



## Mayor and Cabinet

### **Ward Based Neighbourhood Community Infrastructure Levy (NCIL)**

**Date:** 14<sup>th</sup> September 2021

**Key decision:** Yes

**Class:**

**Ward(s) affected:** All

**Contributors:**

Emma Talbot – Director of Planning

James Lee - Director of Communities, Partnerships and Leisure

## Outline and recommendations

At its meeting on the 5th June 2019 Mayor and Cabinet agreed the overall approach for the allocation of the Borough's Neighbourhood Community Infrastructure Levy (NCIL). The implementation of this programme has been delayed by the COVID pandemic.

This report sets out the proposed revision to the approach to the delivery of the ward based programme including the top up of the available amounts with CIL receipts collected during the period 2018-2020 and the inclusion of an additional priority that allows project proposals that will assist in Lewisham's Covid-19 recovery.

It is recommended that Mayor and Cabinet agree:

- a top up of the existing ward based funds by a further £1,188,483 which was collected through CIL receipts during the period of April 2018 – March 2020 bringing the available funding through the ward based funds to £2,931,270
- the introduction of banded funded categories for each ward with an allocation of over £50,000
- the additional priority addressing projects that aim to assist in Lewisham's Covid-19 recovery that will benefit Lewisham's communities at a local level.
- the removal of the online longlisting phase of the original process and the extension of the delivery timetable from up to 12 months to up to 24 months
- that support be given to potential bidders in the form of cost breakdowns for project types suggested through consultation undertaken to date and examples from elsewhere
- the delivery of the bespoke package of support for applicants as set out in the report

## Timeline of engagement and decision-making

5<sup>th</sup> June 2019 – Mayor and Cabinet - NCIL strategy

24<sup>th</sup> July 2019 – Full Council - NCIL strategy

11<sup>th</sup> March 2020 – Mayor and Cabinet - Priorities for the Borough-wide NCIL fund

10<sup>th</sup> March 2021 - Mayor and Cabinet - Top up of the NCIL Borough-wide fund and proposing an additional Borough-wide priority

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

## **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. An element of these funds are to be spent at a local level and are known as Neighbourhood CIL (NCIL).
- 1.2. Lewisham’s NCIL strategy was agreed by Mayor and Cabinet on 5 June 2019 and Full Council 24 July 2019. The strategy is to allocate 25% of CIL receipts as NCIL and use the ward structure as the basis for distribution. A portion of receipts are to be retained in each ward they were generated, a portion redistributed across the wards based on the index of multiple deprivation (IMD), and a portion set aside for projects that will propose a borough wide benefit (borough wide fund).
- 1.3. Further to the approach agreed to NCIL agreed by Mayor and Cabinet and Full Council, a set of spending priorities for the borough-wide NCIL fund was agreed through Mayor and Cabinet on 11 March 2020.
- 1.4. On 10 March 2021 Mayor and Cabinet agreed to top up the Borough-wide fund with NCIL funds collected between 2018 and 2020 increasing the borough-wide from £580,933 to £977,094.
- 1.5. At that meeting Mayor and Cabinet also agreed that an additional priority be added to the list of agreed borough wide priorities to allow funding to be awarded to Projects that will assist in Lewisham’s Covid-19 recovery by demonstrating a benefit to Lewisham’s communities at a borough wide level.
- 1.6. This paper provides an update on the process to identify local priorities for the allocation of the ward based funds and make a number of recommendations to revise the agreed process in light of the delay in implementation due to the COVID pandemic.

## **2. Recommendations**

- 2.1. It is recommended that Mayor and Cabinet agree:
  - a top up of the existing ward based funds by a further £1,188,483 which was collected through CIL receipts during the period of April 2018 – March 2020 bringing the available funding through the ward based funds to £2,931,270
  - the introduction of banded funded categories for each ward with an allocation of over £50,000
  - the additional priority addressing projects that aim to assist in Lewisham’s Covid-19 recovery that will benefit Lewisham’s communities at a local level.
  - the removal of the online longlisting phase of the original process and the extension of the delivery timetable from up to 12 months to up to 24 months
  - that support be given to potential bidders in the form of cost breakdowns for project types suggested through consultation undertaken to date
  - the delivery of the bespoke package of support for applicants as set out in the report

## **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

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

projects that are aligned with those objectives.

