

Bath & North East Somerset Council		
DECISION MAKER:	Cllr Dine Romero, Council Leader	
DECISION DATE:	On or after 27th September 2019	EXECUTIVE FORWARD PLAN REFERENCE:
		E3170
TITLE:	Neighbourhood CIL for Bath - Approval of the sixth round of project recommendations	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appx 1 Appx 1 Application Widcombe Parade Handrail</p> <p>Appx 2 Appx 2 Application Highland Terrace Lighting</p> <p>Appx 3 Appx 3 Bath CIL Working Group Minutes 29 July 2019</p>		

1 THE ISSUE

1.1 This report sets out the recommendations from the CIL for Bath Panel relating to the sixth allocation of funding to five projects from Bath's "neighbourhood portion" of the Community Infrastructure Levy.

2 RECOMMENDATION

The Council Leader is asked to agree allocations from Bath CIL and the relevant Cabinet Member to make following adjustments to capital programmes:

- 2.1 £5,000 for application BA-068, a contribution towards the installation of a handrail at the end of Widcombe Parade, Bath, an uplift to the Transport Improvement programme
- 2.2 £15,000 for application BA-066, a contribution for the provision of Solar Street Lighting in Highland Terrace, Bath, an uplift to Transport Improvement Programme
- 2.3 £2,000 allocation from the Bath CIL neighbourhood allocation for application BA-053, Parade Gardens Bandstand (the sum agreed in the previous SMD E3138 agreed £12,300 in funds, this was understated, there was agreement for a

contribution for £14,300 – moving this sum to full Approved from Bath Park s106 / CIL Projects in Customer Services Portfolio

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The funding allocations £22K for the three recommended projects are to be drawn down from existing CIL contributions set aside for neighbourhood projects.
- 3.2 Bath CIL neighbourhood receipts up until April 2019 were in excess of £941K with a further £250K in receipts anticipated in September 2019
- 3.3 All projects are one-off payments allocations.
- 3.4 There are no further revenue costs from the neighbourhood CIL funds to all three projects.
- 3.5 There are no other financial implications for the Council.
- 3.6 The installation of the handrail at Widcombe Parade and the implementation of solar street lighting at Highland Terrace both require project management through the B&NES Highways Team. Discussions have taken place with Highways and a meeting will take place in November 2019 to set out each project using a PID or similar document.
- 3.7 Agreement of a process for adjustment to Council budgets allocation will be made for Council capital projects.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Regulation 59C of the 2010 Regulations as amended 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 Guidance requires that 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.
- 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 8th November 2017.

4.4 The Forum, having established a working group, process and criteria to formulate recommendations for allocation of the neighbourhood portion for Bath, is now recommending to Cabinet a second set of proposals to be supported from this fund.

5 THE REPORT

5.1 The “neighbourhood portion” of the Community Infrastructure Levy comprises 15% of the total CIL amount generated from development within the city. In the absence of a town or parish council, it is for Bath & North East Somerset to hold such funding but it must be allocated through engagement with the communities where development has taken place. **£558K** remains available as at September 2019 for allocation and must be used for “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”. It should be noted that (b) above provides a lower threshold than for the main strategic section of the CIL, which must be spent on the infrastructure set out in the Council’s Regulation 123 list.

5.2 The Bath City Forum was established by Council at its meeting of 16th 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. Cabinet agreed the revised B&NES CIL Spend Protocol at its meeting on 8th November 2017.

5.3 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.

5.4 The projects recommended in this report were considered at working group meetings which took place on 29th July 2019. The minutes of the sub-groups are included as appx 3. The recommended projects arising from this process are summarised below:

- (1) To agree a £5,000 allocation from the Bath CIL neighbourhood portion for the provision and installation of a handrail at Widcombe Parade and Claverton Street in Bath. This project would deliver improvements to the road safety at a busy section of highway. Developments in the local area bring increased levels of shoppers into Widcombe. The creation of a safer crossing place will enable residents to cross the western end of Widcombe Parade at the junction of Widcombe Parade and Rossiter Road with a greater level of confidence. The proposal for the panel to consider is for funds of £5,000 to be recommended as a contribution for the provision of a handrail on the edge of the green space close to Widcombe Parade and Claverton Street in Bath.
- (2) To agree a £15,000 allocation from the Bath CIL neighbourhood portion for Solar Street Lighting in Highland Terrace, Bath, CIL Application BA053 - This application supports the need at the site of Highland Terrace which in the evening as the light fades to darkness, it is clear that visibility for anybody wishing to access the route that leads to Oldfield Park Station is really poor. It would be understandable that some people would choose not to use this route once it becomes dark. There is a strong feeling amongst local residents to improve this route. It is seen to be unsafe to walk this pathway at night time. Any improvements to this stretch of pathway will improve access for the whole community who require access the local railway station, schools or shopping area.
- (3) To agree £2,000 that was under allocated in the last SMD report E3138, the sum recommended was supposed to read £14,300 not £12,300 as was signed off.

6 RATIONALE

6.1 The process set out in this report ensured full consideration of the criteria contained in Regulation 59C of the 2010 Regulations as amended and it is therefore considered appropriate that these recommendations be made.

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 CIL for Bath Panel 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 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 All applications have received recommendation from the CIL for Bath Panel.
- 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. No negative impacts were identified.

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 New street lighting can have implications for wildlife, especially bats which are protected by EU law which the Council has a general legal duty to consider. As this is an urban area, it would be surprising if there were any ecological objections, however the Council's ecologists will be consulted.

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