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Cambridge City Council

COMMUNITY SERVICES SCRUTINY COMMITTEE

Date: Thursday, 15 January 2015
Time: 2.30 pm
Venue: Committee Room 1 & 2 - Guildhall
Contact: Toni Birkin **Direct Dial:** 01223 457013

SUPPLEMENTARY AGENDA

- 7 **S106 Priority-Setting: Third Round - City Centre and Public Places**
(Pages 3 - 22)

- 12 **S106 Priority-Setting: Third Round - Community, Arts and Recreation**
(Pages 23 - 36)

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To: Executive Councillor for City Centre & Public Places
(and Deputy Leader): Councillor Carina O'Reilly

Report by: Director of Environment

Relevant scrutiny committee: Community Services Scrutiny Committee 15/01/2015

Wards affected: All wards

S106 PRIORITY-SETTING AND SMALL-SCALE PUBLIC ART GRANTS

Key Decision

1. EXECUTIVE SUMMARY

Since the process for the next S106 priority-setting rounds was agreed last October, local groups and clubs have submitted grant applications for developer contributions funding to help them develop their projects. This report sets out the 10 bids for small-scale public art proposals. Five of these, totalling just over £39,000, are recommended, for approval. A separate report on S106 grants (from strategic funds) for outdoor and indoor sports facilities can be found under item 12 of the Committee's agenda papers for this meeting.

2. RECOMMENDATIONS

The Executive Councillor is recommended to approve the following S106 grant applications, subject to satisfactory further information from the applicants and grant agreements:

- a. The Big Draw 2015 event in Chesterton (£1,000);
- b. production of a new Cambridge Sculpture Trails leaflet (up to £2,600);
- c. Public art project in Rock Road library community garden (£6,490);
- d. Twilight at the Museums light projection animation (£14,000);
- e. 'Creating my Cambridge – clicking to connectivity' involving former pupils from Abbey Meadows junior school (£15,000).

3. BACKGROUND

- 3.1 New development and subsequent population increases create additional demands on local facilities and the need to ensure that the city upholds high standards of design in new development. The council currently asks developers to pay S106 contributions in order to address that impact. Its approach to creating and providing public art in Cambridge is set out in the Public Art Supplementary Planning Document (see section 7). See also Appendix A for an overview of S106 contributions and the council's approach to S106 priority-setting.
- 3.2 Following a report to the Community Services Scrutiny Committee last October, it was agreed that....
- a. the current (third) S106 priority-setting round should focus on S106 grant-funding opportunities, which could include enabling local groups to develop small-scale public art projects. Whilst 'small-scale' has not been formally defined, it is assumed that this would relate to grant-funding under £15,000.
 - b. a fourth S106 priority-setting round later in 2015 will be open to proposals relating to a wider range of S106 contribution types (including informal open space, play provision for children and teenagers and public realm improvements) and proposals that could involve council project management and delivery.
 - c. public art and public realm S106 contributions from across the city should both be pooled in (separate) city-wide funds (unless stipulated otherwise in specific S106 agreements) and decisions on their use should be made by the Executive Councillor.
- 3.3 In late November 2014, the Minister of State for Communities and Local Government announced that S106 contributions should not be sought for sites of 10 homes or less (which have a maximum combined gross floor space of 1,000 square metres) and all residential annexes and extensions. New regulations are awaited, and the full implications will need to be assessed. For the time being, it is being assumed that this change is unlikely to impact on S106 contributions already received for developments already commenced, or to impact directly on this S106 priority-setting round. The implications of this announcement do, however, reinforce the message emphasised in the October 2014 report to this Committee – that S106 contributions are set to taper off and run down in future, and it is important to make sure that they are used to greatest effect.

4. UPDATE ON S106 FUNDING AVAILABILITY

Public art contributions

- 4.1 All S106 funding available for public art projects in Cambridge, now pooled in a city-wide fund, is set out in Table 1 below. Around two thirds of the unallocated public art contributions have been received within the last two years. There are no expiry dates for these unallocated public art contributions before 2023. Please note that further checks are being made to this analysis and there will be an update at the meeting.

Table 1: S106 funding availability: Public art

		...comprising £S106 from the areas			
Contribution types	City-wide	North	East	South	West/ Central
Public art	£475k	£75k	£250k	£25k	£125k

Figures rounded down to the nearest £25k.

- 4.2 These S106 funding availability figures for public art are broken down according to the area of the city from which S106 contributions from major developments come. This is important in the context of official regulations. For example, the CIL Regulations 2010 set out three tests which councils have to apply to make sure that a contribution is:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale/kind to the development.

Even though most S106 agreements allow the use of S106 contributions anywhere within the city of Cambridge, officers are mindful that it is often easier to justify the use of contributions on projects in the same area or a neighbouring area. This might, for example, constrain the use of S106 contributions in a strategic or city-wide fund from a major development in Cherry Hinton (South), being used on a project in King's Hedges (North), or vice versa.

- 4.3 Whilst the public art S106 money in the city-wide fund is available, it does not all need to be allocated in the current priority-setting round. Given that a number of concepts for future potential public art projects are currently being explored (some of which may not come to fruition), the Executive Councillor has indicated that she would wish to select a number of priority grant projects in the current round, with the

possibility of prioritising more proposals in the fourth or subsequent rounds. This is reflected in the recommendations (Section 2).

- 4.4 A more detailed analysis of S106 availability (in both strategic and devolved funds) and S106 contributions with expiry dates will be published on the Council's website in mid-January 2015. This will include the informal open space, play provision and public realm contribution types, which are within the Executive Councillor's portfolio but which are not covered by the current (grant-funding) S106 priority-setting round.
- 4.5 In the meantime, Appendix B sets out current unallocated S106 contributions relating to this portfolio which are due to expire on specific dates between 2015 - 2019 (by when they will need to be contractually committed to projects). Most of these relate to expiry dates in late 2016 and in 2017. Whilst these are substantial amounts, by identifying these issues in advance, the council is in a good position to take forward projects that will be able to make use of the contributions on time.
- a. S106 allocations are regularly reviewed to identify appropriate opportunities for making use of contributions with expiry dates ahead of those which do not face the same constraints. Certainly, it is envisaged that this approach will help to address contributions with expiry dates within the next 12 months or so.
 - b. The next (fourth) S106 priority-setting round in autumn 2015 will provide opportunities to identify further S106-funded projects and grants that can be taken forward, not least to make use of S106 contributions with expiry dates. Alongside ideas from local residents and community groups (to be invited from early summer 2015), officers will put forward suggestions to ensure the area committees or the Executive Councillor (as appropriate) have sufficient proposals from which to choose.
 - c. There is also the option of swapping contributions between the devolved and strategic funds in order to enable contributions with impending expiry dates to be used on time. This contingency was recognised when the council's approach to devolved decision-making was introduced. If this were to prove necessary in particular cases, it is envisaged that this would be reported to this Committee for consideration.

