



Report for: Cabinet

Date of Meeting:	16 February 2023
Subject:	Neighbourhood Community Infrastructure Levy (NCIL) Review – outcomes and recommendations for Cabinet approval
Key Decision:	Yes - affects more than one ward
Responsible Officer:	Dipti Patel - Corporate Director Place; Viv Evans – Chief Planning Officer
Portfolio Holder:	Cllr Paul Osborn – Leader of the Council, Strategy Portfolio Holder; Cllr Marilyn Ashton – Deputy Leader of the Council and Portfolio Holder for Planning and Regeneration
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	All Wards
Enclosures:	Appendix 1 – Assessment of review issues and options, with recommended options Appendix 2 – Completed and committed NCIL projects Appendix 3 – Current NCIL criteria Appendix 4 – Planning Policy Advisory Panel minutes from meeting on 3 October 2022 Appendix 5 - Referral from Planning Policy Advisory Meeting on 9 January 2023.

Section 1 – Summary and Recommendations

This report details the outcomes of the review of Neighbourhood Community Infrastructure Levy (NCIL) processes. The review covers the reallocation of CIL balances to new Ward Boundaries, future allocations, project identification (including community engagement), project delivery, project approval, NCIL project criteria, unspent sums, and council process management. The attached report sets out recommendations for implementation.

Recommendations:

Cabinet is requested to:

1. Note the report and the options set out in Appendix 1 of the report;
2. Agree the recommended options set out in section 5 of the report; and
3. Authorise the Chief Planning Officer, following consultation with the Leader of the Council and the Portfolio Holder for Planning and regeneration, to implement the recommendations and develop and agree any additional detailed processes and procedures required to do so.

Reason: The current NCIL process was adopted in 2017 and no review has been undertaken during the intervening five years. The new ward boundaries from May 2022 necessitates as a minimum that the NCIL balances against the previous ward boundaries are re-allocated to the new ward boundaries. It is also good practice to review processes more generally. This report and appendices provide an overview of options considered and recommendations to implement, and for Cabinet to formally consider these and adopt the new process recommended in section 5 of the report.

Section 2 – Report

1.0 Introduction

- 1.1 This report provides an overview of the current Harrow Council CIL (Community Infrastructure Levy) processes and outlines the options considered in a review of these. During the review, there has been engagement with stakeholders, including service areas, heads of service, corporate leadership and relevant Portfolio Holders to inform the review. The report was also reported to the Planning Policy Advisory Panel (PPAP) as under the Panel's Terms of Reference, the Panel is to (3) give detailed consideration to and make recommendations to Cabinet in respect of ... (a) The use of the Community Infrastructure Levies (CIL) funds.

2.0 Options Considered

- 2.1 There are two options with respect to a review of NCIL, namely not to undertake a review (i.e. business as usual) or to undertake a review, which was the option recommended in the report and agreed by the Planning Policy Advisory Panel at its meeting on 3 October 2022 (see Appendix 4).
- 2.2 Not proceeding with finalising the review remains an option but is not recommended as the issue of new ward boundaries would still need to be addressed and the review has identified opportunities for process improvements.
- 2.3 During the review, a number of issues were raised by officers, the administration and the Panel in relation to the current NCIL processes. Each of the issues have been posed as questions to be addressed through the review, with options presented for each issue / question. These issues are summarised below, with the detailed options being considered in Appendix 1 and Section 5 summarising the recommended options.

Geography:

A. Reallocation of sums to Ward Boundaries

New ward boundaries came into effect at the local elections in May 2022. As CIL receipts have historically been assigned to the ward in which they are derived, the new boundaries require the reallocation of existing balances (against the former ward boundaries) at the end of 2021/22. This needs to be done regardless of whether a broader geography is adopted for future allocations and spend.

B. Future allocations

How should we allocate future NCIL receipts geographically? (This would apply for 2022/23 receipts onwards). The review provides an opportunity to consider best practice examples and potentially implement them.

C. Project delivery

Once funds have been allocated, who is in charge of making sure that projects are delivered? Concerns have been raised in relation to lack of clarity regarding which departments are in charge of different projects. At present there is no single point of contact, and this has caused some confusion. The option has also been raised as to whether community groups could act as a delivery body for NCIL projects.

D. Project identification

How does the Council identify projects for NCIL funding? Who is able to nominate projects? The review represents an opportunity to consider best practice examples and potentially facilitate opportunities for the community to put forward projects.

- E. Project approval*
Once projects are nominated, what is the process for approving them for delivery? The review represents an opportunity to consider best practice examples.
- F. NCIL funding criteria*
What criteria should we set for nominated NCIL projects? How narrow should the criteria be? Concerns have been expressed about the nature of the projects funded and if these sufficiently link with wider council priorities.
- G. Spend limits*
Should limits be set for NCIL project spending? If yes, what should the limits be? This aspect is linked to concerns surrounding interaction with other funding sources (i.e. Ward Priority Funding) and process / resource requirements versus modest spend levels.
- H. Unspent funds*
If funds are approved and allocated to a project but the project doesn't go forward and the funds remain unspent, what should happen to the funding? There is a perception that wards aren't spending funding, or that reclaiming unspent funds may penalise some wards.
- I. Previously approved projects*
Some concerns have been expressed about previously agreed projects and alternatives suggested. There is currently no delegated authority to 'defund' any of the approved projects.
- J. Management of NCIL spending and allocations*
How should we manage the NCIL allocations process and who should be in charge of the process going forward? There are concerns about a lack of clarity regarding the process and responsibilities.
- K. Engagement tools*
If we choose to engage with the public in line with best practice (rather than the current more modest approach limited to ward member engagement / their networks), how should we go about doing this? Review represents opportunity to consider best practice elsewhere.

3.0 Background

- 3.1 The Community Infrastructure Levy (CIL) is essentially a tax on new development that is used to fund the infrastructure required to support development in the borough and ensure that there is no detriment to infrastructure standards caused by intensified use of an area. It is typically collected as a payment from the site developer (when the development commences), pooled with other CIL receipts and allocated to infrastructure projects by the Council. The levy rates are charged in accordance with the Council's adopted CIL Charging Schedule (Sept 2013) with rates required to be set at levels that don't result in development becoming unviable. CIL

charging rates are subject to indexation annually in accordance with the CIL Regulations.

- 3.2 In December 2017, Harrow Council adopted a cabinet report outlining the process for CIL allocations in line with recommendations from the (former) Major Developments Panel. Harrow has now had the benefit of five years of implementation with the current processes.
- 3.3 In the five years since the adoption of this process the borough has gone through a number of changes, namely a change in administration and changes to ward boundaries. For this reason, a review of the current process has been undertaken to ensure that they are achieving the council's objectives and providing the best possible outcomes for the community.
- 3.4 Initial discussions have been held with relevant Portfolio Holders in the new administration. Internal consultation has been undertaken with departments that have interests in CIL allocation, process administration and project delivery. Their feedback and views have been considered in the options development phase. The interested parties fall into three categories including:
 - (a) 'Governance' (Planning, Finance, Legal, Portfolio Holders),
 - (b) 'Administration' (Planning, Community Engagement, Economic Development, Finance) and
 - (c) 'Delivery' (Service Areas delivering infrastructure capable of being funded under the CIL Regulations).

