

Martin Bradford

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29 February 2016

To: All Members of the Housing and Regeneration Scrutiny Panel

Dear Member,

Housing and Regeneration Scrutiny Panel - Thursday, 3rd March, 2016

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

10. COMMUNITY INFRASTRUCTURE LEVY (PAGES 1 - 38)

To receive the final report of the panel concerning the governance arrangements to support the spending the neighbourhood element of the Community Infrastructure Levy.

11. WORK PROGRAMME UPDATE (PAGES 39 - 46)

(2) review the scope for the housing viability (to follow);

Yours sincerely

Martin Bradford
Policy Officer, Scrutiny Team

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Report for: Housing & Regeneration Scrutiny Panel

Item number: 10

Title: Community Infrastructure Levy – Governance Arrangements

Report authorised by: Cllr Eugene Akwasi-Ayisi, Chair of Housing & regeneration Scrutiny Panel

Lead Officer: Martin Bradford, Policy Officer Tel: 020 8489 6950, email martin.bradford@haringey.gov.uk

Ward(s) affected: ALL

**Report for Key/
Non Key Decision:** N/A

1. Describe the issue under consideration

- 1.1 Under the agreed terms of reference, scrutiny panels can assist the Council and the Cabinet in its budgetary and policy framework through conducting in-depth analysis of local policy issues and can make recommendations for service development or improvement. The panels may:
- Review the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - Conduct research to assist in specific investigations. This may involve surveys, focus groups, public meetings and/or site visits;
 - Make reports and recommendations, on issues affecting the authority's area, to Full Council, its Committees or Sub-Committees, the Executive, or to other appropriate external bodies.
- 1.2 In this context, the Housing & Regeneration Scrutiny Panel (HRSP) conducted a review of the governance arrangements needed to support allocation of receipts from the Community Infrastructure Levy to local neighbourhoods (the neighbourhood CIL). The panel conducted this review through a 'scrutiny in a day' format at a session with local stakeholders in December 2015.
- 1.3 The final report, attached at **Appendix 1**, details the conclusions and recommendations of the HRSP.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 That the Overview and Scrutiny Committee:

(a) Agree the Community Infrastructure Levy final report, attached at **Appendix 1**;
and:

- (b) Agree the recommendations contained in the final report.

4. Reasons for decision

- 4.1 The evidence supporting the Panels' recommendations is outlined in the main body of the report (**Appendix 1**).

5. Alternative options considered

- 5.1 The evidence supporting the Panels' recommendations is outlined in the main body of the report (**Appendix 1**).

6. Background information

- 6.1 The Community Infrastructure Levy (CIL) is a charge applied to new local development to help fund local infrastructure needs. Receipts from the CIL differ from other local contributions for development (i.e. S106) in that these are not site-specific and can be used to support wider community infrastructure needs in that locality.

- 6.2 The CIL was introduced in Haringey in November 2014 and receipts have begun to accrue during 2015/16. Whilst there is guidance to support the disbursement of funds from the strategic element of CIL income (approximately 85% of receipts), guidance for the distribution of the neighbourhood element is much less defined. This report details the work of the panel in identifying those principles and practices which should support the administration of the neighbourhood CIL.

- 6.3 The panel agreed a number of component objectives to guide its work, these were to:
- Assess the national and local policy framework for the collection and allocation of CIL receipts;
 - Assess policy and practice at early CIL adopter London Boroughs to help identify good practice;
 - Identify key principles and practice that should underpin governance arrangements for distribution of neighbourhood element of the CIL, particularly in relation to how community infrastructure projects are identified, prioritised and authorised;
 - Assess what arrangements should be in place to further support the distribution of CIL receipts in areas where Neighbourhood Forums are present;
 - Assess how the allocation neighbourhood CIL receipts can maximise opportunities for improving local infrastructure through alignment with other funding programmes both internal and external to the Council.

- 6.4 In responding to these objectives the panel collated evidence from a wide range of informants at a scrutiny in a day event, who included:
- Local council officers (Planning, Finance)
 - The Planning Officers Society
 - Other local authorities
 - Local Neighbourhood Forums
 - A developer.

- 6.5 On the evidence received, the panel have made 13 recommendations which it hoped will contribute to the development of governance arrangements for the CIL.

7. Contribution to strategic outcomes

- 7.1 The work of the panel will contribute to Priory 4 of the Corporate Plan to promote sustainable housing, growth and employment.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance and Procurement

Before the recommendations within this report can be implemented they will need to be agreed by Council Cabinet. Cabinet will need to know the cost of implementing each recommendation before they can decide whether to agree them.

Given the ever-reducing funding available to the Council, wherever possible existing processes for consultation or engagement with members and other stakeholders should be used to avoid incurring additional cost.

Only projects on the Council Reg 123 list will be funded from CIL monies and as this list relates to infrastructure these projects will be capital expenditure in nature, therefore CIL projects normally form part of the wider Council Capital programme. Given the infrastructure needs within the Borough any projects proposed for CIL funding need to be examined in the light of other infrastructure needs that could utilise the available funding such as schools, health facilities and housing.

Legal

To follow

Equality

The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- Advance equality of opportunity between people who share those protected characteristics and people who do not;
- Foster good relations between people who share those characteristics and people who do not.

The report highlights the opportunity for the neighbourhood CIL to act as a means through which to engage and involve local communities. In this context, consultation arrangements needed to assess community priorities for local infrastructure should aim to include a wide range of local stakeholders and interest groups that reflect the local community.

9. Use of Appendices

These are detailed in the main report in Appendix 1.

10. Local Government (Access to Information) Act 1985

Appendix 1

Scrutiny Project

Governance arrangements for spending neighbourhood proportion of the Community Infrastructure Levy

A project from the Housing & Regeneration Scrutiny Panel

2015/16

Panel Membership	Cllr Eugene Akwasi-Ayisi (Chair)
	Cllr Gail Engert
	Cllr Tim Gallagher
	Cllr Eddie Griffiths
	Cllr Makuble Gunes
	Cllr Emine Ibrahim
	Cllr Martin Newton

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Chairs Foreword

The Localism Act (2011) introduced a neighbourhood element to the Community Infrastructure Levy (CIL) which required that a 'meaningful proportion' to be passed on to local neighbourhoods as a reward for accepting development or to encourage further development in that area.

Haringey adopted a CIL in 2014 and monies have slowly begun to accrue through this charge placed on local development. It is estimated that annual income from the CIL could reach £2million in future years, of which 15% (£300k) will be required to be spent in local neighbourhoods on priorities identified by local communities.

This review by the Housing & Regeneration Scrutiny Panel has focused on what governance arrangements are needed to ensure that the neighbourhood CIL is spent to best effect on those infrastructure projects that matter most to the local community.

The panel has collected a wide range of evidence to help determine some key principles and practices that should inform the development of governance arrangements for the neighbourhood CIL.

I would like to thank members of the panel, and all those who assisted us in our work on this review.



Cllr Eugene Akwasi-Ayisi
Chair, Housing & Regeneration Scrutiny Panel

Recommendations

1. In light of significant increases in both land values and house price sales since the last viability assessment in 2013, and to ensure that CIL remains an effective and efficient process through which to resource local infrastructure, it is recommended that the **Haringey CIL Schedule** should be reviewed during 2016.
2. It is important that Councillors, community groups, Neighbourhood Forums, and other community stakeholders have a clear understanding of the prospective income derived from the CIL and how this is apportioned to local areas (as defined in recommendation 3). It is recommended that both accrued and (where possible) **projected income** from the CIL for each area is published annually to support community infrastructure planning and development.
3. To ensure a fair distribution and to minimise associated administrative costs, it is recommended that the neighbourhood proportion of CIL income is apportioned to an **amalgam of local wards** rather than individual wards. It is suggested that in total, no more than 6-7 local areas are used for this purpose.
4. Community priorities for spending the neighbourhood element of the CIL should be identified through a **borough wide consultation**¹. This consultation should be multi-format and be sufficiently comprehensive so that analysis can determine priorities of individual areas (as defined in recommendations 3). Priorities for each area should be published and used to inform subsequent assessment and prioritisation of proposed projects for community infrastructure. (This should be repeated every 2-3 years).
5. Following community consultation to identify priorities, members, community groups, local residents, local businesses and other community stakeholders should be encouraged and supported to **nominate local infrastructure projects** for funding through the neighbourhood portion of the CIL. Such proposals should aim to outline how the proposed community infrastructure:
 - I. Match the local priorities (established in recommendation 4);
 - II. Supports further growth; or
 - III. Mitigates the impact of development in a local area.
6. To reduce associated costs, it is recommended that the consideration, authorisation and monitoring of community infrastructure projects funded through the neighbourhood portion of the CIL is undertaken through an **existing council body**. This body should:
 - Include representation from members and officers;
 - Should be open to public attendance (e.g. a meeting held in public);
 - Publish details of those proposals which have been approved.
7. It is likely that the projects proposals will exceed neighbourhood CIL funds available (particularly in the short term), it is therefore recommended that the Council **establish set of criteria** through which the body identified in recommendation 6 assesses and prioritises those projects to be authorised. It is recommended that the prioritisation criteria should include:
 - I. The degree to which proposals can be used to lever in additional investment (e.g. match funding, grants, or used to bid for funds for larger projects);

¹ Excepting Neighbourhood Plan Areas, which will have their own consultation and involvement plans;

