

	<h2 style="text-align: center;">Policy and Resources Committee</h2> <h3 style="text-align: center;">8th June 2022</h3>
Title	Review of Area Committees, Neighbourhood Community Infrastructure Levy (CIL) & Road Safety and Parking Fund
Report of	Chair of the Policy and Resources Committee
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix A - Area Committees and Road Safety & Parking CIL Funding Budgets FY 22-23 Appendix B – CIL spending eligibility criteria Appendix C - Area Committee Priorities 2022-2023 Appendix D – Area Committee CIL Funding Guidelines & Funding Application Form Appendix E – Road Safety & Parking Funding Guidelines & Request Form
Officer Contact Details	Ian Edser, Director – Highways & Transportation Ian.Edser@Barnet.gov.uk Matthew Waters, Assistant Director of Capital Works Matthew.Waters@Barnet.gov.uk
<h2 style="text-align: center;">Summary</h2>	
<p>This report requests that the Committee review and agree or propose, in respect of the Area Committees, subject to:</p> <ul style="list-style-type: none"> the budget allocations for Community Infrastructure Levy (CIL) for 2022-23, subject to consideration of an Equality Impact Assessment ('EQIA') 	

- the revised CIL funding eligibility guidelines, subject to public consultation being undertaken and considered by Area Committees prior to adoption
- the CIL funding priorities to be considered when Area Committees review their priorities for 2022-23, subject to public consultation being undertaken and considered by Area Committees for inclusion
- the revised CIL funding application guidelines, subject to public consultation being undertaken and considered by Area Committees prior to adoption

The report also requests that the Committee review and agree, in respect of the Road Safety and Parking Fund:

- the budget allocation for Community Infrastructure Levy (CIL) for 2022-23
- the revised Road Safety & Parking Funding Guidelines

Officers Recommendations

- 1. That the Committee:**
 - a) agree arrangements in respect of Area Committees allocations of Community Infrastructure Levy (CIL) funding of up to £1.8m per annum and**
 - b) agree provisionally the funding to be allocated based on population within each Area Committee (Appendix A), subject to consideration of an Equality Impact Assessment ('EQIA') being carried out by Area Committees (after their consultation in respect of recommendations 2 and 3 below).**
- 2. That the Committee propose to the Area Committees the draft CIL funding eligibility guidelines to allow Area Committees to spend their CIL funding on a broader range of schemes addressing the demands that development places on an area (as defined under Regulation 59F(3) of the CIL Regulations 2010 (as amended) ("the Regulations") (Appendix B), subject to public consultation being undertaken and considered by Area Committees prior to adoption.**
- 3. That the Committee propose in respect of the Area Committees that Sustainability, Community Engagement, Public Health & Community Safety will form part of the Area Committees priorities for 2022-23 (Appendix C), subject to public consultation being undertaken and considered by Area Committees for inclusion.**
- 4. That the Committee agree CIL funding for a Road Safety & Parking Fund of up to £450,000 per annum, for schemes to be authorised by the Director, Highways & Transportation (Appendix A).**
- 5. That the Committee agree in respect of the Area Committees the revised CIL Funding Application Guidelines and Funding Application Form (Appendix D), subject to Recommendations 2 and 3 above.**
- 6. That the Committee agree the revised Road Safety & Parking Funding Guidelines and Request Form (Appendix E).**
- 7. That the Committee note that a review of the Area Committee CIL funding and Road Safety & Parking CIL Fund arrangements is proposed to be undertaken annually.**

1. WHY THIS REPORT IS NEEDED

Neighbourhood CIL (NCIL) 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 also received a report on Review of Community Infrastructure Levy (CIL) Eligibility Criteria and Guidance which requested that each Area Committee 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 24th May 2021 the Policy & Resources Committee agreed, in respect of the Area Committee budgets, the allocations of Community Infrastructure Levy (CIL), the CIL Funding Policy and Eligibility Guidelines to enable funding applications to be assessed and determined by Area Committees, and to provide CIL funding for a Road Safety & Parking fund to be managed by the Executive Director for Environment. To ensure that Members, officers, residents and community groups, etc. had clarity about how the Area Committee CIL Funding and the Road Safety & Parking Fund would operate in practice, the Committee approved:
 - 1.5.1 Area Committees allocations of Community Infrastructure Levy (CIL) funding of up to £1.2m per annum (£400,000 per Area Committee)
 - 1.5.2 CIL funding for a Road Safety & Parking Fund of up to £300,000 per annum (an additional £200,00 was approved by the Policy & Resources Committee on 9th December 2021), for schemes authorised by the Executive Director, Environment
 - 1.5.3 Revised CIL Funding Application Guidelines and Application Form
 - 1.5.4 CIL Road Safety & Parking Fund Guidelines and Request Form
 - 1.5.5 The removal of the funding limit for a CIL scheme approved by an Area Committee (which will operate within the approved annual budget)
- 1.6 The Committee were requested to note that these revised arrangements would be reviewed after the June and October 2021 rounds of Area Committees to ensure that the revised arrangements are working as effectively as possible. A review was undertaken at that time and some refinements were made to internal processes. Members were engaged in the review and the changes identified did not require committee approval.

