



East Area Committee

22nd January 2024

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| Title | Members Items – Applications for Neighbourhood Community Infrastructure Levy (NCIL) Funding |
| Date of meeting | 22/01/2024 |
| Report of | Madeleine Herbert – NCIL Coordinator, Customer & Place |
| Wards | Brunswick Park, West Finchley, Finchley Church End, Friern Barnet, Garden Suburb, Golders Green, East Finchley and Woodhouse |
| Status | Public |
| Urgent | No |
| Appendices | Appendix 1 – Members NCIL Applications |
| Officer Contact Details | Madeleine Herbert – NCIL Coordinator, Customer & Place Contact: Madeleine.Herbert@barnet.gov.uk |

Summary

This report informs the Area Committee that the applications listed under section 1 for Neighbourhood CIL funding have been submitted. The Committee are requested to consider the information highlighted within this report and decide on its desired course of action in accordance with its powers.

Recommendations

1. That the Area Committee consider the requests as highlighted in section 1 of the report.
2. That the Area Committee decide whether it wishes to:
 - a. award funding (either fully or partially) and any conditions attached and note the implications to the Committee's NCIL funding budget;
 - b. defer the application for funding for further information, giving reasons; or
 - c. reject the application, giving reasons.

1. Reasons for the Recommendations

1.1 Applications for funding from the Committee's allocated NCIL budget have been raised. The summary of the applications is in the table below, and the detailed applications are in Appendix 1:

1.2

| Ward | Scheme Description | Ward Member | Budget Allocation £ |
|----------------|---|-------------------|------------------------|
| Brunswick Park | Brunswick Park Multi-use Game Area (MUGA) | Cllr Paul Lemon | £ 110,000 |
| East Finchley | Market Place retaining wall | Cllr Alison Moore | £ 35,000 |
| East Finchley | Oak Lane Open Space | Cllr Arjun Mittra | £ 27,128 |

1.3 The Committee is requested to decide in respect of each application submitted by Ward Members for Neighbourhood CIL Funding, in line with its terms of reference set out in Article 7 of the Council's Constitution.

1.4 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. CIL is a standard charge collected from developers on a rate per square metre basis and the funds raised are spent on infrastructure to support the development of an area. Part of CIL funding is allocated to the Neighbourhood Portion and managed by the three Area Committees: West, East and North.

2. Alternative Options Considered and Not Recommended

2.1 Members of the Council are able to submit applications for Neighbourhood CIL funding to the Area Committee via Members' Items. As a result, the Committee are requested to consider and determine the applications submitted by Ward Members. Therefore, no other recommendation is provided from Officers.

3. Post Decision Implementation

3.1 Post decision implementation depends on the decision taken by the Committee, and the assessing officer's recommendation.

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

4.1 CIL in a mechanism whereby the council can care for its People, Places and Planet, and to be a council that is effective and engaged with residents

Corporate Performance / Outcome Measures

4.2 None in this context

Sustainability

4.3 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.

Corporate Parenting

4.4 None in the context of this report.

Risk Management

4.5 None in the context of this report

Insight

4.6 The Committee may wish to utilise the CIL funding priorities agreed by the Area Committee as a guide towards determining an application. Officers will work on collating key information to assist Members in reviewing priorities including infrastructure needs by area and insight data.

Social Value

4.7 Requests for Area Committee budget funding provides an avenue for Members to give consideration to funding requests which may have added social value.

5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

5.1 An annual allocation of £1.8m is made to Area Committees from 2023/24

5.2 East Area committee has £439,923 to allocate to new schemes from January 24.

6. Legal Implications and Constitution References

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.

5.1 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.

5.2 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 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.
- 5.4 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:
- 5.5 The provision, improvement, replacement, operation or maintenance of infrastructure: or
- 5.6 Anything else that is concerned with addressing the demands that development places on an area.

7. Consultation

- 7.1 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.
- 7.2 Members consult with Area Committee Lead Officers at an early stage on CIL Funding applications and where relevant with other departments and services. This will enable as much supporting information as possible to be included with applications to enable committees to make an informed decision. Applications where limited or no consultation has taken place are likely to be deferred or rejected by committees. This information will enable committees to make informed decisions. There is no prescribed format for supporting information, but it is recommended that it is sufficient for the committee to make an informed decision.

8. Equalities and Diversity

- 8.1 Requests for Funding allow Members of a Committee to bring a wide range of issues to the attention of a committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.
- 8.2 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:
- 8.2.1 Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- 8.2.2 Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2.3 Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2.4 Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 8.2.5 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.

9. Background Papers

9.1 As listed below

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>

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>

Chipping Barnet Area Committee - CIL Funding Priorities – 21 April 2021 (item 12):
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=711&MId=10126&Ver=4>

Finchley & Golders Green Area Committee – CIL Funding Priorities, 8 April 2021 (item 12):
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=712&MId=10257&Ver=4>

Hendon Area Committee – CIL Funding Priorities, 16 March 2021 (item 14):
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=717&MId=10250&Ver=4>

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

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>