



City of Westminster

Cabinet Member Report

Decision Maker:	Cabinet
Date:	11 September 2023
Classification	For General Release
Title:	Greenhouse Sports Neighbourhood CIL application
Wards Affected:	Church Street
Financial Summary:	This report seeks to allocate a total of £0.45m of funding from the Neighbourhood CIL portion to repair the roof of the Greenhouse Centre so that the charity can meet growing demand arising from the Church Street regeneration scheme and new development across the whole city.
Report of:	Pedro Wrobel, Executive Director for Innovation & Change

1.0. Executive Summary

- 1.1 Greenhouse Sports has applied for £0.45m of Neighbourhood Community Infrastructure Levy (NCIL) to fund repairs to the roof.
 - 1.2 The Greenhouse Centre at 35 Cosway Street has been closed since November 2021 due to water ingress. This funding will repair damage to the roof and stonework for the Grade 2 listed structure and allow the building to re-open for community use.
 - 1.3 Greenhouse Sports is a well-used local charity, and the repairs to the roof will allow the Greenhouse Sports centre at 35 Cosway Street to re-open and provide a free and safe environment for children and young people to play sport, make friends, receive mentoring and work with inspirational coaches to improve their life chances through physical wellbeing. The funding will also support the charity develop its offer to meet future demand for its services that we anticipate from future the local development including the Church Street regeneration scheme.
- 1.1. The application meets the council's principles for community investment, and is consistent with the third party investment policy, which is being developed:
 - **Supporting at least one of our Fairer Westminster outcomes:** the funding will support achieving our Fairer Communities outcome by enabling the Greenhouse Sports Centre to re-open to provide free activities and mentoring for children and young people for six days a week.
 - **Demonstrating additionality:** by enabling the Greenhouse Sports Centre to re-open, the funding will enable Greenhouse Sports to expand its offer to provide free activities and mentoring for children and young people helping them develop their resilience, skills and leadership.
 - **Providing value for money:** The total cost of the works is £4.5m. Greenhouse Sports has secured £0.05m of match funding from the London Marathon Trust and £0.021m from local fund raising. The remaining £3.979m will be funded by the charity's Sustainability Fund, which was established to fund the maintenance and repair of the building. Greenhouse supports has a full repairing and insuring lease from the Diocese of London until 7 April 2082, with provision to extend it for another 57 years from 8 April 2082 to 7 April 2139. Greenhouse Sports has listed building consent for the works and has appointed a contractor.

2.0. Recommendation

- 2.1. Cabinet approves in principle £0.45m of NCIL funding to Greenhouse Sports.

- 2.2. Cabinet delegates authority to the Executive Director of Innovation & Change to produce a final funding agreement in conjunction with the Director of Law and Governance that ensures value for money and safeguards the investment for community benefit.

3.0. Reasons for Decision

- 3.1. Allocating £0.45m to Greenhouse Sports will provide 10% match funding for the total cost of the scheme, meeting a funding shortfall. This will make sure that service delivery is not put at risk and enable Greenhouse Sports to develop and grow its offer to the local community, supporting the delivery of the council's Fairer Community strategic outcome.
- 3.2. These improvements to the Greenhouse Centre deliver on the priority in the council's CIL Spending Policy Statement to support community facilities, and will contribute towards creating an enhanced sports centre to meet the anticipated additional demand for local facilities that will be created by local development, in particular the nearby Church Street regeneration scheme.
- 3.3. This decision, and supporting grant agreement, will ensure robust and effective expenditure and reporting in line with the Planning Act (2008) and the Community Infrastructure Levy Regulations 2010 (as amended) and in accordance with the council's strategic priorities, the revised CIL Spending Policy Statement (2022), and the council's frameworks for resource allocation and management.

4.0. Background

Neighbourhood CIL

- 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 became effective on 1 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), also informs decisions.
- 4.3. CIL Regulations require apportionment of CIL receipts between:
 - **the 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); and

- **the 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.

As of 31 August £10.96m of Neighbourhood CIL is available to support local community projects. The total NCIL apportioned to each Neighbourhood Area is set out in Appendix 1.

4.5. Since October 2022, the council has taken a more proactive approach to spending Neighbourhood CIL to support local community projects. In October 2022, the Council adopted a revised CIL Spending Policy Statement, which sets local policy on CIL, to encourage a more flexible approach that allows CIL to be spent on more types of infrastructure and projects, including revenue (ongoing) costs. At that time, the council also changed guidance around the NCIL applications process to make clear that applications are welcome from any individual or organisation with a relevant proposal. Prior to these changes, there was almost £13m of unallocated Neighbourhood CIL funds. The application rounds since these changes have seen more and higher-value applications submitted. The council will continue to build on this success with a new website and other public outreach to increase knowledge of Neighbourhood CIL and encourage more applicants – and we expect to spend the remaining Neighbourhood CIL balances within the next two to three years.

4.6. In the most recent round of neighbourhood CIL applications, £0.348m of Neighbourhood CIL was awarded to eight local community projects. Greenhouse Sports applied for funding in the same round, but as the application is for over £0.25m, the decision is referred to Cabinet in line with the council's revised CIL Spending Policy Statement.

