

# Cabinet Committee Report (Community Infrastructure Levy)

**Decision Maker:** Cabinet Community Infrastructure Levy (CIL) Committee

**Date:** 1<sup>st</sup> July 2019

**Classification:** For General Release

**Title:** Westminster Community Infrastructure Levy (CIL) and pooled Section 106 contributions – Project Allocations

**Wards Affected:** All

**Financial Summary:** This report seeks to allocate funding of £5.697m of CIL to infrastructure projects to support growth in Westminster following receipt of monies from development. CIL governance and spending procedures continue to be developed and implemented using existing resources.

Also, approval of £0.700m for two projects to be funded from pooled Section 106 contributions.

**Report of:** Director of Policy, Performance and Communications

## **1. Executive Summary**

- 1.1 Westminster's 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 Westminster. Westminster's CIL was formally introduced on 1<sup>st</sup> May 2016 and since then a total of £50.563m has been received to 31<sup>st</sup> May 2019.
- 1.2 The majority of this funding has been received since April 2017 and as the funds have built up, the availability of CIL has encouraged proposals to be put forward to deliver projects that, as well as dealing with demands placed on infrastructure to support new development, can also deliver wider benefits to the local community. The committee has previously agreed funding allocations of £17.314m for infrastructure projects.
- 1.3 The purpose of this report is for the Cabinet CIL Committee to consider and approve the next round of funding allocations from Strategic CIL expenditure. For the avoidance of doubt none of these recommendations relate to the neighbourhood portion of CIL income. As section 7 of this report explains, this will be dealt with separately.

## **2. Recommendations**

- 2.1 The Cabinet CIL Committee is asked to:

1. Approve the expenditure of £5.697m from Westminster's City CIL Strategic Portion as set out in Section 5.2 of this report. This includes the allocation of funding for the following projects set out in Appendix B.
  - (i) Bishops Bridge Road/ Gloucester Terrace Junction Improvements
  - (ii) Blomfield Road/ Edgware Road Junction Improvements
  - (iii) Blomfield Road/ Warwick Avenue Junction Improvements
  - (iv) CCTV and Lining Programme – further works to gullies
  - (v) Deep Drainage Improvements
  - (vi) Fleming Court CCTV
  - (vii) Golden Jubilee Footbridges Signage
  - (viii) Hallfield Primary School Air Quality Filtration Units
  - (ix) Harrow Road Parapet
  - (x) John Aird Court CCTV and Fencing
  - (xi) Lamp Column Bay Sensors
  - (xii) Manchester Square Public Realm Improvements
  - (xiii) Porchester Spa Refurbishment
  - (xiv) Portland Place School Pedestrian Facilities
  - (xv) Prince Albert Road/ Avenue Road Junction Improvements

- (xvi) Rossmore Road Pedestrian Facilities
  - (xvii) Shirland Road/ Sutherland Avenue Junction Improvements
  - (xviii) Soho Parish Primary School Cycle Parking
  - (xix) St. Mary Magdalene Community Centre
  - (xx) St. Peter's Primary School Cycle Parking
  - (xxi) Victoria Embankment Tide Gauge Hut
  - (xxii) Westminster Street Markets Infrastructure Improvement Programme
2. Approve the expenditure of £0.700m from pooled Section 106 contributions as set out in Section 6.1 of this report. This includes the allocation of funding for the following projects set out in Appendix C.
- (i) Westminster Schools Air Quality Programme
  - (ii) Westminster Employment Service In-Work Support Programme
3. Note the neighbourhood portion of CIL received to date as set out in Section 7 of this report and Appendix D.

### **3. Reasons for Decision**

- 3.1 In order 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. 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. Westminster's CIL came in to force on the 1<sup>st</sup> 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 the 31<sup>st</sup> May 2019 the council had received a total of £50.563m of Westminster CIL.
- 4.2 On the 20<sup>th</sup> February 2017 Cabinet approved the governance arrangements for administering the Westminster 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 2<sup>nd</sup> 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 £17.314m of CIL funding to projects, as detailed in the council's decision statements of 3<sup>rd</sup> November 2017, 28<sup>th</sup> March 2018, 26<sup>th</sup> July 2018, 31<sup>st</sup> August 2018 and 12<sup>th</sup> December 2018. This is summarised in Appendix A.

4.5 The 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 (currently 15%) of receipts from development in each neighbourhood – 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 City CIL Strategic Portion and s106 resources.

4.7 This report does not deal with allocation of the Neighbourhood Portion. This will be considered at the next Cabinet CIL Committee. Section 7 sets out the governance arrangements now in place to administer the Neighbourhood Portion.

