

Notice of Meeting



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Executive

Thursday 23 May 2024 at 6.00pm

in the Council Chamber, Council Offices,
Market Street, Newbury

Note: This meeting can be streamed live here: <https://www.westberks.gov.uk/executive/ve>

Date of despatch of Agenda: Wednesday 15 May 2024

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Sadie Owen (Principal Democratic Services Officer) on 07824 823 893
e-mail: sadie.owen1@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk

Agenda - Executive to be held on Thursday, 23 May 2024 (continued)

To:	Councillors Jeff Brooks (Chairman), Patrick Clark, Heather Codling, Iain Cottingham, Lee Dillon, Nigel Foot, Denise Gaines (Vice-Chairman), Stuart Gourley, Louise Sturgess and Vicky Poole
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Agenda

Part I

	Pages
1. Apologies for Absence To receive apologies for inability to attend the meeting (if any).	5 - 6
2. Minutes To approve as a correct record the Minutes of the meeting of the Executive held on 14 March 2024.	7 - 12
3. Declarations of Interest To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' Code of Conduct .	13 - 14
4. Public Questions Members of the Executive to answer questions submitted by members of the public in accordance with the Executive Procedure Rules contained in the Council's Constitution.	15 - 16
5. Petitions Councillors or Members of the public may present any petition which they have received. These will normally be referred to the appropriate Committee without discussion.	17 - 18

Items as timetabled in the Forward Plan

	Pages
6. Bond Riverside Programme Review (EX4494) Purpose: to propose a new approach for managing regeneration of the Council-owned Bond Riverside estate, by closing-down the existing programme dating from June 2022 and bringing the regeneration of sites on the Bond Riverside estate which are under Council control within the management of the wider Newbury Town Centre Masterplan programme.	19 - 30



Agenda - Executive to be held on Thursday, 23 May 2024 (continued)

7. **Local Government Association Corporate Peer Challenge 2024 - West Berkshire (EX4567)** 31 - 68
Purpose: to publish the results of the Local Government Association (LGA) Corporate Peer Challenge for West Berkshire Council and inform that an Action Plan to address the recommendations will be presented to the next meeting of the Executive.
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8. **Review of Enforcement of Community Infrastructure Levy Exemptions for Householders (EX4533)** 69 - 174
Purpose: the Council commissioned a review into the CIL Customer Journey which was undertaken by the Planning Officers Society (POS) and this identified a number of opportunities to improve the CIL process in West Berkshire. There are a number of priority recommendations included in the POS report and this report proposes the adoption of a CIL Enforcement Policy - Householder Applications, which will be applied with immediate effect.

It also proposes a process by which the Council will undertake a discretionary review of CIL payments for Housholder applications previously made against the new CIL Enforcement Policy - Householder Applications.
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9. **Armed Forces Covenant - Status Report (EX4544)** 175 - 198
Purpose: to provide an overview and update in relation to the Armed Forces Act 2021 and specifically request that West Berkshire Council sign the Armed Forces Covenant and form an Armed Forces Task and Finish group to ensure ongoing compliance and appropriate support to the military 'family' in the community.
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10. **New Mental Health Fund 2024 (EX4539)** 199 - 206
Purpose: to request approval of funds that will be matched by Greenham Trust to set up a new fund to improve the mental health and wellbeing of children, young people and adults across West Berkshire. The fund 'Lets Get Mindful' will support projects that help reduce anxiety and improve mental health and wellbeing of adults, children and young people, aiming to reduce inequalities and improve educational attainment and school readiness.
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11. **Care Experienced - a Proposal Protected Characteristic (EX4510)** 207 - 220
Purpose: to request that the Executive adopt the proposal that being a 'care experienced' person will be viewed as a protected characteristic by West Berkshire Council and afforded the same protections and rights as other groups who are considered to have a protected characteristic in the Equalities Act 2010.
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Agenda - Executive to be held on Thursday, 23 May 2024 (continued)

12. **Hackney Carriage Tariffs - 2024 (Post Consultation) (EX4367)** 221 - 234
Purpose: to provide feedback on the statutory consultation in relation to the hackney carriage table of fares.
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13. **Member Questions** 235 - 236
Members of the Executive to answer questions submitted by Councillors in accordance with the Executive Procedure Rules contained in the Council's Constitution.
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14. **Exclusion of Press and Public**
RECOMMENDATION: That members of the press and public be excluded from the meeting during consideration of the following items as it is likely that there would be disclosure of exempt information of the description contained in the paragraphs of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item. [Section 10 of Part 10 of the Constitution refers.](#)
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Part II

15. **Northcroft Leisure Centre refurbishment project update (EX4566)** 237 - 250
(Paragraph 3 – information relating to financial/business affairs of a particular person)
Purpose: to obtain Executive approval to take action to ensure the delivery of the redevelopment project of Northcroft Leisure Centre.

Sarah Clarke
Service Director: Strategy and Governance

If you require this information in a different format or translation, please contact Sadie Owen on telephone (01635) 519052.

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Item 1 – Apologies for absence

Verbal Item

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DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

EXECUTIVE

MINUTES OF THE MEETING HELD ON THURSDAY, 14 MARCH 2024

Councillors Present: Jeff Brooks (Vice-Chair, in the Chair), Heather Codling, Iain Cottingham, Lee Dillon (Chairman), Denise Gaines, Stuart Gourley, Alan Macro, Louise Sturgess and Tony Vickers

Also Present: Councillors Dominic Boeck, Phil Barnett, Clive Hooker, Richard Somner, Jo Stewart and Howard Woollaston

Officers Present: Melanie Booth (Group Executive), AnnMarie Dodds (Executive Director – Children and Family Services), Joseph Holmes (Executive Director - Resources), Clare Lawrence (Executive Director – Place), Nigel Lynn (Chief Executive), Sadie Owen (Principal Democratic Services Officer), Thomas Radbourne (Democratic Services Apprentice) and Nicola Thomas (Service Lead – Legal and Democratic)

Apologies for inability to attend the meeting: Councillor Janine Lewis, Ross Mackinnon, David Marsh and Carolyne Culver

PART I

1. Opening Statement

Deputy Leader, Councillor Jeff Brooks, made an announcement detailing new measures to review previous Community Infrastructure Levy (CIL) charges imposed on householders. A report on this matter would be brought to the next meeting of the Executive. To view the speech in full please access this [link](#).

2. Minutes

The Minutes of the meeting held on 8 February 2024 were approved as a true and correct record and signed by the Deputy Leader.

3. Declarations of Interest

Councillor Lee Dillon declared an interest in Agenda Items 10 and 11 as an employee of Sovereign Housing Association, and reported accordingly that he would leave the meeting during the course of consideration of these matters.

4. Public Questions

A full transcription of the public and Member question and answer sessions is available from the following link: [Transcription of Q&As](#).

5. Petitions

Councillor Phil Barnett presented a petition containing 130 signatures which requested improved signage and 20mph speed limits in Boundary Road, York Road and Queens Road, Newbury. The petition was referred to officers and the Portfolio Holder for Highways, Housing and Sustainable Travel, Councillor Denise Gaines.

6. Capital Financing Report Financial Year 2023/24 Quarter Three (EX4502)

Councillor Iain Cottingham introduced a report (Agenda Item 6), which presented the provisional outturn position for financial year 2023/24 as forecast at Quarter Three, and future borrowing requirement for financial year 2024/25 which would be funded from the Council's revenue budget.

Councillor Dominic Boeck expressed disappointment in the delay to funding for Education Services and queried reasons for delay to the iCollege project and SEMH/ASD primary provision. Councillor Cottingham explained that recruitment for both projects was underway, and Councillor Heather Codling promised to provide a written response with more details.

Councillor Boeck referred to section 5.9 of the report which stated that the Castle School 'Ways of Working' project had ceased and queried the reason. Councillor Codling stated that she did not believe that the project had stopped.

RESOLVED that: Executive

- Note the quarter three underspend position of £12.9 million and reprofiling proposals of £3.2 million. Reprofiling proposals are included in appendix B.
- Note the budget changes included in the quarter three position detailed in Appendix A.
- Note an increase in the grant funded element of the Disabled Facilities Grant of £345k due to increased grant funding secured.

7. Berkshire Prosperity Board (EX4499)

Councillor Louise Sturgess introduced and proposed a report (Agenda Item 7) which sought to establish a Joint (Prosperity) Committee (to be known as the Berkshire Prosperity Board) to enable Berkshire Authorities, through collaboration, to benefit from a stronger collective voice when lobbying Government and present a strengthened case to Government and private investors for greater investment into strategic projects, service delivery and initiatives across Berkshire.

Councillor Jeff Brooks noted two additional recommendations (detailed in full below), which had erroneously been omitted from the published report.

Councillor Dominic Boeck suggested that the report read as though it was a Berkshire initiative and noted that it was a government led enterprise.

Councillor Brooks seconded the recommendations within the report.

RESOLVED that:

- That Executive approves the establishment of a Joint Committee (to be as the Berkshire Prosperity Board) from March 2024 to deliver a Berkshire-wide vision for inclusive green and sustainable economic prosperity.
- The Executive approves delegated authority for the Chief Executive, in consultation with the Leader of the Council, Executive Director of Finance and the Monitoring Officer to agree and enter into an inter-authority agreement between the six Berkshire Local Authorities to facilitate decision-making by the Berkshire Prosperity Board (BPB)
- That Executive approves the re-allocation of £10,000 of Council revenue funding and £20,000 UK Shared Prosperity Fund (UKSPF) funding in 2024/25, along with the

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collective allocation of £80,000 out of the shared £240,000 pot of grant funding that will be given to the 6 Berkshire Authorities from Government to replace LEP funding.

- That Executive recommends that Council approve the terms of reference for the BPB as set out in Appendix A to be added to the Constitution.
- That Executive recommends that Council delegate authority to the Monitoring Officer, in consultation with the Leader of the Council to amend the Constitution to make minor amendments to the terms of reference for the BPB and to amend Part 3 (meeting procedure Rules) and Part 6 (Council Bodies) to take account of the existence of the BPB.

8. **Building Control Shared Service Agreement (EX4474)**

Councillor Lee Dillon introduced the report (Agenda Item 8), which sought agreement to the principle of entering into a new shared service agreement and continuation of the existing partnership with Wokingham Borough Council to deliver building control functions, ensuring that the service would be delivered on a cost recovery basis to meet the statutory obligations of the Council.

Councillor Dillon noted that further to Legal advice received there would be an amendment to the report recommendations and read out the revised version (as detailed in full below). Further it was noted that reference within the report to Section 101 of the Local Government Act 1972 should read as Sections 9EA and 9EB of the Local Government Act 2000, and Local Government Act 1972 should read as Local Government Act 2000

Councillor Howard Woollaston agreed with the proposal as a means of cost saving and queried whether the identity of the third local authority and the reason for the delay could be discussed under Part II. Councillor Dillon responded that he would not divulge the identity but commented that they had declined to join at the current time due to peer review recommendations.

Councillor Jeff Brooks proposed, and Councillor Denise Gaines seconded the recommendations (as amended) within the report.

RESOLVED that:

- That the Executive approves the Council entering into new shared service agreement for a five year period (with an option to extend) for building control services under Sections 9EA and 9EB of the Local Government Act 2000 and other relevant provisions with Wokingham Borough Council to come into effect from 1st April 2024.
- That delegated authority be given to the Executive Director: Place to finalise and sign the new agreement in consultation with the Service Director (Strategy & Governance), Service Lead (Legal & Democratic Services) and Executive Member for Public Safety.
- That an Annual Report be prepared for West Berkshire Council.

9. **Hackney Carriage Tariffs 2024 (EX4367)**

Councillor Lee Dillon introduced a report (Agenda Item 9), which sought the Executive's consideration of a request from a member of the taxi trade and the outcome of the informal consultation to agree whether to proceed with a formal consultation as set out in legislation or not. Councillor Dillon clarified that the Executive were suggesting consultation on the table of fares detailed at Appendix B of the report.

Councillor Jeff Brooks proposed, and Councillor Iain Cottingham seconded the recommendations within the report.

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RESOLVED that: Executive

- Considers the proposed modifications from the Taxi Trade (Appendix B) in light of the existing fares (Appendix A) and the outcome of the recent non-statutory consultation undertaken with the Taxi Trade as set out in Appendix C.
- Decides whether or not to make variations to the current table of fares for hackney carriage tariffs based on the proposals set out in Appendix B this report.

If the Executive decides not to make any changes to the current table of fares at this stage they may:

- RESOLVE to delay the decision to make any variation until later in the year; or

If the Executive decides to make any changes to the current table of fares they are asked to:

- RESOLVE that the statutory consultation be undertaken between the 21 March 2024 and the 11 April 2024, or a longer period determined at the meeting.
- RESOLVE that a public notice be placed in the Newbury Weekly News on the 21 March 2024, a notice be displayed at the Market Street Offices and the consultation be promoted on the website.
- RESOLVE that a copy of the notice be emailed individually to all West Berkshire licensed Hackney Carriage Proprietors for their comments.
- NOTE that if objections are received, and not withdrawn, the Executive at the 16 May 2024 meeting will consider the objections and determine whether the varied table of fares shall be modified or not and set a date when the varied table of fares, with or without modification, will come into operation. The implementation date must be no later than two months after the period for objections closes.
- NOTE that if no objections are received, or if the objections are withdrawn, the varied table of fares will come into effect on the day after the statutory consultation closes.

10. Response to Garage Block Motion (EX4480)

Councillor Tony Vickers introduced and proposed a report (Agenda Item 10), which provided a response to the motion proposed by Councillor Vickers at Council on 17 March 2022.

Councillor Dominic Boeck commented that he was not aware of disused garage blocks being a large-scale issue throughout the district. Councillor Vickers suggested that it was a significant issue and required national legislation.

Councillor Richard Somner commented that Members should be mindful that bikes were also stored within garages. Councillor Somner suggested Members should address the issue through planning.

Councillor Jeff Brooks seconded the recommendation within the report.

RESOLVED that:

- It is recommended that the principle of the Motion is supported. The motion can be delivered through the case by case assessment of forthcoming planning applications to re-develop garage blocks through the application of existing and emerging Local Plan Policies and through Council led highway schemes as appropriate. The Council will lobby the MP's and the Local Government Association for a change to legislation where necessary to facilitate the requirements of the motion.

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11. **Contracts for Award Under Delegated Authority from Executive (EX4501)**

Councillor Lee Dillon left the meeting.

Councillor Jeff Brooks introduced and proposed a report (Agenda Item 11), which provided details of forthcoming supply, service and works contract awards that would have a contract value in excess of £2.5m and as such would require approval from the Executive during the next quarter.

Councillor Iain Cottingham seconded the recommendation within the report.

Recommendation (Vote to be taken in Part II):

- Executive to delegate authority to an individual (Service Director) to proceed with the award of the contract in table 4.7 in consultation with the Portfolio Holder, following the completion of the appropriate procurement process and Procurement Board approval of a Contract Award report.

12. **Restrictive covenants and Restriction on Title - Windmill Court and Stafford House Mortimer (EX4204)**

Councillor Iain Cottingham introduced and proposed a report (Agenda Item 12), which sought approval to enter negotiations with Sovereign Housing Association (Sovereign), following an application from Sovereign requesting the release of covenants and restrictions in favour of West Berkshire District Council relating to the use and disposal of property owned by Sovereign known as Windmill Court, Mortimer for the purpose of Sovereign's proposed redevelopment of the Site.

Councillor Howard Woollaston agreed that the property needed to be re-developed and queried whether Stafford House was being retained for the existing tenants.

Councillor Woollaston further queried whether nomination rights for the six two-bedroom bungalows were being retained and referred to section 5.22 of the report querying what was meant by the statement that 'seven of the homes would be secured under a s106 agreement'. Councillor Brooks commented that responses would be provided under Part II of the discussion.

Councillor Jeff Brooks seconded the recommendations within the report.

Recommendations (Vote to be taken in Part II):

- To delegate authority to the Head of Finance and Property, in consultation with the Service Lead of Housing Services and Service Lead of Adult Social Care to enter into negotiations with Sovereign to agree heads of terms for the release of the covenants and restrictions in favour of the Council for the purpose of Sovereign's redevelopment of the Site and the negotiation of new nomination rights and covenants in favour of the Council relating to the redeveloped scheme.
- To delegate authority to the Service Director of Strategy & Governance in consultation with the Head of Finance and Property, to enter into such agreements as are appropriate and necessary and in line with the negotiated heads of terms.
- To reject the requests detailed in the petition for the reasons set out in this report.

13. **Members' Questions**

A full transcription of the public and Member question and answer sessions is available from the following link: [Transcription of Q&As](#).

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14. **Exclusion of Press and Public**

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 3, 5 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 8.10.4 of the Constitution also refers.

15. **Contracts for Award Under Delegated Authority from Executive (EX4501)**

(Paragraph 6– information relating to proposed action to be taken by the Local Authority)

The Executive considered an exempt report (Agenda Item 15), which provided details of forthcoming supply, service and works contract awards that would have a contract value in excess of £2.5m and as such would require approval from the Executive during the next quarter.

RESOLVED that: the recommendation in the exempt report be agreed.

Other options considered: the approval of a consolidated contract award report is considered the most efficient way of meeting the governance requirements of the Constitution, therefore no alternative proposals are being made.

16. **Restrictive covenants and Restriction on Title - Windmill Court and Stafford House Mortimer (EX4204)**

(Paragraph 3– information relating to financial/business affairs of a particular person)

The Executive considered an exempt report (Agenda Item 16), which sought approval to enter into negotiations with Sovereign Housing Association following an application from Sovereign requesting the release of covenants and restrictions in favour of West Berkshire District Council relating to the use and disposal of property owned by Sovereign known as Windmill Court, Mortimer for the purpose of Sovereign’s proposed redevelopment of the Site; and rejected the request made in a petition presented to Executive on 22 September 2022.

RESOLVED that: the recommendation in the exempt report be agreed.

Other options considered: as detailed in the exempt report.

17. **Asset Disposal - Sainsbury's (EX4509)**

(Paragraph 3– information relating to financial/business affairs of a particular person)

(Paragraph 5 – information relating to legal privilege)

The Executive considered an exempt report (Agenda Item 17), which sought approval for the disposal of the commercial asset Sainsbury’s, High Street, Northallerton, DL7 8EA on the basis of the offer that had been received and to enter into appropriate disposal documentation.

RESOLVED that: the recommendation in the exempt report be agreed.

Other options considered: as detailed in the exempt report.

(The meeting commenced at 5.00 pm and closed at 6.30 pm)

CHAIRMAN

Date of Signature

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Item 3 – Declarations of Interest

Verbal Item

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Item 4 – Public Questions

To follow

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Item 5 – Petitions

Verbal Item

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Bond Riverside Programme Review

Committee considering report:	Executive
Date of Committee:	23 May 2024
Portfolio Member:	Louise Sturgess
Report Author:	Sam Robins
Forward Plan Ref:	EX4494

1 Purpose of the Report

- 1.1 To propose a new approach for managing regeneration of the Council-owned Bond Riverside estate, by closing-down the existing programme dating from June 2022 and bringing the regeneration of sites on the Bond Riverside estate which are under Council control within the management of the wider Newbury Town Centre Masterplan programme. This will allow improved coordination and holistic planning across sites in Newbury as a whole, along with a more efficient management approach in regard to Council resources.

2 Recommendations

2.1 That Executive resolves to:

- a) Close-down the existing Bond Riverside Programme.
- b) Merge elements of the Bond Riverside programme with the Newbury Town Centre Masterplan programme, as detailed in section 6: Proposals.
- c) Note establishment of a Newbury Project Board to provide oversight of the town centres programme including Bond Riverside sites, which will then report into the Prosperous West Berkshire Priority Delivery Board for oversight.
- d) Withdraw the Council's Reg 19 representations as landowner to the Local Plan Review, which had sought to extend the LRIE Designated Employment Zone to include Faraday Road football ground; now that the site will no longer be redeveloped for commercial use.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	The Programme will continue to be delivered within the existing budgets, including capital grant funding that has been secured

	<p>from an external source to implement quick win projects. This report does not seek any further funding.</p> <p>Capital</p> <p>The original programme had a capital budget of £867,500 to make improvements to the site, buy-back leases, finance outline planning applications, and cover capital staff costs. To date, £232,871 has been spent on consultants and staff costs in line with the programme delivery strategy.</p> <p>The capital budget approved by Council in March 2024 removed £300,000. This leaves a capital budget of £234,629 in 2024/25 and £100,000 in 2025/26.</p> <p>It is proposed this remaining capital budget is allocated to the Newbury Town Centre Masterplan but ringfenced specifically to be used on small scale public realm improvements on Bond Riverside and works to unlock regeneration on of the key sites, along with capital staff costs equivalent to 40% of the salary of the Special Projects Manager in 2024/25, as it was in 2023/24.</p> <p>In addition to the Council capital funding, £375,000 of capital grant funding was provided by the Thames Valley Local Enterprise Partnership for environmental improvements works, in the form of sustainable drainage infrastructure on Faraday Road. This project is due to be completed by June 2024.</p> <p>Revenue</p> <p>The programme had a revenue budget of £100,000 per annum for 21/22, 22/23 and 23/24 approved by Executive in December 2020 to take the project forward. This budget was largely unspent and has been used to offset financial challenges in closing down the 2023/24 whole Council budget.</p> <p>There is no dedicated revenue budget allocated to Bond Riverside from the 2024/25 financial year onwards.</p>
<p>Human Resource:</p>	<p>The existing Bond Riverside programme has two FTE 2-year fixed term dedicated posts which are currently vacant. It is proposed that the posts are left vacant and that management of projects on the identified sites is spread across relevant Council teams, with oversight from the Economy Manager as part of the Newbury Town Centre Masterplan programme.</p> <p>Negotiations on the Gateway Plaza site will require resource from Property, Legal and the Economy Manager.</p> <p>Faraday Road sportsground will require resource from the Leisure Team, for which dedicated resource may be required</p>

	<p>depending on the final scope and budget of any improvements made to this site. Resource from Legal Services and Commissioning will also be required.</p> <p>The Depot Site is being reviewed by the Transformation Service as part of the Council accommodation review, and may require input from Property, Legal, Commissioning and Economic Development.</p> <p>The delivery of public realm improvements for Bond Riverside, will be managed by the Economy Manager with input required from a variety of teams including Highways, Countryside and Drainage and Legal.</p> <p>The capital budget includes the provision for specialist multi-disciplinary services to be bought in to assist with delivery as required. Support will be sourced from other services across the Council including Legal, Property, Commissioning, Environment Delivery, and Asset Management.</p>
Legal:	<p>If there is any intention to dispose of any specific sites, the Council will have regard to its obligations under Section 123 Local Government Act 1972 which relates to best price achievable in the open market for any disposal of assets.</p> <p>In relation to the delivery mechanism for achieving objectives on specific sites the Council will comply with the Public Contracts Regulations 2015 and the Council Constitution.</p> <p>If and where the Council itself make planning applications, to conduct consultation with Planning under an agreed scope and specific performance agreement to ensure that there is no conflict between the Council as a landowner/ developer and the Local Planning Authority. It should be noted that separate legal representation will also be required for these different functions with appropriate separate between officers.</p>
Risk Management:	<p>Relevant risks from Bond Riverside programme will be transferred to the Newbury Town Centre Masterplan risk register and will be monitored by the internal Newbury Project Board and the Prosperous West Berkshire Priority Delivery Board.</p> <p>The site-by-site approach will reduce financial risk to the Council, compared to a wholesale redevelopment approach.</p>
Property:	<p>There are significant property implications in the Council's aspirations for Bond Riverside sites identified in the Proposals section. This could include the reconfiguration and disposal of</p>

	<p>leases on land which it currently controls and potential buy back of certain leases as well as discussions and negotiations with existing leaseholders on lease extensions, rent levels and place-making. Detailed implications will be worked with Property and Legal colleagues when specific proposals are developed.</p>			
<p>Policy:</p>	<p>The objectives will address the following Council Strategy priorities:</p> <ul style="list-style-type: none"> - (3) Tackling the Climate and Ecological Emergency - (4) A Prosperous and Resilient West Berkshire <p>Regeneration of Bond Riverside sites is a specific action in the Council Strategy (4.B)</p> <p>Bond Riverside is referenced in the current Economic Development Strategy (2021 – 23) and will be a major element of the upcoming 2024 Economic Development Strategy, currently being developed.</p> <p>The Council as landowner submitted representations as Part of the Reg 19 consultation on the Local Plan Review proposing the extension of the LRIE Designated Employment Area to cover the football ground.</p>			
	Positive	Neutral	Negative	Commentary
<p>Equalities Impact:</p>				
<p>A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		X		

B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Environmental Impact:	X			Bond Riverside is in an area of flood risk and mitigation will be required through the planning process as development proposals are brought forward. The intention is for the overall environmental impact of the Bond Riverside proposals to be positive, including on carbon net zero, nutrient neutrality and biodiversity net gain.
Health Impact:	X			By encouraging walking and cycling connectivity with the town centre and football on Faraday Road, there should be an overall positive health impact, albeit minor.
ICT Impact:		X		
Digital Services Impact:		X		
Council Strategy Priorities:	X			Supports the delivery of the following Council Strategy priorities: <ul style="list-style-type: none"> - (3) Tackling the Climate and Ecological Emergency - (4) A Prosperous and Resilient West Berkshire <ul style="list-style-type: none"> • 4.B. Regeneration of Bond Riverside and build a new community sports stadium
Core Business:		X		
Data Impact:		X		

Consultation and Engagement:	<ul style="list-style-type: none"> • Key employers and/or leaseholders on Bond Riverside (via discussions with the Economy Team) • Commercial property agents (on market demand for industrial and office space) • Bond Riverside Officer Task Group, including officers from the Highways, Legal Services, Economic Development, Parking, Communications, Environment and Commissioning teams • Thames Valley Berkshire Local Enterprise Partnership
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4 Executive Summary

- 4.1 With the change of administration in May 2023, a new approach to regeneration of Bond Riverside needs to be agreed – most importantly to take account of the change of direction for Faraday Road sportsground, which will now remain open for sport.
- 4.2 This report proposes that the Bond Riverside programme is closed down, and a number of key sites on Bond Riverside are treated as individual projects for enhancement and regeneration in their own right, managed as part of the wider Newbury Town Centre Masterplan programme. This includes the former Depot site, Faraday Road sportsground and Gateway Plaza, along with seeking to improve the public realm and connectivity with the town centre to enhance the appeal of the site for investment and employers.
- 4.1 Approval of the recommendations set out in paragraph 2 will result in a revised version of the Newbury Town Centre Masterplan Programme Initiation Document (PID), amended to include Bond Riverside sites, to be produced and submitted to the Prosperity Delivery Board for approval, alongside formal closure of the Bond Riverside programme. Member oversight will continue to be provided via Corporate Programme Board.

5 Supporting Information

5.1 Background

- 5.2 The Council own the freehold of the land which forms the Bond Riverside site, however the majority of it is under leasehold of a variety of tenures. There are 26 defined plots on the site, of which 22 are under separate leasehold. This means that the only land currently under direct Council control are the ‘Depot’ site and Faraday Road sportsground.
- 5.3 Regeneration of the Bond Riverside site (formally London Road Industrial Estate, LRIE) has been a Council ambition since 2003 and a defined as a priority in the 2012 Council Strategy. A former developer partner arrangement with St Modwen, which would have seen wholesale redevelopment of the entire site, had to be abandoned in 2018 after a legal challenge relating to the procurement process. In 2020 a new

development brief was adopted by Executive following public consultation, but a refresh of the programme was carried out in April 2022 following a number of fundamental economic changes and this was approved by Executive in June 2022.

- 5.4 The site was renamed Bond Riverside in 2023 following a district wide school competition, based on a suggestion by the winning team from Newbury College.
- 5.5 Consultants RPS were appointed to undertake a site-wide energy audit for the site and accompanying report, which was completed in April 2023. The report concluded that buildings would not be economically viable to retrofit or refurbish to modern standards. It identified an opportunity to install a communal water source heat pump to serve the buildings on the site, once brought up to modern insulation standards. The findings of the report will feed into future negotiations with leaseholders.
- 5.6 The Hemingway Design Place-Making Strategy was commissioned to provide a roadmap and a clear direction for the Council as a landowner to aim towards, including how best to offer amenity on site, link it with other parts of the town centre and ensure it is an attractive site for businesses to locate.

Flooding / drainage

- 5.7 The sites on Bond Riverside primarily fall within floodzone 3, except for several plots which are within floodzone 2 and the football ground and land immediately adjacent to the east of it which are within floodzone 1 (low probability of flooding).
- 5.8 The Environmental Appraisal Report commissioned in 2021 aimed to move the Development Brief at that time forward and inform soft market testing with potential development partners. The report concludes that no 'in principle' issues have been identified that would prevent development of the Bond Riverside site. It states that the significant issues of flood risk and drainage can be satisfactorily addressed at detailed design stage during the planning process. Further details including the summary report are available on the Council's website at <https://info.westberks.gov.uk/irie>.
- 5.9 Consultants Ardent have developed a Sustainable Drainage Strategy for Bond Riverside which sits alongside the Place-Making Strategy. It sets out SUDS can be incorporated in the public realm of the site and provides principles to be considered by any future developments on the site. This work was referenced in the June 2022 Executive report as a planned flood mitigation plan.
- 5.10 Mitigating the flood risk impact of any development remains the responsibility of the party proposing the development and handled through the planning process. Assessment of flood risk and suitable mitigations can only be done plot by plot and based on specific development proposals from occupiers. Flooding and drainage issues will then be highlighted by the planning process and mitigations put forward by applicants to the Planning Authority.

6 Proposals

- 6.1 The proposal is to close down the current Bond Riverside programme and that a number of key sites on Bond Riverside (listed below) are treated as discrete projects for Council-

led regeneration or enhancement. The identified sites will be incorporated into the wider Newbury Town Centre Masterplan programme.

6.2 The sites which will be merged with the Newbury Town Centre Masterplan programme are:

- **Faraday Road sports pitch** – enhancing the sports facilities on the site.
- **Depot site** (plots 13Q, P and O on Appendix A) – pursuing development of the site for employment use, potentially as part of the Council's accommodation review.
- **Gateway Plaza** (plots 13B, C and D) – facilitating regeneration of this site by the long-leaseholder.
- **Public realm** – undertaking small-scale environmental improvements such as greening on Faraday Road and improving linkages between the site and the town centre.

Strategic objectives

6.3 The Newbury Town Centre Masterplan programme will be amended to include the following strategic objectives for regeneration of key sites on Bond Riverside:

- Improvement and regeneration of major sites on Bond Riverside for employment or mixed-use and community sports and leisure; better connected with the town centre.
- Inward investment, green economic growth, and the creation of employment opportunities for local people.
- A positive contribution to the district's carbon neutrality aspirations.

Depot site

6.4 The Council has direct control of this part of Bond Riverside and is considering options for redevelopment for employment uses. A separate report regarding this site is currently being prepared by the Transformation Service.

Gateway Plaza site

6.5 The Gateway Plaza site, which is under leasehold, is being marketed by the leaseholder in collaboration with the Council to find a developer to regenerate the site (in line with the extant permission). The Council aims to maximise public value and employment on the site through this process.