5. CONSIDERATION OF OPTIONS FOR GRANT-FUNDING

- 5.1 Applications for S106 grant funding were invited from local groups and organisations between 7 November and 8 December 2014. This was publicised via:

- a. area committee briefings; local councillors making contact with local groups in their wards;
 - b. information on the Council's website;
 - c. news releases and posts on social media; and
 - d. emails to local organisations which have contacted the council in recent months about S106 funding opportunities.
- 5.2 The application process involved completing an initial two-page form. Guidance for applicants (including supplementary notes relating to small-scale public art projects) can be found in Appendices C & D. Prospective applicants were invited to ask themselves five questions before filling in the form, in order to minimise the number of applications not eligible or suitable for S106 grant-funding.
- 5.3 The council has received 10 applications for grant-funding from local groups and organisations for small scale public art projects. Nine of these are eligible for this S106 funding.
- 5.4 The following criteria have been taken into account in assessing each application (as mentioned at the foot of the application form):
- a. whether it is eligible for S106 funding (not least, in line with the Public Art SPD);
 - b. whether the proposed projects is feasible;
 - c. whether it is ready to be considered;
 - d. whether it is consistent with other council policy (eg, the developing Anti-Poverty Strategy – helping to address the needs of people with a social or economic disadvantage).
- 5.5 Based on this assessment approach, Appendix E highlights five grant applications that are recommended for public art S106 funding in the current S106 priority-setting round. Four other grant applications are encouraged to take account of the officer comments and reapply in the next round later in 2015.

6. IMPLICATIONS

- 6.1. **Financial implications:** Funding constraints have been highlighted in paragraph 3.3 and in section 4 of this report, as well as in Appendix B.
- 6.2. **Staffing implications:** Whilst grant-funded projects are normally straightforward to process, experience suggests that public art projects tend to involve more work than other grants in clarifying and confirming the details. In recognition of these staffing implications, a light-touch approach has been taken to the officer assessments of small-scale proposals. Please note also that the council's Constitution

does not require detailed project appraisals to be undertaken for small projects requesting £15,000 or less – which is the case for all the small-scale public art grant applications seeking S106 funding.

- 6.3 **Equal Opportunities implications:** The Equality Impact Assessment on S106 priority-setting was reported to this Committee last October. This highlighted the risk that allocating S106 contributions in the third S106 priority-setting round to grant-funded projects could reduce the funding available for projects in the fourth and subsequent rounds. This is taken into account in paragraph 4.3 and the recommendations in Section 2.
- 6.4 **Environmental implications:** It is understood that the small-scale public art projects recommended for S106 grant-funding will have a neutral impact.
- 6.5 **Procurement:** Not applicable, as the project proposals under consideration are for grant-funding to local organisations, which will put in place their own arrangements for project delivery.
- 6.6. **Consultation and communication:** This has been addressed in paragraph 5.1.
- 6.7 **Community Safety:** For the grant proposals prioritised by the Executive Councillor, officers will seek further information from the grant applicants about steps being made to ensure that safety considerations are being taken into account in the development of their projects. Where appropriate, these issues will be included as grant-funding agreement conditions.

7. BACKGROUND PAPERS

- 7.1 These background papers on the S106 devolved decision-making process were used in the preparation of this report:
- “S106 priority-setting and devolved decision-making”, report to Community Services Scrutiny Committee, 13/10/14.
 - Written statement to Parliament by Minister of State for Communities and Local Government (28/11/14): <https://www.gov.uk/government/speeches/small-scale-developers>
 - Public Art SPD (www.cambridge.gov.uk/public-art-spd)
 - S106 grant allocations received in autumn 2014 (with personal details redacted) – visit www.cambridge.gov.uk/s106
 - “Devolved decision-making to Area Committee”, report to Community Services Scrutiny Committee – 12/01/2012.

- 7.2 Further information (including details of priority-setting reports to area and scrutiny committees, photos of completed projects and links to web pages about the Community Infrastructure Levy and the Planning Obligations Strategy) can be found at the council's Developer Contributions web page (www.cambridge.gov.uk/s106). More details will be posted on this web page prior to the Committee meeting about S106 receipts and spending between 2010 - 2014 and S106 contributions with expiry dates once the response to a recent request for information has been completed.

8. APPENDICES

- A. Overview of S106 contributions and priority-setting
- B. S106 contributions: expiry date conditions
- C. Advice for S106 grant applicants (November 2014)
- D. Supplementary advice for those seeking S106 grant-funding for small-scale public art projects
- E. Assessment of applications for S106 small-scale public art grants

9. INSPECTION OF PAPERS

To inspect the background papers or if you have a query on the report please contact:

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Author's Phone Number: 01223 – 457313
Author's Email: tim.wetherfield@cambridge.gov.uk

Overview of S106 contributions & priority-setting

- A1. New development creates additional demands on local facilities. Through S106 agreements and unilateral undertakings (simpler versions), developers or property owners agree to pay off-site financial contributions (in lieu of providing facilities on site) in order to address the impact of that development.
- A2. Most S106 agreements and unilateral undertakings identify different contribution types for which the developer/property owner will pay contributions. The contribution types are defined in the council's Planning Obligations Strategy. Please note:
- a. Most S106 agreements present the intended purpose of particular contributions in terms of "for the provision of, or improvement of, or better access to" [contribution type] within the city of Cambridge.
 - b. Some S106 agreements identify other specific stipulations as to how a contribution should be used or whether it has to be spent or contractually committed by a particular time after the payment of the contribution (say, seven or ten years). Details of S106 agreements can be found via Public Access on the council's website: <https://idox.cambridge.gov.uk/online-applications//>
 - c. developer contributions cannot be used for funding running costs or repairs or maintenance or projects outside the city of Cambridge;
 - d. proposed new/improved facilities need to be publicly accessible (grant recipients have to sign a community use agreement);
- A3. Developer contributions also have to comply with official regulations (eg, ODPM Circular 5/05 or the Community Infrastructure Levy [CIL] Regulations 2010). The latter sets out three tests which councils have to apply to make sure that a contribution is:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale/kind to the development.
- A4. The planning obligations system, with its off-site S106 contributions, is set to be eventually replaced by the new Community Infrastructure Levy system. (That said, there will still be S106 agreements in relation to on-site provision of facilities within some developments). The scope for entering into new S106 agreements for off-site provision/improvement of facilities will be more constrained from next April.
- A5. In October 2014, the Executive Councillor for City Centre and Public Places agreed to:

