

COMMUNITY INFRASTRUCTURE LEVY (CIL) SPENDING BOARD

Minutes of the meeting held on 9 December 2019 commencing at 7.00 pm

Present: Cllr. Esler (Chairman)

Cllr. Mrs Morris (Vice Chairman)

Cllrs. Abraham, Andrews, Barnett, Collins, P. Darrington, Eyre, Fothergill, Grint, Mrs. Morris, Osborne-Jackson, Pender and Purves

Apologies for absence were received from Cllrs. Hogarth and McGregor

Cllrs. Dickins, Griffiths and Thornton were also present.

1. Minutes

Resolved: That the Minutes of the Community Infrastructure Levy (CIL) Spending Board meeting held on 18 December 2018 be approved and signed by the Chairman as a correct record.

2. Declarations of interest or Predetermination

Councillor Esler declared that for Application D - Westerham Parking Project, she was the Ward Councillor for the application however she remained open minded.

Cllr Mrs Morris declared that for Application E - Extension to Kemsing Surgery, Application F - Go 2 A Demand Responsive Bus Service as the Ward Councillor for the applications, however she remained open minded.

Councillor Collins declared that for Application B - Bradbourne Lakes Landscape Improvement as the Ward Councillor for the application, but remained open minded.

Councillors Andrews and P. Darrington declared that for Application A - Re-provision of White Oak Leisure Centre (SDC) and Application C - Swanley Transport Interventions as Ward Members for the applications however remained open minded.

Councillor Pender declared that for Application A - Re-provision of White Oak Leisure Centre (SDC) as he had been generally supportive in election material however remained open minded.

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3. Declarations of Lobbying

Councillor Esler advised that she had just received an email to do with Application A - Re-provision of White Oak Leisure Centre. It was noted that all the Board may have received the same email.

4. Swanley Station Improvements

In accordance with Minute 1, Community Infrastructure Levy (CIL) Spending Board - 18 December 2018, Officers had spoken and investigated with the Applicant and other partners, the possibility of disabled access to the north side of Swanley Rail Station.

It was clear from the information provided that due to the change in levels and the cost of that provision the provision to both sides would render the scheme unviable. Members noted the Officer's assessment that without the access for the disabled to the north of the station, the proposal would still provide a project that had strong economic benefits to the community, partnership working with other organisations and that the majority of the project would be secured through match funding, and therefore still met with the original conditions and reasoning given at the meeting on 8 May 2018 (Minute 3 (d)).

5. Allocation of Community Infrastructure Levy (CIL) Contributions to Local and Strategic Infrastructure Projects

The Planning Officer (Policy) presented a report which advised Members that bids had been open from 29 July 2019 to 30 September 2019. It was noted that new CIL Regulations had come into force on 1 September 2019, and that there had been a review of governance arrangements and an amendment to the terms of reference of the Board since the last time it had met. Community Infrastructure Levy (CIL) contributions had been collected on qualifying developments a percentage of which had been passed to Parish and Town Councils in the District.

An invitation for Bids had been sent out to all statutory infrastructure providers and interested parties. The process for assessing applications was a two-stage process as set out in the council's Constitution and all bids had been judged on merit.

Application A - Re-provision of White Oak Leisure Centre

The application sought £900,000.00 to fund replacing the existing White Oak Leisure Centre complex with a brand new facility. This was to be re-provided on the current site of the existing leisure centre. It was submitted to the CIL Spending Board that the existing leisure centre was coming to the end of its life given that it was now 53 years old (originally built in 1967).

Officers advised approval as the need for the scheme had been clearly demonstrated and there were a number of social, economic and environmental benefits. The proposal was formally identified in a number of plans and strategies and was supported by the local community. It was noted that the applicant was

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asking for a small amount of funding in comparison to the total project cost, and had not benefited from CIL funding previously.

The Board was addressed by the following speakers:

Company/person/body responsible for the bid	Lesley Bowles, Chief Officer People & Places (SDC)
For the bid	-
Against the bid	-
Parish Representative	-
Local Member	-

Members asked questions of the speaker with particular regard to availability of the financial figures. In response to the various questions, Lesley Bowles confirmed that detailed work had been undertaken, however it would not be prudent to release these figures whilst midway through the procurement process. Appraisals had been carried out of the development sites the capital receipts would be gained from, again these could not be shared due to market competition but they could be confident in an amount exceeding £12,000,000. Final figures would be known in January 2020. If the bid was not successful cuts would need to be made to the design and quality of the finish. The EU tender process was a good process to use and would not be affected by Brexit. Officers advised Members of the difference between the application process for CIL bids and planning permission applications.

Application B - Bradbourne Lakes Landscape Improvement

The application sought £252,400.00 to fund a landscape improvement scheme.

Officers advised refusal as whilst the proposal demonstrated a clear public benefit, it did not maximise all sources of funding and the application did not provide clear economic benefits. It was also deemed that the project was more locally significant, in comparison to other infrastructure projects which were more strategic in nature.

