



Borough of Tamworth

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**INFRASTRUCTURE, SAFETY AND GROWTH
SCRUTINY COMMITTEE**

15 November 2021

Dear Councillor

A Meeting of the Infrastructure, Safety and Growth Scrutiny Committee will be held in **Council Chamber, Marmion House, Lichfield Street, Tamworth, B79 7BZ on Tuesday, 23rd November, 2021 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, appearing to be 'A. B.', followed by a long horizontal line extending to the right.

Chief Executive

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting (Pages 5 - 10)**
- 3 Declarations of Interest**

To receive any declarations of Members' interests (personal and/or personal and prejudicial) in any matters which are to be considered at this meeting.

When Members are declaring a personal interest or personal and prejudicial interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a personal and prejudicial interest in respect of which they do not have a dispensation.

4 Update from the Chair

To receive an update from the Chair

5 Responses to Reports of the Infrastructure Safety & Growth Committee

6 Consideration of Matters referred to the Infrastructure Safety & Growth Committee from Cabinet or Council

(Discussion item)

7 Future High Streets Fund Update (Pages 11 - 14)

(Report of the Leader of the Council)

8 Infrastructure Funding Statement 2020/21 (Pages 15 - 30)

(Report of the Portfolio Holder for Regulatory and Community Safety)

9 Update on Dry Recycling Contract

(To receive an update on the Dry Recycling Contract)

10 Forward Plan

(Discussion item – link to Forward Plan is attached)

<http://democracy.tamworth.gov.uk/mgListPlans.aspx?RPId=120&RD=0&bcr=1>

11 Working Group Updates

To receive updates from any Working Groups

12 Infrastructure Safety & Growth Scrutiny Committee Work Plan (Pages 31 - 32)

(Update and discussion on the Infrastructure Safety & Growth Scrutiny Work Plan)

Access arrangements

If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail democratic-services@tamworth.gov.uk. We can then endeavour to ensure that any particular requirements you may have are catered for.

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If a member of the public is particularly concerned about accidental filming, please contact a member of Democratic Services before selecting a seat

FAQs

For further information about the Council's Committee arrangements please see the FAQ page [here](#)

To Councillors: S Goodall, T Clements, J Chesworth, R Claymore, A Cooper,
D Maycock, Dr S Peaple, B Price and M Summers

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**MINUTES OF A MEETING OF THE
INFRASTRUCTURE, SAFETY AND
GROWTH SCRUTINY COMMITTEE
HELD ON 12th OCTOBER 2021**

PRESENT: Councillor S Goodall (Chair), Councillors T Clements, J Chesworth, R Claymore, D Maycock, Dr S Peale, B Price and M Summers

CABINET: Councillor Stephen Doyle
Councillor Jeremy Oates
Councillor Robert Pritchard

The following officers were present: Joanne Sands (Assistant Director Partnerships), Matthew Fletcher (Head of Economic Development and Regeneration) and Jo Hutchison (Democratic Services, Scrutiny and Elections Officer)

Apologies received from: Councillor(s) A Cooper

34 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor A Cooper.

35 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous two meetings held on 15th September 2021 and 27th September 2021 were approved as a correct record.

(Moved by Councillor S Goodall and seconded by Councillor R Claymore)

36 DECLARATIONS OF INTEREST

There were no declarations of interest.

37 UPDATE FROM THE CHAIR

The Chair reported that he had met with Officers and the Portfolio Holder for Regulatory and Community Safety regarding questions on Travellers following the working group's meeting. The Chair reported that Officers and the Portfolio

Holder expected to be able to bring an update to this Committee in the new year for this Committee's consideration.

The Chair moved and the Committee agreed that the agenda order be amended such that item 7 (Electric Vehicle Charging Points) followed by item 6 (Public Space Protection Orders Kettlebrook and Warwickshire Moor) be considered in that order prior to the remaining agenda items.

38 ELECTRIC VEHICLE CHARGING POINTS

The Chair provided an overview of this item and the previous recommendations of this Committee to Cabinet from 2019 onwards. The Chair reported that he had requested an update on progress be brought to this Committee and he welcomed to the meeting the Leader of the Council, the Portfolio Holder for Environment and Leisure and the Head of Economic Development and Regeneration.

The Leader of the Council reported that, since May 2021, each Cabinet member's portfolio included responsibility for Climate Change agenda and that the Portfolio Holder for Environment and Leisure had specific responsibility for proposals for electric vehicle charging points on Borough owned assets such as car parks and garage sites.

The Head of Economic Development and Regeneration reported that operating model 2, which was the method selected by Cabinet to be pursued, involved the lease of land to an EV charging point operating company. This involved low upfront costs and low maintenance for the Council and which provided the Council with less control, less income going forward, and meant that the location would be limited by the EV company's preferences. A further marketing exercise had been pursued, and whilst the criteria had meant that this had been challenging, it had resulted in two spaces in two car parks with high traffic flow being identified and had resulted in an operating company entering into detailed negotiations with the Council which would lead to 2 fast charging points in each of Riverside and Bolebridge car parks.