3.3. The overall NCIL strategy provides funding and a system to help support the implementation of the Corporate Strategy, and this report is consistent with the seven priorities identified:

- Open Lewisham – Lewisham is a welcoming place of safety for all where we celebrate the diversity that strengthens us
- Tackling the housing crisis – everyone has a decent home that is secure and affordable
- 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
- Building an inclusive local economy - Everyone can access high quality job opportunities, with decent pay security in our thriving and inclusive local economy
- Delivering & defending: Health, Social Care and Support – Ensuring everyone receives the health, mental health, social care and support services they need
- Making Lewisham greener – Everyone enjoys our green spaces and benefits from a healthy environment as we work to protect and improve our local environment.
- Building safer communities – Every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.

3.4. In addition the priorities selected by the wards to date and the recommendation in the report to add a new priority will ensure that the ward based NCIL fund directly contributes to the borough's four themes at the heart of the Council's response to the impact of the COVID pandemic as set out in the Future Lewisham document:

- A greener future
- A healthy and well future
- An economically sound future
- A future we all have a part in.

## 4. Background

4.1. 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.

4.2. Neighbourhood CIL is defined through R59F of the CIL Regulations (2010) which enables the council to allocate a portion of CIL receipts to be spent on local priorities, with spending of this portion subject to a wider definition of *“The charging authority may use the CIL to which this regulation applies, or cause it to be used, 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.”*

4.3. The full background to Lewisham's agreed NCIL approach was set out in the report presented to Mayor and Cabinet on 5 June 2019 and Full Council 24 July 2019.

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 4.4. Further to the approach agreed to NCIL agreed by Mayor and Cabinet and Full Council, a set of spending priorities for the borough-wide NCIL fund was agreed through Mayor and Cabinet on 11 March 2020.
- 4.5. On 10 March 2021 Mayor and Cabinet agreed to top up the Borough-wide fund with NCIL funds collected between 2018 and 2020 increasing the borough-wide by 68% from £580,933 to £977,094.
- 4.6. At that meeting Mayor and Cabinet also agreed that an additional priority be added to the list of agreed borough wide priorities to allow funding to be awarded to *Projects that will assist in Lewisham's Covid-19 recovery by demonstrating a benefit to Lewisham's communities at a borough wide level.*

## 5. NCIL ward based fund

- 5.1. The agreed strategy for the allocation began with each ward selecting its own priorities for the allocation of funding. The agreement of these priorities was undertaken at ward assemblies following consultation using the online platform Commonplace ([www.commonplace.is](http://www.commonplace.is)) which allowed residents to identify local priorities and support suggested projects they would like to see delivered within their locality.
- 5.2. In total 13,000 unique visitors participated across all 18 commonplace wards and over 17,500 made contributions providing suggestions for local priorities and projects and commented on suggested ideas/projects. As of March 2020, when the ward NCIL fund delivery ceased due to the Covid-19 pandemic, 17 of 18 wards had ratified either five or six local priorities. The Downham Ward Assembly was subsequently postponed and the priorities were agreed at a meeting on Tuesday 3 August, 2021 – see appendix 1 for the agreed ward priorities.
- 5.3. Following the completion of the ward priorities approvals, the next stage would have been to launch the fund and have an open call for projects. The postponement required the overall programme to be reviewed with a number of revisions suggested in this report covering:
  - Ward allocations
  - Banded funded categories
  - Additional funding priority
  - Application process and delivery timescale
  - Support to potential bidders
  - Additional promotion and guidance
- 5.4. These are explored in more detail below:

### *Ward allocations*

- 5.5. It is recommended that the ward based funds are topped up with the NCIL funds collected during 2018-20 in line with the borough-wide programme which received a funding top up as approved by Mayor and Cabinet in March 2021.
- 5.6. As the launch of the fund has been delayed by 16 months and with the impact of COVID still to be assessed at both borough and ward level, topping up ward pots would offer extra funding for existing projects, support recovery within local communities and provide much needed relief and long-lasting benefits.
- 5.7. This would mean that the funding available for each ward would increase as set out in the table below. The full calculation for the uplifts are set out in appendix 1.

