



## Mayor and Cabinet

### The Approach to borough wide pot of Neighbourhood Community Infrastructure Levy

**Date:** 11 March 2020

**Key decision:** Yes.

**Class:** Part 1.

**Ward(s) affected:** All

**Contributors:** Executive Director, Community Services

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### Outline and recommendations

The Community Infrastructure Levy (CIL) is a levy that local authorities can choose to charge on new development in their area.

In Lewisham the council allocate 25% of CIL receipts as Neighbourhood CIL with distribution based on ward boundaries; with a portion of receipts retained in each ward where they were generated, a portion redistributed across wards, and a portion set aside for projects across the whole borough.

This report provides an update on the process used to agree the ward based priorities for the NCIL programme and subsequently the borough wide priorities and seeks agreement to the priorities for the allocation of the £580,933 borough wide fund.

## **Outline and recommendations**

### Recommendations

Mayor and Cabinet are asked:

1. To note the progress on agreeing the ward based priorities for the NCIL programme
2. To note the process through which the borough-wide priorities have been developed
3. To agree that for the allocation of the Borough-wide NCIL funding:
  - £100,000 be allocated to the development of Council borough-wide Air Quality initiatives that promote community involvement
  - For the remaining funds an open call for projects is run alongside the ward based process with the following priorities:
    - initiatives that seek to support local community groups to contributing to tackling crime and anti-social behaviour
    - provision of high-quality mentoring services and those designed to keep Lewisham's children and young people safe from exploitation, violence and serious youth crime
    - support for people with learning disabilities and/or mental health problems to find employment opportunities
  - Should support services that are borough-wide, as far as possible, but also provide extra focus on the most deprived wards in the borough as defined by the Indices of Multiple Deprivation.

### **Timeline of engagement and decision-making**

On 5 June 2019 Mayor and Cabinet agreed how the neighbourhood CIL ('NCIL') process would be delivered in Lewisham via the existing Local Assemblies structures. This was approved by Full Council on 24 July 2019.

## 1. Summary

- 1.1. The Community Infrastructure Levy (CIL) is a levy that local authorities can choose to charge on “chargeable” new development in their area.
- 1.2. In Lewisham the council allocate 25% of CIL receipts as Neighbourhood CIL with distribution based on ward boundaries; with a portion of receipts retained in each ward where they were generated, a portion redistributed across wards, and a portion set aside for projects across the whole borough.
- 1.3. This report provides an update on the process used to agree the ward based priorities for the NCIL programme and subsequently the borough wide priorities and seeks agreement to the priorities for the allocation of the £580,933 borough wide fund.

## 2. Recommendations

2.1 Mayor and Cabinet are asked:

1. To note the progress on agreeing the ward based priorities for the NCIL programme
2. To note the process through which the borough-wide priorities have been developed
3. In regard to the allocation of the Borough-wide NCIL funding:
  - Resolve that £100,000 be allocated to the development of Council borough-wide Air Quality initiatives that promote community involvement; and
  - an open call for projects is run alongside the ward based process with the following priorities:
    - initiatives that seek to support local community groups to contributing to tackling crime and anti-social behaviour
    - provision of high-quality mentoring services and those designed to keep Lewisham’s children and young people safe from exploitation, violence and serious youth crime
    - support for people with learning disabilities and/or issues with mental health to find employment opportunitiesin order to identify projects for which the remainder of the fund may be allocated
  - Resolve that such funding should support services that are borough-wide, as far as possible, but also provide extra focus on the most deprived wards in the borough as defined by the Indices of Multiple Deprivation.

## 3. Policy Context

- 3.1. The contents of this report are consistent with the council's policy framework.
- 3.2. The NCIL strategy will contribute to the implementation of the council’s seven corporate priorities from the Corporate Strategy 2018-2022 through supporting local projects that are aligned with those objectives.
- 3.3. The overall NCIL strategy will provide funding and a system to help support the implementation of the Corporate Strategy, and this report is consistent with the seven priorities identified:
  1. Open Lewisham - Lewisham is a welcoming place of safety for all where we celebrate the diversity that strengthens us.

2. Tackling the housing crisis - Everyone has a decent home that is secure and affordable.
3. Giving children and young people the best start in life - Every child has access to an outstanding and inspiring education and is given the support they need to keep them safe, well and able to achieve their full potential.
4. Building an inclusive local economy - Everyone can access high quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
5. Delivering & defending: Health, Social Care and Support - Ensuring everyone receives the health, mental health, social care and support services they need.
6. Making Lewisham greener - Everyone enjoys our green spaces and benefits from a healthy environment as we work to protect and improve our local environment.
7. Building safer communities - Every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.