## 5. **Proposals for funding from Westminster CIL – the City CIL Strategic Portion**

### 5.1 Overview of Westminster CIL receipts

5.1.1 The following summary provides a breakdown of Westminster CIL receipts for the City CIL strategic portion and the neighbourhood portion for each financial year from 1<sup>st</sup> May 2016:

Period	City CIL Strategic Portion	Neighbourhood Portion
01/05/2016 – 31/03/2017	£2.060m	£0.376m
01/04/2017 – 31/03/2018	£12.350m	£1.899m
01/04/2018 – 31/03/2019	£21.130m	£2.627m
01/04/2019 – 31/05/2019	£6.398m	£1.196m
<b>Total</b>	<b>£41.938m</b>	<b>£6.097m</b>

5.1.2 Between 1<sup>st</sup> May 2016 and 31<sup>st</sup> May 2019, liability notices for a potential value of £155.630m have been issued, of which £50.563m has been collected. 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.

5.1.3 The committee has agreed to allocate funding of £17.314m to projects to date. Following these allocations, the remaining balance of CIL monies received to 31<sup>st</sup> May 2019 meant that funding of £24.624m was available for allocation to

projects in this quarter, as outlined in Appendix A. The remaining balance from the total receipts outlined above will be allocated in future funding rounds, including any further CIL monies received.

- 5.1.4 Cabinet has agreed the indicative “funding pots” for the City CIL Strategic funding to be allocated against different infrastructure types shown in the table below. Against each is included the respective funding allocations from the available City CIL Strategic funding for this quarter, totalling £24.624m.

Infrastructure Type	Indicative percentage allocation of Westminster's CIL - the 'City CIL Strategic Portion'	Available Funding
Public realm / Transport	50%	£11.233m
Health / Community Services	10%	£2.645m
Education	5%	£1.519m
Parks / Sport and Leisure	5%	£1.256m
Utilities / Waste	10%	£2.747m
Other Priorities / Contingency	20%	£5.224m
<b>Total</b>	<b>-</b>	<b>£24.624m</b>

- 5.1.5 It is worth noting that Cabinet acknowledged that the above “pot” allocations are indicative, and that the council reserves its right to depart from them if that proves necessary (because there is a major project requiring funding in a particular year, for example). These are broad allocations and in practice there are likely to be overlaps between them.

## 5.2 Summary of Bids from Westminster Service Areas for Funding from Westminster's City CIL Strategic Portion

- 5.2.1 As agreed by Cabinet, a senior officer working group (chaired by the Director of Policy, Performance and Communications and comprising representatives across council departments) has worked to bring forward project recommendations from across all service areas. A full list of the project bids is included at Appendix B with information on how they meet the eligibility criteria set out in the CIL Policy Spending Statement agreed by the committee in November 2017. In summary the total funding from the City CIL Strategic Portion is illustrated below against each infrastructure type.

Infrastructure Type	Indicative Allocated Funding from the City CIL Strategic Portion	Value of Bids	Balance
Public Realm/ Transport	£11.233m	£4.342m	£6.891m

Infrastructure Type	Indicative Allocated Funding from the City CIL Strategic Portion	Value of Bids	Balance
Health and Community Services	£2.645m	£0.587m	£2.058m
Education	£1.519m	£0.000m	£1.519m
Parks/ Sport and Leisure	£1.256m	£0.200m	£1.056m
Utilities/ Waste	£2.747m	£0.710m	£2.037m
Other Priorities/ Contingency	£5.224m	£0.058m	£5.166m
<b>Total</b>	<b>£24.624m</b>	<b>£5.697m</b>	<b>£18.927m</b>

5.2.2 A written summary of each of the council's service area project bids for funding from the City CIL Strategic portion is also provided below. This supplements the information provided at Appendix B to help the Committee's consideration of the proposals.

### 5.3 Commentary on Proposals for CIL Funding

5.3.1 *Bishops Bridge Road/ Gloucester Terrace Junction Improvements.* This project will install 'greenman' crossing facilities to all four arms of the junction. This will improve pedestrian safety at a junction that has experienced 11 accidents including one fatality in recent years. Works would also seek to reduce clutter and rationalise the streetscape, thereby improving the pedestrian environment around the junction. A CIL contribution of £0.460m is sought from the Public Realm/ Transport portion to enable these works.

5.3.2 *Blomfield Road/ Edgware Road Junction Improvements.* This project will install 'greenman' crossing facilities to the final arm of this junction at the southern Blomfield Road approach. The junction has experienced seven accidents over the last three years. This junction falls within the Transport for London Road Network (TLRN) and any changes would likely form part of the broader junction safety improvements proposed for Edgware Road. A CIL contribution of £0.120m is sought from the Public Realm/ Transport portion to enable these works.

