

 Brent	<p style="text-align: center;">Cabinet 22 May 2017</p> <p>Report from the Strategic Director, Regeneration and Environment</p>
For Action	Wards Affected: All
<p>Brent Neighbourhood Community Infrastructure Levy (NCIL) Priorities 2017-2020</p>	

1. Summary

- 1.1 The Community Infrastructure Levy (CIL) is a charge applied to eligible developments to help fund strategic (borough-wide) and neighbourhood infrastructure and address deficits that might otherwise be caused by development. Brent's CIL was formally introduced on 1 July 2013.
- 1.2 This report recommends strategic priorities for approval by Cabinet. These priorities will be set from 2017-2020 and will inform the expenditure of the neighbourhood element of the Community Infrastructure Levy (NCIL). Following approval by Cabinet, the invitation will be open for project proposals that align to these priorities and mitigate the impact of development on the local area. A summary of the findings of a six-week consultation to determine neighbourhood priorities can be found in **Appendix 1**.

2. Recommendations

- 2.1 Cabinet are asked to review and approve the recommended strategic priorities (2017-2020) for each CIL Neighbourhood. Principally:
- 2.2 **Harlesden CIL Neighbourhood:** Town Centre & High Streets, Transport & Roads, Community Spaces & Cultural Facilities
- 2.3 **Kilburn CIL Neighbourhood:** Community Spaces & Cultural Facilities, Transport & Roads, Town Centre & High Streets
- 2.4 **Kingsbury & Kenton CIL Neighbourhood:** Transport & Roads, Town Centre & High Streets, Parks & Open Spaces
- 2.5 **Wembley CIL Neighbourhood:** Transport & Roads, Town Centre & High Streets, Parks & Open Spaces, Community Spaces & Cultural Facilities
- 2.6 **Willesden CIL Neighbourhood:** Town Centre & High Streets, Transport & Roads, Community Spaces & Cultural Facilities

3. Neighbourhood CIL – Background

- 3.1 The CIL Regulations 2010 (as amended) stipulate that at least 15 per cent of CIL receipts generated must be spent on Neighbourhood Projects. Whilst the legislation does not prescribe a process for how Neighbourhood CIL is allocated, the expectation is that priorities for spend are agreed with the local community. A cabinet report outlining Brent's Neighbourhood CIL spend process was approved on 13 February 2017¹ and, as a result, Brent is divided into five 'CIL Neighbourhoods'; Kilburn, Kingsbury & Kenton, Wembley, Willesden and Harlesden.
- 3.2 A CIL Neighbourhood may also contain a Neighbourhood Forum with an adopted Neighbourhood Plan. In this case, up to 25 per cent of CIL funds collected from liable developments within the Neighbourhood Forum boundary, may be spent on priorities identified by the Neighbourhood Forum. There are currently four Neighbourhood Forums in Brent; Church End & Roundwood (The Unity Neighbourhood Forum), Harlesden, Kilburn and Sudbury Town Residents Association (STRA). The Kilburn Neighbourhood Forum falls within both the boroughs of Brent and Camden. STRA is currently the only Neighbourhood Forum with an adopted Neighbourhood Plan (July 2015). Neighbourhood Forum priorities will be outlined in their Neighbourhood Plan and set for the duration of the Plan, once adopted. A diagram showing the CIL Neighbourhood and forum boundaries is in **Appendix 2**

4. Consultation Methodology

- 4.1 Consultation to determine CIL Neighbourhood priorities for three years was carried out from 15 February 2017 to 30 March 2017. The consultation was publicised via outdoor posters over a four-week period and notifications were sent via social media by Brent Council and CVS Brent. Email notifications were also sent from the Brent database and BHP shared details of the consultation with their Resident Involvement team. Yammer was also used to promote the consultation internally with Brent staff.
- 4.2 In total 675 responses to the consultation were received - 648 online, and 27 paper copy responses.

