

Dear Paul

With respect to your email of 19th November 2014, I am now able to respond to the matters you raise as follows:

Mendip Local Legacy Fund

I note your disappointment and comments regarding the Council's selection process for the award of Local Legacy Funds.

I can confirm that all submissions were scored against the correct criteria and a number of Officer recommendations were made to the Panel for consideration. Unfortunately, though nevertheless an indication of the success of the funding scheme, there were a large number of very good projects all competing for a limited pot of funding. As such the Panel took the decision not to fund last year's successful applicants. I appreciate that this was not one of the published criteria, but it is within the Panel's remit to take a decision such as this if the demand outstrips the available funding. Indeed, as it would be to consider such aspects as geographic spread, diversity of projects, etc.

I understand that Officers of Frome Town Council were advised during the summer that if the bids outstripped the size of the financial 'pot' then the Panel may choose to take this action, but until such time as all applications were received and assessed it was impossible to pre-judge this situation.

That said, and in answer to your specific question, and also in light of this year's experience, the Council will review the criteria again prior to any future funding stream being approved.

New Homes Bonus

The guidance for the allocation of New Homes Bonus issued by DCLG in February 2011 states that local authorities will be able to decide how to spend the New Homes funding in line with local community needs. One example being given in the Guidance is that the money can "support frontline services". The Guidance also goes on to state that local authorities have flexibility on how they wish to spend the un-ringfenced grant.

Mendip District Council undertook a public consultation exercise on Spending Priorities in the summer of 2013. The results of this were included in the Medium Term Resource Strategy (MTRS) Update report considered by the Cabinet on 11th November 2013. This followed a similar exercise carried out in 2010 and identified the services Mendip residents felt required continued financial support and those where investment could be reduced. Throughout every budget process, all decisions are taken in open forum (whether these are via Council, Cabinet or Scrutiny Board reports), and as such the public have ongoing opportunities to input into the budget setting process.

At its meeting on the 9th December 2013, Cabinet reviewed the use of New Homes funding, in the light of changes to the financial situation for public sector organisations, and following further cuts in government funding, and resolved to dispense with the restrictive elements of the previous protocol in order to "free up" the receipts from New Homes funding to support any element of spending which meets the Council's Priorities.

Community Infrastructure Levy

I am surprised, and disappointed, given the Town Council's knowledge of the Planning process, that Officers were unable to advise the Council on this matter. We are unable to adopt CIL until such time as Part 1 of the Local Plan is adopted, as until that time we have no Plan to price!

That said, the Council has always made it clear that work on introducing a CIL charging schedule will begin once the Local Plan Part I is adopted and we have some certainty about both the scale and location of future growth, a pre-requisite for calculating CIL. I am pleased to confirm that the Council is due to adopt the Plan at its meeting on 15th December 2014.

Following adoption, and assuming that the Plan isn't legally challenged in the six weeks following that, work on CIL can formally commence early in the new year. This will firstly involve assessing development viability across Mendip to establish whether it would be desirable and feasible to introduce CIL in Mendip. If CIL does prove to be viable, I expect a draft Charging Schedule could be published for public consultation around spring/summer next year.

In the meantime any essential infrastructure requirements in Frome, arising as a result of new development, can continue to be sought through s.106 planning obligations.

I trust that this answers Frome Town Council's queries

With kind regards

Stuart Brown

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From: Paul Wynne [<mailto:wynnep@frometowncouncil.gov.uk>]
Sent: 19 November 2014 09:19
To: Brown, Stuart
Cc: Siggs, Harvey - Cllr; Mel Usher FWD
Subject: Local Legacy Fund, NHB and CIL

Dear Stuart

(cc Harvey and Mel)

At our council meeting on 5 November I was asked to write to you about the following matters.

Mendip Local Legacy Fund

The Council is extremely disappointed at the way Mendip District Council's panel on the Local Legacy Fund changed the well advertised and understood procedures for applying. While we recognise that this is a difficult process it is essential that the established criteria are adhered to. Excluding previous successful applicants was not part of the published criteria.

The Legacy Fund officer assured us on several occasions that Frome Town Council was eligible to lead on bids in partnership with local community groups. If we had known that previous grant recipients were going to be excluded the local groups we have been working with would willingly have produced and submitted the applications. The panel's last minute decision has in effect excluded three community groups from applying for funding for three excellent projects.

I'm sure you'll agree that imposing new conditions on a publicly funded grant scheme after the closing date is unusual and has on occasion led to judicial review.

1. *Can you assure us that in future the published criteria are adhered to please. Councillors have also asked for sight of the officer report presented to the Grants Pane.*

New Homes Bonus

Government guidance on NHB is that it expects you to consult with local communities on how it is spent. Emphasis is given to those communities (such as Frome) where housing stock has increased. We are not aware of any consultation with the community and our research can only identify a series of Cabinet decisions following no consultation.

2. *Can you let us know what consultation was carried out in advance of the series of decisions by Cabinet over NHB over the past three years please.*

As the Council understands it the MDC policy on the NHB is that 45% would be allocated to community funding. For 2014/15 we understand that MDC received just under £2m from Government in NHB receipts. 45% equates to about £800,000 while only £200,000 was allocated to the Local Legacy Fund – to which FTC was subsequently excluded.

3. *Can you explain please whether MDC policy has changed over the percentage of NHB allocated to community funding as we may have missed it and, if there has been no change of policy, when will its terms be fulfilled?*

Community Infrastructure Levy

Council is concerned that MDC has not instigated the Community Infrastructure Levy yet. This could and should, in Council's opinion, help pay for desperately needed infrastructure in Frome given the level of new housing that we are experiencing and are likely to be experiencing long into the future now that the Local Plan is about to be adopted.

4. *Please can you let me know when MDC will be taking the opportunity that CIL creates?*

If necessary this letter should be treated as a formal Freedom of Information request.

Yours
Paul

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