Ward	Ward amount 2015-2018 (agreed)	New ward amounts 2015-2020 (recommended)

## Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Bellingham	£49,057	£86,040
Blackheath	£76,262	£128,765
Brockley	£54,466	£94,864
Catford South	£19,931	£30,958
Crofton Park	£29,382	£43,959
Downham	£52,794	£88,589
Evelyn	£595,306	£691,020
Forest Hill	£32,921	£65,926
Grove Park	£32,274	£63,499
Ladywell	£49,062	£62,923
Lee Green	£16,193	£39,349
Lewisham Central	£82,402	£465,884
New Cross	£265,816	£405,109
Perry Vale	£38,838	£145,181
Rushey Green	£198,884	£253,097
Sydenham	£35,447	£88,084
Telegraph Hill	£65,340	£96,167
Whitefoot	£48,411	£81,855
<b>Total</b>	<b>£1,742,787</b>	<b>£2,931,270</b>

- 5.8. Under this uplift some wards would see significant increases in funds – most notably Perry Vale, New Cross and Lewisham Central – and it could be argued that this level of increase would require further consultation to establish whether it would influence the priorities selected.
- 5.9. However, the original prioritisation exercise was not undertaken based on the level of funding available and was applied uniformly across the borough regardless of the level of funding i.e. the process was identical in Evelyn (£595,306) and Lee Green (£16,193). The question put to residents was not ‘how would you spend this money’ it was ‘what are your priorities for the ward’ and it was made clear that this process would only be undertaken every 4 years with further funding likely to be available during that period. As such, it is considered justified to allocate this additional funding based to be assessed against existing priorities.

#### *Banded funding*

- 5.10. Alongside the recommendation to increase the level of funding available for each ward it is recommended that funding categories should be introduced for pots over £50k. These would include small, medium and large grants and would be bespoke based on the individual ward’s allocation. This approach would align to the borough NCIL fund and provide a steer to residents and community organisations about the scale of project they wish to bid for.

#### *Additional priority*

- 5.11. Notwithstanding the rationale for maintaining the agreed priorities despite the increased funding available it is also recognised that some ward Assemblies may wish to recognise the impact that COVID has had in their communities over the past 18 months.
- 5.12. As such we are recommending that each ward automatically have an additional priority added which allows funding bids for projects which will assist in Lewisham’s COVID recovery by demonstrating a benefit to Lewisham’s communities in line with the wording agreed by Mayor and Cabinet for the Borough-wide pot in March 2021.

## **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 5.13. There is not time for this to be formally ratified at an individual ward level but each Assembly will be included in the final allocation process which provides ultimate discretion as to how far the new priority is utilised.

#### *Application approach and timescale*

- 5.14. The original process set out a range of further steps following the agreement of the ward based priorities which can be summarised as follows:
- Initial officer assessment and prioritisation
  - Longlist of projects posted on Commonplace website for further community feedback and engagement
  - Projects prioritised via ward assembly meeting
  - Projects agreed for funding
  - Delivery
- 5.15. The second stage of this process was further Commonplace consultation to be conducted following the internal assessment of applications. This stage would take up to 16 weeks; 12 weeks for consultation and 4 weeks to analyse the data. Project assessment including the Commonplace data would be presented at local assemblies for approval. As the fund launch is overdue already by 16 months, it is recommended that that this stage of the process is removed in order to accelerate the assessment and approvals process and unlock funding earlier for communities. As the borough is in recovery mode it would be a positive approach to expedite the approval process and provide earlier access to much needed funds for local communities.
- 5.16. The removal of this stage would allow ward ratified projects to be submitted to Mayor and Cabinet for approval in March 2022, with project delivery commencing soon after. If this stage remains the timescale for Mayor and Cabinet approval would be pushed back to late June 2022.
- 5.17. It is also recommended to increase the timescale for delivery of projects from a maximum of 12 months to between 12 and 24 months. This is to acknowledge the impact of the pandemic and offer flexibility to local communities over a longer period to address current and future needs. It is also consistent with the Borough NCIL fund programme and enables the two funds to run in parallel with completion by 31 March 2024.

