



Hendon Area Committee

16 March 2021

Title	CIL Funding Priorities – Setting Local Priorities for the Hendon Area Committee
Report of	Head of Governance
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix A: Draft Local Priorities for the Hendon Area Committee Appendix B: Updated CIL Funding Request Form
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Summary

On 8th February 2021, the Policy & Resources Committee discussed a report concerning the CIL funding process. The report highlighted that the only criteria being used to assess CIL funding applications was the legal definition. It was agreed that each Area Committee should consider, develop and approve their own CIL funding priorities for each financial year starting in 2021/22. This report outlines the need to set local priorities for each Area Committee and details the proposed local priorities for the Hendon Area Committee as proposed by the Chairman and Vice-Chairman for debate, discussion and agreement by the Committee at this meeting (Appendix A).

Officers Recommendations

- 1. That the Committee develop and approve CIL funding priorities for the financial year 2021/2022, with reference to the draft list as set out in Appendix A.**
- 2. That the Committee note the updated funding request form as set out in Appendix B.**

1. WHY THIS REPORT IS NEEDED

Neighbourhood CIL in Barnet

- 1.1 The Community Infrastructure Levy (CIL) is a planning charge that was introduced by the Planning Act 2008 Part II to help deliver infrastructure to support the development in an area.
- 1.2 Amended regulations allow the Council to use the Neighbourhood CIL to support the development of the relevant area by funding the provision, improvement, replacement, operation or maintenance of infrastructure, or anything else that is concerned with addressing the demands that development places on an area.
- 1.3 On 9th July 2015, the Policy & Resources Committee approved that part of the income from the CIL would be delegated to the Council's Area Committees, which would be treated in the same way as CIL allocations to Parish Councils (in those areas with a local council structure). 15% of the CIL receipts for their local area (capped at £150K) were allocated to Area Committees.
- 1.4 On 8th February 2021, the Policy & Resources Committee discussed a report concerning the CIL funding process. The report highlighted that the only criteria being used to assess CIL funding applications was the legal definition. It was agreed that each Area Committee should consider, develop and approve their own CIL funding priorities for each financial year starting in 2021/22. It was also agreed that the funding limit for each CIL scheme be increased to £30,000.
- 1.5 These are interim changes as several changes are in the pipeline – a comprehensive review of Area Committee and Residents Forum arrangements is being undertaken; new ward boundaries come into effect in May 2022; and it is also expected that from the start of the 2021/22 financial year, there will be a significant increase to the amount of CIL funding available to Area Committees, subject to approval by the Policy & Resources Committee.
- 1.6 An indicative timeline for these changes is shown below:
 - March and April 2021 – Area Committees develop and agree local priorities for CIL funding for 2021/22
 - Future meeting of the Policy & Resources Committee to consider report on CIL reform including proposals to: increase CIL funding amounts to the three Area

Committees; creation of CIL highways pot for minor highways improvements emerging from Residents Forums and Area Committees; and agreement of updated CIL funding processes and procedures

- September 2021 – Review of revised arrangements with any policy, procedure or process improvements identified following June and October/November rounds of Residents Forums and Area Committees
- March 2022 – agreement of Area Committee CIL Funding priorities for 2022
- April 2022 – review of revised arrangements including lessons learnt and benefits realisation

Current CIL Funding Arrangements

1.7 Following the decision in April 2017 to reduce the CIL budget to Area Committees, CIL funding application guidelines were issued and this is the framework that has been used for assessing applications being reported to Area Committees from 2017/18 onwards.

1.8 Prioritisation of funding can be an issue for Area Committees as legal definition of infrastructure is broad (see [section 216\(2\) of the Planning Act 2008](#), and [regulation 59](#), as amended). As such, Area Committees have, over several years approved various uses of CIL funding for local matters including (but not limited to):

- CPZ's;
- one-way systems;
- yellow lines;
- 20 mph zones;
- weight restrictions;
- width restrictions;
- speed surveys;
- repairs to damaged hedges;
- fencing in parks;
- benches;
- providing an access path to a local hospice and allotments;
- improvements to road junction markings;
- footway parking reviews;
- outdoor play equipment;
- outdoor gym equipment;
- expansion of a local church facilities;
- compost bins;
- forest school;
- investment in a community hub;
- all weather table tennis table; and
- modernisation of a school playground.

