



City of Westminster

Cabinet CIL (Community Infrastructure Levy) Committee

Decision Maker:	Cabinet CIL Committee
Date:	4 th November 2021
Classification	For General Release
Title:	Westminster CIL and S106 – Project Allocations
Wards Affected:	All
Financial Summary:	<p>This report seeks to allocate a total of £1.006m of funding from the Neighbourhood CIL portion to various infrastructure projects to ensure the effective spend of local CIL.</p> <p>The report also seeks to allocate £1.083m from the S106 Carbon Offset Fund to reduce carbon emissions in the City of Westminster.</p> <p>CIL governance and spending procedures continue to be developed and implemented using existing resources.</p>
Report of:	Director of Policy and Projects

1.0. Executive Summary

- 1.1. Westminster City Council'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 the borough of Westminster. Westminster City Council's CIL was formally introduced on 1st May 2016, and as of June 2021 a total of £107.421m has been received. Westminster City Council (WCC) has collected a total of £87.985m for the Strategic CIL Portion, and a total of £14.065m for the Neighbourhood CIL Portion.
- 1.2. 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. The committee has previously agreed funding allocations of £53.903m for infrastructure projects: £52.036m from the council's 'strategic' CIL portion, and £2.104m from the CIL neighbourhood portion.
- 1.3. The purpose of this report is for the Cabinet CIL Committee to consider and approve a funding application for Neighbourhood CIL funding, following successful implementation of the governance arrangements for this aspect of CIL approved by the committee in December 2018.

2.0. Recommendations

- 2.1. The Committee is asked to:

Approve the following Neighbourhood CIL bids for allocation:

- i) CCTV for Mayfair
- ii) Mayfair Green Route – Alford Street Permanent Garden
- iii) Stairs and Elevator Replacement for St Marylebone Health Centre
- iv) Reconfiguration of Community Space at St Mary's Bourne Street
- v) Accessibility Improvements to St Barnabas Church
- vi) Refurbishment of Staff Room at St Barnabas CE School
- vii) Consultant for Maida Hill Neighbourhood Plan
- viii) Maida Hill Parklets
- ix) Lighting and Public Realm Upgrade in Knightsbridge
- x) Facilities Refurbishment at Greenhouse Sports

Defer the following Neighbourhood CIL applications:

- i) Church Street Shop Frontage Improvements

Approve the following Carbon Offset (S106) applications:

- i) Lillington and Longmore Gardens Retrofit
- ii) Minimum Efficiency Standards Pilot for the Private Rented Sector

Defer the following Carbon Offset (S106) applications:

- i) Queens Park Community Council Net Zero Report

3.0. Reasons for Decision

- 3.1. In order 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

- 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 came in to force on the 1st 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. As of April 2021, the council has received a total of £107.421m of Westminster CIL.
- 4.2. On the 20th February 2017 Cabinet approved the governance arrangements for administering the WCC Community Infrastructure Levy (CIL) and some of the remaining 'pooled' resources secured through section 106 (s106) agreements, including the establishment of this committee.
- 4.3. The Cabinet CIL Committee held its inaugural meeting on the 2nd November 2017. The committee approved the CIL Policy Spending Statement and considered projects that were put forward for funding from the strategic CIL 'City Portion' and s106 resources.
- 4.4. To date the committee has agreed to allocate £53.903m of CIL funding to projects, as detailed in the council's decision statements of 3rd November 2017, 28th March 2018, 26th July 2018, 31st August 2018, 12th December 2018, 3rd July 2019, 19th October 2019, 21st January 2020, 15th April 2020, 29th July 2020, 25th October 2020, 25th January 2021 and 12th April 2021.
- 4.5. 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.

4.6. The purpose of this report is therefore for the committee to consider and approve further allocations of funding for projects from the CIL Neighbourhood Portions.

