

<b>Item No.</b> 13.	<b>Classification:</b> Open	<b>Date:</b> 17 July 2012	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Community infrastructure levy (CIL) Preliminary Draft Charging Schedule	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Peter John, Leader of the Council	

## **FOREWORD – COUNCILLOR PETER JOHN, LEADER OF THE COUNCIL**

The Council is proposing a preliminary draft Community Infrastructure Levy for Southwark that has sought to balance promoting sustainable growth and securing the necessary contributions toward infrastructure across Southwark. The rates have been developed to ensure viability and development is maintained and improvements across the borough as a whole can be delivered. CIL treats developers equally, giving prospective developers certainty over what rates to pay where while ensuring the Council has the resources to support growth in Southwark and deliver a fairer future for all.

Our next step will be three months of consultation with the public and local stakeholders before undertaking a second stage of consultation on the draft schedule at the year of the year.

## **RECOMMENDATIONS**

That cabinet

1. Approves the community infrastructure levy (CIL) preliminary draft charging schedule (Appendix A) for public consultation.
2. Notes the draft infrastructure delivery plan (Appendix B), the equalities analysis (Appendix C) and the consultation plan (Appendix D).

## **BACKGROUND INFORMATION**

3. The Community Infrastructure Levy (CIL) is a new levy that local authorities can choose to charge on new developments in their area. The money can be used to support development by funding infrastructure that the council, local community and neighbourhoods want. The benefits are increased certainty for the funding and delivery of infrastructure, increased certainty for developers and increased transparency for local people.
4. The Planning Act 2008 provides that London borough councils are charging authorities for the purposes of the Community Infrastructure Regulations 2010. If intending to apply the levy, charging authorities must produce a document called a charging schedule which sets out the rate for their levy. These rates must be supported by an evidence base including:
  - An up-to-date development plan

- The area's infrastructure needs
  - An overall assessment of the economic viability of new development
5. Once adopted, the levy is a mandatory charge levied on most new developments that involve an increase of 100sqm or more of additional floorspace or that involves the creation of a new residential unit. The charging authority can set one standard rate or it can set specific rates for different areas and types of development. In setting rates, a charging authority is required to strike a reasonable balance between the need to finance infrastructure from CIL against the impact of CIL on the economic viability of development across its area. The charging rates and zones which Southwark is proposing are set out in Appendix A.
  6. Some developments are exempt from paying the levy. These are developments of affordable housing and developments by charities of buildings used for charitable purposes.
  7. It should be noted that in London's case, the Mayor is also a charging authority. The Mayor has introduced a CIL to fund Crossrail. The Mayor's levy is £35 per square metre, with a limited number of exceptions. Southwark collects this levy on behalf of the Mayor.
  8. S106 planning obligations will continue to play a part in delivering local site specific improvements such as public realm or transport, which are needed to make the particular development acceptable in planning terms. Affordable housing will also continue to be delivered through s106 planning obligations.
  9. However, from April 2014 or the adoption of a CIL Charging Schedule, planning obligations will no longer be used as the basis for a tariff to fund infrastructure. Local authorities will not be able to pool more than 5 obligations to fund a single item of infrastructure. Currently, the council uses standard charges set out in its s106 Planning Obligations SPD to pool contributions for infrastructure such as new schools places, strategic transport infrastructure, open space, leisure facilities and health facilities. From April 2014, this approach will no longer be permitted. The council must bring a CIL into effect before this date if development is to continue to contribute to strategic infrastructure which is needed to promote growth and development in its area.
  10. The council is proposing to update its s106 Planning Obligations SPD on the same timeline as preparing the CIL. The revised s106 Planning Obligations SPD would supersede the existing SPD and provide detailed guidance on the use of planning obligations alongside CIL. It is anticipated that the council will consult on a draft revised s106 Planning Obligations SPD later in the year to coincide with the second round of consultation (on the draft CIL Charging schedule) rates.
  11. The purpose of CIL is to help fund infrastructure which supports growth in the borough. Infrastructure is defined in the Regulations to include: roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities and open spaces.
  12. In conjunction with preparing a CIL charging schedule, charging authorities should also prepare an infrastructure plan setting out strategic infrastructure required to support growth over the period of the council's local plan (in Southwark's case the core strategy period of 2011-2026). Southwark's draft infrastructure plan (IP) is set out in Appendix B. The infrastructure set out in the