1.9 During 2017/18, 2018/19 and 2019/20 financial years there has been increasing pressure on the Area Committee CIL budgets, particularly for the Finchley & Golders Green and Hendon Area Committees. Budget reports suggest that the whole funding allocation is used relatively early in the financial year. Details can be accessed in the CIL funding budget reports presented regularly to each committee: <https://barnet.moderngov.co.uk/mgListCommittees.aspx?bcr=1>

1.10 Part of the proposed recommendations to Policy & Resources Committee will be that Area Committees will have ringfenced CIL funding allocation for Road Safety matters which will be separate to the increased Neighbourhood CIL funding. Full details are still being developed and will be reported to Policy & Resources Committee. This would enable Area Committees to focus on infrastructure projects that would benefit the whole community and would prevent a significant proportion of the budget allocation for each area being spent on highways or road safety items. The creation of the CIL Road Safety budget will be subject to Committee approval, but it is expected that the key features of this arrangement will be:

- A proportion of CIL funding be set aside to deal with Road Safety related items that would previously been funded from Area Committee CIL budgets
- The initial sum allocated is proposed to be £250K per annum (shared across all three areas)
- Fund is to be managed by the Highways Team and schemes authorised by Executive Director Environment
- This scheme will be reviewed after 6 months in line with the review of Area Committee arrangements
- Schemes can be proposed by Residents Forums/Area Committees for consideration by Executive Director
- Regular update reports on schemes will be reported to Area Committees to give Members oversight of progress

The scope of the CIL Road Safety budget will include:

- Implementation of Road Safety matters arising from KSI events
- Junction Improvements and Visibility Slay concerns at junctions
- The need for, design and implementation of pedestrian crossings
- Renewal of Signs, Lines and Guardrails
- Speed Limits and traffic calming measures

Rationale for Change

1.11 Prioritisation of funding can be an issue for Area Committees as the legal definition of infrastructure is broad. Limited budgets and multiple calls on resources mean that deciding which projects or schemes to fund can be challenging.

1.12 An assessment of the infrastructure needs for the borough and each constituency area can help Members make informed decisions about the best use of limited resources. Local priorities which are individual to each Area Committee will allow the Committee to make appropriate decisions on how funding is allocated in line with the specific needs of the area.

1.13 Area Committee Lead Officers can offer advice and assistance to Members regarding the infrastructure needs of the area, but it is ultimately for the Committee to choose how much weight to place on each priority when assessing applications for funding, on a case by case basis. A Committee could chose to approve something that is not an identified priority providing it meets the legal definition of infrastructure.

- 1.14 Ward Members will be asked to indicate which local priorities are fulfilled and how the proposal benefits the wider community when submitting CIL Members Item funding requests.
- 1.15 Each Area Committee is being asked to agree a list of local priorities and these will be published on the committee webpages. Current guidelines will then be updated and will be circulated to all Members, alongside relevant deadlines at the start of each meeting cycle.
- 1.16 Current deadlines will be maintained (10 clear working days for CIL applications, 7 clear working days for regular Members Items). However, Members are encouraged to engage with relevant officers well in advance of the deadlines to enable relevant information to be obtained, checked, verified, etc. before the formal deadline thereby enabling committees to make informed decisions.
- 1.17 The Committee is requested to note that any revisions to the CIL funding guidelines will be an interim measure. Area Committee and Residents Forum arrangements are being comprehensively reviewed as part of the Ward Boundary changes coming into effect in May 2022.

2. REASONS FOR RECOMMENDATIONS

- 2.1 On 8th February 2021, the Policy & Resources Committee discussed a report concerning the CIL funding process. The report highlighted that the only criteria being used to assess CIL funding applications was the legal definition. It was agreed that each Area Committee should consider, develop and approve their own CIL funding priorities for each financial year starting in 2021/22.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Area Committees could decide not to set local priorities. This is not recommended as it will not support robust decision-making of the Area Committees and will not fulfil the recommendation of the Policy & Resources Committee.
- 3.2 Policy & Resources Committee could have agreed some borough-wide priority criteria for Area Committee CIL funding. This approach was not recommended as it would not allow for the Area Committees to discuss and agree their own local priorities which could be different for each area.

4. POST DECISION IMPLEMENTATION

- 4.1 Priorities agreed by Area Committees will be published to the committee pages of the website and circulated to all Members in the constituency.
- 4.2 Arrangements will be implemented and reviewed in accordance with the timetable in section 1.6.

5. IMPLICATIONS OF DECISION

- 5.1 **Corporate Priorities and Performance**

5.1.1 Community Infrastructure Levy funding supports delivery of the following priorities and objectives in the Barnet Plan 2021-2025:

A place fit for the future, where all residents, businesses and visitors benefit from improved sustainable infrastructure & opportunity.

A strong cohesive community, where diversity is celebrated, and everyone has equal opportunity regardless of their background place with fantastic facilities for all ages, enabling people to live happy & healthy lives.