Football ground

6.6 The sports pitch on Faraday Road has been restored for use by local people and teams, as of October 2023. The administration has a long-term aspiration for provision of enhanced sports and leisure facilities on this site, however the scope of what that project may become, and its timeline, has not yet been identified.

Newbury Project Board

- 6.7 It is proposed that an officer level project delivery board is established to provide oversight and strategic direction to the delivery of regeneration of Bond Riverside key sites and its connectivity to the Town Centre, the delivery of the Newbury Town Centre Masterplan and to support, where appropriate, other non-Council owned regeneration in Newbury.
- 6.8 The project board will not be a decision-making governance body and instead will report up to the Prosperous West Berkshire Priority Delivery Board or through the formal Executive Cycle where appropriate. Member oversight will be provided through quarterly Portfolio Holder attendance at the Prosperous West Berkshire Priority Delivery Board and through Corporate Programme Board, alongside other corporate projects.

7 Other options considered

- 7.1 An option considered was to continue the existing programme, as agreed in June 2022, with the exception of no longer developing the football ground for commercial use. This approach is not recommended as commercial development of the football ground will not progress and the Council is considering the future use of the depot site. Given the proximity to Newbury Town Centre and the opportunities for improved connectivity, the Bond Riverside site should be considered as part of the wider Newbury Town Centre Masterplan Programme.
- 7.2 Another option is to cease efforts to bring forward regeneration of Bond Riverside sites but this option would miss a significant opportunity to maximise value of public assets, deliver regeneration, and support local businesses to grow and create jobs. Furthermore, there has been a long-standing public commitment to improve Bond Riverside, and it is an explicit action in the 2023-27 Council Strategy.

8 Conclusion

- 8.1 The Council remains committed to the regeneration of Bond Riverside, with a focus on employment and sports and leisure uses for the benefit of local people. There is an opportunity to transform key sites to achieve these strategic objectives, but it should be managed in a way that is most resource efficient and holistic with the wider town centre.
- 8.2 Approval of the recommendations set out in paragraph 2 will establish a new approach that allows the Council to continue making progress to enhance and regenerate key sites on Bond Riverside, while removing the need for it to be managed as a separate programme now that the scope has changed.

9 Appendices

- 9.1 Appendix A – Map of Bond Riverside showing plots and leases for reference

Subject to Call-In:

Yes: No:

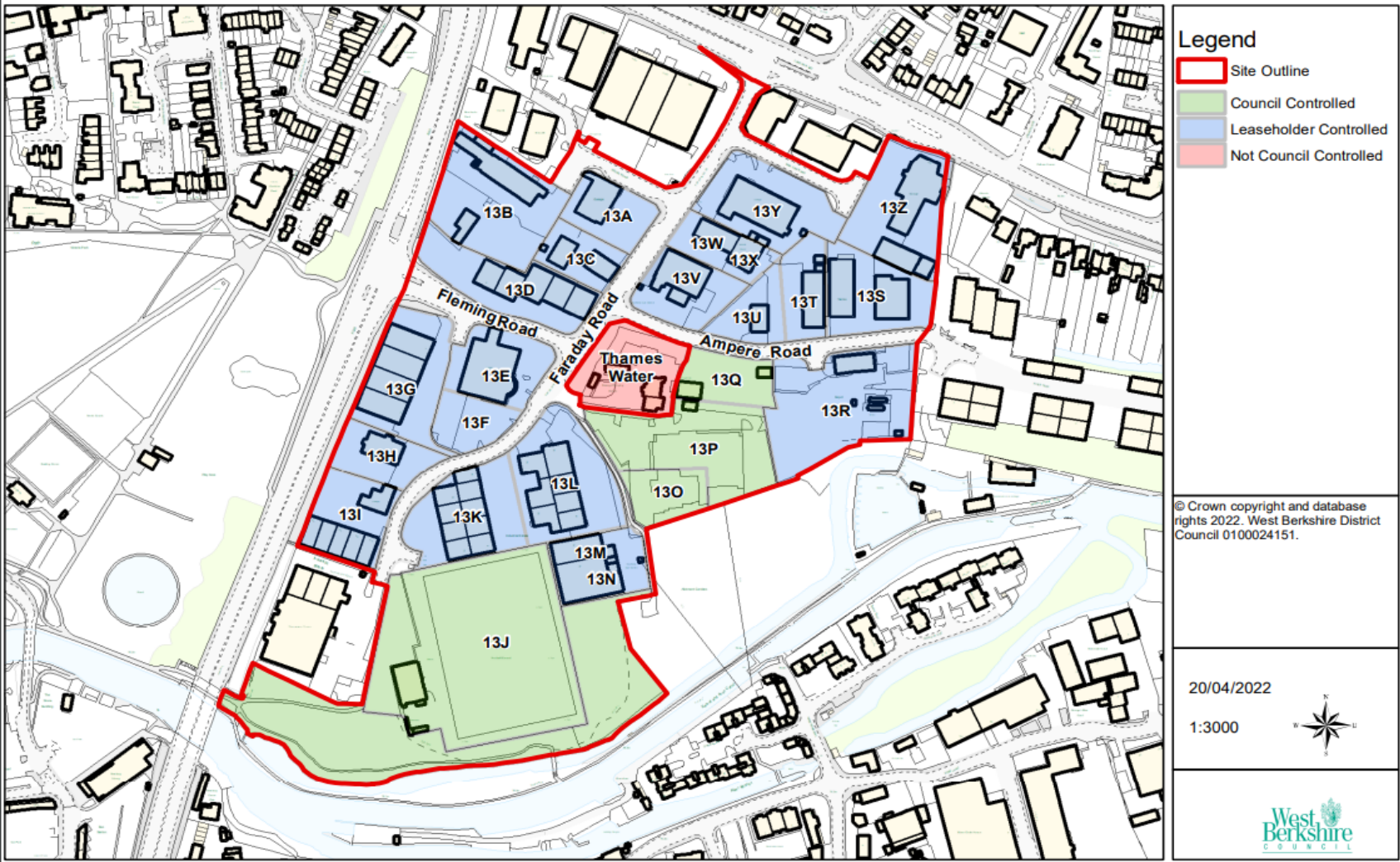
-
- The item is due to be referred to Council for final approval
 - Delays in implementation could have serious financial implications for the Council
 - Delays in implementation could compromise the Council's position
 - Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
 - Item is Urgent Key Decision
 - Report is to note only

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Map of Bond Riverside plots showing leases

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Local Government Association Corporate Peer Challenge 2024 - West Berkshire

Committee considering report:	Executive
Date of Committee:	23 May 2024
Portfolio Member:	Councillor Jeff Brooks
Report Author:	Catalin Bogos - Performance, Research and Consultation Manager
Forward Plan Ref:	EX4567

1 Purpose of the Report

- 1.1 To publish the results of the Local Government Association (LGA) Corporate Peer Challenge for West Berkshire Council and inform Members that an Action Plan to address the recommendations will be presented to the next meeting of the Executive.

2 Recommendations

- 2.1 Note the Corporate Peer Challenge report produced by the LGA.
- 2.2 Note that an Action Plan will be presented to the next meeting of the Executive.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no direct financial implications as a result of this report. However, as part of the production of the Action Plan to address the report's recommendations, governance boards responsible for particular actions might identify such implications and manage accordingly.
Human Resource:	There are no direct HR implications as a result of this report.
Legal:	There are no direct Legal implications as a result of this report.
Risk Management:	There are no significant risk management issues as a result of this report.

Property:	N/A			
Policy:	There are no direct Policy implications as a result of this report. However, governance boards responsible for particular actions might identify such implications and manage accordingly.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		N/A
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?				N/A
Environmental Impact:				N/A
Health Impact:				N/A
ICT Impact:				N/A
Digital Services Impact:				N/A
Council Strategy Priorities:	x			The report highlights strengths and a number of recommendations for the Council to consider in delivering the Council Strategy and core services.

Core Business:	x			The report highlights strengths and a number of recommendations for the Council to consider in delivering the Council Strategy and core services.
Data Impact:				N/A
Consultation and Engagement:	Corporate Board, Portfolio Holders			

4 Executive Summary

4.1 This paper disseminates the results of the LGA Corporate Peer Challenge which took place in February 2024. The resulting report from the LGA congratulates the Council for the progress made to address recommendations from the previous Corporate Peer Challenge (2019) and paints a positive picture with a small number of recommendations being made. The purpose of this paper is to publish the Corporate Peer Challenge report and inform members that an Action Plan will be produced for approval at the next meeting of the Executive, detailing the Council’s response to each recommendation.

4.2 The LGA report highlights a range of strengths in each domain of the Corporate Peer Challenge: local priorities and outcomes, organisational and place leadership; governance and culture; financial planning and management; capacity for improvement, and Special Education Needs and Disabilities. Examples of such strengths include:

- a noticeably changed approach to ways of working brought by the new administration, that are “more inclusive,” “more open,” and “more visible.”
- prompt production of an ambitious Council Strategy to reflect the new administration’s priorities;
- permanent appointments to all corporate leadership team’s posts;
- there are examples of partnership working bringing about real benefits for the people of West Berkshire and opportunities to achieve more;
- constructive and valuable scrutiny function;
- enthusiastic and committed members, staff and partners, passionate about making a difference to the district;
- a less risk adverse council, which has launched a transformation programme with dedicated resource to lead this activity.

4.3 The report includes a number of recommendations, namely:

- Urgently address overspending in children's and adult services and build reserves, develop a clear plan that has buy-in from the whole organisation.
- Ensure that there is traction on the delivery of the Delivering Better Value SEND programme and have a plan to resolve the High Needs Block Deficit.
- Embed transformation across the organisation with strong leadership from the political leadership, Corporate Leadership Team (CLT), and an empowered central team. A bolder transformation programme to impact on finances (in children's and adult services, and home to school transport).
- Strengthen the CLT to provide effective leadership, clear and consistent direction and stewardship for the organisation. Create more space for the Executive and CLT to jointly develop as a 'Top Team' to reinforce close working relationships and trust. Urgently stabilise the leadership below executive director level.
- Stronger prioritisation and focus on what will make the most difference, delivered within the council's financial envelope and capacity.
- Executive members should continue the good work settling into their new roles, taking up opportunities to develop their skills, and owning and leading their portfolios to ensure effective political leadership for the council.
- Simplify the governance structure to increase pace and agility.
- Ensure that strategic legal, HR, communications and transformation expertise has a place at the 'top table' in a meaningful way and at the right point of policy development and delivery.
- Test the extent to which the behaviour framework has been embedded within the organisation (e.g. through staff survey/ pulse survey).
- Strengthen communications and engagement activity further, by using internal communications expertise earlier in project planning, closing the communications loop via consistent feedback on outcomes of consultations, and embedding approaches that engage wider groups of people earlier in the process and in more meaningful ways.
- Build on strong and positive operational relationships between the council and partners, including contractors, and develop strategic relationships that create opportunities to deliver activity that will support wider council and partner objectives (e.g. apprenticeships, social value). As part of this, develop a strategic Memorandum of Understanding with the Voluntary and Community Sector.

4.4 To address the report's recommendations, an Action Plan is being prepared and will be submitted for approval at the next meeting of the Executive. In addition, the action Alan will be added for consideration to a future agenda of the Scrutiny Commission (subject to agreement with the Chairman of Scrutiny).

5 Supporting Information

Introduction

5.1 The Local Government Association (LGA) offers a range of support for local authorities as part of a 'sector led improvement' programme. A component of the programme is the Peer Challenge, as a solution to reduce the inspection burden on local Government, whilst aiming to provide robust, strategic and credible challenge and support to councils, by involving member and officer peers from other local authorities in the country. There are a number of different types offered, but all local authorities are meant to have a Corporate Peer Challenge every four or five years. The Council's last Peer Challenge was in 2019, so the Council's request for a review was an appropriate timescale.

Background

5.2 The Corporate Peer Challenge took place in February 2024. The LGA Peer Review Team produced a self-contained report (attached at Appendix A). The report covers the findings, recommendations and details of the peer team (which was made up of senior Officers, and Councillors from other Local Authorities, with an LGA supporting officer).

5.3 The report has been placed on the Executive agenda to formally acknowledge it. A copy has already been made available to all staff and is available to the public via the Council's website.

5.4 Work has already started to address the recommendations, but a comprehensive set of actions will be included as part of an Action Plan, which will be submitted for approval at the next meeting of the Executive. These actions will be incorporated in the council performance framework for regular monitoring of progress. The LGA will review our progress on the report late in 2024.

Proposals

- (a) The strengths in each of the six core components of the LGA Corporate Peer Challenge and the recommendations included in the LGA report are noted.
- (b) To note that an Action Plan in response to the LGA report's recommendations will be submitted for approval at the next meeting of the Executive.

6 Other options considered

6.1 The Council found the Corporate Peer Challenge (Feb 2024) very valuable as a sense check of where we are on our aim to continuously improve as a Council. Similar to 2019, the report reflects on the Council's strengths and areas for further improvement. A careful consideration of the feedback, which will result in an Action Plan to address the recommendations, is the option that will achieve the maximum benefit from undertaking the corporate peer challenge. Not to consider

the report as a guide to future improvement would mean that the preparation and CPC time would have been wasted.

7 Conclusion

7.1 The LGA Corporate Peer Challenge highlights many of the Council's strengths and successes for each of the six domains of the peer challenge. It also identifies eleven key recommendations for further improvement. Work has already begun on addressing some of the recommendations highlighted in the report. All the actions in response to these recommendations will be built into an Action Plan for approval at the next meeting of the Executive and for monitoring as part of the Council's performance management framework.

8 Appendices

8.1 Appendix A – LGA Corporate Peer Challenge Feedback report February 2024

Background Papers:

None

Subject to Call-In:

Yes: No:

- | | |
|---|-------------------------------------|
| The item is due to be referred to Council for final approval | <input type="checkbox"/> |
| Delays in implementation could have serious financial implications for the Council | <input type="checkbox"/> |
| Delays in implementation could compromise the Council's position | <input type="checkbox"/> |
| Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months | <input type="checkbox"/> |
| Item is Urgent Key Decision | <input type="checkbox"/> |
| Report is to note only | <input checked="" type="checkbox"/> |

Wards affected: All

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Document Control

Document Ref:	LGA Peer Challenge report	Date Created:	09/05/2024
Version:	V1	Date Modified:	
Author:	Catalin Bogos		
Owning Service	Strategy and Governance		

Change History

Version	Date	Description	Change ID
1	09/05/2024	Produced the first version of the report.	
2	14/05/2024	Amended the report based on feedback from the Chief Executive	

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LGA Corporate Peer Challenge

West Berkshire Council

6 - 9 February 2024

Feedback report





Contents

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- 2. Key recommendations 6
- 3. Summary of the peer challenge approach 8
- 4. Feedback 10
- 5. Next steps 28
- 6. Support and signposting 29

1. Executive summary

West Berkshire Council (WBC) has experienced significant change over recent years, both politically and managerially. WBC saw a change of political control in May 2023, and the new administration has had a steep learning curve, and has brought a noticeably changed approach to ways of working that are “more inclusive,” “more open,” and “more visible.” Following the elections, officers worked quickly to translate the political priorities of the new administration into an ambitious plan for the organisation in the form of the new Council Strategy 2023-27, agreed in October 2023.

Almost all members of the corporate leadership team (CLT) have changed in the last three years, with a new chief executive coming into post in 2021, and more recent permanent appointments to three of the four other CLT positions, with a restructure bringing greater capacity and focus to Children’s and Adults’ Services. It is positive that the council has now got a permanent CLT in place, and senior officers will need to quickly develop strong working relationships to ensure both effective leadership of their individual directorates and a strategic corporate grip on key overarching issues, underpinned by mutual support and ‘critical friend’ challenge. The council must now turn its attention to the next layers of management below CLT to make permanent appointments and bring further stability to the organisation, and to capitalise on the skills and enthusiasm of this cadre of officers.

Finance is a key challenge for the council due to overspending (especially in Children’s and Adults’ services), a significant deficit in the Special Education Needs and Disabilities High Needs Block (forecast to be £9.5m by the end of 2023/24), and low reserves (£4m forecast for 2023/24). The 2024/25 draft budget proposals set out a strategy to replenish reserves by £2m, identify ongoing savings totalling £14.5m and one-off savings of £2m, and include a council tax increase of 4.99 per cent. The savings targets represent a much larger amount than has been proposed in previous years and requires 100 per cent delivery to achieve a balanced position. It was clear to the peer team that the Dedicated Schools Grant (DSG) deficit represents a serious threat to the future financial sustainability of the council.

The scale of the challenge and potential impact of not addressing financial sustainability issues effectively appears to be widely understood and recognised

across the organisation, though it is not yet clear that there is a 'whole organisation' approach to respond to the challenge, or with regard to the specific challenges regarding the DSG, across the wider SEND system. This is something the council needs to resolve urgently by establishing a single, council-wide approach that is owned by the Executive and CLT, which will involve 'holding the line' to ensure that savings are identified and delivered, services do not overspend, and that growth and demand are managed.

Though the ambition articulated in the Council Strategy is admirable, WBC has a number of competing priorities, which do not reflect the council's capacity or finances to deliver. It is imperative that all parts of the council – led by the political leadership and CLT working together – engage in developing, and then delivering, a plan to reshape services to operate within WBC's financial constraints. This must also include CLT-wide ownership of determining and delivering the right level of reserves for the council.

There is a recognition that the projected changing demographics of West Berkshire will require the council to exercise its place shaping role to create thriving communities which attract new economically active people to the area to work and establish new businesses. As a small unitary council, operating in complex systems with competing geographical demands, it can be challenging to exert influence, but the council should continue to be an active participant in such arrangements. The peer team heard from many partners that generally the council is a good partner to work with and they are looking to the council to step more into this space. There are examples of partnership working bringing about real benefits for the people of West Berkshire, and there are opportunities to achieve more using this lever with partners across the district and beyond to maximise outcomes for local communities.

There has been significant work to review and reframe internal and public governance arrangements, though in the view of the peer team these remain overly complex and confusing, and at times hinder getting things done. Further work is needed to simplify the council's governance arrangements, to ensure that systems and processes add value, minimise duplication, and are well-understood across the organisation. Similarly, there is a need to ensure that there is appropriate input from key postholders at the right time as policies and plans are developed, for example strategic HR, communications, legal and transformation input. Putting this right will

enable more effective planning, risk management, and impactful delivery.

The council's overview and scrutiny function is generally seen as constructive and as a valuable means of holding the Executive to account and developing policy, with examples of good practice in the approach to work programming and budget scrutiny, for example. There are opportunities to build on this and strengthen scrutiny's contribution to the council further.

It was clear to the peer team that the council's staff are enthusiastic and committed, and they love West Berkshire and are passionate about making a difference to the district. Staff highlighted the supportive culture, with colleagues looking out for each other. However, staff were clear in their conversations with the peer team that they feel stretched to their limits, struggling to square capacity with the demands placed on them.

The council has recently introduced a new behaviours framework, and this undoubtedly will need time to bed in. The planned staff survey will provide an opportunity to test out how well the new framework has been received by staff and the extent to which it is beginning to be embedded. The peer team also heard about work underway to develop an Employee Value Proposition to support recruitment and retention. The council will need to find the right balance between enabling a positive work/life balance and a friendly workplace through flexible working, and ensuring that staff are productive and accessible to meet business needs.

The council is becoming less risk averse, and has launched a transformation programme that is initially focussing on six key projects, and has identified some dedicated resource to lead this activity. This is to be welcomed, however the peer team felt that there was a need to consider whether the programme is ambitious enough and resourced sufficiently to bring about the scale of change and pace required to make a meaningful contribution to the council's wider financial sustainability. Similarly, the peer team would encourage the council to be more ambitious and transformative when determining the next phase of transformation projects.

With a significant number of new members elected in May 2023, it was positive to hear that the council's member induction programme was well-attended and feedback was positive. Members who took up leadership positions have also taken

up support to assist them to get to grips with their new roles. This is to be applauded, and the peer team would recommend that members in leadership roles in particular continue to seek out opportunities to build their policy knowledge, develop their skills and glean good practice through networking.

It is clear that the council has made progress on recommendations from the last [Corporate Peer Challenge](#) in 2019, and WBC should be congratulated on this. There are opportunities to further improve communications and engagement activity and addressing these, alongside the other recommendations in this report, will ensure that WBC is able to galvanise all of the skills and resources at its disposal to deliver for its residents, communities and businesses.

As mentioned above, with regard to Special Education Needs and Disabilities (SEND) the significant deficit in the SEND High Needs Block is a major challenge for the council and the local area's SEND system, and represents a serious threat to the future financial sustainability of the council. There is a lot of good practice in place relating to SEND, but there are some key gaps that needs to be addressed urgently, not least because an Ofsted Area SEND and Alternative Provision Inspection is likely to take place soon. These include work to develop a clear and ambitious SEND and Alternative Provision strategy, establishing a strategic Local Area Improvement Partnership for SEND and Alternative Provision, and undertaking some focussed work to better understand the links and joint working opportunities between the Integrated Care Board, the Health and Wellbeing Board, and the Locality Integration Board to ensure that the right colleagues are in attendance and that there is a coherent vision for strategic services and outcomes for children.

2. Key recommendations

There are several observations and suggestions within the main section of the report. The following are the peer team's key recommendations to the council:

Recommendation 1

Urgently address overspending in children's and adult services and build reserves, develop a clear plan that has buy-in from the whole organisation.

Recommendation 2

Ensure that there is traction on the delivery of the Delivering Better Value SEND programme and have a plan to resolve the High Needs Block Deficit.

Recommendation 3

Transformation needs to be embedded across the organisation with strong leadership from the political leadership, CLT, and an empowered central team to drive and enable transformation activity. Linked to this, the transformation programme needs to be bolder to help ensure that the council can get a grip of finances, particularly the overspends in children's and adult services, and home to school transport.

Recommendation 4

Invest time to strengthen relationships and ensure that the newly formed CLT are equipped as an effective senior officer leadership team to provide clear and consistent direction and stewardship for the organisation. This should be an ongoing area of work. Similarly, create more space for the Executive and CLT to jointly develop as a 'Top Team' to reinforce close working relationships and trust. Now that you have a permanent CLT in place, urgently stabilise the leadership below executive director level.

Recommendation 5

Give greater clarity regarding priorities and focus on things that will make the most difference and that can be delivered within the council's financial envelope and capacity. This will involve deprioritising things.

Recommendation 6

Executive members should continue the good work settling into their new roles, taking up opportunities to develop their skills, and owning and leading their portfolios to ensure effective political leadership for the council.

Recommendation 7

Simplify the governance structure to increase pace and agility.

Recommendation 8

Ensure that strategic legal, HR, communications and transformation expertise has a place at the 'top table' in a meaningful way and at the right point of policy development and delivery.

Recommendation 9

Test the extent to which the behaviour framework has been embedded within the organisation (e.g. through staff survey/ pulse survey).

Recommendation 10

Strengthen communications and engagement activity further, by using internal communications expertise earlier in project planning, closing the communications loop via consistent feedback on outcomes of consultations, and embedding approaches that engage wider groups of people earlier in the process and in more meaningful ways.

Recommendation 11

Build on strong and positive operational relationships between the council and partners, including contractors, and develop strategic relationships that create opportunities to deliver activity that will support wider council and partner objectives (e.g. apprenticeships, social value). As part of this, develop a strategic Memorandum of Understanding with the Voluntary and Community Sector.

3. Summary of the peer challenge approach

3.1 The peer team

Peer challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected the focus of the peer challenge and peers were selected on the basis of their relevant expertise.

The peers were:

- Laura Church, Chief Executive, Bedford Borough Council
- Cllr Gareth Roberts, Leader, Richmond Council
- Cllr Rory Love OBE, Cabinet Member for Education and Skills, Kent County Council

- James Walton, Executive Director Resource, Shropshire Council
- Giles Perritt, Assistant Chief Executive, Plymouth City Council
- Barbara Peacock, National SEND Children's Improvement Adviser, LGA
- Emily Bennett, NGDP Management Trainee, LGA
- Peer Challenge Manager – Kate Herbert, Principal Adviser, LGA

3.2 Scope and focus

The peer team considered the following five themes which form the core components of all Corporate Peer Challenges. These areas are critical to councils' performance and improvement.

1. **Local priorities and outcomes** – Are the council's priorities clear and informed by the local context? Is the council delivering effectively on its priorities?
2. **Organisational and place leadership** – Does the council provide effective local leadership? Are there good relationships with partner organisations and local communities?
3. **Governance and culture** – Are there clear and robust governance arrangements? Is there a culture of challenge and scrutiny?
4. **Financial planning and management** – Does the council have a grip on its current financial position? Does the council have a strategy and a plan to address its financial challenges?
5. **Capacity for improvement** – Is the organisation able to support delivery of local priorities? Does the council have the capacity to improve?

In addition to these questions, the council asked for an additional focus on the council's approach to Special Educational Needs and Disability (SEND).

3.3 The peer challenge process

Peer challenges are improvement focused; it is important to stress that this was not an inspection. The process is not designed to provide an in-depth or technical assessment of plans and proposals. The peer team used their experience and

knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The peer team prepared by reviewing a range of documents and information in order to ensure they were familiar with the council and the challenges it is facing. The team then spent four days onsite at West Berkshire, during which they:

- Gathered information and views from more than 40 meetings, in addition to further research and reading.
- Spoke to more than 140 people including a range of council staff together with members and external stakeholders.

This report provides a summary of the peer team's findings. In presenting feedback, they have done so as fellow local government officers and members.

4. Feedback

4.1 Local priorities and outcomes

West Berkshire is sited on the Western fringe of the South East region on the major arterial route between the West Midlands and the South Coast, Wales and the South West, and is a predominately rural district, nearly 75 per cent of which is classified as part of the North Wessex Downs Area of Outstanding Natural Beauty (AONB). West Berkshire Council (WBC), a unitary council created in 1998, has a population of 161,447 (2021 data). The population has grown at a slower rate compared with the rest of the South East and is expected to reduce by 3 per cent by 2036, again bucking regional and national trends. Population projection data looking at the period 2001-2036 suggests that West Berkshire's population will move from being relatively young to one which has a declining number of under 20 year olds and a 12 per cent reduction in 20-64 year olds. It is also forecast to see an over 35 per cent increase in the number of over 65s, and an over 86 per cent increase in the number of over 85s.¹ The 2019 Index of Multiple Deprivation places West Berkshire amongst the top 10 per cent least deprived areas in England, though there are pockets of deprivation in the district. There are differences of up to 10 years in life expectancy between the

¹ Population projection data from WBC position statement

least and most deprived wards in the district.

Early in 2023, partners across the Health and Wellbeing Board (HWB) developed the Vision 2036 to set out a medium-term vision for the district. Following the change in political control in May 2023, officers worked quickly to translate the political priorities of the new administration into a plan for the organisation in the form of the new Council Strategy 2023-27, agreed in October 2023. The new Council Strategy sets out an ambitious programme, and the members, officers and partners the peer team spoke to were all passionate in the way they talked about their desire to improve the district for residents, businesses and visitors. That said, the peer team found that there was no short, pithy explanation of what the future vision and key priorities are for both West Berkshire the place and WBC the organisation. It would be helpful to articulate clearly and simply what the future vision looks like in a very practical way, to provide a narrative for staff, members and partners alike to rally behind.

The service delivery plan supporting the Council Strategy contains an ambitious set of priorities and key performance indicators (KPIs), both in scope and scale. Given the budget and size of the organisation, it may be difficult to deliver all of these, and the peer team would encourage the political and managerial leadership of the council to consider what the 'hierarchy of priorities' looks like and ensure that they are able to provide clarity about how practically these will be delivered. For example, which are the most important things to be achieved over the short-term, the medium-term, the long-term to improve the lives of local residents? Which actions and investments will have the greatest impact on achieving those goals? By crafting a short and simple narrative that sketches out what will look and feel different over the period of the Council Strategy, alongside identifying the tangible actions that need to be achieved to deliver desired outcomes, this will help staff in particular understand how their individual contributions will bring the vision into reality.

The last Resident Survey undertaken in 2021 found that a high proportion of residents are satisfied with the local area (89 per cent) and with the way the council runs things (64 per cent). This compares favourably with comparative national data from the Local Government Association, where the results are 78 per cent and 56 per cent, respectively. That said, only 33 per cent of West Berkshire residents said they would speak positively about the council, compared to 16 per cent that would speak negatively.

There are inherent tensions to balance the needs of village, town and district alongside the needs of urban/ suburban areas and ensure that all partners are meaningfully included, and there remains a need to counter a view from some that the council is 'Newbury-centric' or 'Hungerford-centric.' The council has a strong focus on the rural agenda, and activity such as the Rural Business Forum and the 'rural community conversation' are helpful approaches to engage local businesses and residents to inform the council's understanding of the issues facing rural communities across the district, identify where there are opportunities to work together in partnership, and shape how the council can respond.

As the area has experienced significant floods in recent years, responding to and mitigating issues associated with climate change is an important issue locally. The peer team heard examples of how staff had gone "above and beyond" in their efforts to support local communities affected by recent flooding, working alongside dedicated ward members.

Having been the first council to launch a community municipal investment in 2020, WBC used this as a new way of raising finance for climate schemes. The council has since received planning permission to develop its own solar farm on land within the district to help deliver its net zero ambitions.

It is impressive that the council achieved a 'Good' judgement at its last ILACS Ofsted inspection in 2022, however the most recent Ofsted Focussed Visit on care leavers in October 2023 highlighted a number of areas of concern that need to be addressed, including the quality and impact of management oversight and supervision; performance management, quality assurance and audit processes, and the impact of the corporate parenting panel². It was clear to the peer team that the new Executive Director for Children and Family Services is prioritising these matters. It is anticipated that there will also be an Ofsted Local area SEND inspection at some point in the short term.

The council has maintained Good CQC ratings for all but one of its in-house adult social care services, and is confident that it can evidence further improvements. The peer team noted that a Care Quality Commission statutory inspection of adult social care was due to take place at WBC at the end of February 2024.

² <https://files.ofsted.gov.uk/v1/file/50232041>

The council's current Local Plan runs to 2026, and a revised draft Local Plan for the period to 2039 is in development and has been submitted for the examination phase. Following the change in political control in May 2023, the new administration indicated that it wanted to withdraw the draft Local Plan from examination. At the end of 2023, the then Minister of State for Housing, Planning and Building Safety instructed the council to proceed with the examination phase of the draft Local Plan. The Council will need to ensure that the examination process is well managed so that a Local Plan can be adopted that properly reflects the needs and aspirations of the district.

4.2 Organisational and place leadership

Following the change of political control in May 2023, the new administration has had a steep learning curve and many people – including members, staff, residents, businesses and partners – told the peer team that the new administration has brought a noticeably changed approach to ways of working, described variously as “more open”, “more inclusive”, and “more visible”. The CPC took place ten months into the new administration, and the peer team heard that some officers observed that for some members the cultural adjustment from opposition to administration was still being made.

In the run up to the CPC's onsite period, there had also been some changes in members of the Executive and the peer team encouraged new postholders to seek out learning and development opportunities, such as those available through the LGA, to support them as they get to grips with their new roles. An Acting Leader arrangement was put in place just before the CPC as a result of the Leader of the Council taking a sabbatical. Assurances were given to the peer team that the Acting Leader arrangement was constitutional. The peer team would encourage the council to ensure that there is clarity about specific accountabilities during the temporary arrangement.