4.0 Current Processes

- 4.1 NCIL is the focus of this part of the review. NCIL represents the allocation of 15% of CIL receipts raised in each Ward back to the respective Ward in which it was generated (except where received from within the geographical definition of the Harrow and Wealdstone Opportunity Area). For CIL received within the geographical definition of the Harrow and Wealdstone Opportunity Area, NCIL involves the allocation of 15% of CIL receipts into a combined fund to be spent on projects across the entire area. This reflects that the area contains a greater proportion of the strategic development sites within the borough.
- 4.2 The broad allocation of Neighbourhood CIL is agreed as part of the Capital Programme (based on available funds at the time and allocated as noted above) and included in the Capital Programme report which is presented to Cabinet every year in December (draft budget) and February (final budget). Once the broad allocation of NCIL is agreed as part of the Capital Programme, individual projects put forward by the relevant Directorates / Ward Members are assessed against the criteria outlined in the report to the Planning Policy Advisory Panel / Cabinet (including the extent of consultation and level of community support). The final decision regarding which projects are funded from the agreed NCIL allocations is delegated to the Chief Planning Officer following consultation with the Portfolio Holders for Regeneration and Planning, and Finance and Commercialisation.

- 4.3 Appendix 2 includes details of completed and committed NCIL projects.
- 4.4 It should be noted during the NCIL review the processing of new applications for funding has been on hold as the review could potentially result in changes impacting upon those applications (for example, the reallocation of balances from former wards to new wards, potential changes in criteria etc). It is acknowledged that this pause has meant that several possible projects from a number of wards (Roxbourne, West Harrow, Centenary, Edgware as examples) have not been able to be progressed. Once the review is completed, these projects will be prioritised.

5.0 Options analysis and recommendations

- 5.1 Section 2.0 of this report examined the issues for which options were to be considered through the NCIL review process. Appendix 1 contains an assessment of a range of options for each element / issue forming part of the review and highlights the recommended option.
- 5.2 Summarised below are the recommendations arising from the review and consultation with relevant council officers and members. Where necessary, the recommendations are accompanied by comments regarding practical implementation.

Geography:

- A. New Ward Boundaries (existing receipts / spend / balances)** Re-allocate existing ward balances (former ward boundaries) to new ward boundaries based on proportion of former wards within new wards. Balances as per this option are included in Table 1 below, with the full process shown in Appendix 1A.
- B. Future allocations** - Combination of options i.e. an element of NCIL allocated locally (10%) and balance (5%) allocated to wider geography (borough-wide). The local ward fund would be called NCIL – ward fund and the wider fund would be called NCIL – central fund, which would have two rounds of bidding annually. Projects from all wards would be eligible to bid for NCIL – central funds.

Two sub-options are also recommended:

Sub-option (a): ward balances (i.e. unallocated to approved projects) over £100k (at year end) are allocated to borough-wide NCIL pot. To start, apportioned balances (to new ward boundaries) over £100k will be allocated to borough-wide NCIL pot. To be applied to existing balances as well, but would not be applied to balances (after allocation of in-year receipts) at the end of 2022/23 as there has been a pause in dealing with NCIL funding applications (i.e. has been no opportunity to spend funding).

Sub-option (b): no longer 'pool' receipts in the Opportunity Area (OA), with existing OA balance re-apportioned back to constituent wards and

future receipts allocated to ward in which it was received. To be applied to existing balances as well.

- C. Project delivery** - Projects mainly delivered by Harrow but with a mechanism in place for projects to be delivered by community groups. Assessed on a case-by-case basis for suitability [stronger promotion / emphasis of community groups / ward councillors leading on delivery of projects].
- D. Project identification** - Ward members / officers + community (via online engagement platform)
- E. Project approval** – status quo – ward/s member support and delegation to CPO (in consultation with nominated members of Cabinet – currently Planning and Regeneration, and Finance and Human Resources). Proposal is that there is a single nominated Cabinet member – namely the Leader of the Council.

In terms of ward member support, this is currently two out of three ward members, or 8 out of 12 members in the Opportunity Area). If receipts within OA no longer pooled, member support would revert back to that required for individual wards. For new 2-member wards (post May 2022), requirement would be that both need to agree (where agreement of only one of two ward members is only forthcoming, the project would be presented to the Leader of the Council for a decision as to whether it should proceed, so as to avoid one ward member effectively having a veto).

Note: 5% of borough wide NCIL will be allocated based on project merit (see below) (subject to ward member(s), Chief Planning Officer and Leader of the Council approval). There would be two rounds of annual bidding for this funding which would be open to all wards.

- F. Criteria** - Maintain current criteria (status quo) but strengthen the application of some elements with respect to project support and implications with respect to revenue budgets. See Appendix 3 for criteria.

For the borough wide NCIL pot (NCIL – Central Fund), criteria would be 'scored' against to determine relative merits of competing projects. An additional criterion has been recommended (in Appendix 3); this relates to the level of NCIL income and expenditure within individual wards, so that projects from wards with comparatively limited NCIL income and expenditure over the previous two financial years are given greater weight than those from wards with high levels of NCIL income and expenditure (with resultant insufficient balances to fund the proposed project from the individual NCIL – ward fund). This reflects the purpose of introducing a central, shared NCIL fund so that wards with limited NCIL income can access NCIL funding.

- G. Spend limits** (max / min) – No maximum or minimum set.
- H. Unspent funds** - Funds automatically carry forward each year, but any carry-forward beyond two years of receipt must be accompanied by a full justification and agreed by the Portfolio Holder for Finance and Human Resources.

Projects approved need to spend the majority of the budget within 12 months of approval (unless reflected in approved project application). Any carry-forward beyond two years of project approval must be accompanied by a full justification and agreed by the Portfolio Holder for Finance and Human Resources.

Two-year timeframe to start from the end of the financial year in which the receipt was received, not the date of receipt or agreement.

- I. Previously approved projects** - Enable new Leader of the Council or ward members (including new ward members) to express a view on previously funded projects / defund those they don't agree with (provided they haven't started – including specific elements within an agreed project). Final decision to rest with the Leader of the Council.
- J. Management of NCIL allocation / spend process** - Improved version of current process (acknowledges issues with status quo). Single point of contact throughout the entire process (funding availability, project identification / development / application, engagement, delivery (relevant service area to be identified)). This would be a separate, distinct role funded using a 10% top-slice of NCIL balances / receipts as agreed by Cabinet in February 2020¹.

The role of the Planning Service would remain in setting the NCIL process framework (i.e. this report) and assessment and approval of individual applications for funding, in consultation with the Leader of the Council.

- K. Engagement tools** - Wider engagement (as per options above) using engagement platforms / formalised process.
The council has invested in an online engagement platform (Engagement HQ) to facilitate wider engagement with the community, enabling nomination of NCIL projects.

5.3 The table below provides a summary of the re-allocated NCIL balances to new wards / boundaries, based on area (A), cessation of pooled Opportunity Area

¹ See [Agenda for Cabinet on Thursday 13 February 2020, 6.30 pm – Harrow Council](#) (item 290)

fund and £100k cap for any ward balance. The full table and associated working / steps are included in Appendix 1.