#### *Support for potential bidders*

- 5.18. It is clear from the ideas and suggestions put forward via the initial Commonplace consultation that a significant number of residents may wish to put forward projects that will need to be delivered directly by the Council such as play equipment in parks, investment in buildings owned by the authority or traffic calming measures.
- 5.19. As such it is proposed that a high level breakdown of costs for projects types regularly highlighted through Commonplace is provided by the relevant Council departments to ensure that residents can immediately understand the cost of certain items and proposals can be constructed in a fully informed way.
- 5.20. This will ensure that applications are not rejected due to unrealistic costing and will reduce the need for multiple consultations with particular teams across 18 wards who may have similar priorities and project ideas.
- 5.21. In addition, officers will highlight projects which have been successfully funded in other boroughs in order to inspire residents to look to projects which can create a real legacy for the ward.
- 5.22. An additional benefit is that unsuccessful priority projects and ward applications could

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

be championed by residents and they could apply for other internal or external funding to deliver projects.

#### *Assessment and approval*

- 5.23. It is important to note that Assembly meetings have been on hold during the pandemic and are, at the time of writing, only beginning again online. The overall Assembly programme is also currently subject to review as part of the budget process, with the future of the programme subject to further consultation.
- 5.24. Notwithstanding this officers have assessed that Assembly meetings (likely to be online) will remain possible during the proposed delivery timetable and the final ratification and agree phase of the process remain as previously agreed.

#### *Promotions and Assistance Programme*

- 5.25. Finally the ward based programme will be supported using existing local knowledge and profiles and our increased intelligence gathered over the past year which includes; Primary Care Networks, food networks, BME networks, faith groups, mutual aids and community groups. This will allow the Community Development Team to ensure that the overall process, and ultimately the Assembly meeting that considers the funding, will be representative through reaching out to 'seldom heard voices' as identified through the Council's Democracy Review.
- 5.26. It is anticipated that there will be increased interest from small community groups, tenant and resident associations and individuals who have been active during the pandemic. The programme will consist of workshops and 1-1 support including 6 workshops across consolidated ward areas with specific workshops for the inexperienced applicant. Online resources will also include detailed guidance, examples of projects, relevant research and wider community networking resources.
- 5.27. Areas that have a ward fund of over £150k will have a bespoke support offer and will have access to additional council officer resources as required to provide the required level of support and assistance.
- 5.28. Officers will 'buddy-up' to provide support in each ward, this will provide a more holistic level of support and management of workshops and enquiries. This delivery approach is being trialled for the borough NCIL with positive results to date allowing a flexibility of resources.

## **6. Summary of change and timescales**

- 6.1. The vast majority of the proposed process retains fidelity to the original strategy agreed by Mayor and Cabinet on 5<sup>th</sup> June 2019 as set out in appendix 2.
- 6.2. Apart from the significant increase in available funds the majority of the changes are relatively minor. Overall the changes can be summarised as:

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- a top up of the existing ward based funds by a further £1,188,483
- the introduction of banded funded categories for each ward with an allocation of over £50,000
- the additional priority addressing projects that aim to assist in Lewisham’s Covid-19 recovery
- the removal of the online longlisting phase of the original process and the extension of the delivery timetable from up to 12 months to up to 24 months
- extra support be given to potential bidders in the form of cost breakdowns for project types suggested through consultation undertaken to date
- the delivery of the bespoke package of support for applicants as set out in the report