Almost all members of the Corporate Leadership Team (CLT) have changed in the last three years, with a new chief executive coming into post in 2021, and more recent permanent appointments to three of the four other CLT positions. The recent move from having a single People Director to separate Executive Directors for Adult Social Care and Children and Family Services is a positive step and will bring greater

capacity and focus to these service areas. Now that all CLT members are in post, senior officers will need to quickly forge strong working relationships, to ensure both effective leadership of their individual directorates and a strategic corporate grip on key overarching issues. A collegiate CLT should be underpinned by both mutual support and 'critical friend' challenge, as expected in healthy, well-performing organisations.

Given the change in both the political and managerial leadership of the council, it is important that colleagues continue to invest time and energy in developing the CLT/ Executive working relationship, ensuring that there is a good understanding of how best to work together to make the most of the experience and expertise across the council's 'Top Team', and appropriate support and challenge from Executive to CLT and vice versa. In addition to embedding an effective cycle of briefing time and decision making meetings, this includes making space for 'non-transactional' time for wider, horizon scanning discussions, and reflection and learning. The existing quarterly Strategic Board thematic sessions – for example on Bond Riverside – provide a good example of this and should be built upon to include wider topics.

It is very positive that the council has now got a permanent CLT in place, and the council must now turn its attention to the next layers of management and expedite the permanent appointments at service director level to bring further stability to the organisation. The peer team spoke to a number of service directors and it is clear that are keen to step up and contribute more to the council as a whole. By empowering service directors, WBC could achieve more and increase pace by capitalising on this enthusiasm.

There is a recognition that the projected changing demographics of West Berkshire will require the council to exercise its place shaping role to create thriving communities which attract new economically active people in the district to work and establish new businesses. Place leadership in the wider Berkshire context is complex, with WBC participating in different layers of partnership working with competing geographical demands. For example, the Integrated Care System operates across Buckinghamshire, Oxfordshire and Berkshire West (Reading, Wokingham and West Berkshire councils); the Thames Valley Berkshire Local Enterprise Partnership (LEP) across all six Berkshire local authorities; the Emergency Planning shared service with Bracknell Forest and Windsor &

Maidenhead; and the Public Protection Partnership shared service with Bracknell Forest and Wokingham. This complexity means it can be challenging for WBC to exert influence, but the council is making inroads in this space, for example negotiating standard adult social care salary rates to avoid councils 'poaching' staff from one another, and making good progress in the development of the Thames Valley Berkshire LEP into a Shared Prosperity Board, with Berkshire local authority leaders and chief executives working together well.

The peer team heard that there are good relationships with partners and contractors at an operational level, for example with the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT), Veolia, and Volker. The Building Communities Together (BCT) partnership – the community safety partnership for West Berkshire – demonstrates strength in joint working, for example the joint approach to using data to drive targeted early prevention activity in relation to school exclusions. BCT is a valued body according to all the partners the peer team spoke to, as evidenced by good attendance at meetings. Given the seniority of those involved in the BCT, the peer team was of the view that more could be achieved, and it would be worth the partnership taking some time to think about how it can make the most of the partnership and translate into tangible outcomes.

More generally, there are opportunities to strengthen partnership working further, with partners telling the peer team that they are looking to the council to step more into the 'place leadership' space and a keenness among partners – including statutory partners, voluntary and community sector organisations, town and parish councils, and local businesses – to work more closely with WBC. The peer team heard several examples of good practice in partnership working – including work with the Greenham Common Trust, the Council for Voluntary Services, and the Rural Communities Charity for Berkshire; some examples of positive consultation practice; and positive support and joint working in response to the recent flooding events – but reflected that often this was down to good working relationships with individual officers and that what was lacking was a more consistent and strategic experience with the council as a whole. A number of partners – especially the town and parish councils and the VCS – expressed a desire to strengthen joint working with the council, highlighting opportunities that could be realised if the council were to engage with them earlier and more frequently.

By engaging partners in the council's vision and ambitions, WBC could lever in additional capacity and resources to maximise the outcomes that can be achieved for local communities. Similarly, there are opportunities to bring a more strategic 'clienting' approach to partnerships with contractors, for example building into contracts ways in which such partnerships could contribute to corporate priorities. Looking more widely, the council could make more of opportunities to develop and embed meaningful co-production in adults' and children's services.

Efforts to improve partnership working could be achieved through better and earlier communications with external organisations, giving partners early notice of new initiatives or plans, creating opportunities to shape early thinking and/ or co-produce solutions, and identify potential for collaboration. Working together in a way that demonstrates a sense of parity of esteem for partners to identify, develop and deliver shared priorities will result in better outcomes for local people. One way of contributing to this agenda would be to develop a strategic memorandum of understanding with the VCS. This would provide a welcome statement of intent and help to bring a strategic approach across the council to improve how the council works with these key partners.

The peer team also heard about external scrutiny sessions that have taken place with the Police, Thames Water, and the Environment Agency, contributing to the council's place leadership and holding partners to account on behalf of residents, and representing their concerns.

4.3 Governance and culture

The peer team heard from a number of sources that the new administration had introduced new approaches to ways of working, particularly in relation to being more inclusive of opposition members. For example, there is Conservative member sitting on the Property and Investment Group, a Green councillor chairing scrutiny, and a Conservative Vice-Chair of the Governance Committee. The working relationships between members appear improved, with behaviour described to the peer team as "positive," "respectful," and "professional."

There has been significant work to review and reframe internal and public governance arrangements, drawing on an independent review by the Centre for

Governance and Scrutiny and adopting the CIPFA/ SOLACE framework for good governance. New governance arrangements to streamline structures and processes are being introduced in a phased way. Some of these new arrangements had not yet been introduced when the peer team was onsite. These efforts are to be applauded, though the peer team was of the view that further work is warranted. The new governance structure – though simpler than what was in place before – still seems overly complex and confusing, and several staff at different levels across the council told the peer team that they still do not understand it. The peer team also heard that at times the governance ‘hoops to go through’ hinder getting things done. With this in mind, work is needed to further simplify the council’s governance arrangements, to ensure that systems and processes add value, minimise duplication, and are well-understood across the organisation.

The peer team heard that strategic HR, communications, legal and transformation input is often left out of early discussions about policy development, and noted that this may be in part due to the positioning of these roles within the council’s wider structure. There is a need for the council to ensure that appropriate expert insight and advice is fed into both strategic discussions and specific policies and plans as they are developed, both in informal and formal meeting settings. Providing opportunities for input from service area experts at an earlier stage will enable more effective planning, risk management, and impactful delivery for the council.

The peer team heard evidence that the council’s overview and scrutiny function is generally seen as constructive and as a valuable means of holding the Executive to account and developing policy. The committee has demonstrated some good practice, for example holding an inclusive work planning session at the start of the municipal year bringing together scrutiny members, Executive members, and CLT to explore topics for scrutiny and prioritise options using a set of evaluation criteria. Other good practice includes scrutiny being chaired by an opposition councillor, scrutiny members starting to undertake primary data collection themselves, and the external partner scrutiny and budget scrutiny mentioned elsewhere in this report. This is all positive, but there are opportunities for ensuring greater effectiveness through more visible leadership, and following up on what action has been taken in response to scrutiny recommendations. Scrutiny might consider how it can assess and report on the impact it has made, for example through an annual scrutiny report to Full

Council. The peer team also noted that there is limited officer support for scrutiny, which limits scrutiny's capacity and potential impact.

The Governance Committee has a new chair who takes his role seriously. The council would do well to explore how it can support him in his new role, in addition to regular training for members of the committee. The remit of the Governance Committee includes audit and risk, and the peer team would encourage the council to review this as best practice clearly states that audit should be considered separately from other issues such as standards, code of conduct, etc.

At the time that the peer team was onsite, there was a new vacancy for an Independent Member of the Governance Committee. The council should seek to fill this vacancy as soon as possible and review allowances to encourage recruitment of new Independent Members.

The peer team heard that there is currently a constitutional review underway – including a review of the code of conduct and the procedure for complaints against members – though there were inconsistent reports of its status. Some reported that the review was taking a long time to conclude, and others appeared not to be aware of the project. It would be helpful to bring clarity around this work, and an inclusive approach to ensure that all are sighted on the project as required.

The peer team received feedback that the audit and risk team works well, with team members having a good grasp on their areas of responsibility. Looking more broadly, there are opportunities to use the Annual Governance Statement as a dynamic tool to drive governance improvement across the council.

With regard to the organisational culture at WBC, the peer team was struck by the enthusiasm and commitment of the council's staff, who love West Berkshire and are passionate about making a difference to the district. Staff highlighted the supportive culture of the council, in which colleagues look out for each other. However, staff were clear in their conversations with the peer team that they feel stretched to their limits, struggling to square capacity with the demands placed on them. Colleagues reported high levels of stress, responsibility and workload, and said they felt that they were constantly firefighting. This is borne out by responses to the council's staff pulse surveys. The work recommended elsewhere in this report to bring greater clarity to the council's key priorities (including what is not a priority) and the development of a

corporately coordinated approach to responding to the financial challenge will help with this. Similarly, now that the CLT is fully established, there is an opportunity for this group of colleagues to work together to bring a cohesive approach to leadership and management across the organisation.

WBC is demonstrating good practice by undertaking staff pulse surveys to assess health and wellbeing, and the peer team noted that a full staff survey is planned for a few months' time. The peer team would encourage the council to undertake a full staff survey more regularly (the Employee attitude survey takes place every 3 years currently) and use the more frequent pulse surveys – which have been successfully used to gauge colleagues thoughts on health and wellbeing matters – on broader topics.

The council has recently introduced a new behaviours framework, and this undoubtedly will need time to bed in. The planned staff survey will provide an opportunity to test out how well the new framework has been received by staff and the extent to which it is beginning to be embedded. The peer team also heard about work underway to develop an Employee Value Proposition to support recruitment and retention. The council will need to find the right balance between enabling a positive work/life balance and a friendly workplace through flexible working, and ensuring that staff are productive and accessible to meet business needs.

4.4 Financial planning and management

WBC has a net revenue budget of £159m. Like many councils nationally, budgets and spending fluctuated in West Berkshire during the Covid-19 pandemic and masked some of the immediate and legacy implications of the various lockdown periods, but the council managed the pressures and carried forward Covid-19 funding into future years. However, during that period, spending pressures were building in adults and children's social care in particular. By 2022/23, demand-driven service pressures meant that the council reported an overspend of £4.7m. This was managed by one-off and technical adjustments, including an increased contribution from (an already low) level of reserves. Accounts from 2021/22 onwards have not yet been signed off by the external auditor. This is a national issue, but the external auditor has raised specific concerns in several areas and has a letter setting out a number of concerns regarding financial sustainability. The council has previously

invested in commercial property and has a portfolio valued at £58.9m, reporting that the assets provide a net return of less than 2% after accounting for all costs.

The council has recently developed a transformation programme, having previously focussed on annual savings to meet the budget gap. The council has built up a deficit in the Special Education Needs and Disabilities (SEND) High Needs Block of the Dedicated Schools Grant (DSG): At the end of 2022/23 the deficit was £4.8m, and at the time of the CPC the deficit was forecast to increase to £9.5m by the end of 2023/24. As a result, the council is part of the Department for Education's Delivering Better Value (DBV) programme. Should the statutory DSG override end, as is forecast from 2026, the deficit is likely to have a detrimental and significant impact on general fund reserves.

The 2024/25 budget draft budget proposals set out a strategy to replenish reserves by £2m, identify ongoing savings totalling £14.5m and one-off savings of £2m, and includes a council tax increase at the maximum permitted level of 4.99 per cent. The savings targets represent a much larger amount than has been proposed in previous years and requires an ambitious 100 per cent delivery to achieve a balanced position. The peer team noted that in the current financial year the Council is forecasting to deliver 80% of its saving target. At the time of this CPC, the council was forecasting a large overspend of £3.3m for the 2023/24 financial year, with an underlying pressure of £7.7m before mitigation.

The council is upfront about the fact that finance is a key challenge. It was clear to the peer team that the DSG deficit represents a serious threat to the future financial sustainability of the council. The council's financial situation has been communicated widely, including with the Department for Levelling Up, Housing and Communities (DLUHC). The scale of the challenge and potential impact of not bringing stability to the finances appears to be widely understood and recognised across the organisation. Indeed, staff the peer team spoke to consistently had finance at the front of their minds. It was not clear to the peer team however that there is a whole organisation approach to respond to the challenge yet. There is an urgent need for a single, council-wide approach to tackle the financial challenge that is owned and led by the Executive and CLT, which will involve holding the line to ensure that savings are identified and delivered, services do not overspend, and that growth and demand are managed at a service and organisational level.

As mentioned above, WBC has a number of competing priorities, which do not reflect the council's capacity or finances to deliver. It is imperative that all parts of the council – led by the political leadership and CLT working together – engage in developing, and then delivering, a plan to reshape services to operate within WBC's financial constraints. Members of staff are keen to support the council to resolve the budget gap, but are not clear about how they can contribute. They need to be supported to know how to focus their efforts, and this includes clarity about what staff can stop doing, that is to say what is not a priority. As part of this work, the Executive may wish to consider whether the existing executive portfolios are aligned to the administration's priorities.

The council has historically had a low level of reserves compared to its CIPFA nearest neighbours. At the time the peer team was on site, reserves stood at £7.2m, but these were predicted to reduce to £4m by the end of the 2023/24 financial year due to in-year budget pressures. This low level of reserves is extremely concerning, and WBC needs to address this urgently. The peer team supported the council's desire to grow the reserves but believes this should be more ambitious and the plan in the current medium term financial plan should be seen as an absolute minimum. The additional £2m planned to go into reserves for 2024/25 will bring the total unallocated reserves to £6m, noting that this is below the council's identified stated policy that the minimum level of reserves should be £7m. The peer team was of the view that the council would in fact benefit from spending time considering the wider risks associated with this current assessment, getting cross-organisational support to increase reserves and going harder to increase their level significantly. The council should publish a clear plan to increase reserves even further over time.

There is cross-party trust in the S151 Officer (the Executive Director for Resources) and his team, however in the view of the peer team too much responsibility is being placed on the S151 Officer alone to assess where the right level of reserves should be. There needs to be a risk assessment of what the reserves should be and there needs to be a collegiate approach by CLT as a whole to assess this risk.

The peer team heard about the Financial Review Panel that has been established to review spend as a means of tightening grip on the budget. While this is understandable given the financial situation, it is important that the council has a plan to put in place appropriate management controls that are followed so that the

Finance Review Panel is not needed, not least because it is not a long-term solution and it takes a lot of time and effort to service. Care should also be taken to ensure that the Financial Review Panel is not an impediment for creativity and innovation and does not set a culture that removes financial responsibility from those that need to be accountable, but in the short-term drives the change that is needed across the organisation.

The council has a robust financial planning process, with links between council strategies and the medium term financial strategy, though this could be strengthened further as a result of the work recommended elsewhere in this report to review the council's priorities. There was positive engagement from the public in the budget consultation exercise (with more than 2,500 responses), with ward members playing an important role in encouraging local people to share their views. The Adult Social Care financial modelling has been reviewed externally by the LGA's National Care and Health Improvement Adviser and found to be sound. To support the improvement around budget planning, forecasting and compliance with controls, the council should consider putting in place training to strengthen financial literacy across management tiers and members.

While there are limited resources to support risk management across the council, the peer team heard that the council's culture is shifting from risk averse to risk aware, although it was acknowledged that this was variable across service areas. Discussions about the appropriate risk appetite for the council have taken place between the Executive and senior officers. Work to make the link between performance and risk in the new performance monitoring system is innovative and has huge potential to bring about benefits by reviewing risk and performance information in tandem regularly.

The capital programme has consistently underspent over the last few years. Given that improving the property estate is one of the council's priorities, it is important that this is gripped to deliver to timetable. The peer team was told that a review of the capital programme was underway, and flagged that it would be helpful for the Capital Strategy Board to ensure that this work links the council's Corporate Plan priorities and its plans for how it will use assets.

Scrutiny members undertook a special budget scrutiny session for the first time this

year, with dedicated time for members to ask questions and offer suggestions on the draft budget for 2024/25. This is a positive development, but the timing of the session – two days before the Executive meeting where the budget was to be agreed to be recommended to Full Council – was unfortunate. In future, budget scrutiny needs to be scheduled earlier in the process to allow sufficient time for the Executive to properly consider and respond to scrutiny comments.

The external auditor described positive relationships with council colleagues. It is aware of the council's financial challenges and is supporting WBC in its work to highlight the scale of the challenge. The peer team heard about a general lack of audit capacity to support the council, however. As the council is about to take on a new external auditor, the peer team would recommend the council should seek assurances from the new external auditor that they will receive the support required.

4.5 Capacity for improvement

The council has launched a transformation programme that is initially focussing on 6 key projects:

- Business support review – consolidation and automation of manual and administrative functions into a central business support unit;
- Strategic asset and locality service delivery model review – rationalisation of corporate buildings and co-location of council services;
- Place service improvement plan – implementation of a service improvement plan to improve efficiency and customer satisfaction in the council's planning service;
- Corporate review of recruitment – considering ways to improve recruitment processes whilst reducing agency costs;
- Review of care home provision – development of an in-depth business case for the future role of the council in local residential care provision; and
- Review of home to school transport – review of the service delivery model for home to school transport to identify efficiencies.

While these are all worthy projects, the peer team would encourage the council to be more ambitious and transformative when determining the next phase of transformation projects.

It is positive that the council has invested in a Service Director for Transformation, though there is a question as to whether transformation activity is resourced sufficiently with a small team of one. Recognising that outside of the transformation team there are colleagues across the council doing work on such activity, including but not limited to the programme office, it would be worth the council considering whether the transformation resource across the council is corralled in a way that is cohesive and enables this work to be delivered at the pace required.

The peer team was surprised to learn that transformation programme projects do not have financial targets. While not a savings project in itself, the transformation programme has significant potential to deliver savings for the council and it would be helpful to articulate that. Furthermore, it is important that HR and organisational design considerations are taken into account at very early stages of transformation project planning, and efforts need to be made to ensure that this is consistently done.

The work to redesign business support will be a major project, and the peer team heard inconsistent views on whether there is capacity to deliver the project and whether there is buy in for the project across CLT.

The peer team heard that historically WBC has had a risk averse culture, though this appears to be changing with steps taken to encourage greater appetite for innovation across the council. There is more work to be done in this area, so that innovation is not seen as a thing that one specific team does, and instead is something that is owned, embedded and championed throughout the organisation.

Executive members are keen for the council to improve approaches to ensuring consistency across the organisation. The peer team recognised the advantages and greater clarity that may arise from mapping corporate processes, but would urge the council to take care to avoid it 'becoming an industry,' taking the focus away from organisational priorities and get in the way of delivery.

A performance management system is currently being introduced and early indications suggest this will be a positive addition, incorporating risk in an easy-to-use format. It was not clear to the peer team the extent to which it is being used to drive wider improvement, and greater emphasis should be placed on this. There are opportunities to lever data to drive improvement and deliver priority outcomes.

The peer team heard about a number of good initiatives to promote equality, diversity and inclusion (EDI) across the council, such as establishing staff networks and mental health first aiders receiving the same allowance as physical first aiders, but this activity appears to be inward looking. There are opportunities to project this work outside the council to underline WBC as an organisation that is committed to equality and diversity. In governance terms, it would also be worth WBC considering whether the good initiatives on EDI are embedded in both day-to-day activity and decision-making.

It is important that EDI activity is led by CLT and for senior management to be exemplars in challenging poor behaviour where it occurs. The peer team heard concerning examples of some women receiving sexist comments which were reported to the peer team as having gone unchallenged. While it is beyond the scope of the CPC to investigate such allegations, the peer team wanted to flag this as an issue that had been raised, and urge the CLT to consider how they demonstrate their commitment to supporting EDI in their leadership. In addition to the impact on staff, not providing such leadership would undermine the council's positive work elsewhere on EDI.

With a significant number of new members elected in May 2023, it was positive to hear that the council's member induction programme was well-attended and feedback was positive. Members who took up leadership positions (eg in the Executive, or chairing scrutiny or other committees) have taken up support to assist them to get to grips with their new roles, including via LGA political mentoring, LGA Leadership Essentials training, and resources from organisations such as the Centre for Governance and Scrutiny. This is to be applauded, and the peer team would recommend that members in leadership roles in particular continue to seek out opportunities to build their policy knowledge, develop their skills and glean good practice through networking. The council should ensure that members stepping into new roles are provided with details of learning and development support they can access.

Noting that female members make up only 25 per cent of WBC's councillor population, the peer team would encourage the council to consider how to attract greater female representation, for example using campaigns such as the [LGA's 'Be a Councillor'](#) programmes. Linked to this, the council could give some thought to the

timing of council meetings to be more inclusive to allow members and residents who work and/ or have caring responsibilities.

The peer team recognised that the council has responded to the 2019 CPC recommendations on communications: there is now a good communications plan in place, a new online magazine has been launched, and some positive examples of resident engagement initiatives. The 'Let's chat' staff meetings are well-attended, and the Leader has joined sessions to speak to staff. There are opportunities to improve further, for example considering the way in which WBC 'closes the feedback loop' with those who participate in consultations, or having early conversations with umbrella bodies such as the centre for voluntary services to identify a wider range of organisations and individuals to engage in consultations and service redesigns. Though the communications team has grown since the last CPC, the peer team heard concerns about whether the team has sufficient capacity to deliver, and would urge the council to ensure that it is clear about what is a priority to be delivered within the available capacity. Echoing points made elsewhere in this report, it is also important that communications expertise needs to be present at the top table to ensure early advice and planning.

The peer team was made aware of ongoing discussions between WBC and the trade unions, including work to reach an agreement regarding facilities and recognition. The peer team would encourage the council to resolve this as soon as possible.

4.6 Special Education Needs and Disabilities (SEND)

West Berkshire has experienced slower growth in the proportion of children and young people with additional needs compared to its statistical neighbours, but has a significant deficit in the SEND High Needs Block of the Dedicated Schools Grant (DSG). An Ofsted Area SEND and Alternative Provision Inspection is likely to take place in the short term.

It was clear to the peer team that the council benefits from committed and passionate staff who want to make a difference to the lives of children with additional needs. There is a range of services and offers for schools to support children with SEND, including some mental health support services in schools and Social Emotional Mental Health work in some secondary schools targeted at reducing exclusions. This

is leading to some positive educational outcomes for children with education, health and care plans (ECHPs). The council benefits from a stable and experienced educational psychology team, and there is a dedicated transitions team in place. Given the scale of the DSG deficit (forecast to be £9.5m by the end of 2023/24), the council is part of the Department for Education's Delivering Better Value programme, which does bring in additional resource to support SEND. This deficit represents a serious threat to the future financial sustainability of the council, and this needs to be resolved within the available financial envelope.

In the view of the peer team, there are a number of areas in which the council could make improvements in this area. First, an ambitious SEND and Alternative Provision strategy that is co-produced needs to be developed urgently to bring clarity and focus regarding what action will be prioritised. Contributions to and alignment with other work in progress – such as the autism strategy that is in development – provide opportunities to work together to develop an all-age approach to key areas of activity.

The council should consider establishing a DSCO (designated social care officer). This is not a statutory requirement but areas where this role is developed are showing the positive impact it can make to improving the understanding and engagement of social care in EHCPs and working with children and families where a child has special educational needs and/ or disabilities. There is a strong network of engagement and learning across authorities supporting best practice development for DSCOs, supported by the Council for Disabled Children. This can be a stand-alone role or a current post holder could have protected time to take on this role.

There is a need to urgently establish a strategic Local Area Improvement Partnership for SEND and Alternate Provision (AP), supported by a shared data set to understand the strengths and weaknesses across the SEND and AP system and drive improvement activity.

West Berkshire would also benefit from some focussed work to better understand the links and joint working opportunities between the Integrated Care Board, the Health and Wellbeing Board, and the Locality Integration Board to ensure that the right colleagues are in attendance and that there is a coherent vision for strategic services and outcomes for children.

The council should move quickly to re-establish an effective parent-carer forum, and

develop a co-production charter that will sketch out how meaningful co-production including parent carers and young people will be embedded in West Berkshire.

Whilst some work and thinking has been done on supported internships and routes into work, it appears to be limited small projects rather than a clear and accessible strategic approach. The peer team heard that some momentum was lost during the Covid-19 pandemic and some of this work is only now restarting. Partners talked to the peer team about wanting to add more 'social value' and were keen to have discussions around internships and work experience for young people and adults with EHCPs or disabilities. There is an opportunity to do more in this space, including knowing how many children with EHCPs move into adult services and how many move into adulthood without structured support. Furthermore, the council as a key employer could lead by example and establish some supported internships to offer employment for adults with disabilities. This is an area where a clear corporate approach and joined up thinking will support progress.

5. Next steps

It is recognised that senior political and managerial leadership will want to consider, discuss, and reflect on these findings.

Both the peer team and LGA are keen to build on the relationships formed through the peer challenge. The CPC process includes a progress review within twelve months of the CPC, which provides space for the council's senior leadership to update peers on its progress against the recommendations from this report.

In the meantime, Mona Sehgal, Principal Adviser for the South East, is the main contact between your authority and the Local Government Association. She is available to discuss any further support the council requires (mona.sehgal@local.gov.uk, 07795 291006).

6. Support and signposting

Details of the LGA's **sector support offer for local authorities 2024/25** are available online: www.local.gov.uk/publications/sector-support-offer-local-authorities-202425.

Political mentoring – Through the LGA's political group offices, member peer mentors from other councils can be arranged for senior members. Typical mentoring engagements stretch over six months, providing the space for honest conversations, to be challenged and supported in a confidential environment.

National member development programmes – The LGA offers a range of training and development programmes, our political leadership training offer supports councils to build greater leadership capacity and develop politicians at all stages of their career, including face-to-face training as well as online training resources such as e-learning and workbooks. In particular, the following leadership programmes for Portfolio Holders may be of interest. To find out more or book contact: grace.collins@local.gov.uk.

- Leadership Academy: For Members in leadership positions
- Leadership Essentials: Economic Growth
- Leadership Essentials: Housing
- Leadership Essentials: Finance
- Leadership Essentials: Climate Emergency
- 'Developing Your Political Leadership Skills' Masterclass

Social media guidance for councillors – The LGA can also provide bespoke social media training for members

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Review of Enforcement of Community Infrastructure Levy Exemptions for Householders

Committee considering report:	Executive
Date of Committee:	23 May 2024
Portfolio Member:	Councillor Jeff Brooks
Report Author:	Clare Lawrence
Forward Plan Ref:	EX4533

1 Purpose of the Report

- 1.1 The Community Infrastructure Levy (CIL) is a charge that can be levied by local authorities on new development in their area. This is an important tool to support local authorities to deliver infrastructure to support development in the local area, such as schools, roads and flood defences.
- 1.2 The Council commissioned a review into the CIL Customer Journey which was undertaken by the Planning Officers Society (POS) and this has identified a number of opportunities to improve the CIL process in West Berkshire. There are a number of priority recommendations included in the POS report and this report proposes the adoption of a CIL Enforcement Policy - Householder Applications, which will be applied with immediate effect.
- 1.3 It also proposes a process by which the Council will undertake a discretionary review of CIL payments for Housholder applications previously made against the new CIL Enforcement Policy - Householder Applications. Such a review will only take place following a request by the householder who made the CIL payment. The Council will consider making refunds of CIL previously collected, together with late payment interest and surcharges if appropriate to do so.

2 Recommendations

- 2.1 It is recommended that the Executive:
 - a) Adopt the CIL Enforcement Policy – Householder Applications (Appendix 2) which will apply with immediate effect to future householder cases and any current householder cases awaiting a decision on exemption.
 - b) Approve the Discretionary CIL Householder Review Scheme at Appendix 3.

- c) Delegate to the Executive Director – Place, in consultation with the Leader or Deputy Leader delegated authority to consider requests received between 1st June 2024 and the 31st May 2025, that the Council undertake a discretionary review of CIL liabilities that have previously been paid by householders. Where appropriate having regard to the CIL Enforcement Policy – Householder Applications, the Executive Director, Place may agree to cancel CIL Liability Notices and refund CIL payments made.
- d) Delegate to a Member Panel comprised of three Members of the Administration (including at least two Members of the Executive), to determine In-Person Reviews of a discretionary review of CIL Liabilities, where a householder is not satisfied with the outcome of the initial discretionary CIL review. Where appropriate having regard to the CIL Enforcement Policy – Householder Applications, the Member Panel may agree to cancel CIL Liability Notices and refund CIL payments made.

3 Implications and Impact Assessment

Implication	Commentary
<p>Financial:</p>	<p>The adoption of a CIL Enforcement Policy – Householder Applications should have a neutral financial impact on the Council.</p> <p>The reimbursement of CIL, together with surcharges and any late interest paid in accordance with the Discretionary CIL Householder Review Scheme will be funded through the CIL balances held by the Council. The current CIL reserve balance is £17 million. It is estimated that householder applications have delivered approximately £2million in CIL receipts since the introduction of CIL. It is considered that the total number of cases that may be eligible for a refund following a discretionary review will be limited, and the financial impact of this proposal will therefore be significantly lower.</p> <p>Any additional costs are not payable from the CIL balance or from the 5% CIL admin charge and will need to be found from revenue.</p>
<p>Human Resource:</p>	<p>The introduction of the CIL Enforcement Policy – Householder Applications should have a positive impact on resources as it is likely that this will result in less queries from customers and a reduction in the number of complaints.</p> <p>There may be some impact on those involved in administering any discretionary reviews that are undertaken. This will be</p>

Review of Enforcement of Community Infrastructure Levy Exemptions for Householders

	mitigated by the use of digital forms where possible, and the adoption of a clear, well managed process.			
Legal:	<p>A written CIL Enforcement Policy – Householder Applications will help to ensure that the Council operates in an open and transparent manner when collecting CIL.</p> <p>Under the Community Infrastructure Levy Regulations 2010 (as amended) there is no mechanism to return monies once the development has commenced. However, if the Council has accrued monies and/or holds monies that it should not be holding then the equitable remedy is to return those monies.</p> <p>The Council has a discretion to review any decision to off-set CIL liability if there has been an existing use and no change in floorspace.</p> <p>The Council should be consistent in the decision making on any discretionary reviews that are undertaken to minimise the risks of challenge by way of judicial review. The adoption of the CIL Enforcement Policy – Householder Applications will reduce this risk.</p>			
Risk Management:	The Enforcement Policy will provide improved information and clarification to householders regarding the Council’s procedures for dealing with planning applications. This should result in an improved customer experience which will reduce the risk of challenge and complaints regarding the processing of CIL exemptions.			
Property:	N/A			
Policy:	The proposal relates to the CIL Charging Schedule adopted March 2014 and effective from 1 April 2015.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				

Review of Enforcement of Community Infrastructure Levy Exemptions for Householders

A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Environmental Impact:		X		
Health Impact:		X		
ICT Impact:		X		
Digital Services Impact:		X		
Council Strategy Priorities:	X			<p>Priority 1 – Services we are proud of</p> <p>1C Treat our residents with respect, be transparent in our decision-making and accountable for our actions.</p> <p>1.12.3. Carry out a full review of West Berkshire's Community Infrastructure Levy process (2024)</p>
Core Business:		X		Administration of CIL is governed by legislation
Data Impact:		X		See Appendix 4
Consultation and Engagement:	Clare Lawrence – Executive Director Place; Sharon Armour – Legal Services Manager; Shannon Coleman-Slaughter – Acting Head of Finance & Property; Laura Callan – Planning Policy, Infrastructure & Place Manager			

4 Executive Summary

- 4.1 The Community Infrastructure Levy (CIL) Charging Schedule was adopted by the Council with effect from April 2015. CIL is a charge on certain types of development (residential and retail), calculated on a £ per sqm basis, intended to be used to fund infrastructure to support the local area. Town and parish councils receive a proportion of CIL collected from this kind of development in their areas to fund their own projects.
- 4.2 The CIL legislation is complex and allows for some development to be exempt from CIL so long as the exemption is applied for using a process prescribed by the regulations. In most cases, development must not be commenced until the exemption has been granted by the local authority. This applies to individual householders as well as large developers. In accordance with the regulations, where no exemption has been applied for, or has not been granted, the development remains CIL liable, and this is recorded on the Land Charges Register.
- 4.3 There are three different types of householder developments on which the landowner(s) are liable to pay CIL unless they apply for and are granted exemption. In strict accordance with the regulations, an application for exemption can only be made after liability has been accepted by an individual or individuals. The three types of householder developments are (1) residential extensions over 100 sqm, (2) residential annexes and (3) self-build dwellings for personal use. CIL exemption is also available for off-setting, where there has been an existing residential use and no change in floorspace. Further information is available on the Council's [website](#).
- 4.4 The Council commissioned an independent review of the CIL Customer Journey by the Planning Officers Society (POS) and received their report in April 2024 (produced at Appendix 1). The review makes several recommendations to the Council, including five priority areas for consideration and action. This report focusses on two priority recommendations as follows:
- Report to Executive on the benefits of not processing CIL liable domestic extension applications, taking account of the risks for the Authority of noncompliance with the regulations.
 - Report to Executive on taking a more lenient approach to self-build claims for genuine self-builders.