- II. Whether further investment in local infrastructure can be secured from the proposal to create a virtuous circle of investment and development.
 - III. That proposals should have no revenue implications to the Council;
 - IV. The level of member and community support for the proposal (all proposals should have as a minimum 2 members to support);
 - V. That the proposal should be of sufficient scale for local impact, that is, there should be a minimum threshold for projects of **£2,500** with no maximum;
 - VI. If the proposal can be demonstrated to compliment and support other discretionary funding projects – e.g. Ward budgets.
 - VII. Those projects which are agreed are completed within **18-24 months** of authorisation
 - VIII. The degree to which the project represents value for money.
8. Given the community leadership role of elected members, it is recommended that **local councillors** should be encouraged and supported to play an active role in the role in the operation of the neighbourhood CIL fund through:
- Ensuring local residents, community groups and other groups participate in borough-wide consultation to identify local infrastructure priorities;
 - Identifying and preparing proposals for local community infrastructure projects (either directly themselves or supporting other proposals from other stakeholders);
 - Engaging in dialogue with neighbouring CIL areas, or wards and Neighbourhood Forums to help identify shared community infrastructure priorities and projects to take forward;
 - Championing agreed community infrastructure projects in their CIL area.
9. In anticipation of continuing and accruing income to the neighbourhood CIL, it is recommended that the authorisation process ensures that there is a '**pipeline**' of approved community infrastructure projects so that there is continuity in the use of funds (e.g. in case of project delay/failure).
10. (i) Whilst CIL receipts cannot be directly released to **Neighbourhood Forums**, the panel recommends that processes for determining and prioritising the neighbourhood proportion of the CIL spend in these areas should be devolved to these bodies. It is recommended that the Council should continue to consult and liaise with NHF leads to ensure that that there is a satisfactory process through which:
- Local residents are engaged and involved in the identification of community infrastructure projects;
 - There is a mutually agreed procedure through which the delivery of community infrastructure projects are agreed, monitored and overseen;
 - There is appropriate dialogue with adjacent CIL areas (wards) to identify common community infrastructure priorities or projects.
- (ii) As Neighbourhood Plans are not defined by borough boundaries, the panel recommended that the Council should continue to liaise and consult with those boroughs where a Neighbourhood Plan overlaps to ensure where possible that there is a consistent and coordinated approach to the administration of the CIL.
11. The panel recognise that efficient, cost effective and timely 'build-out' of authorised community infrastructure projects is important to help build and maintain community trust and confidence in the CIL. In this context it is recommended that:
- The Council publish local CIL priorities and authorised projects proposals to help engage and involve a wide range of possible providers (voluntary and community

groups, resident groups and developers) to help secure timely and efficient completion of community infrastructure projects;

- Given their skills and expertise in delivering infrastructure, local developers should be encouraged to play a role in the delivery of community infrastructure projects (e.g. where appropriate, local developers could be invited to pay CIL receipts 'in-kind' by helping to build out identified community infrastructure projects, rather than cash payments).

12. To promote community participation and openness, it is recommended that a dedicated Neighbourhood CIL web page is provided on the Council web site that includes:

- An overview of the neighbourhood CIL, income and how decisions are made to authorise community infrastructure projects;
- Details of community consultations relating to CIL and how local people can be involved;
- Provide illustrative examples of community infrastructure projects and how members of the local community can make their own suggestions for community projects in their area;
- Details of those community projects which have been authorised for implementation;
- Links to local Neighbourhood Forums that may operate different consultation and involvement processes in deciding how community CIL may be spent.

13. To support effective development, it is recommended that an annual report is provided to Overview & Scrutiny Committee on the administration of the CIL neighbourhood fund. Scrutiny input should aim to provide strategic oversight of the CIL neighbourhood fund to:

- Ensure that consultation processes are adequate;
- Decision making processes are open and transparent;
- There is sufficient project monitoring and evaluation of those projects authorised.

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1. Introduction

- 1.1 The Community Infrastructure Levy (CIL) is a charge applied to new local development to help fund local infrastructure needs. Receipts from the CIL differ from other local contributions for development (i.e. S106) in that these are not site specific and can be used to support wider community infrastructure needs in that locality.
- 1.2 The CIL was introduced in Haringey in November 2014 and receipts have begun to accrue during 2015/16. Whilst there is guidance to support the disbursement of funds from the strategic element of CIL income (approximately 85% of receipts), guidance for the distribution of the neighbourhood element is much less defined.
- 1.3 Under the agreed terms of reference, scrutiny panels can assist the Council by conducting in depth analysis of local policy issues. In this context, it was agreed with Cabinet Members and senior officers that the Housing & Regeneration Scrutiny Panel (HRSP) could assist the Council through helping to identify what governance arrangements are needed to support the distribution of the neighbourhood element of the CIL.
- 1.4 This report details the work of the Housing & Regeneration Scrutiny Panel to help identify what governance arrangements are needed to support the distribution of funds from the neighbourhood proportion of the CIL. In particular, the report details the work of the panel to identify what processes the Council should adopt to support the selection, prioritisation and authorisation of community infrastructure projects funded through the neighbourhood proportion of this levy on local development.
- 1.5 Further to scoping of this review, the panel agreed to conduct this policy development exercise through as a 'scrutiny in a day' process. Here, local stakeholders and other interested parties were invited to contribute their views at single all-day evidence gathering session which was held in Haringey in December 2015. The following report provides a summary of the evidence received at this session together with the conclusions and recommendation reached the panel.

2. Aims, objectives and methods

- 2.1 In consultation with relevant Cabinet members and senior officers, the HRSP agreed that the overarching aim of this review would be to:

'Identify those principles and practices that should underpin governance arrangements to support the distribution of neighbourhood proportion of CIL income.'
- 2.2 Within the overarching aim, the panel agreed a number of component objectives which included to:
 - Assess the national and local policy framework for the collection and allocation of CIL receipts;
 - Assess policy and practice at early CIL adopter London Boroughs to help identify good practice;
 - Identify key principles and practice that should underpin governance arrangements for distribution of neighbourhood element of the CIL, particularly in relation to how community infrastructure projects are identified, prioritised and authorised;

- Assess what arrangements should be in place to further support the distribution of CIL receipts in areas where Neighbourhood Forums are present;
- Assess how the allocation neighbourhood CIL receipts can maximise opportunities for improving local infrastructure through alignment with other funding programmes both internal and external to the Council.

2.3 The panel agreed to conduct this policy development exercise through as a ‘scrutiny in a day’ process at which interested parties and stakeholders were invited to contribute at a single evidence gathering session. It was anticipated that this process would bring a number of advantages to scrutiny of this topic:

- Improved continuity to evidence gathering;
- Bring stakeholders together for focussed discussion of the issue;
- More effective use of scrutiny resources.

2.4 The outline of the scrutiny in a day session is summarised below:

Session	Aim	Participants
Local Policy and Practice	<ul style="list-style-type: none"> • What is the Community Infrastructure Levy? • The CIL charging schedule in Haringey? 	<ul style="list-style-type: none"> • Assistant Director Planning • Head of Planning Policy • S106 Officer
Governance arrangements for spending the CIL	<ul style="list-style-type: none"> • Establishing the legal framework for spending the CIL • What can be learnt from early adopter boroughs? 	<ul style="list-style-type: none"> • Planning Officers Society • Head of Planning Policy
Financial aspects of spending the CIL	<ul style="list-style-type: none"> • Prospective income from the CIL • Financial planning for the CIL 	<ul style="list-style-type: none"> • Head of Finance • Head of Planning Policy
Developer perspectives	<ul style="list-style-type: none"> • What should be the spending priorities of the CIL? • Collaborative opportunities to meet local infrastructure needs 	<ul style="list-style-type: none"> • Developer
Governance for Neighbourhood Forum areas	<ul style="list-style-type: none"> • How will arrangements differ in areas where there is a Neighbourhood Forum? • How are local residents consulted and involved? 	<ul style="list-style-type: none"> • Crouch End Neighbourhood Forum • Highgate Neighbourhood Forum • Head of Planning Policy

2.5 The HRSP hosted the day-long evidence gathering session 3rd December 2015. The following provides a summary of the written and verbal evidence presented on the day, including the conclusions and recommendations reached by the panel.

3. What is the CIL?

- 3.1 The CIL was introduced as part of the Planning Act (2008) as a replacement for S106 agreements to pool local development contributions to support the delivery of strategic/major infrastructure. Depending upon local priorities, the CIL may be used to support a wide range of local infrastructure including transport, schools, hospitals and other health and social care facilities.
- 3.2 The CIL is a local charge on new development at rates which are determined locally. In England, a CIL can be chargeable by district and metropolitan councils, London Boroughs, unitary authorities, national park authorities, Mayoral Development Corporations and the Mayor of London. Although charging authorities are empowered to provide a CIL, they are not *required* to do so.

What new development is liable and what is exempt?

- 3.3 The CIL is chargeable on all new development which creates an additional 100m² floor-space. There are however a number of exemptions to the CIL which include:
- Self-build homes;
 - Affordable homes;
 - Charitable development for charitable purposes;
 - Buildings in which people do not normally go (e.g. plant building);
 - Structures which are not buildings (e.g. pylons).
- 3.4 Local Authorities are entitled to apply CIL charges differently for different land uses having regard to the viability of the development and the need to ensure that development within an area can still come forward. The charges that apply are set out in the Local Authority CIL Charging Schedule. In relation to specific *planning consents*, the CIL is chargeable on all new qualifying development falling within the remit of the charging schedule. In addition the CIL is also chargeable to new development covered by a charging schedule when it is authorised by the Planning Inspector, Secretary of State, Local Development Areas and Neighbourhood Development Areas.
- 3.5 The CIL is also payable against the schedule for qualifying works that are permitted development and development which is subject to a Lawful Development Certificate (which is used to confirm permitted development rights).

How is the CIL set and calculated?

- 3.6 Details of an individual CIL are set out in a local charging schedule, which has been validated through a process of public consultation and independent examination. Rates are expressed as £ per m² and apply to gross internal floor space of the new development.
- 3.7 Charging authorities may set varying CIL rates within their charging authority area in relation to the following criteria:
- Specific geographical area in which development takes place;
 - Type (Use Class) of new development being proposed (e.g. for employment, retail, office);
 - Scale of new development.

