



Borough of Tamworth

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**INFRASTRUCTURE, SAFETY AND GROWTH
SCRUTINY COMMITTEE**

6 June 2022

Dear Councillor

A Meeting of the Infrastructure, Safety and Growth Scrutiny Committee will be held in **Town Hall, Market Street, Tamworth on Tuesday, 14th June, 2022 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, consisting of stylized initials and a long horizontal line extending to the right.

Chief Executive

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Appointment of Vice-Chair**
- 3 Minutes of the Previous Meeting (Pages 5 - 12)**
- 4 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.

- 5 Update from the Chair**
- 6 Responses to Reports of the Infrastructure Safety & Growth Committee**
- 7 Consideration of Matters referred to the Infrastructure Safety & Growth Committee from Cabinet or Council**

(Discussion item)

- 8 Overview of Borough Council services relating to Community Safety**

(Presentation from the Assistant Director, Partnerships)

- 9 Public Space Protection Order Mercia Close (Pages 13 - 20)**

(Report of the Assistant Director, Partnerships)

- 10 Electric Vehicle Charging**

(To receive a verbal update from Officers)

- 11 Future High Streets Fund Update (Pages 21 - 24)**

(Report of the Leader of the Council)

- 12 Neighbourhood Community Infrastructure Levy (Pages 25 - 34)**

(Report of the Portfolio Holder for Skills, Planning, Economy and Waste)

- 13 Forward Plan**

(Discussion item – link to Forward Plan is attached)

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

- 14 Working Group Updates**

To receive updates from any Working Groups

15 Infrastructure Safety & Growth Scrutiny Committee Work Plan (Pages 35 - 36)

(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.

Filming of Meetings

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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, M Cook, A Cooper, S Daniels, R Ford, J Harper, S Peaple, B Price and P Turner

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MINUTES OF A MEETING OF THE INFRASTRUCTURE, SAFETY AND GROWTH SCRUTINY COMMITTEE HELD ON 24th MARCH 2022

PRESENT: Councillor S Goodall (Chair), Councillors T Clements, R Claymore, C Cooke, A Cooper, J Harper, Dr S Peple and B Price

CABINET: Councillor Stephen Doyle
Councillor Martin Summers

The following officers were present: Anna Miller (Assistant Director – Growth & Regeneration), Joanne Sands (Assistant Director Partnerships), Matthew Fletcher (Head of Economic Development and Regeneration), Liz McCusker (Future High Streets Fund Project Officer) and Jo Hutchison (Democratic Services, Scrutiny and Elections Officer)

81 APOLOGIES FOR ABSENCE

Apologies for absence were received from one member of the Committee, Councillor J Chesworth, from Councillor Jeremy Oates the Leader of the Council, and the Chief Executive, Andrew Barratt.

The Chair welcomed Councillor Chris Cooke and Councillor John Harper as new members of the Committee and thanked Councillor Dan Maycock who had retired from this Committee.

The Chair paid tribute to and thanked Councillor Dr S Peple for his contribution to scrutiny over the years.

82 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 16th February 2022 were approved as a correct record.

(Moved by Councillor S Goodall and seconded by Councillor S Peple)

83 DECLARATIONS OF INTEREST

There were no declarations of interest.

84 UPDATE FROM THE CHAIR

The funding of public toilets was raised as a potential future item for the Committee's consideration.

85 RESPONSES TO REPORTS OF THE INFRASTRUCTURE SAFETY & GROWTH COMMITTEE

The Chair reported that the Committee's recommendations to full Council in respect of Fireworks were received and approved at its meeting on 22 February 2022 as follows:

Council agreed:

1. to look at all options with regards to visual aerial displays; and
2. the Leader of the Council would write to the Minister with regard to:
 - online sales of fireworks and that this reflects the same legislation as shop sales of fireworks were guided by; and
 - that the decibel level of fireworks available for the public's purchase be reviewed with a view to the decibel level being reduced.

The Chair reported that he had presented the Committee's recommendations on the Economic Development Service Workplan item to Cabinet at the Cabinet meeting on 17 March 2022, and reported that Cabinet approved the first year's contribution into the Staffordshire Destination Management Partnership and agreed to delegate authority to the Assistant Director in consultation with the Portfolio Holder for extending contributions on a year by year basis and further agreed that Organisations which remained at this time subject to investigation by HMRC in respect of any applications for COVID related claims would be ineligible for Town Centre Business Grants.

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

The Chair reported to the Committee that at full Council on Tuesday 15th March 2022 a Petition to Stop the Netting of Hedges in Tamworth was received and that Council moved and carried the following resolutions:

1. That the Council notes and shares the sincere concerns of the signatories to protect our local natural wildlife;
2. That a prima facie review suggests that the power to act may lay outside the Council's statutory powers;
3. That given the importance of this issue, the matter be referred to the Infrastructure, Safety and Growth Scrutiny Committee (ISG) with the brief that they review the relevant sections of the National Planning Policy

- Framework (NPPF) and new Environmental legislation currently before the Commons, and any other material they believe relevant;
4. That ISG bring a report to Council by the Autumn so that there would be time to act on the report by the next breeding season.

The Committee agreed that this item should be added to its work plan.

87 TAMWORTH COMMUNITY SAFETY PLAN 2020-2023 (2022 ANNUAL REFRESH)

The Chair welcomed the Portfolio Holder, Councillor M Summers and the Assistant Director Ms Jo Sands to the meeting to present this item.

It was reported that the Tamworth Community Safety Plan 2020-2023 was a three year rolling plan which outlined how partners are going to collectively tackle community safety issues in the Tamworth borough. The 2022 refresh highlighted what had been achieved against the outcomes set in the previous year and outlined priorities moving forward identified in the Community Safety Strategic assessment (Appendix 2).

The Assistant Director provided an overview of the key achievements and challenges faced during 2021, and outlined that the priorities for 2022 were unchanged from 2021.

