

<b>Bath &amp; North East Somerset Council</b>		
DECISION MAKER:	<b>Cllr Dine Romero, Council Leader</b>	
DECISION DATE:	<b>On or after 29<sup>th</sup> June 2019</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3138
TITLE:	<b>Neighbourhood CIL for Bath - Approval of the fifth round of project recommendations</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<p>List of attachments to this report:</p> <p>Appx 1: CIL for Bath Round Five – Five Projects</p> <p>Appx 2: Bath CIL Working Group Minutes 14<sup>th</sup> January 2019</p> <p>Appx 3: Bath City Forum Minutes 28<sup>th</sup> January 2019</p> <p>Appx 4: Bath CIL Working Group Minutes 5<sup>th</sup> November 2018</p> <p>Appx 5: Bath City Forum Minutes 13<sup>th</sup> November 2018</p>		

## **1 THE ISSUE**

- 1.1 This report sets out the recommendations from the Bath City Forum relating to the fifth allocation of funding to five projects from Bath's "neighbourhood portion" of the Community Infrastructure Levy.

## **2 RECOMMENDATION**

The Council Leader is asked:

- 2.1 To agree a £34,500 allocation from the Bath CIL neighbourhood portion for Bathwick Towpath Improvement Project Application BA059
- 2.2 To agree a £19,000 allocation from the Bath CIL neighbourhood portion for Queen Square Bench Project Application BA062
- 2.3 To agree a £3,150 allocation from the Bath CIL neighbourhood portion for KiActiv Health – Move More Project Application BA061
- 2.4 To agree a £125,000 allocation from the Bath CIL neighbourhood portion for Bath City Farm Community Hub Project Application BA051

- 2.5 To agree a £12,300 allocation from the Bath CIL neighbourhood portion for– Parade Gardens Bandstand Renovation Project Application BA053

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 The funding allocations for the recommended projects are to be drawn down from existing CIL contributions set aside for neighbourhood projects.
- 3.2 The overall Bath CIL neighbourhood receipts up to 17 September 2018 are £718k. Presently the total amount of receipts remaining, which are available for drawdown for Bath projects is £361K.
- 3.3 Other than the agreed funding recommendations there are no further revenue costs from the neighbourhood CIL funds to any of the five recommended projects.
- 3.4 There are no other financial implications for the Council.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The “neighbourhood portion” of the Community Infrastructure Levy comprises 15% of the total CIL amount generated from development within the city. Regulation 59C of the CIL Regulations 2010 provides that local councils (those who spend the neighbourhood portion of the CIL) can spend these funds supporting the development of the local council’s area, or any part of that area, by funding (a) the provision, improvement, replacement, operation or maintenance of infrastructure or (b) anything else that is concerned with addressing the demands that development places on an area.
- 4.2 In the absence of any parish or town Council for Bath, Bath and North East Somerset Council hold the Neighbourhood portion of CIL funding for Bath pending allocation. In allocating funding, the Council should engage with communities where development has taken place and agree with them how best to allocate the funding. It should be noted that there is greater flexibility as to what projects may be funded using neighbourhood CIL compared to the main strategic part of the CIL which must be spent on the infrastructure set out in the Council’s Regulation 123 list.
- 4.3 In establishing the Bath City Forum, Council included in its terms of reference (July 2015); “The Bath City Forum shall be an advisory and consultative body and shall not have delegated funding or decision-making powers. It may assist and advise the Council on issues specific to the City such as how best to spend that portion of Community Infrastructure Levy receipts which are used to address local priorities”. Cabinet agreed the revised B&NES CIL Spend Protocol at its meeting on 8<sup>th</sup> November 2017.
- 4.4 The Bath City Forum, having established a working group, process and criteria to formulate recommendations for allocation of the neighbourhood portion of CIL for Bath, is now recommending to Cabinet the fourth set of proposals to be supported from this fund.

