

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**CIL SPENDING PANEL**

Minutes from the Meeting of the CIL Spending Panel held on Monday, 12th December, 2022 at 10.00 am in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor R Blunt (Chair)
Councillors C Bower, A Holmes, C Hudson, E Nockolds
and T Parish (on Zoom)

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor M de Whalley (sub Councillor A Holmes).

2 **NOTES OF THE PREVIOUS MEETING**

The notes of the previous meeting were agreed as a correct record.

3 **MATTERS ARISING**

There were no matters arising.

4 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

5 **URGENT BUSINESS**

There was no urgent business.

6 **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

There were no Members present pursuant to Standing Order 34.

7 **CHAIR'S CORRESPONDENCE (IF ANY)**

There was no Chair's correspondence to report.

8 **CIL FUNDING TERMS & CONDITIONS**

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The CIL Monitoring Officer highlighted to the Panel the Terms and Conditions that every applicant had to sign an agreement and return before any funding was allocated. She drew the Panel's attention to the Award of Funding, paragraphs 3 and 4 which were particularly relevant, as follows:

3. The Project must be carried out and completed to the standard and specification stated within the attached application form.
4. If the applicant fails to comply with any of these terms and conditions, BCKLWN (the Council) may withhold, vary, terminate or require any or all of the CIL award to be repaid.

Within the Communications and Monitoring, it stated that:

30. In any event the applicant shall within 7 days after written request by the Council provide the Council with such information and documents as the Council may reasonably require, to enable the Council to verify that the applicant has complied with its obligations under these terms and conditions.
31. The applicant must provide an annual return no later than 01 May each year with information on the progress of the project, within the financial year. This will ensure the Council is able to fulfil its monitoring requirements under the CIL Regulations 2010 (as amended September 2019).

The CIL Monitoring Officer explained that when the Panel considered the applications in further detail later in the meeting, there were many that officers had chased and received no response from applicants.

The CIL Monitoring Officer also explained that projects must be commenced within one year all within the details of the offer letter.

The Panel were informed that with regards to Agenda Item D, all of the agreements had been returned prior to the meeting.

Reference was made to the CIL Governance Documents which stated that projects:

- Must commence within 1 year of being allocated CIL
- And must be completed within 5 years.

CIL will be payable on completion of the project.

The Panel's attention was drawn to the Funding Allocation Confirmation letter and that the project should be commenced no later than one year from the date of the approval letter and that if there were any issues then the Council needed to be notified if the project could not be commenced within that time.

This provided some context for the Panel to consider when considering the next part of the agenda.

The Panel was advised that before an award of funding was made, applicants had to sign Terms and Conditions, as these were displayed to the Panel. As part of the Terms and Conditions, it required applicants to provide an Annual Report to be received for FY21_1.

The Panel noted that No.20 and 63 had not sent in an Annual Report. It was up to the Spending Panel to decide the next steps.

9 **REVIEW OF CIL FUNDING APPLICATIONS**

The Panel considered applications where annual reports had not been received within Financial Year 2021 for numbers 20 and 63.

AGREED: That a strongly worded letter be sent to the Chairman of the Parish Council, copying in the Clerk and Local Councillor requesting a response within 14 days. If a response was not received within that time, it will be assumed that the project was no longer going ahead and the funding would be withdrawn.

In relation to No.5 and 13, these were projects which had not commenced within 1 year.

No.5 Northwold

AGREED: That a 6-month extension of time dated from now be granted subject to an Action Plan and Timetable of Works being sent in by end of February.

No 13 North Runcton

It was explained that an email had been received advising that work had already been carried out, but the project had not been withdrawn.

AGREED: That as the work had been completed before the funding had been allocated, they had breached the terms of the agreement within the terms of reference and the funding be withdrawn.

The Panel then considered the list of applications for Year 2021_1 which had not commenced within one year.

The Chair suggested that the applicants should be reminded that the projects had not commenced within the required timescale, and they needed to advise the Council of the reasons why the work had not commenced.

It was explained that this was the first review meeting of the Spending Panel.

It was noted that update reports had been received from the applicants in relation to the projects.

With regards to No.32, it was at the consultation stage at the moment with work starting in the second half of 2023.

The Chair asked the Spending Panel to consider whether it was unrealistic to expect projects to commence within one year.

The CIL Governance Officer advised that if the idea of the CIL funding and the Spending Panel were going to prioritise shorter term projects more favourably, if a project was only just out to tender, there were other projects that were ready to commence that the funding could have been allocated to.

The Planning Control Manager asked that with the bigger projects, would the Panel prefer to see a committed timeline in terms of progressing so that the funding was not reallocated.