The Committee welcomed the report and made the following comments and sought and received clarifications in the following areas:

1. The importance for Tamworth to be and to be perceived to be safe, given the wider work within the borough to regenerate the town centre and make Tamworth a destination, and the role that the presence of the police had as a deterrence and in supporting Tamworth to be and to be perceived to be safe.
2. The statistics included in the report, which stated that there had been a fall in serious violent crime by -48%, and in all crime by -22%, and fully understanding whether these statistics were fully representative (given sample sizes) and the impact that COVID lockdowns had on these statistics.
3. Litter and fly tipping figures, where there appeared to have been limited enforcement action undertaken.
4. The all members seminar on community safety was welcomed as a forum for broader discussion with relevant stakeholders which was planned to become an annual event.
5. The Portfolio Holder reported that he would be holding quarterly meetings with the Chief Inspector and that if members had areas which they wanted raising the Portfolio Holder would be happy to receive those.
6. Welcomed the return of the command to Tamworth with a response team based from Tamworth and the additional officers expected for Staffordshire Police, and how this would translate locally for Tamworth.
7. Sought clarification of the statistics for Castle, which it was noted were based on the Police data, and covered both the town centre and more

residential areas, and the need to drill down in the data and if possible split the data.

8. The role of the Tamworth Business Crime Reduction Partnership and the activities it undertook, which the Assistant Director, Partnerships confirmed covered retail and other businesses as well as the night time economy and offered training for its members.
9. The importance of the public reporting incidents to the police, or using Crimestoppers, and the importance of the police engaging with the community as well as councillors and the ward PCSOs connecting and engaging on local issues.

RESOLVED that the Committee

1. Considered the Tamworth Community Safety Plan 2022 Refresh for recommendation for endorsement by Cabinet
2. Considered and recommended that Cabinet continue to endorse the main three year overarching plan only from 2023 following review by Scrutiny.
3. Recommended the endorsement of the annual refresh of the Community Safety plan be considered at Scrutiny only for publication from 2024.

(Moved by Councillor Dr S Peaple and seconded by Councillor T Clements)

88 RENEWAL OF NUISANCE VEHICLE PUBLIC SPACE PROTECTION ORDER

The Chair invited the Assistant Director, Partnerships to provide an overview of the Report to extend the Borough Wide Nuisance Vehicle Public Space Protection Order and to support delegation to the Portfolio Holder for implementation.

The Assistant Director, Partnerships reported that the current Order would expire on 30 April 2022, and that the renewal of this PSPO was supported by the Police.

RESOLVED that the Committee

Approved delegation to the Portfolio Holder Voluntary sector, Town Centre, Evening economy & Community Safety for the extension of the of the Borough Wide Nuisance Vehicle Public Space Protection Order (as attached to the Report)

(Moved by Councillor B Price and seconded by Councillor R Claymore)

The Committee thanked the Assistant Director, Partnerships, who then left the meeting.

89 DRY RE-CYCLING CONTRACT UPDATE

The Chair welcomed the Portfolio Holder, Councillor S Doyle and the Customer Relations and Performance Manager, Joint Waste Service, Ms V Woodhouse to the meeting.

The Committee received the presentation.

The Committee commented and sought clarification on the following:

1. The fact that in rural areas new purple bins would be distributed rather than re-purposing old blue bins. It was reported that this was due to the need to be able to clearly differentiate between the different coloured bins to avoid any potential cross contamination.
2. Why there was no mention in the communications material circulated regarding the assisted service available to vulnerable residents given this had been raised at the 27th September 2021 meeting and minuted as follows:
RESOLVED that the Committee recommend that there be improved communication and advertisement of the assisted service available to residents.

The Committee drew the Portfolio Holder's attention to the above minute from the meeting of 27th September 2021 which he agreed to consider further.

The Committee thanked the Portfolio Holder and Officer for their attendance and the Officer then left the meeting.

90 FUTURE HIGH STREETS FUND UPDATE

The Chair welcomed the Assistant Director, Growth & Regeneration and the Future High Street Fund Project Officer, Ms L McCusker to the meeting to provide the quarterly update report.

The Assistant Director reported that the progress since the last report included:

1. The project was working with McBains on the programme, on design, costings, risk management and planning, and also working with external organisations, County council, Highways, Archeology, Ecology.
2. The Council had taken possession of the Co-op building and the demolition application had been submitted.
3. College Quarter, where the Co-op building had been acquired and now working on designs. The project is yet to hear if the College had received their funding from the Department for Education. Working on a planning application which was expected to be made in Spring.
4. Middle Entry, where agreement had been reached with the landowners with the aim to achieve vacant possession from June 2022. Work on the design to remove aspects continued
5. St Edith's Square, where work continued with county regarding Highways
6. Castle Gateway, still working on structural aspects of the Peel Café and working with the Nationwide and expect the planning application to be made shortly. Survey work had also been undertaken for the Market Street properties.
7. Engagement sessions had taken place with local businesses.
8. A high level review had flagged initial costing concerns; due to two reasons, firstly the cost of raw materials, which was unforeseen two years

ago when the bid was submitted, and secondly because the cost consultants add a 20% risk contingency given the project was at an early design phase.

The Committee commented and sought the following clarifications:

1. The options for St Edith's Square including the potential to pedestrianise St Edith's Square, or otherwise improve pedestrian and vehicular access
2. How the 20% risk contingency interacted with the design process where it was reported that as the project progressed through the RIBA stages the contingency levels would reduce, as the design became clearer. However, this meant that the project was over budget as a result.
3. Whether further work in this Committee on a strategy for the older buildings could be undertaken once there was more clarity from survey work to understand how to take forward, given this was an area of uncertainty. It was also noted that working with buildings of this age involved working with Historic England, and working within tight timescales.
4. In terms of Middle Entry, further clarification was sought on the details of this aspect of the project which went to Council in 2020, and the proposals which were now under development.
5. The importance of the design aspect of the new college building, and making it a quality and aspirational building. It was noted that there were planning policies and documents which would need to be complied with, and that the building would need to look good on the outside and work functionally on the inside for the college, and this would need to be realistic and within budget.