- a. re-focus devolved decision-making to area committees within future S106 priority-setting rounds on S106 contributions for community facilities, informal open space, outdoor sports (incorporating formal open space) and play provision for children and teenagers;
 - b. continue to include developer contributions for indoor sports provision, public art and public realm in future S106 priority-setting rounds, but return the decision-making for these contribution types to the relevant Executive Councillor;
 - c. adapt the method for devolved S106 funding to areas now that area committees no longer make planning decisions: this is now based on 100% of S106 contributions from 'minor'/'other' categories of planning applications from the area and 50% of S106 contributions from the 'major' category planning applications from the area.
- A6. The arrangements for the current (third) round of S106 priority-setting, and a fourth round later in 2015 are set out in Tables 3 and 4.
- A7. A project can only be taken forward where:
- a. sufficient developer contributions funding is available in the appropriate devolved/strategic fund & relevant contribution type(s);
 - b. there is sufficient officer capacity to oversee project delivery or processing of S106 grants, as appropriate;
 - c. it is formally prioritised, subject to project appraisal, by the relevant area committee (for local priorities) or by the relevant Executive Councillor (for strategic priorities);
 - d. it subsequently receives project appraisal approval - all projects above £15k have to be appraised by the appropriate councillors.

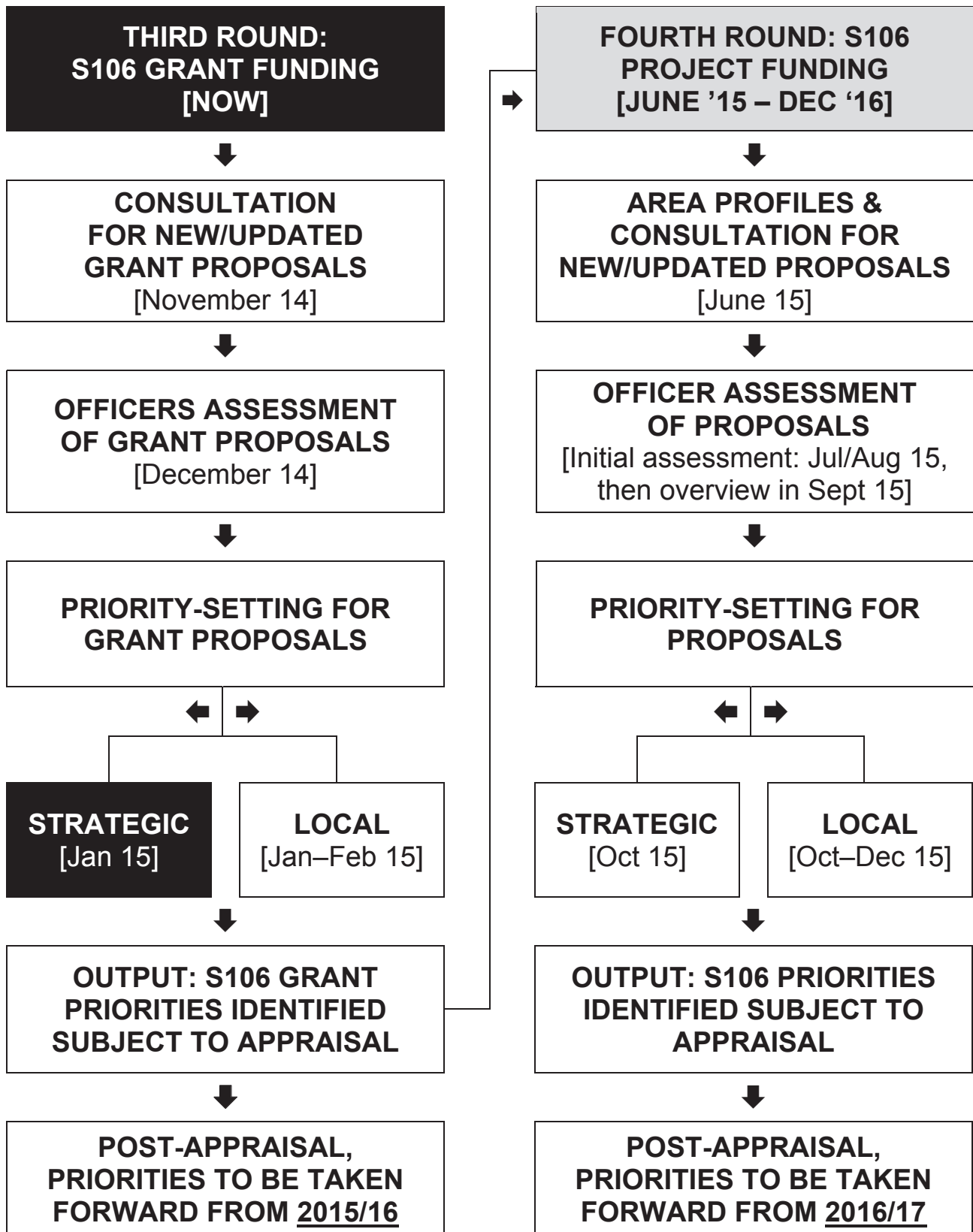
Table 2: Project appraisal arrangements

Project value	Area priorities	Strategic priorities
Below £75k	Area committee chair, vice chair and opposition spokes	Executive councillor in consultation with scrutiny committee chair, vice chair & opposition spokes
Above £75k	Area Committee	Scrutiny Committee