5.0. Overview of Westminster CIL Receipts

5.1. The following summary provides a breakdown of WCC CIL receipts for the City CIL strategic portion, the neighbourhood portion and the administration portion for each financial year from 1st May 2016:

Period	City CIL Strategic Portion	Neighbourhood Portion	Administration
01/05/2016 – 31/03/2017	£2.060m	£0.376m	£0.128m
01/04/2017 – 31/03/2018	£11.311m	£1.806m	£0.690m
01/04/2018 – 31/03/2019	£21.848m	£3.040m	£1.310m
01/04/2019 – 31/03/2020	£31.187m	£5.498m	£1.955m
01/04/2020 – 31/03/2021	£18.391m	£2.816m	£1.116m
01/04/2021 – 07/07/2021	£7.499m	£1.491m	£0.473m
Total	£91.932m	£14.875m	£5.621m

Westminster Strategic CIL allocations

5.2. The committee has agreed to allocate funding of £52.036m to projects to date from the City CIL Strategic Portion. These allocations have been apportioned to the indicative “funding pots” agreed by Cabinet by infrastructure types shown in the table below.

Infrastructure Type	Indicative percentage allocation of Westminster’s CIL - the ‘City CIL Strategic Portion’	Total Allocated
Public realm / Transport	50%	£28.568m
Health / Community Services	10%	£4.045m
Education	5%	£1.766m
Parks / Sport and Leisure	5%	£2.751m
Utilities / Waste	10%	£4.377m

Other Priorities / Contingency	20%	£10.528m
Total		£52.036m

5.3. It is worth noting that Cabinet acknowledged that the above “pot” allocations are indicative, and that the council reserves its right to depart from them if that proves necessary (because there is a major project requiring funding in a particular year, for example). These are broad allocations and in practice there are likely to be overlaps between them.

5.4. Following these allocations, the remaining balance of CIL monies received to 25th January 2021 means that £51.62m remains available for allocation to strategic infrastructure projects.

Future CIL Income

Liability Notices

5.5. As of 17th September 2021, liability notices for a potential value of £120.867m have been issued. These notices are raised following the grant of planning permission and set out what the liable charge would be should work on the development start. The realisation of the remainder of these monies is therefore totally dependent on a developer implementing their planning permission. In Westminster it is common to have multiple planning permissions on a site or for a permission not to be implemented. This figure, while informative, should not therefore be treated as guaranteed future income.

Demand Notices

5.6. As of 17th September 2021, demand notices totalling £16.798m have been issued, with a total of £112.430m collected. Where a demand notice has been issued, this means that development has commenced and that CIL is now due for payment. The council’s CIL instalment policy allows developers fixed timescales at 90, 180 and 360 days (post-commencement) to pay the amount due. The number of instalments available is dependent on the total amount of CIL due, with higher CIL charges allowing for more time to pay. A further £16.798.m is due to be collected over the next year on developments that have already commenced. Further demand notices may also be issued if other developments commence.

6.0. Westminster’s CIL: The Neighbourhood Portion

Overview of Neighbourhood CIL

6.1. Cabinet agreed that the Senior Officer Working Group should oversee the engagement and allocation processes for the neighbourhood portion of CIL and make recommendations to the Cabinet CIL Committee about the allocation of Neighbourhood CIL.

- 6.2. There are 21 neighbourhood areas throughout Westminster, yet not all the city's land area is designated, with the bulk of Vincent Square and St. James's wards remaining undesignated. A full list of the ring-fenced neighbourhood portion of CIL is included at Annex A and is broken down by 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. Local communities in the undesignated areas of the city are still entitled to a say over the neighbourhood portion of CIL in this area.
- 6.3. The total monies assigned to the neighbourhood portion of CIL is £14.065m as of 12th April 2021. A detailed summary of Neighbourhood CIL balances can be found in Annex A.
- 6.4. The Cabinet CIL Committee agreed the governance arrangements for assessing applications from neighbourhood forums and other community organisations in December 2018. Two bidding rounds will be open per year to allow local communities to apply for neighbourhood CIL. The council launched its first neighbourhood CIL bidding round on 11th June 2019. Applications were accepted until 11th September 2019 and were supported by 'application surgeries' where interested parties met with officers to discuss the process and potential projects. Following the close of the application period, all applications were assessed against the agreed criteria in legislation and the council's CIL Spending Policy Statement.
- 6.5. 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, rather, it is requesting officers to ensure project viability prior to allocation of funds. Applications recommended for approval means that the project is considered viable by officers and are ready for deployment
- 6.6. A written summary of the project bids recommended for funding from the CIL Neighbourhood Portion is provided below. This information has been summarised in Annex B
- 6.7. Mayfair Green Route – Alford Street Permanent Garden: Following the Phase 1 application to commission a conceptual plan, a phase 2 application has been received to complete the delivery plan and implement 1 of the 18 sections of the Mayfair Green route, which is on Alford Street. The project will see the conversion a small section of an unused carriageway into a new permanent public space and garden (approximately 240 meters squared). Highway works are proposed to be managed by WCC Highways and will include new permeable paving surfaces to prevent flooding; and new single seating to encourage dwelling, planting and trees. Living walls are proposed to be installed on surrounding buildings and balconies, however these WCC will not be delivering or maintaining these where they are located on private