5 Supporting Information

Background

- 5.1 The POS review was instigated following a significant number of complaints regarding the way that CIL had been processed since the CIL POLICY was adopted in 2015. The POS review stated that there was no evidence that the Council had acted contrary to the legislative framework, but it did make a number of recommendations that would enable the Council to adopt a more customer friendly approach to CIL.
- 5.2 The POS review proposed 27 recommendations for the improvement in the CIL customer journey. Many of these relate to the operational delivery and the CIL process and do not require a decision from Executive. Examples include improved information

being made available for planning applicants, and greater communication and support for applicants through the CIL process.

5.3 Five priority recommendations were made as follows:

1. As a matter of urgency, a prominent note should be posted on the website, clarifying that the exemptions set out in the Charging Schedule must be applied for by the applicant as per the regulations, and spelling out the repercussions of not doing so.
2. Report to Executive on the benefits of not processing CIL liable domestic extension applications, taking account of the risks for the Authority of noncompliance with the regulations.
3. Report to Executive on taking a more lenient approach to self-build claims for genuine self-builders.
4. Review the current website content to give CIL matters better signposting and greater prominence for residents and applicants.
5. Introduce a training programme for officers, members, parishes and agents to improve the understanding and implications of CIL.

5.4 Recommendations 1 and 2 above have already been implemented and recommendation 5 will be addressed through an action plan.

5.5 It is proposed that recommendations 2 and 3 are addressed through the adoption of a new CIL Enforcement Policy - Householder Applications (extensions, annexes and self-build) which is detailed at Appendix 2. This policy enables greater flexibility in the Council's approach to enforcing CIL liabilities where the strict process set out in the regulations has not been correctly followed due to a genuine mistake of the homeowner.

5.6 An action plan will be developed and implemented to address the full recommendations of the CIL Customer Journey Review. The majority of these are operational in nature and can be addressed without Executive approval. An update report will however be provided to Executive later this year to detail the full Department response to the POS recommendations. This will provide assurance that the Council is implementing positive improvements resulting from the recommendations detailed in the POS report.

Proposals

5.7 The Enforcement Policy – Householder Applications sets out how the Council will approach CIL enforcement for residential extensions, annexes and self-build applications.

Residential extensions

5.8 The POS report acknowledges that some authorities exclude all residential extensions from CIL and do not require the statutory forms to be completed ('blanket exemption') but this is not universal practice. Some householders want formal confirmation that their development is not CIL liable, often with a view to selling their property. For this reason, blanket exemption is not recommended.

5.9 Instead, the recommended approach is that the Council supports applicants to complete the forms and follow the process set out by the regulations. The enforcement policy states that the Council will not normally pursue CIL liability for householder development in circumstances where the liability would arise because forms haven't been submitted and/or the process has not been followed in strict accordance with the regulations due to error or oversight.

Residential annexes and self-build dwellings

5.10 Residential annexes and self-build dwellings differ from residential extensions in that there is potential for abuse of the system by developers purporting to be self-builders or by individuals seeking to gain financially by letting a residential annex as a separate dwelling or by selling on the property within a short space of time. The CIL Regulations allow the authority to 'claw back' CIL in the event that an annex is let or a self-build property is sold within 3 years of commencement ('disqualifying event').

5.11 There is a clear statutory process in place for dealing with exemptions for these types of development, and the recommendation is that the Council continue to follow the statutory process but to allow the exercise of discretion where appropriate.

5.12 The CIL customer journey for householder applicants will be improved so that genuine self-builders are better supported in the process by the Council, which will provide assistance so that exemptions are granted for qualifying development.

CIL Enforcement Policy – Householder Applications

5.13 The CIL Enforcement Policy – Householder Applications sets out the Council's new approach to the enforcement of CIL in the case of householder developments. This will be available on the Council's website and be applied with immediate effect. This means that householder cases awaiting a decision on any exemption will be reviewed and assessed against the new policy to enable the Council to re-issue CIL Liability Notices to householder developers who have not yet paid where appropriate.

5.14 The POS review recommended that the risks and benefits of a changed approach should be considered, and these are set out below:

(a) The benefits of not normally pursuing CIL liability for residential extensions, are:

- The eligibility criteria to qualify for residential extension exemptions is low and exemption is granted for the vast majority of householders who follow the correct procedures;
- Pursuing CIL liability is costly, time consuming and bureaucratic for both the Council and applicants, especially when time has elapsed between planning permission being granted and commencement of development. Officer time could be used more effectively on applications which produce CIL income and other benefits to the community.

(b) The risks of the new approach are:

- The Council could be challenged legally regarding its approach to enforcement. It is considered that the risk of challenge is low, but any litigation would have cost

and resource implications for the Council. The costs of any litigation could not be met from the CIL 'pot'.

- Those who have made retrospective applications are normally disqualified from exemption. This is not considered to be a significant risk.

Discretionary review of previous CIL liable householder development

- 5.15 It is estimated that there are a limited number of cases going back to 2015, where householders have paid CIL after being disqualified from exemption due to genuine mistakes in their paperwork or for not following the CIL process in strict accordance with the regulations.
- 5.16 In order to adopt an equitable approach, it is proposed that any householder who has previously been subject to a CIL Liability in West Berkshire, will have the opportunity to request that the Council undertake a discretionary review of that liability. The review will consider liability having regard to the CIL Enforcement Policy – Householder Applications, and if the CIL would not be payable under the that policy, the CIL liability will be cancelled, and any payment made to the Council in connection with that will be refunded.
- 5.17 Any request that the Council undertake a discretionary review, must be received by the Council by the 31st May 2025. Any request or application for a discretionary review received after that date will not be accepted. The review process will be undertaken in accordance with the Discretionary CIL Householder Review Scheme 2024 – 2025, contained in Appendix 3.
- 5.18 As noted in the POS report, the Council has previously collected CIL in strict accordance with the legislation. Therefore, if a CIL liability is cancelled under the Discretionary CIL Householder Review Scheme, only the charges that have been paid by the householder will be refunded such as the CIL Liability, surcharges, and interest. This is a discretionary refund, and additional payments will not be made in respect of other costs that may have been incurred by householders.
- 5.19 A percentage of CIL collected is paid to town and parish councils twice a year, reflecting CIL collected for development in their parish. In the event that a CIL liability is cancelled under the Discretionary Review Scheme, there is no proposal to seek to recover from town or parish councils the CIL payments that have previously been passed to them. Any repayments of CIL including any surcharges and late payment interest will be funded from the CIL balance held by West Berkshire Council.
- 6.13 The full details of the Discretionary CIL Householder Review Scheme 2024 – 2025 will be published on the Council's website prior to formal commencement of the review process, which will open on the 1st June 2024.

6 Other options considered

- 6.1 **Do nothing** – this would be contrary to the outcome of the CIL Customer Journey Review and is not therefore recommended.

- 6.2 **Wait until CIL Charging Schedule is amended to adopt a flexible approach to CIL enforcement and the CIL refund process** - This requires statutory consultation and examination, before making changes to the Charging Schedule. It is considered that the adoption of a CIL Enforcement Policy – Householder Applications will deliver immediate benefits to householders subject to CIL and should therefore be adopted.
- 6.3 **Adopt a revised approach for current and future CIL applications only** – this is not recommended as it will prevent householders who have already paid from benefitting from the new Policy.

7 Conclusion

- 7.1 Further to the POS review of the CIL Customer Journey, it is recommended that the Council adopts the CIL Enforcement Policy – Householder Applications to allow a more flexible approach to enforcing CIL liability where the strict process set out in the regulations has not been correctly followed due to a genuine mistake.
- 7.2 It is proposed that the CIL Enforcement Policy – Householder Applications will be available on the Council's website and applied with immediate effect to the householder cases awaiting decision on exemption to existing CIL cases and to future CIL cases.
- 7.3 A process undertaking a discretionary review of historic cases where CIL payments have been made by householders should be adopted, where the Council receives a request to undertake such a review between 1st June 2024 and 31st May 2025 is also recommended.

8 Appendices

- 8.1 Appendix 1 – POS CIL Customer Journey Review, April 2024
- 8.2 Appendix 2- Part 1- CIL Enforcement Policy – Householder Applications
- 8.3 Appendix 3- Protocol for West Berkshire Council Discretionary CIL Householder Review Scheme (1st June 2024 to 31st May 2025)
- 8.4 Appendix 4 - Data Protection Impact Assessment

Background Papers:

CIL information available on the Council's website -

<https://www.westberks.gov.uk/community-infrastructure-levy>

CIL Guidance – Government

<https://www.gov.uk/guidance/community-infrastructure-levy>

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: ALL WARDS

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Appendix 1

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POS Enterprises

CONFIDENTIAL

Final Report

West Berkshire Council

The customer journey relating to the Community Infrastructure Levy

April 2024

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1. Introduction and summary of findings and recommendations

- 1.1 POS Enterprises, the operational arm of the Planning Officers Society, was appointed by West Berkshire Council to undertake a review of the customer journey relating to the Community Infrastructure Levy (CIL). The Review was commissioned by the Council who acknowledged the need for change and improvement and recognised an external independent review was necessary as the catalyst to initiate the necessary action.
- 1.2 Throughout the process the staff have been helpful, open and constructive in their comments. The consultants wish to highlight this and thank all involved for their positive attitude to the entire review process.
- 1.3 The Review identified a number of areas which, in the opinion of the Review Team, should be the focus for the authority, and recommendations are included for consideration. This summary covers the main findings and recommendations. There are further recommendations in the report where there is room for improvement, but these are not considered to be of the same priority or are subsidiary to the main recommendations. In this respect it is important that the whole report is read together to understand the context, the inter-relationships and the relative importance of the recommendations. Following consideration of the report, the authority should prepare an action plan with clear priorities and timescales, in consultation with the staff.
- 1.4 During the course of the review both positive and negative factors of West Berkshire's CIL operation came to light. Both have been highlighted and recommendations are included throughout the report where there is scope for improvement. Some of the recommendations are specific, some recommend further examination by the authority, and some are dependent on actions from outside the service and outside the authority. An improvement plan that has too many priorities has no priorities, and the authority needs to be realistic in determining actions and timescales moving forward.
- 1.5 It is a characteristic of the review process that there is an emphasis on the negatives as these are where the service is not performing to the levels that could be expected. This is always the case and does not indicate a failing service, more that there is scope for improvement.
- 1.6 The Review Team found an Authority which had adopted CIL in 2015 and had secured funds of over £19.49m. Over £3.6m of this sum had been passed on to parish and town councils. The evidence showed that the CIL funds were being used expeditiously to provide much needed infrastructure to support development within the district with £13.55m spent to date.
- 1.7 CIL legislation is drafted to ensure that CIL liabilities are paid. The amount to be paid is set through a formula contained in the authority's charging schedule and is not negotiable. In this respect the process is very different from the planning system and many planning participants have struggled to appreciate this difference. This can result in unexpected CIL liabilities which cannot be negotiated retrospectively often to the dismay of those involved. West Berkshire is not alone in this respect: It is an issue in the majority of CIL charging authorities.

- 1.8 The CIL Team has sought to enforce the regulations and the Review Team found no evidence that they had gone beyond their legal powers. However, the brief was to look forward not backwards and the focus has been to put forward recommendations which would promote more constructive engagement with the customers. There are recommendations throughout the report which can be broadly grouped into 3 categories
- Provision of clear and well-signposted information and advice at an early stage, where possible before applications are submitted, explaining CIL and its implications;
 - Recommendations which should make the process more transparent and customer friendly;
 - Specific recommendations which would allow the authority to exclude more householder applications from the system.
- 1.9 Having a more customer friendly approach to CIL should not have a significant impact on the Council's CIL income. Many of the householder applications which are currently processed through the system involve a considerable workload but produce little or no income. Throughout the report the Review Team have drawn upon knowledge of how CIL is administered in other authorities throughout England.
- 1.20 The Review Team considers that the following recommendations should be the highest priorities for the Authority

Para 5.7

As a matter of urgency, a prominent note should be posted on the website, clarifying that the exemptions set out in the Charging Schedule must be applied for by the applicant as per the regulations, and spelling out the repercussions of not doing so.

Para 5.13

Report to Executive on the benefits of not processing CIL liable domestic extension applications, taking account of the risks for the Authority of non-compliance with the regulations

Para 5.16

Report to Executive on taking a more lenient approach to self-build claims for genuine self-builders

Paras 6.5, 9.2, 9.3 and 9.4

Review the current website content to give CIL matters better signposting and greater prominence for residents and applicants

Paras 6.8, 7.5, 8.5 and 8.10

Introduce a training programme for officers, members, parishes and agents to improve the understanding and implications of CIL

2. Terms of reference

- 2.1 In the autumn of 2023, following a tender process, West Berkshire District Council appointed a Review Team from POS Enterprises to undertake an external and independent review of the customer service journey for the Community Infrastructure Levy (CIL).
- 2.2 The review was to cover:
- Internal processes for West Berkshire CIL collection and enforcement, including published information, processes and workflows;
 - The opinions of the process from home owners (to be main focus) but also including self-builders, small and large developers;
 - The view of elected members of all parties;
 - A peer review of other similar CIL charging authorities;
 - What, if anything the authority could do to add value to the process.
- 2.3 The review was instigated by a significant number of complaints (mainly from residents) regarding the way that CIL had been processed since the CIL was adopted in 2015. The authority and its elected members had received numerous complaints that both residents and agents were often confused by the system. This had led to the submission of incomplete paperwork which, it was alleged, had led to additional charges being made.
- 2.4 The review brief was to review all existing CIL-relevant West Berkshire documents and, by drawing on responses received from consultation and engagement exercises, produce a report that includes a concise assessment of the CIL procedures and processes in West Berkshire, together with recommendations for improvement and changes. Best practice examples were required to inform and improve existing CIL procedures.
- 2.5 Throughout the review, the Team has remained mindful of the financial pressures upon local authorities, and the need for staff structure and numbers to be economical and efficient as well as the current difficulties in the recruitment of experienced and qualified planning staff, and the need for pragmatism in any recommended solutions.
- 2.6 In any review it is important to recognise that it is a snapshot taken at a particular time. Inevitably it draws heavily on past performance and historical information. Potential future changes which have been indicated to the Review Team can be acknowledged and may be indicative of the authority's direction of travel but cannot carry the same weight as evidence of past performance. The purpose of the review and the recommendations in the report are to highlight where and how improvement can be made and not to forensically examine past failings where they might exist.

3. Methodology

3.1 Two POS Enterprises consultants (the Review Team) conducted five days of interviews with staff and senior elected members on site, conducting further interviews as well as undertaking documentary research and reviewing performance statistics and data.

3.2 The review was undertaken using four main techniques:

Interviews and workshops

3.3 A series of interviews were held on a one-to-one basis or via video call, and further interviews were held with small groups of people with related responsibilities or similar interests in the process.

3.4 Further submissions were invited in writing from applicants and agents who were unable or unwilling to participate on a face-to-face basis.

3.5 A full list of those interviewed is contained at Annex A.

3.6 Throughout the process all interviewees were completely open and frank about their experience, on the basis that no comments or information used within the report would be attributed.

3.7 Discussions covered the following areas:

- Perceptions of the issues which have arisen around the handling of CIL since its adoption in 2015;
- Communications - both internal and external;
- Customer satisfaction;
- Identification of areas of difficulty or concern and their perceived causes;
- Exploration of ideas for possible enhancements and any practical implications they might have.

Documentation and processes

3.8 The Review Team undertook a detailed examination of documentation, reference material, systems and processes currently being used, including:

- Public information material from West Berkshire's website;
- Standard templates to communicate with applicants, agents and developers throughout the CIL process
- An examination of the Exacom CIL case handling software used by West Berkshire;

Peer review of similar CIL charging authorities

3.9 The Review Team considered the public information material available on the websites of six similar size and types of authorities to review:

- how the material was presented;
- how easy it was to find that material on websites;
- how clear the links were between the application process and the CIL material;
- similarities/differences between the adopted CIL Charging Schedules;

- any good practices that emerged which could be recommended to West Berkshire.

3.10 In addition the Review Team contacted the same six authorities with a statistical questionnaire for comparison purposes, focussing on workload, the numbers of home owner cases, and the number of complaints received. Completed results were received from four of the six authorities, sufficient to provide an indication of comparative performance.

Observation

3.11 The Review Team spent some time observing the day-to-day handling of the CIL application process alongside the CIL Team, using the Exacom system together with the current document handling system.

4. Context at West Berkshire

- 4.1 CIL was introduced in the 2008 Planning Act after a number of previous abortive attempts to fund the provision of infrastructure to support new development through a payment by developers. It was not until 2010 following a change in government that the first set of supporting regulations were passed with the first charging authority, Newark and Sherwood, charging from December 2011. West Berkshire was among the early adopters of CIL implementing their charges from April 2015. Adopting CIL is not compulsory and to date around 200 of the 300 potential charging authorities have a charging schedule in place and are collecting the Levy. Many authorities have delayed progressing CIL or reviewing their CIL charging schedules pending government proposals for a new Infrastructure Levy (IL) which is outlined below.
- 4.2 Since their introduction the regulations have been amended many times. Amendments were made in 2011,2012,2013,2014, 2015 and 2019 and there have also been changes in primary legislation affecting CIL. Many of the changes have been relatively minor seeking to remedy 'glitches' in the system identified through operating the regulations in practice, while others have been significant policy changes such as the duty to pass on a proportion of receipts to neighbourhoods and exemptions for self-build developments. The result of these amendments is a complex legal framework, often difficult to follow and made more difficult because the regulations have not been consolidated.

Principles

- 4.3 CIL was intended to overcome some of the perceived problems with 'planning gain' practice as implemented through S106 legal agreements. By setting rates through the charging schedule process developers would know how much they would have to pay and it would apply on a much wider scale than previously, with a broader range and number of developments liable to pay. The intention was to spread the load so that more developments would contribute to the infrastructure needs that they were creating. There would be transparency and certainty from the outset and it would be non-negotiable with a comprehensive enforcement regime. In this respect it was to be very different from the planning process, where there is flexibility and negotiation and decisions can be reviewed and revised.
- 4.4 The difference with the planning process was intentional but was, and can still be, a shock to owners, developers and advisers. Christopher Cant, an acknowledged legal expert on CIL expresses this very well:

'... the CIL regime is intended to be certain and non-negotiable. The time to consider its impact on development is before a development commences because if changes are needed after commencement the CIL can be high as is the case with failures to comply with the regime It is not possible to negotiate a reduction in the CIL bill'

- 4.5 He goes on:

'The number and nature of statutory appeals against CIL liability and CIL surcharges illustrate very strongly how there has been a failure to understand the CIL regime In particular it is not enough that a development qualifies as self-build in one form or another - the statutory compliance procedure must be properly gone through if the benefit of a self-build exemption is to be gained.....These appeals hammer home that without exception the onus lies on the owner/developer and those acting

for them to be aware that CIL applies.....It is not for the Local Authority to advise on CIL.....The duty of the local planning authority is to administer the CIL regime and to collect the CIL liabilities.'

- 4.6 What Christopher Cant explains in stark terms is that, from a legal perspective, the local authority holds all the cards when it comes to CIL. Failure to understand the process or errors in procedure by owners or developers (or indeed by the authority) are not going to be sufficient reason legally to avoid paying CIL.

The future of CIL

- 4.7 The Government is proposing to replace CIL with an Infrastructure Levy (IL). This is intended to streamline the current CIL/S106 system by reducing S106 to basic on-site mitigation measures. All other impacts will be dealt with through a levy, set and administered locally.
- 4.8 It would include affordable housing, as well as payments for education and health requirements for example. It would be payable as a rate per square meter based on the Gross Development Value (ie the sale price) and payable on completion, rather than on commencement, as is currently the case with CIL. It would be mandatory on all local authorities. There was a Government consultation on the proposal in March 2023. The report and response to the consultation has yet to be published but it is clear that many aspects did not receive widespread support across the sectors and the Government is reviewing how best to proceed.
- 4.9 With such uncertainty around the future of the Infrastructure Levy it should not deter authorities from reviewing their charging schedules. The process is set out in the regulations and involves preparing and publishing a draft schedule for consultation based on an evidence base which involves much of the material necessary for the Local Plan. The draft schedule is then reviewed by the council in the light of representations and submitted for examination by an independent examiner. The examiner reports their findings back to authority which takes them into account before approving the Charging Schedule.
- 4.10 Much of the viability and infrastructure planning evidence prepared for the West Berkshire Local Plan review would form the basis for the review of the CIL Charging Schedule. With the Local Plan Review at an advanced stage the Council should consider a review of the Charging Schedule. While similar in some ways the CIL process is not nearly as protracted or expensive as the local plan and considering the age of the schedule and the findings of this review it would be an appropriate time to take such a review forward. It should not take longer than 12 months from start to finish once a decision is taken to go ahead and costs would be reduced as much of the information is already available although in need of updating. Some of the costs could also be paid out of CIL income.

SECTION 4 RECOMMENDATIONS

Para 4.10

The Council should consider whether to review the existing CIL Charging Schedule

5 The Charging Schedule

- 5.1 West Berkshire submitted its draft Charging Schedule for examination on 23rd August 2013. Charging Schedules have to be justified entirely on viability, the test being whether the proposed charges 'strike an appropriate balance' between funding the cost of infrastructure required to support the development of the area and the potential effects on the economic viability. CIL charges cannot be used to implement policy by, for example, favouring one type of development against another. Charges can be on a differential basis; by different zones, uses, size (floorspace) or number of dwelling units for residential developments. Any differential rates again have to be justified on the basis of viability.
- 5.2 West Berkshire's draft Charging Schedule proposed charging for only two uses; residential and retail. For residential two zones were identified primarily on an urban and rural basis. Retail development would be at the same rate across the authority.
- 5.3 Following a one-day examination the examiner recommended that the Charging Schedule should be approved as drafted and it was approved by Council in March 2014 and took effect from April 2015. The Charging Schedule is attached at Annex B. The CIL regulations provide for CIL charges to be index linked annually according to a national index of building costs and they have increased every year. (the current charges are set out at Annex C)
- 5.4 The Charging Schedule document at paragraph 1.7 states that CIL is not payable on a range of developments:
- Structures into which people do not normally go
 - Structures which are not buildings
 - All Affordable Housing (including the element of a mixed development which is provided as affordable housing)
 - Temporary Buildings
 - Self-Build Housing
 - Residential annexes and extensions
 - Development for charitable purposes
 - Applications for development where no buildings are proposed (eg mineral extraction)
- 5.5 It is assumed that this list has been included for information purposes. The categories of development listed are not included in the schedule of charges at paragraph 5 as attracting a zero charge and were not considered at examination. The first two items and the last one are specifically excluded from CIL liability in the regulations. Whether a building is temporary, or not, is to be decided on a case-by-case basis. All of the other categories are the subject of provisions for exemption from charging in the regulations, but in all cases an exemption must be specifically applied for on the prescribed forms and approved by the authority in accordance with the set process. Development must not be commenced until exemption has been agreed by the Authority. The fact that they are included in this section of the Charging Schedule does not override the requirements in the regulations.

- 5.6 The need to apply for exemption and the ramifications of not doing so are not explained in the Charging Schedule, and for someone not familiar with CIL they could be misled into thinking that if their proposed development fell into one of the categories they would be exempt and not have to do anything further. Customers are notified following the grant of permission of the potential CIL liability and the exemption procedures, but having read the Charging Schedule they could assume that the process did not apply to them. This is to some extent reinforced by CIL Form 1 (see Annex D), a national form which applicants are asked to submit with their planning application. This has questions at part 5c and 5d asking whether the applicant wishes to claim either self-build or annexe or extension exemption. In both cases the applicant is asked to tick a box 'yes' or 'no'. The form does go on to explain that in both instances applicants will need to complete further forms to make their claim, but again on a cursory first reading applicants could make the mistake of thinking that they had applied for an exemption by ticking the appropriate box.
- 5.7 Unfortunately changing a charging schedule involves a statutory process as outlined in Section 4 above, so amending the wording to correct this misleading content is not straightforward. A revised schedule would be subject to consultation, examination and adoption according to the procedures set out in the regulations and there is no provision for 'minor' amendments in the form of changes to wording or clarifications. However, to ensure as far as possible that the customer is aware of the legal position it is the Review Team's recommendation that there should be a prominent note posted on the website as a matter of urgency clarifying that the exemptions set out in the Charging Schedule must be applied for and spelling out the repercussions of not doing so. It should also be noted that the Council's officers have been consistently following the correct legal procedures in applying the regulations for exemptions.

Householder Exemptions

- 5.8 Householder is not a word defined in the CIL regulations. Using it in its normal sense it would apply to developments proposed by the owners of a house and/or relating to the development of their property. In CIL terms these would include proposals for extensions, annexes and for self-build developments (which could include extensions and annexes and building a house for their own occupation). In a West Berkshire context, householder developments have been the subject of most complaints and controversy. To understand the situation and how the Council could respond in a more customer focussed way it is necessary to appreciate the different regulations that apply to these developments.
- 5.9 **Minor development:** Development less than 100 sq m is not CIL liable unless it comprises a single dwelling house. Not liable means that the Charging Authority (CA) does not need to consider it at all, except perhaps checking the floorspace calculation where there is any doubt.
- 5.10 **Residential extensions:** Extensions of less than 100sqm are not CIL liable as they would be below minor development threshold as set out above.
- 5.11 If an extension exceeds 100sqm it would be CIL liable but the applicant can apply for an exemption. According to the regulations, exemption must be applied for (on the appropriate form) and the CA will grant if it complies with the criteria. If the owner does not apply for an exemption and commences work they become liable for the appropriate CIL charge as set out for residential development in the Charging Schedule. If they do

apply for an exemption and have not had confirmation from the authority the position is confused. There are contradictory regulations which, in one place, say that there is no requirement to submit a commencement notice (reg 67), and the Government CIL guidance specifically states that 'there is no requirement for a commencement notice to be submitted in regard to a residential extension'. However, some authorities rely on regulation 42B(6) which is the general regulation requiring a commencement notice. On the basis of the regulation 67 and government guidance, the Council can be confident that a commencement notice is not required for residential extensions and therefore if an application for exemption has been properly applied for and granted there is no penalty for not submitting a commencement notice.

- 5.12 Once the Council has granted an exemption for a residential extension it cannot be lost and the absence of a requirement to submit a commencement notice means that no surcharge should be payable. NB. IT IS IMPORTANT TO UNDERSTAND THAT THIS CHANGE IN THE 2019 REGULATIONS ONLY APPLIES TO CASES WHERE AN EXEMPTION HAD BEEN APPLIED FOR AND GRANTED. It also does not apply to developments approved before 2019. Where no exemption had been applied for, or had been applied for and not granted, the development remains CIL liable.
- 5.13 There are a number of authorities which exclude all residential extensions from CIL. This is by no means a universal practice and can be considered as contrary to the regulations which do not give this option. The justification for not dealing with them at all is that going through the processing of CIL liability and applying for and granting exemptions for extensions is costly, time consuming and bureaucratic, and, in the overwhelming majority of cases, produces no income. There is considerable officer time (and applicant time) spent on a bureaucratic process which produces little or no income to the authority. It is a wasteful use of scarce resources at a time when the staff are under great pressure and could be used much more productively in responding more effectively to the applications which do produce CIL funds. However, if the authority were to consider adopting this approach it would need to recognise the legal position and the potential risks of challenge and make a formal decision taking all these factors into account.
- 5.14 **Residential annexes:** Here the position is different. As before, if an annexe is less than 100sqm it is not CIL liable (through the minor development exemption). If it is more than 100 sqm exemption is possible, if it complies with the criteria but, as with extensions, the regulations require that exemption must be claimed by the applicant and granted by the Council. If exemption is not claimed and granted, the development remains CIL liable. Unlike for extensions, where exemption has been granted for an annexe by the Council the applicant must still submit a commencement notice before starting any work. Failure to submit a commencement notice will attract a surcharge of £2500 or 20% of the CIL charge, whichever is the lower amount. What has changed since the 2019 amendments is that the applicant will still retain their exemption. The other significant difference between extensions and annexes is that there is a clawback clause for annexes whereby CIL will be payable if a disqualifying event (such as letting the annexe as a separate dwelling) occurs within 3 years. There are no clawback provisions for extensions.
- 5.15 **Self-Build Exemptions:** These are a different proposition. The 2019 amendments apply as for extensions and annexes and therefore where exemption has been granted it is no longer lost as a result of not serving a commencement notice, but a surcharge may be imposed. The criteria for self-build relief are more stringent, to deter abuse of the

provisions, and the claw back provisions apply if the building is sold within the 3-year occupancy limit and CIL then becomes payable in full. These provisions are there to prevent self-builders claiming relief and then selling on immediately, or developers purporting to be self-builders attempting to avoid CIL.

- 5.16 The clawback provisions differentiate between extensions and annexes/self-build relief. While there is the potential justification for taking extensions out of the process completely at the outset, to do so for annexes and self-build would allow abuse of the system whereby applicants could build and sell on immediately and avoid CIL liability. These exemptions were introduced to benefit the householder to improve or build their own property for their own use. The issue for the Council is therefore how it can improve the customer experience for those people who should be benefiting from valid exemptions, while ensuring that CIL avoidance is kept to the minimum. The Review Team is aware of at least one authority which takes a more lenient approach to self-build claims where there is clear evidence of genuine self-builders. While they still require a claim to be made and approved they will not rigidly impose the deadlines for such claims such as commencing before the claim is approved. The justification for this is that it was clearly the Government's intention that genuine self-builders should be exempt from CIL and the intention should not be denied because of minor errors, misunderstandings or delay.