### **5 THE REPORT**

5.1 The Bath City Forum was established by Council at its meeting of 16<sup>th</sup> July 2015. It comprises 12 elected Bath & North East Somerset councillors, representing Bath City wards and not serving in the Council's Cabinet, One member of the Cabinet to ensure effective linkages between the Forum and 13 co-opted members who are not Bath & North East Somerset elected councillors but drawn from residents, business, heritage and other groups within the City. A total of twenty-six individuals. Included in the Forum's terms of reference agreed by Council are; The Bath City Forum shall be an advisory and consultative body and shall not have delegated funding or decision-making powers. It may assist and advise the Council on issues specific to the City such as how best to spend that portion of Community Infrastructure Levy receipts which are used to address local priorities.

5.2 Following work undertaken by a special CIL "task and finish group", and a dedicated workshop on this issue, to which all Bath ward members were invited, the Forum has established a clear and transparent process for preparing recommendations to Cabinet on the neighbourhood portion of CIL for Bath. This comprises:

- Dedicated web pages which provide an update on the CIL neighbourhood portion in Bath and a rolling open application process to submit projects which meet the criteria.
- An application form requesting details of local engagement on the proposed project and information as to how it meets the demands of development.
- Dissemination through a wide range of methods including through social media, ward members and the Council's Funding Bulletin.
- The establishment of a working group, drawn from the Forum's membership and involving relevant ward members as appropriate, to consider applications arising from this process.
- All projects are required to complete a funding agreement which will monitor achievements as set out in the original application form. A designated monitoring officer has been identified to oversee this process.

5.3 The projects recommended in this report were considered at two working group meetings which took place on 5<sup>th</sup> November 2018 and 14<sup>th</sup> January 2019. Recommendations were subsequently agreed at the full meetings of the Bath City Forum on the 13<sup>th</sup> November 2018 and 28<sup>th</sup> January 2019. The minutes of the sub-groups are included as appx 2. The recommended projects arising from this process are summarised below:

1. To agree a £34,500 allocation from the Bath CIL neighbourhood portion for Bathwick Towpath Improvement Project Application BA059. This project will provide improvements to the infrastructure along the towpath which is used by residents for walking and cycling to and from the City Centre. The new residential developments that are being built near to this site will bring even greater demand in the use of this popular gateway to the City.

2. To agree a £19,000 allocation from the Bath CIL neighbourhood portion for Queen Square Bench Project Application BA062. This project will replace and maintain the infrastructure within this very well used City Centre Green Space. The bench replacements and the maintenance contract will provide this heritage site with improvements that will last for a minimum of ten years. The introduction of a large number of new residential buildings and a number of large visitor hotels has generated the need for good quality outdoor spaces in this area.
3. To agree a £3,150 allocation from the Bath CIL neighbourhood portion for KiActiv Health – Move More Project Application BA061. This project will deliver a programme of health improvements to residents in areas of the City that have seen new residential developments nearby. The funding will contribute to the equipment and the co-ordination in delivering a project with health and social care benefits. The residents that will be targeted for the additional spaces will be located in areas that are close to new housing developments. This contribution to the Ki-Active programme will increase capacity within targeted Bath Communities to become part of the existing scheme which will help the increased population become part of an active community. This project looks to provide active lifestyle support to areas that have been impacted by the development of new residential properties.
4. To agree a £125,000 allocation from the Bath CIL neighbourhood portion for Bath City Farm CIL Application BA051 - This project will serve a large number of new developments in the close vicinity of the site as well as serving as a destination venue to residents from further afield. Additionally the project provides numerous benefits to a community in an area of the city that are most in need of additional capacity that this community hub will deliver. This facility will be more than just a community café; the concept will allow the Bath City Farm to deliver on projects that will provide social cohesion to the local residents and the wider area in a stylish and robustly designed building. This project would serve as a facility that would act both locally and as destination development for the additional numbers of Bath residents that will require a recreational facility that will also deliver numerous services that relate to local demands. It should be noted that within 1 mile of this development over 1,000 new homes have been delivered.
5. To agree a £12,300 allocation from the Bath CIL neighbourhood portion for Parade Gardens Bandstand CIL Application BA053 - This application supports the heritage infrastructure project that improves the bandstand in this city centre green space. The increase in the number of local residents will bring a greater need for local green space that can deliver activities. The bandstand restoration once completed will once again deliver a facility that has historically provided a local performance space in this park. The neighbourhood CIL contribution will allow the completion of the overall project of restoring the bandstand which has drawn in separate funding of £75,000 which has already been raised. It should be noted that developments in the immediate vicinity of the Parade Gardens site include one of the largest hotels in the City which will be serving thousands of tourists visiting the City. New residential accommodation is also under development within a quarter of a mile from the Parade Gardens. The gardens are provided as a free destination for Residents that hold the B&NES Residents Card.

