



East Area Committee

28th March 2023

Title	Area Committee Funding – Neighbourhood Community Infrastructure Levy (CIL) & Road Safety and Parking Fund update
Report of	Matthew Waters – Assistant Director, Capital Delivery Growth & Corporate Services Ian Edser – Director, Highways & Transportation
Wards	Brunswick Park, West Finchley, Finchley Church End, Friern Barnet, Garden Suburb, Golders Green, East Finchley and Woodhouse
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix 1 – Community Infrastructure Levy (CIL) Budget & Scheme Update Appendix 2 - Road Safety & Parking Budget & Scheme Update
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Summary

This report provides Members with an update on the CIL budget allocations for the East Area Committee, to enable consideration of applications for funding during 2022/23, and an update on the Road Safety & Parking budget allocations for 2022/23 and the status of current schemes.

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 7.2.2 of this report and in Appendix 1.**
- 2. That the East Area Committee notes the CIL amount and re-allocated underspends & overspends in paragraph 2.1 of this report**
- 3. That the East Area Committee notes the Road Safety & Parking Fund available for allocation for 2022/23 in paragraph 7.2.5 of this report 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 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 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.
- 1.4 Detail as to the activity to date of this Area Committee and the balance available are attached as Appendix 1 to this report.
- 1.5 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 2023. The total amount of underspends for 2022/23 is £15,874 which 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 22 February 2023.

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

- 6.1 **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.

- 6.2 **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 Corporate Priorities and Performance

- 7.1.1 The new corporate plan (2023-26) was adopted in February 2023.

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 for 2022/23.

- 7.2.2 The total budget available to this committee, as of March 2023, for the allocation to new schemes is £160,256.

- 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 £407,507 has already 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 £30,596, 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 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 responsibility to:
- 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 new guidelines provide clarity on CIL eligibility.

7.6 Equalities and Diversity

- 7.6.1 An Equalities Impact Assessment (EqIA) was out carried to consider the new proposed CIL funding allocation to be based upon population for each 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 A public consultation was undertaken 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, 24th May 2021

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

Council Committee, 19th October 2021, West Finchley Neighbourhood Plan

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

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>

Annual Council, 24th May 2022

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

Policy & Resources Committee, 8th June 2022

https://barnet.moderngov.co.uk/documents/s72807/PR%20Committee_NCIL%20Report_Jun%202022%20Publication_v0.2.pdf

NCIL Consultation - Barnet, 3rd August 2022

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=11162&Ver=4>

Policy & Resources Committee, 22nd February 2022, Area Committees (Consultation & Equalities Impact Assessment)

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=11162&Ver=4>

Council, 28th February 2022, Corporate Plan

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=11170&Ver=4>