- 3.8 Critically, charging authorities must evidence their CIL rate - through the identification of infrastructure required to support growth identified in Local Plans and must set a rate that does not threaten the ability to develop a site viably. In this context, the charging authority must balance the need to fund local infrastructure and the economic viability of development.

Who is liable to pay the CIL?

- 3.9 Landowners of the proposed development are ultimately liable to pay the CIL, though any party involved in the development of the land can take responsibility to pay (e.g. developers). Where no one has assumed responsibility, payment of the CIL will default to the landowner. Similarly, where another party has assumed responsibility for payment for the CIL but is in default, the landowner becomes liable for payment.

How is the CIL collected and payment enforced?

- 3.10 The full payment of the CIL is due on the date when development commences unless the charging authority offers an instalment scheme (details of the scheme must be published). Where planning permissions are staged, charges may also be payable over an extended period. In calculating individual charges, the charging authority may index the CIL to inflation.

- 3.11 Late CIL payments may incur a penalty charge, though if payment is persistently late the charging authority may issue a Community Infrastructure Levy Stop Notice, to prohibit the continuation of development until outstanding monies have been paid. To assist collection of outstanding payments, other enforcement options available to the charging authority include:

- An application to a local magistrate for a liability order to seize assets;
- A charging order placed on a relevant development where debts are in excess of £2,000.

- 3.12 In addition to payment in cash, developers or landowners also have the option to pay what is required for the CIL in the form of land or other infrastructure. These options are to be agreed with the charging authority.

What are the expected advantages of the CIL?

- 3.13 Proponents of the CIL suggest that there are a number of inherent advantages of this levy in comparison to Section 106 payments²:
- Transparency – details of local scheme and charging schedules have been consulted upon, subject to planning examination and published on charging authorities websites;
 - Simplicity – once a charging scheme is in place, it may be easier and simpler to operate than S106 negotiations which may reduce the administrative and legal burden of both the authority and the developer;
 - Certainty – developers will know what potential liabilities will be incurred when formulating development proposals (as compared to protracted negotiations associated with S106 payments);
 - Flexibility – for charging authorities to set their own priorities on what development income (planning gain);
 - Predictability – a more certain income stream can help to support more effective infrastructure planning.

²The Community Infrastructure Levy – Summary, Department of Communities and Local Government, 2010

What is the relationship between CIL and S106?

3.14 Councils can still use S106 agreements to negotiate planning obligations; however the basic premise is that developers should not be ‘double-charged’ for local infrastructure needs. S106 planning obligations must be used to secure affordable housing. Contributions derived from the CIL are different to those from S106 in that these can be pooled and used to fund *general* infrastructure development programmes which should be clearly set out in a Regulation 123 List.³ Income from S106 monies is individually negotiated with developers and can only be used to mitigate the impact of site specific development. The CIL Regulations indicate that no more than five S106 agreements may be pooled for a single piece of infrastructure (to reflect the initial encouragement given to LPA’s to introduce a CIL).

How should the CIL be reported by the charging authority?

3.15 There is a duty on CIL charging authorities to produce an annual report which should contain specified financial information. This report must contain:

- Total CIL receipts for the reported year;
- Total CIL expenditure for the reported year;
- Summary details of CIL expenditure (including amounts spent on each item, administrative expenses (5% threshold);
- Any under-spend (from previous years) or carry-over of CIL receipts.

3.16 The report must be produced no later than 31st December each year of the previous financial year accounts (April –March) of the CIL. The report must be published on the charging authority’s website. Where the charging authority holds and spends the neighbourhood proportion on behalf of the community it should ensure that such reports are separate from its own accounts.

4. Spending the CIL

Spending the strategic CIL

4.1 Income received from the CIL can be used for a wide range of infrastructure needs. The focus of spending should be on the delivery of *new* infrastructure though receipts can be used to increase capacity of existing infrastructure or improve failing infrastructure if it’s necessary to support development (e.g. schools expansion).

4.2 In this context, CIL receipts can be used to support a wide range of infrastructure projects including:

- Transport facilities;
- Flood defences;
- Schools (including free schools and academies);
- Health & social care facilities;
- Parks play areas and other cultural and sporting facilities.

Regulation 123 List

4.3 The Local Plan (or Local Infrastructure Plan) should be instrumental in determining those strategic infrastructure projects which are funded through CIL receipts. These plans should set out the infrastructure needed within the locality and how CIL receipts (along with other sources capital investment funds) will contribute. For transparency

³ Regulation 123 is the requirement for a published list of infrastructure projects or types of infrastructure that the Charging Authority intends will be, or may be, wholly or partly funded by CIL, those infrastructure projects or types of infrastructure

(and to avoid any duplication with S106 funding agreements) the charging authority is required to publish which infrastructure projects are to be funded through the CIL, in what is called a in a Regulation 123 List.

Can CIL receipts be passed on or pooled?

- 4.4 Published guidance indicates that receipts from the CIL can be passed on to other bodies where these are used to deliver infrastructure that will benefit the area. One such example might be the Environment Agency where money can be used for flood defences.
- 4.5 CIL receipts can also be combined with other local infrastructure development or growth funds (e.g. Growing Places Fund) to support local development plans. CIL receipts can also be pooled *externally* with the CIL receipts of other charging authorities where these support the need to develop infrastructure across a wider area (e.g. regional or cross borough transport projects).

Administration and other chargeable costs

- 4.6 Charging authorities may deduct up to 5% of CIL receipts for administrative purposes (e.g. set up costs, examination, consultation and billing).
- 4.7 Although the CIL may provide some level of certainty of future income, charging authorities may not borrow against future projected income from the levy. The levy can however be used to pay for the costs of infrastructure already incurred, but cannot be used to pay for any interest on loans.

The neighbourhood CIL

- 4.8 From April 2013, charging authorities have also been required to pass on 15% of CIL receipts to those Parish or Town Councils where development has taken place (capped at £100 per council tax dwelling), and these bodies should agree with the local community how this money should be spent. Where a neighbourhood plan is in place however, local communities will benefit from 25% of CIL revenues which arise from development in that area.
- 4.9 Where there is no Parish or Town or Council in place (such as London) the charging authority should retain CIL receipts, though it must engage with the communities in which development has taken place to agree with them how best to spend those receipts. A summary of how the community or neighbourhood element is paid is set out below.

		Neighbourhood Plan in Place	
		Yes	No
Parish Council in	Yes	= 25% uncapped, <u>paid to Parish</u>	= 15% <u>capped</u> at £100 / dwelling, <u>paid to Parish</u>
	No	= 25% uncapped, local authority <u>consults</u> with community	= 15% <u>capped</u> at £100 / dwelling, local authority <u>consults</u> with community

- 4.10 The process for agreeing how the neighbourhood proportion of the CIL is spent is not tightly prescribed, and it would appear that there is greater flexibility as to how this spent. Guidance would suggest that the neighbourhood or community element can be spent on those projects including:
- 1) The provision, improvement, replacement, operation or maintenance of infrastructure, or
 - 2) Anything else that is concerned with addressing the demands that development places on that area (that is development generally, not a specific development).
- 4.11 Charging authorities should however set out their approach to how they will engage the community in determining how the neighbourhood element is to be spent. It is suggested that such consultation should where possible;
- Use existing consultation and engagement processes;
 - Include local neighbourhood groups, forums, councillors and businesses; and
 - Be proportionate to level of receipts and scale of proposed development.
- 4.12 In Haringey there are currently confirmed neighbourhood forums in Highgate and Crouch End. The Highgate Neighbourhood Forum area was confirmed by the Council in 2012 and the forum is currently in consultation with local stakeholders for the neighbourhood plan for this area. The Crouch End neighbourhood area was confirmed by the Council in December 2015 and will now begin work to formulate a neighbourhood plan for this area. Following adoption, the Council should acknowledge neighbourhood plans in local governance arrangements for CIL allocation.

When is the neighbourhood or community portion paid?

- 4.13 Charging authorities are free to decide the timing of neighbourhood funding payments themselves. In the absence of any local agreements however, the neighbourhood or community proportion of the CIL should be paid every 6 months at the end of April and October.

5. The CIL in Haringey

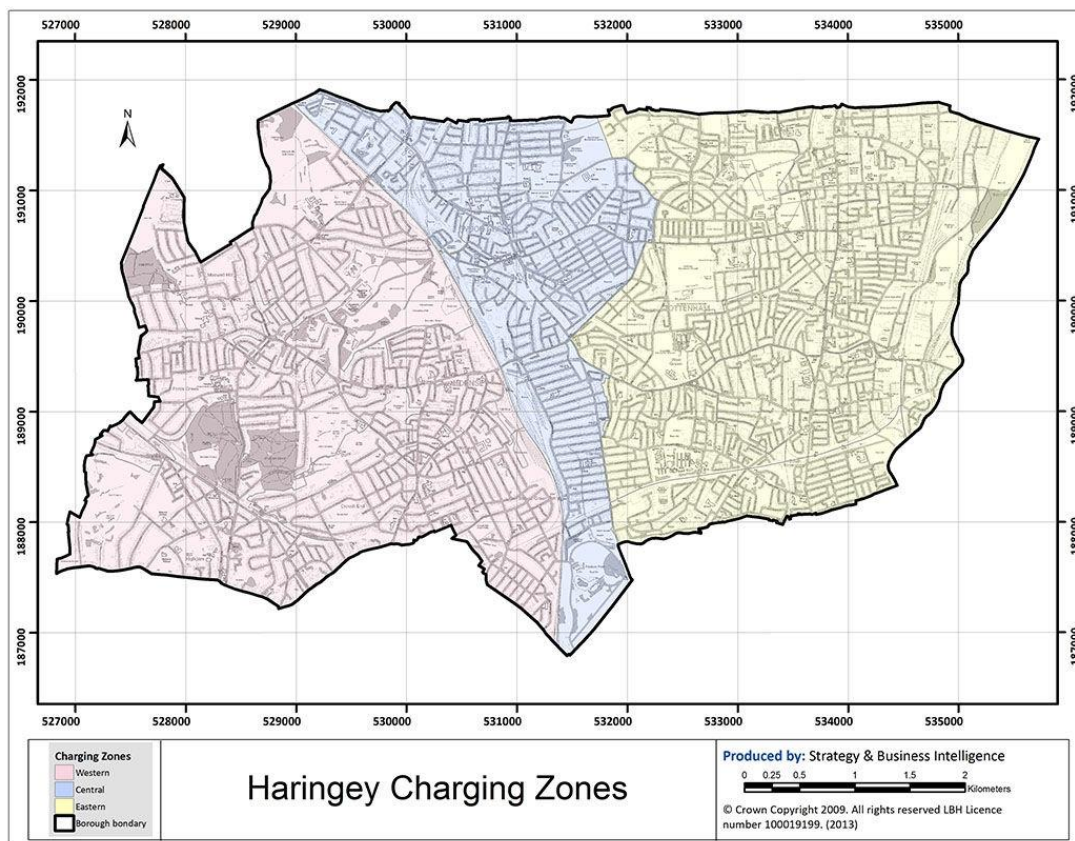
- 5.1 Haringey's CIL Charging Schedule was adopted by decision of Full Council on 21 July 2014 and was implemented on 1st November 2014.
- 5.2 The Haringey Charging Schedule had been previously submitted for public consultation from April to June 2013 and for examination by an independent inspector in October 2013. A half-day public hearing was also held in December 2013, and the Council received the Inspector's Report in February 2014. The Inspector's Report recommended, subject to two minor modifications, that the Charging Schedule was sound and could be adopted by the council. Details of the resultant charging schedule are listed below.