Table 3: S106 priority-setting process: key features

	3rd round (NOW)	4th round
Focus on	Project proposals that can be grant-funded from S106 contributions	All proposals (either for S106 grant-funding or delivery by the council)
Contribution types being considered	Those suitable for S106 grant funding: <ul style="list-style-type: none"> • community facilities • indoor sports • outdoor sports and • (possibly), public art – (small-scale projects by local groups) 	<ul style="list-style-type: none"> • community facilities • informal open space • play provision for children and teens • indoor sports • outdoor sports • public art • public realm
Area Committees will prioritise local proposals for:	<ul style="list-style-type: none"> • community facilities • outdoor sports facilities 	<ul style="list-style-type: none"> • community facilities • informal open space • play provision for children and teens • outdoor sports
Exec Councillor for Community, Arts & Recreation will prioritise:	Strategic proposals for: <ul style="list-style-type: none"> • community facilities • outdoor sports. All proposals for: <ul style="list-style-type: none"> • indoor sports facilities 	Strategic proposals for: <ul style="list-style-type: none"> • community facilities • outdoor sports. All proposals for: <ul style="list-style-type: none"> • indoor sports facilities.
Exec Councillor for City Centre & Public Places will prioritise:	All proposals for: <ul style="list-style-type: none"> • small-scale public art projects. 	Strategic proposals for: <ul style="list-style-type: none"> • informal open space • play provision. All proposals for: <ul style="list-style-type: none"> • public art • public realm.
Consultation	Primarily for local community groups with capital project proposals	Local residents and community groups
When	Consultation in November 2014 followed by priority-setting reports to area & scrutiny committees in January/February 2015	(Provisional) consultation in June '15 followed by priority-setting reports to area/scrutiny committees between Oct-Dec 2015
When could priorities be taken forward	From 2015/16 (depending on the readiness of grant-funded priority projects)	From 2016/17 (depending on the readiness of priority projects)

Table 4: S106 priority-setting process: timetable



S106 contributions: expiry date conditions

Most S106 contributions do not have expiry dates attached to them. Most of those that do, and have expiry dates in the short-term, have either already been spent or are due to be used on time towards the projects to which they have been allocated.

This table focuses on S106 contributions with expiry dates between 2015-19 that have not yet been allocated to projects: The relevant S106 agreements require the council to have allocated these contributions to a project for which a contract/purchase order has been put in place by the expiry date.

	Area	Contribution type	Expires	Currently unallocated	Which fund?
A	West/ Central	Public Realm	July 2015	£6.6k	Devolved
B	East	Play	Jan 2016	£7.9k	Devolved
C	South	Informal Open Space	Dec 2016	£49.5k	Devolved
D	West/ Central	Play	July 2017	£36.8k	Devolved
E	East	Informal Open Space	July 2017	£36.1k	Devolved
F	East	Public Realm	July 2017	£89.6k	Devolved: £29.5k Strategic: £60,1k
G	West/ Central	Informal Open Space	Nov 2017	£97.7k	Devolved
H	West/ Central	Play	Nov 2017	£4.6k	Devolved

Advice for grant-applicants

S106 grant-funding application process (autumn 2014)



These notes aim to help local groups fill in the application form for S106 grant-funding for their projects, which they would deliver, run and maintain themselves. Such projects can relate to:

- a. **building and/or equipping new or improved**
 - **sports facilities (indoor or outdoor) or**
 - **community centres, venues for community activities or meeting spaces; or**
- b. **small-scale public art projects involving an artist and community engagement.**

BEFORE YOU START

Before you start completing the application form, ask yourself these five questions:

- Would your proposed project fit one of the above descriptions?
- Would it be within the city of Cambridge?
- Would it (once completed) be open to everyone / all sections of the community?
- Could your organisation meet the project's future running and maintenance costs?
- Does your organisation have a bank account?

If you have answered 'yes' to all five questions, we would encourage you to apply. If you have said 'no' to any of them, you may not be eligible for this S106 grant-funding. To discuss further, please call 01223 457313.

There will be a further S106 priority-setting round later in 2015, which will consider not only project proposals for grant-funding but also ideas for new or improved facilities on council land or property (e.g. play area and open space improvements) which might need to be project-managed or delivered by the city council).

HOW TO APPLY

The form seeks to gather the top-level information needed to assess which proposals are eligible for S106 grant-funding and to enable councillors to consider which ones to prioritise. Applicants whose project proposals are prioritised will be asked to provide more details and sign a community use agreement before S106 grant-funding can be confirmed.

Please keep your answers brief. Information from the application forms will be reported to the appropriate council (area or scrutiny) committee: we reserve the right to summarise responses or quote short extracts, especially for replies that are particularly detailed.

Please complete and return the application form by 8 December 2014

by email (S106@cambridge.gov.uk) or by post to Tim Wetherfield, Environment Department, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH.

EXPLANATORY NOTES FOR PARTICULAR QUESTIONS

Q2. Please provide a concise project aim (e.g. "kitchen refurbishment at [specific community facility]" or "changing room improvements at [specific sports club]").

In recent years, S106 community facilities grants have included hall refurbishments, better storage space, upgraded kitchens and toilets and new meeting spaces. S106 sports facilities grants have been awarded for new sports equipment (e.g. diving boards) and are also available for sports changing facilities and pavilions, for example.

Q4. The address requested here is where the proposed project would be located.

Q5. Three sets of project funding figures (A, B, C) are needed here. 'C' represents the amount of S106 grant-funding requested ($A - B = C$). The amount of developer contributions funding available is limited and it will not be possible to fund all proposed projects. Groups seeking S106 funding for new/improved facilities are encouraged to explore other funding sources and carry out fund-raising.

Q6. Please state here what you want the funding for (e.g. "to provide a new community meeting space suitable for up to xx people by extending the current hall").

Q7. Explain how your proposal would make a difference. Roughly, how many people might use the new/improved facilities? Would the project proposals mostly benefit residents from one area of the city or residents from across Cambridge? Are there any particular groups of people who would benefit from the project proposal? (e.g. older people, children & young people, people with disabilities or people facing social or economic disadvantages).

Q8. Please give brief details about what stage your preparations have reached. For example:

- Do you have a dedicated project manager?
- Who have you consulted about the proposed project?
- Does your group own the land or do you have evidence of landlord approval?
- Do you have detailed designs? (not required to be submitted at this stage)
- How have cost estimates been calculated and what other funding do you have for the proposed project?

Q9. Information about your awareness of risks and what your organisation is doing about them can help to provide confidence that your proposals are realistic.

Q10. Make sure your anticipated start and completion dates are realistic and take account of any next steps you have identified under question 8. Please note that, once successful grant applications have been prioritised in early 2015, more details about the project will be needed and a community use agreement will need to be signed before S106 grant-funding can be confirmed.

If you have any queries, please contact Tim Wetherfield on 01223 457313 or email S106@cambridge.gov.uk.

7 November 2014 (with minor amendment to introductory sentence on 12/11/14)

Supplementary advice for those seeking S106 grant-funding for small-scale public art projects



This note is in response to a number of queries received from local public art groups recently.

The main advice for those seeking small-scale grant-funding for a public art project is that it needs to be in keeping with the Council's Public Art Supplementary Planning Document (see <https://www.cambridge.gov.uk/public-art-spd>).

