



Hendon Area Committee

22nd March 2022

Title	Area Committee Funding – Community Infrastructure Levy (CIL) update
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Wards	Burnt Oak, Colindale, Edgware, Hale, Hendon, Mill Hill & West Hendon
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix 1 – Community Infrastructure Levy (NCIL) Budget & Scheme Update Appendix 2 - Road Safety & Parking Budget & Scheme Update
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Summary	
<p>This report is to:</p> <ul style="list-style-type: none"> - Update Members of the CIL budget allocations for the Hendon Area Committee, to enable consideration of applications for funding during 2021/22 - Update Members on the Road Safety & Parking budget allocations and schemes 	

Officers Recommendations

1. That the Hendon Area Committee notes the amount available for allocation during 2021/22, as set out in paragraph 7.2 and in Appendix 1.

- 2. That the Hendon Area Committee notes the CIL amount or re-allocated underspends & overspends in paragraph 2.1**
- 3. That the Hendon Area Committee notes the Road Safety & Parking Fund allocations in paragraph 7.2.5 and as set out in Appendix 2**

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 This report also sets out the allocation of Road Safety & Parking Budget, part of the Community Infrastructure Levy (“CIL”) to the Hendon Area Committee.
- 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. 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 or 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.
- 1.4 On 24th May 2021, the Policy & Resources Committee approved an increase in Area Committees’ income allocations to £1.2m or £400k per Area Committee. In addition, Policy & Resources Committee agreed to remove the funding limit on each individual Area Committee CIL funded project along with an additional ringfenced fund of £300k to be used specifically for Road Safety & Parking Fund for schemes – with this additional fund being a total to be used across all three committees and spend to be authorised by the Executive Director, Environment. On the 9th December 2021 the Policy & Resources Committee approved an allocation of £200k for Road Safety & Parking schemes for 2021/22 only.
- 1.5 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.
- 1.6 This report includes an analysis, for Neighbourhood CIL, of the actual costs of the works and enables members to compare with the estimate. The net underspend on the CIL funded projects is added to the balance available where applicable.

1.7 Detail as to the activity to date of this Area Committee and the balance available are attached as Appendix 1 to this report.

1.8 This report also includes an update of the Road Safety & Parking budget allocation and schemes as Appendix 2 to this report.

2. CIL activity

2.1 The latest position shows expenditure to February 2022. The total amount of underspends from 2015/16–2020/21 are £151,187, whilst the total funded overspends on schemes total £74,698. The net effect is a £76,489 underspend which is added back into the CIL reserve allocation.

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 On 24th May 2021 Policy & Resources Committee approved to remove the funding limit on each individual scheme of £30,000 which took effect from the Area Committee meeting of the 30th June 2021. All CIL funding allocations should be submitted in accordance with the approved CIL funding application guidelines and application form detailed in the Policy & Resources Committee report.

3. Road Safety & Parking Budget Activity

3.1 The latest position as set out in Appendix 2 shows the agreed allocations to date and the remaining budget available for future schemes.

4. REASONS FOR RECOMMENDATIONS

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

5. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

5.1 No alternative options were considered

6. POST DECISION IMPLEMENTATION

CIL Activity

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

Road Safety & Parking Activity

- 6.2 Approved Road Safety & Parking schemes arising from member requests, resident forum items and/or area committee report funded schemes to be implemented by Highways in line with timelines provided.

7. IMPLICATIONS OF DECISION

7.1 Corporate Priorities and Performance

- 7.1.1 The funding enables the Area Committee NCIL Budget and the Road Safety & Parking Budget 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.

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

CIL Activity

- 7.2.1 An annual allocation of £400k is made to each Area Committee from 2021/22. The total available shows the committee balance for 2021/22 to be £178,515. This takes into account the amount of over-allocated funds from prior year budgets up to 2020/2021 of £31,612, spend allocated for the current financial year of £266,362 together with under and overspends relating to previous financial years of £76,489 net underspend.
- 7.2.2 The total amount available to the committee as at the date of this meeting, after considering all of the above items totals £178,515, this is the total amount available for allocation to new schemes.
- 7.2.3 Appendix 1 lists all the schemes that are still outstanding as at the time of publication and shows a detailed breakdown of how the available balance is derived along with listing the schemes in progress and summarises the headline balance position.

Road Safety & Parking Activity

- 7.2.4 An allocation of £300k was made to the Road Safety & Parking Budget for the financial year 2021/22. On 9th December 2021 the Policy & Resources Committee approved an additional allocation of £200k for 2021/22.
- 7.2.5 The total amount available as at the date of this meeting, totals to £41.9k, this is the total amount available for allocation to new schemes. This takes into account all of the agreed allocation authorised by the Executive Director, Environment.
- 7.2.6 Appendix 2 lists all the schemes where budget has been allocated broken down by Area Committee as at the time of publication with listing of the schemes in progress and summarises the headline balance position.

7.3 Social Value

7.3.1 Not applicable to this report

7.4 Legal and Constitutional References

7.4.1 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").

7.4.2 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.

7.4.3 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.

7.4.4 CIL cannot be used to fund Affordable Housing and other exemptions are set out in Part 6 of the Regulations.

7.4.5 Additionally, regulation 59(F)(3) of The Community Infrastructure Levy (Amendment) Regulations 2013 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.

7.4.6 Local Authorities must allocate at least 15% of CIL receipts (in neighbourhoods without a neighbourhood plan and subject to a cap of £100 per household) 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.

7.4.7 In accordance with Article 7.5 Committees, Forums, Working Groups and Partnerships of the Council's Constitution, the terms of reference of the Area Committee includes responsibility for all constituency specific matters relating to the street scene including parking, road safety, transport, allotments, parks and trees, consider constituency specific matters as agreed with the Chairman, consider matters referred from Residents Forums and determine how they are

to be taken forward in consultation with the relevant Area Committee Lead Officer and subject to any Community Infrastructure Levy (CIL) funding requirement being agreed by the Committee and to determine the allocation of Community Infrastructure Levy funding within the constituency subject to sufficient of the budget allocated to the committee being unspent.

7.5 Risk Management

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

7.6 Equalities and Diversity

7.6.1.1 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:

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

7.6.1.3 Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

7.6.1.4 Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

7.6.3 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.

7.7 Corporate Parenting

Not applicable in the context of this report

7.8 Consultation and Engagement

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

7.9 Environmental Impact

There are no direct environmental implications from noting the recommendations. Implementing the recommendations in the report will lead to a positive impact on the Council's carbon and ecology impact, or at least it is natural.

7.10 Insight

Not applicable in the context of this report.

8. 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%20Committee.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>

Policy & Resources Committee, 24th May 2021

<https://barnet.moderngov.co.uk/documents/s64949/Review%20of%20Community%20Infrastructure%20Levy%20CIL%20Allocation%20Eligibility%20Criteria%20and%20Guidance.pdf>

Policy & Resources Committee, 9th December 2021

<https://barnet.moderngov.co.uk/documents/b37871/Supplementary%20agenda-%20Business%20Planning%2009th-Dec-2021%2019.00%20Policy%20and%20Resources%20Committee.pdf?T=9>

