



WOKING JOINT COMMITTEE

DATE: 11 NOVEMBER 2020
LEAD OFFICER: ERNEST AMOAKO, PLANNING POLICY MANAGER

SUBJECT: COMMUNITY INFRASTRUCTURE LEVY (CIL) – REVIEW OF THE ARRANGEMENT ON HOW LOCAL COMMUNITIES CAN USE CIL MONEY TO DELIVER COMMUNITY INFRASTRUCTURE PROJECTS

AREA: BOROUGH-WIDE

SUMMARY OF ISSUE:

The Joint Committee agreed the existing arrangement on how local communities can use their CIL money to deliver community infrastructure projects at its meeting on 13 March 2019 and committed to review it after one year in operation. The report provides an overview to date with recommendation on how the arrangement could be improved for use in the future.

RECOMMENDATIONS:

Woking Joint Committee is asked to agree that:

- (i) The current arrangement for the use of CIL money to deliver local community infrastructure projects should continue subject to the proposed recommendations of the report set out in recommendations (ii) to (iv).
- (ii) The Flowchart attached to the Overview and Scrutiny report to this meeting is user-friendly, provides clarity on the arrangement for local communities to use their CIL money and should be circulated to all Borough Ward Councillors and County Divisional Councillors (subject to any amendments approved by the Joint Committee).
- (iii) A Sub-Group should be set up to determine applications submitted by Ward Councillors to use CIL money to deliver community infrastructure projects. The Sub-Group should be able to determine applications outside Joint Committee meetings and approve applications up to the value of £10,000.
- (iv) The Joint Committee will promote the revised CIL arrangement to Councillor and encourage them to be proactive in engaging with residents on where the CIL money could be best used.

REASONS FOR RECOMMENDATIONS:

To enable local communities to use their CIL money to deliver local community infrastructure projects.

1. INTRODUCTION AND BACKGROUND:

1.1 The Joint Committee at its meeting on 13 March 2019 agreed the arrangement for local communities to identify local community infrastructure projects that CIL money could be used and how Ward Councillors could make a request to the Council to secure CIL money to enable the delivery of the projects. The Joint Committee resolved to review the arrangement after one year to determine if changes will be needed to improve its effectiveness. To date only one application from Ward Councillors representing West Byfleet Neighbourhood Area has been submitted and approved by the Joint Committee. Two applications from St Johns and Knaphill Wards are on the Agenda for today's meeting for consideration. Overall, the key principles of the current arrangement has worked well. However, based on the limited experience so far, there are potential areas for improvement to overcome the time it takes for applications to be considered and to encourage Members to apply to use the money.

1.2 The Council introduced the Community Infrastructure Levy (CIL) from 1 April 2015. To date, an overall total of £4,847,389.57 CIL contributions have been received by the Council. Of this total, £875,591.47 has been earmarked for local community projects. So far, only about £1,600 has been claimed to deliver three benches in West Byfleet Neighbourhood Area. If the applications from St Johns and Knaphill Wards are approved, there will still be about £866,791.00 yet to be claimed for local community projects. The recommendations of the review are intended to encourage and make it easy for Ward Councillors to access the money for community projects without undermining the integrity of the process.

2. ANALYSIS:

2.1 The Joint Committee has agreed a list of requirements to be met when submitting an application for CIL money to fund local community projects. This include:

- a. Name of the infrastructure/project that the CIL income will deliver;
- b. A brief description of the project and what it seeks to achieve; and
- c. Evidence of broad community support for the project.

2.2 The Government has prescribed that the CIL receipts can only be used for:

- a. The provision, improvement, replacement, operation or maintenance of infrastructure; or
- b. Anything else that is concerned with addressing the demands that development places on an area.

2.3 The requirements in paragraph 2.1 are basic information that is easy to provide, essential to understand what the money is to be used on and necessary to ensure the monitoring and local accountability of the use of the money. No concerns have been raised about providing the information and it is therefore recommended that

they continue to be used as basis against which future applications should be measured. The arrangement that was agreed by the Joint Committee is contained in a lengthy report and a concern has been expressed that it can be summarised and presented to make it user friendly and accessible for Members and local residents. In response to a request by the Overview and Scrutiny Committee, Officers have prepared a Flowchart that summarises the current arrangement. This will be updated to reflect the recommendations of the report if they are agreed by the Joint Committee. A copy of the final version of the Flowchart should be sent to every Member and published on the website for public information. A copy of the Flowchart is attached to the Overview and Scrutiny Committee report to the Joint Committee.

