



East Area Committee

22nd January 2024

Title	Area Committee Funding – Neighbourhood Community Infrastructure Levy (CIL) & Road Safety and Parking Fund update
Date of meeting	22/01/2024
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
Appendices	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 2023/24, and an update on the Road Safety & Parking budget allocations for 2023/24 and the status of current schemes.

Recommendations

1. That the East Area Committee notes the Community Infrastructure Levy (CIL) funding available for allocation during 2023/24 (in accordance with the CIL regulations), as set out in paragraph 5.4 of this report and in Appendix A.
2. That the East Area Committee notes the CIL amount and re-allocated underspends & overspends in paragraph 1.7 of this report and in Appendix A.

3. That the East Area Committee notes the Road Safety & Parking Fund available for allocation during 2023/24 in paragraph 5.8 and as set out in Appendix B.

1. Reasons for the Recommendations

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.

1.6 CIL activity

1.7 The latest position shows expenditure to December 2023. The total amount of underspend on schemes completed between September and January Area Committee is £4,237 which is add to the 2023/24 allocation (see Appendix 1).

1.8 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.

1.9 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.

1.10 Road Safety & Parking Budget Activity

1.11 The latest position as set out in Appendix 2 shows the agreed allocations to date and the remaining budget available for future schemes.

1.12 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.

2. Alternative Options Considered and Not Recommended

2.1 Alternative options were considered as part of the public consultation process.

3. Post Decision Implementation

3.1 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.

3.2 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.

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

4.1 CIL in a mechanism to help assist the council in caring for its People, Places and Planet, and to be a council that is effective and engaged with residents.

Corporate Performance / Outcome Measures

4.2 Not applicable in the context of this report.

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 Not applicable in the context of this report.

Risk Management

4.5 To mitigate the guidelines becoming out of date, a review of the arrangements will be completed annually.

4.6 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.

Insight

4.7 Members should consider using insight data during the consultation process to formulate local priorities for 2023/24, and when proposing schemes for Area Committee consideration.

Social Value

4.8 CIL is itself a mechanism for providing social value from private sector investment.

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

5.1 CIL Activity

5.2 An annual allocation of £1.8m is made to Area Committees for 2023/24.

5.3 Policy and Resources committee (22 February 2023) agreed that the split of funding across all Area Committees should be proportional to population within that area. The wards pertaining to East Area committee have a population of 131,000 residents (ONS 2021 Census).

5.4 The total budget available to this committee as of January 2024 for the allocation to new schemes is £439,923.

5.5 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, noting that a total of £166,724 was allocated to new schemes at September 2023 Area Committee.

5.6 Road Safety & Parking Activity

- 5.7 An allocation of £450,000 was made to the Road Safety & Parking Budget for the financial year 2023/24. In September 2023 Cabinet agreed to increase the annual budget to £1.2m
- 5.8 The total amount available as at the date of this meeting, totals to £93,685. 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.
- 5.9 Appendix 2 lists all the schemes where budget has been allocated and approved by the Director, Highways & Transportation as at the time of publication with listing of the schemes in progress and summarises the headline balance position.

6. Legal Implications and Constitution References

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 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:
- 6.6 The provision, improvement, replacement, operation or maintenance of infrastructure: or
- 6.7 Anything else that is concerned with addressing the demands that development places on an area.
- 6.8 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.

- 6.9 In accordance with Part 2B Section 18 Terms of Reference of Committees of the Council’s Constitution - (Brunswick Park, West Finchley, Finchley Church End, Friern Barnet, Garden Suburb, Golders Green, East Finchley and Woodhouse) includes responsibility for the following functions:
- 6.10 Provide an opportunity for any resident to raise matters affecting the area (except matters relating to licensing and planning applications).
- 6.11 Responsibility for all area specific matters relating to the local environment including parking, road safety, transport, allotments, parks and trees.
- 6.12 Consider area specific matters as agreed with the Chair.
- 6.13 Consider matters relating to Town Centre regeneration and designating conservation areas.
- 6.14 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. Consultation

- 7.1 A public consultation was undertaken prior to adopting the proposed new guidelines, priorities and provisional CIL funding based on population of each Area Committee
- 7.2 Members are 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

8. Equalities and Diversity

- 8.1 An Equalities Impact Assessment (EqIA) was carried out to consider the new proposed CIL funding allocation to be based upon population for each Area Committee.
- 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:
- 8.3 Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- 8.4 Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- 8.5 Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.6 Relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 8.7 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 Cabinet, 5th September 2023 Chief Finance Officer Report - [2023/24 Quarter 1 Financial Forecast and 2023/24 Budget Management](#)
- 9.2 Annual Council, 24th May 2022
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=141&MId=10840&Ver=4>
- 9.3 Policy & Resources Committee, 8th June 2022 [A4 Letterhead \(moderngov.co.uk\)](#)
- 9.4 NCIL Consultation - Barnet, 3rd August 2022 [Neighbourhood Community Infrastructure Levy \(NCIL\) consultation | Engage Barnet](#)
- 9.5 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>
- 9.6 Council, 28th February 2022, Corporate Plan
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=11170&Ver=4>