Former Ward	Revised balance y/e 21/22	New Ward	Balance y/e 21/22 (after re-allocation from former wards)	Balance y/e 21/22 - post £100k 'cap' (D)
Belmont	-£42,529.01	Belmont	-£43,393.38	-£43,393.38
Canons	-£28,552.59	Canons	-£10,204.70	-£10,204.70
		Centenary	-£40,645.11	-£40,645.11
Edgware	-£20,415.02	Edgware	-£24,819.04	-£24,819.04
Greenhill	-£301,801.68	Greenhill	-£200,142.47	-£100,000.00
Harrow on the Hill	-£65,426.96	Harrow on the Hill	-£97,537.48	-£97,537.48
Harrow Weald	-£12,487.25	Harrow Weald	-£21,196.73	-£21,196.73
Hatch End	-£6,749.27	Hatch End	-£5,949.49	-£5,949.49
Headstone North	-£48,891.46			
Headstone South	-£36,102.94	Headstone	-£59,052.90	-£59,052.90
Kenton East	-£2,385.27	Kenton East	-£6,254.20	-£6,254.20
Kenton West (C)	£2,509.26	Kenton West	£2,156.21	£2,156.21
Marlborough	-£194,503.02	Marlborough	-£164,577.29	-£100,000.00
		North Harrow	-£38,533.48	-£38,533.48
Pinner	-£52,140.10	Pinner	-£62,276.79	-£62,276.79
Pinner South	-£112,606.61	Pinner South	-£118,966.91	-£100,000.00
Queensbury	-£34,802.86			
Rayners Lane	-£9,744.33	Rayners Lane	-£13,695.40	-£13,695.40
Roxbourne	-£101,882.70	Roxbourne	-£73,814.01	-£73,814.01
Roxeth	-£85,362.68	Roxeth	-£106,258.82	-£100,000.00
Stanmore Park	-£88,004.68	Stanmore	-£93,968.87	-£93,968.87
Wealdstone	-£56,432.43	Wealdstone North	-£44,965.36	-£44,965.36
		Wealdstone South	-£93,882.18	-£93,882.18
West Harrow	-£55,445.18	West Harrow	-£35,778.40	-£35,778.40
Opportunity Area		Borough NCIL	£0.00	-£189,945.49
Grand Total	-£1,353,756.77		-£1,353,756.77	-£1,353,756.77

Note: for notes (A)-(D), refer to table in Appendix 1.

6.0 Next steps

- 6.1 Once agreed, the revised process will be implemented after the relevant Call-in Period. This will involve development and agreement of any additional detailed processes and procedures required to do so. The report requests that authority to do this is delegated to the Chief Planning Officer in consultation with the Leader of the Council.
- 6.2 As noted above, a number of potential projects have not been able to be progressed given the ongoing review. These will be prioritised once Cabinet

has considered the outcomes of the review, and new measures have been implemented.

Ward Councillors' comments

Not applicable – covers all wards

Risk Management Implications

Risks included on corporate or directorate risk register? **No**

Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below. **yes** –

The following key risks should be taken into account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
Review / NCIL process does not meet relevant legislative requirements.	<ul style="list-style-type: none"> ▪ Review has been undertaken in the context of the relevant National Planning Practice Guidance and a review of best practice elsewhere. 	Green
Future allocations: There is a risk that some wards or areas may receive disproportionate NCIL amounts based on where the boundaries are drawn and how much development occurs within them.	<ul style="list-style-type: none"> ▪ Adopt a fair system and monitor its effectiveness, as set out under review scope areas A and B in section 5 above. 	Green
Project identification: If sub-optimal projects are identified for NCIL funding then higher priority/ impact projects may miss out on funding creating infrastructure gaps.	<ul style="list-style-type: none"> ▪ Adopt the most suitable project identification methods for NCIL funding as set out under review scope areas D, E and F in section 5 above. 	Green
Project delivery: There is a risk that projects delivered by external community groups may run over budget or not be completed to council standards. Project management might create workload pressures	<ul style="list-style-type: none"> ▪ Create a framework for external project management and monitoring. To be used if the council opts for external delivery. ▪ Ensure that the service areas in charge of delivering 	Green

Risk Description	Mitigations	RAG Status
within council departments if they do not have the resources or training to deliver the projects.	the projects are sufficiently resourced and trained, as set out under review scope area J in section 5 above.	
NCIL project criteria: Incorrect NCIL project criteria could result in poorly selected projects.	<ul style="list-style-type: none"> ▪ Ensure that the criteria is adequately comprehensive without being overly restrictive, as shown in Appendix 3. 	Green
Unspent sums: There may be a perception that wards that do not spend all allocated funds are being penalised for underspending.	<ul style="list-style-type: none"> ▪ Implement a process that encourages spending on the right projects and examine the best route for carrying over funds if required, as set out under review scope area H in section 5 above. 	Green
Council process management: Not having a clear set of processes and a single point of contact for NCIL may create a confusing and ineffective system.	<ul style="list-style-type: none"> ▪ Ensure that the review sets out clear and concise processes for management, as set out under review scope area J in section 5 above. 	Green

Procurement Implications

There are no procurement implications arising as a result of this report. Any procurement required as part of delivering NCIL funded projects would be expected to be undertaken in accordance with the Council's Contract Procedure Rules.

Legal Implications

CIL is a planning charge that was introduced by the Planning Act 2008 Part II to help deliver infrastructure to support the development in an area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 as amended ("the Regulations"). Section 216(2) of the Planning Act 2008 lists some examples of infrastructure which CIL can fund. i.e. roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreation facilities and open spaces.

The levy can also be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development of the local authority's area.

Part 10A of the CIL Regulations requires the Council to publish "annual CIL rate summary" and "annual infrastructure funding statements". These statements replaced previous Regulation 123 lists. The "annual infrastructure funding statement" must

include a number of matters listed in Schedule 2 of the Regulations including details of how much money has been raised through developer contributions and how it has been spent. Both the “annual rate CIL summary” and the “annual infrastructure funding statement” must be published on the Council’s websites at least once a year.

The Community Infrastructure Levy Regulations and the National Planning Practice Guidance set a framework in which CIL receipts need to be spent. Establishing a robust mechanism for the allocation of CIL seeks to ensure requirements are complied with, and links expenditure to supporting new development in the borough. A transparent mechanism also provides opportunity for input from stakeholders and the community.

The Localism Act 2011 introduced requirements that a ‘meaningful proportion’ of CIL income is allocated to parish councils to support their neighbourhood infrastructure requirements. Regulation 59F enables a similar application of CIL receipts in cases where, as in Harrow, a charging authority does not have a local council structure.

Under Regulation 59A(5) at least 15% of CIL funds received through the levy (subject to a cap of £100 per dwelling in the local area) must be spent on projects that take account of the views of the communities in which development has taken place (‘Neighbourhood CIL’) (NCIL) and supports the development of the area in which the CIL is generated. The percentage is more (25%) if there is a neighbourhood plan or a neighbourhood development order. The balance (excluding administration top slice) is commonly referred to as ‘Borough CIL’ (BCIL) and can be spent anywhere in the borough, provided it supports development within the borough.

Under the Regulations, regulation 59F(3) prescribes how the neighbourhood CIL may be used in these circumstances and provides that it may use the CIL to support the development of the relevant area by funding:

- (1) The provision, improvement, replacement, operation or maintenance of infrastructure: or
- (2) Anything else that is concerned with addressing the demands that development places on an area.

The CIL Regulations are legally binding and set out the framework and processes through which CIL collection and expenditure should take place.

The [CIL Guidelines](#) accompany the CIL Regulations and provide further guidance on the processes of allocating CIL. There is statutory requirement that the Council as charging authorities must have regard to the government ‘CIL Guidance’.

The National Planning Practice Guidance states that ‘The law does not prescribe a specific process for agreeing how the neighbourhood portion (NCIL) should be spent. Charging authorities should use existing community consultation and engagement processes. This should include working with any designated neighbourhood forums preparing neighbourhood plans that exist in the area, theme specific neighbourhood groups, local businesses (particularly those working on business led neighbourhood

plans) and using networks that ward councillors use. Crucially this consultation should be at the neighbourhood level. It should be proportionate to the level of levy receipts and the scale of the proposed development to which the neighbourhood funding relates’.