Haringey CIL Schedule

- 5.3 The CIL is charged at a £ per square² for proposed new development and rates are determined locally. Broadly speaking there are 3 rates in Haringey: £265 (western), £165 (central) and £15 (eastern). The full charging schedule, including for different use classes is as set out below.

Haringey CIL Charge £ per m²				
Use	Western	Central	Eastern	Mayoral
Residential	£265	£165	£15	£35
Student Accommodation	£265	£165	£15	£35
Supermarkets		£95		£35
Retail warehousing		£25		£35
Office, industrial, warehousing, small scale retail (Class A1-5)		Nil rate		£35
Health, school and HE		Nil rate		Nil
All other uses		Nil rate		£35

5.4 A map of the three geographical zones (Western, Central and Eastern) and respective CIL rates are shown below in the diagram below.



5.5 The panel noted that when the CIL schedule for Haringey was set in 2013, a relatively low CIL rate (£15) was set in the east of the borough, to help and encourage and support development in this priority regeneration area. As a consequence however, the quantum of new development needed to generate meaningful CIL revenue in this area is substantial. In this context, the panel noted that the CIL was a relatively inefficient process for securing additional funding to support local infrastructure in this area.

5.6 Since 2013 however, evidence received by the panel would appear to suggest that the volume of new development coming forward has increased across the borough and

that there has been a significant increase in sales values in the east (particularly in the Tottenham Hale area). Evidence received by the panel noted that CIL rates generally have been set across the country at between 2-4% of sales values which had generally proved satisfactory to independent examination. On this basis, and in the understanding that the impact of CIL rates were marginal to development, it was suggested that there was considerable scope to increase the CIL rate in the east of the borough.

Recommendation 1

In light of increases in both land values and house price sales since the last viability assessment in 2013, and to ensure that CIL remains an effective and efficient process through which to resource local infrastructure, it is recommended that the Haringey CIL Schedule should be reviewed during 2016.

Regulation 123 List

- 5.7 Strategic CIL revenue will be spent on infrastructure needed to support development in Haringey. This development need is assessed as part of the Local Plan making process of which an Infrastructure Delivery Plan is included as part of the Local Plan (currently being updated). In March 2013, an update of the infrastructure needs suggested that there is a funding gap of £230m which CIL receipts could contribute. This figure has grown since that time as the level of growth proposed within the Local Plan has increased.
- 5.8 The current Regulation 123 list for Haringey, which determines how the strategic element of the CIL is spent, is as set out below:

2014/15 – 2018/19 - Regulation 123 Projects
Lordship Lane Recreation Ground Improvements
Down lane Park improvements
Bruce Castle Park Improvements
4 improved Greenway cycle and pedestrian routes
Alexandra Primary School Expansion
Welbourne Primary School Expansion
Bounds Green Primary School extension

- 5.9 The panel noted that the above list is in process of being reviewed as part of the infrastructure plan accompanying the local plan and the Council expects to update the Regulation 123 list in 2016.

CIL Collected in Haringey

- 5.10 The level of CIL receipts is entirely dependent upon the amount of development commenced in any one year and the relevant rates within the charging schedule. As of November 2015, Haringey CIL has generated a “liability” of £433,425.15 and actual income of only £274,646.89, reflecting the recent introduction of the levy and the relatively low rates set in the east of the borough.

CIL collection in Haringey (as of 15th November 2015)			
Ward⁴	Monies Collected Q1-2 2015/16	Demand notices Issued (to be paid Q3/4 2015/16)	Exemption/ Relief amount granted
Bounds Green			£39,400.00
Crouch End		£66,889.98	£137,315.95
Fortis Green			£76,105.00
Harringay	£37,933.50		
Highgate	£231,597.17	£366,535.18	£118696
Hornsey			£540134
Muswell Hill			£142625
Northumberland Park			£166,635.00
St. Ann's	£2,664.75		
Stroud Green	£1,183.22		
Tottenham Green	£598.50		£3,727.50
Tottenham Hale			£198,545.00
White Hart Lane	£669.75		
TOTAL	£274,646.89	£433,425.15	
TOTAL	£708,072.04		£1,464,232.45
Total Including Exemption/Relief		£2,172,304.49	
Potentially Chargeable development (permitted but not commenced)		£2,045,788.41	

5.9 Further analysis of this data reveals that since the introduction of Haringey's CIL, 118 planning applications have been issued Liability Notices totalling £4,218,092.90 which are due to be collected for the Borough. Of that, £2,172,304.49 has commenced development⁵. The distribution of liabilities, collection and exemptions across local wards for 2015/16 is shown in the table above.

5.10 The table also noted that relief was also granted for 26 planning applications within the Borough totalling £1,464,232.45. This was for:

- Charitable Relief - £41,049.00
- Self Build Exemption - £364,555.45
- Social Housing - £1,058,628.00

5.11 Subject to the anticipated acceleration of housing delivery in the Borough being achieved, with extensive new development planned for Tottenham and Wood Green (which has a higher CIL charge), the planning service estimates CIL income could amount to approximately £1.5-2m per year later in the decade.

5.12 It was noted that other London Boroughs (Camden) have provided an estimate of CIL income for the year for each local authority ward⁶, which assists members and local

⁴ Note that no liable development took place in the following wards in this period and do not appear in this table: Alexandra, Noel Park, Woodside, West Green, Bruce Grove and Seven Sisters.

⁵ Of chargeable development permitted since implementation of Haringey CIL, none was issued a demand notice prior to the start of the 2015/16 financial year.

⁶ Local CIL information pack, London Borough of Camden (October 2015)

communities in planning for local infrastructure. Whilst acknowledging that it may be difficult to provide a precise forecast of income from the CIL, the panel noted that it would be helpful for the Council to publish an estimate of CIL income as this will help to manage expectations of the fund as well as to ensure more effective forward planning for local infrastructure needs.

Recommendation 2

It is important that Councillors, community groups, Neighbourhood Forums, and other community stakeholders have a clear understanding of the prospective income derived from the CIL and how this is apportioned to local areas (as defined in recommendation 3). It is recommended that both accrued and (where possible) projected income from the CIL for each area is published annually to support community infrastructure planning and development.

6.The Mayoral CIL

- 6.1 In addition to the CIL charged by individual boroughs, new development across Greater London is also subject to a Mayoral CIL. The Mayoral CIL applies to most new developments (except health and education development) granted planning permission on or after 1 April 2012. The Mayoral CIL can only be used to raise money for transport infrastructure and is collected by the London boroughs on behalf of the Mayor. The Mayoral CIL is currently being used to fund Crossrail. There is no requirement to pay any receipts from the Mayoral CIL to the local community.
- 6.2 London authorities have been placed within three zones, and each zone is subject to a different CIL charge per m². Development taking place within boroughs in Zone 1 pay a Mayoral CIL of £50 per m² compared to £35 in Zone 2 and £20 in Zone 3. Haringey is within Zone 2 of the Mayoral CIL and is therefore subject to a charge of £35 per m². A full list of charging zones and rates is provided below.

Table 1: Mayoral CIL charging zones and rates

Zone	London boroughs	Rates (£ per sq. m.)
1	Camden, City of London, City of Westminster, Hammersmith and Fulham, Islington, Kensington and Chelsea, Richmond-upon-Thames, Wandsworth	£50
2	Barnet, Brent, Bromley, Ealing, Greenwich, Hackney, Haringey , Harrow, Hillingdon, Hounslow, Kingston upon Thames, Lambeth, Lewisham, Merton, Redbridge, Southwark, Tower Hamlets	£35
3	Barking and Dagenham, Bexley, Croydon, Enfield, Havering, Newham, Sutton, Waltham Forest	£20

- 6.3 Analysis of the most recent published annual report of the Mayoral CIL indicated that receipts totalling £6.09 million were received in 2012/13, of which £91,000 was derived from new development in Haringey. It is expected that Mayoral CIL receipts will contribute £300 million to support the development of Crossrail.

7. The CIL in other London boroughs

Implementation of the CIL across London

- 7.1 As of November 2015, 28 of 34 London Boroughs (including the City of London) have had a CIL schedule approved and have commenced charging this to new development. The London Borough of Redbridge was the first borough in London to commence charging on 1st January 2011 with Wandsworth following later in November of that year. A further 4 authorities commenced charging in 2013 and a further 10 (Haringey included) in 2014. A full list of London boroughs with the date that their CIL was chargeable is given in Appendix A.
- 7.2 The following provides an overview of the CIL charging schedules within 6 'early adopter' London boroughs where the CIL was active by end of 2013.

