



Cabinet

Title	Update to Neighbourhood Community Infrastructure Levy (NCIL) Policy
Date of meeting	16 July 2024
Report of	Councillor Barry Rawling, Leader of the Council and Cabinet Member for Partnerships, Economy and Effective Council
Wards	All wards
Status	Public
Key	Key
Urgent	No
Appendices	<p>Appendix A – Updated NCIL Policy Update to NCIL Policy - July 2024 Cabinet.docx</p> <p>Appendix B – Updated NCIL terms and conditions Updates to NCIL Terms and Conditions - July Cabinet 2024.docx</p> <p>Appendix C - NCIL Legal Eligibility Proforma NCIL Legal Eligibility Proforma.docx</p>
Lead Officer	<p>Matthew Waters, Assistant Director Capital Delivery matthew.waters@barnet.gov.uk Tel: 020 8359 4147</p>
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Summary	
<p>The Neighbourhood Community Infrastructure Levy (NCIL) is a drawdown of CIL that can be bid for by Councillors at Area Committees (West, North, East) in order to address the demand that development has placed on their ward. This is an annual fund of £1.8m that is split across the three area</p>	

committees. This submission is to request the approval of the new refinements. This refinement will provide more clarity to applicants, members, and officers.

Recommendations

- 1. The Cabinet approve the updated Neighbourhood Community Infrastructure Levy (NCIL) Policy (Appendix A).**
- 2. The Cabinet approve the updated Neighbourhood Community Infrastructure Levy (NCIL) terms and conditions (Appendix B).**
- 3. The Cabinet approve the introduction of the Neighbourhood Community Infrastructure Levy (NCIL) Legal Eligibility Proforma (Appendix C).**

1. Reasons for the Recommendations

- 1.1 Following a year of reviewing how area committee has worked and while originally the fund was exclusively used for infrastructure. In February 2023, - policy and resources committee, the criteria was significantly widened by approval of Policy and Resources Committee to concern all demand that development placed on the area.
- 1.2 A policy update was suggested to provide members, officers, and community organisations with clarity. This will allow the council to ensure that we are adequately using NCIL funding and appropriately offsetting the demands placed on the community.
- 1.3 There are nine overall updates that have been made to the NCIL policy and NCIL terms and conditions. The following changes are broadly set out below and are due to be implemented.
- 1.4 Positive Impact Requirement: Bids must enable or ensure a long-term positive impact on the community, demonstrating clear benefits and sustainable improvements. This amendment has been proposed to avoid ambiguities and ensuring that submitted bids align with the Council's strategic objectives for community development and sustainability.
- 1.5 Community Capacity Building: Bids must aim to build community capacity by empowering local residents and groups, enhancing skills, and fostering community cohesion.
- 1.6 Ineligibility of One-off Festivals: One-off festivals are ineligible for NCIL funding to ensure that funds are directed towards projects with lasting benefits rather than short-term events.
- 1.7 Project Delivery: Projects must be delivered by either a community group or a Barnet Service, ensuring accountability and alignment with local needs and services.
- 1.8 Officer Suggestions for Future Bids: Officers will suggest potential future bids that members may want to consider supporting, providing guidance and strategic direction to align with community priorities.
- 1.9 Submission Deadline for Bids: Bids must be submitted 20 working days before the committee meeting deadline for paper circulation, ensuring adequate time for review and consideration.
- 1.10 Early Review by Relevant Officers: Bids must be reviewed by relevant officers at least two committee meetings before a critical project date, allowing sufficient time for feedback and necessary adjustments.
- 1.11 Impact Statement Submission: An impact statement must be submitted to the CIL officer for review, detailing the expected outcomes and benefits of the project to ensure alignment with funding objectives.

- 1.12 Acceptance of Grant Terms and Conditions: Community groups must accept the terms and conditions of the community grant before applying, with councillor support. These terms include provisions for claw-back if outcomes are not achieved, due diligence requirements, and specific funding timelines to ensure proper use and accountability of the funds.
- 1.13 Appendix 1 includes amendments to the current NCIL policy, appendix 2 contains an updated version of the NCIL terms and conditions, appendix 3 includes a new NCIL Legal Eligibility Pro Forma, this would be required to gain an early view of eligibility for NCIL funding prior to the formation of any detailed formal bids for funding and should avoid abortive effort on bids that would be ineligible. This submission is to request the approval of the new refinements.

2. Alternative Options Considered and Not Recommended

- 2.1 Alternative options, such as reverting solely to infrastructure-focused projects, were considered. However, this approach would exclude community involvement/development projects and limit the potential range of outcomes that could be achieved through the use of the funding.
- 2.2 Another alternative considered was relying solely on officer-led bids. However, this approach would be detrimental as it would not engage the community or generate ideas from local residents.
- 2.3 The alternative options considered were not deemed viable due to the reduction of positive outcomes.

3. Post Decision Implementation

- 3.1 Once approved, the decision will impact all wards.
- 3.2 A series of training events will be provided ahead of the September area committee, as needs present itself.
- 3.3 Training will be delivered to members to ensure they understand the changes and the general approach. This will be implemented from the next area committee meeting.
- 3.4 Both internal and external communications will be enhanced. Including updates to the website.
- 3.5 Officers will proactively take an approach to spreading positive news about the funds and ensure community groups are included.

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

- 4.1 CIL is a mechanism to 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 current guidelines provide clarity on CIL eligibility.

Insight

4.7 Members should consider using insight data during the consultation process to formulate local priorities for 2024/25, 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 2024/25.

5.3 This proposed decision will not have direct financial implications on the CIL Budget.

5.4 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.

6. Legal Implications and Constitution References

6.1 Under the Council's Constitution, Part 2D the terms of reference states that Cabinet is responsible for the following functions: • Recommending major new policies (and amendments to existing policies) to the Council for approval as part of the Council's Policy Framework and implementing those approved by Council; • Approving policies that are not part of the policy framework; and all key decisions.

6.2 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. Consultation

7.1 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 The Equality Act 2010 requires the Council in the exercise of its functions to have due regard to the need: • to eliminate discrimination, harassment and victimisation and any other conduct

prohibited by the 2010 Act; and • advance equality of opportunity and to foster good relations, between those who share a protected characteristic and those who do not.

- 8.2 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.

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 Council, 28th February 2023, Corporate Plan
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=11170&Ver=4>
- 9.3 NCIL Consultation - Barnet, 3rd August 2022 [Neighbourhood Community Infrastructure Levy \(NCIL\) consultation | Engage Barnet](#)
- 9.4 Policy & Resources Committee, 8th June 2022 [A4 Letterhead \(moderngov.co.uk\)](#)
- 9.5 Policy & Resources Committee, 22nd February 2023, Area Committees (Consultation & Equalities Impact Assessment)
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=11162&Ver=4>