SECTION 5 RECOMMENDATIONS

Para 5.7

As a matter of urgency, a prominent note should be posted on the website, clarifying that the exemptions set out in the Charging Schedule must be applied for by the applicant as per the regulations, and spelling out the repercussions of not doing so.

Para 5.13

Report to Executive on the benefits of not processing CIL liable domestic extension applications, taking account the risks for the Authority of non-compliance with the regulations

Para 5.16

Report to Executive on taking a more lenient approach to self-build claims for genuine self-builders

6. The customer experience

6.1 The Review Team interviewed and received statements from the different customers of the system, including householders, agents, developers and major housebuilders. Across these interviews many common themes and concerns were raised and in reviewing standard correspondence/emails evidence suggested that there was some merit in many of these claims. Inevitably with reviews of this kind there is an emphasis on negative factors where there is room for improvement. The Review Team has also seen many emails to the CIL Team expressing the applicants' thanks for the help that they have provided.

6.2 The main areas of complaint related primarily to the following:

- A general lack of customer awareness
- Inflexibility of approach with regards to information requirements
- Delays in responding to customers
- The general tone of communication both in face to face and written interactions

These issues are examined in more detail below.

Lack of customer awareness

6.3 The Review Team heard about a generally unsympathetic approach and a perceived lack of appreciation for customers who were in many cases being faced with responding to a complicated and bureaucratic process for the first and only time in their lives.

6.4 This was compounded in some cases by responses to customer queries being provided by generic email responses rather than through a phone call to explain the process in simple terms that the "man in the street" could understand.

6.5 The complexity of the system was cited as a major issue to understanding the process. It is couched in legalistic terms which can be daunting and officious to the layman if not tempered with accompanying customer friendly information. The need for a clear and simple explanatory material to be available rather than a complex and legalistic letter was evident to the Review Team. Some interviewees cited a CIL FAQ sheet produced by South Oxfordshire Council and available on their website as having been the most helpful document of this type that had been seen (See Annex E). This document is quite lengthy but includes a helpful flowchart which outlines the CIL process and also provides answers to the most likely questions that householders particularly will have. It is considered that such a document would be helpful to West Berkshire residents.

6.6 Such a document would also be of assistance to the authority's customer services team who should, as a matter of course, have some basic knowledge of CIL or helpful material to consult, in their role as the first point of contact with potential applicants, particularly in the possible absence of a duty planner (see Section 8 for further on this).

6.7 The Review Team also consider that engagement of the CIL team with applicants earlier in the application process would be very helpful in improving customer awareness of CIL, particularly where there is any formal pre-application engagement in place. This is considered further in paras 7.4 and 9.5 below.

6.8 Finally, it is considered that there is a role for parish councils to play in explaining the benefits of the CIL system to their local area and ensuring that parish councillors understand enough of the process to assist their residents would be helpful to all concerned. The Council should provide training and information for parish councillors and officers.

Inflexibility of approach

6.9 The Review Team heard that some customers felt that any accidental mistakes made in applying for exemptions, had been pursued relentlessly and that there was very little margin allowed for genuine errors in providing information.

Examples of this provided to the Review Team included:

- a) an insistence that forms need to be personally signed with a “wet signature”. This is not the case in other authorities or departments where electronic signatures, that are now a standard practice in many other contract situations, including financial services, are accepted as standard. This had led to unnecessary delays.
- b) an on-going process of asking for more and more information leading to further delays in the process rather than accepting the information provided, with some requests for further evidence being almost impossible to provide.

6.10 Such a rigid approach is not customer focussed and reflects poorly on the authority as a whole, not just the team. The Review Team heard that customers felt as if the system was set up to “catch you out” rather than working with them to get the best result for all.

6.11 In addition, agents and developers all spoke of much more stringent information requirements being made by West Berkshire than the other authorities they worked with. Issues such as those mentioned in para 6.9 above had led to significant delays and were considered to be both heavy handed and unnecessary.

Delays in response

6.12 The Review Team heard about many examples of delays in responding to material provided which have led not only to misunderstandings but also significant delays in development proceeding and additional financial costs to developers.

6.13 Examples provided included:

- a) A 10-week delay in obtaining a zero liability notice;
- b) A six-month delay in responding to a request for the Liability Notice which led an applicant to commence development and then being charged for it. Even though it was admitted that due to staff shortage, perhaps information had not been forwarded, there was no leeway given;
- c) Delays in responding to exemption applications have lost applicants the right to appeal

6.14 Some of these delays may indeed have been due to a lack of staff resource. But the Review Team also noted that decision-making within the team was very top heavy, with all decisions being taken at either the Team Leader or Principal Officer level. Because of Principal Officer post has been vacant for significant periods, the decision-making process has moved entirely upwards to the Team Leader level, with very little delegated to other members of the team. This bottleneck has had a significant impact and there seems to have been no appreciation of the inevitable cost of such delays and little sense

of urgency. The Review Team heard that the unintended consequence of these delays has been that, within the development industry, the authority is rapidly gaining a reputation for not being a good authority to work with whilst other authorities in the same region were praised for their responses. Such a reputational risk is clearly not to be welcomed in an authority with a forward programme of economic growth which is seeking to attract new development to the area.

- 6.15 Responses to the comparator survey (see Annex I) indicate that all who have responded work to target times for responding to CIL communications although the CIL Team were not aware of a specific target they should be working to for CIL responses. The Review Team feel that a similar target response time, which is considered achievable in the short term, should be introduced at West Berkshire. Because of the complexity of responses required, it is likely that this may be significantly different to the corporate target standard response time that is in place at West Berkshire.

The tone of communications/attitude

- 6.16 Many of the customers interviewed were vocal in their criticism of what they referred to as the “aggressive and insensitive tone” of CIL communications, both in face-to-face meetings and in written correspondence, which displayed any sense of empathy for the situation that customers might find themselves in.
- 6.17 The Review Team is unable to comment on reports of face-to-face meetings which they were not a party to. However, they would recommend that the managers responsible for the CIL Team, need to ensure that the future ethos should be re-set as collaborative rather than confrontational. Above all the aim should always be to administer the system fairly and responsibly.

Written communications

- 6.18 Many of the standard written email communications seen by the Review Team also reflect very inflexible sets of instructions with no allowance being made for human failings/errors. Some of the emails were lengthy and although some trouble had been taken to ensure that the content followed the process through its various stages in chronological order, this had inevitably meant that information about timing for the commencement of works was a significant way through the communication and could easily be missed until too late. The Review Team recognise that the legalistic aspects of the CIL process need to be addressed in all the forms and letters, but consider that there is still scope for a more plain English and customer friendly approach.
- 6.19 In some cases the Review Team heard that important letters had been lost, because they had been sent to agents rather than to the applicants with the request that the agent forward to the applicant. Even though the request to forward the communications was stated at the top of correspondence there was no check undertaken to confirm that such forwarding had taken place and no particular chasing undertaken to ensure that the applicant had received the information. It should be noted that although this would be the normal way of contacting an applicant during the application process, it is not so clear cut after permission has been granted when the agent may no longer be acting for the applicant.

Site visits and meetings

- 6.20 Other concerns raised by customers related to visits by members of the CIL team to the homes of householder applicants. To evidence this the Review Team were shown

CCTV footage of a staff member visiting a residential property and interacting with the resident whilst a CIL Stop Notice was being installed in an applicant's front garden. Although legally the CIL team were within their rights to install such a notice the impact on the resident always needs to be considered in such situations.

- 6.21 The Review Team were concerned to hear that not only was the member of staff apparently often on their own in such situations but also that some of the actions reported may not be what would have been expected from local authority staff. The concern here is not only for the safety on site of the officer, but also for the customers, especially in confrontational situations which can easily escalate out of control.
- 6.22 The Review Team has seen the authority's model risk assessment for external visits and understand that Lone Working training is available to staff. It is recommended that such training should be provided to all CIL team members and refreshed on a regular basis.

Complaints

- 6.23 One of the questions that was asked of the comparator authorities in the questionnaire was the number of complaints received relating to CIL over the last two financial years. The Review Team noted that of the four authorities who have responded so far the most complaints received were 5 against West Berkshire's 15.
- 6.24 The Review Team consider that there are probably two contributory factors here in the light of the interviews undertaken. Certain high profile cases have led to a significant amount of publicity on an authority wide basis and this may well have encouraged others to add their voices to the level of complaints, but the general tone of the authority's response to concerns may also have been a contributing factor.
- 6.25 As mentioned earlier the Review Team are also aware that complaints are by no means the situation in all cases and many examples of praise from applicants for the assistance given and the helpfulness of the staff have been provided to the Team during the course of the review.

Pre-application engagement

- 6.26 The Review Team heard from all those interviewed that proactive engagement with the CIL team at the pre-application stage would have been very helpful. Such an approach is discussed further in Sections 7 and 8 below.

SECTION 6 RECOMMENDATIONS

Para 6.5

Consider the compilation of a clear downloadable CIL FAQs sheet (similar to the examples provided from South Oxfordshire and Wokingham) to assist applicants and agents who are inexperienced at dealing with CIL matters.

Para 6.7

Earlier engagement of the CIL team during the application process to avoid mistakes later on

Para 6.8

Increase and improve parish councils' awareness of the CIL process for local applicants, through training

Para 6.14

Review levels of delegation within the CIL Team, empowering staff to make decisions on straightforward and obvious matters without reference to the Team Leader

Paras 6.14 -6.15

Consider introducing a standard response time for CIL Team communications against which performance can be measured

Para 6.17

Instill an ethos of collaborative rather than confrontational working whilst bearing in mind at all times that the system must be administered fairly and responsibly.

Para 6.18

Review the order and content of standard letters particularly at the initials stages to ensure that information about timing for the commencement of works is highlighted much earlier within these communications.

Para 6.19

Seek ways to ensure that applicants themselves receive communications regarding CIL liability after permission is granted rather than placing the onus on agents to forward communications.

Para 6.20

Clarify the legal position of posting CIL Stop Notices on private applicants' property in respect of GDPR regulations

Para 6.22

Ensure that the CIL Team are aware of the safe-guarding protocols in place at the authority and ensure that lone worker training is provided to the whole team with regular refresher training.

7 Compliance

- 7.11 The report outlined in section 4 the legal framework around CIL and that the legislation was designed from the outset to ensure that system was non-negotiable and that monies due to the collecting authority would be paid. The CIL regulations reinforce the principle: Of the one hundred and twenty-nine sections in the CIL regulations forty two are in Part 9: 'Enforcement'. There is little or no discretion afforded to the authority in waiving, negotiating or reducing CIL charges, and little or no leeway for the applicant who does not comply with the letter of the regulations.
- 7.12 There are a number of potential opportunities for the Council to assist applicants in a customer friendly environment to help avoid situations where they feel they have been disadvantaged.
- 7.13 These can be broadly grouped into three categories, advice and information, policy and practice and discretionary opportunities. In every case the Council needs to consider the legal implications and risks involved.

Advice and information

- 7.14 Advice and information is available in a number of ways. For CIL, for all the reasons outlined already, advice is needed right at the outset, before an application is submitted. This can come from a number of sources but it is always essential to bear in mind that for the individual householder in particular, they may never have encountered either the planning system or CIL before. The primary Council vehicle for advice is now the Council's website and this is dealt with in more detail in Section 9 below. At this stage it is important to recognise that CIL needs to be displayed prominently, clearly and very early in the planning pages. Officers dealing with advice to applicants, whether they are the customer services team, duty planning officers or engaged in pre-application discussions need to be properly briefed to ensure the possibility of CIL liability is flagged early on and applicants pointed to more detailed information. The CIL Team themselves also need to be available to applicants to provide advice and information, possibly through a CIL pre-application service which could be charged for.
- 7.15 Many if not most applicants will employ professional agents or advisers, some of whom still lack awareness and knowledge of CIL. The Council may want to consider holding CIL training sessions through its developer forum and by inviting a wider spread of agents working in the Council area. This is by no means foolproof but may be of benefit.
- 7.16 The Council also needs to revisit the formal CIL process and what written advice and correspondence it provides with the statutory CIL forms. These can be rather daunting to the uninitiated and accompanying guidance in plain English can be very helpful. The Review Team is aware that the CIL Team does keep its standard letters and templates under constant review which is to be commended. An occasional look at these by someone outside of the team may be useful.

Policy and Practice

- 7.7 Most but not all of the complaints about CIL in West Berkshire have been concerned with 'Householder' developments. While better advice and information would help in reducing this problem there are also options for reducing the numbers of such

applications which have CIL implications. The possibility of not processing domestic extensions has been rehearsed in Section 5 but it is worth emphasising again that this would need to be as a result of a formal council decision taking account of the all the relevant factors and risks.

- 7.8 At least one authority known to the Review Team has excluded single houses from CIL through its Charging Schedule. This would have to be justified through a full review of the schedule as outlined in para 4.10 above and the Council would have to justify at examination that charging CIL on individual houses could not be justified in viability terms. Whether this is possible would need a robust study by viability consultants.

Discretionary options

- 7.9 There is little discretion in the CIL regulations. Once a CIL liability has been established and development has commenced the authority must issue a demand notice requiring payment in full within 60 days. The only exception to this is where the authority has agreed to an instalment plan. West Berkshire has an instalment plan in place which allows for sums over £15000 to be paid in instalments on application. This is reasonably generous.
- 7.10 Problems arise when payments are not paid by the due date. Where it is a single payment the full amount becomes due immediately and if this has not been received within 30 days a surcharge may be imposed at 5% of the due sum or £2500 whichever is the lesser sum. In addition, late payment interest also becomes payable at a rate of the Bank of England interest rate plus 2.5%. Whereas the surcharge is discretionary the late payment interest is not. This means that where payments are not made by the due date and the Council does not pursue them the surcharge may be waived but the late interest payment will continue to accrue until the CIL is paid in full.
- 7.11 The general distinction in the regulations is that CIL MUST be paid and the same applies to late payment interest. Surcharges which can be applied for a variety of reasons such as missing the deadline for payment, failing to submit a commencement notice, failure to assume liability, failure to notify a disqualifying event, MAY be applied. If the authority was minded to not impose surcharges for any reason, it should adopt a formal policy setting out which charges will not be pursued and in what circumstances.

SECTION 7 RECOMMENDATIONS

Para 7.4

Consider introducing a CIL pre-application process with appropriate range of fees

Para 7.5

Provide information and training sessions for agents and developers

Para 7.6

Consider employing external advisers to review the CIL standard letters and templates

Para 7.8

Should the authority decide to review its Charging Schedule, to include in any viability study the testing of single house developments

Para 7.11

Consider whether to pursue a formal policy in regards to whether to impose surcharges, identifying which charges and in what circumstances the policy would apply.

8 Liaison with development management

- 8.1 When CIL was introduced the Government of the day went to some lengths to emphasise that it was separate from the planning processes and should not be considered as a tax. It was established under its own CIL regulations rather than through the planning regs or the tax regime. Since 2008/10 it has become much more closely aligned to planning both in policy terms - the desirability of CIL to be developed with and consistent with the local plan - and in Development Management.
- 8.2 Development management decisions right from the outset in the description of development can have significant implications for CIL. For example, the description given to an application as a change of use rather than a building development in a recent case elsewhere was quoted by the inspector as a contributory reason for the decision that there was no CIL liability (Valuation Office Agency CIL Appeal 1814012)
- 8.3 Other decisions such as whether an application can be described as a non-material amendment (which are not CIL liable even where they result in an increase in floorspace) or whether retrospective consent is required can have a dramatic impact. The latter situation will almost always result in a change of CIL liability as retrospective permissions often result in a legal requirement to pay all CIL due immediately together with any penalties.
- 8.4 These examples illustrate that there needs to be an understanding of the implications for CIL of DM decisions by the officers involved and this works both ways – the CIL teams need to be aware of how and why DM decisions are made. This is often a problem area across the country in the experience of the Review Team, and West Berkshire is no exception. None of the current CIL Team have a background in planning and there was evidence of the attitude amongst DM officers that ‘CIL was dealt with by the CIL Team’.
- 8.5 This can be a particular problem for householders who have little interaction with planning until they have a proposal for their own property. It should be the case that initial inquiries include a ‘health warning’ about potential CIL liability, rather than this being left to a later stage. The customer service team and duty planners need to be aware of CIL and at least be able to point customers in the right direction. This has not always been the case. CIL needs to be included as a matter of course in the pre-application process with the informed advice being available at an early stage.
- 8.6 At East Suffolk Council the CIL team have gone a stage further and provide a publicised CIL advice service. They continue to respond to requests which they estimate can be dealt with within 15 minutes on a free of charge basis but they have recently launched a new CIL advice service that enables agents, applicants and solicitors to contact them using an advice request form which is a paid for service.
- 8.7 The service provides advice on assessing if a development could be CIL liable as well advising on CIL instalments or exemptions and explaining the Self Build exemption. The service also provides assistance with the completion and submission of CIL forms. (see Annex F)

- 8.8 This is also an issue with the Council's planning web pages where CIL does not have sufficient prominence within the planning application process pages. This is dealt with in Section 9 below.
- 8.9 West Berkshire is not unusual in the division between CIL and DM teams. Remedying this needs to start at the top. CIL now represents a major financial contribution to the Council and is increasingly important in its ability to fund and contribute to the funding of essential infrastructure. This should give it a corporate significance reflected in how it is viewed at a strategic level and its importance at operational level. This point is explored further in the section of the report on Infrastructure Funding Strategy.
- 8.10 Within the planning service there is an immediate need for training – for the DM officers to ensure they understand how their decisions impact on CIL further down the line, and when they need to liaise with the CIL Team an early stage, and for the CIL team to have a better appreciation of how and why DM decisions are taken.

SECTION 8 RECOMMENDATIONS

Para 8.5

That front line staff in both customer services and planning are given training on ensuring customers are given an appropriate awareness of CIL and what further information they should be directed towards

Para 8.5

That CIL should be included as an item in all pre-application discussions with appropriate advice available

Para 8.10

That a joint training programme is set up for DM and CIL Team staff to promote awareness how their processes interrelate.

9 Use of the website

- 9.1 The Review Team is well aware that information about CIL can often be difficult to find and access on local authority websites. Because the CIL team often sits within the policy function many websites place the CIL pages within the policy part of the website with little or no connection to the pages relating to the planning application process.
- 9.2 The Review Team found that several of the comparator authorities, as well as West Berkshire, only mentioned CIL as being part of the application process within the validation check list. In all cases the relevant pages existed but it was sometimes extremely difficult to find them. West Berkshire has now amended its planning page so that CIL is one of the headings, but unless an applicant knows exactly what CIL is they would not necessarily realise the significance of CIL for their own application. The Review Team would suggest that the wording of the CIL heading on the main planning page be amended to include similar wording to the Swindon website (see Annex G) which is the clearest signposting they have found to date.
- 9.3 The Review Team consider it would also be helpful if the possibility of CIL charges were much more clearly signposted within the planning application pages, with links back to the detailed CIL information pages.
- 9.4 In all instances the wording of all CIL information should be reviewed to ensure that it is customer friendly and is not open to mis-interpretation. In addition to the FAQs sheet referred to in para 6.5 above, the authority may wish to look at the Guidance to Applicants document available on the Wokingham website. There is also a very helpful flowchart of the entire CIL process available on the Southend on Sea City Council website (see Annex H).

SECTION 9 RECOMMENDATIONS

Para 9.2

Review the wording of the CIL heading to clarify to users how CIL relates to planning applications.

Para 9.3

Review linkages to CIL pages from within the planning application pages

Para 9.4

Review the wording of all CIL information held on the website to ensure it is customer friendly and consider and including a simple FAQs sheet for applicants to download.

10 Finance and resources

- 10.1 CIL continues to be a significant source of funding for the Council to support its capital expenditure. Councils must spend CIL on infrastructure needed to support the development of their area. Infrastructure is not defined in the legislation but the government guidance lists a broad range of examples. The one item it cannot be spent on is affordable housing which was specifically excluded through a ministerial statement. Of the total collected annually the Council must pass on a proportion to parish and town councils dependant on the CIL received from development within their area and varying from 15-25% with a cap of £100 per dwelling within the parish. The Council can also spend up to 5% of the annual CIL receipts on the costs of administering CIL.
- 10.2 In the most recent financial year 2022/23 CIL receipts were £4.642m of which £674,254 was passed on to parishes and £232,121 was spent on administration. During the year £7.538m was spent on infrastructure leaving £12.335m in accumulated balances. The essential purpose of CIL is to support the provision of infrastructure for the benefit of Council residents and in this respect they are very much CIL customers. CIL, together with S106 spending, is a positive 'good news' story for the residents of the Borough and Section 11 of the report sets out how this message can be better spread through the annual Infrastructure Funding Statement. Parish Councils are another significant beneficiary.
- 10.3 The 5% allowance for administrative costs means that administering CIL is largely self-financing. The table in Annex J sets out the comparative income and expenditure levels of the selected comparator authorities. This shows that the administrative expenditure is at a comparable level with the other authorities, although with one exception authorities spend up to the 5% ceiling. It is beyond the brief of this report to go in to detail about how these costs have been compiled.
- 10.4 The CIL team currently consists of 3.3 FTE officers, which again stands comparison with the other comparator authorities if the number of applications and CIL cases are taken into account. The current Team Leader is a temporary contract appointment and the Team also deal with S106 monitoring. What was of concern to the Review Team was the complaints, particularly about delays, from customers as examined in Section 6 of the report. The number of complaints was far higher than comparators. It was clear from the interviews and interrogation of the systems that these delays were not as a result of any lack of commitment from the staff. Time spent on responding to complaints, an over emphasis on ensuring every detail was covered and dealing with unproductive householder extensions were more compelling reasons for the delays. Reducing the time spent in these areas would enable staff to provide a more responsive service to customers. The recommendations to Section 6 are intended to address these issues.

11 Infrastructure Funding Statements

- 11.1 Infrastructure Funding Statements (IFS) were introduced in 2019 and there is now a requirement for all local authorities to produce one annually. It replaces the previous annual CIL monitoring report. It is much broader in scope looking both backwards in terms of what CIL the Council has collected and spent, and forwards in terms of what the Council's priorities for future spend are. It is also more comprehensive in that it includes S106 income and expenditure as well as CIL.
- 11.2 West Berkshire has produced comprehensive IFS documents which are posted on the Council website but are not straightforward to find. The Review Teams sees these publications as a major opportunity for the Council to set out the positive benefits of CIL to all its residents, which could go some way to counter the negative press it has had in the past. In 2022/23 the Council spent £6.23m on a wide range of infrastructure projects as well as passing £675,000 to parish councils for them to spend. All this is set out in the IFS.
- 11.3 The fundamental purpose of CIL is to fund some of the infrastructure demands which are created by new development through contributions from developers. The major contributions come from the larger development schemes but the smaller developments also have a part to play. The IFS must contain various facts and figures about receipts and expenditure and so on, but otherwise the format and content is for the Council to decide, which presents the opportunity for publicising and promoting the many valuable and valued projects that the Council has enabled through CIL.

SECTION 11 RECOMMENDATION

Paras 11.2 & 11.3

That the Council reviews the presentation and content of the IFS to promote the positive benefits of CIL to the community

Interviews undertaken by the Review Team

Staff

Executive Director - Place

Executive Director - Resources and S151 Officer

Service Lead – Planning & Economy

Outgoing Planning Policy, Infrastructure & Place Manager (in November 2023)

Interim Planning Policy, Infrastructure & Place Manager (since January 2024)

Development Manager

Infrastructure Team Leader (in November 2023)

Interim Infrastructure Team Leader (since January 2024)

The CIL Team

Members of the development management team

Legal Department Representative

Elected members

Cllr Geoff Brooks, Acting Leader of the Council

Cllr Tony Vickers, Portfolio Holder, Planning & Community Engagement

Cllr Richard Somner, Shadow Portfolio, Planning & Community Engagement

Cllr David Marsh, Minority Group Leader

Customers

A mixed group of 6 agents and developers

Meetings with and material received from various householders and self-builders who have had recent experience of the West Berkshire CIL system – both good and bad

The West Berkshire Charging Schedule

Community Infrastructure Levy Charging Schedule

Adopted March 2014 - Effective from 1 April 2015



Contents

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Community Infrastructure Levy: Charging Schedule

1 Introduction to the Community Infrastructure Levy

1.1 This Community Infrastructure Levy (CIL) Charging Schedule has been adopted by West Berkshire District Council at a meeting of Full Council in March 2014. As a Unitary Authority, the Council is both a Charging Authority and a Collecting Authority.

1.2 The Charging Schedule⁽¹⁾ is issued, approved and published in accordance with Part 11 of the Planning Act 2008⁽²⁾ (as amended by Part 6 of the Localism Act 2011), and the Community Infrastructure Levy Regulations 2010⁽³⁾ (as amended by the CIL (Amendment) Regulations 2011⁽⁴⁾, the CIL (Amendment) Regulations 2012⁽⁵⁾, the CIL (Amendment) Regulations 2013⁽⁶⁾, and the CIL (Amendment) Regulations 2014⁽⁷⁾) (“the Regulations”).

1.3 The Charging Schedule takes effect from 1st April 2015.

What is CIL?

1.4 The Community Infrastructure Levy (commonly known as CIL) is a tool intended to secure contributions from developers towards improvements and enhancements to infrastructure required as a result of development. It is intended to supplement other funds to provide new infrastructure in the District - it is not intended to provide the full costs associated with all the infrastructure required.

1.5 The purpose of the levy is to give developers more certainty about costs and to give councils and local communities more flexibility about how infrastructure is funded. The money raised through the levy can be used to fund a range of projects including towards:

- roads and other transport facilities;
- flood defences;
- schools and other educational facilities;
- medical facilities;
- sporting and recreational facilities; and
- open spaces.

How is it calculated and what development is liable?

1.6 CIL will be levied at a rate per m² (based on Gross Internal Floorspace) on new development of more than 100m² of floorspace (net) or when a new dwelling is created (even if it is less than 100m²). Please see the table at paragraph 5.1 for the rates applicable for different types of development.

1.7 There will be no CIL charge for Change of Use applications unless additional floorspace is created and no charge for the subdivision of existing dwellings. In addition CIL is not payable on:

- Structures into which people do not normally go;
- Structures which are not buildings;
- All Affordable Housing (including the element of a mixed development which is provided as affordable housing);

1 West Berkshire District Council's CIL web page: <http://info.westberks.gov.uk/cil>

2 Planning Act 2008: http://www.legislation.gov.uk/ukpga/2008/29/pdfs/ukpga_20080029_en.pdf

3 Community Infrastructure Levy Regulations 2010: http://www.legislation.gov.uk/uksi/2010/948/pdfs/uksi_20100948_en.pdf

4 CIL (Amendment) Regulations 2011: http://www.legislation.gov.uk/uksi/2011/987/pdfs/uksi_20110987_en.pdf

5 CIL (Amendment) Regulations 2012: http://www.legislation.gov.uk/uksi/2012/2975/pdfs/uksi_20122975_en.pdf

6 CIL (Amendment) Regulations 2013: http://www.legislation.gov.uk/uksi/2013/982/pdfs/uksi_20130982_en.pdf

7 CIL (Amendment) Regulations 2014: http://www.legislation.gov.uk/uksi/2014/385/pdfs/uksi_20140385_en.pdf

Community Infrastructure Levy: Charging Schedule

- Temporary buildings;
- Self-build housing;
- Residential annexes and extensions;
- Development for charitable purposes; and
- Applications for development where no buildings are proposed (e.g. mineral extraction sites).

When is it payable?

1.8 As set out in Regulations, CIL is payable within 60 days of commencement of development, although the Regulations allow for an instalment policy to be adopted alongside CIL if the authority wishes. West Berkshire Council's instalment policy is attached as Appendix B to this document.

1.9 The responsibility to pay the levy lies with the owner of the land, unless liability is assumed as set out in Regulations 31 to 39 (as amended), and the amount payable will be calculated in accordance with Regulation 40 (as amended).

2 CIL and its relationship with S106

2.1 With the introduction of a CIL charge, the use of S106 obligations is restricted to site specific impacts, for instance enabling works such as site access, or the provision of facilities and infrastructure directly required as a result of large scale developments, and the provision of affordable housing.

2.2 This position is reflected in our Developer Contributions SPD which has been updated during 2014 and adopted at a meeting of Full Council in December 2014.

2.3 The Council has prepared a Regulation 123 list, setting out the infrastructure intended to be funded from the levy.

3 Discretionary Relief

3.1 West Berkshire Council does not intend to adopt an Exceptional Circumstances policy.

Community Infrastructure Levy: Charging Schedule

4 Evidence Base

4.1 In setting its CIL rates (in accordance with Regulation 14(1) of the Community Infrastructure Regulations 2010), West Berkshire District Council has aimed to strike what appears to the Council to be an appropriate balance between:

- the desirability of funding from CIL (in whole or part) the infrastructure required to support the development of its area; and
- the potential effects of the imposition of CIL on the economic viability of its area.

4.2 In order to set appropriate rates the Council has had regard to:

- The adopted West Berkshire Local Plan Core Strategy (June 2012)⁽⁸⁾.
- The refreshed Infrastructure Delivery Plan (IDP) (March 2013)⁽⁹⁾, which details the infrastructure required to support development in the period of the West Berkshire Local Plan Core Strategy (2006 - 2026).
- The West Berkshire CIL Viability Study (January 2013)⁽¹⁰⁾ prepared for the Council by Dixon Searle LLP.

4.3 These documents are available to download from the Council's website as supporting information used to guide the rates of CIL.

West Berkshire Local Plan Core Strategy

4.4 The Core Strategy was adopted by the Council in July 2012. This document forms part of the West Berkshire District Local Plan. It sets out the long term vision for the District to 2026 and translates this into spatial planning terms, setting out proposals for where development will go and how this development will be built.

4.5 The Core Strategy sets out top level spatial policies on the four areas which make up the District, it sets out a settlement hierarchy and broad housing numbers for each of the spatial areas. It also provides core policies to guide development, including policies on retail, employment, affordable housing, flooding, infrastructure and the historic environment. The Core Strategy identifies two strategic site allocations, one at Newbury Racecourse and one at Sandford Park, to help deliver the District's housing requirement of 10,500 net additional dwellings over the plan period.

4.6 The Core Strategy provides an overall framework for the more detailed policies and site specific proposals to be contained in other documents of the Local Plan.

Infrastructure Delivery Plan

4.7 The latest update to the Infrastructure Delivery Plan (IDP) took place in February and March 2013. The refresh involved contacting all service units, infrastructure providers, and all Parish and Town Councils. The IDP shows a gross funding requirement in excess of £257 million. Funding already earmarked, or expected to be available totals £93.8 million, leaving a shortfall in funding of £163.5 million. The following table shows the additional housing requirement across West Berkshire's four spatial areas and an estimate of CIL receipts based on delivery in line with the housing requirement at the proposed CIL rates. It shows that CIL receipts will contribute towards the funding requirement, but there will be a substantial shortfall.

