



## East Area Committee

24 October 2022

<b>Title</b>	<b>Area Committee Funding – Neighbourhood Community Infrastructure Levy (CIL) &amp; Road Safety and Parking Fund update</b>
<b>Report of</b>	Matthew Waters – Assistant Director, Capital Delivery Capital Delivery, Growth & Corporate Services Ian Edser – Director, Highways & Transportation
<b>Wards</b>	Brunswick Park, West Finchley, Finchley Church End, Friern Barnet, Garden Suburb, Golders Green, East Finchley and Woodhouse
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	<b>Appendix 1</b> – Community Infrastructure Levy (CIL) Budget & Scheme Update <b>Appendix 2</b> - Road Safety & Parking Budget & Scheme Update
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<b>Summary</b>	
<p>This report is to:</p> <ul style="list-style-type: none"> <li>- Update Members of the CIL budget allocations for the East Area Committee, to enable consideration of applications for funding during 2022/23</li> <li>- Update Members on the Road Safety &amp; Parking budget allocations for 2022/23 and the status of current schemes</li> </ul>	

## **Officers Recommendations**

- 1. That the East Area Committee notes the Community Infrastructure Levy (CIL) funding available for allocation during 2022/23, as set out in paragraph 7.2 and in Appendix 1.**
- 2. That the East Area Committee notes the CIL amount and re-allocated underspends & overspends in paragraph 2.1**
- 3. That the East Area Committee notes the Road Safety & Parking Fund allocations in paragraph 7.2 and as set out in Appendix 2.**
- 4. That the East Area Committee notes that the Public Consultation commenced on the 3<sup>rd</sup> August 2022 and closes on the 7<sup>th</sup> October 2022.**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 This report indicates the allocation of part of the Community Infrastructure Levy (“CIL”) to the East 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 East Area Committee.
- 1.3 On 9 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. A Development Plan is in place for West Finchley (‘neighbourhood plan’) and was adopted by Council on 19th October 2021. The neighbourhood plan area of West Finchley is within the previous and current ward boundary. The neighbourhood plan will continue to be reviewed and assessed through the planning process for the implications that it will have upon the CIL budget in respect of the designated West Finchley neighbourhood plan area.
- 1.4 On 24 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 9 December 2021 the Policy & Resources Committee approved an allocation of £200k for Road Safety & Parking schemes for 2021/22 only.

- 1.5 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.



1.6 The changes are as follows:

- 1.6.1 The three residents' forums (Hendon Residents Forum, Chipping Barnet Residents Forum and Finchley & Golders Green Residents Forum) be de-commissioned.
- 1.6.2 Local residents' issues will be reported directly to Area Committees (except matters relating to licensing and planning applications).
- 1.6.3 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
- 1.6.4 Petitions which carry 25-6,999 signatures will be reported to Area Committees where relevant to their terms of reference (Article 3 of the Constitution).

- 1.6.5 Area Committees be renamed East Area Committee, West Area Committee and North Area Committee.
  - 1.6.6 The North Area Committee covers the wards: East Barnet, Barnet Vale, High Barnet, Underhill, Totteridge and Woodside, Mill Hill, Edgwarebury and Whetstone
  - 1.7 The West Area Committee covers the wards: Burnt Oak, Edgware, Colindale North, Colindale South, West Hendon, Hendon, Cricklewood and Childs Hill.
  - 1.8 The East Area Committee covers the wards: Brunswick Park, Friern Barnet, Woodhouse, West Finchley, Finchley Church End, Golders Green, East Finchley and Garden Suburb.
  - 1.9 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.
- 1.10 On the 8 June 2022, the Policy & Resources Committee:
- 1.10.1 Agreed an increase in the Area Committee's income allocations to £1.8m per annum and agreed provisionally the funding to be allocated based on population within each Area Committee, subject to consideration of an Equality Impact Assessment ('EQIA') being carried out by the Area Committees (after consultation in respect of the provisional CIL funding allocation based on population for each Area Committee and the recommendations listed below).
  - 1.10.2 Proposed 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"), subject to public consultation being undertaken and considered by Area Committees prior to adoption.
  - 1.10.3 Proposed 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, subject to public consultation being undertaken and considered by Area Committees for inclusion.
  - 1.10.4 Agreed in respect of the Area Committees the revised CIL Funding Application Guidelines and Funding Application Form, subject to recommendations requiring consultation above.
  - 1.10.5 Agreed 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.
  - 1.10.6 Agreed the revised Road Safety & Parking Funding Guidelines and Request Form.
  - 1.10.7 Noted that a review of the Area Committee CIL funding and Road Safety & Parking CIL Fund arrangements is proposed to be undertaken annually.
  - 1.10.8 Requested a report to the P&R Committee in 18 months' time on how the new process was working.
- 1.11 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.

