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City of Westminster

Committee Agenda

Title: **Cabinet CIL Committee**

Meeting Date: **Monday 21st February, 2022**

Time: **4.00 pm**

Venue: **Room 18.01 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**
Matthew Green (Chairman) James Spencer
Paul Swaddle

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Daniella Bonfanti, Cabinet Manager.

**Email: dbonfanti@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTERESTS

To receive and record declarations of interest.

3. MINUTES

To approve the minutes of the previous meeting.

(Pages 3 - 8)

4. WESTMINSTER CIL AND S106 - PROJECT ALLOCATIONS

Report of the Director of Policy and Projects

(Pages 9 - 22)

**5. ANY OTHER BUSINESS WHICH THE CHAIRMAN
CONSIDERS URGENT**

**Stuart Love
Chief Executive
16th February 2022**



CITY OF WESTMINSTER

MINUTES

Cabinet CIL Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Cabinet CIL Committee** held at **5:00pm** on **Monday 04 November 2021**.

Members Present: Cllr Matthew Green (Chairman) and Cllr James Spencer. Cllr Paul Swaddle attended virtually.

Also Present: Jack Shaw, Portfolio Advisor; Kisi Smith-Charlemagne, Senior Committee & Governance Officer; Kerry Simpkin, Head of Licensing Policy; Amit Mistry, Principal Policy Officer; Ezra Wallace, Director of Policy and Projects; Monique Shockness, Councillor, Governance and Support Officer. One member of the public was also present.

1 MEMBERSHIP

1.1 Cllr Spencer replaced Cllr Caplan.

2 DECLARATIONS OF INTERESTS

2.1 Cllr Spencer declared an interest in Item 8.4, Lillington and Longmore Gardens Retrofit, being a councillor for Tachbrook Ward in which the scheme is based. No further interests were declared.

2.2 The Chairman advised that as Cllr Swaddle was attending virtually, his comments are advisory. With the Chairman and Cllr Spencer present in person, the meeting is quorate.

3 MINUTES

3.1 **RESOLVED:** That the minutes of the meeting held on 05 July 2021 were approved.

4 NEIGHBOURHOOD COMMUNITY INFRASTRUCTURE LEVY

- 4.1 Mayfair Green Route – Alford Street Permanent Garden: Officers recommended approval in principle of the scheme. The Chairman expressed support for the scheme, citing the importance of green initiatives, though clarified that Westminster City Council was not responsible for the maintenance and revenue costs of the scheme. The Chairman welcomed a volunteer-led approach. Cllr Spencer and Cllr Swaddle echoed the Chairman's comments and approval in principle was granted. The maintenance plan needs to be presented and approved by Westminster City Council before the project can start.
- 4.2 CCTV for Mayfair: The Chairman approved the scheme in principle and said it was well supported by Mayfair Neighbourhood Forum and the local community. Cllr Spencer agreed and noted that written endorsement from the Metropolitan Police Service must be received by Westminster City Council before funding is allocated. The endorsement must clearly state that a CCTV intervention is a part of full solution to crime prevention and detection.
- 4.3 Stairs and Elevator Replacement at St Marylebone Health Centre: The Chairman approved the scheme, given the accessibility improvements for users of the Health Centre. While the location of the stairs and elevator replacement is on the site of a church, the health centre is open to all residents, regardless of their faith. Cllr Spencer and Cllr Swaddle agreed. Cllr Swaddle added that the facility is well subscribed.
- 4.4 The Pineapple Project: New Community Space at St Mary's Bourne Street: Officers recommended approval in principle as the applicant has been requested to be provide a fee structure for discounted rates for residents. The applicant must also consult the council and the Belgravia Neighbourhood Forum on the fee structure. The Chairman agreed to give approval in principle. The Chairman added that CIL funding should only be used to fund infrastructure, as opposed to charity revenue budgets. It was noted that the application is supported by the Belgravia Neighbourhood Forum. Cllr Swaddle clarified that as part of the fee structure the charity shouldn't make a profit from residents.
- 4.5 Accessibility Improvements to St Barnabas Church: The scheme has been supported strongly by the Belgravia Neighbourhood Forum and ward councillors. The Chairman said it was good to see a substantial contribution from the Church of England, adding that ensuring polling stations are accessible are an important part of the democratic process. On that basis, the Chairman approved the scheme. Cllr Spencer agreed and reiterated that the Church is a multi-use building and therefore benefits residents, regardless of their faith. Cllr Spencer's comments were echoed by Cllr Swaddle.

