

This Report will be made public on 6 December 2017

Folkestone

Hythe & Romney Marsh
Shepway District Council



Report Number **C/17/64**

To: Cabinet
Date: 14 December 2017
Status: Non-key Decision
Head of service: Ben Geering - Strategic Development
Cabinet Member: Councillor John Collier, portfolio holder for the District Economy

SUBJECT: Community Infrastructure Levy (CIL) Annual Monitoring Report 2016/17 and minor amendments to Payment in Kind Policy

SUMMARY: The Council adopted a Community Infrastructure Levy (CIL) in August 2016, herein referred to as 'the levy'. This report provides a copy of the draft CIL Monitoring Report for 2016/17. In addition, minor changes are proposed to the CIL Payment in Kind Policy in order to clarify that the delivery of appropriate infrastructure can satisfy a charge arising from the levy.

REASONS FOR RECOMMENDATIONS:

Cabinet is asked to approve the recommendations set out below in order to enable CIL monitoring reporting to take place in accordance with legislative requirements, and to enable appropriate infrastructure via the Payment in Kind mechanism to be applied, where appropriate.

RECOMMENDATIONS:

1. To receive and note report C/17/64.
2. That the CIL Monitoring Report is agreed by Cabinet and subsequently added to the Council's website in accordance with legislative requirements.
3. That an amendment to the Payment in Kind policy is agreed by Cabinet, so as to clarify that the delivery of appropriate infrastructure to satisfy a charge arising from the levy can be met via a Payment in Kind when appropriate to do so.

1. OVERVIEW

1. CIL Monitoring Report 2016/17

1.1 The introduction of a CIL in August 2016 necessitates the development of new governance arrangements for spending the money to be collected. There are a number of reasons for this. Under CIL, SDC acts as a designated charging authority, conferring responsibility on to the Council to:

- Prepare and publish the CIL Charging Schedule (published August 2016),
- Apply the levy revenue it receives to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support development of its area (infrastructure requirements are set out in the Infrastructure Delivery Plan), and
- Report to the local community on the amount of levy revenue collected, spent and retained each year.

1.2 The Council must be committed to ensuring the use of CIL is open and transparent and as such needs to publish an annual report, which also includes details provided by Town and Parish Councils, setting out how much CIL money has been received and the infrastructure to which this has been applied (Reg 62).

1.3 The report should inform the Authority Monitoring Report however be a separate entity that is reported to CMT, Cabinet and the Planning and Licensing Committee for information purposes. The report must be published on the Council's website before the end of December following each financial year.

1.4 It is proposed that the draft report, attached as Appendix 1 is reported to and agreed by Cabinet before being published on the Council's website.

2. Suggestions amendments to the adopted CIL 'Payment in Kind' mechanism and further information

2.1 In adopting a CIL, the Council adopted a Payment in Kind Policy. Whilst this policy specifically mentions both Payments in Kind via the provision of land and the provision of infrastructure to comply with the CIL Regulations, the wording of the policy only specifically refers to the transfer of land within key sections and, therefore, the policy is ambiguous as currently worded.

2.2 An updated (draft) Payment in Kind policy is attached as Appendix 2 to this report. It is recommended that this updated policy replace the currently adopted wording, and that following Cabinet approval the Council's website is updated accordingly.

3. Implications

3.1 Please give consideration to the following and provide information here (if relevant):

Legal (DK) – There are no legal implications arising directly out of this report. Regulation 62 of the Community Infrastructure Levy Regulations 2010 (as amended) requires the charging authority to prepare a report for any financial year in which a) it collects CIL, or CIL is collected on its behalf; or b) an amount of CIL collected by it or by another person on its behalf has not been spent. In addition under regulation 73 of the CIL Regulations a charging authority may accept one or more land payments in satisfaction of the whole or part of the CIL due in respect of a chargeable development.

Finance (AK) – This report refers to a change in policy and as such there are no direct financial implications.

4. Contact officers and background documents

- 4.1 Councillors with any questions arising out of this report should contact the following officers prior to the meeting:-

James Hammond, Strategic Policy Officer
Telephone: 01303 853435
Email: James.Hammond@shepway.gov.uk

Ben Geering, Head of Planning
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APPENDICES

Appendix 1 – Community Infrastructure Levy (CIL) Monitoring report for the reported year 2016/17

Appendix 2 – suggested changes to Appendix 4 of the Council's Community Infrastructure Levy Charging Schedule

[James Hammond]
[Strategic Policy Officer]