

## POLICY AND RESOURCES COMMITTEE - 12 JUNE 2023

### PART I – NOT DELEGATED

#### 12. CIL SPENDING APPLICATIONS – MILL END COMMUNITY CENTRE (EHoS)

##### 1 Summary

- 1.1 The report seeks to allocate a total of £9,000 of CIL funding from Rickmansworth Unparished area funds for a local infrastructure project.

##### 2 Details

- 2.1 Three Rivers became a Community Infrastructure Charging Authority on 1 April 2015. CIL is the main way in which the Council now collects contributions from developers for infrastructure provision to support development in the area.
- 2.2 Of those contributions a percentage of the levy is given to the Parish/Community Councils within the district.
- 2.3 As per CIL Governance, in the unparished area of Rickmansworth the Neighbourhood Allocation is held separately by the Council. In line with the CIL Regulations the levy can be spent to 'support the development of the local council's area' by funding the provision, improvement, replacement, operation, maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on an area.
- 2.4 An application has been received for repairs and maintenance costs for a roof and electrical works for the Mill End Community Centre. The Community Centre is widely used having 28 regular groups/activities that hire the facilities from baby & youth groups to fitness classes, health & wellbeing groups, creative classes and access to employment, a weekly café and daily luncheon club for the elderly. The Centre provides a "Warm Space" with free tea/coffee. There are two permanent leases in place - one for a charity who do disabled accessible transport in SW Hertfordshire and the other a Community Social Club.
- 2.5 This neighbourhood portion of CIL (in the unparished areas) requires community engagement before spending. Upon receipt of the application the council has consulted with Ward Members. One Councillor has not commented because they are on the Management Committee of the community facility concerned, the other Ward Councillors are in support of the application. A questionnaire asking if the residents of the area are in favour of the proposed works was presented at a community event on the 18 February at the Mill End Community Centre. 122 signatures have been secured of those in support, no negative responses have been received.
- 2.6 As of 24 March 2023, the collected levy for Rickmansworth Unparished Area amounts to £ 36,643. There are no other pending or agreed projects for this area.
- 2.7 The definition of infrastructure in relation to CIL is set out in section 216(2) of the Planning Act 2008 (as amended by regulation 63 of the Community Infrastructure Levy Regulations);
- a) roads and other transport facilities,
  - b) flood defences,

- c) schools and other educational facilities,
- d) medical facilities,
- e) sporting and recreational facilities, and
- f) open spaces

2.8 Parished/Unparished area CIL can be spent on wider infrastructure items than strategic CIL because the funds are used more widely for 'local' projects.

### 3 Applications for CIL Funds

3.1 We have received an application for CIL funds for a local facility. The table below provides a brief summary with the full details contained in Appendix 1 to this report. £9k will be needed from the Rickmansworth Unparished Area CIL pot.

Table 1.

Applicant & Project Name	Infrastructure	Total Cost	Additional Funding	CIL Amount	Year funds required
Mill End & District Community Association	Replacement Roof	£20,000.	UK Shared Prosperity Fund Provisional £15,000.	£5,000.	2023
	Electrical Works	£4,000.	None	£4,000.	2023

3.2 An assessment of the applications has been undertaken by the Community Infrastructure Officer and the Head of Regulatory Services to determine whether the application meets the definition of 'infrastructure', meet the requirement to 'support the development' of the area and are included on the Infrastructure List. The assessment is contained in Section H of the applications in Appendix 1.

3.3 Despite the initial submission of the application in October 2022, further information was required because it is a requirement all Ward Councillors and the residents of the unparished area are consulted on the proposals to understand local support for the scheme. The applicant resubmitted the application in February 2023 with these details.

3.4 The current roof is leaking. The start of work is needed as soon as possible so as to avoid further damage to the building.

