

REPORT TO CABINET

Open/Exempt		Would any decisions proposed:		
Any especially affected Wards All	Mandatory/	Be entirely within Cabinet's powers to decide	YES/NO	
	Discretionary/	Need to be recommendations to Council	YES/NO	
	Operational	Is it a Key Decision	YES/NO	
Lead Member: Cllr R Blunt E-mail: cllr.richard.blunt@west-norfolk.gov.uk		Other Cabinet Members consulted: All		
Lead Officer: Hannah Wood-Handy E-mail: hannah.wood-handy@west-norfolk.gov.uk Direct Dial:01553616734		Other Members consulted: CIL Spending Panel, Regeneration and Development Panel		
Other Officers consulted: Management Team				
Financial Implications YES/NO	Policy/Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO

Date of meeting: 02 August 2022

Community Infrastructure Levy (CIL) – Revised Governance and Spending arrangements 2023

Summary

The CIL Spending Panel Group and the Regeneration and Development Panel, have proposed a scheme for allocating funds collected through the CIL and a final version of the proposed priorities are presented for the Cabinet to agree for 2023.

Recommendation

1. That Cabinet agree to adopt the arrangements in the CIL Governance and Spending document attached as Appendix 1.

Reason for Decision

1. To ensure the Borough Council meets its legal requirement to administer CIL funds in an appropriate way.
2. To ensure that the benefits of CIL are shared across the Borough to meet the infrastructure demands of a growing Borough.

1 Background

The Borough Council of King's Lynn and West Norfolk approved the introduction of the Community Infrastructure Levy (CIL) in December 2016 and started charging on 15 February 2017. The Levy is paid to the Borough Council by developers after their planning permissions are implemented. It is governed by the CIL Regulations 2010 (amended).

In the Borough of King's Lynn and West Norfolk, CIL is charged on all residential and retail developments, which add one or more new dwelling(s) or more than 100sqm of floor space. It is charged at a rate per square metre and varies according to land use. CIL is just one funding stream that can be used, in conjunction with others, to fund infrastructure projects. Alongside CIL, S106 obligations will still exist, but generally as one-off agreements to mitigate the impacts of larger developments and to secure on-site developer requirements, such as the provision of affordable housing.

As a Charging Authority the Council has an obligation to:

- Prepare and publish the CIL Charging Schedule
- Determine CIL spend, ensuring it is used to fund the provision, improvement, replacement, operation, or maintenance of infrastructure to support development of its area
- Report publicly on the amount of CIL revenue collected, spent, and retained each year.

The Borough Council is required, in the CIL Regulations, to identify the types of infrastructure it wishes to fund in whole or in part by CIL monies. These are outlined in the Council's Annual List of Infrastructure Projects. CIL money collected can only be allocated to and spent on these types of infrastructure.

When the Borough Council Cabinet agreed to adopt the CIL Governance arrangements, a CIL Spending Panel was set up. The CIL Spending Panel provides an elected Member oversight of the Community Infrastructure Levy spending on infrastructure across the Borough, having reference to the adopted 'CIL Spending and Governance Process' document. It also considers and agrees certain types of projects and recommends action on others.

Following a review of the current Governance Document against CIL Funding Applications received to date, the Spending Panel have revised the funding criteria, to enable the most effective use of available funds, linked to current Corporate Objectives. This work has now concluded, and a final draft of the proposed scheme is presented at Appendix 1.

It is recommended by the CIL Spending Panel Group and Regeneration and Development Panel (at its meeting on 29 June) for adoption by the Cabinet.

2 The proposed funding criteria

The criteria have two main elements:

- The definition of what could be eligible for funding
- 50% split for the distribution of funds

Taking each in turn. (All the following elements are explained in greater detail in the document at Appendix 1).

3 Definition of what could be eligible for funding:

These projects will be selected by the Borough Councils, with more weight given to projects with the greatest amount of match funding and in areas with significant development taking place.

The Borough Council will make the allocations for spending on infrastructure, in accordance with the Council's adopted CIL Infrastructure List.

The Infrastructure list will be reviewed annually and updated to reflect the changing needs within the Borough. (This annual review mechanism applies to all the project categories as outlined below).

4 The proposed list of Infrastructure Projects eligible for funding in 2023 are:

4.1 50% Infrastructure Projects over £30,001

- **18+ Adult Education Infrastructure Projects -**

To support the development of skills for adults of all ages, which may include volunteer run projects, to allow people to gain new skills, knowledge, and experience.

- **Green Infrastructure Projects**

Projects relating to open spaces, such as public parks and gardens, woodlands, fields, hedges, lakes, ponds, coastal habitats, as well as footpaths, cycle ways or rivers.

Public spaces used for recreation and education, habitats for wildlife and nature. Environmental services such as flood defences or absorption of air pollution.

- **Leisure Time Activities Infrastructure**

Accessible projects, to support leisure time activities, which may include.

- Health & well-being schemes to encourage physical activity and playstreet initiatives.
- Projects run by community/voluntary groups including Local Councils, to promote social inclusion.
- Active living projects; to increase walking, cycling and sustainable transport.