IP is not an exhaustive list. It is intended to be a living document which can be updated regularly. Omission of infrastructure items from the list would not preclude such items being funded in the future through CIL. Nor does the IP commit the council to spending the amounts set out in the plan.

13. Because the purpose of CIL is to support growth rather than mitigate impacts of specific developments, it can be used more strategically than s106 contributions. A protocol for governing expenditure will be prepared in due course.
14. Under the Localism Act, the council must identify a 'meaningful proportion' of Southwark CIL that will be spent in the local area to ensure that those people affected by development see some of the benefit. This allocation would be made using the community infrastructure project list (CIPL) which may be based on a recently revised project bank list. This would be updated every year with consultation with the community councils and planning committee to ensure it reflects local needs. During 2012, the government will provide further detail about the level of the "meaningful proportion" of CIL that should be spent locally.
15. This is the first stage of consultation on the CIL charging schedule. The council will consider all comments made on the preliminary draft charging schedule before publishing its draft charging schedule in December 2012. The council will invite representations on its draft charging schedule before submitting it to an independent planning inspector for an examination in public. It is anticipated that the CIL will be brought into effect in 2013.

## **CONSULTATION**

16. The Community Infrastructure Levy Regulations 2010 and our Statement of Community Involvement (SCI) 2007 set out consultation requirements for planning documents.
17. The consultation plan (appendix D) sets out the consultation that will be carried out on the preliminary draft charging schedule. The SCI requires consultation over a 12 week period, comprising a period of informal consultation, followed by a 6 week period of formal consultation. Formal consultation on the preliminary draft charging schedule will take place between 5 September and 17 October 2012. As well as making the document available on the web and in local libraries, the council will write to around 3000 consultees in the Planning Policy team's database and officers will be available to attend meetings as required. The document will be publicised at community council meetings and an event will be held with developers to raise awareness about CIL.

## **KEY ISSUES FOR CONSIDERATION**

18. The CIL regulations specify that in setting their levies charging authorities must strike balance between the desirability of securing funding for infrastructure and the potential effects, taken as a whole, of the imposition of CIL on the economic viability of development across their areas. Levies must also take into account the requirement to pay the Mayoral CIL and should also consider impacts on planning policies, including the requirement to provide affordable housing.
19. The CIL levy rates and charging zones proposed by the council have been informed by an economic viability appraisal encompassing a series of viability appraisals of sites around the borough. The number of proposed zones and their locations reflect broad value ranges.

