

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	
		Is it a Key Decision		NO	
All wards					
Lead Member: Cllr J Moriarty E-mail: cldr.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 616734			Other Officers consulted: Senior Leadership Team		
Financial Implications YES	Policy/ Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment YES If YES: Pre- screening	Risk Management Implications NO	Environmental Considerations NO

Date of meeting: 17 October 2024

COMMUNITY INFRASTRUCTURE LEVY (CIL) – APPLICATIONS FOR CIL INFRASTRUCTURE FUNDING FY24_2

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. This round of applications has 9 projects over £50k.

Recommendation

Cabinet Resolves:

Cabinet are invited to consider and approve the funding for 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. Our current arrangements are in the attached Governance Document and relate to 'green infrastructure' & 'leisure time infrastructure'.

1.4 The Spending Panel met on 16 September 2024 to consider a schedule of applications, and have made recommendations for the potential allocation of CIL funding. In line with the current CIL Governance and Spending Policy Document 2024, the applications for projects which have requested over £50k have been forwarded to Cabinet for consideration.

1.5 Details of the 9 applications over £50k which will need to be decided by Cabinet are attached – the Spending Panel has recommended approval for all of the applications, and there is enough money to cover all applications.

1.6 The criteria for assessing infrastructure projects are outlined in the Governance Document & terms and conditions – attached.

2 Options Considered

2.1 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 applications and recommend approval for all. 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 support, refuse, or amend the funding applications.

3 Policy Implications

3.1 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. Information relating to this is provided with the applications.

4 Financial Implications

4.1 None specifically. CIL is collected and administered by the Borough Council. The available funds can be spent on the schemes / types of projects suggested. There is sufficient funding available to grant funding to all projects before Cabinet.

5 Personnel Implications

5.1 None specifically

6 Environmental Considerations

6.1 None

7 Statutory Considerations

7.1 CIL spending and governance must conform to the relevant regulations.

8 Equality Impact Assessment (EIA)

8.1. The Pre-Screening Equality Impact Assessment is attached in full.

9 Risk Management Implications

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

10 Declarations of Interest / Dispensations Granted

10.1. None.

11 Background Papers

(Definition : Unpublished work relied on to a material extent in preparing the report that disclose facts or matters on which the report or an important part of the report is based. A copy of all background papers must be supplied to Democratic Services with the report for publishing with the agenda)

11.1 Report with information on projects to be decided; CIL Governance Document, which is the framework according to which the funding decisions are made; Terms & Conditions, which the applicants must sign & return before the funding is formally allocated to them

Stage 1 - Pre-Screening Equality Impact Assessment

Name of policy/service/function	CIL Infrastructure Funding FY24_2				
Is this a new or existing policy/service/function? <i>(tick as appropriate)</i>	New		Existing	✓	
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, and identify relevant legislation.	Allocation of infrastructure funding in accordance with the CIL regulations & adopted governance document. Relevant regulations are The Community Infrastructure Levy Regulations 2010 (as amended)				
Who has been consulted as part of the development of the policy/service/function? – new only <i>(identify stakeholders consulted with)</i>	Spending Panel & Senior Leadership Team				
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, 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. NB. Equality neutral means no negative impact on any group.</p> <p><i>If potential adverse impacts are identified, then a full Equality Impact Assessment (Stage 2) will be required.</i></p>		Positive	Negative	Neutral	Unsure
	Age			✓	
	Disability			✓	
	Sex			✓	
	Gender Re-assignment			✓	
	Marriage/civil partnership			✓	
	Pregnancy & maternity			✓	
	Race			✓	
	Religion or belief			✓	
	Sexual orientation			✓	
	Armed forces community			✓	
	Care leavers			✓	
	Other (eg low income, caring responsibilities)			✓	

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>All wards/parishes/communities are entitled to apply for CIL funding</p> <p>There are no projects approved that are likely to affect relations. They are general projects/ improvements of facilities to benefit all.</p>	
<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>Going forward consideration should be given as to whether an EIA is carried out on every application approved for CIL monies. To ensure any impacts are fully considered and addressed. A review of criteria and scoring for CIL funding will also take place.</p>	
<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 required</p>	
		<p>Actions agreed by EWG member:C Dorgan.....</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:</p> <p>Decision agreed by EWG member:</p>			
<p>Assessment completed by: Name</p>	<p>Robyn Walkey</p>		
<p>Job title</p>	<p>CIL Officer</p>		
<p>Date completed</p>	<p>19 September 2024</p>		
<p>Reviewed by EWG member</p>	<p>C Dorgan</p>	<p>Date</p>	<p>23.09.2024</p>

✓ Please tick to confirm completed EIA Pre-screening Form has been shared with Corporate Policy (corporate.policy@west-norfolk.gov.uk)