The Chair agreed that he would work with the Assistant Director to organise a site visit for members of the Committee.

The Committee noted the Report and thanked the Officers for their attendance, following which the Future High Street Fund Project Officer left the building.

91 FORWARD PLAN

No new items were identified.

92 DRAFT ANNUAL REPORT OF THE INFRASTRUCTURE SAFETY & GROWTH SCRUTINY COMMITTEE - 2021/22

The Chair reported that this draft Annual Report for 2021/2 aimed to summarise the work covered by the Committee this year. He reported that it would be updated following this meeting to cover any relevant items from this meeting. Following that the final version would be prepared for presentation to full Council in the next municipal year.

93 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That members of the press and public be now excluded from the meeting during consideration of the following item

on the grounds that the business involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

(Moved by Councillor D S Peaple and seconded by Councillor T Clements)

RESOLVED That in accordance with Rule 9.1.13 of Schedule 1, Part 4 of the Constitution , the meeting be extended to 9pm.

(Moved by Councillor S Goodall and seconded by Cllr B Price)

94 RESET & RECOVERY - REGENERATION OF MARMION HOUSE UPDATE

The Chair welcomed the Assistant Director, Growth & Regeneration and the Head of Economic Development and Regeneration to the meeting.

The Committee received an update and considered the supporting documentation received, and sought clarifications on the options under consideration. It was noted that a report was expected to be presented to Cabinet at its meeting on 7th April 2022.

After consideration, the Committee:

Resolved to make a recommendation to Cabinet.

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

The Committee thanked the Officers for their update and attendance.

Chair

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TUESDAY 14TH JUNE 2022**REPORT OF THE ASSISTANT DIRECTOR PARTNERSHIPS****ASB, CRIME AND POLICING ACT 2014 - PUBLIC SPACE PROTECTION ORDER
CONSIDERATION****EXEMPT INFORMATION**

None

PURPOSE

To consider public consultation received and support delegation to Portfolio Holder Voluntary Sector, Town Centre, Evening Economy and Community Safety for implementation of a Public Space Protection Orders (PSPO's) at Mercia Close, Tamworth

RECOMMENDATIONS

That the Committee:

1. Consider the results of the public consultation and recommend progression for a PSPO at:
 - **Land running behind 1 to 35 Mercia Close, specifically the Public Right Of Way (Tamworth 25) that runs from No. 11 to No. 35**
2. Recommend delegation for implementation of the PSPO to the Portfolio Holder Voluntary Sector, Town Centre, Evening Economy and Community Safety

EXECUTIVE SUMMARY

Processes for the consideration of Public Space Protection Orders, implemented under the Anti-Social Behaviour, Crime and Policing Act 2014, were approved at Cabinet on 18 June 2015.

The following conditions must be met before making the order:

- Activities carried out in a public place within the local authority's area have a detrimental effect on the quality of life of those living in the locality **OR**
- It is likely that activities will be carried out in a public place within the area that will have such an effect

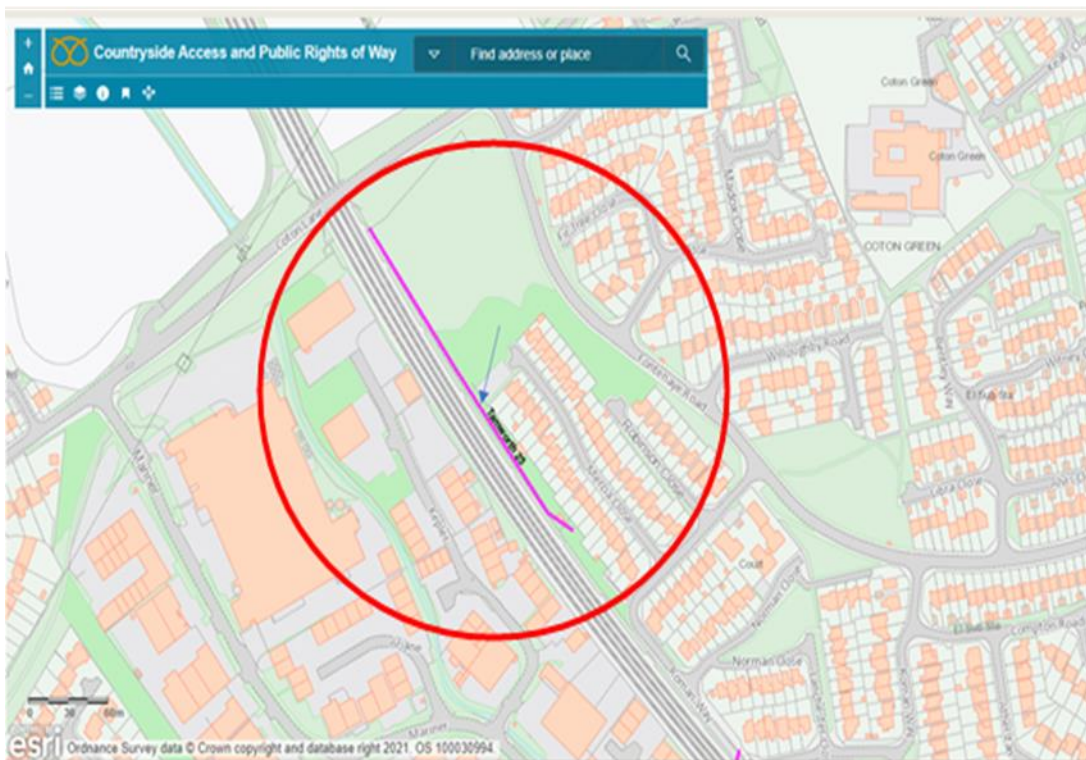
The effect, or likely effect of the activities:

- Is, or is likely to be, of a persistent or continuing nature **OR**
- Is, or is likely to be, such as to make the activities unreasonable *and* justifies the restrictions imposed by the order

In line with process, Cabinet approved a statutory public consultation of 28 Days in accordance with the Guidelines for a PSPO (formerly Gating Order) at the following locations:-

- **Land running behind 1 to 35 Mercia Close in the ownership of Network Rail – specifically** land that runs behind No. 11 to No. 35 Mercia Close and which currently forms Public Right Of way:

The area at the end of No. 35 is where there is an old public right of way which only runs for around 10 houses (from No 35 to No 11). Staffordshire County Council have agreed that the public right of way can be secured



The area has been considered due to significant waste and fly tipping issues. Network Rail have already placed a fence around the area to prevent flytipping, trespass, deliberate fires and behaviour causing alarm and distress and the consultation for PSPO to legally close the public right of way which runs across the land to prevent issue closed on 7th May 2022

Staffordshire County Council have agreed, via consultation with the Public Rights of Way Officer that old right of way can be permanently closed at this location by introduction of a Public Space Protection Order (PSPO) (previously a Gating Order) by use of the fencing erected by Network Rail.

Consultation

All affected residents received a hand delivered letter and the consultation was open on the Council website.

The public were consulted on the following proposals:

- Permanent public restriction of access to the land belonging to Network Rail to the rear of No 1 – No 35 Mercia Close
- Permanent closure of the ancient public right of way over footpath No 25 Tamworth Parish (to the rear of 35 Mercia Close to No 11 Mercia Close)
- Prohibition of the following on land belonging to Network Rail in the area outlined:
 - Flytipping, littering and any other behaviour which could be considered Anti-Social Behaviour or environmental crime

One Email was sent in by a resident who was in favour of the proposal

One resident indicated verbal support to the Community Warden during area visit.

Verbal support has also been given by a resident who originally suggested opposition to the proposal and that they would not be making any objection.

All resident have indicated that it has been better since the area has been fenced.

Staffordshire County Council have raised no further concerns.

Delegation to the Portfolio Holder is proposed for Implementation of the attached PSPO (Appendix 1) for a period of 3 years commencing 1st July 2022, after which time appeal can only be made in the High Court

OPTIONS CONSIDERED

Not to implement the Public Space Protection Order - No objections have been received; therefore the Council is able to implement the PSPO via delegation to the Portfolio Holder.

RESOURCE IMPLICATIONS

The use of Public Open Space Protection Orders requires enforcement resource and can be enforced by Community Wardens, Police officers and other Council officers as designated by Tamworth Borough Council.

Network Rail have agreed to purchase the necessary PSPO signage for the area if the proposal is passed at no cost to the Council

Monitoring of the PSPO will be subject to continued review by the Tamworth Community Safety Partnership as issues present.

LEGAL/RISK IMPLICATIONS BACKGROUND

All legal risks covered by legislation and agreed process.

SUSTAINABILITY IMPLICATIONS

The order will be reviewed in May 2025 should it be successfully implemented with a view to renewal.

BACKGROUND INFORMATION

Working with Partners at Network Rail all fly-tipping was successfully removed as we had identified the land as owned by them. Network Rail contractors cleared the entire area of this waste.

Joint warning letters were issued to all residents that have access behind their properties to the land in question and some removed the waste themselves after this early intervention measure was taken.

Network Rail have at their cost; security fenced the land at both ends as a preventative measure to stop access to the area most effected by the fly-tipping

One resident had complained that the security fencing had effectively closed this route off and has been informed by Network rail even though there would be a Right Of Way in the area this does not give them permission to have rear access gates on to the elements of NR land.

Further to discussions with The Right Of Way Officer at Staffs County Council, it was agreed that the right of way would not run parallel to the rear gardens but is more likely to run through the centre of the land.

There was an option for Network rail to fence the area creating an alleyway to the end of the Right Of Way; however this was considered to have potential to cause more issues when creating such an area on the land and could encourage further ASB. Residents were advised this was not an option and a PSPO (previously gating order) would have been best suited and allow for the legitimate fencing of the land by Network Rail to prevent further issues.

In addition the fencing has made the residential homes much more secure as access to the parcel of land is now secured both ends. Initial consultation with residents has indicated no objections to the fencing other than the one complainant.

The complaining resident had taken away their own garden access at the front side of the property and had installed a rear gate on to the land owned by NR this is an illegal entry point and one that Network rail had not given permission for them to do, therefore should not be considered as part of any mitigation or appeal against the fencing that has been installed or subsequently the PSPO proposal is approval is granted.

REPORT AUTHOR

Jo Sands, Assistant Director Partnerships

Lee Hughes, Community Warden

LIST OF BACKGROUND PAPERS

Cabinet Report 18 June 2015

Anti-Social Behaviour, Crime and Policing Act 2014

APPENDICES

Appendix 1 – Draft PSPO

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TAMWORTH COMMUNITY SAFETY PARTNERSHIP

NOTICE OF INTENTION TO APPLY A PUBLIC SPACE PROTECTION ORDER

Section 59 Anti-Social Behaviour Crime and Policing Act 2014

Public Space Protection Order (Footpath 25 Mercia Close)

1. Tamworth Community Safety Partnership (lead agency Tamworth Borough Council) is satisfied that alcohol related anti-social behaviour is being carried out within the area to which this order applies, it is likely that these activities will continue to be carried out and that this is having or it is likely to have a detrimental effect on the quality of life of those in the locality by causing harassment, alarm and distress.

This order relates to the land in the ownership of Network Rail to the rear of 1-35 Mercia Close Tamworth and specifically the closure of Footpath 25 (11-35 Mercia Close)

2. Under the terms and restrictions of the Public Space Protection Order, the following applies:-
 - 2.1. Permanent restriction of access to the land belonging to Network Rail (to the rear of 1-35 Mercia Close)
 - 2.2. The public right of way over footpath No 25 Tamworth Parish (to the rear 11-35 Mercia Close) to be permanently restricted by fencing
 - 2.3. Prohibition of the following on land belonging to Network Rail in the area restricted:
 - Flytipping, littering and any other behaviour which could be considered Anti-Social Behaviour or environmental crime.