5. Consultation Outcome

- 5.1 A summary of the consultation findings may be found in **Appendix 1**. The majority of respondents (96%) live in Brent and have done so for over 10 years (66%). The majority of responses submitted were from Kilburn CIL Neighbourhood (35%).
- 5.2 Most respondents (38%) were fairly satisfied with their local area overall. However, a significant number (12%) were very dissatisfied. The highest proportion of very dissatisfied respondents were from Wembley CIL Neighbourhood. Kilburn CIL Neighbourhood had the highest proportion of very satisfied respondents.

¹ <http://democracy.brent.gov.uk/ieDecisionDetails.aspx?AllId=24493>

Alignment to Corporate Priorities

- 5.3 Respondents were asked to choose up to three priorities for Neighbourhood CIL spend. The categories for selection aligned to the broad categories of strategic infrastructure spend outlined in Brent's Regulation 123 list. Respondents were also given the opportunity to suggest alternative priorities. A summary of the highest ranked priorities via consultation is below:

CIL Neighbourhood	Community Space & Cultural facilities	Parks & Open Space	Schools & Education	Town Centre & High Streets	Transport & Roads
Harlesden	✓			✓	✓
Kilburn	✓		✓		✓
Kingsbury		✓		✓	✓
Wembley	✓	✓		✓ (joint 1 st)	✓ (joint 1 st)
Willesden	✓			✓	✓

- 5.4 Four CIL Neighbourhoods selected Town Centres & High Streets as a priority. This aligns to the current corporate priority to invest in high streets, particularly with the introduction of Town Centre Managers, and provides an opportunity for communities to shape the improvement of their high streets directly. Four CIL Neighbourhoods also chose to invest in community & cultural facilities. Two CIL Neighbourhoods chose to invest in parks and open spaces and a range of suggestions to improve these was received.
- 5.5 All five CIL Neighbourhoods featured Transport and Roads as a funding priority. However, the comments received suggest it is important to distinguish between transport - which generally received positive comments and the maintenance of roads. Some initial project ideas relating to roads included the management of air pollution via community projects and schemes that benefit pedestrians, but the majority of comments related directly to repairing pavements or fixing potholes. The maintenance of roads and pavements is an ongoing requirement and cost borne by the council. There is a risk, however, given the limited pot of Neighbourhood CIL funding, that if it is used to maintain roads and pavements, the potential to use CIL for other neighbourhood priorities is limited. This risk and impact will be monitored and managed during the project shortlisting process.
- 5.6 Kilburn CIL Neighbourhood was the only area to select Schools and Education facilities as a priority. Comments on schools and education facilities related to the provision of good schools in the area and the pressure that additional housing development places on current school provision. School provision is a current corporate priority but also requires a significant investment and the availability of suitable land/sites. Whilst the need for school provision is recognised, given the relatively limited value of Neighbourhood CIL available in the Kilburn CIL Neighbourhood for community projects, it is recommended that Neighbourhood CIL is not used to fund the building or extension of schools, and this continues to be managed via other existing funding streams.
- 5.7 The recommended priorities for spend for each CIL Neighbourhood are, therefore, as follows:

Harlesden CIL Neighbourhood

- 5.8 Current CIL receipts in Harlesden CIL Neighbourhood are £98k. The top three funding priorities suggested by respondents are:
- I. Town Centre and High Streets
 - II. Transport & Roads
 - III. Community Space and Cultural Facilities
- 5.9 All three spend priorities were identified by respondents as being in the top three 'worst' features of Harlesden CIL Neighbourhood. Harlesden also had the highest proportion of residents who were fairly or very dissatisfied with their neighbourhood (54%). However, Harlesden also had the lowest response rate (12% of all responses).
- 5.10 Suggestions for additional areas to prioritise funding focussed on reducing antisocial behaviour and supporting young people. Given that these two project areas align to the broader categories of town centres and high streets and community space and facilities. It is recommended that the three funding priorities suggested via consultation are adopted.