6.3. The timetable for the delivery of the revised approach is set out in the table below:

<b>NCIL Ward Fund Delivery Time-Table</b>	
<b>September 2021 – March 2022</b>	
<b>Stage 1</b> M&C Approval of revised delivery process	14 <sup>th</sup> September
<b>Stage 2</b> Launch Fund – Open Call Promotion supported by Councillors Include identified projects – Commonplace feedback Support and Assistance programme – workshops x 6 across consolidated ward areas and thematic 1-1 surgeries – email/ phone/online/ in person	Mid-September – November  8 weeks
<b>Stage 3</b> Due diligence Assessment Identified projects analysis Internal Scoring Local Assessment & approval panel	December – February  8 weeks
<b>Stage 4</b> M&C Approval	March 2022

## 7. Overall Conclusions/recommendations

7.1. The COVID pandemic has caused a significant delay in the delivery of the agreed NCIL

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

allocation strategy. The recommendations in this paper seek to ensure that this vital funding is increased and allocated as quickly as possible to ensure much needed community led projects as part of the borough's overall COVID recovery programme are delivered.

7.2. It is recommended that Mayor and Cabinet agree:

- a top up of the existing ward based funds by a further £1,188,483 which was collected through CIL receipts during the period of April 2018 – March 2020 bringing the available funding available through the ward based funds to £2,931,270
- the introduction of banded funded categories for each ward with an allocation of over £50,000
- the additional priority addressing projects that aim to assist in Lewisham's Covid-19 recovery that will benefit Lewisham's communities at a local level.
- the removal of the online longlisting phase of the original process and the extension of the delivery timetable from up to 12 months to up to 24 months
- that support be given to potential bidders in the form of cost breakdowns for project types suggested through consultation undertaken to date
- the delivery of the bespoke package of support for applicants as set out in the report.

## **8. Financial implications**

- 8.1. This report is seeking approval from Mayor and Cabinet to top up the existing NCIL ward based fund with a further £1,188,483 bringing the available funding available to £2,931,270.
- 8.2. The Council commenced receipts of Community Infrastructure Levies (CIL) in 2015 and received a total of £9.287m between 2015 and 2018. In 2019, Mayor and Cabinet agreed to a 25% top slice of CIL receipts being allocated to a Neighbourhood CIL fund. 25% of this NCIL was to be allocated to a borough wide based fund and 75% to a ward based fund.
- 8.3. During the period covering 2018 to 2020, the Council collected a further £6.6m in CIL receipts, £6.3m net. In March 2021, Mayor and Cabinet agreed to a top up of the borough wide based fund of £396k from these receipts.
- 8.4. This report is seeking Mayor and Cabinet's approval to top up the ward based fund by £1,188,483, i.e. 75% of the NCIL allocation accumulated between 2018 and 2020.
- 8.5. The basis of the split between wards, as shown in paragraph 5.7 above, was also agreed by Mayor and Cabinet in 2019.
- 8.6. All allocations will be contained within the fund and will add no pressure to the Council's budget.

## **9. Legal implications**

- 9.1. Regulation 59 of the Community Infrastructure Levy Regulations 2010 requires that a charging authority must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area. Section 216 of the Planning Act 2008 defines infrastructure as including—
- (a) roads and other transport facilities, (b) flood defences, (c) schools and other educational facilities, (d) medical facilities, (e) sporting and recreational facilities, and (f) open spaces

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 9.2. Where some or all of a chargeable development takes place in an area for which there is a Parish council, the charging authority (other than the Mayor of London) for that area is under a duty to pass to that Parish Council a proportion of CIL receipts, calculated in accordance with CIL Regulations [59A](#) and [59B](#)

The amount of the proportion to be passed depends upon the precise circumstances, for example In England, where all or part of a chargeable development is within an area that has a neighbourhood development plan in place the charging authority must pass 25 per cent of the relevant CIL receipts to the parish council for that area, however where all or part of a chargeable development is not within an area that has a neighbourhood development plan in place, and was not granted permission by a neighbourhood development order made under [TCPA 1990, s 61E](#) or by a community right to build order made under [TCPA 1990, s 61Q](#) then the amount to be passed is 15% of the 'relevant CIL receipts' to the parish council for that area.

