

MEMBER GUIDANCE – Camden Local CIL spending system (May 2019).

1. Introduction

25% of the Camden Community Infrastructure Levy collected in each ward will be spent in the local area, under a ward member-led spending system. Government guidance on Neighbourhood CIL spending requires it to ‘support the development of the area’. Ward members are responsible identifying local priorities for spending local CIL, and then for allocating local CIL funds to deliver local projects on an ongoing basis. The delivering organisation or service would then be responsible for drawing down the funds from the Council when they are needed.

This pack explains how the local CIL spending system will work, including how to allocate local CIL funds. Separate guidance on the local CIL priority setting process has also produced (which is included with consultation documentation – this priority setting process will then inform the process of allocating and spending local CIL funds as set out in this guidance.

If you have any questions about this guidance or the local CIL spending system generally, please contact officers at: CIL@camden.gov.uk

2. A Quick overview of the system

STAGE 1: CIL SPENDING PRIORITIES ARE IDENTIFIED

- The priorities are identified every three years and informed by public consultation. This was most recently carried out in late 2018 to inform establishment of a new set of ward priorities in 2019
- The Priorities (and any key projects to deliver those priorities) for each ward are identified by ward members following this consultation and then agreed by the Cabinet member for Investing in Communities (CMIC) will be displayed on the Camden web site.
- These priorities should help to inform individual funding allocations in subsequent years

STAGE 2: WARD MEMBERS MAKE APPLICATIONS TO ALLOCATE FUNDS

- Officers report will quarterly on the amount of local CIL collected and available for allocation. Members are able make applications to allocate available local CIL funds to projects;
- Application forms need to be submitted for specific projects by a ward councillor. Forms could be prepared by a Camden officer or others where agreed with the ward member (for example if a project is being delivered by a Camden service).
- Applications will be assessed by officers against agreed funding criteria.

- Unchallenged decisions complying with funding criteria are taken by officers.
- Where there is a Member linkage to project, the allocation is challenged by a Member or does not comply with the criteria the decision is taken by the Director of Regeneration and Planning in consultation with Cabinet Member for Investing in Communities.
- Funding decision published on website

Further details on the allocation process are provided in Section 3 below.

STAGE 3 FUNDS DRAWN DOWN AND SPENT BY PROJECT MANGER

- Project manager applies to draw down funds when the relevant project is ready to be delivered and signs the Council's terms & conditions for release of funds.
- Funds are released to project as needed.
- Delivery of projects will be monitored by officers in the Infrastructure and Growth Team.

3. Making an application to allocate local CIL

Applications to allocate local CIL will need to be submitted on a standard form which can be download from the [Camden CIL page](#). The form contains a number of standard questions which are designed to secure enough information to allow a proper consideration to be undertaken. These forms should be submitted to CIL@camden.gov.uk and will need to be submitted from a Camden Member's email account.

Key Project information

An application to allocate local CIL will be unable to be taken forward unless:

- There is a clear description of the project outlining how much money is likely to be needed and for what purpose.
- Every party with a legal interest in or responsibility over the land / buildings where the project will be undertaken agrees to it taking place.
- Sufficient local CIL funds have been collected in the ward and are available to deliver the project / the relevant part of the project.
- A project manager or party has been identified who is responsible for delivering the project.
- There is a clear timetable for the delivery of the project and there is a deadline for the funds to be spent.

Assessment criteria for proposed CIL allocations

All applications will be considered against the following criteria and some explanation will be needed of how these are met:

- How does it support growth/ address the impacts of development in the area? Support for the development of the area is a prerequisite for the spending of local CIL.
- Who will benefit from the project and how does it reduce or tackle inequality? Projects should be of benefit to local people, and tackling inequality is a core principle of the Camden Plan.
- For facilities and services how does the proposal promote equality of access? This will be necessary to ensure funding for facilities and services provide equality of access.
- Is there an ongoing revenue cost (to Camden or otherwise) which has not been met through the project funding, and how will this be addressed? There will need to be a clear approach to addressing any ongoing revenue liabilities.
- Will the project affect Camden service provision or impose other costs on the Council? Projects which could bring negative impacts on service provision or budgets should be avoided.
- Is it included in an adopted plan or strategy or a Neighbourhood Plan?
- Is it an identified local priority?
- Is the project receiving funding from elsewhere?
- Does it have the support of all ward members or does one of the members have a connection with the project? Where not, cases will be taken to the Cabinet Member for Investing in Communities for consideration.