20. With regard to residential development, the appraisals generally suggest that development in the north of the borough (north of Union Street, Snowsfields and Jamaica Road) generates higher values which in turn would justify a higher residential CIL levy in these zones. Moving southwards, a separate zone is proposed comprising areas around Elephant and Castle, Bermondsey Spa, Canada Water, Camberwell, Nunhead, East Dulwich and Dulwich. The appraisals suggested that developments in this area would generally be able to support a CIL of £250 per square metre. This is consistent with the s106 tariff level recently agreed in the Elephant and Castle supplementary planning document (the CIL, when brought into effect, will replace the Elephant and Castle SPD tariffs).
21. A further residential zone is proposed around the Aylesbury estate, Burgess Park, Peckham and Old Kent Road. Many of the development sites tested in these areas were unviable at current values which would justify a lower CIL levy. The council currently negotiates around £130 per square metre through s106 agreements. The proposed CIL levy in this zone of £50 per square metre is lower than the current rate. However, when the Mayoral CIL of £35 per square metre is added and some allowance made for site specific s106 planning obligations, the effect of CIL should be broadly neutral.
22. The boundaries of the residential zones have been informed by post code data on house prices which show average value bands and broad geographical breaks between areas. The majority of the residential developments which were subject to the viability appraisals were viable developments and would support the proposed CIL charges. Those developments which were currently unviable, would remain unviable irrespective of CIL. It is therefore not considered that the proposed residential charges would put development across the borough at risk or impede the council's regeneration efforts.
23. These CIL rates for residential development are comparable with those boroughs which have published rates. Wandsworth is proposing a rate of £250 per square metre across the borough, with a £575 per square metre charge in Vauxhall and Nine Elms (which have lower affordable housing requirements) and a nil charge in Roehampton. Brent has proposed £200 per square metre flat rate across the borough, Barnet a flat rate of £135 per square metre, Lewisham between £70 and £100 per square metre and Merton is proposing £385 per square metre in Wimbledon, dropping to £42 per square metre in Mitcham and Morden.
24. Student housing would be charged at the same rate as residential development. The charge for hotels is varied between the north of the borough (north of Union Street) and the remainder of the borough. This reflects differences in viability which in turn is borne out by the geographic concentration of hotel development in recent years.
25. The appraisals suggested that office developments across the borough are largely unviable at current values. However, large office developments north of Union Street and Snowsfields can command higher rental values and is the area in which new office floorspace has been concentrated over the last 10 years. A moderate levy of £100 per square metre for office space is proposed in this area, which would be comparable with the council's current s106 standard charges for office development. Outside this area however, a levy of £0 per square metre for office space would be justifiable. This would also be consistent with the approach taken on the tariff in the Elephant and Castle SPD. Similarly, the appraisals

suggested that industrial and warehousing developments are largely unviable and therefore a CIL levy of £0 per square metre for these uses is justifiable.

26. The viability of retail developments depends to a large extent on the size of the proposed floorspace, with larger mall-type developments commanding much greater values than small corner shops. Given the marginality of the latter, a £0 per square metre charge is proposed for small shops below 280 square metres in size (this is the threshold at which shops are classed as “large” under Sunday trading laws). £125 per square metre is proposed for shops between 280 square metres and 2,500 square metres (which roughly equates to the current s106 planning obligations tariff for retail space) and this is doubled for the largest developments over 2,500 square metres. This would apply to large town centre and supermarket developments, such as those at Elephant and Castle, Canada Water and potentially Peckham. 2,500 square metres is the threshold identified in the National Planning Policy Framework for the largest developments which have the potential to generate more significant impacts. Appraisals of three large retail schemes at Canada Water and Elephant and Castle suggested that this charge would not put such developments at risk.
27. It is proposed that public libraries and leisure centres which charge at rates equivalent to those charged by local authorities would have a nil charge (£0 per square metre). Education and health facilities would also be exempt. All other developments would pay £50 per square metre.
28. Using the council’s development capacity assessment, it is estimated that CIL could generate around £7m-£8m per year (at today’s prices). The council has made an assessment of infrastructure required to support growth over this period. Sources of committed funding to support infrastructure have also been identified. Inevitably, there is more certainty over funding sources for projects to be delivered in the short term and much less certainty over mid and longer term projects. The infrastructure plan is a living document and can be updated regularly. Overall, the infrastructure plan shows a funding shortfall of £517m over the period. CIL would play an important role in contributing to this infrastructure requirement, although would not be sufficient to cover it entirely and the council will continue to need to explore other sources of funding to deliver all the infrastructure set out in the infrastructure plan. The CIL regulations allow up to 5% of CIL generated will be used to monitor and administer the charge. As with s106 planning obligations, once the CIL is brought into effect the council will monitor funding generated and publish regular monitoring reports on the website.
29. Overall it is considered that the proposed levies represent an appropriate balance between generating funding to secure provision of infrastructure and ensuring that CIL does not put development and regeneration in the borough at risk.

