

 EXECUTIVE 12 February 2020		Agenda Item No. 7
Title	Community Infrastructure Levy (CIL) Fines & Surcharges	
For further information about this report please contact	David Butler (01926 456017) david.butler@warwickdc.gov.yk	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	Full Council, 15 Nov 2017 Item 12 Executive, 05 April 2018, Item 07	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	Yes - 1094
Equality & Sustainability Impact Assessment Undertaken	Yes
The Local Plan and the policies within it has been subject to equalities impact assessment.	

Officer/Councillor Approval	Date	Name
Chief Executive	09/01/2020	Chris Elliott
CMT	09/01/2020	Chris Elliott, Bill Hunt, Andrew Jones
Section 151 Officer	09/01/2020	Mike Snow
Monitoring Officer	09/01/2020	Andrew Jones
Head of Service	09/01/2020	Dave Barber
Portfolio Holder(s)	13/01/2020	Councillor John Cooke
Consultation & Community Engagement		
Prior to adoption, the CIL scheme was subject to a public consultation and examination in public		
Final Decision?	Yes	

1 SUMMARY

- 1.1 The Community Infrastructure Levy (CIL) was adopted by Warwick District Council in December 2017. The CIL Regulations provide for the addition of surcharges and fines in the event of circumstances such as late payment or non-completion of forms, and this report provides a mechanism for the appropriate addition of such charges to CIL liabilities.

2 RECOMMENDATIONS

- 2.1 That Council approves the addition of CIL regulations surcharges and fines as set out at Appendix 1.
- 2.2 That Executive authorises the Head of Development Services, in consultation with the Portfolio Holder, to apply fines and surcharges inline the CIL Regulations (see Appendix 1) and asks the Council to amend the scheme of delegation to reflect this.

3 REASONS FOR THE RECOMMENDATIONS

- 3.1 The CIL regulations make provision for a range of surcharges and fines to be applied to a CIL liability. These charges change from time to time with revisions of the CIL Regulations. However, the current scale of charges is attached as Appendix 1.
- 3.2 The enforcement of an appropriate scale of charges is important for the effective management of the CIL scheme, and will help ensure that there is sufficient strength in the process to encourage reluctant applicants to follow due process.
- 3.3 Should revised regulations amend the scale of charges then these will take precedence and the information on the Council website will be updated accordingly.
- 3.4 Any fines or surcharges applied and received will join other CIL liabilities received and will be distributed as part of this, in line with the new Infrastructure Funding Statement process

4.0 POLICY FRAMEWORK

- 4.1 Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. Amongst other things, the FFF Strategy contains Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The Council's SAP's are the programme of work fundamental to the delivery of the strands described in the table below.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
n/a	n/a	It is hoped a more responsive approach to the imposition of surcharges will result in prompt payment of CIL monies that are required to support the District's infrastructure needs
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
Provision of appropriate regime of fines and surcharges will help ensure prompt and accurate payment of the CIL liabilities, thereby making the collection more efficient	n/a	Provision of appropriate regime of fines and surcharges will help ensure prompt and accurate payment of the CIL liabilities

4.2 **Supporting Strategies**

Each strand of the FFF Strategy has several supporting strategies. The Local Plan is one of the key strategies, cutting across many of the FFF strands.

4.3 **Changes to Existing Policies**

This document is in line with the Policies of the Local Plan and the adoption of the Community Infrastructure Levy.

4.4 **Impact Assessments**

CIL was subject to public consultation and public examination during 2017.

5 BUDGETARY FRAMEWORK

- 5.1 There are no implications to the budgetary framework. The use of surcharges and fines is not expected to add significantly to the amount of monies available to be spent on infrastructure projects, although it is anticipated that a more responsive process to the imposition of surcharges will support improved information from applicants and prompt payment of CIL liabilities.

6 RISKS

- 6.1 There are no specific risks related to implementing this amendment to the scheme of delegation.

7 ALTERNATIVE OPTIONS CONSIDERED

- 7.1 The Council could decide not to enforce the adopt the surcharges but this would remove the ability to issues these to those who were not undertaking their CIL requirements.
- 7.2 The Executive could decide not to delegate the requisite authority needed to apply appropriate surcharges and fines to CIL liabilities. This would mean that Executive approval was required each time a surcharge or fine needed to be applied, which is considered disproportionately time consuming and inefficient.

8 BACKGROUND

- 8.1 Warwick District Council adopted the Community Infrastructure Levy in December 2017, following adoption of the Local Plan.
- 8.2 Since the introduction of CIL a total Liability Notices totalling £10,817,423 have been issued. Demand Notice for sites that have commenced comes to a total of £7,7018,702.80 of which £1,953,274.80 are exempted from payment (for example, due to affordable housing provision).
- 8.3 Warwick District Council has so far received a total of £1,589,748.61 of CIL payments.