

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory	Be entirely within Cabinet's powers to decide	YES	
		Need to be recommendations to Council	NO	
All		Is it a Key Decision	NO	
Lead Member: Cllr J Moriarty E-mail: cllr.James.Moriarty@West-Norfolk.gov.uk		Other Cabinet Members consulted: All		
		Other Members consulted: CIL Spending Panel		
Lead Officer: Hannah Wood-Handy E-mail: Hannah.Wood-Handy@west-norfolk.gov.uk Direct Dial:01553 616417		Other Officers consulted: Management Team		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment YES If YES: Pre-screening	Risk Management Implications NO

Date of meeting: 23 April 2024

Community Infrastructure Levy (CIL) – Applications for CIL Infrastructure Funding.

Summary

As part of the process to allocate CIL funding to Infrastructure Projects, CIL applications are invited in January and July annually. The most recent round of applications included a number of bids over £50k. The CIL Spending Panel have delegated powers to approve and sign off applications up to £50k. All applications of £50,001 and over fall to Cabinet to make the decision, under the CIL Governance framework.

Recommendation

Cabinet are invited to consider and confirm applications for CIL Infrastructure Funding.

Reason for Decision

To ensure that the CIL monies collected are being spent on appropriate infrastructure projects to reflect the growth of population occurring in West Norfolk.

1 Background

1.1 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.

1.2 As a Charging Authority the Council has an obligation to:

- ***Determine CIL spend, ensuring it is used to fund the provision, improvement, replacement, operation; or maintenance of infrastructure to support development of its area***

1.3 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.

2. CIL Spending Panel recommendation

2.1 The Panel met on 05 March 2024 and considered a schedule of applications and have made recommendations for the potential Allocation of Local Infrastructure Project Funding. In line with the current CIL Governance and Spending Policy Document 2024, the applications have been forwarded to Cabinet for consideration.

The allocation of Infrastructure Funding, is subject to final agreement by Cabinet.

The provisions which apply in accordance with the Governance framework previously agreed by Cabinet are noted below.

2.2 The main points in summary are:

CIL Funding Application FY24_1 – over £50k received from 01 January to 01 February 2024.

- Terrington St John Parish Council - Purchase of former church as Village Hall – Requested £150,000.00

The CIL Spending Panel, on the 05 March 2024, have reviewed the submitted applications, and made their comments/recommendations based on the amount of funding available.

2.3 The Project over £50k received and recommended by the CIL Spending Panel for funding in this round of applications, is brought to this meeting for consideration.

2.4 The criteria for assessing Infrastructure Projects are outlined in the Panel's TORs.

2.5 Details of the funding applications can be found at FY24_1 Funding Report.

2.6 Supporting comments from Liz Truss MP were received after the Spending Panel's decision, on 3 April 2024, and are attached as part of the agenda.

3. Options

3.1 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 Spending Panel have considered the application. Alternative options are available to the Panel or Cabinet as we are considering the proposal made by the applicant body. However, depending on Cabinet's consideration, it would be an option to refuse or amend the funding applications.

4. Policy implications

4.1 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.

5. Financial implications

5.1 None specifically. CIL is collected and administered by Borough Council. The available funds can be spent on the schemes / types of projects suggested. There is not sufficient funding available to grant funding to all projects.

6. Personnel implications

6.1 None specifically.

7. Statutory implications

7.1 CIL spending and governance, must conform to the relevant Regulations.

8. Risk Management implications

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

9. Corporate priorities

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

10 Equality Impact Assessment (EqIA)

(Pre-screening report template attached)

10.1. Attached

11 Declarations of Interest/Dispensations Granted

11.1. None.

12. Conclusion

12.1 The project applications meet the criteria within the CIL Governance Framework for assessing bids for CIL Infrastructure Spending. (See Appendix 3). CIL Officer recommended approval to the CIL Spending Panel, and they have agreed in turn to recommend approval to Cabinet. Cabinet is requested to consider and confirm the applications for CIL Infrastructure Funding.

13. Background papers

13.1 Borough Council CIL Spending Panel notes and agendas outline the consideration of the particular proposals.

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function	CIL Infrastructure Funding proposal				
Is this a new or existing policy/service/function?	Existing scheme under which a funding application is considered.				
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	Allocation of Infrastructure Funding				
Question	Answer				
<p>1. 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	

Question	Answer	Comments
<p>2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?</p>	No	
<p>3. Could this policy/service be perceived as impacting on communities differently?</p>	No	
<p>4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</p>	No	
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	No	<p>Actions: None</p>
		<p>Actions agreed by EWG member:</p>
<p>If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary: Decision agreed by EWG member:</p>		
<p>Assessment completed by: Name</p>	<p>Amanda Driver</p>	
<p>Job title</p>	<p>CIL Officer</p>	
<p>Date</p>	<p>18 October 2023</p>	

CIL Spending Panel – Terms of Reference

Overview

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.

Tasks

1. To keep under review the 'CIL Spending and Governance Process' document and make recommendations for change to Cabinet.
2. To receive recommendations from Officers and approve or reject these in respect of 'Infrastructure Projects up to £30k' under the scheme.
3. To receive recommendations from Officers on 'Infrastructure Projects over £30k', , review these and make comments to Cabinet via Management Team.
4. To seek to ensure coordination of information on applications and comments on these across Portfolio Holders and other Borough Council bodies.
5. To receive monitoring reports from Officers on the operation of CIL, including necessary statutory reporting (Annual Infrastructure Funding Statement; Parish Annual Spending Reports).
6. To consider and make recommendations to Cabinet as appropriate on the implementation, spending and monitoring of CIL.

Definition of what could be eligible for Infrastructure Project Funding o

The current list of Infrastructure Projects eligible for funding, taken from the CIL Governance document, are:

Green Infrastructure Projects

- Projects relating to public open spaces such as new or improved footpaths and cycleways to support new development
- Installation & improvement of public play areas and equipment
- Open spaces used for education, to support environmental initiatives.
- Improvement of habitats for wildlife and nature, to alleviate the effects of new development.
- Environmental services such as flood defence or absorption of air pollution.

Leisure Time Activities Infrastructure -

- Infrastructure projects, to support accessible leisure time activities such as new facilities, improvement of existing facilities or upgrade of facilities to enable an increase of usage, to support new development of an area

The Project Criteria are in line with the Corporate priorities and objectives:

Promote growth and prosperity to benefit West Norfolk - Encourage housing development and infrastructure that meets local need and promote West Norfolk as a destination.

Protect our environment - To create a cleaner, greener, and better protected West Norfolk by considering environmental issues