ELMBRIDGE BOROUGH COUNCIL

INDIVIDUAL CABINET MEMBER DECISION MAKING

Report of decisions taken on 4 November 2015

Present:

A. Kelly (Portfolio Holder for Planning Services)

13/15 DECLARATIONS OF INTEREST

There were no declarations of interest.

MATTERS OF REPORT

14/15 CIL ALLOCATION PROCESS

(Link to Council Priorities: P3)

Following a review by officers of the process for allocating the funds raised through the Community Infrastructure Levy (CIL), the Portfolio Holder for Planning Services considered a report in respect of the operation of the process and in particular the 2015 round of Local and Strategic CIL Boards. Whilst highlighting the achievements, the report also detailed various key issues that had been encountered and suggested a number of possible revisions to the allocation process.

With regard to the format and governance arrangements, the Local Spending Boards were currently constituted as Council Committees and therefore required business to be transacted in public unless a category of “exempt” information would be disclosed. The Boards also had decision-making powers and were subject to the requirements of the Local Government Act 1972 and the Council’s own Constitutional provisions.

There had been differing views amongst Councillors on whether the meetings and specifically discussions and deliberations on the applications should be held in public or private. Although transparent, a number of Councillors had expressed some unease discussing the merits of projects in front of applicants, and there were also concerns that issues may not be discussed as freely as they might be in private. At the same time there was agreement that applicants should continue to be given the opportunity to speak in favour of the project and answer questions.

In view of the differing viewpoints, it was proposed that the Local Spending Boards be reconstituted as Advisory Bodies which, whilst enabling the continued involvement of applicants at the meeting to answer any questions, would also allow them the discretion to transact their business in private should they wish. Recommendations would then be made to Cabinet for final approval, as was the case for the Strategic Spending Board. It was expected
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however that the final decision and the reasons for that decision would be made in public.

A further proposed revision to the allocation process was in respect of the meaningful proportion. During the course of the numerous revisions to the CIL guidance, a distinction had been made between those Parish Councils with and those without a Neighbourhood Plan. The proportion of CIL collected to be transferred to Parish Councils without a Neighbourhood Plan such as Claygate had been set at 15%, rather than the 25% to which the Council had been working. This change would be discussed with the Parish Council and in the future 15% would be transferred to the Parish Council, with a further 10% retained by Elmbridge Borough Council for allocation within Claygate in consultation with the Parish Council.

With regard to the application process it was proposed that in order to assist applicants to strengthen the bids submitted and to aid Councillors in their decision making, identified priorities from current evidence documents such as the Open Space Assessment and Local Transport Strategy would be set out on the application forms for each settlement area. Although not an exhaustive list, it would highlight that projects contributing to meeting local needs already identified were likely to be prioritised in the allocation process.

With regard to future spending rounds, it was proposed that for 2016, meetings take place between May – July using the following timetable for the process:

- Applications invited 4 January - 26 February 2016
- Community consultation 1 March - 29 March (avoiding the publicity restriction period)
- Local Spending Boards post-election May – July 2016

The Portfolio Holder considered the proposed revisions to the allocation process. In respect of the format and governance arrangements, the Portfolio Holder supported the Local Spending Boards being reconstituted as Advisory Bodies which would make recommendations to Cabinet for final approval. His expectation however, was that the only element of the meeting to be held in private would be the debate on the merits of the application. The Portfolio Holder also acknowledged that it would be acceptable if the Advisory Body wished to transact their business fully in public.

With regard to future spending rounds, whilst there had been an expectation to hold a second round of Local Spending Boards in February / March 2016, the Portfolio Holder agreed that this would be a one off arrangement and that from the 2016/17 Municipal Year onwards there would be only one spending round each Municipal Year.

RESOLVED that
(a) the Local Spending Boards be reconstituted as Advisory Bodies, making recommendations to Cabinet for final approval which would allow them discretion to transact business in private;

(b) a second round of Local Spending Board meetings be held for the year 2015/16 in February / March 2016 and from May 2016, there be only one spending round each Municipal Year, with meetings being held between May and July each year; and

(c) the revisions to the application process to better highlight identified infrastructure priorities for the individual settlement areas be supported.

15/15 UPDATE OF CIL REGULATION 123 LIST

(Link to Council Priorities: P3)

In order to reflect updated evidence on infrastructure need within the Borough, the Portfolio Holder for Planning Services considered a report that was proposing an update to the Elmbridge Regulation 123 List that was published in February 2014.

The Regulation 123 List sets out the infrastructure within the Borough that could be funded through the Community Infrastructure Levy (CIL). The infrastructure could be generic types of infrastructure (such as improvements to open space) or more project specific (such as the expansion of a specific school). The main purpose of the List was to provide transparency on what the Council intended to fund through CIL and those known areas where Section 106 contributions would continue to be sought.

The Portfolio Holder noted that the Department of Communities and Local Government Community Infrastructure Levy Guidance 2014 allowed the Council to amend the List as it saw fit ensuring that any changes were clearly explained and subject to appropriate local consultation.

The original 2014 Regulation 123 List was based on information included in the 2012 Infrastructure Delivery Plan which reflected identified infrastructure need at that point in time. Since that date a number of infrastructure providers have updated delivery plans and strategies and the Regulation 123 List needs to reflect this new evidence. A number of additions have been made to the Regulation 123 List, specifically in respect of education; transport; and the Emergency Services, details of which were outlined in the report.

The Portfolio Holder noted that infrastructure items that had been delivered would be removed from the List, however for reasons of transparency, a List of delivered schemes would be maintained.

It was noted that if approved, the Regulation 123 List would be subject to a 4 week consultation between November and December 2015. The consultation would follow the core principles set out in the Statement of Community Involvement and would involve Duty to Cooperate organisations and general
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consultation bodies with a particular interest in infrastructure planning, including other infrastructure providers, developers and agents.

On consideration of the report, whilst the Portfolio Holder for Planning Services approved the Regulation 123 List for public consultation purposes for a period of 4 weeks, he considered that it was not necessary to report the outcome of the consultation through the Individual Cabinet Member Decision Making mechanism unless there were significant comments received. In this regard, the Portfolio Holder agreed that an additional recommendation be included giving delegated authority to the Strategic Director to approve the Regulation 123 List in the event that no significant comments were received.

RESOLVED that

(a) the Council’s updated Regulation 123 List, as set out at Appendix A of the report, be approved for public consultation purposes for a period of four weeks; and

(b) in the event that no significant comments are received, delegated authority be given to the Strategic Director to approve the Regulation 123 List; however, in the event that significant comments are received, a further report be presented to Individual Cabinet Member Decision Making for consideration and approval as appropriate.

The meeting commenced at 10.00 am and concluded at 10.16 am

A. KELLY
Portfolio Holder for Planning Services

Democratic Services Officer
Mrs. T. Hulse Principal Committee and Member Services Officer

Other Officers in attendance
A. Harrison Head of Legal Services
M. Behrendt Planning Policy Manager
Ms. J. Jenkins Infrastructure Delivery Coordinator