2.4 The definition of what the CIL money can be used on is prescribed by legislation and cannot be changed as a result of this review.

2.5 The Overview and Scrutiny Committee considered the effectiveness of the current arrangement at its meeting on 15 June 2020 and subsequently at its meeting on 19 October 2020. Officers attended both meetings to participate in the discussions. As part of the Overview and Scrutiny Committee's consideration of this matter, Members were consulted and given sufficient time to submit potential areas for improvement. The Overview and Scrutiny Committee has considered the responses received and has made the following recommendations to the Joint Committee:

- An easy to use Flowchart on the process to guide Members and residents through the process. A copy of the Flowchart to be circulated to every Member;
- Small scale projects to the value of £10,000 not to go to the Joint Committee for consideration, but Councillors be allowed to approve spending of up to £10,000 and Officers checking the approval form;
- The Joint Committee set up a sub-Group that can meet virtually (or in person in the future) outside the Joint Committee to approve schemes speedily;
- Joint Committee to promote the arrangement to Councillors and for Councillors to be proactive in engaging with residents groups on where money could be best used.

2.6 The recommendations of the Overview and Scrutiny Committee report to the Joint Committee are reasonable and should be accepted, except the recommendation for Ward Councillors to be able to approve spending to the value of up to £10,000. Such an arrangement will make Ward Councillors 'judge and jury' of spending commitments and the assessment of schemes with the potential risk of the process being perceived to be politicised. This could undermine the arrangement altogether. The alternative arrangement of setting up a Sub-Committee (Task Group) to consider spending applications outside Joint Committee meetings in an expeditious manner overcomes the inherent delays in the current arrangement and is reasonable. Given the numbers of times in a year that the Joint Committee meet, it is recommended that the Joint Committee set up a Sub Group for the purposes of determining spending applications up to the value of £10,000 outside formal meetings. The Sub-Group will report to each Joint Committee meeting an update on applications considered. This should be a standing item on the Joint Committee's Agenda for each meeting. Members should note that an option where applications are submitted to and approved by the Deputy Chief Executive in consultation with the Portfolio Holder for Planning and Chair of the Joint Committee has been suggested by a Councillor. That is also a reasonable option to speed up the process.

2.7 The Overview and Scrutiny Committee has also sought clarification on who is responsibility for project managing the delivery of the projects and their maintenance when they are delivered. The current arrangement is very clear on these matters. The overall responsibility for project managing the delivery of the projects and their maintenance rests with Ward Councillors. The cost of maintenance of projects will be covered similarly from CIL money earmarked for the Ward or Neighbourhood Area. The CIL money that is earmarked for each Ward or Neighbourhood Area, which Members receive monthly update is a net amount. There is no intention to take a further 5% from that amount to cover administration cost. The Council takes 5% administration cost from the total amount of CIL money received before the residual amount is apportioned between the Council's strategic infrastructure projects and local community projects. This was agreed when the current arrangement was approved in March 2019.

2.8 Officers are available to advice and guide Members through the revised arrangement if requested. It is emphasised that any application to deliver a proposal that affects the public highway will require the expressed agreement of Surrey County Council to deliver it. In this regard, prior consultation with the County Council before an application is submitted will be helpful.

2.9 If Ward Members are dissatisfied with the decision of the Joint Committee or the Sub Group on an application, they can request for the application to be considered by Council. An application to appeal should be made to the Deputy Chief Executive who will prepare a report for Council to consider. The application should include the name of the project, the date it was considered by the Joint Committee or Sub Group and the reason(s) for appealing. An application to appeal should be made within three months from the date the decision was made by the Joint Committee/Sub Group.

3. OPTIONS:

3.1 The Council has a statutory duty to pass on a proportion of its CIL receipts to local communities where the development occurred. The Joint Committee has agreed a criteria that local communities have to meet to be able to secure CIL money from the Council to implement community infrastructure projects. In doing so, it committed to review the arrangement after one year in operation. Given that the current arrangement has been in operation for more than a year, the Joint Committee will be breaking its commitment if it failed to review it. The review has led to proposed recommendations that should be considered by the Joint Committee. It is considered that the implementation of the recommendations will improve the effectiveness of the process.