The Head of Economic Development and Regeneration reported that he was also aware that there were discussions between private landowners and charging companies for further charging points (slower charging levels) in the Borough.

The Committee sought clarification on the following areas:

- Further details on the expected timescales to deliver these fast chargers, where the Head of Economic Development responded that, subject to the legal negotiations progressing well, he would be disappointed if this was not possible by the end of the financial year 2021/22.
- Whether the Council was pursuing Government funding of up to £14,000 which was available, where the Leader responded that the Leader had a meeting with the Office for Zero Emission Vehicles to look at additional funding to support the delivery of EV chargers within areas such as Tamworth where the market had struggled to deliver sufficient capabilities.

- The variety of charging capacities available for different purposes, where the Leader reported that it was understood that there was a need for various types of charging, fast and trickle charging.
- Whether further consideration including commercial details and financial costs associated with the proposals which would be likely to be confidential could be considered during a private meeting. The Leader proposed that a confidential briefing from the Head of Economic Development and Regeneration would be circulated to members, which the Committee agreed would be helpful.

The Portfolio Holder reported that the garage clearance project which was underway and was designed to provide additional parking for residents, would additionally where possible, look to include electric charging points for residents as well.

Additionally the Portfolio Holder reported that he was seeking further information from Staffordshire County Council on their proposals to utilise the Government's funding available for on-street EV charging points and the Portfolio Holder was looking to encourage Staffordshire County Council to use the Leys as a trial for this.

The Committee thanked the Officer, the Leader and Portfolio Holder for the update and the progress made.

RESOLVED that the Committee noted the update received.

(Moved by Councillor Dr S Peuple and seconded by Councillor S Goodall)

The Leader, Portfolio Holder and Head of Economic Development and Regeneration then left the meeting.

39 PUBLIC SPACE PROTECTION ORDERS KETTLEBROOK AND WARWICKSHIRE MOOR

The Chair welcomed the Portfolio Holder for Regulatory and Community Safety and the Assistant Director, Partnerships to the meeting to present the report in respect of the proposed extension of Public Space Protection Orders (PSPOs) in Kettlebrook and Bolehall (Warwickshire Moor).

The Portfolio Holder introduced the Assistant Director, Partnerships who provided an overview to the Committee of the previous approval process for the two PSPOs which were put in place in 2018. It was reported that anti-social behaviour in the areas had reduced and that the PSPOs were considered to have had a deterrent effect. The Police had been consulted on the proposal to renew the PSPOs and the Police were fully supportive of this. It was reported that no fixed penalties had been issued under these PSPOs. Whilst consideration had been given to extending the boundaries of the areas covered by of the PSPOs, the Police were supportive to keep the border as it currently was.

Clarification was sought on why a small car park adjacent to the boundary on the Kettlebrook PSPO was not included, and it was reported that this was because on car parks the Police utilised, if necessary, the vehicle nuisance PSPO.

RESOLVED that the Committee approved delegation to the Portfolio Holder, Regulatory and Community Safety for the extension of the Public Space Protection Orders as outlined and attached in the Report.

(Moved by Councillor Dr S Peuple and seconded by Councillor B Price)

The Portfolio Holder and Assistant Director, Partnerships then left the meeting.

40 RESPONSES TO REPORTS OF THE INFRASTRUCTURE SAFETY & GROWTH COMMITTEE

The Chair reported that whilst no recommendations had been taken to Cabinet since 15th September 2021 meeting, Cabinet had received the Future High Streets Fund update at its meeting on 30th September 2021 and thanked this Committee for previously scrutinising the report.

41 CONSIDERATION OF MATTERS REFERRED TO THE INFRASTRUCTURE SAFETY & GROWTH COMMITTEE FROM CABINET OR COUNCIL

None specifically referred to this meeting.

42 FORWARD PLAN

The Committee reviewed the Forward Plan and considered that the following items could require future consideration:

- Council Housing Repairs Policy
- Future High Streets Fund

It was noted that Corporate Scrutiny Committee had reviewed the first 12 months performance of the existing Housing Repairs contract, and therefore the Chair agreed to contact the Chair of Corporate Scrutiny to coordinate further activity in this area.

43 WORKING GROUP UPDATES

The Vice-Chair reported that following a meeting with the Head of Environmental Health and the Portfolio Holder for Regulatory and Community Safety, it remained important for this Committee to receive further clarification on the processes followed by the Council and by the Police when Travellers access land within the Borough. The Chair reported that the Portfolio Holder and the Assistant Director had agreed to bring further details forward for this Committee's scrutiny in the new year.