## **Community impact statement**

### **Equalities analysis**

30. An equalities analysis has been undertaken as part of the preparation of the CIL charging schedule. The equalities analysis considered the potential impacts arising as a result of the boundaries of the charging zones and the different levels of charge that would be applicable to different types of development within these zones. In accordance with the Equality Act 2010, the analysis considers the potential impacts of the charging schedule on those groups identified within

the Act as having protected characteristics. The main issues are summarised below.

31. The range of CIL charges proposed and the boundaries of the charging zones are considered to give rise to limited impacts on the individual groups that are identified in the Equality Act. The imposition of a CIL charge could have potential impacts on small businesses in some parts of the borough, which could, in some areas, have a disproportionate effect on BME communities. We propose to adopt a nil charge for small shops across the borough and also a nil charge for office floorspace in all areas except for the commercial areas adjoining the river. As well as benefitting new businesses directly, this approach will ensure that CIL does not act as a barrier to job creation or as a disincentive to provide local services, which are important to those with reduced mobility, such as older people, disabled people and those who are pregnant or have young children.
32. The proposed lower tariff in the centre of the borough acknowledges the need for new and improved infrastructure, but also aims to ensure that CIL does not hinder regeneration attempts, for instance in Peckham and at the Aylesbury Estate. Ultimately, CIL is a mechanism intended to raise money to fund infrastructure that will contribute to sustainable development in the borough. In this sense, the adoption of CIL should have an overall positive impact on the various equalities groups. More specific impacts may arise depending on the types of infrastructure that are ultimately funded through CIL, but such issues are not broached as part of the charging schedule and will be considered in due course in the context of decisions concerning expenditure.
33. The Regulations stipulate that social housing is to be exempt from paying CIL. This exemption will have particular benefits to certain protected groups in Southwark since our housing requirements study 2008 identifies that a high proportion of certain minority ethnic groups and a higher proportion of older people typically reside in social rented housing.

### **Sustainability appraisal**

34. The Core Strategy 2011 was subject to a sustainability appraisal incorporating a strategic environmental assessment to ensure that principles of sustainable development were thoroughly considered. The Southwark CIL is an extension of the spatial vision and policies set out in the Core Strategy and should not raise additional implications for sustainable development objectives which have not been previously considered. CLG guidance on Charge setting and charging schedule procedures, 2010, states that because CILs are short financial documents, separate sustainability appraisal for CILs is not required.

### **Financial implications**

35. In the first year of operation a Southwark CIL it is expected to secure about £7-8m which is broadly comparable to the non-affordable housing S106 income for 2011. There is a time delay in securing either S106 or CIL actual income, but CIL will replace the majority but not all S106 income overtime. We expect the CIL income to increase overtime as house prices and viability improves. The expenditure of CIL income is far less restrictive than S106 funding and allows the council to apply it for infrastructure that supports growth in the borough.

36. The proposed Southwark CIL is a direct response to previous changes in legalisation that make it illegal to secure S106 tariffs (such as the current S106 toolkit and E&C tariff) from April 2014.
37. Costs associated with both managing, monitoring and establishing Southwark CIL can be recouped from up to 5% of any CIL income

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Legal Services (20120628/SY/DA)**