3.5 In summary, the assessment determined that the application meets the above requirements.

### 3.6 Next Steps

3.7 Where funding is agreed, the infrastructure provider will be expected to provide information until the scheme has been completed. The cost of the project is

estimated and there could be a % rise/fall depending on when the project is implemented. Any request for additional monies for this specific project is delegated to the Director of Community and Environmental Services, in consultation with the Lead Member, to determine having regard to the economic context and timescales for implementation. If the project cost is less than agreed the balance will remain in the Rickmansworth unparished CIL pot. Payment will be made in 3 months in arrears/upon completion of the project. As a minimum, an annual report will need to provide information on the progress of each scheme that funding has been allocated to.

3.8 If an applicant does not spend CIL money within five years of receipt or does not spend it as agreed then the Council may require the applicant to repay some or all of those funds.

3.9 Details about planning obligation receipts and anticipated expenditure in relation to CIL and S106 is published in the Infrastructure Funding Statement by the 31 December each year in accordance with Regulation 121A of the CIL Regulations.

#### **4 Future CIL Income**

4.1 Up to 24 March 2023, liability notices for a potential value of £ 20,552 have been issued for Rickmansworth Unparished area. These notices are raised following the grant of planning permission and set out what the liable charge would be should work on the development start and no exemptions are applied. The realisation of the remainder of these monies is therefore totally dependent on a developer implementing their planning permission and not benefiting from any exemptions. It is common to have multiple planning permissions on a site, for a permission not to be implemented and exemptions to be granted (mainly for self-build). This figure, while informative, should not therefore be treated as guaranteed future income.

4.2 Where a demand notice has been issued, this means that development has commenced and that CIL is now due for payment. The council's CIL instalment policy allows developers fixed timescales at 60, 120 and 360 days (post-commencement) to pay the amount due. The number of instalments available is dependent on the total amount of CIL due, with higher CIL charges allowing for more time to pay. There is currently no outstanding monies due from developments that have already commenced. Further demand notices may also be issued if other developments commence.

#### **5 Options and Reasons for Recommendations**

5.1 To ensure the delivery of important community infrastructure to support growth and development.

#### **6 Policy/Budget Reference and Implications**

6.1 The recommendations in this report are within the Council's agreed policy and budgets. The relevant policy is entitled Community Infrastructure Funding Statement and was agreed on 24 February 2015.

#### **7 Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications**

7.1 None specific.

## 8 Financial Implications

- 8.1 The commitment of CIL funds of £9,000 will leave a balance of £27,643 in the Rickmansworth Unparished CIL Pot for local infrastructure projects going forward. These funds are currently unallocated.

## 9 Legal Implications

- 9.1 The legislation governing the development, adoption and administration of a Community Infrastructure Levy (CIL) is contained within the Planning Act (2008) and the Community Infrastructure Levy Regulations 2010 (as amended).

## 10 Risk and Health & Safety Implications

- 10.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.
- 10.2 The subject of this report is covered by Regulatory Services. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Failure to progress/manage and maintain Community Infrastructure Levy income and expenditure.	Council could be challenged on CIL expenditure	Governance Arrangements	Tolerate	4

- 10.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

<b>Very Likely</b> <b>Remote</b> Likelihood ----- ----- -----	<b>Low</b>	<b>High</b>	<b>Very High</b>	<b>Very High</b>
	4	8	12	16
	<b>Low</b>	<b>Medium</b>	<b>High</b>	<b>Very High</b>
	3	6	9	12
	<b>Low</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
	2	4	6	8



Report prepared by: Kimberley Rowley, Head of Regulatory Services.

### **Data Quality**

Data sources: Exacom (Planning Obligations Software)

Data checked by: Debbie Wilson, CIL Officer

<b>1</b>	<b>Poor</b>	
<b>2</b>	<b>Sufficient</b>	
<b>3</b>	<b>High</b>	<b>X</b>

### **Background Papers**

The Community Infrastructure Regulations (2010) (As amended)

<https://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

Section 216(2) of the Planning Act 2008 (as amended by regulation 63 of the Community Infrastructure Levy Regulations);

Infrastructure Funding Statement <https://www.threerivers.gov.uk/egcl-page/cil-reports>

Guidance provided by the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government

<https://www.gov.uk/guidance/community-infrastructure-levy#spending-the-levy>

### **APPENDICES**

Appendix 1 Replacement Roof and Electrical Works – Mill End & District Community Association application form