



**Hinckley & Bosworth
Borough Council**

Forward timetable of consultation and decision making

Scrutiny Commission: 22 July 2021

All Wards

Infrastructure Funding Statement 2019-2020

Report of Director Environment & Planning

1. Purpose of report

- 1.1 To inform Members of the requirement of an Infrastructure Funding Statement (IFS).
- 1.2 To provide Members with a copy of the IFS Report for financial year 2019/2020.
- 1.3 To update Members on contributions held that are nearing a clawback date.

2. Recommendation

- 2.1 The report to be noted.

3. Background to the report

- 3.1 In accordance with the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 any authority that receives a contribution from development through section 106 planning obligations must prepare an infrastructure funding statement and this includes county councils.
- 3.2 Infrastructure funding statements must cover the previous financial year from 1 April to 31 March (referred to as `the reported year`) (note this is different to the tax year which runs from 6 April to 5 April) and the local authority should publish such a statement no later than 31 December in each calendar year.
- 3.3 The infrastructure funding statement must set out the amount of planning obligation expenditure where funds have been allocated. Allocated means a

decision has been made by the local authority to commit funds to a particular item of infrastructure or project.

- 3.4 It is recommended that authorities report on the delivery and provision of infrastructure, where they are able to do so. This is to give communities a better understanding of how developer contributions have been used to deliver infrastructure in their area.
- 3.5 The IFS will replace details usually provided within the Section 106 Update for Scrutiny and can be found as Appendix 1 attached to this report. A summary of what is provided within the IFS is detailed below and applies to the period 1st April 2019 - 31st March 2020:

- A summary of the total amount of contributions secured by s106 agreements;
- S106 contributions paid to the Local Authority;
- Unallocated contributions received;
- A summary of non-monetary contributions secured by s106 agreements;
- Allocated amounts that remain unspent;
- Amount spent or transferred;
- Allocated amounts unspent by infrastructure type;
- Amounts spent by the Borough via s106 agreements by infrastructure type;
- Details of infrastructure/ projects delivered within the Borough (where, what on and how much spent);
- Details of monies received and spent on monitoring of obligation;
- Amount of long term open space maintenance contributions and commuted sums received and held.

- 3.6 Leicestershire County Council are also required to publish an AIFS in respect of obligations to that council secured by section 106 agreements and which can be found on their website for the reporting year.
https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2021/2/3/LCC_Infrastructure_Funding_Statement_2019-2020%20FINAL.pdf

Obligations nearing their clawback date

- 3.7 S106 obligations nearing their clawback dates are still to be included in this annual update to the Scrutiny Commission, although not required in the IFS, and can be found under Table 1 of this report.
- 3.8 Table 1 shows contributions totalling £247,093 that are nearing their clawback dates. Each date for each contribution is broken down and detailed in the table. Each Parish/Council /Organisation has been informed of these timetables and the associated risks if not spent as part of their regular updates.

Table 1: Contributions to be spent by December 2022

Parish/ Body	Application Site	Total Contribution secured	Amount left to spend	Clawback date	Update on spend as of February 2021
Ratby Parish Council	15/00065/FUL 166 Station Road Ratby Westleigh (T236)	£25,093	£25,093	03/10/2021	The Parish Council is aware and is looking at what project they would like to use the contribution towards
HBBC Public Realm	10/00518/OUT Sketchley Brook Development (T52)	£250,000 plus Indexation	£222,000 (includes approximate indexation)	26/03/2022	Contribution to be drawn down before 26/03/2022 and spent within 6 months of receiving contribution. Major Projects Team currently looking at schemes and aware of the tight timescales.
Total			£247,093		

3.9 The Compliance & Monitoring Officer and Finance Officer continue to carry out regular reconciliations to ensure the financial information and the IFS data is up to date.

4. Exemptions in accordance with the Access to Information procedure rules

4.1 The report is to be taken in open session.

5. Financial implications [CS]

5.1 Financial aspects are covered in the Infrastructure Funding Statement (attached) required by Government annually, however members should be aware of contributions not being spent within the relevant period set out in agreements, as developers have the option to clawback the contribution.

6. Legal implications [MR]

6.1 Set out in the report.

7. Corporate Plan implications

7.1 The Action Plan will contribute to the delivery of the following Corporate Plan priorities:

People

- Help people to stay healthy, be active and feel well
- Take measure to reduce crime and antisocial behaviour and protect people from harm
- Give children and young people the best start in life and offer them the opportunity to thrive in their communities

Places

- Make our neighbourhoods safer
- Protect and improve our parks and open spaces for everyone across the borough
- Improve the quality of existing homes and enable the delivery of affordable housing

Prosperity

- Boost economic growth and regeneration by encouraging investment that will provide new jobs and places to work and live all over the borough.
- Support the regeneration of our town centres and villages
- Support our rural communities

8. Consultation

8.1 None required.

9. Risk implications

9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
DLS.50 Failure to keep up to date or not complying with latest legislation and regulations could lead to damage to Council reputation by MHCLG and potential prosecution.	The production of the Infrastructure Funding Statement to report on planning obligations received during 1st April 2019 and 31 st March 2020.	Matthew Bowers

10. Knowing your community – equality and rural implications

- 10.1 The IFS will provide detailed information to communities on what section 106 contributions have been spent on which are requested and considered through the planning application process.
- 10.2 The effective monitoring of s106 contributions and engagement with Parish Councils / Organisations allows local communities to identify and prioritise improvements to local facilities and infrastructure.

11. Climate implications

- 11.1 Section 106 contributions can assist with making climate change improvements within the Borough such as providing sufficient green corridors and open spaces along with public realm improvements.
- 11.2 The implications are positive towards climate change in the environment.

12. Corporate implications

- 12.1 By submitting this report, the report author has taken the following into account:
- Community safety implications – S106 contributions are requested and spent on community safety provisions as directed by LCC Police.
 - Environmental implications – S106 contributions are requested and spent on environmental improvements as required by Planning Policy in the NPPF and HBBC's Local Plan.
 - ICT implications - none directly as a result of this report.
 - Asset management implications - none directly as a result of this report.
 - Procurement implications - none directly as a result of this report.
 - Human resources implications - none directly as a result of this report.
 - Planning implications - S106 contributions are requested and spent on community infrastructure improvements as required by Planning Policy in the NPPF and HBBC's Local Plan.
 - Data protection implications - none directly as a result of this report
 - Voluntary sector – members of the parish council which may be of a voluntary basis, request to spend s106 contributions available for the community within the provisions set out in the relevant S106 agreement.

Background papers: Community Infrastructure Levy (Amendment) (England) (No.2)
Regulations 2019
Planning Practice Guidance

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