- 9.3. Regulation 59F provides that where all or part of a chargeable development is in an area which is not a parish council, which is the position within the London Borough of Lewisham, then a charging authority, which in this instance is the Council, may use or cause to be used the CIL which would have had to have been passed to a parish council, (the 15% or 25% set out in paragraph 9.2 subject to the restriction in 59A(7) set out in paragraph 9.4 below). to support the development of the 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.

Therefore any projects that come forward as part of this additional priority will still need to meet either (a) or (b).

- 9.4 Regulation 59A(7) states that the total amount of CIL receipts passed to a parish council in each financial year, in accordance with paragraph (5), shall not exceed—

$(£100 \times N) \times (IY / IO)$

where—

IY is the index figure for the calendar year in which the amount is passed to the parish council (as determined in accordance with paragraph 1(5) of Schedule 1);

IO is the index figure for 2013 (as determined in accordance with paragraph 1(5) of Schedule 1); and

N is the number of dwellings in the area of the parish council

Therefore members will need to be satisfied that the amount passed for use does not exceed this amount.

- 9.5 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,

## Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 9.6 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.
- 9.7 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.
- 9.8 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/technicalguidance-public-sector-equality-duty-england>
- 9.9 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
- 9.10 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/publicsector-equality-duty-guidance>

## **10. Equalities implications**

- 10.1. In addition to the Public Sector Duty under the Equality Act 2010, the NCIL ward based fund seeks to further positively address the disproportionate impact COVID 19 has had across many of our communities including; BAME communities, people with disabilities, individuals with no recourse to public funds and those living in more deprived areas of the borough.

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

- 11.1. As Air Quality is recommended as one of the priorities in 14 of the 18 wards and

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Open/Green Spaces has been selected by all wards it is expected that any infrastructure funded through this fund 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.

## 12. Crime and disorder implications

- 12.1. As Community Safety is recommended as one of the priorities in 15 of the 18 wards it is expected that the fund overall 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.

## 13. Health and wellbeing implications

- 13.1. 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.

## 14. Glossary

Term	Definition
CIL	The Community Infrastructure Levy (CIL) is a levy that local authorities can choose to charge on “chargeable” new development in their area.
NCIL	An element of the CIL funds (see above definition) are to be spend at a local level and are known as Neighbourhood CIL (NCIL).

## 15. Report author and contact

- 15.1. Emma Talbot – Director of Planning, [emma.talbot@lewisham.gov.uk](mailto:emma.talbot@lewisham.gov.uk)  
 15.2. James Lee - Director of Communities, Partnerships and Leisure, [james.lee@lewisham.gov.uk](mailto:james.lee@lewisham.gov.uk)

## 16. Comments for and on behalf of the Executive Director for Corporate Resources

- 16.1. Paula Young, Senior Planning Lawyer, [Paula.Young@Lewisham.gov.uk](mailto:Paula.Young@Lewisham.gov.uk)

## 17. Comments for and on behalf of the Director of Law, Governance and HR

- 17.1. Shola Ojo, Principal Account, [Shola.Ojo@Lewisham.gov.uk](mailto:Shola.Ojo@Lewisham.gov.uk)

