



Cabinet
9 December 2019

**Report from the Assistant Chief
Executive**

**BRENT NEIGHBOURHOOD COMMUNITY INFRASTRUCTURE
LEVY (NCIL) PROJECTS**

Wards Affected:	All
Key or Non-Key Decision: (only applicable for Cabinet, Cabinet Sub Committee and officer decisions)	Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	One: Appendix 1 - Brent CIL Neighbourhood Boundaries
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Kate Lambert Partnership Funding Officer 020 8937 1170 kate.lambert@brent.gov.uk

1. Purpose of the Report

- 1.1 The Community Infrastructure Levy (CIL) is a charge applied to eligible developments to help fund strategic (borough-wide) and neighbourhood infrastructure related to development. Brent's CIL was formally introduced on 1 July 2013.
- 1.2 The NCIL scheme is a key driver of positive change in the borough within the context of the Brent Borough Plan, 2019-2023. As can be seen within the descriptions of the project proposals included in this report, NCIL projects cut across the five overarching themes of the Borough Plan, both through the broad scope of individual projects and through the diversity of projects funded through NCIL. The five overarching themes in the Borough Plan are: Every opportunity to succeed; A future built for everyone, an economy fit for all; A cleaner, more considerate Brent; A borough where we can all feel safe, secure, happy and healthy; Strong foundations.
- 1.3 This report requests that Cabinet approves the allocation of Neighbourhood CIL (NCIL) funds to one further community project from round one of the 2019/20 NCIL programme. **This was not included in the September 2019 report as we were awaiting quotations. When finalised the value rose above £100,000.**

2. Recommendations

2.1 To approve the NCIL allocation of:

- **£190,000** to support the improvement of Leybourne Open Space to be delivered by Brent Council

3. Neighbourhood CIL – Background

3.1 Brent's NCIL Programme has been a great success since its launch in 2017. Community groups, residents and stakeholders have been encouraged and supported to submit bids and, to date, over £7.8m of NCIL funds have been allocated to community infrastructure projects.

3.2 The CIL Regulations 2010 stipulate that at least 15 per cent of CIL receipts generated may be spent on neighbourhood projects, that is, infrastructure or anything else that is concerned with addressing the demands that development places on an area (capped at £100/dwelling each financial year).

3.3 Whilst the legislation does not prescribe a process for how NCIL is allocated, the expectation is that priorities are decided following engagement and consultation with the local community. As a result, Brent is divided into five CIL Neighbourhoods; Kilburn & Kensal, Kingsbury & Kenton, Wembley, Willesden and Harlesden.

3.4 Where a Neighbourhood Plan is in place, then up to 25 per cent of CIL collected from liable developments within the Neighbourhood Plan boundary may be spent on neighbourhood priorities. There are two adopted Neighbourhood Plans in Brent; Sudbury Town and Harlesden. A diagram showing the CIL Neighbourhood and Forum boundaries is in **Appendix 1**.

3.5 All shortlisted NCIL projects must be aligned to at least one of the Neighbourhood Priorities identified via consultation (January 2019). A summary of the current NCIL priorities is in **Table 1**:

CIL Neighbourhood	Community Space & Cultural facilities	Parks & Green Space	Town Centre & High Streets	Transport & Roads
Harlesden	✓	✓	✓	✓
Kilburn & Kensal	✓	✓	✓	✓
Kingsbury & Kenton	✓	✓	✓	✓
Wembley	✓	✓	✓	✓
Willesden	✓	✓	✓	✓

3.6 Applications for NCIL funds are allocated twice a year. The last round closed on 30 June 2019. All projects are assessed on how well they meet the NCIL shortlisting criteria by the NCIL panel, consisting of the Cabinet Member for Regeneration, Properties and Planning; the Operational Director of Regeneration, Growth and Employment, Planning Transport and Licensing; the Head of Strategy and Partnerships; and a backbench councillor. All projects that meet the shortlisting criteria will receive a provisional offer of funding as

Table 2 – Leybourne Open Space provisional milestones

long as NCIL funds are available and Brent Council's terms and conditions of grant funding are met. Following shortlisting by the panel, any request for NCIL funds over £100,000 in value must also receive final approval from Brent's Cabinet.