- 1.7 On the 1st March 2022 the Council agreed the new Barnet Community Infrastructure Levy Charging Schedule. The new Charging Schedule came into effect on the 1st April 2022, and the CIL rates provide the Committee an opportunity to review both the Area Committee CIL budgets, and the Road Safety & Parking Fund budget. Also, on the 1st April the post of Executive Director, Environment was abolished and management of the Road Safety and Parking Fund transferred to the Director of Highways and Transportation, reporting to the Deputy Chief Executive.
- 1.8 At the Local Election on 5 May 2022 the Labour Group won a majority of seats and requested that the arrangements for Area Committees be reviewed. Following the election, the Leader indicated that the Group would like to make several changes to the Constitution, details of which are set out in the report of the Leader of the Labour Group as reported to Annual Council on 24 May 2022. These changes include redefining the Area Committee boundaries (see section 1.14 below) into new areas and changing the way the budgets are apportioned to each committee.

Proposed Changes to CIL Funding Guidelines

- 1.9 It is recommended to increase the CIL budget for Area Committees from £1.2m per annum to £1.8m per annum for each financial year starting in 2022/23, and that the allocation by Area Committee is based on population (in Appendix A). This enables the Area Committees to consider funding a larger number of projects with the opportunity to unlock greater community benefits and provides for equanimity of the allocation to the community (please see Appendix A for the budget calculation). This is provisional subject to consideration of an Equality Impact Assessment ('EQIA') after public consultation.
- 1.10 It is recommended to propose adoption of the draft CIL spending eligibility criteria to allow Area Committees to spend their CIL funding on a broader range of schemes addressing the demands that development places on an area (as defined under Regulation 59F (3) of the CIL Regulations 2010 (as amended) ("the Regulations")). This broader definition will enable Area Committees to consider funding a wider range of schemes with the opportunity to unlock greater community benefits (please see Appendix B), subject to public consultation being undertaken and considered by Area Committees prior to adoption.
- 1.11 It is recommended that the Committee propose in respect of the Area Committees that priorities to support Sustainability, Public Health, Community Engagement & Community Safety will form part of the Area Committees' review and update of priorities for 2022-23. This provides clarity and consistency with the commitments to Barnet as set out in the new priorities for the Council (Please see Appendix C), subject to public consultation being undertaken and considered by Area Committees for inclusion.
- 1.12 It is recommended to increase the CIL funded Road Safety & Parking Fund, with an allocation of £450,000 per annum for each financial year starting in 2022/23. The fund is now managed borough-wide by the Director for Highways & Transportation (please see Appendix A for the budget calculation). The Committee agrees and authorises for this arrangement to continue.

- 1.13 To ensure transparency relating to decisions taken by the Director for Highways & Transportation using delegated powers, there will be a report back to every meeting of the Area Committees to update Members and residents on the progress of the various road safety and parking issues.

Review Process

- 1.13 It is proposed that these arrangements will be reviewed annually to ensure that they are fit for purpose.

Proposed Changes to Area Committees and Residents Forums

- 1.14 On 24 May 2022 Annual Council considered and approved the report of the Leader of the Labour Group which set out a number of changes in relation to the Area Committees and Residents Forums.



1.15 The changes are as follows:

- The three residents' forums (Hendon Residents Forum, Chipping Barnet Residents Forum and Finchley & Golders Green Residents Forum) be de-commissioned.
- Local residents' issues will be reported directly to Area Committees (except matters relating to licensing and planning applications).
- Residents will also be encouraged to bring suggestions and proposals to Area Committees for improvements to their local areas, for example projects that they consider suitable for CIL funding or other sources of funding available to the community
- Petitions which carry 25-6,999 signatures will be reported to Area Committees where relevant to their terms of reference.
- Area Committees be renamed North Area Committee, West Area Committee and East Area Committee.
- The North Area Committee covers the wards: East Barnet, Barnet Vale, High Barnet, Underhill, Totteridge and Woodside, Mill Hill, Edgwarebury and Whetstone.
- The West Area Committee covers the wards: Burnt Oak, Edgware, Colindale North, Colindale South, West Hendon, Hendon, Cricklewood and Childs Hill.