buildings. The project is widely supported by the local resident and business community due to the placemaking benefits the new garden will deliver. The proposal has also been welcomed by WCC Highways and Place Shaping. The Mayfair Neighbourhood Forum has requested the investment of £338,000 (including risk and contingency) from their local CIL portion in the creation of this new garden. Maintenance and revenue costs of the garden will not be CIL funded and volunteer led options are being explored. It is recommended that this application is approved in principle; funding will be subject to the outcome of a structural assessment; this is to be completed by WCC Highways. A fully costed maintenance plan is required before this project can initiate.

- 6.8. CCTV for Mayfair: The Mayfair Neighbourhood Forum (MNF) is seeking £230,000 to install a network of 100 CCTV cameras as part of a plan to deter and, more importantly, detect crime within the neighbourhood area. The CCTV will be installed only on Grosvenor and Astrea owned estates and will provide surveillance for the public realm. Grosvenor and Astrea have agreed to cover all management and maintenance costs of CCTV infrastructure installed on their estates. The Metropolitan Police and the council's Public Protection Department are currently working with the MNF to ensure any approach taken is consistent and joined up with wider work on tackling crime within the Mayfair Neighbourhood Area and across the City of Westminster. It is recommended that this application is approved in principle and that funding is allocated once written endorsement from the police and council officers has been received. Written confirmation will be required from the Metropolitan Police, clearly stating that CCTV is either a part or full solution to crime detection and prevention within the Mayfair Neighbourhood Area. A draft copy of the CCTV Delivery Plan is to be shared with the council prior to the deployment of CCTV units.
- 6.9. Stairs and Elevator Replacement at St Marylebone Health Centre: The St Marylebone Parish Church is home to the St Marylebone Health Centre and the St Marylebone Psychotherapy and Counselling Centre. At present, there are considerable accessibility issues. The lift is outdated and extremely narrow, not allowing for wheelchair access. Parts are no longer available for improvement and thus it must be replaced entirely, the spiral staircase is also outdated and is a trip hazard for individuals who may suffer from mobility issues. The project will see improved access to the NHS facility and the counselling centre through the fitting of a new wheelchair accessible lift and new staircase that is compliant with accessibility regulations. This project is part of the wider Changing Lives project led by the St Marylebone Church that has received a total of £8m of funding from various sources to improve services offered to the local area. The St Marylebone Church is seeking £100,000 from the Marylebone Neighbourhood CIL portion and has been endorsed by the Marylebone Neighbourhood Forum. It is recommended that this application is approved.
- 6.10. The Pineapple Project: New Community Space at St Mary's Bourne Street: The St Mary's Church is seeking capital of £200,000 from the Belgravia Neighbourhood CIL portion to meet a milestone of £1.2million. The Church is seeking to create a new community/public space that intends to be used as a

space for social action, addressing local issues such as loneliness and social isolation amongst the elderly population within the Belgravia Neighbourhood Area. The work will convert the existing Presbytery Building into a flexible and purpose-built community space. Community spaces are scarce in Central London and this project will see the creation of a much-needed facility for local events and a valuable hub to address needs within the Belgravia Neighbourhood Area and the City of Westminster. The new space will be dedicated to social action purposes for 2-3 days per week depending on demand. The space will be made available for hire; however, as The Pineapple Project is a registered charity, all income must be reinvested into social action. The project is strongly supported by the Belgravia Neighbourhood Forum and by Age UK. It is recommended that this application is approved in principle, and that further details are provided on the specific nature of the social action programme that will be delivered following the construction of the space. Before funding is fully approved, the applicant is to consult the council on the fee structure which should include a community rate for Westminster residents.