- 3.7 Eight projects were shortlisted by the panel in August 2019 that were greater than £100,000 in value and were approved by Cabinet in the September 2019 meeting.
- 3.8 In addition, the project in this report was shortlisted by the panel pending additional quotations from the Parks Service. This raised the value of this project to above £100,000 requiring approval by cabinet.
- 3.9 The shortlisting criteria for all NCIL projects are as follows:
- Meets the terms of the CIL Regulations (2010) as amended
 - Evidences community backing
 - Addresses the demands that development places on an area
 - Reflects the strategic priorities of the Council & CIL Neighbourhood
 - A one-off scheme that does not require additional revenue funding in its delivery or its operation (or identifies how additional revenue funding may be met)
 - Benefits a diverse Brent community
 - Offers value for money
- 3.10 The project that Cabinet are asked to consider was submitted by Leybourne Open Space in conjunction with the parks team. The improvement of parks and green spaces will help address the demands that development places on local communities.
- 4. Leybourne Open Space**
- 4.1 Leybourne Open Space sought funds to reduce antisocial behaviour and illegal fly tipping in the area through renovation to the Open Space.
- 4.2 The improved area will provide:
- A barrier to protect the grass area and reduce fly tipping
 - A pathway which will be part pedestrianised to allow joggers and walkers to utilise
 - Further plants and shrubs to improve the area attracting more people to use the space
- 4.3 Leybourne Open Space are a volunteer group who have applied in conjunction with the Parks Team to deliver.
- 4.4 A summary of the provisional milestones for implementing these proposals is in **Table 2**.

Programme Milestone	Estimated Completion Date
Start of Fencing works	March 2020
Start of Paving works	April 2020
Completion of works	August 2020

4.5 The total project cost has been calculated as £190,000 which is the total NCIL contribution. This is based on quotations gained by the Parks Team.

5. Financial Implications

5.1 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. As of 1 May 2019, approximately £9.4m was available to fund NCIL projects. Cabinet is asked to approve the use of £190,000 to fund one further NCIL project.

5.2 This will raise the total value of cabinet approved projects to £1,661,608 for R1 201920.

5.2 Regular project monitoring will be conducted by the Council's Partnerships & Engagement Team.

6. Legal Implications

6.1 The Planning Act 2008, and CIL Regulations 2010, provide for local authorities to apply the CIL to infrastructure 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. 59F).

6.2 CIL spend is governed by Part 7 of the CIL Regulations. For any financial year in which CIL receipts are received, a report outlining receipts and expenditure must be prepared and published on the council's website. (Reg. 62).

6.3 Government Guidance (2014, as amended) states that the Council must engage the community where development has taken place and accordingly, agree with them how best to spend the funding. The use of neighbourhood funds should match the priorities expressed by the local communities.

7. Equality Implications

7.1 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.

7.2 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.

7.3 An Equality Analysis (EA) of the NCIL programme was completed in December 2018. The overall assessment is that Brent's NCIL programme has a positive impact on equality. Each project also completes an initial screening of the likely impact of their plans on the protected characteristics. The increase in high quality community facilities in the borough is likely to have a positive impact on all protected characteristics, however each of the projects will be asked to provide confirmed milestones for the refurbishment including a plan for how to manage any potentially negative impacts on particular characteristics whilst refurbishment work is taking place.

8. Consultation with Ward Members and Stakeholders

8.1 The Cabinet Member for Regeneration, Properties and Planning is a member of the NCIL shortlisting panel, and has been consulted throughout the process. Letters of support from stakeholders (including ward members) were also received with the NCIL applications.

9. Human Resources / Property Implications (if appropriate)

9.1 The Parks Service will deliver this project.

Report sign off:

Peter Gadsdon
Assistant Chief Executive