

Overview and Scrutiny Panel Recommendations Report

| REVIEW TITLE | O&S PANEL | DATE |
|-------------------------------|------------------------------------|-----------------|
| Community Infrastructure Levy | Education, Skills and Growth Panel | 4 November 2021 |

“The Council places great emphasis on ensuring that sufficient infrastructure is in place in the right locations at the right time to support investment and growth. This can also be said of the six Parish and Town Councils in the borough. However, this review found they could all work better together to make best use of CIL funding to benefit their residents and that is why we have reached the recommendations below.”

Councillor Mrs Gill Birch, Chair: Education, Skills and Growth Scrutiny Panel



Recommendations DRAFT

- 1) That the Executive seeks a review of Community Infrastructure Levy (CIL) rates following the adoption of the Bracknell Forest Borough Council Local Plan.
- 2) That the Executive updates the Community Infrastructure Levy Policy to claw back unspent allocated CIL funding from Parish/Town Councils after five years unless funding has already been allocated to a largescale joint project or the money is already committed for revenue or capital projects. Clawed back funding should be reallocated to infrastructure projects defined at borough level.
- 3) Subject to recommendation 2) being agreed, that the Executive agrees an 18-month grace period for clawing back devolved funding to enable Parish/Town Councils to spend CIL funding already allocated but unspent due to Covid-19 pressures. The grace period will begin from July 19th, 2021 when all Covid-19 restrictions were lifted.
- 4) That the Executive ensures all Parish/Town Councils receive notification of liability notices and demand notices on a regular basis, at least twice a year, to align with the payment of the Parish Portion. A named lead officer be identified for all CIL enquiries for the Parish/Town Councils.
- 5) That the Parish and Town Council Liaison Group allows time to discuss CIL funding twice a year to coincide with twice yearly CIL payments to the towns and parishes. This will include time to discuss projects identified in the Council’s proposed budget as well as identified projects by Parish/Town Councils.
- 6) That Parish/Town Councils adhere to Community Infrastructure Levy Regulations 2010 (as amended 2019) by:
 - consulting residents about how CIL funding should be spent as part of their regular consultation with local residents,
 - creating an annual report detailing their CIL balances and proposed spend annually,
 - ensuring their annual reports are publicly available.
- 7) In addition, the Panel recommends:
 - all Parish/Town Councils agree a local CIL Policy and,
 - the Parish/Town Councils commission joint training for Parish and Town Councillors regarding the purposes and potential usage of CIL funding.

Good practice

During the review Councillors found the following examples of good practice using CIL funding to support local projects:



Foxes Den Café in Binfield was the number 1 highlight in its residents' survey each year



Crowthorne's Morgan Recreation Ground



Crowthorne Pre-school Parish Hall play surface

Background information & local context

The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008, as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

Regulation 59c of the CIL Regulations 2010 (as amended) states that parish councils must spend Neighbourhood CIL on:

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

£4,267,238.28 of CIL funding was distributed to Bracknell Parish/Town Councils since 2015. In order to receive the highest rate of CIL each Parish/Town Council must consult and adopt a Local Neighbourhood Plan. Of the six Parish/Town Councils in Bracknell only one, Binfield Parish Council, had a Local Neighbourhood Plan in place at the time of the review, entitling them to 25% of CIL funding from development within the Parish. Crowthorne Parish Council and Bracknell Town Council were in the process of implementing their Local Neighbourhood Plans and the other three were intending to consult on Local Neighbourhood Plans shortly.

Parish/Town Councils have increased flexibility over how CIL funding is spent compared to Borough Councils, and there is potential for increased joint working between Bracknell Forest Council and the Parish/Town Councils, as well as between the Parish/Town Councils themselves. However, there are still guidelines about what projects CIL funding can be used to support and certain standards regarding projects conducted by Parish/Town Councils which would need to be adhered to as they fall into the remit of the borough council.