#### **Background to CIL**

38. The Planning Act 2008 (PA 2008) introduced a discretionary planning charge known as the Community Infrastructure Levy (CIL). The statutory framework for CIL is set out in sections 205-225 and further detail is provided under a number of regulations, most notably, the CIL Regulations 2010.
39. CIL is a charge paid by owners and developers on new buildings over a certain size. The charge is designed to help fund local infrastructure as identified in a local planning authority's development plan and can only be spent on 'infrastructure'. Infrastructure is defined in the PA 2008 (s216) as including a wide range of facilities such as roads/transport facilities, open space and schools. It does not currently include affordable housing, although the government is yet to announce its decision after consulting on the possibility of funding affordable housing from CIL. The amount payable is calculated using a formula based on the size and character of the development and may also take into account the area in which the building is constructed.
40. CIL is payable to a 'charging authority' which in London means London Boroughs. If the council intends to apply the levy, it must prepare a charging schedule that sets out the CIL rates in their area (section 211(1), PA 2008). The charging schedule becomes part of the Local Development Framework (i.e. the folder of planning documents taken into account in planning decisions). The Charging Schedule sets out the rates for CIL in the council's area and the rate must be expressed as pounds per square metre of development (regulation 12(2)(b), CIL Regulations 2010). The charge is levied on the net internal area of development (regulation 40(5), CIL Regulations 2010). By virtue of regulation 13, CIL Regulations 2010, charging authorities are able to charge different amounts for different areas, either on a geographical basis or by reference to the intended use of the development. There is currently no power to charge amounts based on the uplift in land values caused by the grant of planning permission.
41. Section 211 of the PA 2008 deals with the crucial matter of what should inform preparation of charging schedules. The Charging Schedule must take into account all of the following considerations: -
  - a) The total cost of infrastructure requiring funding from CIL;
  - b) other sources of funding available; and
  - c) the potential effect of CIL on the viability of development of the area.
42. To that end, the schedule must be informed by 'appropriate available evidence' regarding viability (section 211(7A) PA 2008). The legislation thus seeks to

ensure that charging schedules are not merely a list of infrastructure items needed to support development, but are a result of balancing the desirability of funding such infrastructure from CIL against the potential effects of the charge on the economic viability of development in the authority's area (Reg 14, CIL 2010). The regulations set out other costs to be factored in, such as administrative expenses and Mayoral CIL.

43. Government guidance (DCLG 'CIL Charge Setting and Charging Schedule procedures') stresses the desirability of evidence on infrastructure needs being drawn directly from the infrastructure planning that underpins their Development Plan. If the development plan infrastructure planning is weak or needs updating, the guidance suggests that the charging authority 'undertake some additional bespoke infrastructure planning to identify its infrastructure funding gap. This work may be limited to those projects requiring funding from CIL, rather than covering all the potential infrastructure projects for the area'. In order to demonstrate the soundness of the infrastructure planning that underpins their charging schedules, several charging authorities have published 'infrastructure plans' or similar documents. Although not specified in the legislation, such evidence is necessary to discharge the statutory requirement of weighing viability with infrastructure need and to be accepted by the independent examiner who eventually approves the charging schedule for adoption.
44. Accordingly, the council's officers have prepared an up to date Infrastructure Plan that identifies a non-exhaustive list of infrastructure intended to be funded by CIL. The Infrastructure Plan is based on a professional viability appraisal of the impact of CIL on development in the council's area which supports the terms on which the levy has been prepared. Moreover, the council has up to date local development plan (comprising its Core Strategy Southwark Plan and relevant Area Action Plans or Supplementary Planning Documents) that underpins and informs the Infrastructure Plan.
45. There is no legislation on how long a charging schedule should apply once adopted. Nor is there any duty in the PA 2008 or the CIL Regulations 2010 for the schedule to be reviewed. However, government guidance encourages charging authorities to keep their charging schedule under review. Should the Charging Schedule be reviewed, the charging authority must follow the same process of consultation, examination and approval as for the initial schedule.
46. In view of the need to keep development viability and indeed infrastructure provision up to date over the Charging schedule's lifetime until 2023, it is advisable for the council to monitor and review the Charging Schedule at appropriate intervals.
47. Charging authorities must consult on their proposed CIL rates before they finalise a draft charging schedule (section 211(7), PA 2008 and regulation 15, CIL Regulations 2010). This is being referred to as a 'preliminary' draft schedule by most authorities. Following consultation on the preliminary draft charging schedule (and taking it into account), the draft charging schedule is submitted for examination by an independent examiner. The examiner listens to representations, and then decides to either approve the charging schedule, approve it with modifications or reject it. (section 212A(2), PA 2008)