These Projects are in line with the Borough Council's Corporate Business Plan and meet Corporate Priorities and Objectives:

- **Education:**

Improving social mobility and inclusion

To work with partners to improve education attainment levels and the skills of local people.

- **Green Infrastructure:**

Protecting and enhancing the environment including tackling climate change.

To work with partners and the community, to improve our natural environment.

Creating and maintaining good quality places, that make a positive difference to people's lives.

To maintain accessible, clean, pleasant, and safe public places and communities.

- **Leisure:**

Improve and develop the quality of local sport and leisure facilities.

5 50% Infrastructure Projects between £2k and £30k

- **Education - Local Initiatives**

To support voluntary/community projects

- **Health**

To support NHS & voluntary services

Support & increase wellbeing services

- **Economic Development**

To benefit the local area/wider community

- **Community Facilities**

This may include public buildings/recreation areas:

- To support voluntary/community groups
- Increase facility capacity/repair existing infrastructure

- **Green Infrastructure**

To reduce carbon emissions

Support & protect biodiversity - wildlife friendly sites

- **Open Space and Leisure**

Installation & improvement of public play areas and equipment

Improvement of open spaces

Support voluntary/community leisure facilities

These Projects are in line with the Borough Council's Corporate Business Plan and meet Corporate Priorities and Objectives:

- **Education**

Improving social mobility and inclusion.

To work with partners to improve education attainment levels and the skills of local people.

- **Health**

Improving social mobility and inclusion by continuing to assist our residents to

maximise their opportunities by accessing the support and services they are entitled to.

- **Economic Development**

Delivering growth in the economy and with local housing, to promote the borough as a vibrant place in which to live, to do business and as a leading visitor and cultural destination.

- **Community Facilities**

Creating and maintaining good quality places that make a positive difference to people's lives.

To maintain accessible, clean, pleasant, and safe public places and communities.

- **Green Infrastructure**

Helping to improve the health and wellbeing of our communities by supporting our local communities to be healthy and more active.

- **Open Space and Leisure**

Creating and maintaining good quality places that make a positive difference to people's lives.

To maintain accessible, clean, pleasant, and safe public places and communities, and help to improve the health and wellbeing of our communities.

6 All Projects:

- must commence within 1 year of being allocated CIL,
- and must be completed within 5 years.
- CIL will be paid on completion of the project.

7 Application processes

The detailed application form, requirements, and administration are outlined in Appendices 3, 4, and 5 to the 'CIL Governance and Spending 2023' document at Appendix 1 to this Report.

8 Options

There is a legal duty to spend CIL in accordance with Regulations, but the priorities can be determined to suit local circumstances within the overall framework.

The CIL Spending Panel have debated and reported options to the Regeneration and Development Panel previously.

The options around the following items have been considered:

- The split of spending between infrastructure projects types, that could be supported
- The criteria of projects that could be supported
- The democratic accountability for spending agreed

9 Policy implications

CIL legislation gives significant scope for individual councils to direct CIL spending to reflect the local situation, so long as it conforms to general principles set out regarding 'infrastructure'.

Proposals for assessing bids in the current period are aligned to the Borough Council Corporate objectives.

In supporting extra growth across the Borough, consideration should be given to those locations experiencing the most obvious pressures.

The assessment criteria refer to this.

10 Financial implications

None specifically. CIL is collected and administered by Borough Council. The costs of administration are met from receipts. The available funds can be spent on the schemes / types of projects suggested.

11 Personnel implications

None specifically, but officers will review workloads once the scheme is up and running.

12 Statutory implications

Our spending and governance need to conform to the relevant Regulations.

13 Equality impact assessment implications

None.

14 Risk Management implications

None specifically. Monitoring of spending and more particularly delivery is important to ensure money is directed to improved infrastructure in the Borough.

15 Corporate priorities

The proposals in the document are firmly referenced back to the Corporate priorities.

16 Conclusion

A scheme for the spending of CIL receipts, according to the relevant Regulations is proposed.

It seeks to blend spending on potential larger/higher level projects, but also directs funding to small more local projects, affected by growth pressures.

The CIL Spending Panel and Regeneration and Development Panel have considered the various aspects and recommends the attached proposal (Appendix 1).

17 Background papers

- Borough Council CIL Spending Panel and Regeneration and Development Panel notes and agendas outline the development of the proposals.

APPENDIX 1

CIL Spending and Governance Document 2023

Pre-Screening Equality Impact Assessment

Borough Council of
**King's Lynn &
West Norfolk**



Name of policy/service/function	CIL Governance and Spending				
Is this a new or existing policy/ service/function?	New Existing (delete as appropriate)				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service is rigidly constrained by statutory obligations	Amendment to regulations on processes to spend CIL The CIL service is constrained by Regulations. The Governance Document 2023, is in line with current CIL Regulatory requirements.				
Question	Answer				
<p>5. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
	Other (e.g. low income)			x	

