



Cabinet

Date: Tuesday, 28 July 2020

Time: 10.00 am

Venue: MS Teams Live Event

Membership: (Quorum 3)

Spencer Flower (Chairman), Peter Wharf (Vice-Chairman), Tony Alford, Ray Bryan, Graham Carr-Jones, Tony Ferrari, Laura Miller, Andrew Parry, Gary Suttle and David Walsh

Chief Executive: Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

For more information about this agenda please contact Kate Critchel 01305 252234 - kate.critchel@dorsetcouncil.gov.uk



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To consider a report of the Portfolio Holder for Highways, Travel and Environment.

Extract from minutes of Place Scrutiny Committee – 23 July 2020

Dorset Council – Community Infrastructure Levy Governance Arrangements

In advance of the report being presented to the committee, the Chairman raised a number of points for consideration by councillors, which included whether there should be councillor involvement in the approval of the prioritisation of Community Infrastructure Levy (CIL) spend on behalf of the Council, the use of mitigated areas and whether unspent monies should be redistributed? The impact of neighbourhood plans was also highlighted.

The report set out that the Council needed to establish a clear CIL Governance Structure to oversee the convergence of legacy councils CIL receipts and collection, auditing and spending of this and future CIL monies. The report proposed the key governance arrangements for the delivery of infrastructure through CIL to ensure CIL served its purpose of contributing to the delivery of the infrastructure necessary to support development in Dorset.

The committee considered the issues arising from the report and during discussion the following points were raised:

- There was a need for a clear definition of the term ‘local’ when looking at the allocation of CIL monies. This point was raised by a number of committee members
- The Infrastructure and Delivery Planning Manager highlighted the map within the report which showed the Dorset Council CIL charging areas. It was noted that monies collected in each of the identified areas would be retained within the area in order to maintain the local link
- The report proposed a process for the identification of projects and how decisions would be taken. It was noted that some larger projects would be considered by Cabinet, with others being considered by officers and agreed under delegation
- In response to a question raised, it was confirmed that the arrangements for Chickerell were unchanged
- A comment was made that the proposals provided the right balance of councillor involvement and officer delegation
- With reference to appendix A (CIL prioritisation scoring matrix) and the category ‘Wider community benefits and implications’, a question was raised as to the scoring set out in respect of foreseeable risks or negative impacts. In response it was confirmed that the scoring was the wrong way round and that this would be updated in time for consideration at Cabinet on 28 July 2020
- There would be a need to look at costs when a new charging schedule was developed
- In respect of recognising the importance of local democracy, it was highlighted that a specific proportion of CIL monies were retained by the local parish or town council

- The Portfolio Holder for Planning noted the importance of stakeholders, including town and parish councils being aware of the availability of CIL funding and to be encouraged to bring forward proposals. The Portfolio Holder thanked officers for their work in this area

The recommendations contained within the report were proposed by S Gibson seconded by V Pothecary with the inclusion of a note with regard to the need to update appendix A and the scoring for the category 'Wider community benefits and implications', in respect of foreseeable risks or negative impacts.

Recommendation to Cabinet

1. To agree these specific arrangements:
 - a) To spend CIL monies within the same geographical charging area from which they were levied, pre and post 31/8/19.
 - b) The CIL infrastructure spending priorities pre 1/9/19, as laid out in appendix C.
 - c) The mechanism for prioritisation and spend of CIL funded infrastructure pre and post 31/8/19, as set out in this report and appendix A.
2. To amend the Terms of Reference for Property Management Group (PMG) to enable it to scrutinise & prioritise infrastructure projects seeking funding from the Community Infrastructure Levy and provide recommendations to Capital Strategy and Asset Management Group (CSAMG) / the Executive Director of Place regarding which projects should receive such funding.
3. To delegate to the Executive Director of Place in consultation with the Portfolio Holder Planning, the approval of the prioritisation, of CIL spend on behalf of the Council as reported to CSAMG.

Decision

That appendix A (CIL prioritisation scoring matrix) be updated prior to consideration by Cabinet on 28 July 2020, in respect of the scoring for the category 'Wider community benefits and implications' – 'Are there any foreseeable risks or negative impacts which may arise from the project?'