4. CONSULTATIONS:

4.1 The following have been consulted and their comments have been incorporated into the report:

- Councillor David Bittleston – Chair of the Woking Joint Committee;
- Councillor Graham Cundy – Portfolio Holder for Planning (Woking Borough Council)
- Douglas Spinks – Deputy Chief Executive (Woking Borough Council)

- Leigh Clarke – Finance Director

5. FINANCIAL AND VALUE FOR MONEY IMPLICATIONS:

- 5.1 The cost of administering how much CIL income will be earmarking for local community projects, managing the individual accounts for the various Wards and Neighbourhood Areas and providing Members with update on money received and spent is presently being met from existing Planning Policy and Finance Service Plan budgets. Members should note that 5% of the CIL income has been set aside to cover CIL administration.
- 5.2 As at end of September 2020 an overall total of £875,591.47 has been earmarked for community infrastructure projects across the Borough. So far, only about £1,600 has been claimed to provide three benches at West Byfleet Recreational Ground.
- 5.3 By 31 December of each year, the Council is required to publish the total amount of CIL income received and how much has been spent and on what. This information will be published in the Council's Annual monitoring Report.

6. RISK MANAGEMENT:

- 6.1 The Council has a statutory duty to pass on a proportion of its CIL income to local communities where the development occurred. The Joint Committee has agreed a list of requirements that local communities have to satisfy to secure the CIL money earmarked for their areas to implement identified community projects. It is important that the arrangement is clear, simply to use and user-friendly in its presentation. The recommendations of the report will help achieve that. It is anticipated that the proposed changes will encourage much better use of the outstanding amount to deliver community infrastructure.

7. LOCALISM:

- 7.1 The recommendations of the report will apply to Wards and Neighbourhood Areas in Woking Borough.

8. EQUALITIES AND DIVERSITY IMPLICATIONS:

- 8.1 There are no equalities and diversity implications.

9. OTHER IMPLICATIONS:

Area assessed:	Direct Implications:
Crime and Disorder	No significant implications arising from this report.
Sustainability (including Climate Change and Carbon Emissions)	No significant implications arising from this report.
Corporate Parenting/Looked After Children	No significant implications arising from this report.
Safeguarding responsibilities for vulnerable children and adults	No significant implications arising from this report.
Public Health	No significant implications arising from this report.

Human Resource/Training and Development	No significant implications arising from this report.
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9.1 Crime and Disorder implications

No implications arising from the report.

9.2 Sustainability implications

No implications arising from the report.

9.3 Corporate Parenting/Looked After Children implications

No implications arising from the report...

9.4 Safeguarding responsibilities for vulnerable children and adults implications

No implications arising from the report.

9.5 Public Health implications

No implications arising from the report.

9.6 Human Resource/Training and Development

No implications arising from the report.

10. CONCLUSION AND RECOMMENDATIONS:

10.1 It is essential that there is an effective arrangement for local communities to use their CIL money to deliver identified community infrastructure projects. The proposed improvements to the current arrangement will help achieve this objective. The Joint Committee is therefore requested to agree the recommendations of the report.

11. WHAT HAPPENS NEXT:

11.1 Subject to the Joint Committee approving the recommendations of the report, both Borough Ward Councillors and County Divisional Councillors representing all Wards in the Borough should be notified of the decision and be sent a copy of the Flowchart. Officers will prepare a standard template to aim the submission of applications. This will also be circulated to Members.

Contact Officer:

Ernest Amoako, Planning Policy Manager (01483 743427).

Consulted:

Douglas Spinks – Deputy Chief Executive

Leigh Clarke – Finance Director

Councillor David Bittleston – Chair of the Joint Committee

Councillor Graham Cundy – Portfolio Holder for Planning, Woking Borough Council

Borough Portfolio Holder

www.woking.gov.uk
www.surreycc.gov.uk/woking

Councillor Graham Cundy – Portfolio Holder for Planning

Annexes:

Sources/background papers:

- The Community Infrastructure Levy Regulations 2012 (as amended).
 - Community Infrastructure Levy (CIL) – Arrangement on managing the proportion of the CIL income earmarked for local community projects – report to Joint Committee meeting on 13 March 2019.
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