3. Exemptions

Nothing in the order shall restrict access to the land identified in the order by:

- Network Rail (landowner) in exercise of their duties
- Fire brigade, police or NHS staff when in the exercise of their duties
- Employees, contractors or agents of statutory undertakers in relation to gas, electricity or water or telecommunications apparatus as defined in the Telecommunications Act 1994 situated in the relevant highway in connection with the laying, erecting, inspection, maintenance, alteration, repair, renewal or removal of any relevant apparatus.
- Council staff and its authorised contractors when in the exercise of their duties.



- Persons using the highway with the express permission of the landowner or on the direction of a duly authorised council officer in this regard.

4. Offences under this Public Space Protection Order

A person who is guilty of an offence shall on summary conviction be liable to a fine not exceeding level 3 on the standard scale

A Fixed Penalty Notice of £100.00* will be issued to offenders to be paid within 28 days (reduced to £85.00 if paid within 14 days) which would discharge any liability to conviction for an offence under Section 67(1) of the Act.

**At the discretion of the officer, persons found to be under the age of 16 years may be subject to alternative sanctions as outlined in the Tamworth Borough Council ASB Policy.*

This order may be cited as 'The Public Space Protection Order (Mercia Close)' and shall come into force on 1st June 2022 and remain in force for a period of three years.

5. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not be complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this order is made.

Tuesday, 14 June 2022

Report of the Assistant Director - Growth & Regeneration

Future High Streets Fund Programme Update

Exempt Information

None

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 project is moving into delivery phase, with planning and demolition applications starting to be submitted. As the project moves into RIBA (Royal Institute of British Architects) Stage 3, designs are moving from concept to more detailed designs. The demolition application and procurement of a demolition contractor for the Co-op is now underway, this will enable the work to be completed in time for the start of the build phase for the college. The Programme Board have agreed to sign off elements of RIBA Stage 2 that are ready to progress into Stage 3. As surveys on the FHSF buildings continue, we are discovering more about the condition of the buildings involved and this is helping to refine the scope of works across the programme. Enabling and opening up works have now been procured, with a team looking to start on site in the next couple of weeks .

Projects

College Quarter: South Staffordshire College (SSC) received their grant from the Department for Education, this significantly reduces risk to the FHSF project as it decreases reliance on the council and ensures that SSC's relocation to the town centre will continue as planned. They have progressed through RIBA Stage 3 and are engaging with Homes England in relation to the redevelopment of the existing SSC site. The planning application for the new college has now been submitted, with the demolition application already submitted by Tamworth Borough Council. We continue to maintain strong links with the SSC project and recently invited Peter Marsh, lead contractor for SSC, to the FHSF Programme Board meeting in April to share design concepts and to update us on progress.

RIBA Stage 2 designs for second TEC provision in the Victorian element of the Co-op building have been signed off by the Programme Board.

Landscape Architects Node have finalised designs for the public realm in St Editha's square, factoring in market provision and events space in line with the FHSF outputs. There will be improvements to lighting, planting and street furniture, encouraging the public to use the square .

Middle Entry: There are ongoing negotiations with Peer Group for vacant possession of the Middle Entry Units. Our current target for vacant possession is 31st August 2022. Purcell Architects are refining the design for the new retail units that will be constructed at the south of Middle Entry. Progress on this has been good and we are now developing a fresh concept design that will be brought to the Programme Board for RIBA Stage 2 sign off early June. Work continues to move forward with the structural engineers to plan the safe removal of the glazed roof and link bridges on Middle Entry.

Castle Gateway: The planning application for Peel Café has been submitted, and the fire escape route has now been agreed and approved by building control. The timber survey report has been issued and from initial discussions, the structure may need a new roof. Efforts to reduce costs and preserve the character of the building will be achieved by aiming to reuse roof tiles where necessary. Any modifications will be passed onto the Conservation Officer for comment. At Programme Board it was agreed to sign off the RIBA Stage 2 and to proceed with RIBA Stage 3.

Moving onto Market Street, Julie Anne Florist have signed their lease surrender for 26A and will be moving to a unit further down the street. Vacant possession has been agreed for the end of August.

In discussions with Historic England, they have advised that TBC should aim to preserve as much of the original structures of 26A-27A as possible. The initial timber survey report states that 27 Market Street is structurally unsound and access to the building has been suspended until this is resolved. Timberwise are preparing a recommendation report that will detail the level of repairs required and the associated costs. Once this is received , TBC will be able to determine the scope of works required and approach Historic England to have an informed discussion about how to redevelop the properties.

Ongoing surveys will gather the required information to plan the demolition of the current Nationwide building. The lead contractor will produce a demolition procurement strategy for this area. Discussions around the public realm and area that is left once Nationwide is demolished are ongoing. As part of this area is adopted, we may have to consult with Staffordshire County Highways team once designs have been finalised.

As part of the work to widen Castle Bridge, it has been noted that Western Power have existing electrical cables pinned to the underside of the bridge which will need to be relocated. This will likely involve a complex solution if the cables are to be kept in situ whilst the new bridge is constructed. Western Power's alternative solutions involve relocating the existing substation or re-routing cables. Currently the options and locations proposed are not satisfactory and detract from the outputs of the project. The project team and lead contractor will continue to progress discussions until a suitable solution is reached.

Engagement and Communications

Advertised monthly drop in sessions offer the opportunity for the public to ask questions and stay informed on progress with the FHSF project. So far there has been little interest but this may increase as planning applications are submitted. Comms strategy is discussed at the monthly delivery team meeting updates, allowing the FHSF project team and comms team to update on progress and potential press release opportunities. As the start on site date for the Co-op demolition approaches, attention is now on developing visuals for display hoardings.