Review findings

Key principles and practice

The initial approach for this review was to identify key principles and practice that underpins governance arrangements for the distribution of the neighbourhood element of CIL. It quickly became apparent there was a need for better information about what projects CIL funding could

be used to support at a Parish/Town Council level. Panel members recognised that due to the complexity of the topic, better information and increased joint working between Bracknell Forest Council and the six Parish/Town Councils would enable more effective use of CIL funding.



Community Infrastructure Levy Funding Do's and Don'ts



CIL funding can be spent on physical works to land and buildings such as



tree planting, playgrounds, allotments, cycle paths, lighting

But can't be spent on maintenance works such as



trimming hedges, building up-keep, or developing private sports facilities

*This infographic explains how the Borough can spend CIL funding, but Parish and Town Councils have more flexibility.

Panel members found Bracknell Forest Council worked in line with CIL regulations and had adopted a formal CIL Charging Schedule in April 2015. The Bracknell Forest Council Infrastructure Funding Statement can be found here: [Infrastructure Funding Statement 2019 to 2020 \(bracknell-forest.gov.uk\)](https://www.bracknell-forest.gov.uk/infrastructure-funding-statement-2019-to-2020).

Clawback of CIL funding

Sections (59e) of CIL Regulations allow CIL funding devolved to Parish/Town Councils to be clawed back if they remain unspent after five years or are not in line with Regulation (59c). Panel members found this was not currently happening in Bracknell. It was agreed CIL funding should be spent in a timely manner for the benefit of residents where there had been housing growth in the local area and therefore unspent CIL funding after five years should be clawed back. However, it was agreed discretion should be applied if the Parish/Town Council had committed CIL funding to a largescale joint project to ensure the project was not be put in jeopardy. It was also acknowledged the COVID-19 pandemic had been one of the reasons for the accumulation of CIL funding, so Panel members discussed the need for an 18-month extension to apply to CIL funding already devolved to Parish/Town Councils.

CIL rates

Panel members scrutinised the amount each Parish/Town Council received from CIL receipts. The review highlighted that part of Bracknell Town Centre, as defined on the CIL charging zone map, had a nil CIL rate. Panel members challenged the nil rate and thought it timely to conduct a review of CIL rates across the borough. However, it was noted there were challenges to a review of CIL rates including a potential fall, rather than a rise in rates, and that CIL rates were developed based on localised viability considerations so an equal rate across the borough would likely mean much lower rates than currently for the parishes outside Bracknell Town.

Members were also informed CIL rates could only be reviewed once a revised Bracknell Forest Local Plan was in place, which was out for consultation.

Survey results

Responses from 6 councils to the Community Infrastructure Levy questions for Bracknell Forest Parish & Town Councils (August 2021)

ENGAGEMENT

4 councils ask residents for ideas about how to spend CIL funding

5 councils publish an annual report on their website detailing how they spend their portion of CIL



STRATEGY

5 councils prioritise CIL spending according to their vision

6 councils have a forward plan of projects suitable for CIL funding

4 councils have a policy on how CIL funding is spent



PARTNERSHIP

2 councils have worked with Bracknell Forest Council to enhance the local area using CIL funding

No councils have jointly used CIL funding with another parish or town council, but 4 were aware that they could



Panel members were keen to hear from representatives from all six Bracknell Parish/Town Councils. This was achieved by conducting a survey and speaking to Parish/Town Clerks and Chairs of Parish/Town Councils. The survey and subsequent interviews with Parish/Town representatives identified there was a lack of understanding among officers and elected members of Parish/Town Councils about the types of projects and joint funding opportunities available. A number of suggestions were made to improve their skill set including training and a 'quick reference guide'.

The survey indicated a desire by Parish/Town Council representatives to work more collaboratively with Bracknell Borough Council officers to deliver large infrastructure projects in their neighbourhoods. It was agreed it would help if Parish/Town Council Clerks sent their 'wish list' of projects in the future to a named person at Bracknell Forest Council.

It was noted in the survey that four out of six Parish/Town Council Clerks said they did not receive notice of CIL liability or demand notices regularly. The issue was explored further during interviews with the Parish/Town Council Clerks which further strengthened a need to ensure notification of liability and demand notices were made to Parish/Town Council Clerks to help with financial projection planning.