Borough	Residential CIL (£ per m ²)	Other CIL (£ per m ²)
Barnet	£135 (Use C1-C4)	Retail (A1-A5) - £135 All other classes - £0
Brent	£200	Hotels - £100 Student Accommodation - £300 Retail (A1-A5) - £40 Warehouse Clubs - £14 Assembly & Leisure - £5 All other classes - £0
Croydon	<u>Croydon Metro Centre</u> £0 <u>Non Metro Croydon</u> £120	<u>Croydon Metro Centre</u> Business B1, B2 B8 - £120 Institution C2, D1 - £0 All other classes - £0 <u>Non Metro Croydon</u> Business B1, B2 B8 - £0 Institution C2, D1 - £0 All other classes - £120
Harrow	£110	Hotels, Residential Accommodation, Student Accommodation, Hostel and HMO - £55 Retail (A1-A5) - £100 All other classes - £0
Redbridge	£70 for all development	
Wandsworth	<u>Nine Elms (riverside)</u> £575 <u>Nine Elms</u> £265 <u>Roehampton</u> £0 <u>All other areas</u> £250	<u>Nine Elms (riverside)</u> Retail (A1-A5) – £100 All other classes - £0 <u>Nine Elms</u> Retail (A1-A5) – £100 All other classes - £0 <u>Roehampton</u> Retail (A1-A5) – £0 All other classes - £0 <u>All other areas</u> Retail (A1-A5) – £0 All other classes - £0

- 7.3 CIL charging schedules are locally planned and assessed and rates reflect the local planning and development environment both within and across individual boroughs. Thus whilst some boroughs may charge a flat rate for all types of development across the whole of the borough, others have developed more complex charging systems to reflect variations for the location and type (Use Class) of proposed development.

8. Governance arrangements for the CIL– neighbourhood portion

Scope of spending

- 8.1 Unlike the strategic CIL, the process for agreeing how the neighbourhood proportion of the CIL is spent is not tightly prescribed, and it would appear that there is greater flexibility as to how this spent. Guidance would suggest that the neighbourhood or community element can be spent on those projects including:
- 1) The provision, improvement, replacement, operation or maintenance of infrastructure, or
 - 2) Anything else that is concerned with addressing the demands that development places on that area (that is development generally, not a specific development).
- 8.2 In the context of the above, the panel noted that the neighbourhood proportion of the CIL can be spent upon a much wider range of 'infrastructure' than the strategic proportion of the CIL. To support this, the panel noted evidence from the Planning Officers Society that there have been no legal cases to test to limits of spending on the neighborhood element of the CIL, demonstrating its wide intention.
- 8.3 Government guidance indicates that charging authorities should however set out their approach to how they will engage the community in determining how the neighbourhood element is to be spent. This guidance has suggested that such consultation should where possible;
- Use existing consultation and engagement processes;
 - Include local neighbourhood groups, forums, councillors and businesses; and
 - Be proportionate to level of receipts and scale of proposed development.
- 8.4 Given the lack of explicit guidance for the establishment of governance arrangements to support how the community or neighbourhood proportion is spent, it was unsurprising to record that there were wide variations in local policy and practice.
- 8.5 Furthermore, evidence received by the panel also indicated that governance arrangements to support spending the neighbourhood element of the CIL, even among early adopters, were still in their infancy and were evolving as receipts from the CIL began to accrue. In this context it was clear that governance arrangements for the spending of the neighbourhood portion of the CIL are still a 'work in progress' and that such arrangements are likely to evolve further as the CIL procedures themselves develop and mature.
- 8.6 Work undertaken with early adopters by the Planning Advisory Service and the Local Government Association would suggest however that a number of key principles should underpin governance arrangements⁷:
- Corporate programme / Infrastructure Programmes should be the golden thread that informs all aspects of CIL;

⁷ Decisions, decisions: governance and spending on the CIL. LGA and PAS, 2015

- Partnership working with parish councils should be reflected in local governance arrangements or other approaches in non-parished areas;
- Acceptance that CIL is not a 'silver bullet' to infrastructure needs.

Governance arrangements in other boroughs

- 8.7 From evidence provided by the Planning Officers Society and other data collected via desktop research, it was possible to develop a summary of the key features of the governance arrangements adopted at different authorities. These have been summarised from 6 authorities (Bristol, Camden, Elmbridge, Redbridge and Southwark Wandsworth) in Appendix C.
- 8.8 Analysis of comparative data indicated a number of key themes in the establishment of local governance arrangements for spending the neighbourhood element of the CIL:
- Size of CIL neighbourhood distribution area;
 - Consultation arrangements;
 - Selection of community infrastructure projects;
 - The role of members.

Size of the CIL neighbourhood distribution area

- 8.9 One of the purposes of CIL, particularly related to the neighbourhood proportion, is to incentivise communities to accept growth to help create a virtuous circle where development brings clear and identifiable benefits in local areas. The panel noted evidence from the Planning Officers Society, that the actual geographical determination of what constitutes the local neighbourhood area is not tightly prescribed, but must link in some way to an area where development takes place.
- 8.10 As a result, there are wide variations among local authorities as to how neighbourhood areas are defined. For example, some boroughs have distributed the neighbourhood proportion of CIL income to individual local ward areas (e.g. Camden), others boroughs have distributed on the basis of an amalgam of local wards (e.g. Wandsworth) or indeed a combination of both (e.g. Redbridge).
- 8.11 Evidence to the panel indicated that in those areas where the neighbourhood proportion of the CIL is allocated to individual wards, there is a strong likelihood that some wards will miss out completely as there is little or no development occurring in these wards.
- 8.12 The panel received evidence to the effect that there may be a number of advantages to those authorities that chose to allocate the neighbourhood proportion of the CIL to a larger area made up of an amalgam of local wards. The advantages of allocating the neighbourhood CIL to an amalgam of wards is summarised below:
- It reflects the nature and impact of development (e.g. the impact of development may extend beyond ward boundaries);
 - It offers a fairer distribution of income across communities;
 - It allows more substantive total of funds to accrue which can extend the scope of potential community infrastructure projects that can be funded;
 - It promotes cross-ward dialogue to identify common needs and priorities for local infrastructure;
 - It reduces administration costs.

Recommendation 3

To ensure a fair distribution and to minimise associated administrative costs, it is recommended that the neighbourhood proportion of CIL income is apportioned to an amalgam of local wards rather than individual wards. It is suggested that in total, no more than 6-7 local areas are used for this purpose.

Consultation arrangements

8.13 The panel noted evidence from the Planning Officers Society that CIL charging authorities should spend the neighbourhood proportion of the CIL in accordance with 'community wishes'. There was however, little guidance within the regulations as to how the local authority should determine what 'the community's wishes' are except that this should (as in 8.2):

- Use existing consultation and engagement processes;
- Include local neighbourhood groups, forums, councillors and businesses; and
- Be proportionate to level of receipts and scale of proposed development.

8.14 The panel noted that with the abolition of area forums in 2015, the Council no longer have a *formal* consultative structure through which to engage local residents, and in the context of this review, a possible means through which to identify 'community wishes' for local infrastructure projects. Thus, some other alternative consultative process will need to be developed to help identify local priorities for community infrastructure

8.15 In examining other boroughs governance arrangements, it was noted that a number of authorities had taken a particularly robust approach to determining 'community wishes' for local infrastructure as this would provide the evidence base through which assess and prioritise subsequent project proposals. It was noted that Wandsworth's borough wide assessment was sufficiently comprehensive:

- To allow the identification of differing priorities in local neighbourhoods;
- That this need *not* be administered on an annual basis.

Recommendation 4

Community priorities for spending the neighbourhood element of the CIL should be identified through a borough wide consultation⁸. This consultation should be multi-format and be sufficiently comprehensive so that analysis can determine priorities of individual areas (as defined in recommendations 3). Priorities for each area should be published and used to inform subsequent assessment and prioritisation of proposed projects for community infrastructure. (This should be repeated every 2-3 years).

Selection of community infrastructure projects

8.16 Evidence from other boroughs indicated some divergence as to the process for nomination of local infrastructure projects to be funded through the neighbourhood CIL. Whilst in some boroughs (i.e. Camden) projects are nominated solely through elected members, in other boroughs (i.e. Redbridge) the nomination process is open to a much wider range of local stakeholders including local residents, community groups and businesses.

⁸ Excepting Neighbourhood Plan Areas, which will have their own consultation and involvement plans;

8.17 Whilst additional support may inevitably be needed to help ‘work-up’ infrastructure proposals from community stakeholders, the panel indicated that such proposals should be encouraged and reflected in local governance arrangements. This would help to ensure that community interests are represented and that there is a local dividend for accepting development, which is a central tenet of the guidance,

Recommendation 5

Following community consultation to identify priorities, members, community groups, local residents, local businesses and other community stakeholders should be encouraged and supported to nominate local infrastructure projects for funding through the neighbourhood portion of the CIL. Such proposals should aim to outline how the proposed community infrastructure:

- **Match the local priorities (established in recommendation 4);**
- **Supports further growth; or**
- **Mitigates the impact of development in a local area.**

8.18 In its assessment of governance arrangements in other local authorities, the panel noted a range of models were used to consider and authorise proposals for community infrastructure (through the CIL neighbourhood fund). In a number of areas the sign-off of community infrastructure projects had been devolved to local decision making bodies with authorised spending powers. Two such examples were:

- Southwark - where decisions are taken by 4 local Community Councils;
- Bristol – where decisions taken by 14 Neighbourhood Partnerships.