Since the last meeting, new window vinyls have been put up in 27 and 27a Market St which encourage the public to scan a QR code that signposts them to the project updates on the Transforming Tamworth website. A meeting has also been set with Staffordshire Police to discuss opportunities to create safe spaces as part of the project's development.

South Staffordshire College are also beginning consultations regarding their relocation to Tamworth town centre. SSC and the Union 4 planning team recently ran a stall on market day, attendees were mainly older clientele. Whilst the plans were mostly well received, concerns were expressed relating to proposals to redevelop the current SSC site and parking availability. SSC are now undertaking further consultation on the college campus to ensure a more even demographic is engaged and represented.

Budget and Timescales

The cost plan has been reviewed at Stage 2 and will continue to be refined as detailed designs are developed and survey results indicate the scope of works required. Whilst construction costs are higher than expected due to inflation and cost of materials, the continued review of the cost plan and input from contractors will determine the real costs associated with the works. The contingency funds have been appraised against the risk register to determine where costs attributed to risk allowance can be reduced. A finance summary is included with the dashboard reports presented at the Programme and Delivery Board meetings. The overall programme plan is currently being reviewed to assess progress against timescales. The Risk Register is maintained by McBains and reviewed with the FHSF Project team at scheduled monthly meetings. The Audit and Governance sub-committee continues to monitor risk for the FHSF programme.

Resource Implications

There are no resource implications as a result of this report.

Legal/Risk Implications Background

There are no legal issues

Equalities Implications

There are no equalities issues

Environment and Sustainability Implications (including climate change)

The impact of the Future High Streets Fund programme on sustainability is considered by the consultancy team when designing and implementing the projects.

Background Information

None

Report Author

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Alice Poulton– Future High Streets Fund Project Officer

List of Background Papers

None

Appendices

None

Infrastructure Safety and Growth Committee
Thursday, 14 June 2022
Report of the Portfolio Holder for Skills, Planning and Waste

Exempt Information

None

Purpose

To agree a process for neighbourhood CIL spending.

Recommendations

- To agree the approach to the distribution of neighbourhood CIL money.

Executive Summary

A Community Infrastructure Levy (CIL) has been in place in Tamworth since August 2018. Upto the 31 March 2022 the Borough Council have collected £396,859.19. A further £280,891.81 CIL income is expected from the Coton House Farm development with a number of other sites potentially contributing CIL income including the former Coop supermarket site in Wilnecote.

The relevant regulations for the collection and spend of CIL are the Community Infrastructure Levy Regulations 2010 (as amended) and they state that CIL income should be apportioned in the following way: **5%** towards the administration of CIL, **80%** towards strategic infrastructure which is currently prioritised as 'regeneration projects' and **15%** towards neighbourhoods projects.

The Council adopted the Community Infrastructure Levy at the Council meeting held on 17 July 2018 and resolved that a report covering the governance arrangements for CIL spending would be submitted to Cabinet. In part this was achieved with the Cabinet report dated 08 April 2021 which approved how the 5% would be spent in dealing with CIL administration. It also dealt with the 80% strategic component of the income by setting out that regeneration was the priority for the council.

The neighbourhood component of the CIL income had been addressed at a previous Cabinet in a report dated 18 February 2021 via recommendation 28 of the MTFS budget item: that the current funding of £35,000 held in the CIL neighbourhood reserve be released to create a budget in 2021/22 for Cabinet to allocate on a neighbourhood project basis.

There has been no allocation of CIL money in relation to the 2021/22 neighbourhood CIL budget by Cabinet.

On an annual basis there is a Government requirement to publish an Infrastructure Funding Statement (IFS) which the Borough Council approves through Cabinet. The statement and Cabinet report seeks to reaffirm strategic spend priorities, the neighbourhood spend budget and to approve the publication of the IFS. The statement provides an annual account of any Section 106 or CIL money collected, any spending, and an indication of which projects have money assigned to them; the purpose of which is to improve CIL reporting to ensure that spend is accountable and transparent.

At the 02 December 2021 Cabinet it was agreed that a further £6,208.10 be added to the neighbourhood projects budget for 2022/23. Cabinet also agreed that the process for member involvement and the spend of CIL is clarified by the relevant Portfolio Holder and a process is created where members under the right criteria, can apply for funding. This recommendation was the direct result of the Infrastructure, Safety and Growth Committee scrutinising the IFS prior to the Cabinet meeting.

Neighbourhood Spending Regulations

The CIL regulations impose a duty on the collecting authority to pass a proportion of CIL receipts to local councils. Where an area is parished, subject to certain restrictions, this means that 15% of CIL receipts must be allocated to the parish where the chargeable development occurred, or 25% if there is a neighbourhood plan in place. Unlike most authorities Tamworth Borough Council is not parished and additionally the Borough Council does not have any neighbourhood planning groups. Where this is the case regulation 59F states:

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.*

For the purposes of this regulation, “relevant area” is defined as *that part of the charging authority’s area that is not with the area of a local council* which, in the case of Tamworth, is the whole of the borough.

Planning Practice Guidance provides some clarification that where there is no parish or town council in an area the charging authority should retain levy receipts but should engage with communities where the development has occurred and agree with them how best to spend the neighbourhood funding. Charging authorities should use existing community consultation and engagement processes (e.g. using networks that ward councillors use). Crucially this consultation should be at the

neighbourhood level. It should be proportionate to the level of levy receipts and the scale of the proposed development to which the neighbourhood funding relates.

As a result of there being no local councils in Tamworth, the options for spending the community proportion are more complex than for the other elements of CIL. The Council must determine where and what the money is spent.

This report seeks to establish an approach that is both compliant with guidance and is also proportionate. The way in which CIL money is allocated can then be published in the Borough Council's Infrastructure Funding Statement.