Greenhouse Sports' Application

4.7. Greenhouse Sports has applied for £0.45m to repair the roof at the Greenhouse Sports centre at 35 Cosway Street. This will fund 10% of the total cost of repairs. The remaining funding will come from match funding from the London Marathon Trust, local fundraising, and the charity's Sustainability Fund.

4.8. Greenhouse Sports is a well-used local charity, and the repairs to the roof will allow the Greenhouse Sports centre at 35 Cosway Street to re-open and provide free, fun and safe environment for children and young people to play sports, make friends, receive mentoring and work with inspirational coaches to improve their life chances through physical wellbeing.

4.9. More broadly, there is a growing need for such social infrastructure provision across Westminster. The cost of living crisis has driven an increased need for free activities such as those provided by Greenhouse Sports

4.10. The application meets the council's principles for community investment:

Supports at least one of our Fairer Westminster outcomes

The funding will support achieving our Fairer Communities outcome by enabling the Greenhouse Sports Centre to re-open to provide free activities and mentoring for children and young people for six days a week.

Demonstrating additionality

Repair to the roof will enable the Greenhouse Centre to reopen and commence a six day per week operation, running a range of physical activities during the day for the local community. This will include;

- Adult sporting sessions and wellbeing sessions
- Providing a range of life skill, employability and enrichment sessions for local young people in partnership with our range of corporate partners.
- Through evenings and weekends a full programme of activity and a safe space for children and their families, including after school clubs with development pathways for young people to continue to build their skills.
- Host competitions for children from the local community that will bring together people from all over the country.

Crucially, the council's investment will enable Greenhouse Sports to develop its offer of free and low cost activities for the local community: Additional delivery projects;

- The changes to the building that are being completed alongside the roof repair work (a new toilet and kitchen) will enable Greenhouse to mix the session types so that adults and young people have the chance to learn together and have huge impact on its delivery method so that young people have more positive adult role models.
- Greenhouse will be looking at how it can address food security and nutrition with a systematic approach through partnerships with other key local stakeholders including the Felix Project and North Paddington Food Bank. The new kitchenette facility also gives it the opportunity to explore a social enterprise model.
- Greenhouse Sports has just been made the home of Table Tennis New Pathways Programme England (the national governing body of table tennis), and this will mean direct opportunities for our young people to train and join the national team.
- Greenhouse Sports is intending to add an additional sport to the Centre portfolio which will attract more people from the local community.

Provides value for money

The total cost of the works is £4.5m. Greenhouse Sports has secured £0.05m of match funding from the London Marathon Trust and £0.021m

from local fund raising. The remaining £3.979m (88% of the total costs) will be funded by the charity's Sustainability Fund, which was established to fund the maintenance and repair of the building.

Greenhouse Sports has listed building consent for the works and has appointed a contractor.

The freehold of the building is owned by The London Diocesan Fund (Diocese of London). The current lease runs until 7 April 2082. There is a clause in the lease agreement which allows the charity to extend the lease for another 57 years from 8 April 2082 to 7 April 2139. It is currently the Trustees' intention to extend the lease. As part of the grant agreement the council will seek a title restriction at the Land Registry against disposals of the property with Council consent and/or take a legal charge of interest in the property to the value of the funding in order to safeguard the investment for the community's long term benefit.

- 4.11. There is local support for the scheme. The Church Street Neighbourhood Forum supports the use of Neighbourhood CIL to fund the repairs. Local ward councillors were consulted. Endorsements of the application were received from local charities The Marylebone Project and Food Cycle Marylebone.

5.0. Financial Implications

- 5.1. Following the Cabinet Member decision on 30 August to allocate £348,049 of Neighbourhood CIL allocations to eight local community projects, the current Neighbourhood CIL balance is £10.916m.
- 5.2. 50% of the funding (£0.225m) will be drawn from the Neighbourhood CIL apportioned to the Church Street Neighbourhood Forum (currently £0.522m is available for allocation) and 50% (£0.225m) from the outside neighbourhood area (current £1.15m is available for allocation). This is to ensure Church Street has sufficient funds to progress planned projects, as well as recognising the city-wide benefit provided by Greenhouse Sports. Supporting projects funded by two or more neighbourhood area is actively encouraged under the council's CIL policy.
- 5.3. Since the changes to the CIL policy in October 2022 we are seeing an increase in applications for NCIL funding for local community projects and we expect the remaining surplus to be fully allocated

6.0. Legal Implications

- 6.1. 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.

- 6.2. Legal Services (ref: Isaac Carter) has reviewed this report, and the proposed Project Allocations, and is satisfied that the measures proposed comply with the relevant legislation and guidance set out in paragraph 6.1 above.

7.0. Consultation

- 7.1. 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. Any concerns raised during consultation is reflected in this report.

8.0. Equalities

- 8.1. 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.
- 8.2. 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.
- 8.3. 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.
- 8.4. 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.

- 8.5. All decisions on spending CIL will themselves be subject to assessment to ensure the 2010 Act duties are complied with. Equality Impact Assessment Screenings are undertaken for every Neighbourhood CIL application. 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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APPENDICES

- Appendix 1: Neighbourhood CIL balances

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.
- Equalities Impact Assessment Screening document