5.3.3 *Blomfield Road/ Warwick Avenue Junction Improvements.* This project will install 'greenman' crossing facilities to all four arms of the junction, improving pedestrian safety and reducing accidents. Works would also seek to reduce clutter and rationalise the streetscape, thereby improving the pedestrian environment around the junction. A CIL contribution of £0.400m is sought from the Public Realm/ Transport portion to enable these works.

5.3.4 *CCTV and Lining Programme – further works to gullies.* This project will continue the CCTV and Lining Programme previously funded through CIL. A programme of CCTV surveys will allow decision on a programme of lateral

pipe improvements in the future. When the CCTV survey identifies a problem with the lateral pipework, a repair can often be made using a re-lining method, which does not require excavation of the carriageway. During 2018/19 the council carried out a comprehensive programme of CCTV and Lining and it is the intention to continue this programme into 2019/20. A CIL contribution of £0.210m is sought from the Utilities/ Waste portion to support this programme.

- 5.3.5 *Deep Drainage Improvements.* This project will improve drainage infrastructure at approximately 10 locations requiring deep drainage investigation. Several non-running gullies within Westminster with deep drainage connections to the main sewer have been identified through routine maintenance works. These problematic sites require deep and often complex excavations to establish the root cause of the blockage. These excavations are costly and lengthy, often taking four times longer than average. Resolving these issues will ensure that additional pressures placed upon drainage infrastructure by new development will not become problematic in future. A CIL contribution of £0.400m from the Utilities/ Waste portion is sought to enable these works.
- 5.3.6 *Fleming Court CCTV.* This project will seek to reduce instances of Anti-Social Behaviour (ASB) at Fleming Court through the installation of 8-10 CCTV cameras in key locations of outside communal areas, agreed with residents and the police. This will provide coverage of areas known to have issues of ASB. Images can be shared with the police on request following a report of an incident. The number of instances of ASB will be monitored to demonstrate the impact and success of the CCTV installation. A CIL contribution of £0.020m is sought from the Public Realm/ Transport portion to enable these works.
- 5.3.7 *Golden Jubilee Footbridges Signage.* This project will install lockable frames and reusable signs at the Golden Jubilee footbridges to enable information to be displayed regarding the operation of the lifts. The lifts are particularly important to the mobility impaired and when they are not working signage providing this information and alternative routes is required. Having the correct signs located permanently on-site within lockable frames will allow fast and effective notification of lift closures and alternative routes. A CIL contribution of £0.025m is sought from the Public Realm/ Transport portion to enable these works.
- 5.3.8 *Hallfield Primary School Air Quality Filtration Units.* This project will install air filtration units at Hallfield Primary School to improve air quality for pupils and staff. This follows recommendations from the Mayor of London's School Air Quality Programme. Once installed, the units will be maintained by the school. A CIL contribution of £0.040m is sought from the Health/ Community Services portion to enable these works.
- 5.3.9 *Harrow Road Parapet.* This project will repair parts of the elevated section of the Harrow Road. The parapet comprises of steel posts fixed into a concrete upstand. The steel posts and concrete are corroded and need to be repaired/

refurbished. There is also an opportunity to utilise the traffic management associated with the ongoing replacement of the Cathodic Protection System on the bridge, which will provide significant savings with respect to the parapet repairs. A CIL contribution of £0.250m is sought from the Public Realm/ Transport portion to enable these works.