Four out of six Parish/Town Councils said they had a CIL Policy in place and five out of six included detail about CIL funding in their Annual Report, which was advertised on their website, in line with 121B of the Regulations. Panel Members were concerned all Parish/Town Councils did not have a CIL policy. They also noted not all Parish/Town Councils made reference to their CIL spending in their Annual Reports and make them publicly accessible and suggested, at a

minimum, they should be put on their website. It was suggested this should be added to the Parish and Town Liaison Committee agendas twice a year to serve as a reminder.

During interviews representatives from the Parish/Town Councils said they struggled with consulting residents on their plans to spend CIL, and how to explain its benefits, because it was such a technical subject. Whilst it was acknowledged it was difficult to explain the benefits to residents Panel members found some Parish/Town Councils were better at this than others and there should be increased collaboration to help identify the best way to convey what projects are supported by CIL funding.

It was acknowledged there needed to be better communication links between Bracknell Forest Council and Parish/Town Council to ensure information regarding CIL was shared appropriately. It was proposed that the Parish and Town Council Liaison Committee could be an appropriate vehicle for these discussions and that twice a year officers from Bracknell Forest Council could attend to discuss CIL payments and the Council's proposed budget. All six Parish/Town Councils requested a lead officer to liaise about CIL to facilitate signposting so that projects between the Borough and other towns and parishes were easier to manage.

Future of CIL

Panel members were made aware of ongoing discussions at a national level about replacing CIL with another developer contribution scheme. However, there was no indication this was imminent, and the recommendations above would serve to enhance current use of CIL as well as providing a better platform to implement any new scheme in the future.

I am always proud about how the Borough works with partners as it is one of our strengths, but I feel that this is an exemplar of partnership working. This is due to the professionalism of our officers, led by Andrew Hunter, giving excellent information and the Towns and Parishes engaging fully in the process in such an open and transparent way. My thanks go to all those that took part, especially my vice chair councillor Michael Brossard, and all the councillors and officers of the borough, towns and parishes. The participants are listed at the end and my grateful thanks goes to all of them. This report depends on good support and I thank Louise Connelly for all her help.

I look forward to reviewing the recommendations in a year's time and seeing how CIL funding in our Parishes and Towns has helped improve the lives of residents. We will do this by asking the Parish/Town Councils to complete the CIL survey again so that we can compare responses.

Councillor Mrs Gill Birch, Chair: Education, Skills and Growth Overview and Scrutiny Panel

Review panel members

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| Councillor Mrs Birch (Chair) | Councillor Suki Hayes |
| Councillor Michael Brossard (Vice Chair) | Councillor Dale Birch |
| Councillor Moira Gaw | Councillor Gareth Barnard |
| Councillor Dee Hamilton | Councillor Ray Mossom |
| Councillor Mrs Hayes OBE | Councillor Tina McKenzie-Boyle |
| Councillor Tricia Brown | Councillor Chris Turrell |
| Councillor Peter Heydon | Councillor Lizzy Gibson |
| Councillor Mary Temperton | Councillor Pauline McKenzie |
| Councillor Colin Dudley | Mark Glanville, Parent Governor Representative |

Witnesses

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| Andrew Hunter, Executive Director: Place, Planning and Regeneration | Victoria Browne, Chair, Winkfield Parish Council |
| Max Baker, Assistant Director: Planning | Marcia Milsom, Clerk, Winkfield Parish Council |
| Calvin Orr, Head of Finance and Business Services | Mel Saville, Clerk, Crowthorne Parish Council |
| Simon Cridland, Infrastructure and Implementation Team Manager | Jackie Burgess, Clerk, Bracknell Town Council |
| Ally Wickham, Clerk, Binfield Parish Council | Angela Carey, Executive Officer, Sandhurst Town Council |
| Jason Mawer, Clerk, Warfield Parish Council | Deborah Windsor, Teacher Representative |