8.19 In its discussions, members of the panel were agreed that in the absence of any devolved local decision making bodies in Haringey, it would be more cost effective if such decisions to authorise community infrastructure projects could be taken by an existing council body. This would ensure that such decisions were taken in public and that decisions of which proposals were authorised would be published.

Recommendation 6

To reduce associated costs, it is recommended that the consideration, authorisation and monitoring of community infrastructure projects funded through the neighbourhood portion of the CIL is undertaken through an existing council body. This body should:

- **Include representation from members and officers;**
- **Should be open to public attendance (e.g. a meeting held in public);**
- **Publish details of those proposals which have been approved.**

8.20 From the experience of other authorities, the panel noted that the gross value of spending proposals received often far outweighed the funds collected through the neighbourhood CIL, and that some process through which to assess and prioritise infrastructure projects was needed. In this context, the panel held a number of discussions to help identify assessment criteria that would help to prioritise community infrastructure project proposals.

8.21 As the charging authority, the panel noted that it is in the Council’s interest to make sure that CIL monies collected go further by maximising opportunities to help secure further developments and investments. This could be through the preparation of bids (e.g. lottery funding) or through alignment with other local infrastructure funds (e.g. TFL) or match funding. The panel were of the view that new governance

arrangements should explore such possibilities and examine the potential to 'dovetail' protocol for CIL prioritisation and spend with other funding sources.

- 8.22 The panel noted that a key aim of the CIL is to facilitate further growth and development in key investment sites, to help create a virtuous circle of growth and development. Therefore some consideration should be given to what infrastructure is required to facilitate further growth to make sites attractive to potential new residents and businesses. It is hoped that in turn, new development that arises from this development will generate further CIL receipts which the Council can reinvest in other infrastructure in the area to help unlock the next wave of development.
- 8.23 In evidence from the Chief Finance officer, the panel noted that in assessing prospective community infrastructure projects, consideration should be given to any possible revenue implications for the Council. Given the financially straitened position of local government finances, the panel were mindful that the authorisation of any new community infrastructure should have minimal or zero impact on the revenue account of the Council.
- 8.24 In acknowledging the ambition of the CIL to deliver a dividend to the community in which development takes place, it was apparent that members, given their role as community champions, can play a significant supporting role in the administration and promotion of neighbourhood spend of the CIL. Given their community leadership role, the panel were of the view that the authorisation of community infrastructure projects should be contingent on the support of a minimum number of local members.
- 8.25 The panel were also of the view that, given the broad definition on what constitutes infrastructure spend within the neighbourhood portion of the CIL, there should be a minimum spend to ensure monies were spent on meaningful projects that would have a local impact.

Recommendation 7

It is likely that the projects proposals will exceed neighbourhood CIL funds available (particularly in the short term), it is therefore recommended that the Council establish set of criteria through which the body identified in recommendation 6 assesses and prioritises those projects to be authorised. It is recommended that the prioritisation criteria should include:

- **The degree to which proposals can be used to lever in additional investment (e.g. match funding, grants, or used to bid for funds for larger projects);**
- **Whether further investment in local infrastructure can be secured from the proposal to create a virtuous circle of investment and development?**
- **That proposals should have no revenue implications to the Council;**
- **The level of member and community support for the proposal (all proposals should have as a minimum 2 members to support);**
- **That the proposal should be of sufficient scale for local impact, that is there should be a minimum threshold for projects of £2,500 with no maximum;**
- **If the proposal can be demonstrated to compliment and support other discretionary funding projects – e.g. Ward budgets.**
- **Those projects which are agreed are completed within 18-24 months of authorisation**
- **The degree to which the project represents value for money.**

Recommendation 8

Given the community leadership role of elected members, it is recommended that local councillors should be encouraged and supported to play an active role in the role in the operation of the neighbourhood CIL fund through:

- **Ensuring local residents, community groups and other groups participate in borough-wide consultation to identify local infrastructure priorities;**
- **Identifying and preparing proposals for local community infrastructure projects (either directly themselves or supporting other proposals from other stakeholders);**
- **Engaging in dialogue with neighbouring CIL areas, or wards and Neighbourhood Forums to help identify shared community infrastructure priorities and projects to take forward;**
- **Championing agreed community infrastructure projects in their CIL area.**

- 8.26 Experience from other authorities noted that not all those community infrastructure projects authorised through the CIL neighbourhood fund actually come into fruition, perhaps where these were dependent on matched funding (which did not materialise) or other reasons for project failure. As income from the CIL will be accrued throughout the year, the panel recommended that a 'pipeline' of authorised projects should be agreed to prevent there being any hiatus in community infrastructure development, should any projects be delayed or fail.

Recommendation 9

In anticipation of continuing and accruing income to the neighbourhood CIL, it is recommended that the authorisation process ensures that there is a 'pipeline' of approved community infrastructure projects so that there is continuity in the use of funds (e.g. in case of project delay/failure).

Neighbourhood Forums

- 8.27 As previously noted there are two confirmed Neighbourhood Forums in Haringey; Highgate and Crouch End. Both of these forums are in the process of developing a neighbourhood plan (albeit at different stages of development), and once agreed, will help shape and guide development in those areas. Once adopted, the Council will need to acknowledge neighbourhood plans in local planning and development policies. Likewise, the role of Neighbourhood Forums should be recognised in local governance arrangements for the spending the neighbourhood portion of the CIL.
- 8.28 Where there is a Neighbourhood Plan in place, 25% of the receipts from that CIL can be used to support community infrastructure projects in that area. In this context, the panel heard evidence from representatives from the two local Neighbourhood Forums (Highgate and Crouch End) to help identify any differentiation in governance arrangements needed to support administration of the CIL in these areas.
- 8.29 The panel noted that one of the key strengths of Neighbourhood Forums is that a detailed assessment of the needs of the local community is undertaken in developing the neighbourhood plan. The panel understood that a wide range of local stakeholders including residents, community groups, residents associations and

businesses are involved on an ongoing basis in developing such neighbourhood plans, and that any finalised plan will go to a local referendum, to ensure local consent.

- 8.30 The panel noted the enthusiasm of both neighbourhood forums in recognising how neighbourhood CIL could complement neighbourhood plans once established. It was suggested that these two processes could help to:
- Invigorate participation and involvement with local democracy;
 - Give the community a greater voice planning process; and
 - Help the community to both articulate and achieve local priorities.
- 8.31 The panel noted that Highgate Neighbourhood Forum had already begun to consult on local priorities for the neighbourhood proportion of the CIL, and had submitted details of such proposals to the panel. This would be a live ongoing consultation which will be continually updated to reflect the evolving needs of the local community. It is anticipated that Crouch End may adopt a similar such process.
- 8.32 Evidence from the Planning Officers Society and other local authorities noted that where there is a neighbourhood plan in place, the neighbourhood proportion of CIL receipts (25%) cannot be passed over to the Neighbourhood Forum as it is not constituted as a spending authority (as a parish Council is). So in London, where there are no parish councils, the local authority is still responsible for spending CIL receipts, though the priorities and details of local infrastructure projects to be funded to be decided in consultation with Neighbourhood Forums.
- 8.33 The panel noted that there may be some merit for the Council to retain CIL receipts and spend it on behalf of the neighbourhood forum, in that Councils have established contracts with contractors for the delivery of local infrastructure (e.g. pavements and roads repairs and public realm improvements) and it may be more efficient to commission infrastructure in this way.
- 8.34 The panel noted that the Council however wished to adopt some flexibility to this process in that there may be some specific or special circumstances in which the release of resources may be necessary to gain access to other infrastructure funds (e.g. to obtain matched funding).
- 8.35 The panel noted that there had been substantive contact between the Council and the local neighbourhood forums in establishing the forum areas and in developing local neighbourhood plans and there was a good working relationship in place. The panel noted that the continuation of a good working relationship would be essential to support the effective operation of the CIL to ensure that:
- Local communities are engaged and involved in determining local priorities;
 - There is no duplication in infrastructure planning and delivery;
 - That receipts from the CIL are well spent and on what matters to the local community;
 - Opportunities to access additional funding both internal and external to the borough are maximised.
- 8.36 The panel noted that as with all neighbourhood areas, dialogue between adjacent neighbourhood CIL areas should be encouraged and supported to help identify any common community infrastructure projects which span such boundaries. Similarly, in neighbourhood forums whose boundaries may not be co-terminus with borough

boundaries, the Council will need to engage with neighbouring boroughs to ensure that there is a coordinated approach to the administration of the CIL.

Recommendation 10

(i) Whilst CIL receipts cannot be directly released to Neighbourhood Forums, the panel recommends that processes for determining and prioritising the neighbourhood proportion of the CIL spent in these areas should be devolved to these bodies. It is recommended that the Council should continue to consult and liaise with NHF leads to ensure that there is a satisfactory process through which:

- **Local residents are engaged and involved in the identification of community infrastructure projects;**
- **There is a mutually agreed procedure through which the delivery of community infrastructure projects are agreed, monitored and overseen;**
- **There is appropriate dialogue with adjacent CIL areas (wards) to identify common community infrastructure priorities or projects.**

(ii) As Neighbourhood Plans are not defined by borough boundaries; the panel recommended that the Council should continue to liaise and consult with those boroughs where a Neighbourhood Plan overlaps to ensure, where possible, that there is a consistent and coordinated approach to the administration of the CIL.

Delivery of neighbourhood infrastructure

8.37 Whilst much of the focus of evidence and subsequent panel discussions focused on the distribution and spending of CIL income, some consideration was given as to how agreed community infrastructure could be delivered. The panel noted that effective and efficient delivery and 'build-out' of agreed community infrastructure projects would be important in helping to build and maintain community trust in the CIL.

8.38 Given the wide ranging nature of community infrastructure that can be funded through the neighbourhood element of the CIL, there will potentially be a similarly broad range of providers who may be able to deliver agreed 'infrastructure' including local community groups, voluntary sector, developers and council contractors and partners (e.g. TfL). In this context, it would be important that such potential providers are made aware of agreed community infrastructure projects as they may be able to assist in delivery.