8 West Berkshire Core Strategy DPD: <http://info.westberks.gov.uk/index.aspx?articleid=28782>

9 West Berkshire Infrastructure Delivery Plan: <http://info.westberks.gov.uk/cil>

10 West Berkshire CIL Viability Study: <http://info.westberks.gov.uk/cil>

Community Infrastructure Levy: Charging Schedule

4.8 Funding Gap Analysis

	A	B	C	D	E	F	G
Spatial Area	Additional Housing Requirement 2014 – 2026 ⁽¹⁾	CIL Rate per m ²	Estimate of Minimum Floorspace created ⁽³⁾ (M ²)	Estimate of Maximum Floorspace created ⁽⁴⁾ (M ²)	Minimum Anticipated CIL Receipt (B x C)	Maximum Anticipated CIL Receipt (B x D)	Net Funding requirement from IDP
Newbury / Thatcham ⁽²⁾	2,200	£75	99,000	275,000	£7.425m	£20.625m	
Eastern Urban Area	690	£75	31,050	86,250	£2,329m	£6.469m	
East Kennet Valley	260	£125	11,700	32,500	£1.462m	£4.062m	
North Wessex Downs AONB	670	£125	30,150	83,750	£3.769m	£10.469m	
TOTALS	3,820		171,900m²	477,500m²	£14.985m	£41.625m	£163.5m

Notes to Table:

1. Additional Housing requirement taken from Infrastructure Delivery Plan Table 2.1 'Anticipated additional housing requirement 2014-2026'
2. Housing Requirement includes 1,000 planned for Sandleford Strategic Site within the plan period
3. Minimum floorspace based on dwelling size of 1bed private flat, taken from DSP viability study Figure 4: Residential Unit Sizes
4. Maximum floorspace based on dwelling size of 4bed private house, taken from DSP viability study Figure 4: Residential Unit Sizes

4.9 Calculation of Shortfall

Net Funding Requirement from Infrastructure Delivery Plan	£163.5 million (Column G)
Shortfall based on Minimum CIL Receipt	£148.5 million (Column G minus Column E)
Shortfall based on Maximum CIL Receipt	£121.9 million (Column G minus Column F)

Community Infrastructure Levy: Charging Schedule

4.10 Given that the likely scale of development in terms of unit size cannot be accurately predicted, the above calculation shows a significant shortfall even if the largest homes are delivered over the plan period.

Viability Study

4.11 The West Berkshire CIL Viability Study was prepared in January 2013 by Dixon Searle LLP. The study investigated the potential scope for CIL charging in West Berkshire. This was done by considering the economic viability of residential and commercial / non-residential scenarios within West Berkshire; taking into account the range of normal costs and obligations associated with development, as would be borne by development schemes alongside the CIL charge. It provided the Council with advice as to the likely viability of seeking developer contributions towards infrastructure provision through the CIL. This included the consideration of viability and the potential charging rate or rates appropriate in the local context as part of a suitable and achievable overall package of planning obligations. The viability study ensures that the rate set is not at the limits of site viability and that delivery of development is not threatened.

Further Supporting Information

4.12 In addition to the documents referred to above, further documents are available from the Council's website as supporting information, all of which can be found at www.westberks.gov.uk/cil

Community Infrastructure Levy: Charging Schedule

5 Charging Schedule

5.1 Based on the findings and outcomes of the West Berkshire CIL Viability Study the following rates of CIL are charged:

		Newbury & Thatcham, and Eastern Urban Area	Area of Outstanding Natural Beauty, and East Kennet Valley
Type of Development	Use Class	CIL Rate per sq.m	CIL Rate per sq.m
Residential (See Notes 1 and 2 below)	C3 & C4	£75	£125
Retail	A1 to A5	£125	£125
Business Development - Offices	B1a to B1c	£0	£0
Business Development - Industrial	B2	£0	£0
Business Development - Warehousing	B8	£0	£0
Hotels	C1	£0	£0
Residential Institutions	C2 & C2a	£0	£0
Community and all Other Uses	-	£0	£0

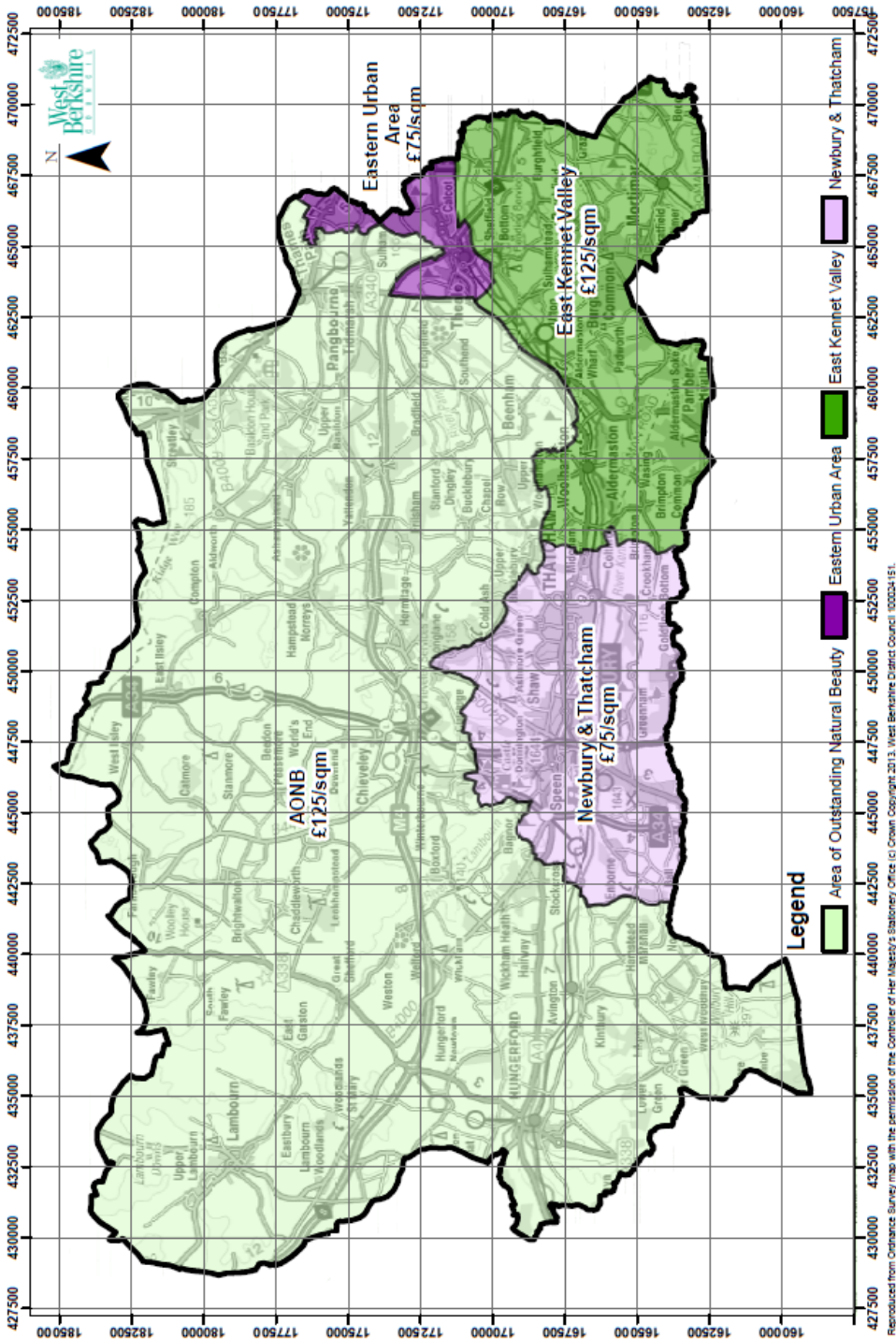
5.2 Notes:

(1) Please see Differential Rate Map at Appendix A. The differential rate map is available on the Council's mapping system. This allows the service units and public to view which rate is chargeable for a particular site.

(2) Detailed Differential Rate Maps for Residential development are available as supporting information at Appendix C.

Community Infrastructure Levy: Charging Schedule

Appendix A: Differential Rate Map



Community Infrastructure Levy: Charging Schedule

Appendix B: Instalment Policy

Level of CIL Payable	Instalment Policy
Where the chargeable amount is less than £15,000	No instalments - the full amount is payable within 60 days of commencement
£15,000 or greater but less than £100,000	50% within 60 days of commencement, and 50% within 180 days of commencement
£100,000 or greater but less than £200,000	35% within 60 days of commencement, 35% within 180 days of commencement, and 30% within 270 days of commencement
£200,000 or greater but less than £1,000,000	25% within 60 days of commencement, 25% within 180 days of commencement, 25% within 270 days of commencement, and 25% within 360 days of commencement
£1,000,000 or greater	25% within 180 days of commencement, 25% within 360 days of commencement, 25% within 540 days of commencement, and 25% within 720 days of commencement

Notes:

B.1 The commencement date is the date given on the commencement notice as advised by the liable party under Regulation 67. The failure to provide such notification in accordance with the Regulations results in the removal of the use of the instalments policy. Full payment would then become due within 60 days of commencement, including payment of the surcharge as detailed in Part 9 of the Regulations.

B.2 This instalment plan is subject to change at any time in accordance with Regulation 69B of the CIL (Amendment) Regulations 2011.

Community Infrastructure Levy: Charging Schedule

Appendix C: Appendix C: Residential Differential Rate Maps

C.1 The following maps show every parish where there are two different residential charging zones:

Map 1 - Beenham Parish

Map 2 -Bucklebury Parish

Map 3 -Cold Ash Parish

Map 4 - Englefield Parish

Map 5 - Hamstead Marshall Parish

Map 6 - Purley-on-Thames Parish

Map 7 - Shaw cum Donnington Parish

Map 8 - Speen Parish

Map 9 - Theale Parish

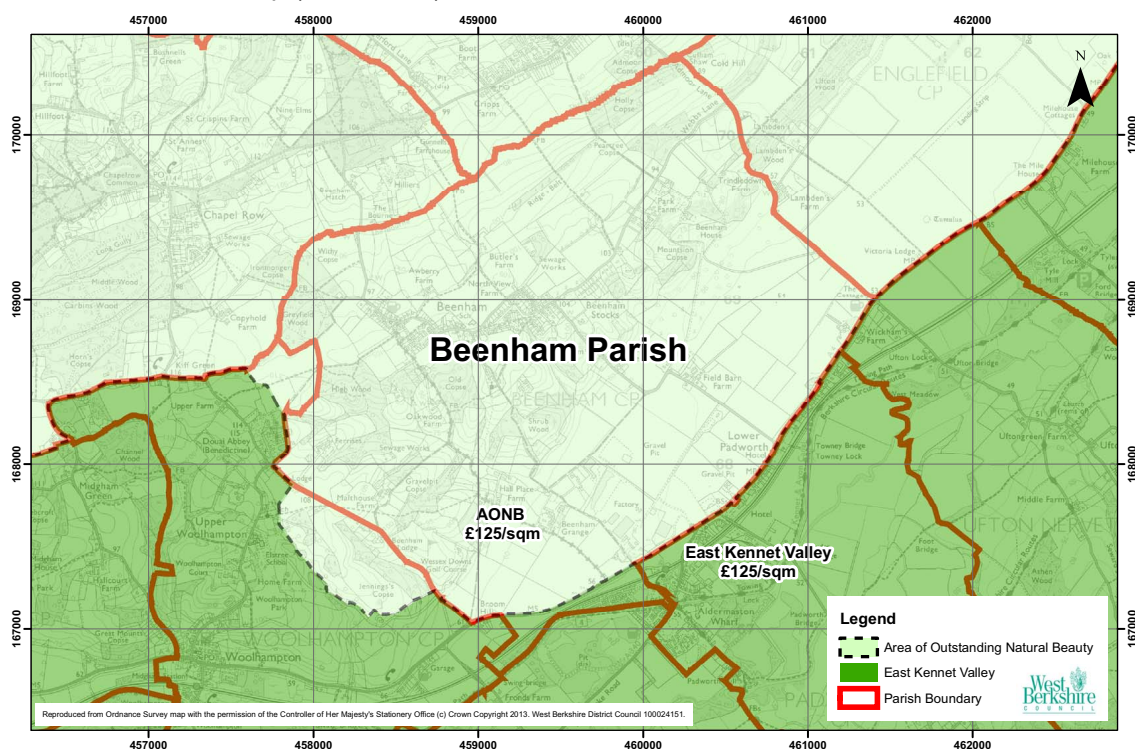
Map 10 - Tilehurst Parish

Map 11 - Woolhampton Parish

C.2 Please note these maps are available via our website as larger scale pdf documents, which will enable you to view in more detail by using the zoom function.

C.3 Map 1

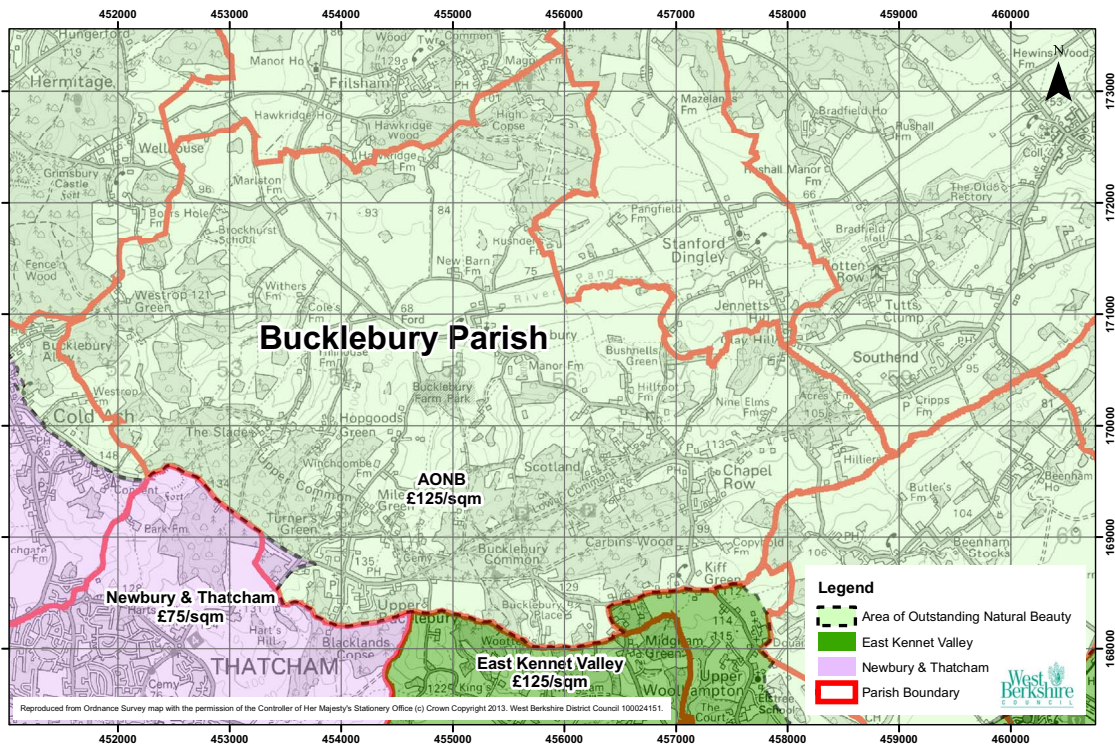
Differential Rate Map (Residential) - Beenham Parish



Community Infrastructure Levy: Charging Schedule

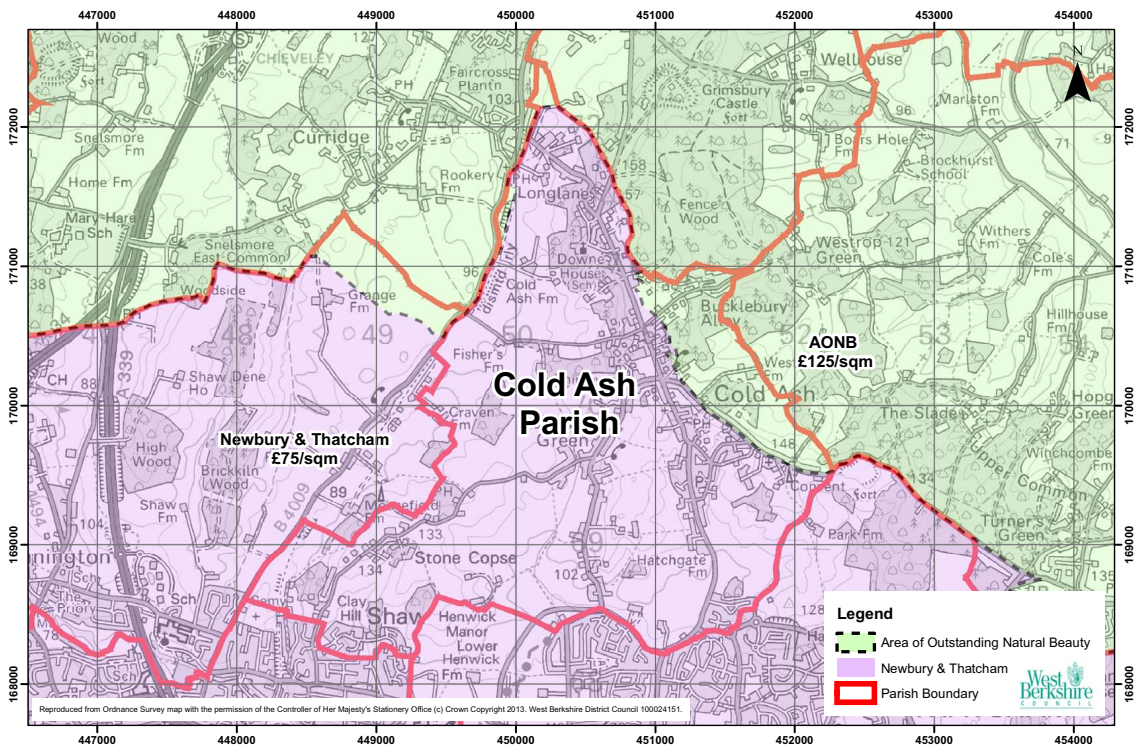
C.4 Map 2

Differential Rate Map (Residential) - Bucklebury Parish



C.5 Map 3

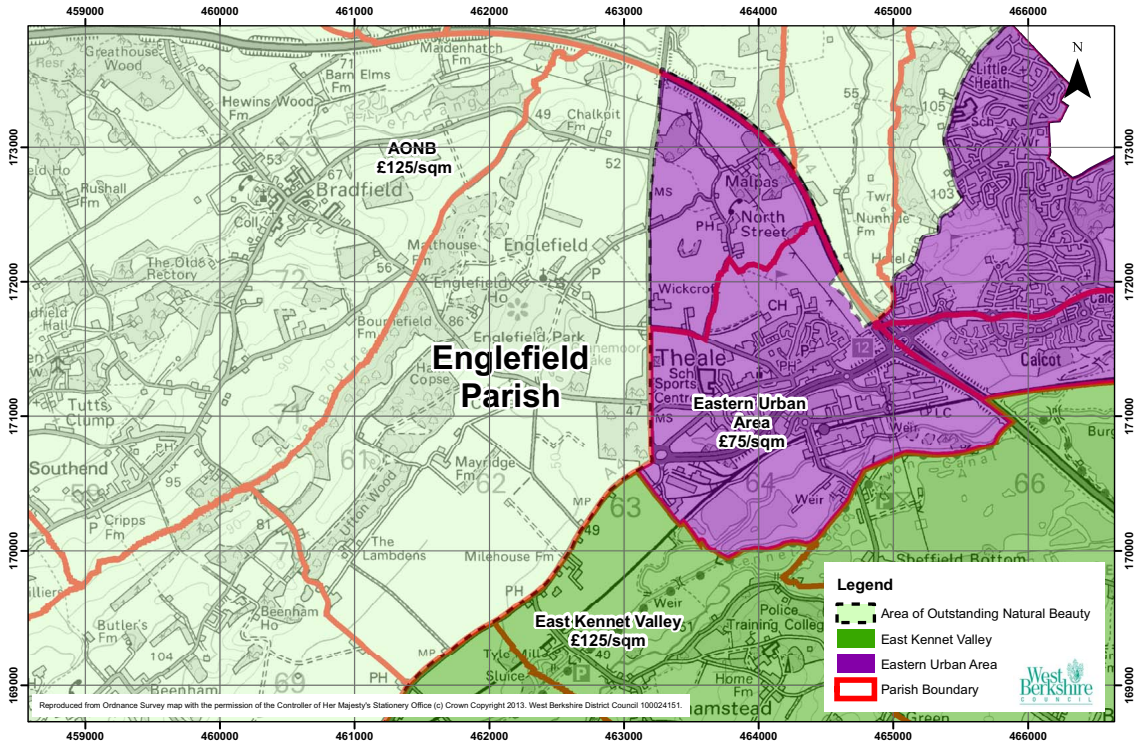
Differential Rate Map (Residential) - Cold Ash Parish



Community Infrastructure Levy: Charging Schedule

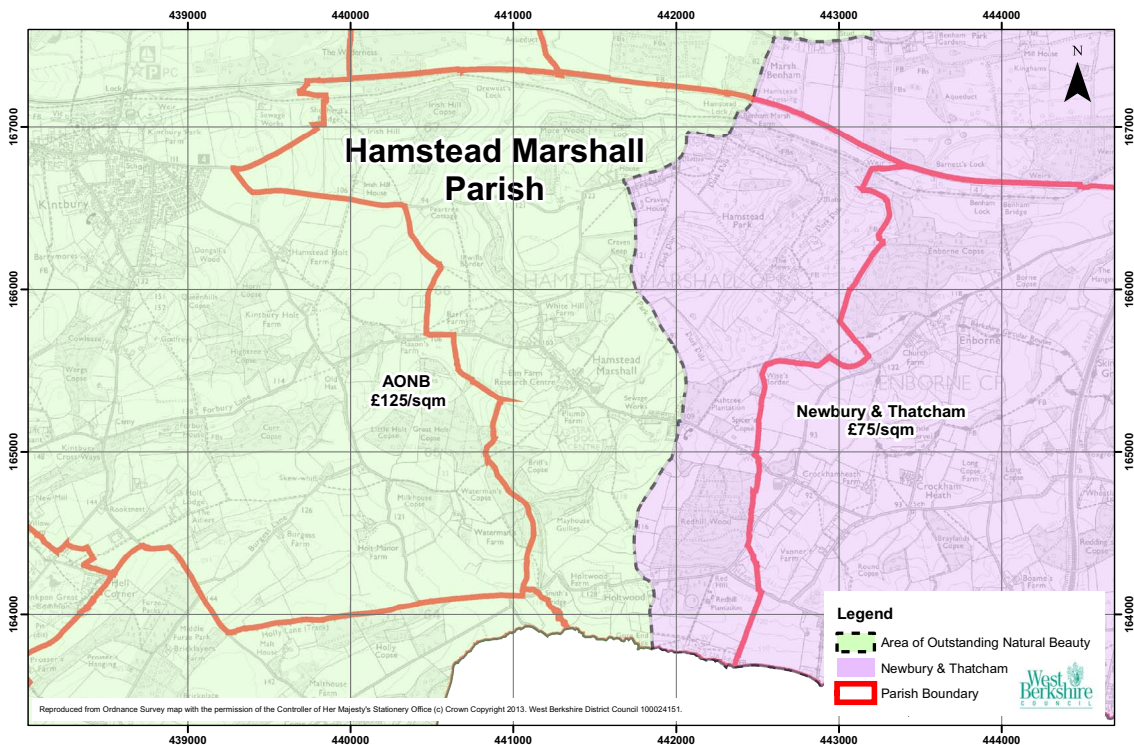
C.6 Map 4

Differential Rate Map (Residential) - Englefield Parish



C.7 Map 5

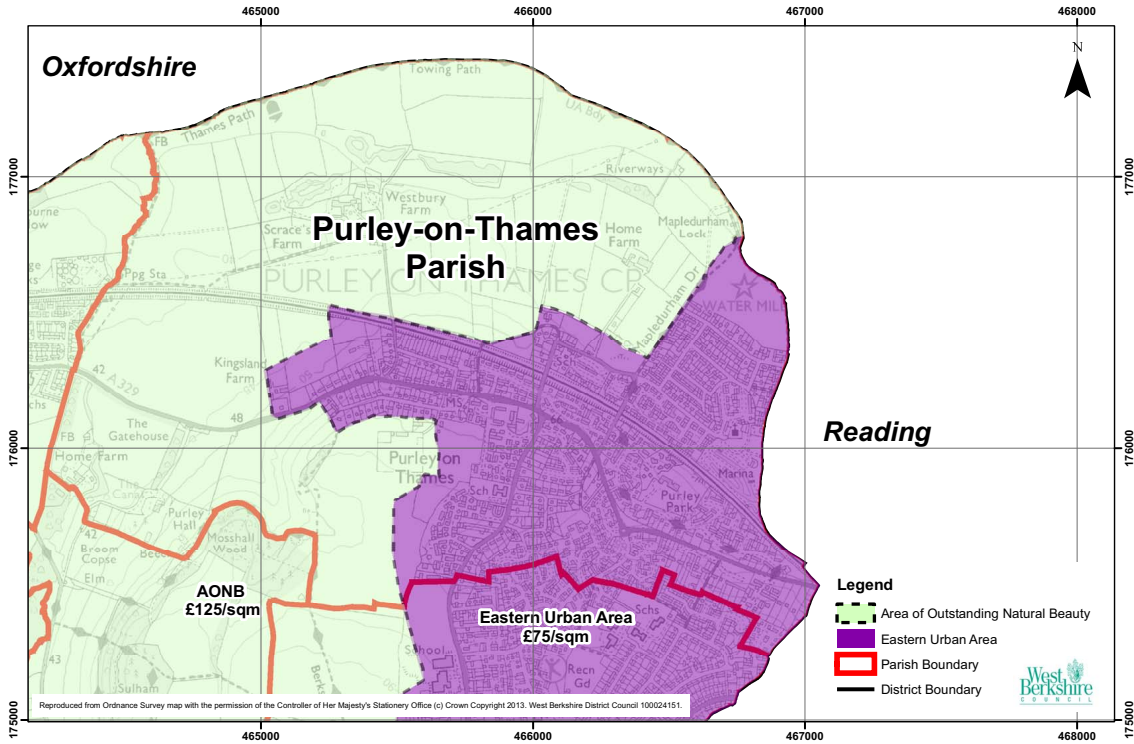
Differential Rate Map (Residential) - Hamstead Marshall Parish



Community Infrastructure Levy: Charging Schedule

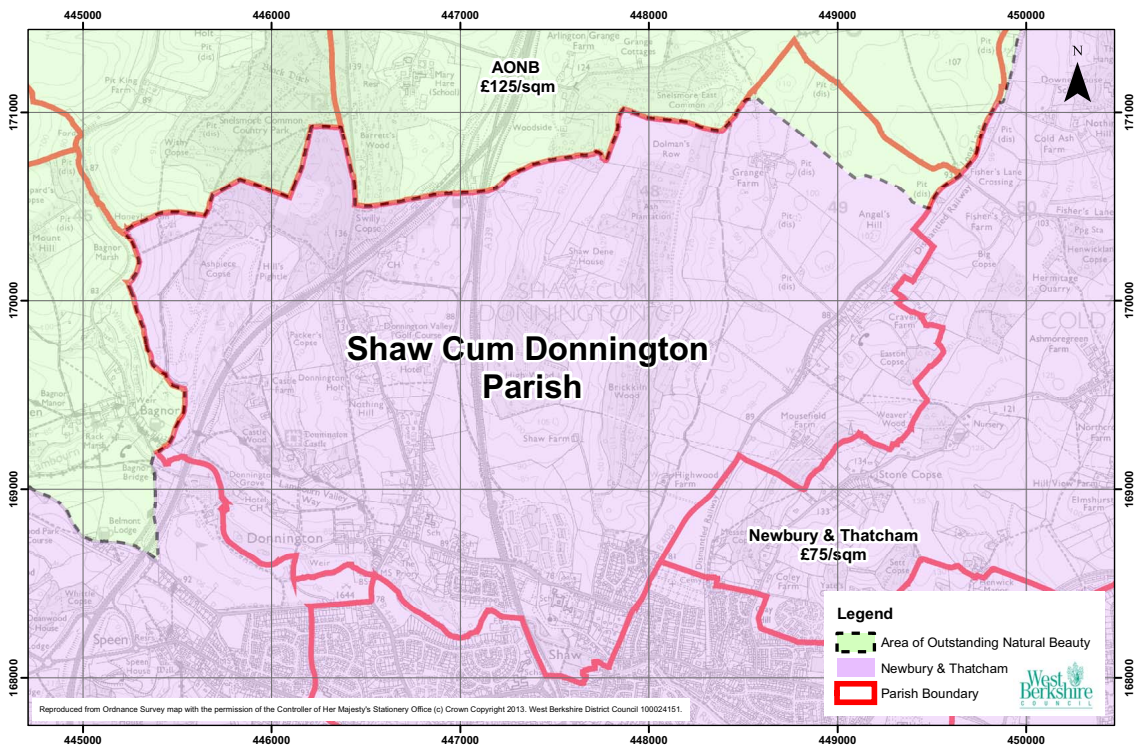
C.8 Map 6

Differential Rate Map (Residential) - Purley-on-Thames Parish



C.9 Map 7

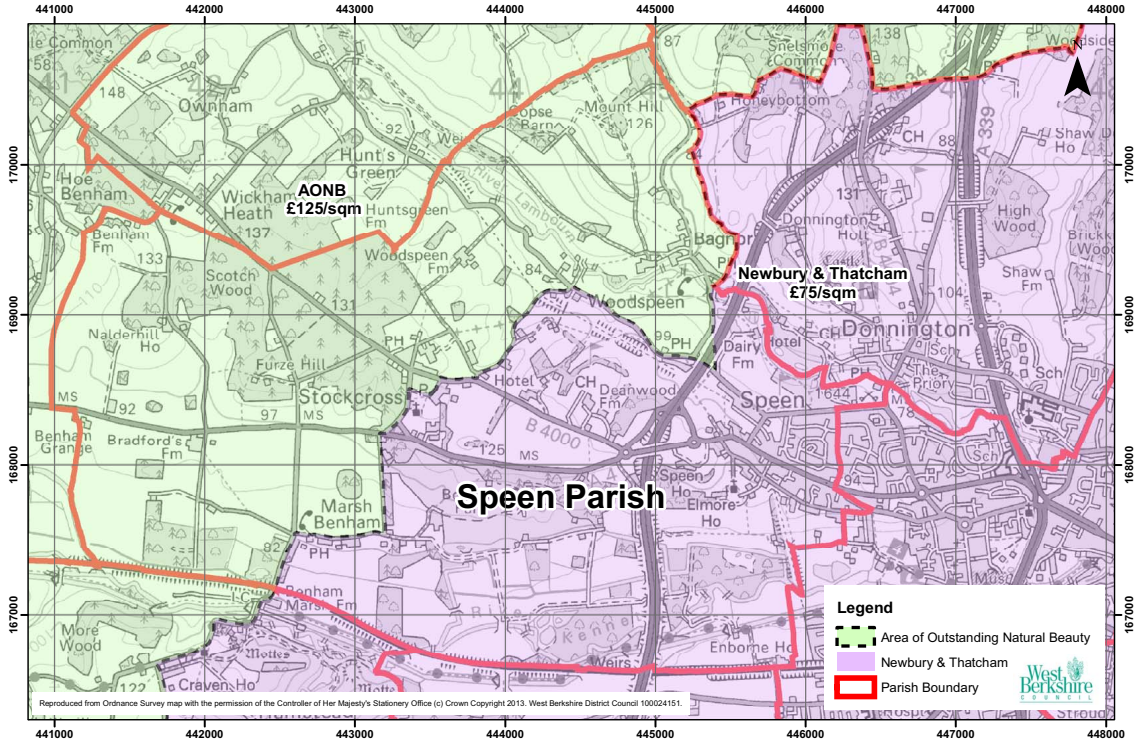
Differential Rate Map (Residential) - Shaw Cum Donnington Parish