The CIL Guidance provides additional guidance on how neighbourhood CIL funds should be used where there is no local council in place. Paragraph 146 of the CIL Guidance states that the “charging authority...should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding”. Charging authorities should set out clearly and transparently their approach to engaging with neighbourhoods, using their regular communication tools for example, website, newsletters, etc. The CIL Guidance goes on to explain that the use of neighbourhood CIL funds should match priorities expressed by local communities, which should be obtained through consultation undertaken “at the neighbourhood level”. This does not necessarily prevent the Council from allocating neighbourhood CIL funds to borough wide (or larger) projects or initiatives, providing that they meet the requirement in regulation 59F. If the Council decides to depart from the CIL Guidance (i.e. by not allocating funds in accordance with priorities expressed by local communities), it should have and give clear and proper reasons for doing so.

Financial Implications

The cost of undertaking the review has been met from within the existing revenue budget of the Planning Policy Team.

In general terms however, notwithstanding the review, the process of levying and collecting CIL from development will remain the same. The scope of the review is focused on the allocation of CIL receipts (including the need for existing NCIL balances to be realigned to new ward boundaries).

Equalities implications / Public Sector Equality Duty

The Equality Act 2010 outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

The broad purpose of this duty is to integrate considerations of equality into day-to-day business and keep them under review in decision-making, the design policies and the delivery of services.

Whilst a formal equalities impact assessment has not been undertaken, due consideration has been given to the potential equalities impacts arising from the NCIL review. Some of the recommended changes simply reflect wider contextual changes (such as the new ward boundaries) whilst maintaining the link between NCIL receipts / spend and the impact of development, as well as the level of NCIL funding (15% of CIL receipts) required by national guidance. A number of recommendations will have positive impacts upon equalities, for example by creating a borough-wide NCIL fund that all residents / stakeholder groups can apply to regardless of their location, as well as the strengthening of the approach to community engagement.

The importance of inclusive engagement and engaging with hard-to-reach groups is recognised in Statement of Community Involvement (SCI).

The potential for NCIL consultations to nominate projects for wards would be undertaken in line with the SCI and council equalities processes if chosen as the preferred option.

The potential equalities implications of individual NCIL projects form part of the NCIL funding criteria.

Council Priorities

- 1. Putting residents first.**
- 2. A borough that is clean and safe**
- 3. A place where those in need are supported**

The recommendations in this report will put residents first by providing them with local infrastructure through the fund and involving them in the creation of their own local infrastructure projects through increased community consultation. The new infrastructure projects will contribute to the creation and maintenance of a clean and safe borough. Those in need will have access to more egalitarian funding through the new NCIL arrangements which.

Section 3 - Statutory Officer Clearance

Statutory Officer: Jessie Man

Signed on behalf of the Chief Financial Officer

Date: 2nd February 2023

Statutory Officer: Abiodun Kolawole

Signed on behalf of the Monitoring Officer

Date: 25th January 2023

Chief Officer: Dipti Patel

Signed off by the Corporate Director

Date: 5th February 2023

Head of Procurement: Nimesh Mehta

Signed by the Head of Procurement

Date: 26th January 2023

Head of Internal Audit: Neale Burns

Signed on behalf of the Head of Internal Audit

Date: 2nd February 2023

Has the Portfolio Holder(s) been consulted? Yes

Mandatory Checks

Ward Councillors notified: NO, as it impacts on all Wards

EqIA carried out: NO - refer to Equalities implications / Public Sector Equality Duty section above.

EqIA cleared by: N/A

Section 4 - Contact Details and Background Papers

Contact: David Hughes, Planning Policy Manager,
David.hughes@harrow.gov.uk

Background Papers:

Planning Policy Advisory Panel report – 9th January 2023: [Agenda for Planning Policy Advisory Panel on 9th January 2023, 6.30 pm – Harrow Council](#) (item 8) [REPORT](#)

Planning Policy Advisory Panel report – 3 October 2022: [Agenda for Planning Policy Advisory Panel on Monday 3 October 2022, 6.30 pm – Harrow Council](#) (item 10)

Cabinet Report - Community Infrastructure Levy (CIL) – proposed allocations process – 2017 - [Agenda for Cabinet on Thursday 7 December 2017, 6.30 pm – Harrow Council](#) (see item 635)

**Call-in waived by the Chair of Overview and Scrutiny
Committee - NO**

Appendix 1 - Assessment of review issues and options, with recommended options

The table below identifies the aspects of the current NCIL process for review (as per scoping report to Planning Policy Advisory Panel meeting on 3 October 2022 and subsequent discussions). It briefly describes the need to review the particular aspect, potential options, their pros and cons and a recommended option.

Some of the options are linked with other options / aspects, but many of the options are able to be selected independently. Some options are hybrids of two or more options.

A summary of the recommended options for each aspect is included in Section 5 of the report. Recommended options are highlighted **green** in the table below.

Aspect / option	Description	Pros	Cons
Geography			
A. Ward Boundaries (existing receipts / spend / balances)	Need to reflect new ward boundaries. This needs to be done regardless of whether a broader geography is adopted for allocations / spend		
Option 1 (recommended)	Re-allocate existing ward balances (former ward boundaries) based on proportion of former wards within new wards Balances as per this option are included in Appendix 1A.	Most straight forward calculation	Does not reflect where development actually occurred relative to new boundaries. Does not reflect where spend actual occurred relative to new boundaries
Option 2	Re-allocate existing ward balances (former ward boundaries) based on where receipts and expenditure occurred relative to new boundaries	Would best reflect link between development (receipts), allocations and spend and new ward boundaries	Would require re-allocating 200+ developments based on new ward boundaries. Significant effort to identify / confirm geographic location of spend (circa 50 projects).

Aspect / option	Description	Pros	Cons
			Could result in negative balances if receipts within one 'new' ward but actual spend within another (whereas previously both were within the one former ward).
B. Future allocations	How do we allocate future NCIL receipts geographically? (would apply for 2022/23 receipts onwards). Review / new ward boundaries represents opportunity to consider best practice elsewhere		
Option 1	Continue to allocate receipts based on which ward the development / NCIL receipt occurred (status quo). Sub-option – 25% (as per neighbourhood plan requirements)	Maintains direct link between development (impacts) and benefits (NCIL spend)	Some wards have limited development and therefore no direct benefit from NCIL, even though impacted by cumulative development within the wider area
Option 2	Allocate receipts based on a wider geography (similar to Opportunity Area)	Allows pooling of receipts / more substantial projects Spreads potential benefits more widely	Increases number of stakeholders / Councillors involved in agreeing any spend. Wider geographical areas would need to be agreed. Potentially not as obvious as Opportunity Area (a Local Plan boundary); link with new Local Plan and potential geography.
Option 3	Continue to allocate receipts based on location of development, but allocate a set minimum to each ward, potentially 'top-sliced' from the Opportunity Area	Gives each ward a meaningful balance to spend Reflects that infrastructure / impacts don't align with administrative boundaries	Amount redistributed from OA would need to be set at a level that doesn't undermine the principle of NCIL benefiting areas in which development occurs (note: CIL Regs maximum household NCIL receipt requirements to be considered).

