



CORPORATE & ENVIRONMENTAL OVERVIEW & SCRUTINY

MEMBERS UPDATE 2023/24

Issue: 1

Article of: Head of Planning and Regulatory Services

Relevant Portfolio Holder: Councillor Anne Fennell

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SUBJECT: COMMUNITY INFRASTRUCTURE LEVY ENFORCEMENT UPDATE

Wards affected: Borough-wide

1.0 PURPOSE OF ARTICLE

- 1.1 To inform Members of the Community Infrastructure Levy enforcement work undertaken during the 2022 – 2023 financial year.

2.0 BACKGROUND

- 2.1 The Council manages two types of planning developer contributions – the Community Infrastructure Levy and planning obligations (usually Section 106 agreements). The Community Infrastructure Levy (CIL) allows local authorities to raise funds from new developments in their area. The charge liable to each development is dependent on the use, size and location of the proposal and the imposition of a CIL charge is non-negotiable. CIL revenue can then be used to pay for a wide range of infrastructure that is needed to support new development, for example, the provision of new parks and play areas, improved foot- and cycle-paths and extensions to community buildings.
- 2.2 The Council has a process in place to allocate CIL funding to projects that takes 12 months from start to end and follows a linear process involving two rounds of public consultation, shortlisting of schemes, and two rounds of Member approval via Cabinet. Due to the reasons set out in the September 2022 Cabinet report a decision was made by Members to temporarily suspend part of the process by which the Council allocates CIL funding until Spring 2023 when the process

would re-start to cover two years' worth of projects. This has re-started with the invitation of bids from service providers to access CIL funding.

- 2.3 One of the stated benefits of the temporary suspension was to allow Officers to tackle the backlog of potential CIL enforcement cases and this article is being issued as a Members Update to report on the successful work that has been undertaken to-date.

3.0 CURRENT POSITION

- 3.1 CIL is a land charge and the responsibility to pay the levy rests with the owner of the land on which the development is located. The requirement to pay CIL to the Council becomes due from the date on which the development commences, and Council Officers notify developers that they are required to pay the Council and when to make payment.
- 3.2 The vast majority of people who are required to pay CIL to the Council do so on time however there are some instances whereby developers fail to pay the Council the CIL money that they owe. This can be for a variety of reasons that are out of the Council's control. However, the money remains to be owed to the Council and stays as a land charge until the payment is made. This can disrupt property sales and cause unnecessary concern for new owners of properties if they find that they have purchased a property with a financial land charge on their property. It also results in a lack of income for the Council that can be allocated to infrastructure improvements that are required to support the growth of the Borough.
- 3.3 Over the last 9 months, Council Officers have put significant resource into reviewing and pursuing enforcement cases that involve: unpaid CIL monies, disputed CIL charges, or where additional paperwork is required from the landowner to resolve a case.
- 3.4 During the 2022 – 2023 financial year, the Council:
- Collected £451,171 in CIL revenue from enforcement cases.
 - This represented approximately 23% of the total CIL revenue received during the 2022 – 2023 financial year.
 - Investigated 67 cases, of which 27 are resolved in full and the remaining 40 cases are progressed to a stage of resolution. This includes liaising with developers to arrange the submission of paperwork to satisfy legal requirements and resolve cases in full.
- 3.5 Officers have delivered training to colleagues across the Council and will be working with developers, agents, and the public to improve their awareness of CIL to help prevent enforcement situations arising in the future. Enforcement work will be regularly reviewed and actioned, as required, as part of the day-to-day operations of the CIL function to ensure that cases are pursued and resolved in a timely manner.

4.0 SUSTAINABILITY IMPLICATIONS

4.1 There are no significant sustainability impacts associated with this article and in particular no significant impact on crime and disorder.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 There are no significant financial or resource implications arising from this article.

6.0 RISK ASSESSMENT

6.1 This article is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers.

7.0 HEALTH AND WELLBEING IMPLICATIONS

7.1 There are no health and wellbeing implications arising from this update.

Background Documents

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

Equality Impact Assessment

This article is for information only and does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Appendices

None