Kilburn CIL Neighbourhood

- 5.11 Current CIL receipts in Kilburn CIL Neighbourhood are £580k. The top three funding priorities suggested by respondents are:
- I. Community Space and Cultural Facilities
 - II. Transport & Roads
 - III. Schools and Education Facilities
- 5.12 Kilburn CIL Neighbourhood had the highest response rate (35% of all responses) and also the highest satisfaction rates (48% fairly satisfied or very satisfied). Although community space featured as both the best and worst features of the Kilburn CIL Neighbourhood, where community space existed, this was valued. Subsequently the threat of closure and perceived lack of community space may have contributed towards its inclusion in the 'worst' category.
- 5.13 Although schools and education facilities featured in the top three priorities chosen by respondents, in light of considerations discussed in paragraph 5.6, it is suggested that the fourth ranked priority (Town Centres and High Streets) is used instead. Town Centres featured in the top three 'worst' features of the local area and a number of initial projects ideas were also received suggesting ways to improve High Streets. (None were received for schools). It is therefore recommended that the three funding priorities for Kilburn CIL Neighbourhood are Community Space & Cultural Facilities, Transport and Roads and Town Centres & High Streets.

Kingsbury & Kenton CIL Neighbourhood

- 5.14 Current CIL receipts in Kingsbury & Kenton CIL Neighbourhood are £407k. The top three funding priorities suggested by respondents are:
- I. Transport & Roads
 - II. Town Centre and High Streets
 - III. Parks and Open Spaces
- 5.15 Kingsbury and Kenton CIL Neighbourhood provided around 17% of all responses and 41% of respondents were fairly satisfied with the local area.

Parks & Open Space ranked amongst the best aspects of the Neighbourhood whilst, the town centre and Transport & Roads featured amongst the worst. However, the majority of initial project ideas centred around parks. It is therefore recommended that the three funding priorities suggested via consultation are adopted.

Wembley CIL Neighbourhood

- 5.16 Current CIL receipts in Wembley CIL Neighbourhood are £2.1m.² The top three funding priorities suggested by respondents are:
- I. Transport & Roads
 - I. Town Centre & High Streets (joint rank with Transport & Roads)
 - III. Parks and Open Space
 - IV. Community Space and Cultural Facilities
- 5.17 Wembley CIL Neighbourhood accounted for 16% of all responses received, however Wembley had the lowest proportion of respondents who were fairly or very satisfied (35%). The relatively high value of CIL receipts corresponds to the amount of development that is currently taking place in the Wembley CIL Neighbourhood. Parks and open spaces and community space ranked as the best things in the local area while transport and the town centre were amongst the worst things. The majority of initial project ideas centred around anti-social behaviour and waste management. Respondents have suggested four CIL priorities because Transport and Town centres were ranked equally. However, given the current high value of CIL receipts in the Wembley Neighbourhood and the amount of development that is taking place, it is recommended that all four funding priorities suggested via consultation are adopted.
- #### **Willesden CIL Neighbourhood**
- 5.18 Current CIL receipts in Willesden CIL Neighbourhood are £203k. The top three funding priorities suggested by respondents are:
- I. Town Centre and High Streets
 - II. Transport & Roads
 - III. Community Space and Cultural Facilities
- 5.19 16% of all responses were from the Willesden CIL neighbourhood. However Willesden CIL Neighbourhood has the second highest level of respondents who are fairly or very satisfied (46%).
- 5.20 Town centres and community spaces were amongst the amongst the worst features identified within the Willesden Neighbourhood and the majority of initial project ideas centred around creating or improving community space. It is therefore recommended that the three funding priorities suggested via consultation are adopted.

² In addition, Sudbury Town Neighbourhood Residents Association (STRA) has £15k (rounding) to spend within their Neighbourhood Forum boundary as their neighbourhood plan was adopted in July 2015. The STRA neighbourhood plan outlines the current priorities for CIL spend within neighbourhood forum area only.

6. Next Steps

- 6.1 Following approval by Cabinet, the invitation will be open for project proposals that align to these priorities and mitigate the impact of development on the local area. Proposed project submission dates are 30 June 2017 and 1 December 2017.
- 6.2 Project proposals for each CIL Neighbourhood will then be ranked according to how well they meet the shortlisting criteria by the Head of Planning and Lead Member for Regeneration, Growth, Employment and Skills, and a shortlist of projects to fund will be agreed.
- 6.3 A summary of the key milestones for implementing these proposals is in **Table 1**.

