

# MINUTES OF THE OVERVIEW AND SCRUTINY BUSINESS PANEL

Tuesday, 16 October 2018 at 7.00 pm

PRESENT: Councillors Bill Brown, Juliet Campbell, Jim Mallory, Joan Millbank, John Muldoon and Luke Sorba

Apologies for absence were received from Councillor Alex Feis-Bryce, Councillor Pauline Morrison and Councillor Susan Wise

## **144. Minutes**

RESOLVED that the minutes of the open meeting held on 2 October 2018 be confirmed and signed as a correct record.

## **145. Declarations of Interests**

None received.

## **146. Outstanding Scrutiny Matters**

RESOLVED that the report be noted.

## **147. Notification of Late and Urgent Items**

RESOLVED that the report be noted.

## **148. Decisions made by Mayor and Cabinet on 10 October 2018**

None of the decisions made by the Mayor and Cabinet on 10 October 2018 was requested for further discussion.

## **149. Community Infrastructure Levy Preliminary Draft Charging Schedule - Update**

The Interim Head of Planning introduced the report.

Councillor Muldoon asked for an explanation about the difference between the CIL Regulations and the Guidance, and was told that Regulations were the legal prompt as to how CIL should be used fairly. These Regulations were detailed and should be followed to the letter to avoid challenge, whereas the Guidance was advisory.

Councillor Muldoon said Members were concerned that those in need would not necessarily get funding support, whilst those whose needs were not as strong but were more articulate and resourceful would likely get funding. He asked that Mayor and Cabinet be advised to achieve equity amongst the Wards. The Interim Head of Planning responded that in keeping with national policy framework guidance, the Council would need to have regard for equity or be challenged via

Judicial Review. He said officers would look through the Regulations and Guidance and make recommendations to Members.

Panel Members were told that the difference between CIL and Section 106 was that there was no limit on how long you can hold onto CIL money. Strategic CIL money could only be spent on Strategic Infrastructure to mitigate against significant growth and infrastructure in the area, e.g. the proposed Bakerloo Line which the Borough was expected to make a contribution for. Neighbourhood CIL could be spent flexibly for the community, but full disclosure would be expected.

The Interim Head of Planning said advice was that Section 106 funds be used first before the CIL funds as they had a time limit attached. The Executive Director for Resources and Regeneration informed Panel Members that Section 106 money was for particular areas and if there were no Section 106 money, then CIL fund could be used to make up the shortfall.

Councillor Sorba asked if CIL could be used with other funds to complete a community project, and was told that Neighbourhood CIL could be used flexibly and community projects would be fine for this type of fund. Panel Members were told CIL funds could be utilised for capital projects.

Councillor Mallory said timing was critical, and asked whether the Evelyn Ward pilot had been informative, as this happened nearly a year ago and nothing has been said about the outcome. The Interim Head of Planning said a report would be going to Mayor and Cabinet this year.

Councillor Campbell asked how CIL would be divided, and what percentage would be given to Ward Assemblies. The Interim Head of Planning informed Panel Members that the total amount of CIL was £9.3m, administrative cost set by the government is 5%, (£0.4m), Neighbourhood CIL could be 15% minimum, £1.4m, up to a maximum of 25% if the Council wishes. Assembly Wards assessment would have to be done project by project to determine allocations, and Members would make the decision.

The Chair said Members needed a system in place as soon as possible, as the budget proposal was to cut Ward Assemblies funding, and the Mayor and Cabinet report was due within 2 months. The Chair raised concerns that there might not be sufficient time to put policies in place for CIL to replace Ward Assembly funding. The Executive Director for Resources and Regeneration told Panel Members that officers in Planning and Community Services were working on this. She said CIL would not directly replace Ward Assembly funds, but there would be a fund that Ward Assemblies would be able to use. The Chair asked where the money would be coming from and was told there was no money identified as yet.

Councillor Millbank asked who would be making the decision on how Neighbourhood CIL was spent, and was told that the Evelyn Ward pilot would inform officers, and there would be consultation with local communities. The Executive Director for Resources & Regeneration said some of the guidance would be based on the Regulations. Councillor Millbank asked if this would be done on time given the budget timetable, and whether local forums would be involved.

Councillor Mallory said he questioned whether the Evelyn Ward pilot was sufficient to inform the report. The Chair said the involvement of Neighbourhood Forums and Ward Assemblies was important, and Members and the community needed to have the guidance to make informed decisions. The Chair asked why CIL money had been kept and not utilised all these years, and was told that it was prudent to accumulate CIL for big projects, and part of it had been allocated recently at a confidential Mayor and Cabinet meeting, for the Catford Bridge project.

Business Panel Members were told that through the Local Plan process proposals would be made about strategic projects, and Council would make the final decision. Officers said the Local Plan would be ready by 2020, and were asked if this would delay decisions on CIL. Panel Members were told it would not affect decisions on Neighbourhood CIL. The Executive Director for Resources and Regeneration said the Council would be expected to make a contribution to the Bakerloo Line project which could cost a lot of money and £7m was just a drop in the ocean. She said the Council should try not to spend its Strategic CIL on small projects.

Panel Members agreed to make a referral to Mayor and Cabinet to ensure stake holders are consulted before the report goes to Mayor and Cabinet. Stakeholders to include Neighbourhood Forums, Ward Assemblies and the community. It was also agreed that Mayor and Cabinet should be requested to consider equity amongst the Wards to ensure all Wards benefit from Neighbourhood CIL.

RESOLVED that:

- i. the report be noted.
- ii. Mayor and Cabinet be requested to instruct officers to consult with Stakeholders, including Ward Assemblies, Neighbourhood Forums and the community before the next report to Mayor and Cabinet.
- iii. Mayor and Cabinet be requested to consider equity amongst the Wards during allocation of CIL.

#### **150. Overview and Scrutiny Select Committees Work Programmes 2018/19 verbal update**

The Scrutiny Manager informed Panel Members that they were now in the 3<sup>rd</sup> round of Select Committee meetings. Healthier Communities met on 9 October, and Children and Young People would be meeting on 17 October. She said all Select Committees would be looking at proposals for savings.

Councillor Muldoon said that it would be useful for some Select Committee Members to take appropriate training to assist them in their role as Scrutiny Members, the Scrutiny Manager said this had been arranged.

Councillor Sorba told Panel Members that the Children and Young People Select Committee invited Stakeholders that were not officers to contribute to the meeting's agenda, and he found their contribution very useful. He said Select Committee Chairs should consider this for future meetings. The Chair thanked the Scrutiny Manager for the update.

**151. Exclusion of the Press and Public**

This item was not needed as no confidential item was discussed at the meeting.

**152. Decisions made by Mayor and Cabinet on 10 October 2018**

This item was not requested for discussion.

**153. Decision made by an Executive Director Under Delegated Authority - Award of Insurance Contracts**

This item was not requested for discussion.

Meeting ended:

Chair.....