Updated Appendix A as per decision

Category	Criteria	Response	Score	
Council Priority	Does the project contribute to the Council's Statutory Obligations	Yes	10	
		No	0	
Council compliance / corporate fit	Is the project consistent with other strategic plans (Local Transport Plan, LEP Growth Plan)?	Yes	10	Non-consistency risks non-approval and resource wastage.
Funding	Does the project attract match funding	No	0	Match Funding is simply leveraging a financial commitment towards the cost of the project from a source other than and in addition to CIL funding. Additional funding can make a project more deliverable and appealing.
		1% - 20%	1	
		21% - 40%	2	
		41% - 60%	3	
		61% - 80%	4	
		81% - 100%	5	
	Is there an additional funding requirement for maintenance of the project?	No	5	Maintenance costs to maintain a project following completion can be significant, for instance in public realm instances. If additional on-going maintenance is required it is unlikely that the Council would be able to fund this out of its own reserves
		Yes - Moderate	3	
		Yes - Significant	0	
Deliverability	Can the infrastructure be delivered now?	No – significant issue	0	Significant issues could include; landownership issues, remediation issues,

				reliant on other projects, reliant on other partners, not consistent with planning policy
		No – minor issues	3	Minor issues could include any of the above but they are surmountable
		Yes	5	There would be no issues with land ownership or constraints, the project would be consistent with policy and ideally have planning consent.
Wider Community Benefits and implications	Are there any foreseeable risks or negative impacts which may arise from the project?	No	5	These risks could include the Council’s Corporate Plan not being met; closure of local facilities; reduced or interrupted access to facilities or open space; loss of open or amenity space etc.
		Minor Risk	3	Consultation with the wider community including ‘hard to reach groups’ is important to ensure that the potential project is serving the needs of the community and they are aware of how they can input into the project preparation or implementation.
		Yes	0	Wider community benefits could include Safer Routes to Schools; pedestrian crossings; speed humps; public amenity space; better access; enhanced community facilities etc.
	Has the project already benefited from discussions with the local community?	Yes	5	Consultation with the wider community including ‘hard to reach groups’ is important to ensure that the potential project is serving the needs of the community and they are aware of how they can input into the project preparation or implementation
		No	0	
	Will the implementation of project create new	Yes	5	Wider community benefits could include Safer Routes to Schools; pedestrian crossings; speed humps;

local jobs or wider community benefits?			public amenity space; better access; enhanced community facilities etc.
	No	0	
Is there evidence to show that the project is meeting a local need or demand?	Yes	5	It should be demonstrated that the project is fulfilling a need or demand and where possible that this is for the benefit of the wider community and not a select few, for example multi-use community centres
	No	0	
Does the proposal have a positive impact on equality?	yes	5	Does the proposal help to tackle discrimination or disadvantage, advance equality of opportunity or foster good relations between different protected groups? (i.e. on the basis of age, disability, gender reassignment, pregnancy & maternity, race, religion or belief, sex or sexual orientation)
	No	0	

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Extract from minutes of Place Scrutiny Committee – 23 July 2020

Draft Dorset Council Climate and Ecological Emergency Strategy for public consultation

The committee received and considered a report which set out the work undertaken by a councillor led Executive Advisory Panel (EAP), working with officers to make recommendations to Dorset Council's Cabinet on actions that would help mitigate against climate change. The EAP had overseen the development of a draft Dorset Council Climate and Ecological Emergency Strategy which was included at Appendix A of the report. A detailed costed delivery plan was also being developed for consideration by the Cabinet in October 2020 prior to public consultation. The report highlighted engagement already undertaken with the wider public and key stakeholders and the proposals for consultation with the public on the draft strategy and delivery plan together later this year.

The Chairman noted that he had been a member of the EAP since its formation. He highlighted a concern with regard to the timescale for progressing action in this area and requested pace moving forward. In addition he noted the need for a dedicated lead councillor and officer to drive the work forward and the importance of both internal and external communications. He provided examples of areas already progressed by the council and noted how the council had also had to manage the impact of the Covid-19 pandemic over recent months.

The Portfolio Holder for Highways, Travel and Environment introduced the report and highlighted that this was a major piece of work by the council which had gone through many informed stages in order to produce the draft strategy for public consultation. He expressed his thanks to officers involved in the work.

The committee was provided with a presentation from officers, which set out the work undertaken to produce the draft strategy and details of the public consultation to be undertaken.