A charging authority must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support development in their area. According to the guidance the levy can be used to fund a wide range of infrastructure, including transport, flood defences, play areas, open spaces, parks and green spaces, cultural and sports facilities, healthcare facilities, academies and free schools, district heating schemes, police stations and other community safety facilities.

In line with CIL guidance it is proposed that the approach is not too elaborate or overly complicated.

Proposed approach to Neighbourhood CIL Spending.

Following further discussion with Cabinet Members it has been determined that Cabinet would like to assign the neighbourhood CIL funding and be the determining vehicle for that process.

Ward Members will be invited to submit one proposal from each Ward, ten in total, to Cabinet for discussion and allocation on an annual basis. Appendix A provides a proforma to capture information required so that Cabinet Members have enough understanding to be able to discuss the submitted projects, including an assessment against the corporate vision and objectives, the type of infrastructure to be funded, the amount required to deliver the project, the reason for putting the project forwards, any evidence of engagement or community support and how the project will be delivered.

Members will be required to submit their expressions of interest by the end of July each year to officers in the planning policy team, who will ensure that projects are compliant with CIL legislation. Forms will be circulated to Cabinet Members who will undertake discussions based upon the quality of submissions, the spread of projects across the Borough and the budget available. The outcome of discussions will be reported at Cabinet as soon as possible, the results of which can be reported in the December IFS.

The IFS will need to record the allocation of neighbourhood CIL funding and ultimately also report on the project when the funding has been spent.

Timetable

- Submission of expressions of interest to Planning Policy Team to check that projects are CIL compliant. **End of July.**
- Cabinet Members consider projects submitted including their own priorities.
- Report to Cabinet in October.
- Incorporation of detail into Infrastructure Funding Statement and delivery of report to Scrutiny and then Cabinet by the end of the calendar year.
- Publication of the IFS by 31 December.

In the financial year 22/23 due to the need to agree these new governance arrangements around neighbourhood CIL spending, the timetable will be compressed so that expressions of interest are made by Ward Members by Friday 9 September to allow the above process to conclude by the end of the year.

Options Considered

The CIL guidance is clear that spending neighbourhood CIL money should be supported by community engagement and existing consultation which naturally lends itself to Ward member networks with their communities.

However, in terms of distribution, the neighbourhood CIL pot does not have a high value attached to it. Options that split the money evenly between Ward members or indeed evenly amongst Wards will lead to the funding of a lot of very small projects. The consequence of these options is that the money will have a low impact and also generate a lot of administrative work managing the funding and tracking progress.

Whilst Wards will be offered the opportunity to apply for funding it could be the case that a single project is put forwards that Cabinet determine to be high impact, high value and exactly what is required for a particular neighbourhood. It is therefore possible that with the scheme as described, that Cabinet determine that only one project receives money in a single year, or as many as ten, to reflect one project from each Ward. The option proposed delivers maximum flexibility.

Resource Implications

The Planning Policy team will need to distribute the CIL proforma, check that projects proposed are eligible and continue to track projects that are allocated funding through to completion for the purposes of the IFS.

Financials

The total pot currently available is £59,529.50 for spend in the financial year 2022/23. Any additional income received will be reported in the IFS which will signed off in December and form part of the budget for 2023/24.

If there isn't much money in the neighbourhood CIL pot in any future year, then Cabinet may make the decision not to run the funding for a year or two until the money has built up again to a level that makes applying for it, viable. The money that is available is completely reliant on development that comes forwards.

Legal/Risk Implications Background

The relevant regulations are the Community Infrastructure Levy Regulations 2010 (as amended). The implications of the Regulations and associated guidance are set out in the relevant parts of this report.

Equalities Implications

A question will be added to the application form asking members to set out how equalities will be addressed by the proposal.

Environment and Sustainability Implications (including climate change)

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

- 17 July 2018 - Full Council - Report of the Portfolio Holder for Heritage & Growth – Community Infrastructure Levy
- 18 February 2021 – Cabinet – and 23 February 2021 – Full Council - Report of the Leader of the Council - Corporate Vision, Priorities Plan, Budget & Medium Term Financial Strategy 2021/22
- 08 April 2021 – Cabinet – Report of the Portfolio Holder for Regulatory & Community Safety – CIL Spending
- 02 December 2021 Cabinet Report of the Portfolio Holder for Regulatory & Community Safety - Infrastructure Funding Statement 2020/21

Author: Anna Miller/Richard Powell

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**Application Form for Community Infrastructure Levy Neighbourhood Funding Allocation
Financial Year 2022/2023**

- 15% of our annual CIL income is available for ward members to direct towards nominated neighbourhood projects that they feel would benefit their community.
- Ward members are invited to submit one project per ward. Each financial year, a maximum of ten projects will be presented to Cabinet for discussion. Between one and ten of those projects may be selected to receive funding, dependant on the Council's allocative priorities.
- Only one member per ward is required to complete and submit the below form. However, all members for each respective ward must be in agreement of both the nominated project and the contents of the application form. No more than one application form per ward will be accepted.
- Under Regulation 59F of the Community Infrastructure Levy Regulations 2010 (as amended), nominated projects must be concerned with either:
 - (a) The provision, improvement, replacement, operation or maintenance of infrastructure within a ward, or
 - (b) Any further miscellaneous activities which assist in addressing the demands that development places on a ward.
- Any application must detail the perceived benefit(s) that the nominated project would bring to the ward and local community. This should be supported by evidence of consultation and engagement with local residents.
- Please provide as much detail as possible in this form. This will assist both the planning policy team and Cabinet in evaluating each proposed project, and determining where funding should be allocated.
- Please clearly detail the amount of CIL funding that you wish to apply for. In instances where the proposed project would be carried out by a third party, this figure must be supported by three separate quotations for the works.
- The following proforma is intended to act as an expression of interest only. Completed forms must be forwarded to **cil@tamworth.gov.uk** before applications close on **Friday 9th September 2022**.

