

**Colchester Borough Council**

**Community Infrastructure Levy**

**Governance Arrangements**

**DRAFT**

## **CIL Governance in Colchester**

### **Background**

The Planning Act 2008 provides a wide definition of the infrastructure which can be funded by the Community Infrastructure Levy (CIL), including transport, flood defences, schools, hospitals, and other health and social care facilities. This definition allows the levy to be used to fund a very broad range of facilities such as play areas, parks and green spaces, cultural and sports facilities, district heating schemes and police stations and other community safety facilities. This gives local communities flexibility to choose what infrastructure they need to deliver their development plan.

Once the levy is adopted, the regulations restrict the use of planning obligations to ensure that individual developments are not charged for the same items through both planning obligations and the levy. Where the Council sets out that it intends to fund an item of infrastructure via CIL then planning obligation contributions (S106 agreements) cannot be used towards the same item of infrastructure.

As required by the Regulations, the Council will set out its intentions for how revenue raised from the levy will be spent on its website. This list of infrastructure is known as the '123 list' and will be informed by the Council's Implementation Plan.

Collection of the levy will be carried out by the 'Community Infrastructure Levy collecting authority'. In most cases this will be the charging authority ie Colchester Borough Council. Essex County Council will collect the levy charged by the borough on developments for which the county gives consent.

### **Governance**

The Council undertook consultation on its Preliminary Draft Charging Schedule in September 2011. A number of respondents expressed some concern about the governance of CIL in Colchester and the County Council made some outline proposals on how it could be undertaken.

Three other CIL Charging Schedules have now been examined but have been silent on this point.

To ensure that the levy is open and transparent, the Council must prepare short reports on the levy for the previous financial year which must be placed on the website by 31 December each year. These reports will ensure accountability and enable the local community to see what infrastructure is being funded from the levy and how much has been collected.

The initial proposal put forward by ECC envisaged a two tier structure:

- (i) A Decision Making Body comprised of Members and senior officers of the two authorities ;
- (ii) An Advisory Body comprising officers of the two authorities.

The Decision Making Body would be formally accountable to the LDF Committee of Colchester Borough Council as Charging Authority. This will allow public scrutiny of spending proposals.

The two bodies above will meet twice a year and look in detail at the following;

1. How much revenue from the levy has been received
2. How much has been spent
3. How much revenue is unspent and plans for spending
4. Details of what infrastructure the levy funded and how much of the levy was 'spent' on each item of infrastructure
5. Whether the 123 list remains appropriate or if it needs updating.
6. The detailed programme for spending of CIL in Colchester for the next period
7. If the Levy should be retained
8. If the Charging Schedule needs reviewing. At this stage it is anticipated that the first full review of the Charging Schedule would be after three years.
9. If the Instalment Policy needs revising
10. The state of the local development market.

The Advisory body will make proposals in a report every six months which could be accepted, amended or rejected by the Decision Making Body.

The Decision Making Body could also ask the Advisory Body to undertake more work on a set of proposals which would be brought back to the Decision Making Body at the next or another future meeting.

The make up of the two bodies will reflect the ECC and CBC services which are likely to be most closely involved in the provision of the infrastructure on which development in Colchester will most heavily depend. In addition the two bodies would have the ability to invite other representatives to its meetings if it felt that the attendance/participation of a particular organisation/group would be useful. The Advisory Body could include an observer representing developers active in the Borough or an appropriate trade body such as the House Builders' Federation who would be invited to provide advice on the current market.

### **The Advisory Body (AB)**

Colchester already has a Development Team in place which includes officers from both local authorities and other stakeholders, which agrees the Section 106 contributions to be sought from all major planning applications. It is envisaged that this Development Team would take on the role of the Advisory Body but will be chaired at all times by the Spatial Policy Manager at Colchester Borough Council. Other members of the team would include;

- CBC Regeneration Manager
- CBC Street Services representative
- CBC Sport/Leisure/Recreation representative(s)
- CBC Community Development representative
- ECC Education representative
- ECC Highways representative
- CBC Affordable Housing Project Officer (dependent on role of affordable housing in CIL)
- Other stakeholders as appropriate ie Police, Health Service, other Essex County Council representatives, etc.

While it is important to ensure that the Advisory Body has a wide enough membership it should not become so large as to be unwieldy. The maximum size of membership should be 12 people.

The AB will examine all the infrastructure projects that are required to support the development likely to be delivered in the Borough over the coming years. Infrastructure projects which appear to offer most support to growth in the Borough will be prioritised in this process. The baseline for this work will be the CIL evidence base documents. It is expected that other project proposals will come forward over time originating from both Councils or from other infrastructure providers and developers. The Advisory Body's role would be to examine all the potential schemes and assess them in relation to the development expected to be delivered in order to prioritise infrastructure projects for approval by the Decision Making Body.

As the Advisory Body's work is largely technical and could be commercially sensitive it is expected that its proceedings should be confidential but its recommendations to the Decision Making Body would be public.

### **The Decision Making Body**

The role of this body is to receive reports and recommendations from the Advisory Body and make decisions based on the criteria above to inform the 123 List for the next period.

The DMB will comprise of the following;

- CBC Leader
- CBC Portfolio Holder for Planning
- CBC Portfolio Holder for Regeneration
- ECC Portfolio Holder for Planning
- ECC Portfolio Holder for Highways
- CBC Executive Director (Ian Vipond)
- CBC Advisory Body Chair (Karen Syrett)
- ECC Head of Strategic Development (Keith Lawson)

The decisions made by the DMB will be made public and incorporated in the Annual Monitoring Report which is approved by the Local Development Framework Committee.

**Consultation**

At least once a year a process will be undertaken to identify local infrastructure priorities through discussion and agreement with Town and Parish Councils and any Neighbourhood Forums which become established. A similar process will identify strategic infrastructure requirements through discussion and agreement with infrastructure providers. In addition, discussions will take place with developers active in the area to understand their infrastructure requirements and priorities. The results of the consultation exercises will be reported in the first instance to the Advisory Body who will make reference to how the information has been used to inform their recommendations to the DMB.

**Delivery**

As the charging authority Colchester Borough Council may pass money to whoever is best placed to deliver the infrastructure required. This may include outside bodies such as the Environment Agency for flood defence or, in two tier areas, the county council, for education and transport infrastructure. The Council is also able to collaborate and pool revenue with other charging authorities to support the delivery of 'sub-regional infrastructure', for example, a larger transport project provided it would support development in the borough.

The monitoring and reporting required by the Regulations will provide a mechanism to ensure delivery against targets.