- 5.3.10 *John Aird Court CCTV and Fencing.* The project will seek to reduce instances of Anti-Social behaviour at John Aird Court through the installation of 8-10 CCTV cameras in key locations of outside communal areas, agreed with residents and the police. This will provide coverage of areas known to have issues of ASB. Images can be shared with the police on request following a report of an incident. The number of instances of ASB will be monitored to demonstrate the impact and success of the CCTV installation. Furthermore, the children's playground at John Aird Court is regularly vandalised and damaged with holes cut to gain access. It is proposed to replace the fencing with an improved and more robust product that cannot be vandalised. A CIL contribution of £0.085m is sought from the Public Realm/ Transport portion to enable these works.
- 5.3.11 *Lamp Column Bay Sensors.* This project will utilise parking bay sensor technology to convey real time parking bay availability to electric vehicle drivers. Bay sensors will provide the council with data to more accurately monitor charging activity at these charge points. This will aid maximum utilisation of charge points by electric vehicles by informing customers of real-time availability of the charge points in bays that are not currently designated for electric vehicle use only. A CIL contribution of £0.250m is sought from the Public Realm/ Transport portion to enable these works.
- 5.3.12 *Manchester Square Public Realm Improvements.* This project seeks to implement a new multi-faceted public space at Manchester Square and has been developed in collaboration with the Baker Street Quarter Partnership. The project will reduce the dominance of traffic, improve pedestrian safety and the pedestrian environment whilst also being sensitive to the Square's heritage. The proposed amenity space outside the Wallace Collection on Manchester Square will provide valuable and sought-after respite space for residents, workers and visitors. The space will also support and promote access to the Wallace Collection's cultural and outreach programmes bringing elements of the collection outside and enabling occasional use of the space for educational or outreach activities. Match funding of £0.436m has been obtained from a variety of sources. A CIL contribution of £0.900m is sought from the Public Realm/ Transport portion to enable these works.
- 5.3.13 *Porchester Spa Refurbishment.* This project will refurbish the historic Porchester Spa including the mechanical and electrical infrastructure and building fabric. This will include the refurbishment of the existing boilers and replacement of various heating, ventilation and lighting infrastructure. Porchester Spa is a Grade II listed building and the proposed refurbishment has been subject to consultation with a range of stakeholders over the previous two years. A CIL contribution of £0.300m is sought from the Health/



Community Services portion (£0.100m) and the Parks/ Sport and Leisure portion (£0.200m) to enable these works.

- 5.3.14 *Portland Place School Pedestrian Facilities.* This project will install pedestrian phasing on two arms of the New Cavendish Street and Great Portland Street junction close to Portland Place School's sites. This will support the delivery of the Marylebone Low Emission Neighbourhood (MLEN), Air Quality Manifesto and meet School Travel Plan objectives. The scheme will increase the number of pupils walking between sites and support safer routes to school as campaigned for via all the schools along Portland Place. A CIL contribution of £0.300m is sought from the Public Realm/ Transport portion to enable these works.
- 5.3.15 *Prince Albert Road/ Avenue Road Junction Improvements.* This project will install 'greenman' crossing facilities to all four arms of the junction. This will improve pedestrian safety at a junction that has experienced nine accidents over the past three years. The junction is a major link between the residential area to the north and Regent's Park to the south. Works would also seek to reduce clutter and rationalise the streetscape, thereby improving the pedestrian environment around the junction. A CIL contribution of £0.410m is sought from the Public Realm/ Transport portion to enable these works.
- 5.3.16 *Rossmore Road Pedestrian Facilities.* This project seeks to implement a number of road safety measures along Rossmore Road, including: the installation of a zebra crossing at the junction with Lilestone Street; junction modification at Lisson Grove to slow traffic, and the introduction of informal pedestrian facilities to the eastern end of Rossmore Road to assist pedestrians crossing near the London Cycle Hire facility located east of the bridge. These interventions will improve pedestrian safety and would enhance the pedestrian environment by reducing clutter and rationalising streetscape. A CIL contribution of £0.150m is sought from the Public Realm/ Transport portion to enable these works.
- 5.3.17 *Shirland Road/ Sutherland Avenue Junction Improvements.* This project will install 'greenman' crossing facilities to all four arms of the junction. This will improve pedestrian safety and works would also seek to reduce clutter and rationalise the streetscape, thereby improving the pedestrian environment around the junction. A CIL contribution of £0.440m is sought from the Public Realm/ Transport portion to enable these works.
- 5.3.18 *Soho Parish Primary School Cycle Parking.* This project will install cycle parking provision outside Soho Parish CE Primary School on Great Windmill Street. The project will support the delivery of Clean Air Manifesto and meet School Travel Plan objectives. The scheme will reduce the number of children travelling to school by car/bus. A CIL contribution of £0.250m is sought from the Public Realm/ Transport portion to enable these works.
- 5.3.19 *St. Mary Magdalene Community Centre.* This project is part of the wider restoration of the St. Mary Magdalene Church. Over the last ten years,

Paddington Development Trust (PDT) and the Parish of St. Mary Magdalene have worked to restore the church and extend its capacity, providing a high-quality community and cultural resource that will be transformative for the disadvantaged neighbourhoods around it. A CIL allocation would provide supporting infrastructure needed to open the facility to the public, including the cost of the internal fit-out of the centre. CIL will also deliver a final package of public realm works including a new entrance and landscaping that will help deliver wider objectives linked to the council's Harrow Road Place Plan. A CIL allocation of £0.419m is sought from the Public Realm/ Transport portion (£0.172m) and the Health/ Community Services portion (£0.247m) to complete the project.