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

1.13 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 July 2022. The total amount of underspends for 2022/23 of £13,915 is added back into the CIL reserve allocation (see Appendix 1).

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 All CIL funding allocations should be submitted in accordance with the approved CIL funding application guidelines detailed in the Policy & Resources Committee report dated 24 May 2021. The new guidelines detailed in the Policy & Resources Committee report dated 8 June 2022 are subject to the conclusion of the public consultation to be carried out.

## **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.

4.2 Public consultation upon CIL funding eligibility guidelines, priorities and proposed provisional CIL budget allocation based on population for this Area Committee 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. The consultation also complies with the Government guidelines.

4.3 Public consultation and the undertaking of an Equalities Impact Assessment by the Area Committees enables consideration by each Area Committee of the proposed budget allocation on the basis of population for each Area Committee.

## **5. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

5.1 No alternative options were considered

## **6. POST DECISION IMPLEMENTATION**

### **Public Consultation & Equalities Impact Assessment**

6.1 The public consultation with local communities opened on the 3<sup>rd</sup> August 2022 and will close on the 7<sup>th</sup> October 2022, with feedback provided thereafter. The Area Committee has also instructed the undertaking of an Equalities Impact Assessment in respect of the proposed provisional CIL budget allocation based on population for this Area Committee. The Area Committee will consider the findings and any negative and positive impacts.

6.2 **CIL Activity** 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.

6.3 **Road Safety & Parking Activity** Approved Road Safety & Parking schemes arising from member requests, petitions or area committee report funded schemes to be implemented by Highways in line with timelines provided.

## **7. IMPLICATIONS OF DECISION**

### **7.1 Priorities and Performance**

7.1.1 The Community Infrastructure Levy funding supports the emerging corporate priorities including:

- 7.1.1.1 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
- 7.1.1.2 Community Safety by investing in more CCTV, better lighting and community safety hubs
- 7.1.1.3 Protect and enhance greenspaces
- 7.1.1.4 Sustainability
- 7.1.1.5 Public Health

7.1.2 The funding enables the Area Committee CIL Budget and the Road Safety & Parking Budget to contribute to the 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. The public consultation opened on the 3<sup>rd</sup> August 2022 and will close on 7<sup>th</sup> October 2022 and feedback provided thereafter.

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

### **CIL Activity**

- 7.2.1 An annual allocation of £1.8m is made to Area Committees from 2022/23. The funding has provisionally been agreed to be allocated based on population within each Area Committee and projected CIL receipts subject to public consultation and consideration of an Equality Impact Assessment ('EQIA') being carried out for each Area Committee (after the public consultation in respect of those recommendations requiring consultation).
- 7.2.2 The total available to this committee, September 2022, for the allocation to new schemes is £541,417.
- 7.2.3 Appendix 1 lists all the schemes in progress as at the time of publication and shows a detailed breakdown of how the available balance is derived and noting that £24,387 has been allocated to new schemes in 2022/23.

### **Road Safety & Parking Activity**

- 7.2.4 An allocation of £450,000 was made to the Road Safety & Parking Budget for the financial year 2022/23.
- 7.2.5 The total amount available as at the date of this meeting, totals to £319,176, this is the total amount available for allocation to new schemes. This takes into account all of the agreed allocation authorised by the Director, Highways & Transportation.
- 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 CIL is itself a mechanism for providing social value from private sector investment.