## **4. Background**

CIL is a levy that local authorities can choose to charge on new development in their area. Local authorities must spend the levy on infrastructure needed to support the development of their area, which can include a wide range of infrastructure such as schools, hospitals, roads, open space, and leisure facilities. The full background to the approach to CIL and NCIL (including the ward based allocations and the Borough wide pot of £580,933) is set out in the paper that was agreed by Mayor and Cabinet on 5 June 2019 which is attached as appendix 1 and Full Council report of 24 July 2019 which is attached as appendix 2 – this information is not repeated in this report.

- 4.1. However, while the previous reports set out the principles and the broad approach to the allocation of the ward based funding it provided relatively little detail on the process for allocating the Borough-wide pot beyond that projects must meet CIL regulations and:
  - Align with a priority within the Corporate Strategy 2018-2022
  - Make a significant contribution to two or more wards and/or have significant borough wide value
  - Make a significant contribution to addressing issues of deprivation (where necessary taking into consideration the Indices of Multiple Deprivation); a
  - Offer value for money
- 4.2. Since this report officers have undertaken further work in order to inform recommendations to further refine the criteria and priorities for applications to the borough wide pot.

## **5. Borough-wide priorities**

- 5.1. In order to determine a focused set of criteria for the borough-wide pot officers have undertaken work across a number of areas namely:
  - Review of the priorities identified through the NCIL consultation process at a ward level

- Review of Corporate priorities and progress against delivery
- Review of level of funding and other resources available for work on both of the above
- Consideration of referral to Mayor and Cabinet by Sustainable Development Select Committee

*Review of the priorities identified through the NCIL consultation process at a ward level*

- 5.2. In order to inform the priorities for the allocation of NCIL at a ward level the Council has undertaken a detailed on-line consultation using the Commonplace website. This website allows members of the public to identify specific issue in the ward that they think could reasonably be addressed using NCIL funding with a view to narrow down the funding criteria for each ward to 5 high level criteria. These criteria are then subject to ratification or amendment at the Local Assembly with the further option to add a 6<sup>th</sup> and final priority to the list.
- 5.3. The priorities identified through this process (as of Friday 14<sup>th</sup> February 2020) are detailed at appendix 3 but the below table sets out the issues which have been highlighted in more than one ward through this process.

<b>Priority</b>	<b>Number of wards</b>
Open/green spaces and nature	18
Transport and streets	17
Community facilities	17
Community safety	17
Air quality	16
Youth activities/Children's services	6

*Review of Corporate priorities and progress against delivery*

- 5.4. These priorities were then cross referenced against the priorities as set out in Lewisham's Corporate Strategy 2018-2022:
- Open Lewisham
  - Tackling the housing crisis
  - Giving children and young people the best start in life
  - Building an inclusive local economy
  - Delivering and defending: health, social care and support
  - Making Lewisham greener
  - Building safer communities

- 5.5. This shows that 5 of the 6 issues identified at a local level were also those highlighted as priorities within the Corporate Strategy.

<b>NCIL Ward Priority</b>	<b>Corporate Priority</b>
Open/green spaces and nature	Making Lewisham greener
Transport and streets	Some links to Making Lewisham greener
Community facilities	N/A
Community safety	Building safer communities
Air quality	Making Lewisham greener

- 5.6. The only issue which did not have direct read-across was community facilities and it is assessed that this is due to the fact that this provision usually serves a specific geographical area and is more likely to be considered a priority in areas where it is currently lacking. As such it is considered appropriate that this need be addressed on a ward basis where it has been identified and community facilities not be included as priority for the borough-wide funding.

*Review of level of funding and other resources available for work on both of the above*