## **Relationship with section 106 agreements**

48. CIL does not completely replace section 106 Agreements. Where an authority introduces CIL, they could not use a section 106 Agreement to deal with the same matters. On the other hand, CIL does not cover affordable housing, so this will continue to be secured via s.106. Authorities who do not introduce CIL can still use s.106 to fund site-specific infrastructure needs arising from particular developments. However, an authority's ability to use more than five separate planning obligations to pool contributions towards a common piece of infrastructure will be phased out effective from April 2014 (Reg 123).

## **Consultation on preliminary charging schedule**

49. The requirement for consultation on the preliminary draft charging schedule is set out in regulation 15 CIL Regs 2010. No timescales are prescribed for consultation. Rather, paragraph 15(6) says that "the charging authority must make such arrangements as it considers appropriate for inviting representations under paragraph (5), i.e. consulting the public and community groups etc".
50. The government's CIL guidance on charge setting and charging schedule procedures states at paragraph 47 that charging authorities "are best placed to decide how to engage most effectively with their local communities and stakeholders. Equally, no length of consultation is stipulated in the regulations, although charging authorities are encouraged to consult for at least six weeks in order to ensure that local communities and stakeholders have sufficient opportunity to make their views known".
51. Southwark Council's Statement of Community Involvement states that planning policy documents (such as supplementary planning documents and area action plans) should be subject to a 12 week consultation period, i.e. 6 weeks informal and 6 weeks formal consultation. It does not deal specifically with CIL consultation. Nevertheless, given that the charging schedule will also form part of the Local Development Framework, it seems appropriate to apply the same period to consultation on the preliminary draft charging schedule, i.e 12 weeks.

## **Equality impact assessment**

52. The Equality Act 2010 introduced a single public sector equality duty (PSED). This duty requires the council to have due regard in our decision making processes to the need to:
  - a) Eliminate discrimination, harassment, victimisation or other prohibited conduct;
  - b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
  - (c) Foster good relations between those who share a relevant characteristic and those that do not share it.
53. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The PSED also applies to marriage and civil partnership, but only in relation to (a) above.

54. The council has discretion as to whom it wishes to consult regarding the preliminary draft charging schedule. The council proposes consulting a broad range of groups and has made every effort to be inclusive. Therefore, the statutory equalities duties are satisfied.
55. CIL has the potential to impact unequally on persons having one or more protected characteristic. The council will need to monitor the impact of CIL. Although there will not be any effective method of analysing the characteristics of persons paying CIL, the overall effect will be evident.
56. There has been compliance with the council's Approach to Equalities as well as the public sector equality duty as contained within section 149 of the Equality Act 2010. All six equality strands have been duly considered and assessed, this is evidenced in the Equalities Assessment (EA).

### Human rights considerations

57. CIL potentially engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant. In the case of CIL, a number of rights are potentially engaged: -
  - **The right to a fair trial (Article 6)** – giving rise to the need to ensure proper consultation and effective engagement of the public in the process;
  - **The right to respect for private and family life (Article 8)** – for instance the setting of CIL tariffs could impact on viability of housing provision or re-provision. Other considerations may include impacts on amenities or the quality of life of individuals based on CIL being too prohibitive;
  - **Article 1, Protocol 1 (Protection of Property)** – this right prohibits interference with individuals' right to peaceful enjoyment of existing and future property / homes. It could be engaged, for instance, if CIL makes future development unviable;
  - **Part II Protocol 1 Article 2 Right to Education** – this is an absolute right enshrining the rights of parents' to ensure that their children are not denied suitable education. This will be a relevant consideration in terms of ensuring sufficient educational infrastructure is funded by CIL.
58. It is important to note that few rights are absolute in the sense that they cannot be interfered with under any circumstances. 'Qualified' rights, including the Article 6, Article 8 and Protocol 1 rights, can be interfered with or limited in certain circumstances. The extent of legitimate interference is subject to the principle of proportionality whereby a balance must be struck between the legitimate aims to be achieved by a local planning authority in the policy making process against potential interference with individual human rights.
59. Before making their decision members are advised to have regard to human rights considerations and strive to strike a fair balance between the legitimate aims of setting CIL for the benefit of the community against potential interference with individual rights.
60. At this stage it is not considered that the proposal to consult on or implement CIL would constitute unlawful interference with human rights. Indeed, CIL has the

