Project 4)
 - (v) St Marylebone CE School (Appendix D, Project 5)
4. Approved the expenditure of Section 106 funds held for health purposes as set out in Section 7.3.4 of the report. This included the allocation of funding for the following project set out in Appendix D of the report:
 - (i) CNWL NHS Trust - Individual Placement & Support (IPS) (Appendix D, Project 7)
 5. Subject to resolution 4, agreed in respect of the Healthy Workplace Charter proposal (Appendix D, Project 6) that officers go back to the project sponsors and clarify whether the scheme could be deliverable with a smaller allocation of funding. It was agreed that if it can be delivered, and within a reasonable timeframe, the Director of Policy Performance and Communications be granted the delegated authority to approve the allocation of a smaller award of funding to this project.
 6. Approved the expenditure of Section 106 funds from the Paddington Social and Community Fund Account as set out in Section 7.4 of the report. This included the allocation of funding for the following projects set out in Appendix D
 - (i) Westminster Employment Service (Appendix D, Project 8)
 - (ii) Tollgate Gardens Community Centre (Appendix D, Project 9)
 - (iii) Westminster Green Team (Appendix D, Project 11)
 7. Subject to resolution 6, agreed with the recommendation at paragraph 7.4.14 of the report that £200,000 of the Paddington Social and Community Fund remain unallocated for further design and development of the following projects:
 - (i) Paddington War Memorial (Appendix F, Project CSB6)
 - (ii) Queensway Noticeboard (Appendix F, Project CSB7)

And that the balance of £282,928 be provisionally awarded to the Paddington Green Academy – Early years' project (Appendix D, Project 11) subject to the necessary consents being acquired to bring the proposal forward.

8. Approved the future expenditure of Westminster's City CIL Strategic Portion to contribute to the funding of the Paddington Green Academy – early years' project (Appendix D, Project 11) and authorised the Cabinet Member of Planning and Public Realm to approve the expenditure from this source of up to a value of £800,000 when sufficient funds have been accrued and the necessary consents acquired.
9. Noted the projects set out in Appendix F of the report that have been brought forward by Westminster Councillors and agree the proposed recommended next steps which included developing them to a stage where funding could be allocated. In doing so the Committee agreed in principle that future CIL funding could be provided for the following projects providing that all other eligibility criteria are met:

- (i) Paddington Health Centre (Appendix F, Project CBG1)
 - (ii) Fleming Court Designing out crime (Appendix F, Project CMC2)
 - (iii) Hall Park Estate Multi-Use Games Area (Appendix F, Project CMC5)
 - (iv) Cycle Hire to the rear of Westbourne Park tube (Appendix F, Project CAH1)
10. Noted the projects set out in Appendix G of the report that are likely to be brought forward to a future meeting of the Cabinet CIL Committee for the consideration of funding. Based on these it was agreed that no amendments were required to the council's Regulation 123 list set out at Appendix H of the report.
11. Noted that officers will now carry out an engagement strategy with neighbourhood areas in respect of the neighbourhood CIL monies that are being ring-fenced for spend in accordance with the spending policy agreed in resolution 1 and that a further update on this will be provided to a future meeting of the Cabinet CIL Committee.
12. Supported in principle the prioritisation of future CIL funding for Hanover Square Gardens, given that it is integral to the wider Hanover Square public realm scheme for which the hard landscaping has been agreed (2(i) above). As this scheme is for delivery in 2019 – 2020, approval of funding for the scheme is reserved to a future Cabinet CIL committee when further CIL monies have been received.
13. Supported in principle the Councillor priority proposals for Elgin Road/Randolph Avenue junction improvements and a cycle hire docking station in Maida Vale set out in a late representation from Councillor Prendergast. The senior officer group is requested to take these forward to relevant service areas for consideration and development and for them to be brought forward where funding is available.

Reasons for Decision

Clear and transparent CIL and Section 106 governance mechanisms are required 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 and framework for resource allocation and management.

5 ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

5.1 None.

The Meeting ended at 7.10 pm

CHAIRMAN: _____

DATE _____