Community Infrastructure Levy: Charging Schedule

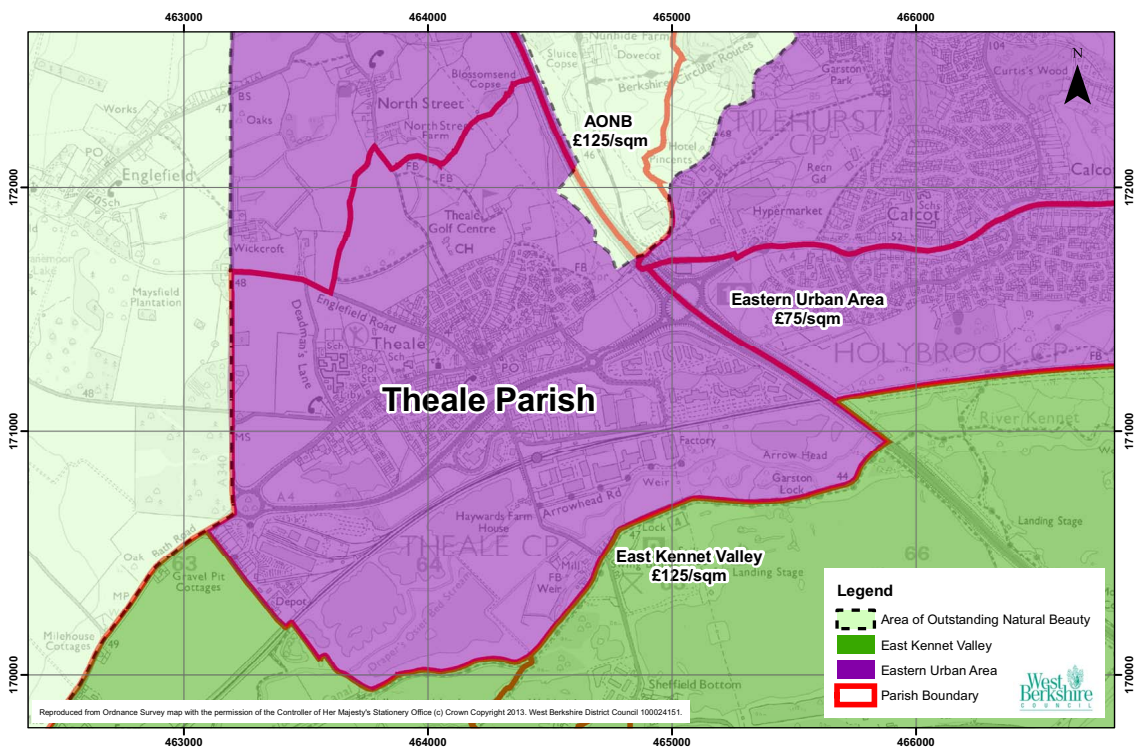
C.10 Map 8

Differential Rate Map (Residential) - Speen Parish



C.11 Map 9

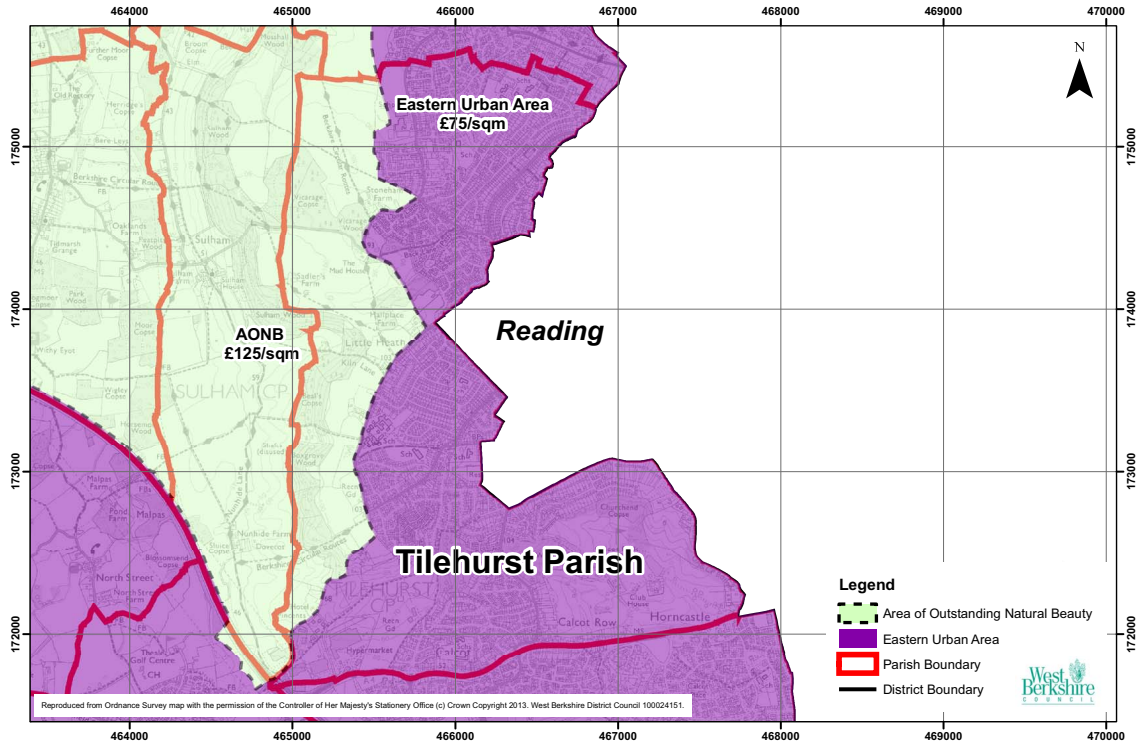
Differential Rate Map (Residential) - Theale Parish



Community Infrastructure Levy: Charging Schedule

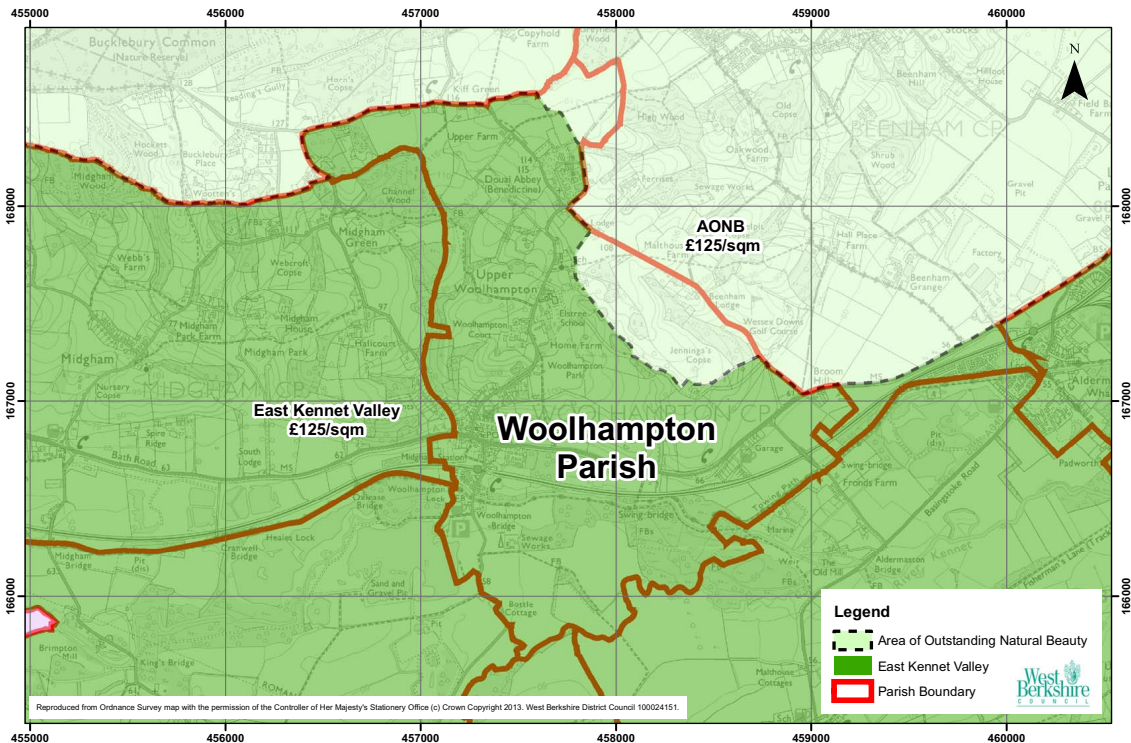
C.12 Map 10

Differential Rate Map (Residential) - Tilehurst Parish



C.13 Map 11

Differential Rate Map (Residential) - Woolhampton Parish



If you require this information in an alternative format or translation,
please contact Planning & Countryside on Telephone 01635 42400 .

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WBC/P&TS/CW/0714

West Berkshire CIL charges 2024

Newbury and Thatcham and Eastern Urban Area

<i>Type of Development</i>	<i>Use class</i>	<i>CIL rate per sq metre</i>
Residential (new or replacement dwellings, annexes/extensions over 100m2 GIA)	C3 and C4	£111.62
Retail	Previously A1 to A5	£186.04
Business development – offices	Previously B1a to B1c	£0
Business development – industrial	B2	£0
Business development – warehousing	B8	£0
Hotels	C1	£0
Residential institutions	C2 and C2a	£0
Community and all other users	Not applicable	£0

Area of Outstanding Natural Beauty and East Kennet Valley

<i>Type of Development</i>	<i>Use class</i>	<i>CIL rate per sq metre</i>
Residential (new or replacement dwellings, annexes/extensions over 100m2 GIA)	C3 and C4	£186.04
Retail	Previously A1 to A5	£186.04
Business development – offices	Previously B1a to B1c	£0
Business development – industrial	B2	£0
Business development – warehousing	B8	£0
Hotels	C1	£0
Residential institutions	C2 and C2a	£0
Community and all other users	Not applicable	£0

CIL Form 1

This form should be saved to your device and then completed using the free Adobe Acrobat Reader application or full version of Adobe Acrobat. Many internet browsers and other applications can display PDF files, but we cannot guarantee their compatibility in regard to these forms. We specifically advise users of Apple devices not to use 'Preview' because of known issues.

Community Infrastructure Levy (CIL) - Form 1: CIL Additional Information

Determining whether a Development may be CIL Liable - For submission with Planning Application

Please note: This version of the form should only be used for submissions relating to planning applications in England. There is a legacy version of the form for use in Wales:

Following the introduction of the Community Infrastructure Levy (CIL) all applicants for full planning permission, including householder applications and reserved matters following an outline planning permission, and applicants for lawful development certificates are required to provide the following information.

Please read the associated Guidance Note before you complete the form. This and additional per-question help can be viewed at:

Please complete the form using block capitals and black ink and send to the Collecting Authority.

See [here](#) for guidance on CIL generally, including exemption or relief.

Privacy Notice

This form is provided by Planning Portal and based on the requirements provided by Government for the sole purpose of submitting information to a Local Authority in accordance with the 'The Community Infrastructure Levy Regulations 2010 (as amended)'.

Please be aware that once you have downloaded this form, Planning Portal will have no access to the form or the data you enter into it (unless you choose to upload it to any Planning Portal online service in agreement with the relevant terms and conditions). Any subsequent use of this form is solely at your discretion, including the choice to complete and submit it to a Local Authority in agreement with the declaration section.

Upon receipt of this form and any supporting information, it is the responsibility of the Local Authority to inform you of its obligations in regards to the processing of this information. Please refer to its website for further information on any legal, regulatory and commercial requirements relating to information security and data protection of the information you have provided.

1. Application Details

Applicant or Agent Name:

Planning Portal Reference (if applicable):

Local authority planning application number (if allocated):

Site Address:

Description of development:

2. Applications to Remove or Vary Conditions on an Existing Planning Permission

a) Does the application seek to remove or vary conditions on an existing planning permission (i.e. Is it a Section 73 application)?

Yes
If 'Yes', please complete the rest of this question

No
If 'No', you can skip to **Question 3**

b) Please enter the application reference number

c) Does the application involve a change in the amount or use of new build development, where the total (including that previously granted planning permission) is over 100 square metres gross internal area?

Yes No

d) Does the application involve a change in the amount of gross internal area where one or more new dwellings (including residential annexes) are to be created, either through new build or conversion (except the conversion of a single dwelling house into two or more separate dwellings with no additional gross internal area created)?

Yes No

If you answered 'Yes' to either c) or d), please go to **Question 5**

If you answered 'No' to both c) and d), you can skip to **Question 8**

3. Reserved Matters Applications

a) Does the application relate to details or reserved matters on an existing permission that was granted prior to the introduction of the CIL charge in the relevant local authority area?

Yes
If 'Yes', please complete the rest of this question

No
If 'No', you can skip to **Question 4**

b) Please enter the application reference number

If you answered 'Yes' to a), you can skip to **Question 8**

If you answered 'No' to a), please go to **Question 4**

4. Liability for CIL

a) Does the application include new build development (including extensions and replacement) of 100 square metres gross internal area or above?

Yes No

b) Does the application include creation of one or more new dwellings (including residential annexes) either through new build or conversion (except the conversion of a single dwelling house into two or more separate dwellings with no additional gross internal area created)?

Yes No

If you answered 'Yes' to either a) or b), please go to **Question 5**

If you answered 'No' to both a) and b), you can skip to **Question 8**

5. Exemption or Relief

a) Is the site owned by a charity where the development will be wholly or mainly for charitable purposes, and the development will be either occupied by or under the control of a charitable institution?

Yes No

b) Does the proposed development include affordable housing which qualifies for mandatory or discretionary Social Housing relief?

Yes No

If you answered 'Yes' to either a) or b), please note that you will need to complete 'CIL Form 10: Charitable and/or Social Housing Relief Claim'. The form must be submitted to the Collecting Authority, **and** any relief must be granted by them, prior to the commencement of the development. Otherwise the full CIL charge will be payable.

A Commencement (of development) Notice (CIL Form 6) must also be received by the Collecting Authority prior to the commencement of the development otherwise:

- *If your CIL Liability Notice was issued on or after 1 September 2019*
A surcharge equal to 20% of the notional CIL chargeable amount or £2,500, whichever is the lower amount, will be incurred; **or**
- *If your CIL Liability Notice was issued prior to 1 September 2019*
The relief previously granted will be rescinded and the full levy charge will be payable.

You will also need to complete 'CIL Form 10: Charitable and/or Social Housing Relief Claim' if you think you are eligible for discretionary charitable relief, or discretionary social housing relief (if this is available in your area).

If you wish to claim exceptional circumstances relief, and if the charging authority have made exceptional circumstances relief available in their area (please check their website for details), you will need to complete 'CIL Form 11: Exceptional Circumstances Relief Claim'. The form must be submitted to the Collecting Authority, **AND** any relief must be granted by them, prior to the commencement of the development. Otherwise the full CIL charge will be payable.

All CIL Forms are available from:

c) Do you wish to claim a self build exemption for a whole new home?

Yes No

If you have answered 'Yes' to c), please note that you will need to complete 'CIL Form 7: Self Build Exemption Claim - Part 1'. This form must be submitted to the Collecting Authority, **and** any exemption must be granted by them, prior to the commencement of the development. Otherwise the full CIL charge will be payable.

A Commencement (of development) Notice (CIL Form 6) must also be received by the Collecting Authority prior to the commencement of the development otherwise:

- *If your CIL Liability Notice was issued on or after 1 September 2019*
A surcharge equal to 20% of the notional CIL chargeable amount or £2,500, whichever is the lower amount, will be incurred; **or**
- *If your CIL Liability Notice was issued prior to 1 September 2019*
The exemption previously granted will be rescinded and the full levy charge will be payable.

All CIL Forms are available from:

d) Do you wish to claim an exemption for a residential annex or extension?

Yes No

If you have answered 'Yes' to d), please note that you will need to complete either 'CIL Form 8: Residential Annex Exemption Claim' or 'CIL Form 9: Residential Extension Exemption Claim'. The relevant form must be submitted to the Collecting Authority, **and** any exemption must be granted by them, prior to the commencement of the development. Otherwise the full CIL charge will be payable.

In respect of a residential annex, a Commencement (of development) Notice (CIL Form 6) must also be received by the Collecting Authority prior to the commencement of the development otherwise:

- *If your CIL Liability Notice was issued on or after 1 September 2019*
A surcharge equal to 20% of the notional CIL chargeable amount or £2,500, whichever is the lower amount, will be incurred; **or**
- *If your CIL Liability Notice was issued prior to 1 September 2019*
The exemption previously granted will be rescinded and the full levy charge will be payable.

All CIL Forms are available from:

6. Proposed New Gross Internal Area

a) Does the application involve new **residential development** (including new dwellings, extensions, conversions/changes of use, garages, basements or any other buildings ancillary to residential use)?

Please note, conversion of a single dwelling house into two or more separate dwellings (without extending them) is **not** liable for CIL. If this is the sole purpose of your development proposal, you should answer 'No' to Question 4b above.

Yes No

If yes, please complete the table in section 6c below, providing the requested information, including the gross internal area relating to new dwellings, extensions, conversions, garages or any other buildings ancillary to residential use.

b) Does the application involve new **non-residential development**?

Yes No

If yes, please complete the table in section 6c below, using the information from your planning application.

c) Proposed gross internal area:

Development type	(i) Existing gross internal area (square metres)	(ii) Gross internal area to be lost by change of use or demolition (square metres)	(iii) Total gross internal area proposed (including change of use, basements, and ancillary buildings) (square metres)	(iv) Net additional gross internal area following development (square metres) (iv) = (iii) - (ii)
Market Housing (if known)				
Social Housing, including shared ownership housing (if known)				
Total residential				
Total non-residential				
Grand total				

7. Existing Buildings

a) How many existing buildings on the site will be retained, demolished or partially demolished as part of the development proposed?

Number of buildings:

b) Please state for each existing building/part of an existing building that is to be retained or demolished, the gross internal area that is to be retained and/or demolished and whether all or part of each building has been in use for a continuous period of at least six months within the past thirty six months. Any existing buildings into which people do not usually go or only go into intermittently for the purposes of inspecting or maintaining plant or machinery, or which were granted temporary planning permission should not be included here, but should be included in the table in section 7c.

	Brief description of existing building/part of existing building to be retained or demolished.	Gross internal area (sqm) to be retained.	Proposed use of retained gross internal area.	Gross internal area (sqm) to be demolished.	Was the building or part of the building occupied for its lawful use for 6 continuous months of the 36 previous months (excluding temporary permissions)?		When was the building last occupied for its lawful use? Please enter the date (dd/mm/yyyy) or tick still in use.
					Yes <input type="checkbox"/>	No <input type="checkbox"/>	
1					Yes <input type="checkbox"/>	No <input type="checkbox"/>	Date: <input type="text"/> or Still in use: <input type="checkbox"/>
2					Yes <input type="checkbox"/>	No <input type="checkbox"/>	Date: <input type="text"/> or Still in use: <input type="checkbox"/>
3					Yes <input type="checkbox"/>	No <input type="checkbox"/>	Date: <input type="text"/> or Still in use: <input type="checkbox"/>
4					Yes <input type="checkbox"/>	No <input type="checkbox"/>	Date: <input type="text"/> or Still in use: <input type="checkbox"/>
Total floorspace		<input type="text"/>		<input type="text"/>			

7. Existing Buildings (continued)

c) Does the development proposal include the retention, demolition or partial demolition of any whole buildings **which people do not usually go into or only go into intermittently for the purposes of inspecting or maintaining plant or machinery, or which were granted planning permission for a temporary period?**

Yes No

If yes, please complete the following table:

	Brief description of existing building (as per above description) to be retained or demolished.	Gross internal area (sqm) to be retained	Proposed use of retained gross internal area	Gross internal area (sqm) to be demolished
1				
2				
3				
4				
Total of which people do not normally go into, only go intermittently to inspect or maintain plant or machinery, or which was granted temporary planning permission				

d) If the development proposal involves the conversion of an existing building, will it be creating a new mezzanine floor within the existing building?

Yes No

If Yes, how much of the gross internal area proposed will be created by the mezzanine floor?

Use	Mezzanine gross internal area (sqm)

8. Declaration

I/we confirm that the details given are correct.

Name:

Date (DD/MM/YYYY). Date cannot be pre-application:

It is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to a collecting or charging authority in response to a requirement under the Community Infrastructure Levy Regulations (2010) as amended (regulation 110, SI 2010/948). A person guilty of an offence under this regulation may face unlimited fines, two years imprisonment, or both.

For local authority use only

Application reference:

South Oxfordshire and Vale of White Horse District Councils

Community Infrastructure Levy (CIL) FAQs and Guidance for applicants and developers

December 2022

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1 About CIL

1.1 When will CIL come into effect?

CIL has been implemented from 1 April 2016 in South Oxfordshire. And from 1 November 2017 in the Vale of White Horse.

1.2 What is CIL and who will collect it?

CIL is a charge on new development that will be collected by the District Council to provide additional funding to help pay for the cost of infrastructure arising from new development such as highways, leisure facilities and schools. CIL is charged per square metre of additional floorspace of new development and is non-negotiable.

1.3 What are the CIL rates for development?

The CIL Charging Schedule sets out the rates of CIL that will be charged and is available on our websites. CIL rates will be index-linked annually. There is relief from CIL for affordable, self-build and charitable housing. This can be viewed on our websites.

1.4 What type of development is CIL liable?

Development will potentially be liable for CIL if it:

- contains at least 100 square metres of new floor space
- is less than 100 square metres but results in the creation of a new dwelling (including self-contained annexes)
- involves change of use to residential where floorspace has not been in (lawful) use for six months of the previous three years (three year period ending on date of planning permission)
- includes development permitted by a 'general consent' (e.g. permitted development, prior approval).

1.5 Development will potentially not be liable for CIL, or not be charged if it:

- is for a use which has a zero or nil charge (£0/sq m) set out in the CIL Charging Schedule;
- involves only conversion or change of use with no additional floorspace
- involves Mezzanine floors inserted into an existing building, unless they form part of a wider development (e.g., external alterations, changes of use etc)
- involves the subdivision of a dwelling which has been in lawful use
- is for a building into which people do not normally go, or go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery
- If the chargeable amount is less than £50 CIL will not be charged.

1.6 Is Permitted Development (under the General Permitted Development Order) CIL liable?

Yes, if the development meets the basic criteria for CIL liable developments as set out above. It is the applicant's responsibility to serve a Notice of Chargeable Development (Form 5) before the commencement of the development.

1.7 Are 'General Consents' development liable to CIL?

Yes, if the development meets the basic criteria for CIL liable developments e.g., 100 sqm of additional floor space. The CIL Regulations 2010 (as amended) defines 'General Consents', so as to include:

- Permitted Development rights under the General Permitted Development Order (GDPO)3 1995 (as amended)

- Consents granted for Nationally Significant Infrastructure Projects (NSIPs) by the Infrastructure Planning Commission (IPC) or Major Infrastructure Planning Unit (MIPU) of the Planning Inspectorate (PINS)
- Development consented through any Enterprise Zone, Simplified Planning Zone (SPZ), Local Development Order (LDO) or Neighbourhood Development Order (NDO); and
- Development consented through an Act of Parliament, for example, the Crossrail Act 2008

For permitted development, it is the applicant's responsibility to serve Notice of Chargeable Development CIL Form 5, and CIL Form 6 Commencement Notice, before the commencement of the development.

1.8 Will CIL replace Section 106 agreements?

S106 will be scaled back with the introduction of CIL, but S106 agreements will continue to fund affordable housing and essential site specific infrastructure. S106 will also be used to deliver all infrastructure needed to support development which is zero-rated for CIL.

- 1.9 Our Planning Obligations SPDs provides more information on how CIL and S106 will work together to deliver infrastructure.

2 CIL Process for Applicants/Developers

- 2.1 CIL involves a number of stages, which are legal processes that must be complied with in order to administer CIL effectively. If the stages are not complied with, for example you fail to assume liability or submit a Commencement Notice, you may be subject to financial penalties as required by the CIL Regulations.

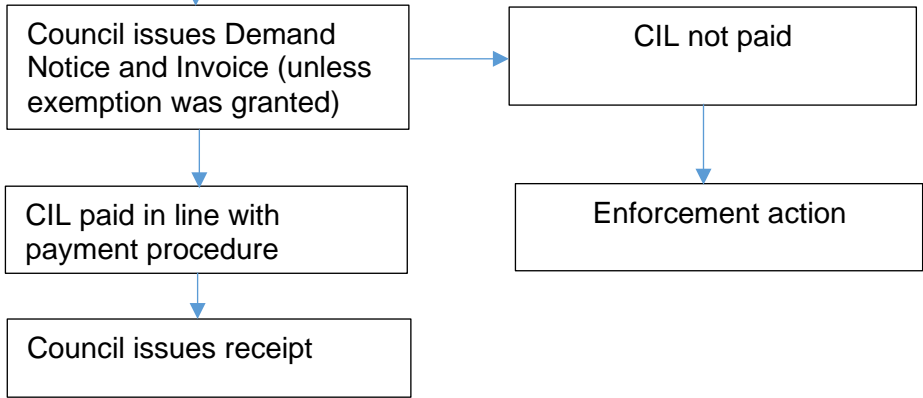
SUBMIT WITH PLANNING APPLICATION

- CIL Additional Information Request Form 1
 - Plans/information that will allow us to calculate CIL accurately (ideally annotated plans)
 - Evidence of any floorspace in 'continued lawful use'
 - CIL Form 2 'Assumption of Liability'
- (If liability changes any time before final payment becomes due, submit withdrawal or transfer of liability form (CIL Forms 3 or 4))
- If applicable, submit relevant form to claim relief:
- Social Housing or Charitable Relief (Form 10)*
 - Self Build Annex or Extension Claim Form (Forms 8 or 9)*
 - Self Build Exemption Claim Form, Part 1 (Form 7 Part 1)*

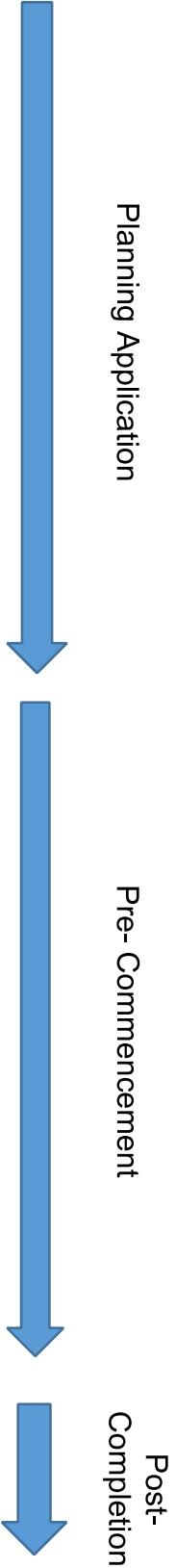
If planning permission granted, Council issues a Liability Notice to parties that have assumed liability and/or landowners.

SUBMIT BEFORE DEVELOPMENT (INC. PERMITTED DEVELOPMENT) COMMENCES

- CIL Form 6 Commencement Notice for applications with planning permission
- CIL Form 5 Notice of Chargeable Development for permitted development



- If applicable, submit to confirm relief within six months of completion
- Self Build Exemption Claim Form 7, Part 2 (self-build new dwelling developments only)



*Please see Appendix 2 for details on further exemption claim forms.

3 CIL Calculations

3.1 What is included as CIL chargeable floorspace? CIL is charged on the 'gross internal area' of the development for which planning permission is granted. This includes:

- all new floor space within the external walls of the building
- circulation and service space such as corridors, storage, toilets, lift, balconies, porches (see Appendix 1) etc. Canopied porches with or without posts are not considered liable, but porches with sides (including half walls), and covered areas bordered by 2 or more walls of the dwelling are considered liable.
- loft space that is used as rooms, with stairs or a permanent ladder including accessible storage areas
- enclosed attached or detached outbuildings e.g., garages and carports. Generally, any structure with one or more walls and a roof is considered to be 'internal' floor space and therefore chargeable. Carports supported on pillars are not considered liable, but if it had one wall and a roof it would be considered liable. Detailed information on how 'gross internal area' is calculated is provided in Appendix 1.

3.2 CIL is chargeable on the existing floor space of a building if a change of use is proposed.

3.3 Is CIL chargeable for subdividing a house into two or more homes?

No, unless additional new build floorspace is provided as part of the scheme in which case the additional floorspace may be liable.

3.4 Is CIL chargeable on a barn conversion?

Potentially, but a change of use from a barn to a residential use should not result in CIL liability as long as the barns are permanent usable buildings in lawful use. To be usable such buildings should be weathertight with four complete walls, a floor, and a roof. The definition of lawful use includes a requirement to be 'in use' for a continuous six month period out of the three years prior to planning permission first permitting development, the onus of proof being on the applicant.

3.5 Any additional new build floorspace proposed as part of the application, extending the barns or to provide new build garages for example would be charged CIL.

3.6 If a development is in progress and a change of use approved during the building process, then the CIL charge that reflects the new use will be applied. If the development is complete, it must demonstrate six months continuous lawful use within three years of the Change of Use approval for any floor space to be offset against the new use CIL charge. An example would be an Institutional Care Home applying for Change of Use to Elderly Persons Accommodation. It must demonstrate six months continuous use as an Institutional Care Home dating back three years from the consent for change of use to Elderly Persons Accommodation. Schedule 1, Part 1, 1(10).

3.7 How is CIL calculated?

The calculation involves multiplying the CIL charging rate by the additional (new build) floor space, and factoring in an Inflation index figure.

$$CIL\ Charge = Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ index\ (I)$$

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect.

3.8 Existing floor space that has been in continuous lawful use can be deducted from the floorspace on which CIL is charged. The onus is on the applicant to demonstrate this usage.

3.9 If the building is demolished before planning permission for redevelopment is granted, the previous floor space cannot be taken into account for the purpose of calculating the CIL charge.

3.10 How is the CIL Inflation index calculated?

CIL payments are index linked from the year that CIL was introduced to the year that planning permissions are granted, to allow for changes in building costs over time. We use the national All-in Tender Price Index published by the Build Cost Information Service (BCIS).

3.11 There are buildings on the application site that will be demolished as part of the development proposals. Will this reduce my CIL liability?

Deductions in respect of demolition of buildings before completion of the chargeable development will only apply where:

- there is an existing building that has been in ‘continuous lawful use’ for at least six months of the three years prior to ‘planning permission first permitting the development’
- the building is a permanent building into which people normally go
- the building is not demolished prior to planning application approval. The onus of proof is on the applicant.