- 6.11. Accessibility Improvements to St Barnabas Church: The St Barnabas Church in is looking for £26,000 from the Belgravia Neighbourhood CIL Portion to top-up a £24,000 grant from the Church of England. This is to make accessibility improvements to their main building. This will include the installation of two large glass and steel doors. As the church shares grounds with the local school, the building is used daily by pupils during term-time. Additionally, the building used as a polling station, for local community event/festivals, and by residents' associations/societies. The doors will make a highly valuable community space more accessible for the school and for residents to utilise for various purposes. The project is strongly supported by the Belgravia Neighbourhood Forum and by ward members. It is recommended that this application is approved.
- 6.12. Refurbishment of Staff Room and Learning Space at St Barnabas CE School: Following a £8,000 grant from the Church of England, the St Barnabas CE School is looking for £10,000 of funding from the Belgravia Neighbourhood CIL Portion to structurally renovate an outdated staff room. The room is not fit for purpose and is situated behind a wall to a toilet that is no longer in use. 25% of the building is currently used up by a disused restroom. The room will be completely renovated into a kitchen complete with appliances and extensive storage. There will be also work surfaces at children's height for them to have cookery lessons. The kitchen will then also be available for lessons and after school clubs. Wheelchair access will also be a new feature. The project is supported by the Belgravia Neighbourhood Forum and the WCC Children's Department. It is recommended that this project is approved.
- 6.13. Consultant for Maida Hill Neighbourhood Plan: The Maida Hill Neighbourhood Forum is asking for £24,000 from their local CIL portion to procure a planning consultant to lead on building the evidence base to support the development of their neighbourhood plan. While this is eligible and is supported by Ward Members, the consultant brief needs to be reviewed by WCC Planning Policy Team. It is recommended that this application is approved in principle, and

that funding may be accessed as soon as the council's planning policy team is content with the consultant brief.

- 6.14. Maida Hill Parklets: Volunteers from the Harrow Road Community Champion and Meanwhile Gardens Community Associations are seeking £8,000 from the Maida Hill local CIL portion to fund the creation of 8 new parklets along Harrow Road, Lydford Estate and Hornead Road that will provide upgraded communal green/open space for residents. The money will be used on capital to procure compost, planters and equipment that will help local volunteers maintain the parklets. The application is supported strongly by the Maida Hill Neighbourhood Forum and Ward Members. A costed management and maintenance plan is needed by WCC before this project can begin. It is therefore recommended that this application is approved in principle.
- 6.15. Lighting and Public Realm Upgrade for Royal Albert Hall: The pair of statues depicting Queen Victoria and Prince Albert will be installed in the North Porch alcoves, overlooking Kensington Gardens. The second pair, depicting The Queen and Duke of Edinburgh will be in the South Porch alcoves, overlooking the Queen Elizabeth II Diamond Jubilee Steps. The current lighting where the statues of Queen Victoria and Prince Albert will be placed is provided by a solitary streetlight which throws the building's features into shade. This Neighbourhood CIL project would part fund the specialised lighting for the Queen Victoria and Prince Albert statues. A new coordinated lighting scheme included in this Public Realm Improvement project will improve the overall appearance of the Hall at night. The lighting requires a unique system that complements the Hall and public realm and meets the requirements for a Grade I listed building. The Knightsbridge Belgravia Neighbourhood Forum is seeking a £20,000 contribution from the respective CIL portion to support the project. It's recommended that this application is approved in principle, and that full approval is granted upon the confirmation of match funding.
- 6.16. Facilities Refurbishment at Greenhouse Sports: Greenhouse Sports is a charity that specialises in youth engagement through sport and seeks to improve the life chances of young people from disadvantaged backgrounds; around 60% of users come from the local area. The Church Street Neighbourhood Forum is seeking to allocate £50,000 to support Greenhouse Sports make several improvements to their facility to enrich the experience of those who receive services from Greenhouse Sports. The charity is based at the Greenhouse Centre at 35 Cosway Street which falls within the Church Street Neighbourhood Area. In summary, Greenhouse Sport is looking to redevelop some of their facilities to ensure they provide optimised services; this will include the following:
- Accessible bathroom on the ground floor: currently all guests must use the bathroom in the crypt.
 - Reception reconfiguration: current desk is too high, limiting engagement with visitors and the ensuring of safety through observation.
 - Kitchenette: there are currently no refreshment facilities on the ground floor for visitors; a not-for-profit café will be created for those using the charities facilities.