- 5.7. The remaining 5 priorities were then cross referenced to assess the current range of funding and other resources available for their delivery to ensure that NCIL funds are focused where they are most needed.
- 5.8. The most common issue identified through the ward based Commonplace site was open/green spaces and nature and this links clearly with the overall Corporate Priority of Making Lewisham Greener.
- 5.9. However, the delivery of this priority has recently been supplemented by the borough-wide Greening Fund.
- 5.10. In addition it is expected that, as the majority of the parks and open spaces highlighted during the Commonplace consultation sit significantly within one ward, significant funds will be allocated to this priority at a local level.
- 5.11. As such open/green spaces and nature is not considered as a priority for the borough-wide pot.
- 5.12. The joint second highest priority at a local level was Transport and Streets. This has some read across to the Corporate Strategy although there are two main reasons why this is also not considered appropriate for the borough-wide funding.
- 5.13. The first is that the nature of many of the requests are beyond the control of the Council and could not reasonably be provided via NCIL. This includes extra bus services, significant road amendments etc. While NCIL is not able to address these issues directly officers are compiling details to work with relevant partners on solutions where possible
- 5.14. The second is that many of the issues highlighted through Commonplace are hyper local and relate to a very specific issue such as a dangerous crossing or a rat run through a particular street. Where appropriate these can be addressed through local NCIL funding or existing resources within the Liveable/Healthy Neighbourhoods programmes and where there are wider responsibilities officers will, as above, work with wider bodies to seek solutions.
- 5.15. As such Transport and Streets is not recommended as a priority for the borough-wide pot.
- 5.16. Alongside Transport and Streets, Community Safety issues were identified as one of the major priorities in 17 of the 18 wards. This links closely with the Corporate Priority of Building Safer Communities and covers a whole range of activity at a local level.
- 5.17. A detailed assessment of the issues highlighted at a local level showed that in the majority of cases the community safety priority had been highlighted due to traffic or road issues rather than fear of crime, as might otherwise be assumed.
- 5.18. However, when this issue has been raised during discussions in Local Assembly meetings it is clear that there is a genuine desire for investment in initiatives that allow local communities to get involved in providing solution to local issues of crime and anti-

social behaviour. When discussed in detail many people stated that they had not raised these directly through Commonplace as the 'map-based' nature of the site led them to focus on more area specific issues. This has been noted and will feed into the review of the approach to allocating NCIL in Lewisham.

- 5.19 The nature of these discussions and the fact that significant infrastructure is required to ensure that local community members are supported to contribute to this agenda means that it is unlikely that this could be delivered effectively at a ward level. As such it is recommended that initiatives that seek to support local community groups to contributing to tackling crime and anti-social behaviour are recommended as a priority for funding applications as part of the borough wide pot.
- 5.20 Air quality was identified as one of the major priorities in 16 of the 18 wards. With the main source of poor air quality arising from transport, there is a likely cross over with issues raised under Transport and Streets. Reducing dependence on the car and improving availability and access to sustainable modes of travel is an objective common to transport, air quality and climate.
- 5.21 Although there are likely to be some local ward based actions, there are air quality actions that have a more strategic borough wide effect and potential for improvement. The Council has a statutory role to review and assess air quality within its borough, with Lewisham reporting yearly on its Air Quality Action Plan and air quality monitoring to the Greater London Authority. To galvanise borough-wide action to address air quality issues in Lewisham we need to both reduce emissions to improve air quality, and reduce exposure to poor air quality. The Council priorities has been to focus on behavioural change, providing a focused approach with children, schools, transport and infrastructure projects coupled with an evidenced based approach.
- 5.22 However some of projects likely to make a significant impact on tackling Air Quality in the borough require community involvement after Council led infrastructure investment e.g: the development an air quality sensor check website aimed at the public use of sensors. The website is designed to improve calibration and accuracy of data, and some data verification would be required. The community could equip school children/parents with air quality sensors to carry out some monitoring.
- 5.23 This would require a 'top-slice' of the borough-wide pot to provide infrastructure required to involve local communities. An alternative would be to seek community led projects but, at a borough wide level, these are unlikely to deliver the same level of contribution to the agreed corporate approach.
- 5.24 As such it is recommended that £100,000 be allocated to the direct delivery of borough-wide Air Quality initiatives that involve the local community in their delivery.
- 5.25 The final priority that has been identified across multiple wards through Commonplace is Youth activities/Children's services. This links with the Corporate Priority around Giving children and young people the best start in life.
- 5.26 While this issue was only identified as a significant priority in one third of all wards it was also mentioned a significant number of times in wards where it featured below the top 5 and was also mentioned numerous times in broader concerns related to Community Safety and Community Facilities across the vast majority of wards.
- 5.27 A review of the issues highlighted has also shown that many relate to the need for activities, positive diversions and aspirational programme for young people that are not easily delivered at a ward level.
- 5.28 These issues are also highlighted in the Corporate Strategy with a commitment to:
- *support more high-quality mentoring by working with community and voluntary groups and businesses to help our young people access employment opportunities.*

- *We will work tirelessly with our partners to keep Lewisham's children and young people safe from exploitation, violence and serious youth crime.*

5.29 As such the provision of high-quality mentoring services and those designed to keep Lewisham's children and young people safe from exploitation, violence and serious youth crime are recommended as priorities for the borough-wide pot.

*Consideration of referral to Mayor and Cabinet by Sustainable Development Select Committee*

5.30 The final part of the assessment undertaken to recommend priorities for the borough-wide pot has been the consideration of the views expressed by the Sustainable Development Select Committee which is the body with the responsibility for the scrutiny of the NCIL process.