In particular, the project would need to involve design work by an artist and community engagement. The project would need to be delivered/managed by the local group or organisation seeking the grant-funding, which would need to have its own bank account.

Whilst there has been no formal definition of what would constitute a 'small-scale' public art project, it is fair to assume that this would probably be under £15,000.

Please note that S106 funding cannot be used for:

- faith or religious-based projects, but can be used for projects that can be enjoyed by all sections of the community.
- for an organisation's general staffing and running costs or maintenance and repair works.

In filling in the application form, please explain what sort of project is proposed, where it would be located, when it would take place (and how long for), and who would be involved in its development. If a temporary artwork is proposed, it would be useful to know what records would be compiled to enable the project to have a more lasting impact.

More information about the S106 grant-funding round (including the application form and advice for applicants) can be found on our Developer Contributions web page (www.cambridge.gov.uk/s106). Please submit your applications by Monday 8 December.

18 November 2014

Assessment of applications for S106 small-scale public art grants

Grants would be subject to satisfactory further details required from the applicant organisations.

Apart from proposal E4 (below) all applications envisaged that the projects would be completed by December 2015.

	Application	Bid for	Officer comments	Grant proposal
E1	The 'Big Draw' event in October 2015 in St Andrew's Hall, Chesterton: To be organised by Chesterton Community Association. 'The Big Draw' is a national initiative to encourage people to take part in art and try out different art media & techniques.	£1k	Yes. Eligible for S106 grant-funding. It is seen as a good arts development opportunity and a quick win. The grant would be for the 2015 event.	£1k
E2	New Cambridge Sculpture Trails leaflet (30,000 copies)	£2.6k	Yes. Eligible for S106 grant-funding. Given the amount of new public art projects currently being taken forward, officers would suggest a smaller print run for the next edition, so that it could be updated more quickly (with less risk of the leaflets becoming out-of-date).	Up to £2.6k
E3	Public art in Rock Road library community garden: Proposed by the library's Friends Group. Would involve [1] a willow artwork along the garden's 20-metre boundary and [2] 'greening' the library steps and nearby areas of the garden, with artists working with school children and students.	£6.49k	Yes. Eligible for S106 grant-funding. Good, quick-win. Community consultation and involvement is already in place.	£6k

	Application	Bid for	Officer comments	Grant proposal
E4	<p>Twilight at Museums light projection: Will work with targeted local schools (eg, including from King's Hedges and Abbey) to develop an animation to be projected onto buildings in a roving light installation as part of the Twilight at the Museums event in Feb 2016. It will be produced as a partnership between ADeC, public artist Zoe Chamberlain & University of Cambridge Museums.</p>	£14k	<p>Yes. Eligible for S106 grant-funding. This sounds like a really interesting and strong proposal (similar to the Kickstart project in October 2014). The artist involved is known and well-respected for public art involving people and community.</p>	£14k
E5	<p>Artist-designed stained glass window for the school hall: Planned work includes the design, manufacture and installation of the windows within 2 months of the project getting under way. It has been suggested by children of the school to commemorate the work of their school caretaker who died last summer.</p>	£14.5k	<p>Not ready yet. A nice idea (eligible for S106 funding), but question whether the planned approach, timescales & estimated costs are realistic. To achieve a quality outcome, the school needs help to commission the artwork. Some fund-raising by the school could be helpful. Consider re-applying in the next round.</p>	Not in this round-
E6	<p>Games of Wild Exchange public art: proposal from Cambridge Curiosity & Imagination to connect communities across the city through playful workshops in local wild spaces. It would be recorded physically & digitally, then shared through a programme of library-based events and final exhibition.</p>	£14.85k	<p>Not convinced by this proposal yet. Whilst eligible for S106 funding, one of the three wild spaces proposed for the workshops may not be feasible, given that it is a complex construction site. It is not clear that the current proposals would involve sufficient community engagement to justify the funding applied for. If considered for S106 grant-funding in</p>	Not in this round

	Application	Bid for	Officer comments	Grant proposal
E6	Games of Wild Exchange public art (<i>continued</i>)		future, could an alternative wild space in East area be considered?: this might encourage the engagement of children from wards who tend to have less opportunity to take part in such workshops.	
E7	Creating my Cambridge - clicking to connectivity: Connecting the community at Abbey Meadows Primary School to the centre of Cambridge through a media project co-created by former pupils and Historyworks (photographic, film & sound artists). It would tell the story of their journeys to the city centre by foot, bike, car & bus and landmarks on the way (eg, Leper Chapel).	£15k	Yes. Eligible for S106 grant-funding. This could be a really good project. It could enable children from Abbey ward to understand their local area and engage kids who do not normally come into the city centre. It could provide a clearer legacy than some other projects proposed.	£15k
E8	‘Cambridge cares about climate change’ short film: Cambridge Carbon Footprint’s proposal for a 10-month community video project to engage people in Cambridge on climate change and low-carbon living. Hope to run a mini-film festival (possibly at the Arts Picturehouse) and also have in mind the possibility that the film might be shown in Paris in December 2015 (at an event around the UN Climate Change conference).	£15k	Not convinced by this proposal yet. Whilst eligible for S106 funding, it is not clear why it is needed (there are already a number of films about climate change) and how far this project would impact behaviour beyond those who already recognise the importance of reducing their carbon footprints.	Not in this round

	Application	Bid for	Officer comments	Grant proposal
E9	<p>Bringing artists and citizens together to play with technology on the streets of Cambridge: Proposed by Collusion – an arts & technology agency operating in Cambridge. It would recruit a talented artist to develop an interactive new temporary public artwork that explores Cambridge, its data and growth, considering smarter ways of living and engaging citizens with its challenges in a playful way.</p>	£15k	<p>Not convinced by this proposal yet. Whilst eligible for S106 funding and the proposal sounds like it might have some potential, it is not really clear what sort of public artwork might actually emerge from this project. Nor is it clear how the public would be involved or engaged in the public art, its development and legacy.</p>	Not in this round-
E10	<p>Public art panels at Cambridge Community Church's new centre</p>	£15k	<p>Not eligible for S106 funding. The public art is a condition of the planning permission for the new C3 centre, so this should be funded by the developer.</p>	None

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To: Executive Councillor for Community, Arts and Recreation: Councillor Richard Johnson

Report by: Director of Environment

Relevant scrutiny committee: Community Services Scrutiny Committee 15/01/2015

Wards affected: All wards

S106 GRANTS FOR OUTDOOR AND INDOOR SPORTS FACILITIES

Key Decision

1. EXECUTIVE SUMMARY

Since the S106 priority-setting process was agreed last October, local groups have submitted grant applications for developer contributions funding to help them develop their projects. This report sets out the nine bids that have been made for new or improved sports facilities to benefit more than one area of the city (see Appendices B and C). Another 11 applications for more local community facilities and outdoor sports projects are being reported to the relevant area committees in early 2015 (see Appendix D).

