

## **Record of Decisions**

### **Community Infrastructure Levy Funds - Administration and Governance of Neighbourhood Proportion**

#### **Decision Taker**

Cabinet on 11 August 2020.

#### **Decision**

- i) That the neighbourhood proportion collected in respect of development located within the Brixham Neighbourhood Plan area shall be passed directly to the Brixham Town Council to administer. With the spend of any funds received by the Brixham Town Council in respect of development located outside of the administrative area of the town council, (but located within the neighbourhood development plan area), shall be in consultation with the relevant Torbay Council members for the wards concerned.
- ii) That a standalone bidding process is introduced to determine what local projects the CIL Neighbourhood proportion should be spent on (as set out in the main body of the report). The establishment of the panel (CiL Spend Board) and its operation will be the responsibility of Torbay Council, but shall include representatives of the Neighbourhood Forums, Community Partnerships, Local Member(s) and the Cabinet Member for Infrastructure, Environment & Culture.
- iii) That within a year of operation, or sooner if necessary, the bidding procedure, the make-up of the 'CiL Spend Board' and its operation should be reviewed. It will then be re-assessed against the success of Crowdfunding Torbay to determine whether the bidding process should continue, or be subsumed in whole, or part by Crowdfunding.

#### **Reason for the Decision**

Whilst the law does not prescribe a specific process for agreeing how the neighbourhood portion should be spent, the guidance indicates that the Council should identify a suitable administration process in order to ensure that CIL is spent appropriately.

#### **Implementation**

This decision will come into force and may be implemented on 24 August 2020 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### **Information**

The Council has implemented the Community Infrastructure Levy (CIL), which generates funds from defined new developments which pay a set levy type contribution towards local infrastructure. The majority of the funds are already allocated to key infrastructure projects, including for example the costs of providing the South Devon link road. However, 25% of the levy funds form what is called the local, or neighbourhood proportion, which should be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on the area. The neighbourhood proportion should be spent within the neighbourhood of the

development which paid the levy, which in the Torbay context would normally be expected to relate to the Neighbourhood Plan areas namely, Brixham, Paignton and Torquay.

With regard to CIL chargeable development which falls within the administrative boundary of Brixham Town Council, national guidance is clear and explains that the Charging Authority (Torbay Council) must pass 25% of the relevant CIL receipts to the parish council (in this case Brixham Town Council) for that area. The town council must use the CIL receipts passed to it to support the development of the Town Council's area by funding the provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on the area.

In respect of development falling outside of the Brixham Town Council administrative area, Torbay Council is required to consult with the community about how the neighbourhood proportion funds can be used, including to support priorities set out in neighbourhood plans. The guidance suggests that we should consider using existing community consultation and engagement processes. The report seeks agreement of the administrative process most appropriate for the Community Infrastructure Levy Neighbourhood proportion funds.

Councillor Morey proposed and Councillor Carter seconded a motion that agreed unanimously by the Cabinet as set out above.

### **Alternative Options considered and rejected at the time of the decision**

The alternative option of using crowdfunding exists and this has the potential to successfully deal with bids for CIL funding in a transparent and open manner and also allows for community support to be confirmed and match funding achieved. On the face of it this presents a potentially ideal long term solution but has yet to be proven in the context of Torbay. Hence, an alternative bidding arrangement has been presented as a short term solution but could equally form the long term solution.

### **Is this a Key Decision?**

No

### **Does the call-in procedure apply?**

Yes

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None.

### **Published**

14 August 2020

Signed: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

Date: \_\_\_\_\_