Choosing your projects for local CIL allocation. The CIL collection process is quite lengthy and it is not always certain when the funds will be received from developers. Therefore, only the local CIL which has been cleared through the Council's accounts will be available for ward members to allocate. With this in mind then any local CIL allocations should not exceed the amount of (unallocated) money which has been collected. Given that consultation has been carried out on the local CIL funding priorities it is expected that the funding allocations should usually relate closely to these priorities. As set out in Section 5 below, additional support will be put in place for wards with larger local CIL balances, including the use of spending delivery plans (where balances are over £200,000) and spending boards (where balances are over £500,000).

Deciding who should deliver the project. It will be important to identify a responsible delivery organisation / body (and wherever possible a Project Manager) at an early stage in the allocation process. This party will be responsible for the day to day management of the project including any procurement of good / services and the funds would be released to them when needed. They would need to be in a position to ensure that the project can be delivered. The Infrastructure and Growth Team can provide planning advice and support to the Project Manager where necessary to ensure smooth progression of the project.

The Project Manager could be a member of a community organisation or an officer within a Camden Service depending on the nature of the project.

Projects that need to be delivered by Camden Council: It is likely that any projects carried out in the public realm/on Council-owned land would need to be designed and delivered by or in conjunction with Camden services and may need to be fitted around their existing work plans and take account of existing staffing levels. The costs of any feasibility or design work, as well as project management, will need to be funded as part of the local CIL allocation. These factors will affect the nature, timescales and cost of projects. If you need advice any about who to propose as a Project Manager, please contact us prior to the submission of your local CIL Allocation Form at CIL@camden.gov.uk

4. Project assessment / sign off

Initial assessment by Camden officers. On receipt of the local CIL Allocation Form we will record each project on a database and assign an officer in the Infrastructure and Growth Team (the case officer) who will oversee the progress of your funding application. The case officer will carry out the initial assessment of the allocation as to whether there is enough information to proceed with the allocation and will provide general assistance to help the project move forward, but the day to day management of the project will need to be undertaken by the project manager. The initial assessment of a project may involve discussions between the case officer, project manager, and the sponsoring members to establish how the project is to be delivered and to what timescale before any funds are allocated.

Once the case officer has secured sufficient information for it to be clear that the project is deliverable and that it broadly meets a range of standard criteria, the funding application will be taken forward for a decision, according to the arrangements set out below.

Agreement / sign off of funding allocation

It is anticipated that, in most cases, applications to allocate local CIL will be determined by officers in line with the financial scheme of delegation. However, there are also instances where consultation with the Cabinet Member for Investing in Communities will be required.

This is discussed further below.

Cabinet Member informal agreement or formal sign off:

Decisions to allocate local CIL funds will be referred to the Cabinet Member for Investing in Communities for their informal agreement or formal decision if either:

- i) Any member in the ward has either a financial or non-financial interest in the proposed recipient organisation, as set out in the Code of Conduct; or
- ii) Another member objects to the application or there is a clear conflict with Camden service delivery.

As elected representatives of their communities, a key part of any Ward Member's role will be to support or become involved with local stakeholder and community organisations. However in order to maintain public confidence the Council's processes for allocating local CIL funds should be seen as fair and transparent. Therefore the application form for allocations will ask the member completing the form if they are aware of any financial or non-financial interest they or any other members in the ward have in the organisation to which the application relates. In answering this question Members are advised to consider the Member Code of Conduct and the importance of public perception. To maintain transparency the decision making report for the allocation of the local CIL funds will include a specific section setting out the nature of the member involvement as disclosed in the application form.

There may also be cases where ward members or a cabinet member objects to a funding allocation or where there is a clear delivery issue / conflict with the spending criteria or Camden service provision. Where it is clear a project can be delivered such cases would be reported to the Cabinet Member for Investing in Communities for consideration. It will be at the discretion of the CMIC whether the decision should be delegated to the Director of Planning and Regeneration or should be a formal Council decision.