2. RECOMMENDATIONS

The Executive Councillor is recommended to:

- 2.1 approve the following S106 grants, subject to more details, project appraisal approval and community use agreement (see section 5)
 - a. Cambridge 99 Rowing Club: upgraded/extended kitchen facilities (£5,000 outdoor sports grant),
 - b. Cambridge Canoe Club: additional boat & equipment store (£10,000 outdoor sports grant),
 - c. Cambridge Rugby Club: new changing rooms (provisional £200,000 outdoor sports grant – see paragraph 5.6),
 - d. King’s College School: sports centre – visitor changing rooms (£75,000 indoor sports grant),
 - e. Cambridge Gymnastics Academy: refurbishment of warehouse as a gymnastics facility (£65,000 indoor sports grant),

- f. Netherhall School & 6th Form Centre: supplementary funding for gym facility (£64,000 indoor sports grant);
- 2.2 agree the allocation of £80,000 of community facilities S106 contributions from the strategic fund towards the Clay Farm community centre (paragraph 4.6 refers).

3. BACKGROUND

- 3.1 An overview of developer contributions and the council's approach to S106 priority-setting can be found in the S106 report to the Executive Councillor for City Centre & Public Places (see item 7 of the agenda papers for this meeting).
- 3.2 Following a report to this Committee last October, it was agreed that:
- a. the current (third) S106 priority-setting round will focus on S106 grant-funding opportunities which – in the case of this Executive Councillor's portfolio – will enable local groups to develop their community and outdoor & indoor sports facilities; a fourth round later in 2015 will be open to a wider range of proposals (including those involving council project management and delivery);
 - b. each area committee will continue to decide how devolved S106 funding for community and outdoor sports facilities should be used on local projects benefitting its area, while the Executive Councillor will continue to identify strategic priority projects (benefitting more than one area of Cambridge) relating to those contribution types;
 - c. indoor sports S106 contributions from across the city will be pooled in a city-wide fund (unless stipulated otherwise in particular S106 agreements) and the Executive Councillor will make the priority-setting decisions about how those contributions should be used.
- 3.3 In late November 2014, the Minister of State for Communities and Local Government announced that S106 contributions should not be sought for sites of 10 homes or less (which have a maximum combined gross floor space of 1,000 square metres) and all residential annexes and extensions. New regulations are awaited, and the full implications will need to be assessed. For the time being, it is being assumed that this change is unlikely to impact on S106 contributions already received for developments already commenced, or to impact directly on this S106 priority-setting round. The implications of this announcement do, however, reinforce the message emphasised in the October 2014 report to this Committee – that S106 contributions are set to taper off and run down in future, and it is important to make sure that they are used to greatest effect.

4. UPDATE ON S106 FUNDING AVAILABILITY

4.1 The unallocated S106 funding available to the Executive Councillor for allocating to strategic projects for new or improved community or sports facilities is set out in the 'strategic/city-wide' column of Table 1. Please note that further checks are being made to this analysis and there will be an update at the meeting.

Table 1: S106 funding availability in strategic/city-wide funds

		...comprising £S106 from the areas			
Contribution types	Strategic/ city-wide	North	East	South	West/ Central
Outdoor sports	£750k	£50k	£125k	£425k	£150k
Indoor sports	£450k	£150k	£175k	£50k	£75k
Community facilities	£145k	£25k	£100k	£10k- £15k	£0k- £5k

Figures above £25k rounded down to the nearest £25k.

4.2 The overall S106 funding availability figures in the 'strategic/city-wide' column of Table 1 are broken down according to the area of the city from which S106 contributions from major developments come. This is important in the context of official regulations. For example, the CIL Regulations 2010 set out three tests which councils have to apply to make sure that a contribution is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale/kind to the development.

Even though most S106 agreements allow the use of S106 contributions anywhere within the city of Cambridge, officers are mindful that it is often easier to justify the use of contributions on projects in the same area or a neighbouring area. This might, for example, constrain the use of S106 contributions in a strategic or city-wide fund from a major development in Cherry Hinton (South), being used on a project in King's Hedges (North).

4.3 **S106 contributions with expiry dates:** Appendix A sets out the current unallocated S106 contributions relating to this portfolio which are due to expire on specific dates between 2015 - 2019 (by when they will need to be contractually committed to projects). All these relate to outdoor sports contributions (or the previous formal open space category). The two most significant cases are £86.8k (expires

July 2017) and £239.6k (expires November 2017), which are spread across the strategic and devolved (East and West/Central) funds.

- 4.4 Whilst these are substantial amounts, by identifying these issues in advance, the council is in a good position to take forward projects that will be able to make use of the contributions on time.
- a. The recommended outdoor sports grant allocations set out in this report amount to £215,000.
 - b. The report to the West/Central Area Committee on 7/1/2015 has recommended a £50,000 outdoor sports grant from devolved funds.
 - c. The reports to the West/Central and East Area Committees on 7 and 8 January have highlighted the need for local proposals for eligible outdoor sports projects to come forward for the fourth S106 priority-setting round later this autumn.
 - d. S106 allocations are regularly reviewed to identify appropriate opportunities for making use of contributions with expiry dates ahead of those which do not face the same constraints.
 - e. There is also the option of swapping contributions between the devolved and strategic funds in order to enable contributions with impending expiry dates to be used on time. This contingency was recognised when the council's approach to devolved decision-making was introduced. If this were to prove necessary, it is envisaged that this would be reported to this Committee for consideration.
- 4.5 **Rouse Ball Pavilion:** The October 2014 report to this Committee highlighted issues relating to the S106 allocations for the Rouse Ball pavilion project on Jesus Green. It had anticipated a need for this January 2015 report to recommend de-allocating S106 contributions for this project, but this is no longer being considered. £250,000 of S106 contributions from strategic funds (half from the outdoor sports category and half from the community facilities contribution type) continue to be allocated to the project.
- a. The way forward for the development of the Rouse Ball pavilion will be explored in the context of wider options for Jesus Green pool (eg, plant room improvements, improving access for people with disabilities, provision for families and young children, sustainability improvements, potential to operate a longer season and opportunity to link to other projects on Jesus Green, such as the Rouse Ball pavilion). Other funding, probably from external sources, would also be needed to realise some of these ambitions.
 - b. An open consultation meeting to consider these options for Jesus Green pool is scheduled for Thursday 22 January 2015

(7.15pm - 9.00pm) in the Refectory Room at Wesley Memorial Church, Christ's Pieces.

