

Report to Cabinet

29th September 2022

By Cllr Lynn Lambert, the Cabinet Member for
Planning & Development

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Community Infrastructure Levy Governance Arrangements in the three Neighbourhood Councils/unparished areas of Horsham Town

Executive Summary

The Council adopted its Charging Schedule for Community Infrastructure Levy (CIL) on 26 April 2017 and implementation of the levy commenced on 1 October 2017 to allow funds to be raised from developers to pay for infrastructure that is needed to support growth. The Council has overarching responsibility for the allocation of CIL monies and reporting the amount of money collected and spent.

At the December 2019 Council meeting, a report setting out the Community Infrastructure Levy Governance Arrangements for the main CIL receipts was agreed. This report also discussed that the infrastructure needs in the unparished area of Horsham Town would be identified and prioritised through consultation with local members, neighbourhood councils and interested parties using a dedicated process which would later be established for that purpose.

The purpose of this report is to delegate the CIL Governance arrangements for the unparished area of Horsham Town to enable the Governance arrangements to be finalised and implemented.

Recommendations

That the Cabinet is recommended:

To agree to delegate the Governance arrangements for the prioritisation, allocation and spend of the unparished areas of Horsham Town CIL receipts to the Director of Place in consultation with the Cabinet Member for Planning and the Cabinet Member for Horsham Town.

Reasons for Recommendations

It is necessary to update the current CIL Governance arrangements to provide clarity, transparency and consistency in the collection, allocation and spending of CIL receipts within the three Neighbourhood Councils/unparished areas of Horsham Town.

Background Papers

Report to December 2019 Council meeting on Community Infrastructure Levy Governance Arrangements

Wards affected: Denne, Forest and Trafalgar

Contact: Madeleine Hartley, Planning Compliance Team Leader, 01403 215168

Background Information

1 Introduction and Background

- 1.1 The Community Infrastructure Levy (CIL) is a charge which is payable on new development. Most new development which creates 100 square metres of floorspace or more, or creates a new dwelling, is liable for CIL. Horsham District Council implemented a CIL Charging Schedule in October 2017 which sets out the CIL rates applicable to development in our area.
- 1.2 Local planning authorities use CIL to fund ‘the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the area’. There is also a neighbourhood portion of CIL – ‘Local CIL’ – which is similarly able to fund infrastructure but can also fund ‘anything else that is concerned with addressing the demands that development places on an area’. Under ‘Local CIL’, a CIL charging authority must pass 15% of local CIL receipts to the parish council for the area where a CIL liable development takes place, rising to 25% if the parish has a Neighbourhood Plan in place. In unparished areas, the CIL charging authority can spend equivalent amounts in the locality, following engagement with local communities.
- 1.3 The governance arrangements for spending CIL funds and for delegating the prioritisation, allocation and spend of CIL receipts to the Director of Place were agreed by the Council in January 2020. These include the need for a project to have been identified in the Council’s Infrastructure Delivery Plan for it to be considered for CIL funding. Projects identified in the Infrastructure Delivery Plan are then prioritised and those of the highest priority for receiving CIL funding will be set out in a ‘CIL Spending Plan’.
- 1.4 These arrangements set out that infrastructure needs in the unparished area of Horsham Town would be identified and prioritised through consultation with local members, neighbourhood councils and the Blueprint Forum using a dedicated process which would later be established for that purpose.
- 1.5 This report therefore seeks an agreement for the delegation of the CIL governance arrangements for the prioritisation, allocation and spend of CIL receipts collected from chargeable developments within the unparished area of Horsham Town.

2 Relevant Council policy

- 2.1 The Corporate Plan identifies key priorities that have been grouped and presented under five broad headings which cover our economic, environmental, social and organisational responsibilities.
 - A great place to live - creating well balanced communities that meet residents’ needs

By ensuring an effective governance of CIL money, the Council can work with central government and key partners to identify the strategic infrastructure necessary to support sustainable development.

- A strong, safe and healthy community - Ensure Horsham District remains one of the best places in Sussex to live

By ensuring we will ensure that we provide high quality neighbourhoods that our residents will want to live and work in including the provision of new community facilities that can be used by all residents.

3 Details

- 3.1 It is proposed that the Governance of the CIL arrangements for Horsham Town are delegated to the Director of Place, in consultation with the Cabinet Member for Planning and the Cabinet Member for Horsham Town. This will enable consultation to take place with Cabinet members, local members, Neighbourhood Councils and relevant parties to ensure the Governance arrangements are fit for purpose. Delegation to the Director of Place will ensure that the arrangements remain fit for purpose given changes could be made as and when necessary to do so.

4 Next Steps

- 4.1 To approve the new procedural arrangements and agree the arrangements for the Infrastructure Projects Working Group and Officer responsibilities within the un-parished areas of the Town.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 Councillors considered the proposal at Planning PDAG on 4 July. Councillors were supportive of a governance structure for the town to best consider how local CIL monies should be spent. It was requested that consultation take place regarding who would sit on a panel, and how decisions would be made. The proposal is that consultation will take place on the proposed Governance arrangements once the delegation as set out in this report is considered by Cabinet.

6 Other Courses of Action Considered but Rejected

- 6.1 The other course of action which was considered, but was rejected was not to update the approved CIL Governance Arrangements to cover the unparished areas of the Town.

7 Resource Consequences

- 7.1 The implementation of the revised Governance arrangements will be contained within existing resources.

8 Legal Considerations and Implications

- 8.1 Once consultation has taken place and Governance is drafted legal advice will be necessary to ensure this complies with the Community Infrastructure levy legislation.

9 Risk Assessment

- 9.1 There are no risks associated with the proposal.

10 Procurement implications

- 10.1 There are no procurement implications of the proposed decision.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 Under equality legislation, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality in relation to Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Council also has a duty to foster good relations, and to consider the impact of its decisions on human rights. The law requires that this duty to pay 'due regard' is demonstrated in the decision making process.
- 11.2 It is not considered that the proposal will have an impact on any of the above groups and no Equalities Impact Assessment is required.

12 Environmental Implications

- 12.1 It is not considered that the proposal has any impact on the environment such as on the use of natural resources (for example energy, water, raw materials); quality of environment (contribution to safe and supportive environments for living, recreation and working); bio-diversity (protection and improvement of wildlife and habitats); waste and pollution (effects on air, land and water from waste and emissions).

13 Other Considerations

- 13.1 The consequences of any action proposed in respect of GDPR/Data Protection and Crime & Disorder have been considered as part of the preparation of this report, and it is not considered that there will be any adverse impact on them.

APPENDICES TO REPORT

None