Unlocking and optimising the potential of Parks and Open Spaces.

Great facilities and opportunities to be physically active.

5.2 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 As set out in section 1. a proportion of the Council's CIL income is allocated to Area Committees to spend on local priorities.

5.3 **Social Value**

5.3.1 Clarification of the usage of CIL funding will support future requests for CIL funding. This provides an avenue for Members to consider funding requests which may have added social value.

5.4 **Legal and Constitutional References**

5.4.1 CIL is a planning charge that was introduced by the Planning Act 2008 Part II to help deliver infrastructure to support the development in an area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 as amended ("the Regulations"). Section 216(2) of the Planning Act 2008 lists some examples of infrastructure which CIL can fund. i.e. roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreation facilities and open spaces.

5.4.2 Additionally, Regulation 59(F)(3) of the Community Infrastructure Levy Regulations 2010 as amended allows the Council, as the Charging Authority to use the Neighbourhood CIL to support the development of the relevant area by funding the provision, improvement, replacement, operation or maintenance of infrastructure or, anything else that is concerned with addressing the demands that development places on an area.

5.4.3 The Localism Act 2011 introduced requirements that a 'meaningful proportion' of CIL income is allocated to parish councils to support their neighbourhood infrastructure requirements. Under Regulation 59A(5) of the Community Infrastructure Levy Regulations 2010 (as amended) a charging authority must pass 15 per cent of the relevant CIL receipts to the parish council for that area; this is limited by Regulation 59A (7) to a cap of £100 per dwelling in the area of the Local Council.

5.4.4 Regulation 59F enables a similar application of CIL receipts in cases where, as in Barnet, a charging authority does not have a local council structure.

5.4.5 Under the Council's Constitution Article 7, the terms of reference of the Hendon Area Committee includes responsibility to:

'Determine the allocation of Community Infrastructure Levy funding within the constituency'.

5.5 Risk Management

5.5.1 To mitigate the risk of the interim arrangements on local priorities, these will be reviewed by officers after a period of around six months and/or two Area Committee meeting cycles, and an update report will be presented to the Committee. Officers will work on collating key information to assist Members in reviewing priorities including: infrastructure needs by constituency area and insight data.

5.6 Equalities and Diversity

5.6.1 The Equality Act 2010 outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- b. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.6.2 Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

5.6.3 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design policies and the delivery of services.

5.6.4 Giving greater CIL allocation powers to the Area Committees will have a positive impact on those with protected characteristics. Each application will be accompanied with an assessment of the impact.

5.7 Corporate Parenting

5.7.1 Not applicable in the context of this report.

5.8 Consultation and Engagement

5.8.1 Officers have been engaging with the Chairman and Vice-Chairman of the Committee to develop draft priorities to present to the Committee. These discussions have taken into consideration the needs of the area as highlighted in the following Council plans, strategies and surveys;

Barnet Plan

Barnet Resident's Perception Survey
Growth Strategy
Infrastructure Delivery Plan (IDP)
Greenspaces and Leisure strategies

5.9 **Insight**

5.9.1 Members may wish to utilise insight data to inform local priorities for 2021/22 and future years.

6. **BACKGROUND PAPERS**

6.1 Policy & Resources Committee, 10 June 2014, Area Sub-Committees – Budget Arrangements, Item 9:

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=7856&Ver=4>

6.2 Policy & Resources Committee, 10 June 2014, Area Sub-Committees – Budget Arrangements, Item 9:

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=7856&Ver=4>

6.3 Community Leadership Committee, 25 June 2014, Area Sub-Committees – Budget Allocation Draft Framework, Item 7:

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=694&MId=7874&Ver=4>

6.4 Community Leadership Committee, 24 June 2015, 'Review of Area Committees – operations and delegated budgets'

<https://barnet.moderngov.co.uk/documents/s24009/Area%20Committees%20%20Community%20Leadership%20Committee%2025%20June%202015%20-%20FINAL.pdf>

6.5 Policy & Resources Committee, 9 July 2015, 'Delegating a proportion of Community Infrastructure Levy (CIL) income to the Council's Area Committees'

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=8346&Ver=4>

6.6 Council, 7 March 2017, Report of the Policy & Resources Committee – Business Planning 2017 to 2020:

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=8819&Ver=4>

6.7 Community Leadership Committee, 8 March 2017, Area Committee Funding – Savings from Non-Community Infrastructure Levy (CIL) Budgets

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=694&MId=8721&Ver=4>

6.8 Policy & Resources Committee, 8 February 2021, Review of Community Infrastructure Levy (CIL) Eligibility Criteria and Guidance

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=10200&Ver=4>