8.39 The panel noted that typically the Council is not the main provider of infrastructure and may not necessarily have the in-house experience or capacity to deliver such projects, and therefore in some circumstances it may be more effective to commission developers (e.g. for large physical infrastructure projects or where developers may be already on adjacent site). It was also noted that as the Council is able to receive payments in kind it may be able to negotiate to build local infrastructure in place of cash payment. Whilst this may offer less flexibility, this arrangement possibly offers a greater degree of certainty that CIL income will result in local infrastructure and more quickly than the council can procure and complete.

Recommendation 11

The panel recognise that efficient, cost effective and timely 'build-out' of authorised community infrastructure projects is important to help build and

maintain community trust and confidence in the CIL. In this context it is recommended that:

- **The Council publish local CIL priorities and authorised projects proposals to help engage and involve a wide range of possible providers (voluntary and community groups, resident groups and developers) to help secure timely and efficient completion of community infrastructure projects;**
- **Given their skills and expertise in delivering infrastructure, local developers should be encouraged to play a role in the delivery of community infrastructure projects (e.g. where appropriate, local developers could be invited to pay CIL receipts ‘in-kind’ by helping to build out identified community infrastructure projects, rather than cash payments).**

Promoting awareness and participation

8.40 The panel noted that effective governance arrangements for the neighbourhood CIL had the potential to improve community engagement and involvement in local decision making. In this context, the panel were in agreement that governance arrangements for the CIL should be simple, open and transparent as this would help to promote awareness of the CIL governance process and identify how local stakeholders can participate.

8.41 It was recommended that the final approved governance arrangements together with all supporting information and application forms should be published on the Council website.

Recommendation 12

To promote community participation and openness, it is recommended that a dedicated Neighbourhood CIL web page is provided on the Council web site that includes:

- **An overview of the neighbourhood CIL, income and how decisions are made to authorise community infrastructure projects;**
- **Details of community consultations relating to CIL and how local people can be involved;**
- **Provide illustrative examples of community infrastructure projects and how members of the local community can make their own suggestions for community for projects in their area;**
- **Details of those community projects which have been authorised for implantation;**
- **Links to local Neighbourhood Forums that may operate different consultation and involvement processes in deciding how community CIL may be spent.**

Governance monitoring

8.41 Whilst it is noted that the Council is required to submit an annual report of the CIL, it was noted that this requirement focussed on accounting procedures for CIL spend rather than the efficacy of governance arrangements that underpin it. Overview & Scrutiny is used to support the governance arrangements in other boroughs and the panel were of the view that this statutory service could also play a role here in Haringey by ensuring that established procedures of the CIL confirmed to central tenets of the CIL.

Recommendation 13

To support effective development, it is recommended that an annual report is provided to Overview & Scrutiny Committee on the administration of the CIL neighbourhood fund. Scrutiny input should aim to provide strategic oversight of the CIL neighbourhood fund to:

- Ensure that consultation processes are adequate;
- Decision making processes are open and transparent;
- There is sufficient project monitoring and evaluation of authorised projects.

Appendices

Appendix A – Scrutiny in a day programme (Thursday 3rd December 2015).

Housing & Regeneration Scrutiny Panel Community Infrastructure Levy – Governance arrangements for community / neighbourhood allocation and spend

Time	Item	Presenter
10.00	Welcome and Introductions	Cllr Eugene Akwasi-Ayisi Chair of Housing & Regeneration Scrutiny Panel
10.10	Aim and objectives scrutiny project and an outline of the scrutiny process.	Martin Bradford, Scrutiny Officer
10.20	What is the CIL? The CIL in Haringey The Mayoral CIL Spending the CIL CIL in other London Boroughs	Background briefing (Martin Bradford, Scrutiny Officer) Stephen Kelly (Assistant Director Planning) Matthew Patterson (Head of Planning Policy) Lucretia Foster (S106/CIL Officer)
10.50	Expert and independent advice	Graham Jones Planning Officers Society
12:00	What approaches have other Charging Authorities taken?	Martin Bradford, Scrutiny Officer Case study data from early adopter (in background briefing)
13:00	LUNCH	
13:45	Views of developers	Ben Spencer GS8 London
14:15	Financial considerations for the CIL	Matthew Gaynor, (Head of Finance Environment and Planning)
14:30	Views of Neighbourhood Forums	Rachel Alison & Maggie Mead Highgate Neighbourhood Forum Mark Afford, Adrian Essex & David Winskill Crouch End Neighbourhood Area
16.00	Summary Any further evidence or follow up required Identifying key areas for conclusions and recommendations	Housing & Regeneration Scrutiny Panel
16.30	END	

Appendix B – Introduction of Community Infrastructure across London

Borough	Consultation Period	Additional Comments
2013		
Redbridge	10 May - 10 June 2011	Charged from 1st January 2012
Wandsworth	24 Jun-22 July 2011	Charged from 1st November 2012
Croydon	16 Jan-13 Feb 2012	Charged from 1st April 2013
Barnet	27 Jul-7 Sept 2012	Charged from 1st May 2013
Brent	2 Jul -3 Aug 2012	Charged from 1st July 2013
Harrow	15 Nov - 20 Dec 2012	Charged from 1st October 2013
2014		
Newham	17 Dec-25 Jan 2013	Charged from 1st January 2014
Merton	25 Mar - 10 May 2013	Charged from 1st April 2014
Sutton	12 Nov - 10 Dec 2012	Charged from 1st April 2014
Waltham Forest	29 Jul - 9 Sept 2013	Charged from 15th May 2014
City	24 Jul-4 Oct 2013	Charged from 1st July 2014
Hillingdon	15 Nov - 14 Dec 2012	Charged from 1st August 2014
Islington	28 Jun - 9 Aug 2013	Charged from 1st September 2014
Lambeth	1 July - 12 Aug 2013	Charged from 1st October 2014
Richmond	8 July - 19 Aug 2013	Charged from 1st November 2014
Haringey	26 April - 14 Jun 2013	Charged from 1st November 2014
2015		
Lewisham	3 Dec-31 Jan 2013	Charged from 1st April 2015
Hackney	15 Jan - 26 Feb 2014	Charged from 1st April 2015
Tower Hamlets	22 April - 5 Jun 2013	Charged from 1st April 2015
Camden	19 June - 31 July 2014	Charged from 1st April 2015
Southwark	14 Jan - 25 Feb 2014	Charged from 1st April 2015
B & D	14 Mar - 26 Apr 2013	Charged from 3rd April 2015
LLDC	27 May - 8 July 2014	Charged from 6th April 2015
K & C	21 Jan - 23 Feb 2014	Charged from 6th April 2015
Greenwich	30 July - 10 Sept 2014	Charged from 6th April 2015
Bexley	19 Aug - 30 Sept 2013	Charged from 30th April 2015
Hounslow	19 Sept - 19 Oct 2014	Charged from 14th July 2015
H & F	22 Aug - 3 Oct 2014	Charged from 1st Sept. 2015
To be agreed		
Kingston	10 Jan - 7 Mar 2014	Examination September 2015
Westminster	12 June - 25 July 2015	Examination October 2015
Enfield	3 Dec -21 Jan 2015	Examination November 2015
Ealing	27 Mar - 8 May 2015	Examination December 2015
Havering	23 Feb - 10 Apr 2015	
Bromley		Undertaking Viability Study

Appendix C – Governance arrangements for neighbourhood portion of the CIL in other boroughs

Area	Key features of Governance arrangements
Redbridge	<ul style="list-style-type: none"> ▪ CIL Local Project Fund is allocated at two levels dependent on the size of the development in the area: <ul style="list-style-type: none"> ○ CIL income from larger developments of 10 or more dwellings or 250m² are allocated to infrastructure projects within one of the 3 sub borough regions where CIL is received (N, S & W); ○ CIL income from developments less than 10 dwellings or less than 250m² will be allocated to infrastructure projects within the individual ward that development takes place. ▪ Consultation to determine priorities for spending is conducted through existing Area Committees; ▪ All members of the local community can suggest community infrastructure projects
Southwark	<ul style="list-style-type: none"> ▪ 4 Community Council areas with local decision making powers ▪ Community Infrastructure Project Lists (CIPLs) developed for each area with the local community ▪ Consultation to take place on annual basis ▪ At least 25% of CIL funds will be spent on local area projects, whether or not there is a Neighbourhood Plan ▪ Where there is a neighbourhood plan priority will be to spend in the NP area ▪ Neighbourhood Forums will be consulted ▪ Local Community Council will be the decision making body
Wandsworth	<ul style="list-style-type: none"> ▪ 6 neighbourhoods to support the collection, engagement and distribution of CIL income ▪ Borough wide consultation undertaken to identify local priorities for CIL spend ▪ Respondents also encouraged to identify specific projects for community infrastructure investment ▪ Ward members invited to ‘work-up’ community infrastructure proposals with officers. ▪ 9 criteria are used to assess and prioritise projects ▪ Executive takes decision to approve projects based on feedback of 1) on-line resident survey 2) Overview & Scrutiny Committee 3) Finance and Resources Committee 4) level of member support ▪ Approved projects monitored through Overview & Scrutiny.
Camden	<ul style="list-style-type: none"> ▪ 25% of collected CIL to be spent on local projects ▪ Members to engage with Neighbourhood Forums to identify local spending priorities ▪ Allocation of CIL funds managed through a member application process ▪ Applications assessed (light touch) and prioritised by officers through an established set of criteria ▪ Allocations are signed off by officers, though unsuccessful applicants can appeal to Cabinet member ▪ Funding allocations are published on the website ▪ A Project Manager is appointed for successful applications, and draws down the funds for implementation ▪ A report on CIL spending and allocations