- 4.6 Refurbishment of Staff Room and Learning Space at St Barnabas Church of England School: The refurbishment was recommended by officers for approval. The Chairman supported the scheme, citing the renovation of the kitchen as important to ensuring children has access to nutritious meals. The refurbishment was supported by the local Neighbourhood Forum. Cllr Spencer supported the scheme and Cllr Swaddle expressed reluctance to support the scheme. The refurbishment was approved.
- 4.7 Consultant for Maida Hill Neighbourhood Plan: Officers recommended approving the application in principle. The Chairman agreed that it is essential that Maida Hill Neighbourhood Forum create a Neighbourhood Plan – and by doing so they are able to access a larger amount of funding. It was noted that it is equally important Neighbourhood Plans are independent and therefore should be reviewed by the council's Planning Policy Team. The Chairman and Cllr Spencer approved the application in principle. Cllr Swaddle agreed, adding that the Neighbourhood Plan is a step that needs to be taken to maximise benefits to the community.
- 4.8 Maida Hill Parklets: The council has requested a fully costed maintenance plan. Until received, officers recommended approving the scheme in principle. The Chairman said he supports further greening initiatives, adding that £8,000 appeared to be a small amount of funding for the size of the parklets. The Chairman, Cllr Spencer and Cllr Swaddle approved the scheme, subject to a forthcoming maintenance plan.
- 4.9 Lighting and Public Realm Upgrade for Royal Albert Hall: Officers recommended approving the scheme in principle until Royal Albert Hall approved match-funding for the scheme. The Chairman said that while the Royal Albert Hall is a commercial organisation, it is also a heritage asset which will benefit the community. Officers noted that Westminster has received a plan on how the lighting will operate. The Chairman agreed to support the scheme in principle, adding that it has the support of the Knightsbridge Neighbourhood Forum. Following clarity that Royal Albert Hall would maintain the lighting going forward, Cllr Spencer and Cllr Swaddle approved the scheme in principle.
- 5 Facilities Refurbishment at Greenhouse Sports: The Chairman said CIL isn't designed to support charities but approved the scheme because it is upgrading the infrastructure of the facility, rather than the charity itself. It is also in the Church Street area, which has high levels of deprivation. It was noted that a public lavatory is also on the site, which is open to residents. Cllr Spencer approved the scheme, as did Cllr Swaddle who added that the sports facility is well subscribed by the local community.

6 PROPOSALS FOR FUNDING FROM POOLED SECTION 106 CONTRIBUTIONS

- 6.1 Lillington and Longmore Gardens Retrofit: The Chairman said carbon offsetting is vital to tackle climate change, noting that the council declared a climate emergency

eighteen months ago. This week also marks COP26 and follows the publication of the council's Climate Action Report. The Chairman approved the scheme and expressed an interest in the retrofit providing a template for carbon offsetting elsewhere across the borough. Cllr Spencer recused himself as the ward councillor for Lillington and Longmore Gardens. Cllr Swaddle supported the scheme, noting that residents would benefit from lower bills over the lifetime of their property. This decision will not be made today, and the issue will be approved separately via a Cabinet Member Report.

- 6.1 Minimum Energy Efficiency Standards Pilot for Private Rented Sector: The Chairman approved the Pilot, noting that as part of declaring a climate emergency and our Climate Action Plan, Westminster pledged to make the council and our housing stock carbon neutral. Over the longer-term the City will need to be carbon neutral. The Chairman added that it's important to incentivise private landlords to introduce carbon-saving measures and doing so will provide lower bills for residents. Cllr Spencer approved the scheme, noting that 85% of council emissions come from council housing stock.
- 6.2 Queens Park Community Council Net Zero Report: The Chairman declared an interest that he lives in Queen's Park Ward but has not played a part in the decision-making process. Officers confirmed that, given the Chairman has played no role in the scheme, he can still vote on the decision. Officers recommended deferring the scheme, and the Chairman agreed it should be deferred until Queen's Park Community Council liaise with the council's Climate Emergency team. Cllr Spencer and Cllr Swaddle agreed.