44 INFRASTRUCTURE SAFETY & GROWTH SCRUTINY COMMITTEE WORK PLAN

The Committee considered and updated its work plan as follows. It was agreed that a new working group, chaired by Councillor B Price, be formed to consider facilities for HGV drivers in Tamworth following this matter being raised by residents.

Infrastructure, Safety and Growth Scrutiny Work Plan

Work Plan 2021 - 2022	
DATE	SUBJECT
Quarterly updates	Future High Street Fund (Growth) – Quarterly updates – starting March 2021
Date to be confirmed 2021	Review of Council Housing Repairs Policy
November 2021 (tbc)	Review of Taxi Licensing Policy – Points System
23 November 2021	Future High Streets Fund update
23 November 2021	Infrastructure Funding Statement
Quarterly updates commencing pre 31.12.21	Waste Management
Date to be confirmed – 2021 / 22	Community Safety overview to include: <ul style="list-style-type: none"> • Invitation to Tamworth Police Commander • Invitation to Police, Crime and Fire Commissioner • CCTV update • E-Scooters and E-Bikes • Modern Slavery update • Business Crime Reduction Partnership Update
24th March 2022	Future High Streets Fund update
Date to be confirmed - 2021 /22	Garage Sites
Date to be confirmed (early 2022)	Review of policy / engagement with stakeholders relating to Travellers
July 2022 (tbc)	Fire Safety Update
Date to be confirmed - 2022	EV Charging update

Working Groups		
Topic	Possible WG Members	Target IS&G Com

		meeting date
Fireworks	Open to all	tbc
Review of policy / engagement relating to Travellers		
Facilities for HGV drivers in Tamworth	Cllrs B Price (WG chair), Dr S Peaple and R Claymore	

**Upcoming Infrastructure, Safety and Growth Scrutiny Committee
Meetings**

23rd November 2021

19th January 2022

24th March 2022

Chair

Tuesday, 23 November 2021

Report of the Leader of the Council

Future High Streets Fund Update

Not Exempt

Purpose

To Update the Committee on the progress of the Future High Streets Fund programme

Recommendations

It is recommended that:

1. To note the report

Executive Summary

The Programme has progressed well since the previous report to the committee on 15th September 2021.

Procurement

McBains have been appointed as the lead consultant and an initial kick off meeting was held on the 7th October. Further to this an initial design team meeting took place on the 27th October. Immediate work has focussed on the programme timeline to ensure that momentum is kept up and the project continues to deliver. At the time of writing a revised programme timeline is almost agreed which has clear milestones setting out RIBA Stage completions to ensure the March 2024 deadline is complied with.

Handover

There is a project hand over stage to get the McBains team quickly up to speed, have the programme reviewed and establish working relationships and administrative tasks so that we can all work as one efficient team. For example, McBains have established a Sharepoint so that everyone in the team can upload and review documents on it, making it quicker and easier to access information and move the project forwards. These back office tasks are important and critical to successful delivery. Putting these new structures in place is taking time but will ultimately support the project.

Upto this point the project has been very linear in its progress moving from project inception to recruitment of a team, procure of resources to support the project including the multi-disciplinary team, survey work and other specialist support such as a legal team to assist.

Now that the procurement of McBains is completed and their multidisciplinary team are actively working on the programme there are multiple workstreams, including design, planning, legals, achieving vacant possession, engagement and dealing with specific town centre

individuals/businesses who may be affected by proposals – and this relates not just to the programme as a whole but all of the individual projects within it.

The number of meetings and site visits have increased to reflect this workload.

Projects

College Quarter: The first round of FECTF (DfE) funding has been secured with the second round submitted on the 7th October ahead of the deadline. The outcome of the funding will be announced in the New Year. A legal agreement has been reached between the Borough Council and the college to cover the initial funding draw down to support ongoing work and ahead of funding confirmation.

It is confirmed that the Chief Executive will be attending the College Board meetings in future, which are held monthly. The Borough Council's Programme Manager already attends the South Staffordshire College Exec Team meeting, which is the equivalent to the Borough Council's delivery team meetings.

The College Board have confirmed their appointment of McBains and a kick off meeting was held on the 4th November with their architectural team ACG in attendance. Discussions are already underway regarding contractor procurement.

Heads of Terms have been agreed with the Coop and a final legal agreement is almost at the point of completion. Vacant possession of the Coop building will be in Q4 21/22 and work on Coleshill with the refurbishment of new premises for the Coop is underway.

Survey work is completed on the Coop building which is feeding into the new college design work with stage 2 at an advanced stage. The timeline is Spring for a planning submission.

Design work has begun on the new enterprise centre to be located in the refurbished part of the Coop building. Submission of a planning application is expected next Spring.

