



Hendon Area Committee

16th march 2021

Title	Area Committee Funding - Community Infrastructure Levy update
Report of	Head of Finance – Growth, Housing, Corporate Services & Assurance
Wards	Burnt Oak, Colindale, Edgware, Hale, Hendon, Mill Hill and West Hendon
Status	Public
Urgent	No
Key	No as the report is for noting purposes only
Enclosures	Appendix 1 – Outstanding Schemes to be completed Appendix 2 – Reserve Balance Summary
Officer Contact Details	Damien Pantling, Head of Finance – Growth, Housing, Corporate Services & Assurance Contact: Damien.Pantling@barnet.gov.uk

Summary

This report is to update Members of the budget allocations for the Hendon Area Committee, to enable consideration of applications for funding during 2020/21.

Officers Recommendations

1. That the Hendon Area Committee notes the amount available for allocation during 2020/21, as set out in paragraph 6.2.1 and in the appendices.
2. That the Hendon Area Committee notes the amount of re-allocated underspends & Overspends in Section 2.1

1. WHY THIS REPORT IS NEEDED

- 1.1 This report indicates the allocation of part of the Community Infrastructure Levy ("CIL") to the Hendon Area Committee (Area Committee). This will enable the Area Committee to determine the amounts that can be allocated at this, and future meetings.
- 1.2 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. Area committees should be treated in the same way as Parish Councils and allocated at least 15% of the CIL receipts for their local area. This is to be capped at a total of £100 per dwelling in the constituency area and ring-fenced for spend on infrastructure schemes and anything else that is concerned with addressing the demands that development places on an area. If there is a neighbourhood plan or a neighbourhood order within the constituency area of the Area Committee the allocation will increase to 25% and will not be capped.
- 1.3 The amounts approved from the CIL reserve were based on estimates from the service department, with a view that should the estimate prove to be understated there would be no further call on the Area Committee budgets, without an additional approval. Expenditure exceeding 15% of the original estimate will require an explanation to enable the Area Committee to agree any additional funding.
- 1.5 Detail as to the activity to date of this Area Committee and the balance available are attached at Appendix 1 and summarised at Appendix 2 to this report.

2. CIL activity

- 2.1 The latest position shows expenditure to March 2021. The total amount of underspends from 2015/16 to date are £0.091m, whilst the total funded overspends on schemes total £0.058m.
- 2.2 The over & underspends from the prior year schemes that are still open will impact on the total Area Committee available balance, until the schemes are certified as complete.
- 2.3 We have not yet confirmed whether this Area Committee has achieved its full £0.150m allocation, which is capped at 15% of CIL receipts in the constituency area.
- 2.4 For this meeting, it has been assumed that £0.150m will be fully achieved this financial year. Going forward, Finance will feed back to the Area Committee on a quarterly basis on whether sufficient CIL receipts are expected in the current year. Please note, any shortfall in CIL receipts will have an adverse impact on the budget.
- 2.5 The funding limit for each CIL scheme has been increased from £25,000 to £30,000, as approved by Policy and Resources Committee in February 2021

and also presented to this committee on 16th March within the report titled “CIL funding priorities – setting local priorities for the Hendon Area Committee”

3. REASONS FOR RECOMMENDATIONS

- 3.1 Funding has been allocated to various organisations and/or projects which will enable the Area Committee to note the amount available for future allocation.

4. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 4.1 No alternative options were considered

5. POST DECISION IMPLEMENTATION

- 5.1 Decisions can be made by the Area Committee to allocate funding to organisations from the Area Committee’s general reserves based on member supported applications and from the Area Committee’s CIL reserve for requests for infrastructure related surveys and works and anything else that is concerned with addressing the demands that developments place on the area.

6. IMPLICATIONS OF DECISION

6.1 Corporate Priorities and Performance

- 6.1.1 The funding enables the Area Committee Budgets to contribute to the corporate plan’s objective to promote family and community wellbeing and support engaged, cohesive and safe communities, by helping communities access the support they need to become and remain independent and resilient.

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

- 6.2.1 An annual allocation of £0.150m is made to each Area Committee. The total available shows the committee balance for 2020/21 to be £0.019m. This takes in to account the amount of unallocated funds from previous years, as well as funds allocated for the current financial year together with under and overspends relating to previous financial years.

- 6.2.2 Appendix 1 lists all the schemes that are still outstanding as at the time of publication and Appendix 2 breaks down how the available balance has been derived, summarising the line-by-line information listed in Appendix 1.

6.3 Social Value

- 6.3.1 Not applicable to this report.

6.4 Legal and Constitutional References

- 6.4.1 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”).

- 6.4.2 On 1st September 2019, the Regulations were amended under The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 (“2019 Regulation”). Part 10A of the 2019 Regulation requires the Council to publish “annual CIL rate summary” and “annual infrastructure funding statements”. These statements replaced previous Regulation 123 lists. The “annual infrastructure funding statement” must include a number of matters listed in the new Schedule 2 including details of how much money has been raised through developer contributions and how it has been spent. Both the “annual rate CIL summary” and the “annual infrastructure funding statement” must be published on the Council’s websites at least once a year.
- 6.4.3 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. .
- 6.4.4 CIL cannot be used to fund Affordable Housing and other exemptions are set out in Part 6 of the Regulations.
- 6.4.5 Additionally, Regulation 59 (F)(3) of the Regulations as amended allow the Council, as the Charging Authority to use the 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.
- 6.4.6 Local Authorities must allocate at least 15% of CIL receipts to spend on priorities that should be agreed with the local community in the area where the development is to take place so as a result of this, 15% of the CIL budget is being allocated to the Hendon Area Committee.
- 6.4.7 In accordance with the Terms of Reference Article 7.5 para 5 (Committees, Forums, Working Groups and Partnerships) of Barnet’s Constitution, the Area Committee is authorised to allocate a maximum of £25,000 per scheme / project within its area, subject to sufficient of the budget allocated to the committee being unspent.

6.5 **Risk Management**

There are no risks to the Council as a direct result of this report

6.6 **Equalities and Diversity**

6.6.1 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:

- 6.6.1.1 Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.

- 6.6.1.2 Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- 6.6.1.3 Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.6.2 Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 6.6.3 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.

6.7 Corporate Parenting

Not applicable in the context of this report

6.8 Consultation and Engagement

There are no consultation and engagement issues as a direct result of this report.

6.9 Insight

There are no insight issues as a direct result of this report.

7. BACKGROUND PAPERS

Policy & Resources Committee, 9 July 2015

<http://barnet.moderngov.co.uk/documents/s24360/Delegating%20a%20proportion%20of%20Community%20Infrastructure%20Levy%20CIL%20income%20to%20the%20Councils%20Area%20Committe.pdf>

Policy & Resources Committee, 8 February 2021

<https://barnet.moderngov.co.uk/documents/s63172/Review%20of%20Community%20Infrastructure%20Levy%20CIL%20Eligibility%20Criteria%20and%20Guidance.pdf>