



EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE:

29 September 2016

Report of: Borough Solicitor

Contact for further information: Mrs S Griffiths (Extn. 5097)
(E-mail: susan.griffiths@westlancs.gov.uk)

SUBJECT: CALLED IN ITEM - COMMUNITY INFRASTRUCTURE LEVY (CIL) FUNDING PROGRAMME 2017/18

Borough wide interest

1.0 PURPOSE OF THE REPORT

- 1.1 To advise the Executive Overview and Scrutiny Committee of the reason for the call in of the decision on the above item set out in Minute No. 32 of the Cabinet Meeting held on 13 September 2016.

2.0 RECOMMENDATIONS

- 2.1 That the Committee determines whether it wishes to ask for a different decision.
 - 2.2 That if the Committee does wish to ask for a different decision, the Committee indicates which of the options set out at paragraph 5.1 it wishes to pursue.
-

3.0 DETAILS RELATING TO THE CALL IN

- 3.1 The report attached as an Appendix to this report was considered at a meeting of Cabinet on 13 September 2016.
- 3.2 The decision of Cabinet reads as follows:-

“32 COMMUNITY INFRASTRUCTURE LEVY (CIL) FUNDING PROGRAMME 2017/18

Councillor Hodson introduced the report of the Director of Development and Regeneration which proposed options for consideration in respect of a Community Infrastructure Levy funding programme for 2017/18 based on the CIL monies anticipated to have been collected by the Council by 31 March 2017.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

- RESOLVED (A) That the updated Infrastructure Delivery Schedule provided at Appendix 2 to the report, be noted.
- (B) That the public consultation on four possible options for spending CIL monies in 2017/18 as set out in paragraph 4.11 of the report be approved."

3.3 The following reason for call in was given in the requisition:-

- "a) "That greater clarity is needed on the methodology for selection of infrastructure items for the 2017/18 Infrastructure Delivery Schedule, in the context of the need to balance consultation responses, local priorities and borough-wide priorities, and with due regard to the parameters set out in the Section 123 schedule.
- b) That the Corporate and Environmental Overview & Scrutiny is well placed to provide a view to cabinet on these methodological consideration."

3.4 The requisition also provided a different decision which was:

- "A. That the updated Infrastructure Delivery Schedule provided at Appendix 2 to the report, be noted. (*no change*)
- B. That the public consultation on four possible options for spending CIL monies in 2017/18 as set out in paragraph 4.11 of the report be approved. (*no change*)
- C. That following the consultation process on the four possible options for spending CIL monies in 2017/18, a report be submitted to the Corporate & Environmental Overview & Scrutiny Committee, to consider and make recommendations to Cabinet on the final selection of items for inclusion in the 2017/18 Infrastructure Delivery Schedule, balancing the various requirements of the same and with due regard to the parameters set out in the Section 123 schedule."

3.5 The following Members of the Executive Overview & Scrutiny Committee signed the requisition for call-in in accordance with the provisions of Overview & Scrutiny Committee Procedure Rule 15:

Councillor Yates
Councillor Pendleton
Councillor Delaney
Councillor Hudson
Councillor Davis

4.0 COMMENTS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION

4.1 The Infrastructure Delivery Schedule (IDS) is a part of the evidence base behind the Local Plan and the CIL Charging Schedule and is used to identify projects which may be eligible or appropriate for CIL funding. Any infrastructure project which is proposed to the Council is placed on the IDS, regardless of its merits or its eligibility for CIL monies.

- 4.2 In order to identify which projects should be recommended for inclusion on the CIL Funding Programme each year, projects on the IDS are assessed against a number of criteria, including the Regulation 123 list, to identify which are potentially suitable for the spending of CIL monies and which are deliverable in the following financial year.
- 4.3 The recent Cabinet decision that is the subject of this Call-In identified options for the CIL Funding Programme 2017/18 to be publicly consulted upon and the requisition is seeking the input of Corporate and Environmental Overview & Scrutiny after this consultation and before a final recommendation on which projects should go into the CIL Funding Programme 2017/18 is made to Cabinet in January 2017.
- 4.4 Given the importance of spending CIL monies in the most appropriate way; the additional Member involvement requested; and to avoid any unnecessary delay in the consultation process and having regard to the matters mentioned in the following paragraphs the Committee may consider that it is not necessary to seek a different decision.
- 4.5 Following consultation with the Portfolio Holder for Planning, Councillor J Hodson, I can give an undertaking to submit a report to Corporate and Environmental Overview & Scrutiny Committee on 1 December 2016, outlining the feedback from the public consultation due to take place in October 2016, including my recommendations on which infrastructure projects should be funded as part of the CIL Funding Programme 2017/18, prior to Cabinet's consideration of the report on 10 January 2017.
- 4.6 Given this commitment, I hope that the Executive Overview & Scrutiny Committee, having considered the requisition, would be satisfied that a different decision is not necessary and that the decision does not need to be referred back to Cabinet.

5.0 CONCLUSION

- 5.1 Following consideration of the decision of Cabinet, the requisition for call in and the comments of the Director of Development and Regeneration, the Executive Overview and Scrutiny Committee can decide if it wishes to ask for a different decision. If the Committee does not wish to ask for a different decision then the decision of Cabinet takes immediate effect. If the Committee does wish to ask for a different decision, it may:
 - a. refer the decision back to Cabinet (as the decision making body) for reconsideration, setting out the different decision:

or
 - b. refer the matter to Council. If the matter is referred to Council and Council does not object, then the decision of Cabinet will take effect immediately from that Council meeting date. If the Council does object, then the decision and the objection will be referred back to Cabinet (as the decision making body) for reconsideration.

- 5.2 The Secretary of State in his Guidance recommends that Overview & Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget.
-
-

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Appendices

Cabinet report 13 September 2016 of the Director of Development and Regeneration.