Middle Entry: Discussions are ongoing with the owners of Middle Entry, the Peer Group. The Peer Group have identified some slight problems regarding achieving vacant possession and there remains a couple of outstanding agreements that need to be agreed and signed. A meeting has been recently held with the Peer Group to accelerate this area of work to allow for the development programme to remain on track. Vacant possession is required by Q1 next year to allow for enabling and demolition works to begin. The timeline is Spring for a planning submission.

The Heads of Terms agreement between Tamworth Borough Council and the Peer Group are in abeyance until the Vacant Possession timelines can be resolved. The risks relating to this have been reflected in the risk register.

Measured Building surveys have been completed for these buildings and an onsite review of the bridge link demolitions has been undertaken with McBains.

Castle Gateway: Positive discussions continue with businesses affected by proposals. An agreement with Nationwide in relation to the Peel Café is well progressed and awaiting the resolution of a legal issue before being concluded. Heads of Terms have been agreed with the Nationwide.

Surveys are ongoing in the vacant market street properties.

Peel Café works are targeted for a planning application as soon as possible to unlock this key element of the programmes critical pathway. Design and planning meetings have been increased to allow this component to be fast tracked. At the latest an application will be submitted in February however the team are working to achieve this at the earliest opportunity.

Engagement and Communications

An initial business engagement event was held on the 13th October at the Assembly Rooms. There was a presentation about the FHSF programme and more generally the other regeneration schemes in the town centre, to demonstrate how the FHSF fits in with other aspirations. It was well attended by about 40 individuals and there was a Q and A session and the opportunity to talk 1:1 with officers. Attendees received a pack of information including details of how to access the New Transforming Tamworth website, the Borough Councils new regeneration website and crucially a portal for the FHSF where regular updates will be posted to keep people informed.

To keep up engagement momentum monthly drop in sessions will be delivered every 2nd Wednesday of the month at the business lounge in the TEC. These will run from 2-7 and businesses can drop in to discuss any issues that they have with officers. The economic development team will be engaging with market stall holders separately and with the support from operator LSD promotions. Other engagement is in development following the preparation of an engagement and communications plan, which was discussed at the Programme Board at their September meeting.

Budget and Timescales

Since the kick off meeting held with McBains the Borough Council is in a project handover phase whereby the work undertaken to date is handed over to the McBains team. As such individual project timelines are being revised, project costs are being looked at along with other project parameters including reporting mechanisms, roles and responsibilities and project risk.

Based upon the current budget and programme timelines the project is on track.

Whilst McBains will be reviewing the programme as a whole and organising the coordination of the individual projects slightly differently, the overall programme timeline remains the same, which is fund spend by the end of March 2024.

We are however awaiting the college funding announcement due in the New Year.

Indicative timescales for planning application submissions outlined in this report reflect work undertaken as part of the handover process.

In terms of budget there has been engagement with McBains on project costings. A high level review has flagged initial costing concerns. A detailed RIBA Stage 1 cost plan is targeted for the end of November 2021 to identify the scale of the issue. The Borough Council's Programme Board will be discussing the RIBA Stage 1 cost plan in more detail at their December meeting.

Based upon the current budget the programme is still on track however as set out in this report there are concerns but further design work is required to quantify if there is an issue.

Resource Implications

The Borough Councils project officer Tom Hobbs is leaving the authority on the 30th November to take up a post at another local authority.

At the Appointments and Staffing Committee in April 2021 a report was approved that sought to resource the FHSF workload with two project officers. One post was for 3 years and a second post was for two years. Tom was successful in being appointed to the three year post. The second post was designed to be appointed into and start in the Spring 2022 and cover the last two years of the project.

Following a recruitment process there were two very good candidates who had project management experience. Following approval from the Head of Paid Service and Chief Executive the decision was taken to appoint both candidates into the two project officer roles. One post will be in situ until the end of the project (March 2024) and the second post is for

two years. Therefore there are no budget implications as a result of this decision. Both candidates will be starting their roles on the 29th November leaving the current post holder an opportunity to handover the projects.

Legal/Risk Implications Background

There are no legal implications.

Equalities Implications

There are no equalities issues.

Sustainability Implications

The impact of the Future High Streets Fund programme on sustainability is to be taken into account by the consultant team when designing and implementing the projects

Background Information

None

Report Author

Anna Miller – Assistant Director – Growth & Regeneration

List of Background Papers

Appendices

Tuesday, 23 November 2021

Report of the Portfolio Holder for Regulatory & Community Safety

Infrastructure Funding Statement 2020/21

Exempt Information

None.

Purpose

The purpose of this report is to inform the Committee on the recommendation that will be put before Cabinet on 02 December 2021 in relation to the spending of Community Infrastructure Levy income and the publication of the Infrastructure Funding Statement.

Recommendations

It is recommended that:

1. Regeneration projects within Tamworth remains the priority for spending the strategic element of CIL;
2. A further £6,208.10 be added to the neighbourhood projects budget for 2022/23; and
3. The draft Infrastructure Funding Statement at Appendix A be approved for publication on the Council's website.