- 5.3.20 *St. Peter's Primary School Cycle Parking.* This project will install cycle parking outside St Peter's CE Primary School, Chippenham Mews to support the delivery of the Air Quality Manifesto and meet School Travel Plan objectives. The scheme will reduce the number of children travelling to school by car/bus. The cycle parking would be on the build out outside the main entrance on Chippenham Mews. A CIL allocation of £0.110m is sought from the Public Realm/ Transport portion to enable these works.
- 5.3.21 *Victoria Embankment Tide Gauge Hut.* The bronze Tide Gauge Hut is located on the Grade II listed River Wall on the Victoria Embankment near Westminster Bridge. The hut contains Environment Agency Equipment used to monitor Thames tide levels, the housing or 'hut' in which this equipment is contained is the council's responsibility. The condition of the hut has deteriorated and needs repair/ refurbishment. Match funding of £0.057m has been secured from the Heritage Lottery Fund. A CIL allocation of £0.058m is sought from the Other Contingencies/ Priorities portion to enable these works.
- 5.3.22 *Westminster Street Markets Infrastructure Improvement Programme.* The Westminster Street Markets Strategy seeks to improve infrastructure across all our street markets. This will include the provision of secure storage facilities to allow for larger events and community involvement, as well as providing secure space for waste to be collected, recycled and reused, helping deliver more sustainable markets. The programme also aims to install water taps to allow traders better access to water. This will include a *pay-as-you-go* function that will help streamline council services and provide a fairer service to traders, as only those who need water will pay to do so. A CIL contribution of £0.100m is sought from the Utilities/ Waste portion to support the programme.

## **6. Proposals for funding from pooled Section 106 contributions**

### **6.1 Overview of Section 106 Pooled Funds**

- 6.1.1 Two further projects were submitted for this funding round that are eligible for pooled Section 106 (s106) funding rather than CIL.
- 6.1.2 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. Furthermore, there are legal restrictions limiting the pooling of separate s106 monies from different planning permissions. 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 much less flexible than CIL.

## 6.2 Section 106 pooled Health funds

6.2.1 S106 monies totalling £0.559m are held in relation to funding for health projects. It is recommended that one project is funded using these remaining monies as set out below and at Appendix C, leaving a balance of zero. Future health infrastructure projects will be funded using CIL.

6.2.2 *Westminster Schools Air Quality Programme.* This programme follows the recommendations of the Mayor of London's Schools Air Quality Programme and will deliver this to all education establishments in Westminster covering children from 4-18 years old. Funding is sought to undertake Air Quality Audits for all 87 Westminster schools. These audits will take place over two years between 2019 and 2021 and will result in a report with recommendations being produced for each school. Funding will also be used to deliver the council's 'Don't Be Idle' campaign through providing two Air Marshalls to monitor air quality around Westminster school sites. This will help to instigate long-term behaviour change to reduce air pollution around schools. The proposed programme supports the School's Clean Air Fund allocated to primary schools by the council to address the adverse impacts of air pollution affecting young people. A contribution of £0.559m from Westminster's pooled s106 health funds is sought to implement this programme.

## 6.3 Section 106 pooled Social and Community funds

6.3.1 S106 monies totalling £2.472m are held in relation to funding for social and community projects. It is recommended that one project is funded using these monies as set out below and at Appendix C, leaving a balance of £2.331m.

6.3.2 *Westminster Employment Service In-Work Support Programme.* This programme will provide in-work support for Westminster residents to support sustainable employment and to assist with progression. The Westminster Employment Service has been highly successful since its launch in 2017. The service has an opportunity to help residents further by achieving higher incomes, skill levels and a better quality of life through reviewing the existing support offer and testing new services with the objective of helping residents stay and progress in work. Funding will support workplace coordinator posts for two years to enable the delivery of the in-work support programme.

Funding of £0.141m from Westminster's pooled s106 social and community funds is sought to implement this programme.

## **7. Westminster's CIL – the neighbourhood portion**

- 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 designated throughout Westminster and a small area that does not yet have a designated neighbourhood area. A full list of the ring-fenced neighbourhood portion of CIL is included at Appendix D 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. The total monies assigned to the neighbourhood portion of CIL is £6.097m to 31<sup>st</sup> May 2019.
- 7.3 Governance arrangements for the neighbourhood portion of Westminster's CIL
  - 7.3.1 The Cabinet CIL Committee agreed the governance arrangements for assessing applications from neighbourhood forums and other community organisations in December 2018. Since then, officers have been putting together the required documentation and guidance to enable this process.
  - 7.3.2 The council launched its first neighbourhood CIL bidding round on 11<sup>th</sup> June 2019. Applications are open until 24<sup>th</sup> July 2019 and will be supported by 'application surgeries' where interested parties can meet with officers to discuss the process and potential projects. Once the application period has closed, all applications received will be assessed against the agreed criteria in legislation and the council's CIL Spending Policy Statement. All applications will then be presented to the Cabinet CIL Committee with recommendations in October 2019.