Member Details					
<i>Please sign at the foot of the form for authorisation.</i>					
Member name:					
Ward:					
Project Details					
<i>Please provide as much detail as possible regarding your proposed project.</i>					
Project name:					
Project description:					
<i>Please provide an overview of your proposed project.</i>					
How will the project benefit your ward?					
<i>In as much detail as possible, please explain how the residents of your ward will benefit from this project if your application is successful. Who will be the main beneficiaries in the community, and how will you ensure that a wide range of residents can benefit? You may wish to make reference to any issues in your ward that you feel this project would address.</i>					
Project Timescales					
<i>Please detail the anticipated timescales for your proposed project.</i>					
Start date:					
End date:					
Cost Details					
<i>In instances where the project would be undertaken by a third party, please provide <u>three</u> quotations for the work from <u>three</u> separate suppliers. Copies of these quotations should be submitted alongside this application form. If the work is to be carried out by Tamworth Borough Council, then one supplier is sufficient.</i>					
Supplier #1		Supplier #2 (if applicable)		Supplier #3 (if applicable)	
Name:		Name:		Name:	
Address:		Address:		Address:	
Contact Details:		Contact Details:		Contact Details:	
Total Cost:	£	Total Cost:	£	Total Cost:	£
CIL Grant Request					
<i>On the basis of the above quotations, please detail below the total amount of CIL funding that you wish to apply for.</i>					
Amount of CIL funding requested:			£		
Community Engagement					
<i>Please detail the extent and results of community engagement in regard to this project.</i>					
Community engagement and consultation undertaken:					
Community response to the project:					

Futurity and Maintenance	
<i>If applicable, please detail the nature and provision of maintenance required.</i>	
Will the project require ongoing maintenance? (Yes/No)	
If the answer is yes, please detail how the maintenance will be funded and who will provide the ongoing maintenance.	
Further Information	
<i>If you feel there is any further information and/or evidence which supports your application, then please provide further details below.</i>	
Supporting information:	
Declaration	
<i>By signing below, I declare that:</i>	
<ul style="list-style-type: none"> • <i>To the best of my knowledge and belief, the information I have given in this application form is correct.</i> • <i>This proposal, and the contents of this application form, have been reviewed and agreed by all fellow members of my ward.</i> • <i>I have read and understood all of the terms outlined as part of this document.</i> 	
Date:	
Signature:	
Print Name:	

Please read the following details prior to submission:

- 1) Please note that we can only accept applications from members. Applications must be sent to cil@tamworth.gov.uk prior to the application closing date on 9th September 2022. Regrettably, applications submitted after this date will not be considered.
- 2) Please ensure that the above proforma is filled out correctly with only relevant details. Applications with incorrect and/or missing details will unfortunately not be considered.
- 3) This application form is intended to act as an expression of interest only, and should not be taken as an agreement of a grant.
- 4) Each ward is limited to one application. All respective members must be in agreement of the nominated project and the contents of the proforma. This must be authorised by signing the declaration at the foot of the form.
- 5) Each financial year, a maximum of ten projects are eligible to receive a proportion of CIL neighbourhood funding. However, there are instances where it may be appropriate to allocate funding between fewer projects, subject to the agreement of Cabinet. This may relate to high-value and high impact projects, which are recognised to be of particular importance for a specific ward.
- 6) In instances where the work is to be carried out by a third party, the application form must be submitted alongside three quotations from three separate suppliers.
- 7) Officers in the Planning Policy team will be responsible for ensuring that all submitted proposals are compliant with Community Infrastructure Levy Regulations 2010 (as amended), with specific attention paid to Regulation 59F. The forms of compliant projects will then be circulated to Cabinet Members, who will undertake discussions regarding the quality of submissions, the spread of projects across the Borough and the budget available. Allocations will be at the discretion of Cabinet, with applications reviewed and either accepted or rejected on that basis.
- 8) If successful, the allocated funds will be transferred to the approved supplier on completion of the project, subject to an invoice being received in line with the relevant finance policies. If the project is related to open space works, then the funds will be transferred in house in line with the relevant finance policies.
- 9) By signing this form you are agreeing that, if successful in your application, the funds will only be used for the parameters of the project proposed. Tamworth Borough Council withhold the right to withdraw funding or request payback if any proportion of the funds are found to be directed towards activities which fall outside of the agreed terms.

Infrastructure, Safety and Growth Scrutiny Work Plan

Work Plan	
DATE	SUBJECT
June 2022	Overview of Borough Council services relating to Community Safety
June 2022	Future High Street Fund
June 2022	CIL Neighbourhood spend mechanism
June 2022	Public Space Protection Order Mercia Close
June 2022	EV Charging – council car parks (verbal)
July 2022	Netting of Hedges (petition referral)
July 2022 (tbc)	Local Plan
July 2022	Waste Management
September 2022	Net Zero – baseline reporting
October 2022	Amington local centre
Autumn 2022	Review of Taxi Licensing Policy – Points System
Quarterly updates	Future High Street Fund (Growth)
Quarterly updates	Waste Management
Quarterly	Reset & Recovery updates
Date to be confirmed	Council Housing Repairs Policy
Date to be confirmed	Review of policy / engagement with stakeholders relating to Travellers
Date to be confirmed	Fire Safety Update
Date to be confirmed	EV Charging update
Date to be confirmed	Town Hall
Date to be confirmed	Funding of public toilets
Date to be confirmed	Strategy for older buildings

Working Groups		
Topic	Possible WG Members	Target IS&G Com meeting date
Review of policy / engagement relating to Travellers		
Facilities for HGV Drivers in Tamworth	Cllrs B Price (WG chair) and R Claymore	

Upcoming Infrastructure, Safety and Growth Scrutiny Committee
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Meetings

Meeting dates:

14 June 2022

6 July 2022

14 September 2022

11 October 2022

22 November 2022

18 January 2023

23 March 2023