Aspect / option	Description	Pros	Cons
			Whilst OA receipts relatively large, still modest with respect to development / potential substantial projects.
Option 4 (Recommended)	<p>Combination of options i.e. an element of NCIL allocated locally (10%) and balance (5%) allocated to wider geography (Potentially referred to as the NCIL – central fund). All wards would be able to bid for NCIL – central funding twice annually. Bids would be assessed on merit using an adapted criteria.</p> <p>Sub-option (a): ward balances (i.e. unallocated to approved projects) over £100k (at year end) are allocated to borough-wide NCIL pot. To start, apportioned balances (to new ward boundaries) over £100k will be allocated to borough wide NCIL pot. To be applied to existing balances as well.</p> <p>Sub-option (b): no longer ‘pool’ receipts in the Opportunity Area (OA), with existing OA balance re-apportioned back to constituent wards and future receipts allocated to ward in which it was received. To be applied to existing balances as well.</p>	<p>Captures the benefits of Options 1 and 2</p> <p>Sub-option (a) emphasises the approach of distributing the benefits of NCIL more widely. Also linked to ‘Unspent funds’ aspect below.</p> <p>Sub-option (b) reduces the ‘cons’ of Option 2. Informal pooling of receipts still possible though a combined bid for funding from two (or more) wards within the OA.</p>	

Aspect / option	Description	Pros	Cons
C. Project delivery	Once funds have been allocated, who is in charge of making sure that projects are delivered? Concerns have been raised in relation to lack of clarity re who does what / no single point of contact.		
Option 1	Status quo – projects delivered by Harrow Council	Control over project delivery	Limits potential projects Less community buy-in (see project ID and engagement below)
Option 2	Projects delivered by community groups	Wider scope for potential projects	Labour intensive with respect to managing external parties Impacts of cost blowouts Risks re inappropriate spend / poor outcomes
Option 3 (Recommended)	Projects mainly delivered by Harrow but with a mechanism in place for projects to be delivered by community groups Assess on a case-by-case basis if community delivery is a realistic possibility.	Has the benefits of Option 1 but does not preclude external projects (mitigating a negative of Option 2). Focus on Council-led projects means less resource intensive as likely to be few / no external projects	
D. Project identification	How does the council identify projects for NCIL funding? Who is able to nominate projects? Review represents an opportunity to consider best practice displayed elsewhere.		
Option 1	Status quo – ward members / officers	Efficient / established projects Projects likely to be supported / no negative feedback / limits scope for disagreement	Limits scope of potential projects Little community buy-in Public perception / not in line with best practice

Aspect / option	Description	Pros	Cons
Option 2 (Recommended)	<p>Ward members / officers + community (online engagement)</p> <p>Voluntary Action Harrow Co-op & Young Harrow Foundation (conduit for community input)</p>	Largely business as usual but larger community input / moving towards best practice	Unlikely that all projects identified by community could be funded (available funding, deliverability, NCIL criteria)
Option 3	Online engagement to set priorities / identify projects	Best practice	<p>Large amount of officer time, especially relative to NCIL receipts</p> <p>Significant change from current process (Option 2 represents incremental change).</p>
E. Project approval Once projects are nominated, what is the process for approving them for delivery? Review represents opportunity to consider best practice elsewhere.			
Option 1 (Recommended)	<p>Status quo – ward/s member support and delegation to CPO (in consultation with nominated members of Cabinet – currently Planning and Regeneration, and Finance and Human Resources). Proposal is that there is a single nominated Cabinet member – namely the Leader of the Council.</p> <p>In terms of ward member support, this is currently two out of three ward members, or 8 out of 12 members in the Opportunity Area). If receipts within OA no longer pooled, member support would revert back to that required for individual wards. For new 2-member wards (post May 2022), requirement would be that</p>	<p>Established process</p> <p>Direct link with receipts / projects / ward members</p>	<p>Limited community involvement (mitigated in part by options for project identification above)</p> <p>Community disappointment if projects put forward by community not agreed.</p> <p>If wider geography, potential difficulty in achieving agreement with greater number of ward councillors</p>

Aspect / option	Description	Pros	Cons
	<p>both need to agree (where agreement of only one of two ward members is only forthcoming, the project would be presented to the Leader of the Council for a decision as to whether it should proceed, so as to avoid one ward member effectively having a veto).</p> <p>Note: 5% of borough wide NCIL will be allocated twice yearly and assessed on merit. (subject to ward member, Chief Planning Officer and Leader of the Council approval).</p>		
Option 2	Online vote of potential / shortlisted using engagement platform	Direct democracy	<p>Potential misalignment with corporate priorities</p> <p>Abuse of process.</p>
Option 3	Combination of options (linked with geography option) – local allocation / projects approved locally, wider allocation / projects approved by vote]	<p>Established processes / benefits of option 1 but also introduces greater community input / democracy</p> <p>Community input at a wider level would assist in mitigating risk of not achieving ward member support (where more ward members are involved)</p>	
F. Criteria	What criteria should we set for nominated NCIL projects? How narrow should the criteria be? Concerns have been expressed about the nature of the projects funded / links with wider priorities. See Appendix 4 for current criteria.		
Option 1 (Recommended)	Maintain current criteria (status quo) but strengthen the application of	Very broad – allows for a range of projects to be funded	Risk of straying beyond NCIL / infrastructure parameters

Aspect / option	Description	Pros	Cons
	<p>some elements with respect to project support and implications with respect to revenue budgets. See Appendix 3 for criteria.</p> <p>For any borough wide NCIL pot, criteria would be 'scored' against to determine relative merits of competing projects.</p>		
Option 2	Revise criteria – tightening them to more closely link with corporate priorities, priorities identified through online engagement (as examples)	Address concerns by stakeholders re nature of projects being funded	<p>If greater community involvement, tighter criteria may preclude some community projects.</p> <p>Early experience of current process identified benefits of more flexible criteria (reflected preferences of ward members, facilitated spend)</p>
G. Spend limits (max / min)	Should we set limits for NCIL project spending? If yes, what should the limits be? Linked to concerns with interaction with other funding sources (Ward Priority Funding) and process / resource requirements versus modest spend levels. See Appendix 1B for assessment of project values.		
Option 1 (Recommended)	Status quo – no upper or lower limits	Doesn't preclude projects based on value	<p>Administrative effort</p> <p>Double-up with Ward Priority Fund (i.e. targeted at small projects)</p> <p>Lacks meaningful scale / narrative – tangible / visible benefits</p>
Option 2	Set a lower limit - £5k (TBC)	<p>Less administration</p> <p>More meaningful impact</p>	<p>Potential link with minimum ward allocation</p> <p>May result in project cost inflation.</p>

Aspect / option	Description	Pros	Cons
Option 3	Set an upper limit		<p>May preclude positive projects where funding is available</p> <p>Would transfer pressure to undertake the project onto other funding sources (i.e. wider capital programme / Borough CIL etc)</p>
H. Unspent funds			
If funds are approved and allocated to a project but the project doesn't go forward and the funds remain unspent, what should happen to the funding? Perception that wards aren't spending funding (see Appendix 3 for analysis)			
Option 1 (Recommended)	<p>Funds automatically carry forward each year, but any carry-forward beyond two years of receipt must be accompanied by a full justification and agreed by the Portfolio Holder for Finance and Human Resources.</p> <p>Projects approved need to spend the majority of the budget within 12 months of approval (unless reflected in approved project application). Any carry-forward beyond two years of project approval must be accompanied by a full justification and agreed by the Portfolio Holder for Finance and Human Resources. Two year timeframe to start from the end of the financial year in which the receipt was received, not the date of receipt or agreement.</p>	<p>For wards with smaller receipts, allows the amount to grow into a more meaningful amount</p> <p>Not seen as a significant issue – see Appendix 1C for analysis</p>	Does not incentivise spend
Option 2	Use-it-or-lose it provision – say two years, unspent amounts go towards	Encourages spend	Pressure to spend may have unintended impacts / pressure