## **8. Financial Implications**

- 8.1 CIL is intended to support the strategic infrastructure that is required to support the development of the local area and there is greater flexibility in how it might be applied than there is with s106 funding. Decisions about CIL are transparent and linked with the council's strategic priorities including those on the council's Capital Programme.
- 8.2 The council is in receipt of £50.563m from CIL since it was launched in May 2016 of which, £41.938m is allocated to City CIL Strategic Portion, £6.097m to Neighbourhood Portion and £2.528m to offset the cost of CIL administration.

- 8.3 From the City CIL Strategic Portion, £5.697m is requested for approval in this report. If approved, then the total allocation of CIL monies to projects will be £23.011m.
- 8.4 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.
- 8.5 The £0.700m requested for approval in this report is from contributions towards health and social and community projects. If approved, s106 health funds will have been exhausted and further spending on health will utilise CIL funds only. Remaining contributions for social and community purposes will be £2.331m.

## **9. Legal Implications**

- 9.1 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.
- 9.2 Further legislative reforms to the CIL regime are expected in due course following the government consultation entitled *Supporting housing delivery through developer contributions* and the government's recently published response.
- 9.3 Section 106 of the Town and Country Planning Act 1990 enables a local planning authority to enter into a legally binding agreement or planning obligation with a developer called a Section 106 agreement. The City Council can, through these agreements, secure financial support for projects that benefit the people of the borough. The Director of Law has considered the proposed s106 expenditure, as detailed in paragraph 6 of this report, and is satisfied that these are projects for which the s106 funds can be legally utilised by the City Council.

## **10. Equalities**

- 10.1 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.

- 10.2 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.
- 10.3 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.
- 10.4 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 equalities implications of the decision.
- 10.5 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.

## **Appendices**

Appendix A CIL Balance and Allocations, 31<sup>st</sup> May 2019

Appendix B Projects put forward for funding from Westminster's Community Infrastructure Levy (CIL) 'Strategic Portion'

Appendix C Projects put forward for funding from Westminster's pooled Section 106 (s106) contributions

Appendix D The neighbourhood CIL portion, 31<sup>st</sup> May 2019

**If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:**

Michael Clarkson, Principal Policy Officer,

Tel: 020 7461 4690

Email: [mclarkson@westminster.gov.uk](mailto:mclarkson@westminster.gov.uk)

## **BACKGROUND PAPERS**

Report to Cabinet dated 20<sup>th</sup> February 2017 on the Governance of the Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Resources

Report to Cabinet CIL Committee dated 2<sup>nd</sup> November 2017 on the Governance of the Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Resources

Decision Statement of Cabinet CIL Committee dated 3<sup>rd</sup> November 2017 on the Governance of the Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Resources

Report to Cabinet CIL Committee dated 26<sup>th</sup> March 2018 on Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Funding – Project Allocations (Q4)

Decision Statement of Cabinet CIL Committee dated 28<sup>th</sup> March 2018 on Westminster CIL and Pooled Section 106 Funding – Project Allocations

Report to Cabinet CIL Committee dated 25<sup>th</sup> July 2018 on Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Funding – Project Allocations (Q1)

Decision Statement of Cabinet CIL Committee dated 26<sup>th</sup> 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 28<sup>th</sup> August 2018 on Westminster Community Infrastructure Levy (CIL) – Ward Member Proposals

Decision Statement of Cabinet Member for Place Shaping and Planning dated 31<sup>st</sup> August 2018 on Westminster Community Infrastructure Levy (CIL) – Ward Member Proposals

Report to Cabinet CIL Committee dated 5<sup>th</sup> December 2018 on Westminster Community Infrastructure Levy (CIL) – Project Allocations (Q2)

Decision Statement of Cabinet CIL Committee dated 12<sup>th</sup> December 2018 on Westminster Community Infrastructure Levy (CIL) – Project Allocations