Executive Summary

The Council is required to produce an annual Infrastructure Funding Statement (IFS) in order to give communities a better understanding of how developer contributions have been used to deliver infrastructure in their area. A copy of the draft IFS for 2020/21 is included at Appendix A.

It is recommended that the spending priority for the strategic element of Community Infrastructure Levy income remains as 'regeneration projects within Tamworth' and that Cabinet approve the publication of the IFS.

An additional £6,208.10, forming the neighbourhood element of CIL income, is available to be spent in line the relevant regulations and guidance. It is recommended that these funds be added to the existing neighbourhood project budget, set up at the Cabinet meeting of 18 February 2021, for Cabinet to spend on a neighbourhood project basis.

Options Considered

The Council is required to publish an Infrastructure Funding Statement (IFS) by the end of 2021 and the majority of the content is factual and are prescribed by guidance published by Government. Therefore no alternative options have been considered for this element.

Part of the required IFS is a section setting out the Council's priorities for spending the strategic element of CIL income. At the Cabinet meeting of 08 April 2021, which approved the 19/20 IFS, the strategic priority was set as 'regeneration projects within Tamworth'. Alternative priorities could be set, provided that they are within the framework set out in the relevant regulations. However, as no specific projects have been identified at this time and

the current strategic priority is sufficiently broad to allow a number of projects to come forward, retaining the existing strategic priority is considered to be the best option.

Resource Implications

There are no resource implications associated with the retention of the current CIL spending priorities. CIL income to date amounts to £260,012.12 of which 80% (£208,009.69) forms the strategic element. This income is available to the Council for funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of Tamworth Borough. The money is available to be spent at the Council's discretion so long as the spending is in accordance with the regulatory framework as set out in the following section of this report.

15% of CIL income per year forms the neighbourhood element, which is to be spent in consultation with the public. At the Cabinet meeting of 18 February 2021 it was resolved to form a budget in 2021/22 of £35,000 (from the neighbourhood portion of CIL income at that point) for Cabinet to allocate on a neighbourhood project basis. Additional CIL income of £41,387.36 was received during 2020/21, of which £6,208.10 forms the neighbourhood element. This additional £6,208.10 can be added to any of the £35,000 that remains unspent for Cabinet to spend on neighbourhood projects.

There are no resource implications associated with the publication of the Infrastructure Funding Statement.

Legal/Risk Implications Background

The relevant legal basis for the collecting and spending of CIL is the Planning Act 2008 (the act) and the Community Infrastructure Levy Regulations 2010 (as amended) (the regulations). The regulations allow a charging authority (in this case the Council) to apply CIL to administrative expenses incurred by it in connection with CIL.

As regards the strategic element, the regulations state 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 and the act sets out the types of infrastructure to which this element of CIL can be applied. These are:

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities,
- (f) open spaces

At this point, no specific projects have been identified on which to spend the strategic element of CIL. Any project within the proposed broad strategic priority of regeneration would need to fit within one of the categories listed above in order to comply with the regulations.

Equalities Implications

None.

Sustainability Implications

The proposals set out relate to the delivery of infrastructure to support the sustainable development of Tamworth in line with the objectives of the Local Plan. There are no additional sustainability implications as a result of the proposals set out in this report.

Background Information

In 2019 the CIL regulations were amended to include a requirement for councils to produce an annual Infrastructure Funding Statement (IFS) in order to give communities a better understanding of how developer contributions have been used to deliver infrastructure in their area. The statement should include details of the money received through s106 and CIL during the previous financial year and information on what projects that money has been allocated to and/or spent on. The statement should also set out the infrastructure projects or types of infrastructure that the authority intends to fund wholly or partly through CIL.

The IFS sets out income and expenditure of both CIL and s106 income each year along with the Council's spending priorities for the strategic element of CIL. At the Cabinet meeting of 08 April 2021, it was resolved that 'regeneration projects within Tamworth' should be set as the Council's spending priority for CIL. As no specific infrastructure projects have been identified as an alternative, it is recommended that 'regeneration projects within Tamworth' remains the Council's strategic CIL spending priority until such time as specific regeneration projects, or alternative infrastructure projects, are identified.

At the Cabinet meeting of 18 February 2021 it was resolved to form a budget in 2021/22 for Cabinet to allocate the neighbourhood portion of CIL on a neighbourhood project basis. CIL income for the year 2020/21 totalled £41,387.36 means that an additional £6,208.10 was added to the neighbourhood portion. It is therefore recommended that the additional £6,208.10 be added to the neighbourhood project budget for 2022/23.

A draft of the latest Infrastructure Funding Statement, covering the period 01 April 2020 to 30 March 2021, is included at Appendix A and it is recommended that Cabinet approve the publication of this document.

