

Call in - Allocation of Local Community Infrastructure Levy funding

On 11 December 2018 Cabinet resolved:

1. That the commitment to spending the funds collected to end of financial year 2017-18 (as detailed in paragraph 37 of the report) as the 25% neighbourhood portion of the community infrastructure levy within each community council area in which it was collected be agreed and that this funding be committed on the basis of the cabinet decision made in March 2015.
2. That the submission from each community council be noted and that officers be instructed to undertake further consultation with the community councils.
3. That funding be released and allocated to the priority projects put forward by the community councils for projects within the existing council capital programme as listed in Appendix 1 of the report.
4. That officers be instructed to develop projects that are currently on the council plan but not yet included on the capital programme and report to cabinet in April 2019.
5. That it be recognised that the current system of community infrastructure project lists should be improved in order to make it more transparent and that officers be instructed to work with the community councils to develop community investment plans for each area to prioritise the allocation of funding collected 2018-19 and to allocate unspent CIL generated pre-2017-18.
6. That officers report back to cabinet in April 2019 setting out the proposed process for the consultation and implementation of community investment plans.

I would like to call-in this decision because I believe there is evidence that the decision maker may not have taken the decision in accordance with the principles of decision making as set out in the constitution.

In particular, I believe that the decision to release funding and allocate it to the priority projects listed in Appendix 1 of the report does not maintain the link between strategy and implementation and does not have reference to the relevant policy framework.

The Constitution sets out in section 3H that Community Councils are responsible for adding projects to the Community Project Banks, to which Community Infrastructure Project Lists (CIPLs) are the successor. In July 2017 Cabinet agreed that the community councils were to prioritise projects on their CIPLs and submit these prioritised lists to Cabinet for final

decision making. The list of projects submitted to Cabinet for agreement in Appendix 1 is not the list of projects agreed by the relevant Community Councils. Instead it is an edited list, containing only those projects put forward by community councils that are already:

- in the Council Plan
- included within the Capital Programme
- support a Fairer Future commitment
- be affordable and
- Feasible

As a particular example of this, the top priority for the Borough & Bankside ward (a pedestrian crossing at Upper Ground), which was formally agreed and minuted by the Borough, Bankside and Walworth Community Council in March 2018 to be taken forward to Cabinet for approval, is not included in this Appendix.

Given that Community Councils have the well-established responsibility for adding projects to the CIPLs and making prioritisation recommendations to Cabinet for allocation of the neighbourhood portion of CiL to those projects, failing to present Cabinet with the full prioritisation recommendations of the Community Councils represents a failure to maintain the link between strategy and implementation. It is also outside of the policy framework agreed by Cabinet in July 2017 regarding the allocation of the neighbourhood portion of CiL.

In addition, as members who sit on Community Councils were not informed that their prioritisation of projects would not be presented to Cabinet as resolved and were not given the opportunity to challenge this, the decision does not meet the principle of a presumption in favour of openness.

Furthermore, I believe that the decision to change the current system of CIPLs in the manner detailed in the report on which the decision is based, by ensuring that in future only projects which are:

- in the Council Plan
- included within the Capital Programme
- support a Fairer Future commitment
- be affordable and
- Feasible

should be included on the community investment plans (which are proposed to replace CIPLs) does not have appropriate reference to the national policy framework relating to spending the neighbourhood portion of CiL.

The statutory guidance relating to spending the neighbourhood portion of CiL, to which local authorities must by law have regard, clearly states that any consultation on spending the neighbourhood portion of CiL should be done at the neighbourhood level. Requiring all projects which receive funding from the neighbourhood portion of CiL to already be in the Council Plan effectively removes any opportunity for local people to propose projects that would promote growth at the neighbourhood level but which are not already in the Council

Plan or capital programme. This takes the power to spend CiL away from local people and gives it to council officers to plug gaps in funding for existing projects, in direct contravention of the statutory guidance which states “The use of neighbourhood funds should therefore match priorities expressed by local communities”¹

¹ <https://www.gov.uk/guidance/community-infrastructure-levy#spending-the-levy>