The Board was addressed by the following speakers:

Company/person/body responsible for the bid	Ashley Walmsley, Amenities Officer SDC
For the bid	-
Against the bid	-
Parish Representative	-
Local Member	-

Members took the opportunity to ask questions of the speaker.

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Application C - Swanley Transport Interventions

The application sought £1,000,000.00 to fund a package of measures that would help improve accessibility and connectivity in Swanley and the surrounding villages. Poor connectivity and accessibility had been attributed to traffic congestion on the local and strategic road networks (SRN), which was having significant impacts on business confidence and economic growth opportunities.

Officers advised approval as the proposal demonstrated a clear need and there were a number of social, economic and environmental benefits. The proposal was formally identified in a number of plans and strategies and was supported by the local community. It was noted that the applicant was asking for a comparable amount of funding in comparison to the total project cost, and had not benefited from CIL funding previously. However it was recognised that the applicant was dependent on planning obligations being made available to fund the improvements from development within Swanley.

The Board was addressed by the following speakers:

Company/person/body responsible for the bid	Mark Fitch Sweco (Louise Rowlands KCC to help answer questions)
For the bid	-
Against the bid	-
Parish Representative	-
Local Member	-

Members asked questions of the speaker. He advised that Sweco was a Swedish engineering consultancy company. Both Mark Fitch and Louise Rowlands responded to questions asked. Other sources of funding had not yet been sought but other streams of funding would be bid for as schemes were developed. The proposal was for a wide range of improvement schemes and infrastructure. Without funding these may not take place and with fewer funding less schemes would be looked at. With regards to costings, Members were advised that the money would pay for the high level feasibility designs which would then be subject to more detailed studies.

Application D - Westerham Parking Project

The application sought £59,975.00 to fund the creation of an additional 75 car parking spaces in the town. Officers advised that Westerham Town Council had, since making the bid, reduced their request to £49,975.00.

Officers advised refusal as whilst the proposal demonstrated clear public benefit, the project did not appear to have maximised all sources of funding and the application did not provide clear social benefits for the wider local community. It was also deemed that the project was more locally significant, in comparison to other infrastructure projects which were more strategic in nature.

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The Board was addressed by the following speakers:

Company/person/body responsible for the bid	Helen Ogden - Chairman of Westerham Town Council
For the bid	-
Against the bid	-
Parish Representative	-
Local Member	Cllr Maskell

Members asked questions of the speakers. Members were advised that the Town Council were using a further £10,000.00 of their own CIL receipts as it was such a locally popular scheme. The reduced amount of the bid did not change the Officer's recommendations.

Application E - Extension to Kemsing Surgery

The application sought £114,646.00 to fund an extension to the first floor of the Kemsing Surgery, which is a satellite branch of the Otford Medical Practice. The purpose of the extension was to increase capacity for existing residents, as well as future developments which might impact medical services that the surgery currently provided. This would include the provision of five additional clinical rooms, facilities and an extended patient waiting room. The scheme was to be carried out in two phases.

Members were alerted to the typographical error on page 248 of the agenda, and confirmed the correct figure was £114,646.00 not £144,646.00.

Officers advised refusal as whilst the proposal demonstrated a clear public benefit, the project did not maximise all sources of funding and the applicant had not adequately demonstrated that it was working in partnership with other organisations, including the relevant town or parish council, and local Ward Members. It was also deemed that the project was more locally significant, in comparison to other infrastructure projects which were more strategic in nature.

The Board was addressed by the following speakers:

Company/person/body responsible for the bid	Dr Eakins (with Alison Burchell from West Kent CCG present for any questions)
For the bid	-
Against the bid	-
Parish Representative	-
Local Member	-

Members asked questions of the speaker, CCG representative and Officers. The money received from the NHS England Minor Improvement Scheme was a capital contribution and should the service it was granted for cease to be provided within

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15 years, then there was a formula for the local CCG to reclaim a certain percentage of that money. Officers advised that a similar action could be possible as a clause in any legal agreement with the granting of CIL funding. However with regard to funding capital infrastructure, there was no current policy against funding capital assets held by private individuals that would enable the delivery of a scheme.

Application F - go 2 - A Demand Responsive Bus Service

The application sought £71,961.98 to fund an innovative infrastructure project for the provision of a flexible, demand-response 'little bus' public transport scheme. The 'little buses' will be four (4) Ford Transit Tourneo vehicles modified to accommodate passengers with mobility issues and to be fully wheelchair accessible. The scheme will begin with 4 vehicles serving the District. This will be a pilot scheme. The above model means that this scheme will be financially sustainable, with profits reinvested to enlarge the scope of the infrastructure.

Officers advised approval as the proposal demonstrated a clear public benefit and approving this bid would provide good value for the amount of CIL money applied for compared to the cost of the overall project.

