

<b>Bath &amp; North East Somerset Council</b>		
DECISION MAKER:	<b>Cllr Kevin Guy, Council Leader</b>	
DECISION DATE:	<b>On or after 28<sup>th</sup> January 2022</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3327
TITLE:	<b>Advisory Panel for Neighbourhood CIL for Bath</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
List of attachments to this report:		
Terms of reference for the Advisory Panel for Neighbourhood CIL for Bath		

## **1 THE ISSUE**

- 1.1 This report sets out the recommendations for the changes to the Advisory Panel for Neighbourhood CIL for Bath Community Infrastructure Levy.

## **2 RECOMMENDATION**

The Council Leader is asked to agree: -

- 2.1 The Change to the process for the agreement of recommendations for Neighbourhood CIL for Bath Community Infrastructure Levy.
- 2.2 The Change to the membership make-up for the Advisory Panel for Neighbourhood CIL for Bath.
- 2.3 Agreement for the Advisory Panel for Neighbourhood CIL for Bath to agree new Terms of Reference.

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

- 3.1 There are no other financial implications for the Council.

- 3.2 An agreed process has been set up for financial payments for Neighbourhood CIL for Bath external capital projects.
- 3.3 Since its introduction in 2015/2016 Neighbourhood CIL for Bath has allocated £1,227,618.45 to thirty-nine different projects.
- 3.4 Set out below are funding bandings that each of the agreed Neighbourhood CIL for Bath projects fall into.

£0-£10K	8
£10K - £25K	14
£25K - £50K	11
£50K - £100K	2
£100K – £200K	4

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

- 4.1 Regulation 59F of the 2010 CIL Regulations provides that charging authorities who spend the neighbourhood portion of CIL can spend these funds:

“to support the development of the relevant 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.

“relevant area” means that part of the charging authority’s area that is not with the area of a Parish council.

- 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 seek their views on how best to allocate the funding.
- 4.3 The established a working group, the process, and the criteria to formulate recommendations that has been used for allocation of the neighbourhood portion of CIL for Bath, has to date made ten successful sets of proposals that were all adopted through Single Member Decisions.
- 4.4 Agreement was made in November 2017 that the Neighbourhood portion of CIL funding for Bath would be an Executive Function.

## **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. Funds must be used to support the development of the relevant area, namely Bath, by funding the provision, improvement, replacement, operation, or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on an area.
- 5.2 Amendments are required to the existing process for preparing recommendations to the Leader of Bath and North East Somerset Council on the neighbourhood portion of CIL for Bath. The Leader will be asked to make the final decision through a Single Member Decision on whether the funding will be allocated to the recommended projects.

The request comprises of:

- Validated Applications will be uploaded to the Bath and North East Somerset Council website to allow the public to be consulted on projects in advance of the Advisory Panel for Neighbourhood CIL for Bath making any recommendations.
- The Advisory Panel for Neighbourhood CIL for Bath will include up to eight Ward Councillors from the City of Bath.
- The Advisory Panel for Neighbourhood CIL for Bath will include Ward Councillor representation spread across different represented areas of the City.
- The Advisory Panel for Neighbourhood CIL for Bath will include proportional representation of the different political parties as elected across the City.
- A new Terms of Reference document for the Advisory Panel for Neighbourhood CIL for Bath will be agreed.

## **6 RATIONALE**

- 6.1 The Bath City Forum no longer exists. The co-opted members from the City Forum who previously held roles on the Advisory Panel for Neighbourhood CIL no longer do so.
- 6.2 A new Bath Area Forum replaced the City Forum, and this is a body that does not hold any decision-making functions.
- 6.3 In the absence of a Parish Council for Bath, that Bath and North East Somerset Council has a statutory responsibility to allocate the local portion of CIL - ‘Neighbourhood CIL for Bath’.

## 7 CLIMATE CHANGE

7.1 Each application that is recommended by the Advisory Panel for Neighbourhood CIL follows Bath and North East Somerset Councils Climate Change Policy.

## 8 OTHER OPTIONS CONSIDERED

8.1 Consideration was given to this report being presented to full Cabinet, but it is considered appropriate that this be a single member decision.

## 9 CONSULTATION

9.1 The Bath & North East Somerset Council Section 151 Officer and Monitoring Officer were both consulted in the preparation of this report.

## 10 RISK MANAGEMENT

10.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

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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>	