



Hendon Area Committee

22nd March 2022

Title	CIL Funding Priorities – Setting Local Priorities for the Hendon Area Committee
Report of	Graeme Clayton – Community Infrastructure Coordinator Capital Delivery, Growth & Corporate Services
Wards	Burnt Oak, Colindale, Edgware, Hale, Hendon, Mill Hill & West Hendon
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix 1: Draft Local Priorities for the Hendon Area Committee
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Summary

On 8th April 2021, the Hendon Area Committee considered and approved their own CIL funding priorities for each financial year starting in 2021/22. This report outlines the need to review and approve CIL funding priorities for the financial year starting 2022/23 and details the proposed local priorities for the Hendon Area Committee as proposed by the Chairman for debate, discussion and agreement by the Committee at this meeting (as set out in Appendix 1).

Officers Recommendations

1. That the Committee develop and approve CIL funding priorities for the financial year 2022/2023, with reference to the draft list as set out in Appendix 1.

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 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 On the 16th March 2021, the Hendon Area Committee approved the CIL funding priorities for the financial year 2021/22, subject to these being reviewed by the committee in 6 months.
- 1.6 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.

2. REASONS FOR RECOMMENDATIONS

- 2.1 On the 16th March 2021, the Hendon Area Committee approved the CIL funding priorities for the financial year 2021/22. The Hendon Area Committee agreed to review the priorities within 6 months.

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.

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.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 3.1.1 The funding enables the Area Committee CIL Funding 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.

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").
- 5.4.2 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.

- 5.4.3 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.
- 5.4.4 CIL cannot be used to fund Affordable Housing and other exemptions are set out in Part 6 of the Regulations.
- 5.4.5 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.
- 5.4.6 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 Finchley & Golders Green Area Committee.
- 5.4.7 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.

5.5 Risk Management

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

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.

5.7 **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 of the Committee to develop draft priorities to present to the Committee.

5.9 **Insight**

5.9.1 Members may wish to utilise insight data to inform local priorities for 2022/23 and future years.

5.10 **Environmental Impact**

5.10.1 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.

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>
 - 6.9 Hendon Area Committee, 16 March 2021, CIL Funding Priorities – Setting Local Priorities for the Hendon Area Committee
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=717&MId=10250&Ver=4>
 - 6.10 Policy & Resources Committee, 24 May 2021, Review of Community Infrastructure Levy (CIL) Allocation, Eligibility, Criteria and Guidance
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=10201&Ver=4>
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