## **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"). 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.
- 7.4.2 On 1 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 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 .
- 7.4.4 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, the local or neighbourhood CIL is passed to Area Committees.
- 7.4.5 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:
  - 7.4.5.1 The provision, improvement, replacement, operation or maintenance of infrastructure: or
  - 7.4.5.2 Anything else that is concerned with addressing the demands that development places on an area.
- 7.4.6 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.
- 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 East Area Committee – (Brunswick Park, Friern Barnet, Woodhouse, West Finchley, Finchley Church End, Golders Green, East Finchley and Garden Suburb) includes:

- 7.4.7.1 Provide an opportunity for any resident to raise matters affecting the area (except matters relating to licensing and planning applications).
- 7.4.7.2 Responsibility for all area specific matters relating to the street scene including parking, road safety, transport, allotments, parks and trees.
- 7.4.7.3 Consider area specific matters as agreed with the Chair.
- 7.4.7.4 Consider matters relating to Town Centre regeneration and designating conservation areas.
- 7.4.7.5 Determine the allocation of the Community Infrastructure Levy funding within the area subject to sufficient of the budget allocated to the committee being unspent.

## **7.5 Risk Management**

- 7.5.1 To mitigate the guidelines becoming out of date, a review of the arrangements will be completed annually.
- 7.5.2 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 proposed new guidelines provide clarity on CIL eligibility.

## **7.6 Equalities and Diversity**

- 7.6.1 An Equalities Impact Assessment (EqIA) will be carried out after public consultation upon the new proposed CIL funding allocation to be based upon population for each Area Committee and the findings of the public consultation and the EqIA are to be considered by the Area Committee.
- 7.6.2 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:
  - 7.6.2.1 Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
  - 7.6.2.2 Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
  - 7.6.2.3 Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.6.3 Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 7.6.4 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**

7.8.1 The Area Committees is currently undertaking public consultation prior to adopting the proposed new guidelines, priorities and provisional CIL funding based on population of each Area Committee.

7.8.2 Members have been 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 are also working with their community networks to promote the Area Committees.

## **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 neutral.

## **7.10 Insight**

7.10.1 Members should consider using insight data during the consultation process to formulate local priorities for 2022/23, and when proposing schemes for Area Committee consideration.

## 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%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>

Policy & Resources Committee, 24<sup>th</sup> May 2021

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

Council Committee, 19<sup>th</sup> October 2021, West Finchley Neighbourhood Plan

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=10837&Ver=4>

Policy & Resources Committee, 9<sup>th</sup> 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>

Annual Council, 24<sup>th</sup> May 2022

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=141&MId=10840&Ver=4>

Policy & Resources Committee, 8<sup>th</sup> June 2022

[https://barnet.moderngov.co.uk/documents/s72807/PR%20Committee\\_NCIL%20Report\\_Jun%202022%20Publication\\_v0.2.pdf](https://barnet.moderngov.co.uk/documents/s72807/PR%20Committee_NCIL%20Report_Jun%202022%20Publication_v0.2.pdf)

NCIL Consultation - Barnet, 3<sup>rd</sup> August 2022

[Neighbourhood Community Infrastructure Levy \(NCIL\) consultation | Engage Barnet](#)

## REPORT CLEARANCE CHECKLIST

*(Removed prior to publication and retained by Governance Service)*

*Note: All reports must be cleared by the appropriate Committee Chairman, Chief Officer, Legal, Finance and Governance as a minimum. Report authors should also engage with subject matter experts from other service areas where this is required (e.g. procurement, equalities, risk, etc.). The name and date that the chairman or officer has cleared the report must be included in the table below or the report will not be accepted.*

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### AUTHOR TO COMPLETE TABLE BELOW:

Who	Clearance Date	Name
Committee Chair	09/09/2022	Cllr Danny Rich
Area Committee Lead Officer	On Vacation – have advised him that I have sent it	Phil Hoare
HB Public Law	08/09/2022	Jimmy Walsh
Finance	08/09/2022	Lucy Hugall & Ndenko Asong
Director, Highways & Transportation	08/09/2022	Ian Edser
Assistant Director, Capital Delivery	07/09/2022	Matthew Waters
Governance	08/09/2022	Salar Rida