Aspect / option	Description	Pros	Cons
	broader geography or minimum allocation for wards (dependent on options above)		<p>Potentially results in poor quality projects.</p> <p>Potentially administratively resource intensive – monitoring / pushing for spend.</p> <p>Appendix 3 suggests limited issues with wards not spending receipts.</p>
I. Previously approved projects	Some concerns have been expressed about previously agreed projects and alternatives suggested. Currently no delegated authority to ‘defund’		
Option 1	Continue with projects as previously agreed	Reflects previous decisions / criteria etc	Projects may not reflect new administration’s preferences.
Option 2 (Recommended)	Enable new Leader of the Council or ward members (including new ward members) to express a view on previously funded projects / potentially defund those they don’t support (provided they haven’t started – including specific elements within an agreed project). Final decision to rest with the Leader of the Council.	Recognises that circumstances and priorities change, especially where a significant time has lapsed since projects were approved.	<p>Results in abortive work.</p> <p>Makes planning of projects difficult if approved funding can be subsequently removed.</p> <p>Undermines the link with local views as to how NCIL should be spent (fundamental principle of NCIL).</p> <p>May impact upon community expectations that previously agreed projects would go ahead.</p>

Aspect / option	Description	Pros	Cons
J. Management of NCIL allocation / spend process	How should we manage the NCIL allocations process and who should be in charge of the process going forward? Concerns about lack of clarity re process and responsibilities.		
Option 1 (Recommended)	<p>Improved version of current process (acknowledges issues with status quo)</p> <p>Single point of contact throughout the entire process (funding availability, project identification / development / application, engagement, delivery (relevant service area to be identified). This would be a discrete role funded using a 10% top-slice of NCIL balances / receipts as agreed by Cabinet in February 2020².</p> <p>The role of the Planning Service would remain in setting the NCIL process framework (i.e. this report) and assessment and approval of individual applications for funding, in consultation with the Leader of the Council).</p>	Would address issue where responsibility currently sits across two+ areas of the Council	
K. Engagement tools	If we choose to engage with the public in line with best practice, how should we go about doing this? Review represents opportunity to consider best practice elsewhere.		
Option 1	Status quo (no wider engagement / no use of technology)		No community input / represents minimum requirements under Government guidance

² See [Agenda for Cabinet on Thursday 13 February 2020, 6.30 pm – Harrow Council](#) (item 290)

Aspect / option	Description	Pros	Cons
			Public perception – no input into projects that are meant to benefit them / mitigate the impact of development in their area
Option 2	Wider engagement but with no formal process / mechanism	Somewhat increases community input to the process	Without a formal process there may not be much engagement from the community There would not be a formal process for collection of ideas or reporting on how ideas are responded to
Option 3 (Recommended)	Wider engagement (as per options above) using engagement platforms / formalised process. The council has invested in an online engagement platform (Engagement HQ) to facilitate wider engagement with the community, enabling nomination of NCIL projects.	Wider engagement (as above) Accessible Resource efficient compared to not using an online engagement platform Engagement platform in place (with scope for improvement / better usage)	Risk of digital exclusion (but potential mitigation)

Appendix 1A – Re-allocated NCIL balances to new wards / boundaries, based on area (A), cessation of pooled Opportunity Area fund and £100k cap for any ward balance

Former Ward	Balance y/e 21/22	Reallocation of OA back to individual wards (B)	Revised balance y/e 21/22	New Ward	Balance y/e 21/22	Balances over £100k to be allocated to borough wide NCIL pot	Balance y/e 21/22 - post £100k 'cap' (D)
Belmont	-£42,529.01		-£42,529.01	Belmont	-£43,393.38		-£43,393.38
Canons	-£28,552.59		-£28,552.59	Canons	-£10,204.70		-£10,204.70
				Centenary	-£40,645.11		-£40,645.11
Edgware	-£20,415.02		-£20,415.02	Edgware	-£24,819.04		-£24,819.04
Greenhill	-£125,520.20	-£176,281.48	-£301,801.68	Greenhill	-£200,142.47	-£100,142.47	-£100,000.00
Harrow on the Hill	-£65,426.96		-£65,426.96	Harrow on the Hill	-£97,537.48		-£97,537.48
Harrow Weald	-£12,487.25		-£12,487.25	Harrow Weald	-£21,196.73		-£21,196.73
Hatch End	-£6,749.27		-£6,749.27	Hatch End	-£5,949.49		-£5,949.49
Headstone North	-£13,563.15	-£35,328.30	-£48,891.46				
Headstone South	-£36,102.94		-£36,102.94	Headstone	-£59,052.90		-£59,052.90
Kenton East	-£2,385.27		-£2,385.27	Kenton East	-£6,254.20		-£6,254.20
Kenton West (C)	£2,509.26		£2,509.26	Kenton West	£2,156.21		£2,156.21
Marlborough	-£41,173.69	-£153,329.33	-£194,503.02	Marlborough	-£164,577.29	-£64,577.29	-£100,000.00
				North Harrow	-£38,533.48		-£38,533.48
Pinner	-£52,140.10		-£52,140.10	Pinner	-£62,276.79		-£62,276.79
Pinner South	-£112,606.61		-£112,606.61	Pinner South	-£118,966.91	-£18,966.91	-£100,000.00
Queensbury	-£34,802.86		-£34,802.86				
Rayners Lane	-£9,744.33		-£9,744.33	Rayners Lane	-£13,695.40		-£13,695.40
Roxbourne	-£101,882.70		-£101,882.70	Roxbourne	-£73,814.01		-£73,814.01
Roxeth	-£85,362.68		-£85,362.68	Roxeth	-£106,258.82	-£6,258.82	-£100,000.00

Former Ward	Balance y/e 21/22	Reallocation of OA back to individual wards (B)	Revised balance y/e 21/22	New Ward	Balance y/e 21/22	Balances over £100k to be allocated to borough wide NCIL pot	Balance y/e 21/22 - post £100k 'cap' (D)
Stanmore Park	-£88,004.68		-£88,004.68	Stanmore	-£93,968.87		-£93,968.87
Wealdstone	-£492.20	-£55,940.23	-£56,432.43	Wealdstone North	-£44,965.36		-£44,965.36
				Wealdstone South	-£93,882.18		-£93,882.18
West Harrow	-£55,445.18		-£55,445.18	West Harrow	-£35,778.40		-£35,778.40
Opportunity Area	-£420,879.35	-£420,879.35		Borough NCIL	£0.00	-£189,945.49	-£189,945.49
Grand Total	-£1,353,756.77		-£1,353,756.77		-£1,353,756.77		-£1,353,756.77

Notes:

- A. Methodology: the proportion (area) of each old ward within each new ward was determined using GIS, with the corresponding proportion of the old ward NCIL balance allocated to the new ward. For example, if New Ward (A) comprises 20% Former Ward (a), 75% Former Ward (b) and 5% Former Ward (c) then 20%, 75% and 5% of the NCIL balances of those former wards respectively would be allocated to New Ward (A).
- B. For the re-allocation of Opportunity Area balance (£421k) back into the four primary wards comprising the area, this was based on the proportion of each ward that made up the Opportunity Area, as follows: Greenhill (41.88%), Headstone North (8.39%), Marlborough (36.43%) and Wealdstone (13.29%).
- C. Kenton West has a deficit / no balance available due to multi-ward mobile CCTV project costing marginally more than was available within the ward.
- D. It is proposed the next £100k cap will be applied to year end balances for 23/24 as there has been a pause during 22/23 whilst review undertaken, so no opportunity to allocate funding.