legitimate aim of securing the infrastructure necessary for development growth provided for in the development plan and mitigation of its impacts.

### **Decision-making**

61. The legislation on CIL does not prescribe how decision making within a charging authority should operate in order to formulate a charging schedule. Neither are the Local Government (Functions and Responsibilities Act) England Regulations 2010 amended to deal with CIL, suffice it to say that CIL is a planning policy function. The only relevant requirement within the CIL Regs is that the charging schedule, once approved by the Examiner, should be approved by a resolution of the full council of the charging authority (PA 2008, s.213(2)).
62. As noted earlier, CIL is to be a part of the Local Development Framework and can be considered analogous to other LDF documents such as Development Plan Documents (DPDs). Therefore it is considered appropriate to follow the decision making pattern used for DPDs and similar documents.
63. The specific provisions in the constitution relating to approval of DPDs is Part 3D, function 21. This part allows an Individual Cabinet Member ('IDM') to approve a DPD for consultation. The relevant cabinet member is also able to refer a matter back to Cabinet and in view of the principle in Part 3P that all delegated matters can always be decided by the parent body, it is appropriate that the consultation approach to the draft preliminary charging schedule be decided collectively by cabinet.
64. In any event, cabinet has power under Article 6 of the council's constitution ('the Constitution') to carry out all of the local authority's functions which are not the responsibility of any other part of the council. In addition to this broad power, Part 3B, function 6 indicates cabinet's role in community matters, empowering the executive "To exercise the council's functions in relation to community engagement and the local strategic partnership, including the formulation of council strategies for communication, consultation...".
65. Accordingly, members are advised to approve the CIL Schedule for consultation having considered the accompanying evidence and documents and the considerations set out above.

### **Strategic Director of Finance and Corporate Services (NR/F&R/27/6/12)**

66. This report recommends that the cabinet approves the community infrastructure levy (CIL) preliminary draft charging schedule for public consultation and notes the draft infrastructure delivery plan, the equalities analysis and the consultation plan.
67. The strategic director of finance and corporate services notes the financial implications contained within the report. Officer time to effect the recommendation will be contained within existing budgeted revenue resources.

## BACKGROUND DOCUMENTS

Background paper	Held at	Contact
Core strategy April 2011	160 Tooley Street, London SE1 2QH	Sandra Warren 0207 525 5471
Statement of Community Involvement 2008	160 Tooley Street, London SE1 2QH	Sandra Warren 0207 525 5471
CIL viability study 2012 (available on the council's website)	160 Tooley Street, London SE1 2QH	Sandra Warren 0207 525 5471

## APPENDICES

No.	Title
Appendix A	Community infrastructure levy (CIL) preliminary draft charging schedule (available with the report)
Appendix B	Infrastructure Plan (available with the report)
Appendix C	Equalities Analysis (available on the website)
Appendix D	Consultation Plan (available on the website)

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Peter John, Leader of the Council	
<b>Lead Officer</b>	Eleanor Kelly, Chief Executive	
<b>Report Author</b>	Tim Cutts, Team Leader, Planning Policy	
<b>Version</b>	Final	
<b>Dated</b>	5 July 2012	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	5 July 2012	