The Board was addressed by the following speakers:

Company/person/body responsible for the bid	Austin Blackburn, GoCoach-GoTaxi (Gillian Shepherd-Coates Age UK available for questions)
For the bid	-
Against the bid	-
Parish Representative	-
Local Member	-

Members asked questions of the speaker.

At 9.35 p.m. the Chairman adjourned the meeting for the convenience of all present. The meeting resumed at 9.48 pm.

The Chairman moved that:

- Application A be agreed as set out in the report subject to planning permission
- Application B be approved as set out in the report subject to planning permission
- Application C be refused as there was insufficient evidence of community benefit
- Application D be approved as set out in the report as economic and social benefit had been demonstrated with an identified plan and massive community support for the scheme, subject to a legal agreement
- Application E be approved subject to a legal agreement

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- Application F be approved subject to a legal agreement
- And that all such legal agreements be entered into within 6 months of the final decision.

Members commenced debate of the applications before them.

At 10.09 p.m. it was moved by the Chairman that, in accordance with rule 16.1 of Part 2 of the Constitution, Members extend the meeting beyond 10.30 p.m. for as long as was necessary to enable the Committee to complete the business on the agenda. The motion was put to the vote and it was

Resolved: That the meeting be extended past 10.30 p.m. for as long as necessary to enable the Committee to complete the business on the agenda.

Each application was considered and debated as moved by the Chairman.

An amendment to defer a decision on Application A was moved by Councillor Grint, duly seconded, and put to the vote. The motion was lost.

With reference to Application C, Members expressed concern over the lack of readiness and whether other funding sources had been maximised.

Members debated the use of public money to increase the value of a privately owned asset, weighing it against the overall community benefit gained by the proposal. Legal advice was given that it was possible to add a clause to a legal agreement for the extension to the Kemsing Surgery along the same terms as the clawback provision used by the CCG. An amendment to refuse Application E on the grounds already listed within the report was moved by Cllr Eyre, duly seconded and put to the vote. The motion was carried.

The Chairman amended her motion with regards to Application F, adding to the legal agreement a clause stating that the money was ring-fenced for five years, so that if the trial failed within that period the contribution would be returned.

An amendment to refuse Application F was moved by Councillor Abraham, duly seconded, and put to the vote. The motion was lost.

The substantive motion was put to the vote and it was

Resolved: That it be recommended to Cabinet that

- A) subject to planning permission in accordance with the terms of the CIL application being granted within 5 years of the decision date, the £900,000.00 funding applied for, as set out in the report for the scheme “Re-provision of White Oak Leisure Centre” be approved on the following grounds
 - strong economic, social and environmental benefits to the community;
 - the project was identified in an adopted strategy/plan;

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- sufficient evidence had been submitted to demonstrate a strong link between new development and the scheme; and
- there was strong community support of the scheme

if planning permission was not granted in accordance with the above then funding applied for would be refused.

B) subject to planning permission in accordance with the terms of the CIL application being granted within 5 years of the decision date, the £252,400.00 funding applied for, as set out in the report for the scheme “Bradbourne Lakes Landscape Improvement” be approved on the following grounds

- strong social and environmental benefits to the community; and
- strong community support of the scheme

if planning permission was not granted in accordance with the above then funding applied for would be refused.

C) the £1,000,000.00 funding applied for, as set out in the report for scheme “Swanley Transport Interventions” be refused on the following grounds

- the scheme had not clearly demonstrated whether it had maximised funding sources / CIL funding from the relevant town or parish council(s); and
- insufficient evidence of community benefit.

D) i) subject to a legal agreement being signed within 6 months of the decision date, the £49,975.00 funding applied for, as set out in the report for scheme “Westerham Parking Project” be approved on the following grounds

- strong economic, social and environmental benefits to the community;
- the project was identified in an adopted plan; and
- there was strong community support of the scheme.

ii) if the legal agreement was not signed in accordance with the above then funding applied for would be refused for failure to ensure the effective management of CIL funds.

E) the £114,646.00 funding applied for, as set out in the report for scheme “Extension to Kemsing Surgery” be refused on the following grounds

- funding for the scheme was not approved on the basis that other proposed schemes have been given greater priority;

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- the requirement for working in partnership had not been clearly demonstrated in the application;
 - the scheme had not clearly demonstrated whether it had maximised funding sources / CIL funding from the relevant town or parish council(s).
- F) subject to a legal agreement being signed within 6 months of the decision date and a clause added ringfencing the money to be returned if the pilot failed within 5 years, the £71,961.98 funding applied for, as set out in the report for scheme “go 2 - A Demand Responsive Bus Service” be approved on the following grounds
- strong economic, social and environmental benefits to the community;
 - the project was identified in an adopted strategy/plan; and
 - there was strong community support of the scheme

if the legal agreement was not signed in accordance with the above then funding applied for would be refused for failure to ensure the effective management of CIL funds.

THE MEETING WAS CONCLUDED AT 10.50 PM

CHAIRMAN