## Appendix A: CIL Balance and Allocations, 31<sup>st</sup> May 2019

Total CIL Collected to 31<sup>st</sup> May 2019: **£50,562,717.83**

Total Strategic CIL: **£41,937,885.26**

Infrastructure Type	Total Collected	Total Allocations	Remaining Balance for Allocation
Public Realm/ Transport (50%)	£20,968,942.63	£9,735,836.60	£11,233,106.03
Health & Community Services (10%)	£4,193,788.53	£1,548,589.00	£2,645,199.53
Education (5%)	£2,096,894.26	£577,500.00	£1,519,394.26
Parks/ Open Space (5%)	£2,096,894.26	£840,689.48	£1,256,204.78
Utilities/ Waste (10%)	£4,193,788.53	£1,447,157.76	£2,746,630.77
Other (20%)	£8,387,577.05	£3,163,816.16	£5,223,760.89
<b>TOTAL</b>	<b>£41,937,885.26</b>	<b>£17,313,589.00</b>	<b>£24,624,296.26</b>



**Appendix B: Projects put forward for funding from Westminster's Community Infrastructure Levy (CIL) 'Strategic Portion'**

<b>Project No.</b>	<b>Project Name and Description</b>	<b>Location/ Ward(s)</b>	<b>Governance Group Sponsor</b>	<b>Total CIL Allocation Sought</b>	<b>Recommended Funding Stream</b>
1	<b>Bishops Bridge Road/ Gloucester Terrace Junction Improvements</b>  Installation of 'greenman' crossing facilities to all four junction arms.	Bayswater; Lancaster Gate	City Management & Communities (Kevin Goad)	£0.460m	Public Realm/ Transport
2	<b>Blomfield Road/ Edgware Road Junction Improvements</b>  Installation of 'greenman' crossing facilities to final junction arm.	Little Venice	City Management & Communities (Kevin Goad)	£0.120m	Public Realm/ Transport
3	<b>Blomfield Road/ Warwick Avenue Junction Improvements</b>  Installation of 'greenman' crossing facilities to all four junction arms.	Little Venice	City Management & Communities (Kevin Goad)	£0.400m	Public Realm/ Transport
4	<b>CCTV and Lining Programme – further works to gullies</b>  Further CCTV surveying of the lateral pipe connections between gullies and the main sewer connection allowing for more efficient repairs to drainage.	All	City Management & Communities (Kevin Goad)	£0.210m	Utilities/ Waste
5	<b>Deep Drainage Improvements</b>  Improvements to drainage infrastructure at approximately 10 locations across Westminster requiring deep drainage investigation.	All	City Management & Communities (Kevin Goad)	£0.400m	Utilities/ Waste
6	<b>Fleming Court CCTV</b>  Installation of CCTV to combat anti-social behaviour at Fleming Court, St. Mary's Square.	Little Venice	Growth, Planning & Housing (Greg Ward)	£0.020m	Public Realm/ Transport

7	<b>Golden Jubilee Footbridges Signage</b>  Installation of signage and lock-in frames at Golden Jubilee Footbridges to aid mobility.	St. James's	City Management & Communities (Kevin Goad)	£0.025m	Public Realm/ Transport
8	<b>Hallfield Primary School Air Quality Filtration Units</b>  Installation of air filtration units at Hallfield Primary School, Porchester Gardens, to combat poor air quality.	Lancaster Gate	City Management & Communities (Kevin Goad)	£0.040m	Health/ Community Services
9	<b>Harrow Road Parapet</b>  Repairing parts of the parapet of the elevated section of the Harrow Road.	Westbourne	City Management & Communities (Kevin Goad)	£0.250m	Public Realm/ Transport
10	<b>John Aird Court CCTV and Fencing</b>  Installation of CCTV and new fencing to combat anti-social behaviour and reduce vandalism at John Aird Court.	Little Venice	Growth, Planning & Housing (Greg Ward)	£0.085m	Public Realm/ Transport
11	<b>Lamp Column Bay Sensors</b>  Use of parking bay sensor technology to convey real time parking bay availability to electric vehicle drivers and allow accurate monitoring of charging activity at these charge points.	All	City Management & Communities (Kevin Goad)	£0.250m	Public Realm/ Transport
12	<b>Manchester Square Public Realm Improvements</b>  A new multi-faceted public space at Manchester Square that will reduce the dominance of traffic, improve pedestrian safety and the pedestrian environment.	Marylebone High Street	Growth, Planning & Housing (Greg Ward)	£0.900m	Public Realm/ Transport
13	<b>Porchester Spa Refurbishment</b>  Refurbishment of Grade II listed Porchester Spa, Queensway, including upgrading of mechanical and electrical infrastructure and building fabric.	Bayswater	City Management & Communities (Kevin Goad)	£0.300m	Health/ Community Services (£0.100m); Parks/ Sport and Leisure (£0.200m)
14	<b>Portland Place School Pedestrian Facilities</b>	Marylebone High Street	City Management & Communities (Kevin Goad)	£0.300m	Public Realm/ Transport