Report Author

Richard Powell – Planning Policy and Delivery Team Leader

List of Background Papers

Report of the Portfolio Holder for Heritage and Growth – Community Infrastructure

Levy – Council meeting - 17 July 2018;

Minute of the meeting of Cabinet – 18 February 2021;

Report of the Portfolio Holder for Regulatory & Community Safety – CIL Spending – Cabinet – 08 April 2021.

Appendices

Appendix A – Draft 2020/21 Infrastructure Funding Statement

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Infrastructure Funding Statement

Tamworth
Borough Council

Reporting Period
2020/21

Published December
2021

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1.0. Introduction

- 1.1. The Infrastructure Funding Statement (IFS) provides an overview of all financial and non-financial developer contributions relating to Section 106 Agreements (S106) and the Community Infrastructure Levy (CIL) within Tamworth Borough for a given year. Such contributions are sought from developers to provide infrastructure which supports the wider economic and social development of the Borough.
- 1.2. This report offers a summary of how contributions are collected, allocated and spent by Tamworth Borough, including further reference to the Council's future expenditure priorities in relation to CIL income.

Regulation Requirements

- 1.3. This IFS has been prepared in accordance with the requirements of The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019. In line with government guidance, the information included in this report will be updated annually and subsequently published on the Tamworth Borough Council website.

Monitoring Period

- 1.4. Unless otherwise specifically stated, the monitoring period for this report is 1st April 2020 to 31st March 2021.

2.0. Developer Contributions

Section 106 Planning Obligations (S106)

- 2.1. A Section 106 Agreement (S106) is a legal agreement, typically between an applicant seeking planning permission and the local planning authority, which is used to mitigate the impact of new development upon the local area.
- 2.2. Obligations can only be sought in instances where they are directly related to the development, to which they are reasonably related in both scale and kind, and necessary to ensure an acceptable development in planning terms.
- 2.3. S106 contributions can either be provided on-site, for example through the provision of affordable housing, or off-site in the alternative form of financial payments. Such monies may contribute towards the provision or improvement of infrastructure, such as schools and leisure facilities.
- 2.4. Tamworth Borough Council's requirements for S106 planning obligations are published in the Planning Obligations Supplementary Planning Document (2018), which can be accessed online at <https://www.tamworth.gov.uk/supplementary-planning-documents>.

Community Infrastructure Levy (CIL)

- 2.5. CIL is a levy mechanism used to secure financial contributions from developers on viable developments. Monies levied and collected through CIL charging can be used to fund the provision, enhancement, maintenance or replacement of infrastructure intended to support the growth and development of Tamworth Borough.
- 2.6. Not all development is liable to financially contribute under CIL. Different forms and scales of development may encounter different charging rates.
- 2.7. The Borough's CIL rates are set out via a published Charging Schedule, which was adopted in August 2018. Further information regarding both CIL liability and charging rates can be found on the following Council webpage: <https://www.tamworth.gov.uk/cil>.

Infrastructure

- 2.8. S106 and CIL can be used to fund a wide range of infrastructure. For the purposes of this report, examples of infrastructure may be defined as:
- Roads and other transport facilities;
 - Flood defences;
 - Educational, health and social care facilities;
 - Sporting and recreational facilities; and
 - Open spaces

3.0. CIL and S106 Headline Figures 2020/21

The following summaries have been provided in relation to the collection, allocation and expenditure of both CIL and S106 monies during 2020/21. Further detail can be found in the individual reports included in the following section.

3.1. CIL Headline Figures 2020/21

- A total of **£79,657.83** was invoiced during the 2020/21 period through the issue of Demand Notices.
- A total of **£41,387.36** was collected during the financial year from **three liable developments**.
- **£2,069.37** was retained towards the costs of monitoring and administration of CIL. This equates to **5%** of the income received during the year.
- Regulations 59E and 59F apply to a total of **£6,208.10**. Tamworth Borough does not contain any neighbourhood or parish localities, and as such these monies are to be retained for spending in line with Cabinet priorities.
- No CIL income was **allocated** to infrastructure projects during 2020/21.
- No CIL income was **spent** during the given monitoring period.

3.2. S106 Headline Figures 2020/21

- Agreements were entered into during the year totaling **£656,322.11**. This includes **£653,622.11** which relates to infrastructure that is the responsibility of Staffordshire County Council, such as highways and education.
- A total of **£43,273.80** was collected during the year from **five** liable developments.
- Income from **five** obligations totaling **£72,733.00** was allocated to infrastructural projects during 2020/21.
- A total of **£285,000** was spent on infrastructural projects during 2020/21.
- **£1,513,168.83** was retained at the end of the year. This includes commuted sums of **£166,645.03**, which are intended to fund long term maintenance of infrastructure. A significant proportion of retained income has also been collected towards large scale projects which will take a number of years to deliver.
- A total of **29 affordable dwellings** have been provided from **one** liable development.
- **£2,638.68** was spent on monitoring compliance with S106 Agreements.