RECOMMENDATIONS:

The Cabinet CIL 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 Church of England School
- vii) Consultant for Maida Hill Neighbourhood Plan
- viii) Maida Hill Parklets
- ix) Lighting and Public Realm Upgrade
- x) Facilities Refurbishment at Greenhouse Sports

Deferred the following Neighbourhood CIL application:

- 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

5.1 There was no other business discussed.

The meeting ended at 6.40 pm

CHAIRMAN: _____

DATE _____

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Cabinet CIL (Community Infrastructure Levy) Committee

Decision Maker:	Cabinet CIL Committee
Date:	21 st February 2022
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 £0.096m of funding from the Neighbourhood CIL portion to various infrastructure projects to ensure the effective spend of CIL.</p> <p>The report also seeks to allocate £1.060m 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 (WCC) 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 City of Westminster. WCC formally adopted CIL on 1st May 2016, and as of January 2022 a total of £121.234m has been received; £87.985m for the Strategic CIL Portion, £16.117m for the Neighbourhood CIL Portion, and £6.062 for the Administration Portion.
- 1.2. CIL has encouraged proposals to be put forward to deliver projects that address and mitigate the pressures arising from new developments in the city through the provision and improvement of infrastructure. Westminster City Council's [Infrastructure Delivery Plan](#) sets out the types of strategic infrastructure needed across Westminster to deliver benefits to our local communities, support economic growth, and accommodate demographic change in the city. 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. Recommendation

- 2.1. The Committee is asked to:

Approve the following Neighbourhood CIL bids for allocation:

- i) Fitzrovia West Planters
- ii) Consultant for St James Neighbourhood Plan
- iii) Consultant for Marylebone Neighbourhood Plan

Approve the following Carbon Offset (Section 106 bid)

- i) Westminster Community Energy Fund (£1m)
- ii) Double Glazed Windows for St Marylebone School (£60,000)

3.0. Reasons for Decision

- 3.1. 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 became effective 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 of 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 of 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 between 12th November 2017 and 12th April 2021. The decision statements can be found [here](#).
- 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	£14.622m	£2.733m	£0.913m
Total	£99.056m	£16.116m	£5.621m

Future CIL Income

Liability Notices

- 5.2. As of 17th January 2022, 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

- 5.3. 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 Strategic Portion

- 6.1. The council allocates Strategic CIL on an annual basis as part of its annual Capital Programme.

7.0. Westminster's CIL: The Neighbourhood Portion

Overview of Neighbourhood CIL

- 7.1. 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.

- 7.2. 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.
- 7.3. 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.
- 7.4. 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.
- 7.5. 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-principal 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
- 7.6. 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.
- 7.7. *Fitzrovia West Planters*: The Fitzrovia West Forum is seeking an allocation of £32,797 to deliver a project that includes the placing and planting of twelve planters at six locations at and around the junctions between New Cavendish Street and Gosfield Street, Great Titchfield Street and Hanson Street and towards the north end of Gosfield Street. The locations have been chosen based on advice from a professional garden designer and suggestions from residents and businesses during a consultation process. The Fitzrovia West Neighbourhood Forum consulted on a total of seven locations. The planters will

be designed and installed by FM Conway on behalf of Westminster's Highways Department, following an appropriate feasibility study. They will be planted, replenished, and maintained by a committee of residents as well as local businesses and All Soul's School (which wishes to adopt a planter). The Forum Executive recognises that proper maintenance is critical to the success of the project. The proposal enjoys a high level of community support from residents, schools, and businesses. Officers recognise the place shaping benefits of planters in creating boundaries and legible paths. It is recommended that this project is approved in principle, subject to written confirmation of maintenance plans agreed by the Neighbourhood Forum.

7.8. Consultant for St James Neighbourhood Plan: The St James' Neighbourhood Forum is asking for £18,150 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. The project is eligible for CIL and is supported by Ward Members. 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.

7.9. Consultant for Marylebone Neighbourhood Plan: The Marylebone Neighbourhood Forum is asking for £54,000 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. The cost reflects the size of the neighbourhood forum area, complexity of the land use, and requirement for evidence base. The project is eligible for CIL and is supported by Ward Members. 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.

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.

8.3. We have received two bids seeking s106 funding from pooled Carbon Offset contributions:

8.4. Community Energy Fund: The project will deliver energy efficiency improvements to community buildings in Westminster. This will consist of an end-to-end service, with the council facilitating industry expertise and grant funding to help communities identify and install cost effective carbon savings within community buildings. The proposed service to communities will include:

- Identification of eligible community buildings (e.g., schools, community halls/centres and religious buildings),
- A free assessment of suitable measures to be installed, calculating associated costs and carbon savings undertaken by expert energy performance contractor (to be appointed by WCC, subject to funding approval).
- Funding and installation of approved energy saving measures

To deliver a key commitment in the council's Climate Action Plan, the council's Climate Emergency Team is seeking an allocation of £1m from the carbon offset fund. This fund will be distinct from the Carbon Offset Fund as it will ringfence money and focus on providing an all-round service to small organisations that do not have the resources or in-house expertise to drive forward their decarbonisation ambitions. This project will provide much needed support and resource to accelerate the council's efforts to reduce carbon dioxide emission from the built environment. As this framework for this fund is currently in the early stages of development, it is recommended that this project is approved in principle and that the following conditions are applied:

- *That a report is provided on an annual basis, detailing the carbon reductions that have been delivered and the changes that have been implemented across the City of Westminster.*

8.5. Double Glazed Windows for St Marylebone CE School: The 24 timber sash windows on the second, third and fourth floors of the front elevation are more than 60 years old. Over the years the units have received numerous local, aged, and ineffective repairs. The windows are single glazed and offer minimal thermal performance and are also in extremely poor condition, this further reduces their energy efficiency. Sunlight has loosened the putty seals and rainwater has penetrated the joints and the inner frames. The windows are affected by rot and in some cases, daylight can be clearly seen through large gaps in the wood. In addition, the operation of the windows is hindered by broken sash cords, warped, distorted frames and antiquated, failing ironmongery. Many of the windows cannot be opened sufficiently during the summer months resulting in an increase in the reliance on air conditioning. In

cold winter months they do not close properly so they provide insufficient weather proofing. Excessive heat loss causes cold and draughty classrooms and an increase in the use of heating. The project involves replacing these windows with double-glazed, Doc L compliant windows made from accoya, the most environmentally friendly timber available. It is FSC certified and has a 70-year minimum service life. The thermal efficiency, or U value, of the replacement windows is 1.7 W/(m²K) and the centre pane U value is 1.5 W/(m²K). The total cost for the windows is £60,000. The replacement windows are specified to retain the special character of the building because it is a Grade II listed property within a conservation area. This project would serve as a case study for installing double glazing windows within buildings with historical significance. To support the school reduce its need the artificial heating and cooling of the building whilst respecting its heritage significance, it is recommended that this project is approved for allocation. The following condition applies to the funding:

- *The school must provide monthly meter readings 12 months following installation of the windows to demonstrate a reduction in energy demand.*

9.0. Financial Implications

- 9.1. To date, the total allocation of the neighbourhood portion of CIL to projects is £3.636m, leaving a balance of £10.747m.
- 9.2. From the Westminster CIL Neighbourhood Portion, £1.006m is requested for approval in this report.
- 9.3. 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.
- 9.4. £1.060m 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:

Amit Mistry, Principal Policy Officer

E-mail: amistry1@westminster.gov.uk

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 19th January 2022

Total CIL Collected: £125.960m

Strategic CIL Collected: £103.545m

Strategic CIL Allocated: £52.036m

Neighbourhood CIL Balances

Neighbourhood Area	Collected	Allocations	Available
Queens Park	£2,245.74	£0.00	£2,245.74
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	£185,621.00	£1,413,438.40
Belgravia	£690,640.98	£265,000.00	£425,640.98
Church Street	£606,692.64	£50,000	£556,692.64
Churchill Gardens Estate	£0.00	£0.00	£0.00
Ebury Bridge	£0.00	£0.00	£0.00
Fitzrovia West	£539,263.57	£152,000.00	£387,263.57
Hyde Park and Paddington	£1,196,499.57	£325,000	£871,499.57
Knightsbridge	£67,821.88	£40,000.00	£27,821.88
Maida Hill	£32,761.24	£32,000.00	£762.24
Marylebone	£2,347,968.39	£605,125.00	£1,742,843.39
Mayfair	£2,238,804.12	£729,003.00	£1,509,801.12
Pimlico	£162,794.52	£0.00	£162,794.52
Soho	£379,681.95	£40,700.00	£338,981.81
Southeast Bayswater	£829,837.09	£0.00	£829,837.09
St James's	£76,818.15	£0.00	£76,818.15
St John's Wood	£1,660,678.08	£1,411,778.00	£248,900.08
Victoria	£805,989.73	£30,000	£775,989.73
Westbourne	£182,873.32	£45,000	£137,873.32
Outside Neighbourhood Areas	£2,163,358.50	£347,224.00	£1,816,134.50
TOTAL	£16,116,625.51	£4,438,030.00	£11,678,596.37

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

Project Name	Area/Forum	Total Cost	NCIL Sought
Fitzrovia West Planters	Fitzrovia West	£41,872	£32,797
St James’ Neighbourhood Plan	St James’	£18,150	£18,150
Marylebone Neighbourhood Plan	Marylebone	£54,000	£54,000
TOTAL Neighbourhood CIL Sought for Allocation			£104,947

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

Project Name	Ward	Total Cost	S106 Sought
Community Energy Fund	Citywide	£1,000,000	£1,000,000
Double Glazed Windows for St Marylebone School	Marylebone	£60,000	£60,000

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