- 4.6 **Clay Farm community centre:** A separate report to this Committee last October about the revised budget for the Clay Farm Community Centre (on the Cambridge Southern Fringe major growth site) included an assumption that up to a further £80,000 would be found from S106 contributions.
- a. Given that the decision to agree the budget was made by the Executive Councillor and that the Southern Fringe major growth site is of strategic importance to Cambridge, it would make sense to make that this allocation from the community facilities S106 contributions in the strategic fund. See recommendation 2.2.
 - b. Whilst this £80,000 allocation would reduce the current community facilities S106 contributions in the strategic fund to around £65,000, the first phase of community facilities S106 contributions (around £130,000) from the Bell School development on the Cambridge Southern Fringe has recently been triggered and is expected soon. In line with the 50:50 (devolved:strategic) split of developer contributions from major developments, this will mean that around £65,000 more is set to be added the strategic fund shortly.

5. CONSIDERATION OF OPTIONS FOR GRANT-FUNDING

- 5.1 Applications for S106 grant funding were invited from local groups and organisations between 7 November and 8 December 2014. This was publicised via:
- a. area committee briefings; local councillors making contact with local groups in their wards;
 - b. information on the Council's website;
 - c. news releases and posts on social media; and
 - d. emails to local organisations which have contacted the council in recent months about S106 funding opportunities.
- 5.2 The application process involved completing an initial two-page form. The guidance notes for applicants can be found in the S106 report to the Executive Councillor for City Centre & Public Places (see item 7 of the agenda papers for this meeting) and on the council's Developer Contributions web page (www.cambridge.gov.uk/s106). Prospective applicants were invited to ask themselves five questions before filling in the form, in order to minimise the number of applications not eligible or suitable for S106 grant-funding.
- 5.3 The council has received 20 applications for grant-funding from local groups and organisations for developing/improving their sports and

community facilities (see Appendices B, C and D). The details of the nine strategic grant applications considered by this report can be found on the council's website.

5.4 The following criteria have been taken into account in assessing each application (as mentioned at the foot of the application form):

- a. whether it is eligible for S106 funding;
- b. whether the proposed projects is feasible;
- c. whether it is ready to be considered;
- d. whether it is consistent with council policy (eg, the Sports and Physical Activity Strategy and/or the Anti-Poverty Strategy).

5.5 Based on this assessment approach, Appendix B sets out the six grant applications that are recommended for sports facilities S106 funding (comprising £215,000 outdoor sports funding and £204,000 indoor sports funding) - see recommendation 2.1. Meanwhile, Appendix C explains why three other applications for S106 sports contributions are not eligible for S106 funding.

5.6 Attention is drawn, in particular to Cambridge Rugby Football Club's application for new changing rooms for, so that the club's facilities can be made available for community use (see B3 in Appendix B). The recommended provisional £200,000 allocation of outdoor sports S106 contributions from the strategic fund is conditional upon the rugby club being able to provide satisfactory assurances by October 2015 that it will be able to enter into a contract by October 2017 for construction of the changing facilities. This is fundamentally important given the outdoor sports S106 contributions with expiry dates highlighted in Appendix A. If the rugby club is unable to provide such assurances by October 2015, there would then be a recommendation to the Executive Councillor to rescind the provisional allocation, to enable other projects to be taken forward instead.

6. IMPLICATIONS

6.1. **Financial implications:** Funding constraints have been highlighted in paragraph 3.3 and in section 4 of this report as well as in Appendix A. For S106 grant-funded projects, the grant recipients will be responsible for the running/maintenance costs of their projects.

6.2 Whilst unallocated S106 funding for community and sports facilities (set out in Table 1) is available to the Executive Councillor, and important considerations about S106 expiry dates are set out in paragraphs 4.3 and 4.4, not all the available S106 contributions in the strategic funds (set out in Table 1) need to be allocated in the current S106 priority-setting round. For example, it is estimated that around

45% of all (strategic and devolved) unallocated sports and community facilities S106 contributions have been received within the last two years.

- 6.3 **Equal opportunities implications:** The Equality Impact Assessment on S106 priority-setting, reported to this Committee last October, highlighted the risk that allocating S106 contributions in the third round to grant-funded projects could reduce the funding available for projects in the fourth round. This might particularly affect parts of the city with lower income levels, which might be more dependent on facility improvements being project managed or delivered by the council – ideas for which will be invited in the fourth round in 2015. If the Executive Councillors agrees recommendations 2.1, this would leave over £525k of outdoor sports contributions and around £250k of indoor sports S106 contributions in the strategic fund for future use.
- 6.4 **Staffing implications:** Whilst grant-funded projects are less time-consuming to process than council-delivered projects, the light-touch approach to officer assessments of resources has been mindful of competing workload pressures for Community, Arts & Recreation staff.
- 6.5 **Environmental implications:** This will be considered as part of the project appraisals for specific S106 prioritised projects, as appropriate.
- 6.6 **Procurement:** Not applicable, as the project proposals under consideration are for grant-funding to local organisations, which will put in place their own arrangements for project delivery.
- 6.7. **Consultation and communication:** This has been addressed in paragraph 5.1.
- 6.8 **Community Safety:** This will be considered as part of the project appraisals for specific S106 prioritised projects, as appropriate.

7. BACKGROUND PAPERS

- 7.1 These background papers on the S106 devolved decision-making process were used in the preparation of this report:
- “S106 priority-setting and devolved decision-making”, report to Community Services Scrutiny Committee, 16/10/14.
 - “Clay Farm community centre”, report to Community Services Scrutiny Committee, 16/10/14.
 - Written statement to Parliament by Minister of State for Communities and Local Government (28/11/14):
<https://www.gov.uk/government/speeches/small-scale-developers>

- S106 grant allocations received in autumn 2014 (with personal details redacted) – visit www.cambridge.gov.uk/s106
- “Devolved decision-making to Area Committee”, report to Community Services Scrutiny Committee – 12/01/2012.