## **6 RATIONALE**

- 6.1 The recommendations for the projects that are included in this report have been made the Bath City Forum

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 Consideration was given to this report being presented to full Cabinet but it is considered appropriate that this be a single member decision.
- 7.2 The Bath City Forum has given consideration to a number of funding applications that requested support from the Bath CIL neighbourhood portion. The unsuccessful applications have been contacted and provided with the reasons why they were not successful.

## **8 CONSULTATION**

- 8.1 Each of the five applications which are contained within this recommendation submitted for agreement has completed a project expression of interest and application for funding form. All projects identify the local consultation and engagement that has taken place and this was further tested through the process set out in this report.
- 8.2 Following consideration of the findings from the Working Group for the Neighbourhood portion of CIL for Bath, Bath City Forum consisting of 12 elected Bath & North East Somerset councillors, and 13 co-opted members agreed the recommendations.
- 8.3 The Bath & North East Somerset Council Section 151 Officer and Monitoring Officer were both consulted in the preparation of this report.
- 8.4 This report has undergone a public sector equalities impact assessment.

## **9 RISK MANAGEMENT**

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.
- 9.2 The recommendations have been made having regard to regulation 59C of the CIL regulations and associated government guidance.
- 9.3 Following the discussions that have taken place around the use of the Bath CIL neighbourhood portion and the statutory criteria it is felt that any risk being taken in asking for all of the recommended projects set out above to be funded is low. It is felt that the probability of the public or developers challenging how the funding is being allocated is unlikely.
- 9.4 Officers have received legal advice regarding each of the five projects included in this report. The projects listed below show why each of the projects are recommended for CIL funding: -
- (1) BA059 – The Bathwick Towpath supports improved infrastructure of a public path; this project fully complies with CIL regulation 59C (a)

- (2) BA062 – Queen Square Benches supports improved infrastructure of an open public space; this project fully complies with CIL regulation 59C (a)
- (3) BA061 – KiActive Health supports the improvement to resident’s health. The legal advice provided had expressed reservations about whether this project meets the statutory criteria. This funding will support sporting and recreation improvements which are both stated as a form of infrastructure in section 216 of the Planning Act 2008. It is felt that this project is compliant with regulation 59C (b) anything else that is concerned with addressing demands that development places on an area.
- (4) BA051 – Bath City Farm will provide a community facility that will provide educational support and recreational facilities in the form of a Community Café Plus. The legal advice provided had expressed reservations about whether this project meets the statutory criteria. The advice that followed from Counsel felt that the criteria being met by this project was finely balanced. This funding will support other educational facilities and recreational improvements which are both stated as a form of infrastructure in section 216 of the Planning Act 2008. It is felt that this project is compliant with regulation 59C (b) anything else that is concerned with addressing demands that development places on an area.
- (5) BA053 – Parade Gardens Bandstand will provide improved infrastructure for a recreational facility which situated in an open space. The legal advice and that of Counsel provided the opinion that this project does not meet the statutory criteria. The funding will support a recreational facility and deliver improvements to an open which are both stated as a form of infrastructure in section 216 of the Planning Act 2008. It is felt that this project is compliant with regulation 59C (b) anything else that is concerned with addressing demands that development places on an area.

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<b>Background papers</b>	<i>08.11.17 Cabinet Decision 142 - B&amp;NES Community Infrastructure Levy (CIL) spending arrangements 2018/19</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	