Old / new wards: see [Old and New Ward Comparison \(arcgis.com\)](https://arcgis.com)

Appendix 1B – Assessment of NCIL project / bid values (in context of potential upper and lower limits for projects)

Total value of NCIL (spent / committed) (to 2021/22)	£1,951,526
Number of projects / applications	34
Average project value	£57,398
Smallest project value (contribution to larger multi-ward project)	£297
Second smallest project value	£1,248
Third smallest project value	£1,872
Largest project value	£299,000
Second largest project value	£211,424
Third largest project value	£158,360
Number of projects below £5000	6
Percentage of projects below £5000 (%)	17.65%
Number of projects below £10,000	8
Percentage of projects below £10000 (%)	23.53%

Note: the above figures represent total value of individual funding applications; there maybe several elements / projects within one funding application.

Relationship with Ward Priorities Fund:

- A £100,000 annual fund is available to support small-scale ward-level projects that have clearly evidenced resident and councillor support;
- Divided equally between each ward, £4,545 is available for each ward in 2022/23

Appendix 1C – unspent NCIL

- 6 out of 22 wards (pre-May 2022 boundaries) have not spent / allocated any NCIL, representing just under a quarter of wards
- NCIL receipts for the 6 wards that have not spent any NCIL total £269,165, an average of £44,860 per ward. The range is from £2,500 through to £113k for individual wards
- The £269,165 receipts for the 6 wards represent just over a quarter of unallocated NCIL receipts
- £68,322 of the £269,165 receipts (25%) for the 6 wards were received before 2020/21 (i.e. more than two years ago). This compares to 58% for all wards, indicating that receipt for the 6 wards have been more recent (75% of total) than the overall average (42% of total).

Details of details of the six wards with no NCIL spend (nor committed projects):

Ward (old boundaries)	Total receipts until end 2021/22	Total spend / committed to 2021/22	% spend	Total receipts older than two years (i.e. up until 2019/20)	Receipts to 19/20 as percentage of overall receipts
Belmont	-42,769	0	0.0%	-2,396	5.60%
Harrow Weald	-13,157	0	0.0%	-6,549	49.77%
Headstone North	-13,739	0	0.0%	-1,316	9.58%
Marlborough	-45,749	0	0.0%	-27,878	60.94%
Pinner South	-116,556	0	0.0%	-6,566	5.63%
Queensbury	-37,197	0	0.0%	-23,618	63.49%

Most of Belmont, Headstone North and Pinner South's receipts have been more recent (i.e. since 19/20), evidenced by the low percentages in the last column which shows the older receipts (those up until 2019/20) as a proportion of total receipts.

Appendix 2 – completed and committed NCIL projects (end of 2021/22)

Financial year	Description	NCIL	Actual or Committed	Ward	18/19 Actual Exp	19/20 Actual Exp	20/21 Actual Exp	21/22 Actual Exp	Outstanding commitment	Adjustments (A)	Revised Outstanding commitments
2018/19	Good Growth Fund - Lyon Road project mgt	75,000	Actual	OA	27,168	32,177	13,000	2,655	0		0
2018/19	Rayners Lane Triangle project	297	Actual	West Harrow	297				0		0
2018/19	Rayners Lane Triangle project	6,930	Actual	Roxbourne	6,930				0		0
2018/19	Wealdstone Square	299,000	Actual	OA		147,507	151,493		0		0
2019/20	Weald Village playground equipment	17,871	N/A	Wealdstone					17,871	-17,871	0
2019/20	Various infrastructure improvements	211,424	Actual	Canons		211,423			1	-1	0
2019/20	Various infrastructure improvements	134,642	Actual	Stanmore		108,316	6,615		19,711	-19,711	0
2019/20	Infrastructure, and streetscene improvements in vicinity of Wealdstone Town Centre	16,610	Actual	OA		176	12,000		4,434	-4,434	0
2019/20	Infrastructure and streetscene improvements around the Kings Road / Eastcote Lane junction	158,360	Actual	Roxbourne		140,072	16,364		1,924	-1,924	0
2019/20	Roxeth - Festive Lighting	25,966	Actual	Roxeth		13,305			12,661	-12,661	0
2019/20	Greenhill OA - Changing Places toilet	35,000	Actual	OA			35,000		0		0
2019/20	Wealdstone - Murals	60,000	Actual	OA			48,511	2,085	9,404	-9,404	0

Financial year	Description	NCIL	Actual or Committed	Ward	18/19 Actual Exp	19/20 Actual Exp	20/21 Actual Exp	21/22 Actual Exp	Outstanding commitment	Adjustments (A)	Revised Outstanding commitments
2019/20	Stanmore Ward - Safety and infrastructure improvement	32,431	Actual	Stanmore		8,627		475	23,329	-23,329	0
2020/21	Harrow Town War Memorial	31,900	Committed	OA			23,559		8,341		8,341
2020/21	Creation and establishment of a Longhorn cattle herd in Bentley Priory	32,860	Committed	Stanmore			15,000	10,000	7,860		7,860
2020/21	Stanmore Ward - Dennis Lane Traffic Calming	20,000	Committed	Stanmore				237	19,763	-19,763	0
2020/21	Stanmore Marsh and Brockley Hill Open Space	23,000	Committed	Canons					23,000		23,000
2021/22	Improvement of infrastructure in support of biodiversity and public amenity at Harrow's only wildlife Site of Special Scientific Interest (SSSI) – Bentley Priory.	10,400	Committed	Stanmore				2,945	7,455		7,455
2021/22	Lowlands - Installation Toddlers play area, Seniors play area and 2 table tennis	134,229	Actual	Greenhill				134,229	0		0
2021/22	Wealdstone – murals, features, festive lighting and artistic bridge improvements	103,000	Committed	OA				18,725	84,275		84,275

Financial year	Description	NCIL	Actual or Committed	Ward	18/19 Actual Exp	19/20 Actual Exp	20/21 Actual Exp	21/22 Actual Exp	Outstanding commitment	Adjustments (A)	Revised Outstanding commitments
2022/23	Wealdstone – murals, features, festive lighting and artistic bridge improvements	150,000	Committed	OA					150,000	-100,000	50,000
2021/22	Wealdstone NCIL – mobile CCTV camera	9,738	Committed	Wealdstone					9,738		9,738
2021/22	Headstone South - North Harrow Community Library lighting	2,000	Committed	Headstone South					2,000		2,000
2021/22	15 x Mobile CCTVs (11 wards)	105,030	Committed	Various					105,030		105,030
2021/22	Wealdstone - Infrastructure, and streetscene improvements in the vicinity of Wealdstone Town Centre	25,310	Committed	OA					25,310		25,310
2021/22	Refurbishment of Chandos Recreation Ground	18,707	Committed	Edgware					18,707		18,707
2021/22	Bins in Church Fields	1,872	Committed	Greenhill					1,872		1,872
2021/22	Bins in The Grove	3,120	Committed	Greenhill					3,120		3,120
2021/22	Harrow Arts Centre – Green Belt footpath and biodiversity enhancements	87,000	Committed	Hatch End					87,000		87,000
2021/22	Opportunity Area NCIL (Harrow Town Centre) - Harrow Town Centre Murals (4 murals) project	70,000	N/A	OA					70,000	-70,000	0