4.0. Community Infrastructure Levy Report 2020/21

The table below sets out CIL income, allocation and spending during the period 2020/21.

Detail	Value (£)	Additional Information
The total value of CIL set out in all demand notices issued in the reported year.	£79,647.83	This is the amount of CIL that became due during the year and where a demand notice was issued requesting payment.
The total amount of CIL receipts for the reported year.	£41,387.36	The total amount was collected from three liable developments.
The total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year but which have not been allocated.	£ 218,624.75	No CIL funds were allocated prior to the period 2020/21.
The total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year and which have been allocated in the reported year.	£ Nil	No CIL funds have been allocated during 2020/21.
The total amount of CIL expenditure for the reported year.	£ Nil	No CIL income was spent during 2020/21.
The total amount of CIL receipts, whenever collected, which were allocated but not spent during the reported year.	£ Nil	No CIL income was allocated during 2020/21.
In relation to CIL expenditure for the reported year, summary details of:		
(i) The items of infrastructure on which CIL (including land payments) has been spent, and the amount of CIL spent on each item.	N/A	No CIL income was spent during 2020/21.
(ii) The amount of CIL spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part).	£ Nil	No CIL income was spent during 2020/21.
(iii) The amount of CIL spent on administrative expenses pursuant to Regulation 61, and that amount expressed as a percentage of CIL collected in that year in accordance with that regulation.	£2,069.37	This contributes towards the cost of the software used for the CIL monitoring and administration, equating to 5% of CIL income for the year.

In relation to CIL receipts, whenever collected, which were allocated but not spent during the reported year, summary details of the items of infrastructure on which CIL (including land payments) has been allocated, and the amount of CIL allocated to each item.	£ Nil	No CIL income was allocated during 2020/21
The amount of CIL passed to:		
(i) Any parish council under regulation 59A or 59B	£ Nil	There are no parish councils within the administrative area of Tamworth.
(ii) Any person under regulation 59(4)	£ Nil	No CIL income was transferred to any other party during 2020/21.
Summary details of the receipt and expenditure of CIL to which regulation 59E or 59F applied during the reported year including:		
(i) the total CIL receipts that regulations 59E and 59F applied to	£6,208.10	
(ii) the items of infrastructure to which the CIL receipts to which regulations 59E and 59F applied have been allocated or spent, and the amount of expenditure allocated or spent on each item	None	
Summary details of any notices served in accordance with regulation 59E, including:		
(i) the total value of CIL receipts requested from each parish council	N/A	
(ii) any funds not yet recovered from each parish council at the end of the reported year	N/A	
The total amount of:		
(i) CIL receipts for the reported year retained at the end of the reported year other than those to which regulation 59E or 59F applied	£33,109.89	
(ii) CIL receipts from previous years retained at the end of the reported year other than those to which regulation 59E or 59F applied	£174,899.80	
(iii) CIL receipts for the reported year to which regulation 59E or 59F applied retained at the end of the reported year;	£6,208.10	
(iv) CIL receipts from previous years to which regulation 59E or 59F applied retained at the end of the reported year	£ 32,793.71	

Table 1 Community Infrastructure Levy Report 2020/21

Notes

Demand Notices

A demand notice is issued when a development commences and shows the total amount of CIL that is due to be paid in respect of the development. The CIL is usually due within 60 days of commencement of the development, and the Council also has an instalments policy in place with the number of instalments dependent on the total amount of CIL payable. This means that there is a delay between a demand notice being issued and the full payment being received of in some cases over 18 months and so there will be a discrepancy between demand notices issued and income received in any particular year.

Regulation 59(4)

Part of the CIL regulations covering the passing of any CIL income to any other person for that person to use for the provision, improvement, replacement, operation or maintenance of infrastructure.

Regulations 59A and 59B

Part of the CIL regulations relating to the payment of CIL income to local councils (such as town or parish councils). As there are no parish councils in Tamworth, these regulations don't apply.

Regulation 59E

Part of the CIL regulations covering the return of income passed to local councils (see regulations 59A and 59B) where it has not been used or has not been used appropriately.

Regulation 59F

Part of the CIL regulations covering the CIL income that would've been passed to a local council (see regulations 59A and 59B) but where there are no local councils.

5.0.S106 Report 2020/21

The table below provides details of the income, allocation and spending of money provided under planning obligations during 2019/20. The table also contains information on non-monetary contributions where applicable.