The proposed improvements to the Greenhouse Centre will enable the charity to enhance their offer to young people in the local area. It is therefore recommended that this application is approved.

7.0. Neighbourhood CIL applications not being taken forward.

7.1. The following CIL applications need deferral because they require input and coordination from council officers to ensure practicability, eligibility and deliverability.

7.2. *Church Street Shop Frontage Refurbishments:* An application from three retailers has been submitted to improve their shop fronts. While elements of shop fronts are eligible for CIL funding (e.g., green infrastructure such as planters), they are not eligible in their current form due to the focus on business signage. The applications require considerable input from several council teams. The applications have been referred to the relevant council teams to coordinate. The Church Street Neighbourhood Forum has been consulted on this direction of travel.

8.0. Proposals for funding from pooled Section 106 contributions

Overview of Section 106 Pooled Funds

8.1. CIL has largely replaced s106 planning obligations as the primary mechanism for delivering planning infrastructure benefits. Since the introduction of CIL, the council has only been able to secure s106 contributions that can be pooled for site specific purposes that are not directly related to infrastructure. These are affordable housing, employment and skills, and carbon offsetting contributions. Other s106 contributions relating to infrastructure must be specifically required in order to make a development acceptable in planning terms, otherwise they will be captured through CIL. Nevertheless, there are still some historic planning applications that will continue to contribute to historic funding streams when triggers for payment are reached.

8.2. It is beneficial to utilise s106 monies where possible, as they are tied to specific planning permissions and are often explicit and/or time limited in terms of their use. For each allocation of funding using s106, officers must therefore ensure that the terms of the individual s106 agreement from which the funds have been received are complied with. In this respect the application of s106 funding is less flexible than CIL. Two further projects were submitted for this funding round that are eligible for pooled s106 funding rather than CIL.

8.3. We have received one bid seeking s106 funding from pooled Carbon Offset contributions:

8.4. Lillington and Longmore Gardens Retrofit: This is a major council-led retrofit programme that will see the council owned estate refitted with new roofs, double glazing, walls and flooring that are projected to reduce energy consumption by 171,048 kWh per year, cutting carbon emissions by 76 tonnes per year. The Place Shaping Team is seeking a contribution of £925,075 to the retrofit of the estate. Improvements at this site are critical to ensuring Westminster remains a place of opportunity with excellent local services that are provided in an environmentally sustainable way. This project represents a significant opportunity to transform a council estate into a sustainable and vibrant centre of local life for the benefit of future generations, bringing dramatic improvements to the building fabric and performance alongside wider social value and economic benefits for residents. Given the long-term environmental, social and economic benefits of retrofitting Lillington and Longmore Gardens, it is recommended that this bid is approved with the following conditions applied;

- *12 months following the completion of the retrofit, a report is published on the carbon savings that have been delivered across the Lillington and Longmore Estate.*