- The East Area Committee covers the wards: Brunswick Park, Friern Barnet, Woodhouse, West Finchley, Finchley Church End, Golders Green, East Finchley and Garden Suburb.
- For each Area Committee, Committee members must represent a ward in the Area Committee area. All members in the Area Committee area can act as substitutes in that area.

2. REASONS FOR RECOMMENDATIONS

- 2.1 On the 5th May 2022 a new administration was elected in Barnet and requested a review of the arrangements for Area Committees.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 No alternatives have been considered. Guidance is required to support the increased funding allocation for the Area Committees and the Road Safety & Parking Fund.

4. POST DECISION IMPLEMENTATION

- 4.1 Area Committees will be requested to undertake an Equalities Impact Assessment ('EQIA') and public consultation prior to adoption of the Committee's recommendations for CIL Guidance.
- 4.2 Area Committees will be requested to consider for adoption this Committee's recommendations, subject to the public consultation, for CIL Funding at their next 2022-23 meetings upon completion of the public consultation for the 2022/23 financial year.
- 4.3 The Director, Highways & Transportation will be requested to implement the recommendations for the CIL Road Safety & Parking Fund for the 2022/23 financial year.
- 4.4 In regard to the management of the Road Safety and Parking Fund the Director of Highways & Transportation will have due regard to the statutory functions and responsibilities set out within the Highway Act 1980 and the Code of Practice 'Well-managed highway infrastructure' (2016) when assessing and determining applications received.
- 4.5 A review of the arrangements will be completed annually.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Customer experience and Digital strategy is an enabler to delivering across the Council's priorities and will enable the delivery of the priorities and outcomes set in the future.
- 5.1.2 The Community Infrastructure Levy funding supports the emerging corporate priorities including:
- 5.1.2.1 Working in partnership with residents and communities on social investment

(including CIL and Social Value), new models of community co-production and community engagement including community-led commissions and piloting different approaches to addressing issues

5.1.2.2 Invest in more CCTV, better lighting and community safety hubs

5.1.2.3 Protect and enhance greenspaces

5.1.3 The Community Infrastructure Levy enables greater engagement and partnership with residents in the improvement of their local areas and see the benefit of development and growth. Communities themselves are often best placed to suggest what the local priorities should be, and the public consultation will seek to strengthen the routes by which residents can have a say on how local funding is spent. This will include boosting engagement with the Area Committees and building stronger links with other place-based networks such as Town Centre groups.

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 and the Road Safety and Parking Fund to spend on local priorities. This portion represents 15% of the total available CIL funding. As such the Area Committee and Road Safety and Parking Fund allocations proposed do not place pressure on either the revenue or capital budgets for the council. Area Committees and the Director, Highways and Transportation will manage within their allocations and the regular review of funding will support effective management of application approvals and managing funding in the round to ensure maximised use of CIL. This is set out in Appendix A.

5.2.2 An officer, Community Infrastructure Coordinator, provides support to the Area Committees and Members for CIL schemes. This role is funded through CIL income permitted for CIL administration. The resourcing for this support is to be reviewed in recognition of the changes outlined above

5.2.3 Officers are investigating opportunities relating to the use of CIL and future projections of Neighbourhood CIL availability and will report back to Committee.

5.3 Legal and Constitutional References

5.3.1 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.

5.3.2 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.