Detail	Value	Additional Information
The total amount of money to be provided under any planning obligations which were entered into during the reported year.	£ 2,700.00	An additional £653,622.11 was secured for Staffordshire County Council to be collected by them directly. The total amount to be provided to both councils is £656,322.11
The total amount of money under any planning obligations which was received during the reported year.	£43,273.80	£43,273.80 was collected from 5 developments.
The total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority.	£1,757,533.71	A number of significant sums have been received towards large infrastructure projects which will take a number of years to deliver.
Summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of:		
(ii) in relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided	29	All 29 dwellings were provided on one development (permission ref: 0020/2019)
(i) in relation to affordable housing, the total number of units which will be provided	N/A	Staffordshire County Council are party to all agreements where education contributions are required and education related obligations are administered by them directly.
The total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure.	£ 72,733.00	Income from five obligations totalling £72,733.00 was allocated to projects during the year.
The total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend)	£ 285,000.00	A proportion of S106 funds were spent on one project totalling £285,000.
In relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported	N/A	Please see Table 3 for further detail.

year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item.		
In relation to money (received under planning obligations) which was spent by the authority during the reported year (including transferring it to another person to spend), summary details of:		
(i) the items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item	N/A	Please see Table 4 for further detail.
(ii) the amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part)	£ Nil	
(iii) the amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations	£2,638.68	This is a proportion of the sums paid by the developers on a number of the larger developments specifically towards the cost of monitoring compliance with the s106 agreements.
(i) the total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year, and where any of the retained money has been allocated for the purposes of longer term maintenance ("commuted sums"), also identify separately the total amount of commuted sums held.	£1,513,168.83	Total amount retained at end of year.
	£166,645.03	Amount of retained funds that are commuted sums for longer term maintenance.

Table 2 S106 Report 2020/21

Table 3: S106 Funds Allocated but not Spent in 2020/21

Permission Reference	Infrastructure Description	S106 Funds
0464/2018	Biodiversity and Ecology Improvements at Kettlebrook Local Nature Reserve	£60,605.00
0539/2017	Tree Works in Kettlebrook Local Nature Reserve	£2,020.00
0311/2017	Facility Improvement within Wigginton Park	£1,068.00
0197/2017	Tree Works in Kettlebrook Local Nature Reserve	£2,133.00
0156/2017	Tree Works in Kettlebrook Local Nature Reserve	£6,907.00
Total S106 Allocated in 2020/21		£72,733.00

Table 4: S106 Funds Spent in 2020/21

Infrastructure Description	S106 Funds
3G Artificial Grass Pitch, New LED Floodlighting System and New Changing Rooms	£285,000.00
Total S106 Spent in 2020/21	
	£285,000.00

Further Notes

Staffordshire County Council is a signatory to any S106 Agreement that contains obligations for which they have responsibility, such as education and highways.

6.0. Tamworth Borough Council's Priorities towards Future CIL Expenditure

- 6.1. The Borough's Regulation 123 List was published in 2018, and details a series of infrastructure projects which the Council currently intends to be wholly or partly funded by CIL. This document can be found on our website at <https://www.tamworth.gov.uk/cil>.
- 6.2. Following a review of this list, it has been determined that Tamworth Borough Council's priorities towards future CIL spending remains unchanged from the previous IFS publication (2019/20). As such, regeneration projects will continue to form the priority for future strategic CIL expenditure, in order to support growth and development across the Borough. Notwithstanding, there are no specific infrastructural projects identified at this moment in time.

Infrastructure, Safety and Growth Scrutiny Work Plan

Work Plan 2021 - 2022	
DATE	SUBJECT
Quarterly updates	Future High Street Fund (Growth) – Quarterly updates – starting March 2021
November 2021	Infrastructure Funding Statement
November 2021	Future High Streets Fund update
November 2021	Waste Management update
Date to be confirmed 2021/22	Review of Taxi Licensing Policy – Points System
January 2021	Curtain Wall Tender
Date be confirmed 2021 / 22	Review of Council Housing Repairs Policy
Date to be confirmed – 2021 / 22	Community Safety overview to include: <ul style="list-style-type: none"> • Invitation to Tamworth Police Commander • Invitation to Police, Crime and Fire Commissioner • CCTV update • E-Scooters and E-Bikes • Modern Slavery update • Business Crime Reduction Partnership Update
24th March 2022	Future High Streets Fund update
24th March 2022 (tbc)	Waste Management update
Date to be confirmed - 2021 /22	Garage Sites
Date to be confirmed	Review of policy / engagement with stakeholders relating to Travellers
July 2022 (tbc)	Fire Safety Update
Date to be confirmed - 2022	EV Charging update
Quarterly updates commencing pre 31.12.21	Waste Management

Working Groups		
Topic	Possible WG Members	Target IS&G Com meeting date
Fireworks	Open to all	tbc
Review of policy / engagement relating to Travellers		

Facilities for HGV Drivers in Tamworth	Cllrs B Price (WG chair) Dr S Peaple and R Claymore	
Joint Task Group – Waste Management (with Lichfield District Council)	To be confirmed	

Upcoming Infrastructure, Safety and Growth Scrutiny Committee Meetings
23 rd November 2021 19 th January 2022 24 th March 2022