8.5. Minimum Energy Efficiency Standards (MEES) Pilot for Private Rented Sector: The Pilot will provide financial / practical support to private landlords exempt from minimum energy efficiency standards (MEES) but willing to meet them, and to landlords willing to exceed MEES to deliver additional carbon savings. A previous project identified landlords willing to do this, with help. The Pilot complements an MHCLG funded project to enforce MEES, providing a holistic approach to delivering carbon savings and supporting low-income tenants (who will be referred for associated support). A final report will include recommendations on how the sector can be supported to meet and exceed MEES, helping to inform future policy and services provided by the council. The council's Climate Emergency Team is seeking £158,149 from the Carbon Offset funding to complement £99,561 MHCLG funding to enforce MEES. The project will make available £100,000 in grant funding for landlords to introduce physical carbon saving measures; grants will be being capped at £10,000 per property. This project is listed in the councils Climate Emergency Action Plan. Given the carbon savings that will be generated from this project, it is recommend that this application is approved in principle with the following conditions applied:

- *That a report is published upon completion of the pilot, reporting on the take up of the grants by landlords in Westminster and the carbon savings delivered*

8.6. Queens Park Community Council (QPCC) Net Zero Report: QPCC is seeking £48,604 from the Carbon Offset Fund to commission a Net-Zero report. This will include a baseline calculation for emissions and identify the most

significant opportunities for carbon reduction and offset in the ward. The report would be used as an evidence-base to inform the actions of QPCC going forward. The application proposes to use funding to employ a dedicated climate emergency campaigns officer and to also create a dedicated carbon offset match funding pot. While this is a welcomed application, at present it is not clear how the project will result in measurable and tangible carbon savings which is a legal requirement of all carbon offset funded projects. It is recommended that that QPCC liaise with the WCC Climate Emergency Team to discuss and develop the proposal into one that is more closely aligned with the criteria for carbon offset funding. It is therefore recommended that this application is deferred, and that a revised version is submitted following engagement with WCC officers.

9.0. Financial Implications

- 9.1. CIL is intended to support the strategic infrastructure that is required to support the development of the local area and there is greater flexibility in how it might be applied than there is with s106 funding. Decisions about CIL are transparent and linked with the council's strategic priorities including those on the Council's Capital Programme.
- 9.2. The council is in receipt of £112.430m from CIL since it was launched in May 2016 of which, £91.932m is allocated to City CIL Strategic Portion, £14.875m to Neighbourhood Portion and £5.621m to offset the cost of CIL administration.
- 9.3. From the City CIL Strategic Portion, £NIL is requested for approval in this report. The total allocation of Strategic CIL monies to projects will remain unchanged at £52.036m.
- 9.4. To date, the total allocation of the neighbourhood portion of CIL to projects is £3.636m, leaving a balance of £10.747m.
- 9.5. From the Westminster CIL Neighbourhood Portion, £1.006m is requested for approval in this report.
- 9.6. 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.
- 9.7. £1.083m has been requested for approval from the S106 Carbon Offset Fund. If approved, the remaining Carbon Offset contributions will be £3.368m.

10.0. Legal Implications

- 10.1. 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.

11.0. Equalities

- 11.1. 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.
- 11.2. 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.
- 11.3. 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.
- 11.4. 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.
- 11.5. 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 20th February 2017 on the Governance of the Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Resources

Report to Cabinet CIL Committee dated 2nd November 2017 on the Governance of the Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Resources

Decision Statement of Cabinet CIL Committee dated 3rd November 2017 on the Governance of the Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Resources

Report to Cabinet CIL Committee dated 26th March 2018 on Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Funding – Project Allocations (Q4)

Decision Statement of Cabinet CIL Committee dated 28th March 2018 on Westminster CIL and Pooled Section 106 Funding – Project Allocations

Report to Cabinet CIL Committee dated 25th July 2018 on Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Funding – Project Allocations (Q1)

Decision Statement of Cabinet CIL Committee dated 26th July 2018 on Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Funding – Project Allocations (Q1)

Cabinet Member Report to Cabinet Member for Place Shaping and Planning dated 28th August 2018 on Westminster Community Infrastructure Levy (CIL) – Ward Member Proposals

Decision Statement of Cabinet Member for Place Shaping and Planning dated 31st August 2018 on Westminster Community Infrastructure Levy (CIL) – Ward Member Proposals

Report to Cabinet CIL Committee dated 5th December 2018 on Westminster Community Infrastructure Levy (CIL) – Project Allocations (Q2)