Formal Decisions made by the Cabinet Member for Investing in Communities would be a non-key Executive Decisions which would be published on the Camden website and included on the Forward Plan. Decisions may need to be grouped together and taken periodically, depending on the number and frequency of any cases that arise. Should the Cabinet Member for Investing in Communities have an interest in the recipient organisation, then the decision will be referred to the Leader of the Council.

Sign off by officers:

If there is no interest identified nor any objections to what is proposed then the allocation will be decided by the Director of Planning and Regeneration and other officers in line with the Financial Scheme of Delegation. Decisions to allocate funds will be based on a short report with the decision published on the Camden website so that it is clear what the local CIL funds are to be spent on.

Notification and publicity of local CIL allocations decisions. Once an allocation of local CIL has been signed off by officers or by the Cabinet Member for Investing in Communities, the project manager and ward members will be emailed by the case officer notifying them of what has been agreed and any spending deadlines for the allocation. Details of this decision will also be published on the Camden website. Once an allocation has been agreed the project manager will then be able to draw down the funds when they are needed. To do this the project manager will need to sign Camden's standard terms and conditions.

5. Approach in wards with significant local CIL funds

In wards where large amounts of local CIL have been collected, coordinating what the funds should be spent on and ensuring projects come forward at a reasonable rate can be quite complex and time consuming. This is particularly the case for capital projects such as open space and highway works, which are not always straightforward in terms of planning and implementation, and delivery may depend on the availability of sufficient resources within the relevant Council services. The production of priority lists should help to facilitate spending in these wards by providing guidance for future decision making which should help to manage community expectations. However in addition to this the following measures will be used to ensure the effective selection and delivery of local projects:

Ward spending delivery plans: In wards where the current local CIL balance exceeds (or is imminently expected to exceed) £200,000, a delivery plan will be produced setting out how the priorities / projects in the relevant ward will be delivered, including timing / chronological order of funding and who will be responsible for delivering each project. Given the role of the Council in monitoring and, in many cases, directly delivering the projects, officers would be closely involved in the preparation of these delivery plans alongside ward members.

Ward members and officers would then be able to use the delivery plans to monitor the progress of individual projects. The day to day management of individual projects, including any procurement, will be carried out by the project manager who will be identified and appointed through the funding allocation process.

Ward based spending boards: To support ongoing management / monitoring of local CIL spending it is proposed that CIL spending boards be established for wards which hold over £500,000 in local CIL funds. These would be attended by ward members and arranged by officers from the Infrastructure and Growth Team and attended by other services if this felt to be helpful. These boards could discuss both the development of new priority lists and discuss delivery plans and ongoing progress on spending. The engagement of the Neighbourhood Forums in these boards would be at the discretion of the members of the affected ward. The staff cost of arranging these boards and generally programme managing all the projects would be paid for out of the CIL admin fee. The detailed design of projects, feasibility and procurement, and day to day management of individual projects would need to be funded from the local CIL allocation to that project, and factored into the amount of local CIL which is allocated.

Identification of projects by officers: In many cases projects will need to be delivered by Camden services and fitted around existing service delivery. Therefore in some instances it may be appropriate for Camden services to identify projects which address the local CIL investment priorities. These projects would be developed in consultation with the relevant ward members. This approach would

also assist in situations where a project serves a number of neighbouring wards and the funds from a number of wards may need to be pooled to fund the project.

6. Intervention of officers and the Cabinet Member for Investing in Communities

To ensure the successful operation of the local CIL spending system in delivering local benefits, ward members would be expected to engage in the development of new priority lists, to engage in the allocation of local CIL funds to projects, and to participate in the production of spending delivery plans / spending boards where applicable. If ward members do not make sufficient progress in allocating funds or engage in this process, the Cabinet Member for Investing in Communities will decide with officer advice on the identification of priorities and the allocation of funding to projects within that local area, in consultation with the relevant members and having regard to the adopted local CIL priority list for the ward and the local CIL selection criteria.