Table 1: CIL Allocation – Summary Timeline

Date	Neighbourhood CIL
30 Jun 2017	1 st Round Neighbourhood project proposals and shortlisting
1 Dec 2017	2 nd Round Neighbourhood project proposals and shortlisting
Apr 2018	<ul style="list-style-type: none">• Publish available funds and spend• Process Review

7. Financial Implications

- 7.1 At least 15 per cent of CIL receipts must be spent on local projects that mitigate the impact of development and are identified in consultation with local communities (capped at £100/dwelling each financial year). Where a Neighbourhood Forum has an adopted Neighbourhood Plan, 25 per cent of CIL receipts may be spent on local projects.
- 7.2 The value of CIL funds available to fund neighbourhood projects is dependent on the number and value of CIL liable developments in each CIL Neighbourhood. However Neighbourhood CIL is one of a range of funding streams that may support Neighbourhood Improvement projects and so, during the project submission stages, projects are also encouraged, where appropriate, to also seek funding from other sources to support their proposals
- 7.3 As of 6 April 2017, approximately £3.4m in Neighbourhood CIL has been collected by Brent Council from developers. **Table 2** shows the current distribution of funds received across all CIL Neighbourhoods:

Table 2: Neighbourhood CIL Receipts

CIL Neighbourhood	Fund received 04/17 (nearest £k)
Harlesden	98
Kilburn and Kensal	580
Kingsbury and Kenton	407
Wembley	2,100
Willesden	203
Sudbury Town (Neighbourhood Forum with adopted Plan)	15
Total	3.4m (Rounding)

- 7.4 The Planning Policy & Projects Team maintains a profile of all upcoming CIL liable developments; however, the due date of CIL payments is dependent on when development commences. Therefore, the biggest risks to financial planning are that even though a development may be CIL liable, there is still the risk that a development may be delayed, and the risk of late or non-payment of CIL instalments by developers. However to mitigate this, the ongoing monitoring of income and spend will remain the responsibility of the Planning Policy & Projects Team, and a summary CIL monitoring report will be produced annually.

8. Legal Implications

- 8.1 The Planning Act 2008, and CIL Regulations (2010) as amended, provided for local authorities to apply the CIL to support development. The Neighbourhood element may 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 an area (Reg 59c).
- 8.2 CIL spend is governed by Part 7 of the CIL Regulations and for any financial year in which CIL receipts are received, a report outlining CIL receipts and expenditure must be prepared and published on the council's website. (Reg 62a). However the CIL Regulations do not prescribe a process for agreeing how the neighbourhood portion should be spent. Whilst there is an expectation that communities are involved in this process (see DCLG Planning Practice Guidance), the use of existing community consultation and engagement processes, proportionate to the level of CIL receipts and the scale of any proposed development, is anticipated.

9. Diversity Implications

- 9.1 In compliance with the Equality Act 2010 and the Public Sector Equality Duty (PSED), the Council must, in the exercise of its functions, have "due regard" to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 9.2 The duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex and sexual orientation.
- 9.3 A summary of the equalities data collated from the CIL consultation is in Appendix 1. Whilst a significant proportion selected the 'prefer not to say' option, areas of under representation – particularly from black and minority ethnic (BME) groups and those under 24 years, may suggest that more targeted engagement may be required to encourage project proposals and support the development of proposals from these groups.

- 9.4 When considering, shortlisting and approving the use of CIL funds for projects, decision-makers must also ensure that due regard is given to PSED and each project that receives CIL funding will need to be assessed separately for any potential / likely diversity implications.

10. Staffing/Accommodation Implications (if appropriate)

- 10.1 None

11. Appendices

Appendix 1 – CIL Consultation Findings 2017

Appendix 2 – Brent CIL Neighbourhood Boundaries

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