Financial year	Description	NCIL	Actual or Committed	Ward	18/19 Actual Exp	19/20 Actual Exp	20/21 Actual Exp	21/22 Actual Exp	Outstanding commitment	Adjustments (A)	Revised Outstanding commitments
2021/22	Kenton Lane Bridge (1 mural) project	20,000	Committed	Greenhill					20,000		20,000
2021/22	Pinner Hill Estate – restoration of Children’s Play Area project	25,000	N/A	Pinner					25,000	-25,000	0
2021/22	Roxbourne Park – Yeading Brook Path (seats / handrails) project	3,580	Committed	Rayners Lane					3,580		3,580
2021/22	Harrow on the Hill - Churchfields bins	1,248	Committed	Harrow on the Hill					1,248		1,248
Totals		1,951,526			34,395	661,603	321,542	171,351	762,635	-304,098	458,537

Notes:

A. As part of the NCIL review projects were reviewed as to whether they had been completed with an underspend, or not commenced / decision made not to proceed with the project. In both instances the previously committed funding that was no longer required was allocated back to the balance for the relevant ward. Table also reflects any amendments to NCIL projects reflected in the Q2 Revenue & Capital Budget 2022-23 report presented to Cabinet on 8 December 2022 (see item 74). [Agenda for Cabinet on Thursday 8 December 2022, 6.30 pm – Harrow Council](#)

Appendix 3 – Current CIL criteria (factual amendments highlighted in yellow)

Allocation Criteria

1. Does the proposed project satisfy CIL **Regulations/statutory spending requirements and is in accordance with the CIL government guidance** eg. is it legally compliant and in accordance with the Council's **Infrastructure Funding Statement (or former Reg. 123 list)**?
2. Does it demonstrate an alignment with the Council's Corporate Priorities and Strategy including that of the CIL/ Infrastructure Delivery Plan?
3. Does it unlock strategic or other development sites and/or support growth?
4. Are there no other planning / development related mechanisms able to be used to fund the project (i.e. through a planning obligation or a highways agreement)?

Neighbourhood CIL

5. Does the project reflect local priorities agreed after engagement with the local community in areas where the CIL is generated and does it benefit that area?
6. Does the project have ward member support? (Projects should be supported by at least two-thirds of relevant ward members **or for two member wards, both members**)

Additional Scoring / Weighting criteria

Service Plans

- A. Is it included in a departmental service plan?

Statutory

- B. Is it required to meet a statutory duty?

Local Plan

- C. Does it comply with relevant policies in the Local Plan? (Core Strategy, Harrow and Wealdstone AAP etc.)
- D. Is it included in an adopted plan or strategy, such as a Neighbourhood Plan?

Finance

- E. Does it draw in additional funding from other bodies, e.g. grants / donations, crowd-funding, volunteer time?
- F. Does it generate revenue savings / income for the Council?

- G. When is funding required? During the current financial year, next financial year, or in subsequent years?
- H. Have all other funding options been considered?
- I. Are there sufficient CIL funds available for the project?
- J. Is there an on-going revenue cost to the Council?
- K. For any bids to the NCIL – central (shared) fund, what is the balance of the relevant NCIL – ward fund/s and what has been the level of NCIL receipts and expenditure over the previous two financial years?
Individual NCIL – ward funds should be utilised first and wards that have limited NCIL income / expenditure will score higher against this criterion

Regeneration

- L. Does the project relate to a Council-led development which has paid or will pay CIL contributions and the proposed infrastructure benefits / supports that development?
- M. Does it demonstrate added benefit for the Borough, for example through using local businesses or developing skills of local people?
- N. Does it reduce or tackle inequality?
- O. Does it deliver Social Value?

Delivery

- P. What is the readiness to deliver? Capacity to deliver? How long will it takes to start?
 - (i) Up to 12 months (quick wins)
 - (ii) 12–24 months
 - (iii) 24+ months

Project Management

- Q. What is the quality of the supporting evidence base – programme, cost estimate, risk / issues, strength of business case?
- R. Has a feasibility study been undertaken (if required) and is the project deliverable within the proposed budget and timescale?

Environment

- S. Does it help improve the local environment and public spaces?

Community

- T. Does it benefit the wider community e.g. in terms of health and wellbeing?
- U. Is the proposal at least neutral with respect to impacts upon equalities groups? Positive impacts on equalities groups should be achieved where possible / relevant.

Note: The Neighbourhood CIL criteria will be utilised for assessing proposed NCIL – Central fund projects. This criteria may be amended through delegated authority if required.

Appendix 4 – Planning Policy Advisory Panel minutes from meeting on 3 October 2022 (Extract)

The Panel received a report and a presentation which set out the context, tasks and options associated with the proposed review of Community Infrastructure Levy (CIL) processes in the borough and invited Members' input.

The Community Infrastructure Levy (CIL) was a tax on new development that was used to fund the infrastructure required to support development in the borough and ensure that there was no detriment to infrastructure standards caused by intensified use of an area. The levy rates were charged in accordance with the Council's adopted CIL Charging Schedule (Sept 2013) with rates required to be set at levels that did not result in development becoming unviable.

CIL was allocated as part of annual budget setting process and was reflected in the Capital Programme every financial year. Two main types of CIL existed - Neighbourhood CIL (NCIL) and Borough CIL (BCIL) – the former spent a minimum of 15% of available CIL funds on projects that took into account the views of the local area in which development occurred, while under the latter spent the remainder of the funds anywhere in the borough.

The current CIL process was established 5 years ago (December 2017) and it was considered that there was scope for improvement, including:

- making best use of the available resources
- addressing recent boundary ward changes
- revising processes for identifying and agreeing projects focusing particularly on ameliorating current practices around consultations and online engagement tools
- revising allocations criteria
- reviewing responsibilities within the process to improve clarity and efficiency

In the discussion which followed Members raised a number of comments and questions which were addressed as follows:

- 1) In response to a comment on getting balance right between wards with substantial CIL funds and those with less so and whether any of these funds would be lost in the context of any broader, borough-wide approach to the allocation of NCIL, officers explained that the one approach used by other boroughs was to apply a combination approach and a thorough assessment would be undertaken of such an approach.
- 2) Officers were aware of the delay with replacing the bins on Churchfield Road and were working towards a resolution
- 3) In response to a question on what the key improvements would be, officers advised that these were yet to be determined and would be

subject to discussions with stakeholders. They emphasised that the purpose of the review was to accurately evaluate the current process and needs of the local communities and make optimal and most equitable use of the funds available, including where wards have not spent available NCIL and those where there is limited NCIL but potentially suitable projects. A member suggested that efforts should be made to help wards to spend their NCIL funds and any potential reallocation / sharing of funds should be within the same area / neighbouring wards.

- 4) With regards to a comment on finding the balance between appropriate allocation of funds and creating a more structured process for engaging with residents, the Panel was informed that the mechanisms for consulting on CIL projects would need to be varied to avoid detriment to residents (i.e. those without access to internet, or less formally organised than resident associations) and mitigate potential in order not to disadvantage residents and to minimise risks of digital exclusion. A member also suggested consideration would need to be given to the timing of projects being submitted, evaluated and allocated so that strong projects did not miss out simply because they came forward later than other projects.

The Panel thanked officers for their presentation.

RESOLVED: That the report and presentation be noted.