The Chairman agreed that it was important to have a clear statement, and revised plan to consider whether this was still a valid allocation given that they were outside the funding allocation timeframe. Councillor Parish added that there were a set of rules to be complied with for a reason and preliminary work should have been carried out prior to applying for the funding.

The Planning Control Manager suggested that there were a number of projects on the list with allocated funding, and there were some significant projects that an update on with a timeline was needed. If the timeline was not acceptable, then the funding could be reallocated.

Councillor Nockolds added that the timescales needed to be considered in a realistic manner before applying for funding.

It was suggested that for numbers 31 to 72, a strongly worded letter be sent to the applicants asking for a reason why the project had not commenced, a strategy for taking the project forward with a detailed delivery plan and why the funding should not be reallocated. Also, if there were to be further delays then the Council needed to be informed immediately. The applicants also needed to be aware that the funding allocated to them could have been allocated to other projects which could have been delivered.

It was noted that these projects were from the first round of funding were exceptions and lessons had been learnt from them.

The CIL Monitoring Officer advised that the wording of the Legal Agreement had not changed and the Government's wording of when the projects needed to start had not changed. In relation to this round of funding, it was explained that the projects had not been scored and

because all projects received funding, irrespective of timescales, that had not been taken into consideration when scoring. Going forward, the scoring was highlighted so the Spending Panel could score accordingly. The offer letter and legal agreement both stated that the project had to commence within one year.

It was noted that these projects were from the first round of funding and were exceptional circumstances, but lessons had been learnt from them.

The CIL Monitoring Officer advised that the wording of the Legal Agreement had not changed and the Government's wording of when the projects needed to start had not changed. In relation to this round of funding, it was explained that the projects had not been scored and because of all projects received funding, irrespective of timescales, that had not been taken into consideration when scoring. Going forward, the scoring is highlighted so the Spending Panel could score accordingly. The offer letter and legal agreement both stated that the project had to commence within one year.

AGREED:

That for numbers 31 to 72, an extension of 6 months from today's date be granted, but a strongly worded letter be sent to the applicants asking for a reason why the project had not commenced, a strategy for taking the project forward with a detailed delivery plan and why the funding should not be reallocated. Also, if there were to be further delays then the Council needed to be informed immediately. The applicants also needed to be aware that the funding allocated to them could have been allocated to other projects which could have been delivered.

The letter to also be sent the Chairman and Borough Councillor whose Ward the project was in. The Council also required an acknowledgment to the letter.

Applications FY22_1 – not commenced as stated in Funding Allocation

The CIL Monitoring Officer explained that these were for the second round of applications, and where timescales had been taken into consideration. Again, there was a year to start the project and the projects had been scored accordingly. The money was allocated taking the scoring into consideration. The projects should have been completed in September 2022.

These projects had been scored higher because the applicants had said that the projects would have been completed between 0 and 6 months.

The CIL Monitoring Officer advised that the applicants had to provide an annual report, but they were only allocated funding in 2021, so the

annual report was expected in March 2023, but they should have notified the Council of completion of the project.

Councillor Holmes asked if the applicants were obliged in the Terms of Reference to notify when they had started the project.

The Chairman proposed that in relation to numbers 35 to 105, a letter be sent to the applicants advising them that the Council had no record of them completing the project and expected the projects to have been completed. Also, the applicant be asked to apply for an extension of time for completion or provide the Council with an immediate progress report.

The CIL Monitoring Officer proposed that the wording be changed so that applicants had to provide an annual report and also notify the Council when the project had commenced. She explained that within the CIL regulations it gave the Spending Panel the responsibility of how the funding was allocated and from the beginning it would be a learning curve.

Councillor Holmes suggested that the applicants needed a timeline of when information was required. If this was set out in the terms of reference, then the Spending Panel had more control over the process.

The Chair proposed that applicants notify the Council when the project commenced, and applicants be given a criterion, which the Council would accept that a project had commenced, and then applicants to provide a 3-monthly update. This was agreed by the Spending Panel.

The Chairman added that Borough Councillors should be made aware of what was happening in their area.

Going forward, the CIL Monitoring Officer advised that it would be helpful that when deadlines were set, these were stuck to, and a hard line taken. Having to remind and chase applicants took a lot of time and resources. Funding had been allocated which could have been allocated to other projects which could have been delivered.

The Planning Control Manager advised that the process was being refined. Those projects which had been considered today were part of the first round of funding and lessons were being learnt.

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DATE OF NEXT MEETING

To be arranged at the end of February / early March.

The meeting closed at 11.13 am