Elmbridge	<ul style="list-style-type: none"> ▪ Community spending allocated through Local Settlement Spending Boards of Parish Council in parished areas and local ward councillors in other areas; ▪ £654,000 allocated in 2015 on wide variety of projects ranging in value from £500 to £100,000; ▪ In effect each ward has a fund to spend the community element ▪ Local ward councillors decide how bids against this fund is spent.
Bristol	<ul style="list-style-type: none"> ▪ Neighbourhood Funds go to 14 Neighbourhood Partnerships with decision making and spending powers - these pre-existed CIL ▪ Neighbourhood Partnerships comprise 2/3 wards with spending decisions delegated to ward councillors ▪ 4 Neighbourhood Forums developing Neighbourhood Plans – but with no spending power – money will go to Neighbourhood Partnerships ▪ 4 Neighbourhood Forums are developing Neighbourhood Plans. ▪ Forums have no spending powers ▪ 25% CIL income will be devolved to relevant Neighbourhood Partnership ▪ Forums encouraged to work with Partnerships to influence CIL spend

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Appendix 2B - Haringey Scrutiny Project – Viability Assessments (Affordable Housing)

Review Topic	Viability Assessments
Rationale	<p>Of the 42,870 affordable homes delivered in across the UK 2013/, it is estimated that approximately 60% would have been funded by developers through S106 planning gain contributions.</p> <p>Planning applications for major developments are normally required by planning polices in the Local Plan to make a range of appropriate and necessary contributions – either through cash or direct on site provision. Recent changes in legislation (Localism Act 2011) and National planning Policy Guidance (NPPF) mean that where the effect of S106 obligations renders a development unviable, developers are entitled to ask that the Local Planning Authority (LPA) consider reducing these obligations in order to ensure that development comes forward. LPA’s are obliged to consider such requests. Against this background, it is now commonplace for planning application to be supported by a financial appraisal submitted by the developer.</p> <p>Councils including Haringey employ independent advisors to review the appraisals to verify the costs, values and other assumptions made by the developer. Viability assessments are normally made available to members of Planning Committees when applications are reported to them. In most councils this is done on a confidential basis. However some councils (e.g. the City of Westminster) require applicants to submit a full and a redacted version of their viability assessment, along with a justification for the components of the report</p>

that have been redacted. The redacted assessment is published in a form agreed by the authority. Islington has just finished consulting on a proposal to publish its viability assessments. However, under the proposed scheme, if an applicant considers that any element of a viability assessment should be kept confidential, they can provide a justification for why disclosure would cause harm to their commercial interests / the public interest and the council may redact the document as a result.

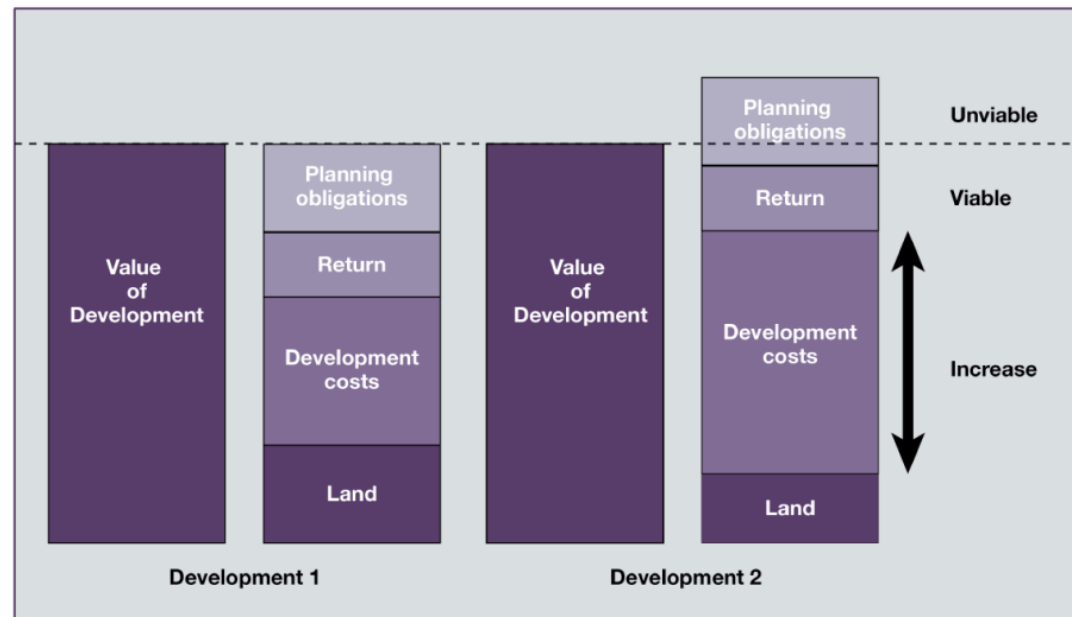
In recent years, where the financial appraisal demonstrates that the maximum amount of affordable housing that a scheme can reasonably support is below the agreed policy target Planning policy can require that a review of viability takes place. Reviews usually seek to take into account changes to the anticipated revenue and costs associated with a development and identifies what happens in the event that the viability changes.

The affordable housing component of major developments is usually the largest cost for a developer and the most often cited reason for schemes being considered unviable. This is because the value of an affordable housing unit is less than that of a similar sized private housing unit to a developer. Whereas in the past the affordable element could be supported by grant funding from the Homes and Communities Agency (or the GLA in London) this is now much reduced and normally unavailable in S106 schemes.

What is Viability?

'An individual development can be said to be viable if, after taking account of all costs, including central and local government policy and regulatory costs and

the costs and availability of development finance, the scheme provides a competitive return to the developer to ensure that development takes place and generates a land value sufficient to persuade a land owner to sell the land for the development proposed. If these conditions are not met, a scheme will not be delivered.’ (Local Housing Delivery Group, Viability Testing in Local Plans – Advice for planning practitioners, 2012)



Source: ‘Financial Viability in Planning’, RICS

The NPPF states that councils should not make planning conditions – such as requirements for affordable housing – so onerous that schemes do not ‘provide competitive returns’ to land owners and developers.

<p>Scrutiny Membership</p>	<p>The review will be undertaken by members of the Housing and Regeneration Scrutiny Panel: Cllrs Akwasi-Ayisi (Chair), Engert, Gallagher, Griffiths, Gunes, Ibrahim and Newton. Other non-executive members will be made aware of the review and invited to participate.</p>
<p>Terms of Reference (Purpose of the Review / Objectives)</p>	<p><u>Overarching aim:</u> To assess the Councils policy and practice in relation to the application of policy and guidance in respect of viability assessments and to make recommendations to ensure confidence and transparency to the process – and application of the process in order to assist the Council (including Planning Committee) in the consideration of planning applications where viability is a material planning consideration.</p> <p><u>Objectives:</u></p> <ul style="list-style-type: none"> • To review legislation and policy guidance in respect of development viability • To review the Councils current policy and practice in respect of viability assessments and their role in delivering S106 outcomes – including affordable homes; • To assess the policy and practice of viability assessments in operation at other local authorities with a view of identifying good practice in respect of: <ul style="list-style-type: none"> ○ Transparency – members, community ○ Improving local challenge ○ Increasing the provision of affordable homes • To consider the potential impact of new legislation on viability assessments – Housing and Planning Bill - in particular the requirement to provide for Starter Homes. • To identify any further mechanisms, at the disposal of the Council, which may

	<p>assist in maintaining levels of S106/affordable housing delivery in the Borough through viability discussions (e.g. 'claw back' arrangements)</p> <ul style="list-style-type: none"> • To assess the potential for any collective response through London Councils or other collective of local authorities, which may assist in more robust challenge to viability assessments • To consider how the assessment of viability within the planning application process may be made more transparent • To outline what impact that the establishment of a local development vehicle may have on housing viability assessments.
<p>Links to the Corporate Plan</p>	<p>This work would link to corporate priorities 4 and 5:</p> <p>(4) Drive growth and employment from which everyone can benefit – and - (5) create homes and communities where people choose to live and are able to thrive</p>
<p>Evidence Sources</p>	<p>The review will look at the following key documents: Planning Portal – Viability Assessments LB Haringey SPD Planning Obligations</p>
<p>Witnesses</p>	<p><u>Planning Officers</u> AD Planning, Head of Development Management, Head of Planning Policy <u>Specialist advice</u> Planning Officers Society, RICS, London Councils (S106 Viability Assessment Project) <u>Housing Viability Assessment</u> Anthony Lee BNP Paribas</p>

	<p><u>Developer perspectives</u> Pollard Thomas Edwards (Developers) DP9/DP2 Planning Consultants, Higgins, Haringey Property Team</p> <p><u>Other authorities</u> Islington, Greenwich, Westminster, Southwark</p>
Methodology/Approach	<p>It is proposed that the format will take the form of scrutiny in a day, in which all witnesses will be encouraged to attend on the same day to give evidence. This conference type approach will facilitate continuity in the assessment of evidence presented:</p> <p>Part 1 - National Policy overview - POS/Haringey Planning Part 2 - Local policy and practice – Haringey Planning Officers Part 3 – Specialist Advisers – the housing viability assessment - components Part 4 – Other local authorities - London Boroughs Part 5 – Developers perspectives</p>
Equalities Implications	<p>Any emerging equalities issues will be assessed and highlighted for inclusion in final recommendations for Housing Viability Assessment.</p>
Timescale	<p>Work to commence in April 2016 and complete by mid-summer 2016</p>
Reporting arrangements	<p>Evidence collection: April 7th 2016 Report Writing – April Recommendations approved by OSC – May/June 2016-02-29 Cabinet Agreement: Jul/September 2016</p>

<p>Publicity</p>	<p>As the evidence gathering will be in Purdah, there will be no publicity for this event.</p>
<p>Constraints / Barriers / Risks</p>	<p>1. Securing attendance of key informants (e.g. specialist advisor, Developers)</p>
<p>Officer Support</p>	<p>Scrutiny Officer and Planning Officers</p>

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