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

**Appendix 2 – revised process compared to original outlined in the Mayor and Cabinet report 5 June 2019.**

<b>Process agreed by M and C on 5 June 2019</b>	<b>Proposed revisions to post-COVID process</b>
<p><b>STAGE 1: Priority Setting (four year cycle)</b></p> <p>Ward priorities ‘themes’ set by community through the local assemblies with Members</p>	
<ul style="list-style-type: none"> <li>Organised by ward, using local assembly and Member structure</li> <li>Council published guidance on NCIL process and expectations</li> <li>Priorities should be informed by the Local Plan, Corporate Strategy 2018-2022, Infrastructure Delivery Plan, and other corporate plans and priorities</li> <li>Priorities should also be informed by any adopted Neighbourhood Plan (where applicable)</li> </ul>	<p>Stage 1 complete</p> <p>Funds are topped up and COVID recovery is added as a further priority for all wards.</p>
<p><b>OUTCOME: Ward priorities identified, agreed and published – to cover four year period</b></p>	<p><b>Remains the same</b></p>
<p><b>STAGE 2: ‘Open call’ for projects (biennial or annual process – ward assembly to decide)</b></p> <p>‘Open call’ for projects directly submitted to Council’s website</p>	
<ul style="list-style-type: none"> <li>Open call for project proposals</li> <li>Submissions via online NCIL project proposal form to either ward fund or the borough fund</li> <li>Projects submitted direct to Council via online form</li> <li>Projects to demonstrate how they meet the NCIL framework criteria</li> </ul>	<ul style="list-style-type: none"> <li>Open call process remains the same</li> <li>In order to assist communities the Council provides a ‘menu’ of options that could be delivered based on the ward priorities</li> <li>Residents can either submit a community led project or indicate support for an option from the menu</li> </ul>
<p><b>OUTCOME: Potential projects identified by communities, local assemblies and Members</b></p>	<p><b>Remains the same</b></p>
<p><b>STAGE 3: Evaluate projects and publish long-list (biennial or annual process – ward assembly to decide)</b></p> <p>Council officers assess, filter and group projects from the open call into a long-list</p>	
<ul style="list-style-type: none"> <li>Evaluate initial project submissions against published framework criteria</li> <li>Council to publish long-list of projects</li> </ul>	<ul style="list-style-type: none"> <li>Initial officer assessment of bids with long list to be presented to the relevant local Assembly</li> </ul>
<p><b>OUTCOME: Long-list published by Council</b></p>	<p><b>Long list stage is removed with officer approved project taken back to the relevant</b></p>

**Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

	<b>Assembly to ensure prompt allocation of resources</b>
<p><b>STAGE 4: Develop 'project bank' (biennial or annual process – ward assembly to decide)</b></p> <p>Prioritisation of long-list by the community via local assembly with Members</p>	
<ul style="list-style-type: none"> <li>• Prioritisation of long-list projects for the ward fund via a public vote ratified by the ward assembly with Member involvement at a workshop</li> <li>• Projects for the borough fund prioritised by the Director of Planning and recommendations prepared for M&amp;C</li> <li>• Where NCIL funds are not sufficient to deliver the top priority projects, ward assemblies to decide if they will fund lower priority projects, part of a project, or wait until further funding becomes available</li> <li>• Council to publish project bank with prioritised project list</li> </ul>	<ul style="list-style-type: none"> <li>• Prioritising list taken to Assembly for ratification with Member involvement at a workshop</li> <li>• Projects not agreed for funding but meeting relevant criteria remain available to view</li> </ul>
<p><b>OUTCOME: Project bank published by Council with prioritised projects identified</b></p>	<b>Remains the same</b>
<p><b>STAGE 5: Allocate and delivery (annual process)</b></p> <p>All projects allocated through PID process through Regeneration and Capital Delivery Board (RCDB) for the ward fund, and M&amp;C for the borough fund</p>	<b>Remains the same with overall allocation paper presented to Mayor and Cabinet in March 2022</b>
<ul style="list-style-type: none"> <li>• Allocation process to follow existing PID process for finance and legal audit</li> <li>• Allocations set through RCDB PID process to ward fund</li> <li>• Director of Planning makes recommendations to M&amp;C on borough fund</li> <li>• Project delivery to follow existing finance and legal audit process</li> </ul>	<b>Remains the same with overall allocation paper presented to Mayor and Cabinet in March 2022</b>
<p><b>OUTCOME: PIDs submitted and allocations made aligned to available CIL receipts</b></p>	<b>Remains the same</b>
<p><b>STAGE 6: Monitoring, evaluation and reporting (annual)</b></p>	<b>Remains the same</b>
<ul style="list-style-type: none"> <li>• Reporting incorporated into existing AMR process</li> <li>• Relevant reporting on NCIL/AMR to Safer Stronger Communities Select Committee and Sustainable Development Select Committee</li> <li>• Project closure and reporting to follow existing PID reporting and audit process</li> </ul>	-
<p><b>OUTCOME: Yearly monitoring through AMR</b></p>	<b>Remains the same</b>

## Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

## **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>