	Installation of 'greenman' crossing facilities to two junction arms at New Cavendish Street and Great Portland Street.				
15	<b>Prince Albert Road/ Avenue Road Junction Improvements</b>  Installation of 'greenman' crossing facilities to all four junction arms.	Regent's Park	City Management & Communities (Kevin Goad)	£0.410m	Public Realm/ Transport
16	<b>Rossmore Road Pedestrian Facilities</b>  Road safety measures including new zebra crossing, junction modifications and other pedestrian facilities.	Bryanston and Dorset Square; Church Street; Regent's Park	City Management & Communities (Kevin Goad)	£0.150m	Public Realm/ Transport
17	<b>Shirland Road/ Sutherland Avenue Junction Improvements</b>  Installation of 'greenman' crossing facilities to all four junction arms.	Little Venice; Maida Vale; Westbourne	City Management & Communities (Kevin Goad)	£0.440m	Public Realm/ Transport
18	<b>Soho Parish Primary School Cycle Parking</b>  Installation of cycle parking at Soho Parish Primary School, Great Windmill Street.	West End	City Management & Communities (Kevin Goad)	£0.250m	Public Realm/ Transport
19	<b>St. Mary Magdalene Community Centre</b>  Fit--out and public realm enhancements to St. Mary Magdalene Community Centre, Rowington Close.	Westbourne	Growth, Planning & Housing (Greg Ward)	£0.419m	Public Realm/ Transport (£0.172m); Health/ Community Services (£0.274m)
20	<b>St. Peter's Primary School Cycle Parking</b>  Installation of cycle parking at St. Peter's Primary School, Chippenham Mews.	Harrow Road	City Management & Communities (Kevin Goad)	£0.110m	Public Realm/ Transport
21	<b>Victoria Embankment Tide Gauge Hut</b>  Refurbishment/ repair of housing surrounding Victoria Embankment Tide Gauge.	St. James's	City Management & Communities (Kevin Goad)	£0.058m	Other Priorities/ Contingencies
22	<b>Westminster Street Markets Infrastructure Improvement Programme</b>	West End; Tachbrook; St. James's; Harrow Road	Growth, Planning & Housing (Greg Ward)	£0.100m	Utilities/ Waste

	Supporting infrastructure for Westminster street markets including water, waste and storage facilities.				
<b>TOTAL</b>		-	-	<b>£5.697m</b>	-

**Appendix C: Projects put forward for funding from Westminster's pooled Section 106 (s106) contributions**

<b>Project No.</b>	<b>Project Name and Description</b>	<b>Location/ Ward(s)</b>	<b>Governance Group Sponsor</b>	<b>Total S106 Allocation Sought</b>	<b>Recommended Funding Stream</b>
1	<b>Westminster Schools Air Quality Programme</b>  Air quality audits for all 87 Westminster schools and the provision of two Air Marshalls to supervise the council's 'Don't Be Idle' campaign around school sites.	All	City Management & Communities (Kevin Goad)	£0.559m	Pooled S106 Health contributions
2	<b>Westminster Employment Service In-Work Support Programme</b>  Provision of in-work support for Westminster residents to ensure sustainable employment and assisting progression.	All	Growth, Planning & Housing (Greg Ward)	£0.141m	Pooled S106 Social & Community contributions
<b>TOTAL</b>		-	-	<b>£0.700m</b>	-

**Appendix D: The neighbourhood CIL portion, 31<sup>st</sup> May 2019**

<b>Zone</b>	<b>Neighbourhood CIL</b>
Queens Park	£1,488.00
Notting Hill East	£9,945.17
Bayswater	£14,160.00
Little Venice and Maida Vale	£1,008,915.93
Belgravia	£290,731.74
Church Street	£6,600.00
Churchill Gardens Estate	£0.00
Ebury Bridge	£0.00
Fitzrovia West	£279,905.69
Hyde Park and Paddington	£601,510.97
Knightsbridge	£30,639.19
Maida Hill	£420.00
Marylebone	£1,100,195.54
Mayfair	£814,904.92
Pimlico	£0.00
Soho	£286,968.34
South East Bayswater	£107,269.76
St James's	£4,311.00
St John's Wood	£290,677.04
Victoria	£109,890.21
Westbourne	£180,779.25
Outside Neighbourhood areas	£957,383.92
<b>Total</b>	<b>£6,096,696.68</b>