- 5.3.3 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.
- 5.3.4 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, the local or neighbourhood CIL is passed to Area Committees.
- 5.3.5 Under the Regulations, regulation 59F(3) prescribes how the neighbourhood CIL may be used in these circumstances and provides that it may use the CIL to support the development of the relevant area by funding:
 - 5.3.5.1 The provision, improvement, replacement, operation or maintenance of infrastructure: or
 - 5.3.5.2 Anything else that is concerned with addressing the demands that development places on an area.
- 5.3.6 There is statutory requirement that the Council as charging authorities must have regard to the government ‘CIL Guidance’. This Guidance provides additional guidance on how neighbourhood CIL funds should be used where there is no local council in place. Paragraph 146 of the CIL Guidance states that the “charging authority...should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding”. Charging authorities should set out clearly and transparently their approach to engaging with neighbourhoods. The CIL Guidance goes on to explain that the use of neighbourhood CIL funds should match priorities expressed by local communities, which should be obtained through consultation undertaken “at the neighbourhood level”. This does not necessarily prevent the Council from allocating neighbourhood CIL funds to borough wide (or larger) projects or initiatives, providing that they meet the requirement in regulation 59F. If the Council decides to depart from the CIL Guidance (i.e. by not allocating funds in accordance with priorities expressed by local communities), it should have and give clear and proper reasons for doing so.
- 5.3.7 Under the Council’s Constitution Article 7, the terms of reference of the Policy & Resources Committee includes responsibility for: “Strategic policy, finance and corporate risk management including recommending: Capital and Revenue Budget (including all fees and charges); Medium Term Financial Strategy; and Corporate Plan to Full Council.”
- 5.3.8 Under Article 9 of the Council’s Constitution, the Deputy Chief Executive as a Chief Officer has delegated authority to make decisions in relation to the functions of their department (which includes parking and road safety) which are not key decisions and where the cost does not exceed £213,478 in accordance with the powers delegated and under the Deputy Chief Executive Schemes of Delegation these decisions will be taken by the Director, Highways & Transportation. This authority is provided under Article 10.5 which relates to

decision making by Chief Officers. Chief Officer will maintain a list of all decisions over £50,000 as required under Article 9.

5.4 Insight

- 5.4.1 Members should consider using insight data during community consultation to inform local priorities for 2022/23 and future years.
- 5.4.2 The options in Appendix A have been based on data supplied by the Insight & Intelligence team in relation to the total population figures for North, East and West Areas.

5.5 Social Value

- 5.5.1 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.
- 5.5.2 CIL is itself a mechanism for providing social value from private sector investment. Improvements to the way CIL is used will be developed in line with the Council's new Social Value Policy which looks at how social value contributions can be claimed through the Council's procurement process.

5.6 Risk Management

- 5.6.1 Area Committees have requested clarification of the CIL funding eligibility criteria to ensure that funded schemes are within eligibility guidelines. This is a possible reputational risk to the Council. The new guidelines provide clarity on CIL eligibility.
- 5.6.2 To mitigate the guidelines becoming out of date, a review of the revised arrangements will be completed annually with findings and recommendations reported to Committee for decision (as required).

5.7 Equalities and Diversity

- 5.7.1 An Equalities Impact Assessment will be conducted as after this report.
- 5.7.2 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.

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

5.7.3 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.

5.8 Corporate Parenting

5.8.1 Not applicable in the context of this report.

5.9 Consultation and Engagement

5.9.1 The Area Committees will undertake public consultation prior to adopting the relevant recommendations set out in this report.

5.9.2 Members will be encouraged to engage residents and community groups in their wards to raise awareness of Area Committees and the opportunities they provide for delivering community-led improvements to their local areas. Officers will also work with their community networks to promote the Area Committees.

5.9.3 Success of the Area Committees will be monitored through evaluation using the Council's resident insight functions in the Strategy & Engagement team and through feedback mechanisms such as the Resident Perception Survey.

5.9.4 Officers will be engaging with the Chair and Vice-Chair of the Area Committees to develop draft priorities to present to the Area Committees. These discussions will take into consideration the needs of the Areas 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

5.10 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 neutral.

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 Policy & Resources Committee, 24 May 2021, Review of Community Infrastructure Levy (CIL) Eligibility Criteria and Guidance
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=10201&Ver=4>
- 6.10 Policy & Resources Committee, 9 December 2021, Budget approval of £200,000 for 2020/21 from the Capital Programme for the Road Safety & Parking Fund
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=10890&Ver=4>
- 6.11 Council, 1 March 2022, Barnet Community Infrastructure Levy Charging Schedule Review – Approval of Charging Schedule and Infrastructure Payments Policy
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=10839&Ver=4>
- 6.12 Community Leadership & Libraries Committee, 9 June 2021, Barnet Community Participation Strategy 2021
<https://barnet.moderngov.co.uk/documents/s65155/CLLC%20090621%20Community%20Participation%20Strategy%20PUBLICATION.pdf>

- 6.13 Annual Council, 24 May 2022, Report of the Leader of the Labour Group:
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=141&MId=10840&Ver=4>
-