5.31 As part of this scrutiny role the Committee meeting of 11 September 2019 made a referral to Mayor and Cabinet asking that funding should be made available from borough wide community infrastructure levy funding for an employment training and business support programme.

5.32 Officers have therefore reviewed the current pattern of provision that is available in this area and concluded that in the short-medium term there are alternative sources of funding for mainstream services in this area.

5.33 However, it appears that there are considerable gaps in services for people with disabilities and/or mental health problems to find employment opportunities.

5.34 As such support for people with disabilities (including learning disabilities) and/or mental health problems to find employment opportunities is recommended as a priority for the borough-wide pot.

*Overall Conclusion/recommendations*

5.35 In conclusion, following an iterative programme of reviewing local and corporate priorities, the views of the relevant select committee and the deployment of existing resources officers recommend the following approach to the allocations of the borough-wide NCIL pot:

- That £100,000 be allocated to the direct delivery of borough-wide Air Quality initiatives that involve the local community in their delivery.
- For the remaining funds, an open call for projects is run alongside the ward based process with the following priorities:
  - initiatives that seek to support local community groups to contributing to tackling crime and anti-social behaviour
  - provision of high-quality mentoring services and those designed to keep Lewisham's children and young people safe from exploitation, violence and serious youth crime
  - support for people with learning disabilities and/or mental health problems to find employment opportunities

5.35 In seeking applications against these priorities it is also recommended that the original commitment to addressing deprivation will be reiterated through the stipulation that services should be borough-side but also provide detail on how they will provide extra focus on the most deprived wards in the borough as defined by the Indices of Multiple Deprivation.

## **6. Financial implications**

- 6.1. This report recommends that £100,000 of the borough-wide NCIL pot is allocated towards the direct delivery of Air Quality initiatives and the remaining funds are allocated alongside the ward based process , with priorities , as set out in 5.35
- 6.2. The Council commenced receipts of Community Infrastructure Levies on the 1<sup>st</sup> of April 2015 and received a total of £9.287m between 2015 and 2018 into the accounts.
- 25% of these receipts have been allocated towards NCIL.
- The £580k referred to, relates to 25% of NCIL, which is earmarked towards borough – wide projects.

## **7. Legal implications**

- 7.1. Members are directed to the Mayor and Cabinet report of 5 June 2019 and the report to Council of 24 July 2019 (Appendix 1)
- 7.2. Regulation 59F allows the council to use CIL 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.
- 7.3. The allocation of £100,000 to Air Quality initiatives is compliant with the CIL Regulations 2010. In regard to the remainder use of funds officer and Members need to satisfy themselves that the allocation of CIL money toward projects identified via the open call satisfies either (a) or (b) prior to allocation.

## **8. Equalities implications**

- 8.1. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.2. In summary, the council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
- (c) foster good relations between people who share a protected characteristic and persons who do not share it.
- 8.3. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 8.4. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The council

must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/publication-download/services-public-functions-and-associations-statutory-code-practice>

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

8.5. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

8.6. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

8.7. The priorities recommended in this report are intended to lead to projects that have a positive impact across a range of protected characteristics including age and disability.

## **9. Climate change and environmental implications**

9.1. As Air Quality is recommended as one of the priorities for the borough-wide NCIL pot it is expected that any infrastructure funded within this area will have a positive impact in reducing air quality and improving the environment although the nature of this can not be determined ahead of the application and assessment process.

## **10. Crime and disorder implications**

10.1. As Community Safety is recommended as one of the priorities for the borough-wide NCIL pot it is expected that any services funded within this area will have a positive impact in reducing crime and disorder although the nature of this can not be determined ahead of the application and assessment process.

## **11. Health and wellbeing implications**

11.1. The purpose of all NCIL funding is to offset any impacts of development and population growth so the expectation is that any and all projects that receive funding will improve the wellbeing of the local community.

## 12. Social Value implications [to be completed only when awarding a contract]

12.1. N/A

## 13. Background papers/appendices

Appendix 1 - Mayor and Cabinet paper - 5 June 2019

<http://councilmeetings.lewisham.gov.uk/documents/s65802/NCIL%20Strategy.pdf>

Appendix 2 – ward based priorities

## 14. Glossary

Term	Definition
CIL - (Community Infrastructure Levy)	CIL is a levy that local authorities can choose to charge on new development in their area. Local authorities must spend the levy on infrastructure needed to support the development of their area, which can include a wide range of infrastructure such as schools, hospitals, roads, open space, and leisure facilities.
NCIL – (Neighbourhood Community Infrastructure Levy)	NCIL is portion of the CIL funding that is allocated for spending through local communities.

## 15. Report author and contact

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