Decision Statement of Cabinet CIL Committee dated 12th December 2018 on Westminster Community Infrastructure Levy (CIL) – Project Allocations

Report to Cabinet CIL Committee dated 1st July 2019 on Westminster Community Infrastructure Levy (CIL) and pooled Section 106 contributions – Project Allocations

Decision Statement of Cabinet CIL Committee dated 3rd July 2019 on Westminster Community Infrastructure Levy (CIL) and pooled Section 106 contributions – Project Allocations

Report to Cabinet CIL Committee dated 9th October 2019 on Westminster Community Infrastructure Levy (CIL) and pooled Section 106 contributions – Project Allocations

Decision Statement of Cabinet CIL Committee dated 10th October 2019 on Westminster Community Infrastructure Levy (CIL) and pooled Section 106 contributions – Project Allocations

Annex A: CIL Balances to 30th September**Total CIL Collected: £112,430,144.19****Strategic CIL Collected: £91,932,740.05****Strategic CIL Allocated: £52,036,589.00****Neighbourhood CIL Balances**

Neighbourhood Area	Collected	Allocations	Available
Queens Park	£2,097.74		£2,097.74
Notting Hill East	£22,162.11	£10,000.00	£12,162.11
Bayswater	£510,674.53	£169,579.00	£341,095.53
Little Venice and Maida Vale	£1,599,059.40	£215,621.00	£1,383,438.40
Belgravia	£690,640.98	£74,000.00	£616,520.98
Church Street	£606,692.64		£606,692.64
Churchill Gardens Estate	£0.00		£0.00
Ebury Bridge	£0.00		£0.00
Fitzrovia West	£537,373.13	£152,000.00	£385,373.13
Hyde Park and Paddington	£1,193,827.84	£557,000	£636,627.84
Knightsbridge	£67,821.88	£20,000.00	£47,821.88
Maida Hill	£32,761.24		£32,762.24
Marylebone	£1,935,211.70	£245,125.00	£1,690,086.70
Mayfair	£1,865,563.96	£161,003.00	£1,704,560.96
Pimlico	£88,847.38		£88,847.38
Soho	£375,591.38	£40,700.00	£334,891.38
South East Bayswater	£744,258.64		£744,258.64
St James's	£76,818.15		£76,818.15
St John's Wood	£1,531,660.79	£1,411,778.00	£119,882.79
Victoria	£801,843.14	£30,000	£771,843.14
Westbourne	£182,873.32		£182,873.32
Outside Neighbourhood Areas	£2,010,116.97	£145,000.00	£1,865,116.97

Annex B: Projects put forward for funding from Westminster's Community Infrastructure Levy (CIL) 'Neighbourhood Portion'

Project Name	Area/Forum	Total Cost	NCIL Sought
CCTV for Mayfair (in principle)	Mayfair	£600,000	£230,000
Mayfair Green Route – Alford Street Permanent Garden (in principle)	Mayfair	£338,000	£338,000
Stairs and Elevator Replacement for St Marylebone Health Centre	Marylebone	£100,000	£100,000
Reconfiguration of Community Space at St Mary's Bourne Street	Belgravia	£1.5m	£200,000
Accessibility Improvements to St Barnabas Church	Belgravia	£48,000	£26,000
Refurbishment of Staff Room at St Barnabas CE School	Belgravia	£18,000	£10,000
Consultant for Maida Hill Neighbourhood Plan (in principle)	Maida Hill	£24,000	£24,000
Maida Hill Parklets	Maida Hill	£8,000	£8,000
Lighting and Public Realm Upgrade in Knightsbridge	Knightsbridge	£69,750	£20,000
Facilities Refurbishment at Greenhouse Sports	Church Street	£112,500	£50,000
TOTAL Neighbourhood CIL Sought for Allocation			£1,006,000.00

Annex C: Projects seeing funding from the pooled Section 106 Carbon Offset Contribution

Project Name	Ward	Total Cost	S106 Sought
Lillington and Longmore Gardens Retrofit	Tachbrook	£1.926m	£0.925
Minimum Energy Efficiency Standards for Private Rented Sector	Citywide	£0.258	£0.159