7.2 Further information (including details of priority-setting reports to area and scrutiny committees, photos of completed projects and links to web pages about the Community Infrastructure Levy and the Planning Obligations Strategy) can be found at the council’s Developer Contributions web page (www.cambridge.gov.uk/s106). More details will be posted on this web page prior to the Committee meeting about S106 receipts and spending between 2010 - 2014 and S106 contributions with expiry dates once the response to a recent request for information has been completed.

8. APPENDICES

- A. Unallocated S106 contributions: expiry dates between 2015-2019
- B. Applications for S106 sports facility grants: recommended
- C. Applications not recommended for S106 grant funding
- D. Grant applications for local community facilities and outdoor sports projects being considered by area committees in early 2015

9. INSPECTION OF PAPERS

To inspect the background papers or if you have a query on the report please contact:

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S106 contributions: expiry date conditions

Most S106 contributions do not have expiry dates attached to them. Most of those that do, and have expiry dates in the short-term, have either already been spent or are due to be used on time towards the projects to which they have been allocated.

The table below focuses on S106 contributions with expiry dates between 2015 - 2019 that have not yet been allocated to projects: The relevant S106 agreements require the council to have allocated these contributions to a project for which a contract or purchase order has been put in place by the expiry date.

Current unallocated Outdoor sports S106 contributions

	Area	Expires	Unallocated	Which fund?
A	East	Jan 2016	£7.1k	50:50 (devolved/strategic)
B	North	Nov 2016	£2.4k	50:50 (devolved/strategic)
C	South	Dec 2016	£19.7k	Strategic
D	North	Feb 2017	£2.3k	50:50 (devolved/strategic)
E	West/Central	May 2017	£61k	Strategic
F	East	July 2017	£86.8k	50:50 (devolved/strategic)
G	West/Central	Nov 2017	£239.6k	Devolved: £111,1k Strategic: £128.5k

A more detailed analysis of S106 availability (in both strategic and devolved funds) and S106 contributions with expiry dates will be published on the Council's website in mid-January 2015.

Applications for S106 sports facility grants: recommended for approval

Grants would be subject to further details from the applicant, a satisfactory project appraisal & a community use agreement. All the applications for these projects envisage completion in 2015 or 2016.

Application	Bid for	Officer comments	Propose grant of
OUTDOOR SPORTS			
B1 Cambridge 99 Rowing Club: Upgraded & extended kitchen facilities.	£5k	Yes. Sports bodies recognise kitchen facilities to serve sports people as an appropriate use of funding. Over 100 adult rowers & 60 school pupils use the club (the club estimates that 85% are Cambridge residents).	£5k
B2 Cambridge Canoe Club: Additional boat & equipment store	£10k	Yes. The increased boat storage would enable the club to increase community participation events, such as free open days for residents.	£10k
B3 Cambridge Rugby Football Club: New changing rooms for (facilities to be made available for community use)	£200k	Yes, provisionally. This is a potentially good proposal, but the rugby club still needs to develop the details and make applications to relevant sports bodies and carry out other fund-raising for the other £500k or so needed for the project. Officers recommend making a provisional allocation now, in the hope that it will persuade others to contribute funding to the scheme. This provisional £200k allocation is conditional on the Rugby Club being able to provide satisfactory assurances by October 2015 that it will be able to enter into a contract by October 2017 for construction of the changing facilities. See paragraph 5.6 of the main report.	£200k provisional allocation

Application	Bid for	Officer comments	Propose grant of
INDOOR SPORTS			
B4	£350k	Yes, at a lower level of funding. The additional benefit of community and sports groups having access to the new and existing sports facilities at King's College School is recognised and merits some grant-funding. City Development Management points out, however, that the new development is expected to be accessible for people with disabilities anyway (in line with building regulations, so it would not be appropriate to grant-fund disability access improvements. The community use agreement would need to cover access to the existing outdoor sports facilities as well as the new indoor ones.	£75k
B5	£65k	Yes. North Cambridge Academy has offered the Gymnastics Academy an empty warehouse	£65k
B6	£64k	Yes. Since S106 funding (plus indexation) from the Bell School development was earmarked for this scheme some years ago, construction costs have increased significantly, making this request for top-up funding necessary.	£64k

Please note that the King's College School sports centre grant application is also being reported to the West/Central Area Committee on 7 January 2015. The recommendation to the Area Committee is to make a £50k allocation of devolved outdoor sports S106 funds (see Appendix D). An update will be given at the 15/1/2015 Scrutiny Committee meeting.

Applications not recommended for S106 grant funding

	Application	Bid for	Officer comments	Propose grant of
OUTDOOR SPORTS				
C1	Cambridge Lawn Tennis Association: Replace wooden-framed office & coaching store	£15k	No. Repairs, maintenance and/or like-for-like replacement are not eligible for S106 funding	None
C2	Cambridge Parnells Gaelic Athletic Association: Site acquisition & building of facilities	£150k	No. Not convinced that the large-scale investment needed to acquire a site can be justified given limited S106 funds available. The applicant could consider hiring facilities to be developed on NW Cambridge development.	None
INDOOR SPORTS				
C3	Acquiring a site for Cambridge Cheer Academy for gymnastics, cheerleading, circus, parkour and fitness classes	£150k	No. Same comments as E2, The applicant may also wish to approach the Cambridge Gymnastics Academy or Netherhall School once their projects have been completed.	

Grant applications being reported to area committees in early 2015

Applicant	Proposals for local projects	Area
COMMUNITY FACILITIES		
D1	12 th Cambridge Scouts	Refurbish scout hut as community centre
D2	Arbury Community Association	Repair Arbury Community Centre roof
D3	Cambridge Community Church	C3 centre: disability and community access
D4	Cherry Hinton Baptist Church	Family Centre improvements (new application)
D5	Chesterton Methodist Church	Redevelop centre with community café
D6	Greek Orthodox/United Reform Church	Memorial/Meeting Hall refurbishment for community use
D7	Rock Road library	Vending machine for community room refreshments
D8	St Augustine's Church	Side extension to church hall
D9	St Luke's Church	Improve community room facilities
D10	Sturton Street Chapel and Hall	Conversion for use as a community centre
OUTDOOR SPORTS		
D11	Cambridgeshire County Council	Relocate and build larger/better East Barnwell MUGA

The King's College School grant application (see B4) is also being reported to the West/Central Area Committee, recommending a £50k allocation of devolved outdoor sports S106 funds to the new changing rooms, which could provide access to the school's existing outdoor sports facilities for local schools and community groups.

Reports to Area Committees: West/Central on 7/1/2015; East on 8/1/2015; South on 2/2/2015 and North on 12/2/2015. Each report will assess the local proposals from that area, including eligibility for S106 funding.

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