The committee considered the issues arising from the report and during discussion the following points were raised:

- In response to a question as to whether there was enough data available and confidence in order to implement it, it was noted that work was underway and it was hoped to be able to have more accurate information moving forward
- The length of the draft strategy was highlighted and a request made for an executive summary to be produced. There was a need for people reading the document to be aware of the facts in detail and the suggestion was made that a series of executive summaries could be produced around each group of questions

- The Portfolio Holder stressed the importance of communications leading up to and during the consultation period and gave his assurance that this would happen
- A request was made for the committee to have sight of the public consultation document before the consultation period started. In response, the Corporate Director for Place Services confirmed that committee members would be sent a copy of the communications plan and be given an opportunity to contribute to the tools and techniques that would be used
- A question was raised with regard to the cost of implementing the items within the action plan, with no guarantee of funding to be provided from Government, and therefore how the council would raise the required funds
- The Chairman provided examples of areas already being undertaken which included the addition of electric vehicles to the council's fleet
- The Corporate Director noted that the action plan, which was still being developed, would provide information around costings. The action plan and financial consequences would feed into the council's wider budget process and work was being undertaken with partners to explore partnership funding opportunities. Further debate would take place at Cabinet in October 2020
- It was noted that some actions already taken by the council were already funded
- The Portfolio Holder noted that an agreement for a green electricity supply for the council had been signed and electric car charging points had been fitted in some car parks at zero cost to the council and including a percentage of profits
- A point was raised that there was a need to lobby Government with regards to funding in this area
- The point was highlighted that Dorset Council already had low carbon emissions compared to other councils and that the action being taken by the council showed that the issue was being taken seriously
- Reference was made to factors that were out of the control of the council which included national direction on issues, infrastructure and legal requirements. The point was made that Government needed to give councils the tools to be able to lead on and move actions forward within their area
- The Portfolio Holder for Planning reported that discussion had taken place between members of the climate change EAP and the Local Plan EAP. It was difficult at the current time to enforce areas that were not covered by the council's existing local plan policies. Work was being undertaken to bring forward a new local plan but this work would not be completed for another three years. Therefore there was a need for a lead on policy to come through Government
- In response to a point raised, it was noted that issues of fly tipping were dealt with through the enforcement team in waste services,

working with the Environment Agency for major incidences and that incidences of pollution were dealt with by the environmental protection team. The council continued to monitor and deal with any situations where there was potential harm to the environment

- The Portfolio Holder for Highways, Travel and Environment welcomed the comments made by the committee. In addition he emphasised the role that needed to be played by the public
- Councillor Kelvin Clayton addressed the committee and asked whether councillors felt that the strategy acknowledged the urgency associated with the climate and ecological emergency declared by Full Council? He felt that the strategy lacked ambition and without relevant experience, required political leadership to move forward
- The Chairman reiterated his point that the council needed an action plan and to work at pace
- The Portfolio Holder took on board the comments made and noted that the council had a draft strategy to move work forward. It was acknowledged that there was a need for guidance from Government and funding in order to get actions moving at a quicker rate
- The draft strategy set out key areas where Dorset Council would need to take action to directly reduce carbon emissions from its own operations to become a carbon neutral Council by 2040 and by working in partnership to help Dorset residents and organisations achieve a wider carbon neutral Dorset County by 2050
- A point was made that there needed to be political leadership in order to get other organisations on board. In response, the Chairman noted that the council already had very small levels of emissions and was in a position to influence
- Councillor Paul Kimber addressed the committee to express concern with regard to the 2050 deadline for Dorset County and urged that the date be moved forward. He noted there was a key role for Dorset communities in this area
- The Chairman noted that the draft strategy set out a staged message of reduction of carbon emissions
- A message of thanks was given to officers, the Portfolio Holder for Highways, Travel and Environment and the EAP for the work that had been undertaken in the production of the draft strategy.

The committee considered the recommendations set out within the report. The Chairman put forward suggestions for inclusion with the recommendation as follows;

1. That the consultation document be made available to Scrutiny before publishing and that scrutiny members attend the EAP meeting where this is discussed
2. To continue to lobby Government for improved policy and funding
3. To continue to lobby Government to change National Planning Policy at pace to aid climate change

It was proposed by V Potheary seconded by D Taylor

Recommendation to Cabinet

1. To approve the DRAFT Dorset Council climate and ecological emergency strategy for consultation with the public following the development of a costed delivery plan
2. That the consultation document be made available to Scrutiny before publishing and that scrutiny members attend the EAP meeting where this is discussed
3. To continue to lobby Government for improved policy and funding
4. To continue to lobby Government to change National Planning Policy at pace to aid climate change.