3.12 The table below sets out when ‘planning permission first permits the development’ for the purposes of the CIL regulations:

Application Type	Phasing	Conditions	Date that “planning permission first permits the development”
Full Planning Application	No phasing	N/A	Date of Decision Notice approving the permission
Full Planning Application	Phased	No pre-commencement conditions	Date of Decision Notice approving the permission
Full Planning Application	Phased	With pre-commencement conditions	Date of approval of final pre-commencement condition for that phase
Outline Planning Application	No phasing	N/A	Date of Decision Notice approving the last Reserved Matter
Outline Planning Application	Phased	No pre-commencement conditions	Date of Decision Notice approving the Reserved Matters for that phase
Outline Planning Application	Phased	With pre-commencement conditions	Date of approval of final pre-commencement condition for that phase
Permitted development	N/A	N/A	Date of Notification of Commencement to the District Council OR Date that the District Council serves the Notice of Chargeable Development.

3.13 What evidence do I need to supply to show buildings on my site have been in 'continued lawful use'?

Information that could be submitted to demonstrate 'continued lawful use' can include the combination of the following:

- Copies of leases
- Electricity/gas bills for the six month period
- Business rate/council tax bills and payments. Note: The Local Planning Authority does not have access to this information as it is data protected
- Where an informal arrangement exists, redacted bank statements to show rent/rates have been paid
- Confirmation from a letting agent/solicitor advising of the period of occupancy

3.14 If it is not evident from the information supplied, we will not consider the existing floor space as deductible.

4 Relief and Exemptions

4.1 What reliefs and exemptions are available?

These can be sought in certain circumstances but is not automatic. Instead, relief and exemptions must be applied for, and this must be done before development commences, using the relevant forms. To apply for relief and exemptions you must also have assumed liability. There are several other conditions which also apply dependant on the type of relief or exemption. Relief and exemptions can be obtained for:

- Social / affordable housing
- Charitable housing¹
- Self-build – whole houses
- Self-build – residential extensions / annexes
- Phased credit

4.2 Relief and exemptions are not automatic, and you must apply for them before development commences.

4.3 How do I apply for relief?

The claim for relief must be made on the appropriate form (available on [Planning Portal](#)) by a land owner who has assumed liability to pay CIL (using CIL Form 2: 'Assumption of Liability').

You must make your claim before commencing development or we will be unable to accept your claim and a Demand Notice for the full CIL Liability will be issued. [Appendix 2](#) provides a list of CIL forms and further explanation on which one to use.

4.4 As soon as possible after receiving the claim, we will assess it and notify you of our decision, reasons, and the amount of relief they qualify for. Do not commence development before you have received a response to your claim, or it may become invalid.

4.5 The amount of relief is shown in the Liability Notice – if need be, we will issue a revised Liability Notice.

4.6 What evidence will I need to provide if I am claiming self-build relief for a new property?

Within six months of *completion* of your self-build, you will need to provide the following evidence, and submit it along with CIL Form 7: 'Self Build Exemption Claim Form: Part 2':

All three of the following:

¹ Where the chargeable development will be used wholly, or mainly, for charitable purposes.

1. Compliance certificate and date
2. Title deeds
3. Council Tax certificate

Two of the following three:

1. Utility bill
2. Bank statement
3. Local electoral roll registration.

One of the following:

1. An approved claim from HM Revenue and Customs under VAT431 NB: VAT refunds for DIY housebuilders
2. Proof of a specialist Self Build or Custom Build Warranty
3. Proof of an approved Self Build or Custom Build Mortgage from a bank or building society

Please ensure that you can meet these requirements before the initial claim for self-build exemption is made.

4.7 Are there any circumstances where I might be asked to repay the relief?

Yes – if relief is granted and a reduced CIL paid, but circumstances change within a set period, the relief will be disqualified, and the outstanding CIL must be paid.

Type of relief	Clawback Period
Social / affordable housing	7 years
Charitable purposes	7 years
Self-build	3 years

4.8 Disqualifying events include:

- Any change in relation to the self-build housing or self-build communal development such that it ceases to meet the criteria set out in regulations;
- Failure to comply with the evidence requirements on completion; [at clawback or at 7 Part 2]
- The letting out of a whole dwelling or building that is self-build housing or self-build communal development; or
- The sale of the self-build housing or self-build communal development.

4.9 If a disqualifying event occurs before the development commences, any granted relief would be withdrawn, and the full liability recalculated.

4.10 A CIL Form 4 Transfer of Liability jointly completed by old and new landowners must be submitted in the event of landownership change. If not already commenced, the new owners may submit a claim for relief. It is advisable to discuss the CIL aspect between solicitors prior to exchange.

4.11 If the disqualifying event occurs after commencement, the relief is withdrawn, and the relevant person is liable to pay an amount of CIL equal to the withdrawn relief.

4.12 The person benefitting from the exemption must notify the charging authority in writing within 14 days of the disqualifying event occurring. Failure to do so will result in enforcement action against the relevant person and a surcharge will become payable.

4.13 For further detail on the criteria for each relief type see [GOV.UK's CIL page, paragraph 94](#)

5 Making a CIL Payment

5.1 How much will I have to pay?

Eligible developments that receive planning permission from the dates of South and Vale CIL implementation will be charged in accordance with the rates set out in the CIL Charging Schedule. The amount payable is calculated when planning permission is granted and is set out in the Liability Notice which we will send you.

5.2 When does payment become due?

Payment is due on commencement of development and is payable within 60 days or in accordance with our instalment policy. Before you commence the development, you must send us CIL Form 6: 'Commencement Notice'.

5.3 We will send you a Demand Notice, and a separate invoice including details of how to make a payment.

5.4 What constitutes commencement?

CIL Regulation 7, and Section 56(4) of the Town and Country Planning Act 1990 define commencement as from the first 'material operations' carried out, including: erecting a building, demolition, digging a trench, laying underground pipes or mains, any operation to construct a road, or any change in the use of land that is classed as material development.

5.5 Can I pay in instalments?

Yes - we offer an Instalment Policy that allows payments over £30,000 to be spread over longer periods. We will automatically apply the Instalment Policy where applicable. [See our websites]

5.6 Please note that this Instalment Policy will not be available if CIL Form 2: 'Assumption of Liability' and CIL Form 6: 'Commencement Notice' are not provided before the relevant development commences, or if payments are not made on time.

5.7 Who is liable to pay?

Landowners are ultimately liable to pay CIL, but anyone involved in a development may take on the liability to pay. In order to benefit from payment in instalments, someone must assume liability using CIL Form 2: 'Assumption of Liability' prior to commencement.

5.8 Where no one has assumed liability to pay the levy, the liability will automatically default to the landowners and payment becomes due as soon as development commences. Liability to pay the levy can also default to the landowners where we have been unable to recover the levy from the party that assumed liability for the levy, despite making all reasonable efforts.

6 Appealing against a CIL Charge

6.1 I think the CIL for my development has been calculated incorrectly, what can I do? If

you think that the CIL charge for your development has been calculated incorrectly, you can apply to us and ask us to review how your CIL was calculated.

6.2 In what other circumstances can I appeal against CIL?

Once a Charging Schedule is adopted, the rate of the levy is non-negotiable, and we are not required to justify its application on a case-by-case basis. Appeals under the CIL Regulations

are overwhelmingly about matters of fact (e.g., did the Council make a mistake in calculating the liability? Did the development actually commence on such and such a date?).

6.3 What are the requirements for lodging appeals?

A liable person can ask the levy collecting authority for a review of the chargeable amount within 28 days from the date on which the liability notice (that sets out the chargeable amount) was issued. The collecting authority is required to review the calculation. This review must be carried out by someone who is senior to the person who made the original calculation, and who had no involvement in that original calculation. A decision must be issued within 14 days, and this decision cannot be reviewed again (see regulation 113). Following this review, the liable person may submit an appeal to the Valuation Office Agency.

6.4 Appeals made in connection with the calculation of the chargeable amount, an apportionment of liability, charitable relief and self-build exemptions and appeals in relation to notional relief relating to transitional cases (Schedule 1(9)) should be submitted to the independent Valuation Office Agency, on a form provided by the Agency within 60 days of the date the liability notice is issued.

6.5 Appeals related to enforcement (surcharges, commencement notices and stop notices) should be submitted to the Planning Inspectorate. All appeals to the Planning Inspectorate must be made using the form published by the Secretary of State (or forms substantially to the same effect). This can be found on the Planning Inspectorate website.

6.6 Please find here a link to the [GOV.UK CIL Appeals](#) page.

7 Enforcement of CIL

7.1 What happens if I fail to submit Form 6: 'Commencement Notice' before I commence my development?

Failure to submit a valid Commencement Notice before development commences *may* result in imposing a surcharge of 20% of the CIL amount due, up to a maximum of £2,500. In addition, payments *will not* be permitted to be made in line with the Instalment policy. Payment will be due in full on the day that the council believes the development to have commenced.

7.2 What happens if CIL is not paid?

Failure to pay CIL on time will result in the imposition of late payment interest at 2.5% above the Bank of England base rate.

7.3 Continued failure to pay CIL may result in additional late payment surcharges:

- Five per cent of the outstanding amount where payment is still overdue after 30 days, subject to a £200 minimum
- Further five per cent of the outstanding amount where payment is still overdue after six months, subject to a £200 minimum
- Further five per cent of the outstanding amount where payment is still overdue after 12 months, subject to a £200 minimum

7.4 If CIL remains unpaid the council may take any or all of the following actions, in order to recover the debt, as based on the CIL Regulations:

- Removal of the right to pay by instalments

- Impose surcharges and late payment interest
- Issue a CIL Stop Notice
- Seek authorisation from the courts to seize and sell assets to recover the CIL due
- Issue a Charging Order which remains as a land charge against your property. If you sell or re-mortgage your home before the debt is cleared, the charging order will be paid off from the proceeds.
- Seek committal to prison

7.5 When will the Council issue a Stop notice, and what does this mean?

A Stop notice will prohibit development with immediate effect, until payment of the outstanding amount is made.

7.6 Before serving a CIL Stop notice, we will first issue a warning to the person liable to pay the amount, the land's owners, occupiers, and all those who we consider will be affected by the notice. We will also post a warning on the site itself. This warning will state that continued non-payment may result in a CIL stop notice being issued. It will also set out the amount overdue and the number of days after which a CIL stop notice may be served if payment continues not to be made.

7.7 What other methods will we take to try and recover the CIL funds due?

We may seek a court's consent to seize and sell your assets to recover the money due. These assets may include any land you hold. We will send you notice of our intention to do so beforehand.

7.8 Could I really be sent to prison if I don't pay CIL?

Yes! Where a liable party continues to evade paying CIL, we can ask a magistrates' court to commit the relevant person(s) to prison for no more than three months. To do this, we must be able to demonstrate to the court that we have been unable to recover the CIL amount due by seizing and selling your assets and land.

8 Common Scenarios in the transition to CIL

8.1 Will a development be liable to pay CIL if there was a resolution to grant planning permission (e.g., subject to a S106 agreement or pending planning appeal) before CIL comes into effect, but the formal grant of planning permission is made on or after CIL comes into effect?

Yes. This is because any resolution to grant planning permission by the Committee does not formally grant the permission as a decision notice cannot be issued until, for example, a S106 agreement has been signed. Obligations for affordable housing and other infrastructure projects not covered by CIL will continue to be secured through Section 106, alongside the CIL requirements. See the [SODC Section 106 Planning Obligations SPD](#) and [VoWHDC Section 106 Planning Obligations SPD](#) for further details on the interaction between planning obligations and CIL.

8.2 Will a development be liable to pay CIL if there was an outline planning permission before CIL is in effect, but the approval of reserved matters/ phases is made on or after CIL is effective?

No. But if the outline planning permission is granted on or after CIL comes into effect, followed by the approval of reserved matters/phases at a later date, the approval of reserved matters/phases does trigger a new liability to pay CIL.

- 8.3 The same applies when a revised charging schedule is introduced in the area before reserved matters are approved. When a charging authority introduces a revised schedule, there may be some developments which have been granted an outline permission when the original schedule was in force, but which are reserved matters when the revised charging schedule comes into effect. In these circumstances, the earlier charging schedule, which was in effect at the time of granting the outline permission, should be used for calculating the chargeable amount once reserved matters are approved. The requirements are set out in [CIL Regulations 2019 \(Amended\) Schedule 1 paragraph 2.](#)
- 8.4 If an outline application includes phasing of development, each phase is treated as a separate development for the purpose of paying CIL. The CIL liability for each phase is calculated at reserved matters stage for that phase.
- 8.5 **Will a development be liable to pay CIL if there was a full planning permission before CIL came into effect, but the approval of pre commencement conditions is made on or after CIL is effective?**
No, the approval of pre commencement conditions does not trigger a liability to pay CIL.
- 8.6 **Will a development be liable to pay CIL if there was a refusal of planning permission before CIL came into effect, but an approval of planning permission on appeal is made on or after CIL came into effect?** Yes.
- 8.7 **Will a development be liable to pay CIL if there was a planning permission before CIL came into effect, but an approval of a S73 application to vary or remove conditions of that planning permission is made on or after CIL is in effect?**
Yes, the approval of a S73 application to vary or remove conditions does trigger a liability to pay CIL because it results in a new planning permission. However, the CIL (Amendment) Regulations 2012 confirms that although a new CIL liability is triggered, the new additional chargeable amount is equal only to the net increase in the chargeable amount arising from the original planning permission, so as to avoid double counting of liability.
- 8.8 **Will a development be liable to pay CIL if there was a planning permission before the CIL came into effect, but a different planning permission is granted on the same site when CIL is in effect?**
Yes. Whilst a planning permission granted prior to CIL coming into effect it can be implemented in its current form without incurring CIL, if a fresh application is submitted then any residential development it comprises, granted planning permission when CIL is in effect, would be liable for CIL even if it was within the application site of the development that had been granted planning permission previously. Residential floorspace previously granted planning permission (and not implemented and lived in) cannot be set against CIL liability on the new development. The exception to this is S73 applications mentioned about where there is only a minor amendment to the original scheme.

9 Site Phasing

- 9.1 **Phasing must be secured as a planning condition during the planning process.** Detailed description of each phase proposed and phasing plan showing each phase. Usually White, Red, Green, Blue. The phasing should be set out in the planning permission or secured through a planning condition.

- 9.2 Demolition and/or preparation of the site for access and utilities, if intended as a separate phase, must be Phase 1 and separate from other works.
- 9.3 Without phasing the entire site is bound by a single commencement notice, commencement taken as 1st material operation (except for pre-commencement conditions). The CIL charge amount becomes due when the first CIL liable phase commences. Each phase must submit a separate commencement notice.
- 9.4 If the proposal contains multiple plots seeking to benefit from self-build relief, phasing must be secured to prevent liability issues. We cannot grant relief for multiple plots on a single application without phasing.

10 Further Information & Contact us

- 10.1 Further general information on CIL can be found on our websites at [Vale of White Horse District Council](http://www.whitehorsedc.gov.uk) (www.whitehorsedc.gov.uk) or [South Oxfordshire District Council](http://www.southoxon.gov.uk) (www.southoxon.gov.uk).
- 10.2 If you have further questions related to CIL, please contact the customer service team on 01235 422600 or planning@whitehorsedc.gov.uk or planning@southoxon.gov.uk or email the CIL Team direct via communityinfrastructure@southandvale.gov.uk

Appendix 1a: Further Details and Examples of CIL Calculations

Guidance on measuring GIA is available in the RICS Code of Measuring Practice, 6th edition.

Calculation of the CIL chargeable area: -

Floorspace within the chargeable development is measured as gross internal floorspace (GIA) in square metres. This will include:

- Areas occupied by internal walls and partitions
- Columns, piers, chimney breasts, stairwells, lift-wells, other internal projections, vertical ducts, and the like
- Atria and entrance halls, with clear height above, measured at base level only
- Internal open sided balconies, walkways, and the like
- Structural, raked, or stepped floors are property to be treated as a level floor measured horizontally
- Horizontal floors, with permanent access, below structural, raked, or stepped floors
- Corridors of a permanent essential nature (e.g., fire corridors, smoke lobbies)
- Mezzanine floor areas with permanent access (subject to exclusion)
- Lift rooms, plant rooms, fuel stores, tank rooms which are housed in a covered structure of a permanent nature, whether or not above the main roof level
- Service accommodation such as toilets, toilet lobbies, bathrooms, showers, changing rooms, cleaner's rooms, and the like
- Voids over stairwells and lift shafts on upper floors
- Porches with sides, including half walls. Covered areas bordered by 2 or more walls of the dwelling.
- Areas under and above 1.5m ceiling height.
- Loading bays
- Pavement vaults
- Garages and other ancillary buildings
- Conservatories

When measuring the GIA the following is excluded:

- Perimeter wall thicknesses and external projections
- External open sided balconies, covered ways and fire escapes
- Canopies. Including canopied porches with no posts/sides and canopied porches with posts but no sides.
- Voids over or under structural, raked, or stepped floors
- Greenhouses, garden stores, fuel stores, and the like in residential

Appendix 1b: Examples of how the chargeable area would be calculated

Current site	Proposed development	CIL liable	Chargeable area
Cleared building site	90 sq m new residential dwelling	Yes	90 sq m
Single dwelling – in use	Single dwelling with a 25 sq m extension	No	Not liable as under 100 sq m new build and does not create a new dwelling
Single dwelling – in use	Single dwelling (currently 100 sq m) with a 125 sq m extension	Yes	125 sq m
Cleared building site	2,000 sq m residential, including 40% affordable housing (800 sq m)	Yes	1,200 sq m NB: the social housing relief (800 sq m) must be applied for and meet certain criteria to be granted
Single dwelling – in use but to be demolished	125 sq m new development 90 sq m original dwelling demolished	Yes	35 sq m NB: not exempt as development comprises of one or more dwellings but charge reduced due to original building to be demolished being in use
Single dwelling – not in use and to be demolished	125 sq m new development 90 sq m original dwelling demolished	Yes	125 sq m NB: not exempt as development comprises of one or more dwellings and no reduction in charge as original building not in use
Single dwelling – not in use but to be retained	35 sq m new development 90 sq m original retained	No	Not liable as project involves bringing a vacant dwelling back into use, does not create a new dwelling
Shop unit – not in use	90 sq m conversion /change of use of unit to residential	Yes	90 sq m NB: building has not been in use and creation of new dwelling
Shop unit – in use	90 sq m conversion /change of use of unit to residential	Yes	0 sq m so no charge NB: No exemption even though under 100 sq m as creating new dwelling. However, as the unit has been in use, the floorspace is deductible and so there is no charge in this scenario.
4,000 sq m offices – in use	4,000 sq m conversion of offices to flats	No	Not liable as existing floorspace converted and has been in use
3,500 sq m business development in use but to be demolished	15,000 sq m new residential 5,000 sq m new business 3,500 sq m original business use demolished	Yes	12,375 sqm residential 4,125 sqm business but as zero rate no charge N.B the demolished amount is apportioned across the whole development e.g., $\frac{3}{4}$ development residential, $\frac{1}{4}$ business; therefore, of the 3,500 sq m demolished floorspace, 2,625 sq m is deducted from residential floorspace and 875 sq m from business

Appendix 2: CIL Forms explained

All CIL Forms need to be dated and manually signed by the liable person or claimant.

Any CIL Form received by the collecting authority will be acknowledged.

CIL Form	When should it be submitted?
<p>Form 1 – Determining whether a development may be CIL liable – Planning Application Additional Requirement Form This requires the applicant to supply to the Council the relevant floorspace¹ detail of all existing buildings² (that are to be demolished or re-used) and all proposed buildings. This information then enables the Council to calculate the correct CIL liability for the chargeable development</p>	<p>With the planning application</p>
<p>Form 2 – Assumption of Liability The person who will pay CIL must first formally assume liability to do so by submitting a <u>manually signed</u> CIL Form 2. We must receive this form so that we can grant the self build relief (if eligible).</p>	<p>Prior to commencement. Must be submitted in conjunction with a Claim form 7, 8, 9 or 10 (whichever one is applicable)</p>
<p>Form 3 – Withdrawal of Assumption of Liability A party who has assumed liability to pay CIL but no longer wants to have assumed liability to pay CIL must submit CIL Form 3 to the Council</p>	<p>Prior to commencement of development</p>
<p>Form 4 – Transfer of Assumed Liability A party who has assumed liability to pay CIL can transfer that assumed liability to another party through submitting CIL Form 4 to the Council</p>	<p>No later than the day on which the final payment of CIL is due in respect of the chargeable development</p>
<p>Form 5 – Notice of Chargeable Development CIL Form 5 is required to be submitted prior to commencement of development where a CIL liable development is proposed that ordinarily would not require planning permission (i.e., permitted development)</p>	<p>Prior to commencement of development</p>

¹ The gross internal floorspace includes internal walls and partitions, chimney breasts, stairwells, lift-wells, atria and entrance halls, internal open-sided balconies, corridors, mezzanine floor areas, service areas (WCs, showers, changing rooms), lift rooms, plant rooms etc. It excludes things like open balconies, open fire escapes, greenhouses, garden stores and fuel stores.

² Please provide the floorplans of the existing building(s).

CIL Form	When should it be submitted?
<p>Form 6 – Commencement Notice</p> <p>CIL Form 6 is required to notify the Council that a chargeable development is about to be commenced. Submission of CIL Form 6 is therefore the trigger that starts the payment of CIL from the person who has assumed liability to the Council. Failure to follow the correct procedure may see the Council impose surcharges and take enforcement action.</p>	<p>Prior to commencement of development³</p>
<p>Form 7 - Self Build Exemption Claim Form: Part 1</p> <p>CIL Form 7 Part 1 is effectively a declaration by the applicant that they meet the self-build criteria and are aware of the disqualifying events that could see this form of relief revoked. For relief to be granted, the person seeking relief first must formally submit a claim form <u>and</u> assume liability to pay CIL.</p>	<p>Prior to commencement. Claim must be granted by the council before commencement.</p>
<p>Form 7 - Self Build Exemption Claim Form: Part 2</p> <p>CIL Form 7 Part 2 is accompanied by all the necessary evidence⁴ that is required to prove that the dwelling is self-build. Applicants should make sure that they can meet these requirements prior to claiming the self-build exemption.</p>	<p>Within six months of completing the self-build dwelling</p>
<p>Form 8 – Self Build Exemption for Annex</p> <p>Relief from CIL via this form is available for a residential annex. For relief to be granted, the person seeking relief first must formally submit a claim form <u>and</u> assume liability to pay CIL.</p>	<p>Together with the planning application (or shortly after planning permission). Claim must be granted by the council before development commences.</p>

³ Commencement is any work carried out, including: erecting a building, demolition, digging a trench, laying underground pipes or mains, any operation to construct a road, or any change in the use of land that is classed as material development.

We must also receive this form even if you have been given an exemption/relief. This is because there is a clawback period of three years for self-build relief and of seven years for social housing relief. This means that when the dwelling is sold within the clawback period you will be liable to pay CIL.

⁴ A compliance certificate, Title deeds and a Council Tax certificate. Two of the following: Utility bill, bank statement or local electoral roll registration. One of the following:

- An approved claim from HM Revenue and Customs under VAT431 NB: VAT refunds for DIY housebuilders
- Proof or a specialist Self Build or Custom Build Warranty
- Proof of an approved Self Build or Custom Build Mortgage from a bank or building society


Updated: December 2022

CIL Forms	When should they be submitted?
<p>Form 9 – Self Build Exemption for residential extension</p> <p>Relief from CIL via this form is available for residential extensions. For relief to be granted, the person seeking relief first must formally submit a claim form <u>and</u> assume liability to pay CIL.</p>	<p>Together with the planning application (or shortly after planning permission). Claim must be granted by the council before development commences.</p>
<p>Form 10 – Claiming Exemption or Relief for Charitable and/or Social Housing</p> <p>Relief from CIL via this form is available for development by charities and social housing. For relief to be granted, the person seeking relief first must formally submit a claim form and assume liability to pay CIL.</p> <p>When claiming social housing relief please supply: -</p> <ul style="list-style-type: none"> i). a map clearly identifying the location of the affordable dwellings and ii). an accommodation schedule including the floorspace by dwelling (including garages and communal areas). <p>Annex B of CIL Form 10 needs to be completed. As the floorspace figures can change during the course of the planning application we advise to submit CIL Form 10 when the application is at its final stage. Also, social housing will need to be secured through a S106 legal agreement.</p>	<p>Together with the planning application (or shortly after planning permission). Claim must be granted by the council before development commences.</p>
<p>Form 12 – Further Charitable and/or Social Housing Relief Claim (when the development is altered)</p> <p>This form should be used by persons seeking to obtain further charitable or social housing relief from CIL when the development previously subject to relief is subsequently amended by a Section 73 permission, creating a new liability.</p>	<p>With the planning application.</p>


<p>Form 13 – Further self-build Exemption Claim (for dwelling, annex or residential extension)</p> <p>This form should be used by persons seeking to obtain further exemption from CIL when the development previously granted an exemption is subsequently amended by a Section 73 permission, creating a new CIL liability. The previous exemption must have been granted to the same person(s) now seeking further relief.</p>	<p>With the planning application.</p>
<p>Form 14 – Phase Credit Application</p> <p>Form 14 is used by a person who wishes to apply a phased credit with the intent to offset CIL liability from a separate phase of the development.</p> <p>This form must be used when a further Full, or a Section 73, application has been submitted in relation to a development where the original application was granted permission before a CIL charging schedule had been adopted in that area. Any change in floorspace under the section 73 amendment would be subject to the CIL levy.</p>	<p>With the planning application.</p>

All CIL Forms need to be dated and manually signed by the liable person or claimant. Forms cannot be signed by an agent on the liable person’s behalf. Please note that we do not accept an electronic signature.

East Suffolk CIL Advice Service



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Access local council services and information quickly and easily

CIL and s106 advice service

Community Infrastructure Levy (CIL) advice and guidance

New residential development, including conversion/change of use to residential, and other types of development (e.g. retail) may be liable to pay CIL. This relates to full and reserved matters planning applications and Certificates of Lawfulness approved on or after 1 August 2013. This also includes development permitted by way of general consent (development which does not require submission of a planning application) which commences on or after 1 August 2013.

CIL is charged in pounds per square metre and relates to qualifying development, in accordance with the provisions of the CIL Regulations 2010 (as amended).

- [CIL rates in the East Suffolk area](#)

Further guidance and information on CIL, together with the relevant CIL forms can be found on the [Planning Portal](#).

We will continue to respond to enquiries which can be dealt with in a short timescale of up to 15 minutes. Where enquiries are likely to take longer than 15 minutes we will refer you to make a CIL advice service enquiry.

CIL and s106 advice service

We have launched a new CIL and Section 106 (s106) advice service that enables agents, applicants and solicitors to email us on CIL@east Suffolk.gov.uk using an advice request form. This is a paid for service. We can provide an estimate of the cost of support for any of the following services:

Advice request	Detail
Assessing if development could be liable for CIL	Advice and guidance in relation to proposed potentially CIL liable development, new buildings, change of use, conversions, buildings requiring retrospective planning approval, etc that could be CIL chargeable development
Non-Phased and Mixed Development	Advice on CIL implications where more than one dwelling or building or use type is being proposed
Phased Development	Advice on CIL implications where the proposed development is likely to be delivered in more than one phase
How to Benefit from CIL Instalments or Exemptions	Advice on payment of CIL by instalment or how to claim CIL exemptions
How does CIL Self Build Exemption operate	Advice on claiming self build exemption and on compliance with CIL Self Build Exemptions once granted
Calculating CIL/CIL Estimates*	Advice on calculating CIL for estimating potential cost of CIL/or the provision of estimates of CIL liability where scaled floorplans are provided
Completion of CIL forms	Advice on which CIL forms to complete and completion and submission of these forms
Other	Other bespoke advice on CIL not meeting any of the above categories

Payment instructions

Please use our [online payment facility](#) and select 'Other Payments'. Then select 'CIL' and then 'CIL Advice Service'.

How to apply for the CIL and s106 advice service

Please download our advice request form and complete it with as much information as you can to assist us to understand your enquiry. Please note that for CIL estimates of liability it is likely you will need to provide further information, such as existing and proposed floor plans, site layout plans and a red line location plan in order for us to provide you with an estimate. We will confirm what information we require from you when we provide the estimate.

- [CIL and s106 advice request form - Adobe PDF format](#)

Once completed, please email the form to CIL@east Suffolk.gov.uk.

CIL and s106 advice - timescales

It is expected that the majority of advice can be provided with a quick turnaround, once all documents required to support you have been provided to us. For the majority of advice requests, we would expect to respond in writing within 7-14 days, depending on the complexity of your request.

In this section

- ▶ [CIL rates](#)
- ▶ [CIL collection process and forms](#)
- ▶ [CIL spending](#)
- ▶ [CIL parish support](#)
- ▶ [CIL reporting](#)
- ▶ [How to pay CIL](#)
- ▶ [CIL forms and guidance](#)
- ▶ [Infrastructure Funding Statement \(IFS\)](#)
- ▶ [CIL and s106 advice service](#)

▶ [Contact us](#)

Swindon's website main planning page

Have you signed up yet?

Join thousands of other residents who have already registered for a new online Council Tax account.
www.swindon.gov.uk/ctaxreg

Home > Planning and regeneration

Planning and building control

Important planning service update

We are currently receiving high numbers of planning applications, appeals and enquiries which means applications are taking longer to process and decisions are likely to be delayed beyond the anticipated time limits.

Planning officers are currently seeking extensions of time for determination.

We apologise for this delay and appreciate your continuing patience and understanding.

In light of this, we would encourage the use of the [frequently asked questions webpage](#) and the [planning portal website](#) for general enquiries.

Planning applications and prior approval update

From Wednesday, 5 July 2023 certain planning applications and prior approval applications with 9.4km of North Meadow Special Area of Conservation, must be subject to an Appropriate Assessment under the Habitats Regulation 2017.

Please see our [habitats, ecology and bio-diversity page](#) to check if your application is affected.

[Make a planning application](#) >
 [Search for planning applications](#) >
 [Guide to planning](#) >

[Building control and regulations](#) >
 [New Eastern Villages](#) >
 [Local plan and planning policy](#) >

[Swindon town centre regeneration](#)
 Vision, projects and plans for the town centre re-development

[Community infrastructure levy](#)
 Mandatory tariff set on new development

[Report an alleged breach of planning](#)
 How we enforce planning law and control breaches

[Swindon Heritage Action Zone](#)
 Scheme to revitalise historic areas of the town

[Appeal against a planning decision](#)
 How to appeal and associated guidance on the Planning Portal

[Apply for a local land charges searches](#)
 How to apply online, what to pay, advice and support

[Tree protection](#)
 How to request a tree preservation order

[Planning committee meetings and agendas](#)
 Browse details of planning decisions and committee documentation

[Planning document copies and charges](#)
 How to request copies online and what to pay

[Conservation areas](#)
 List of areas and supporting documentation

[Listed buildings](#)
 Apply for listed building consent and search the National Heritage list

[Landscape and countryside management](#)
 Guidance on landscape, arboriculture and countryside initiatives

[Self build register](#)
 Guidance about building your own home

[Habitats, ecology and bio-diversity](#)
 Natural environment requirements for planning applications and prior approvals

[Nature conservation and creation](#)
 Work to protect and enhance nature and wildlife in Swindon

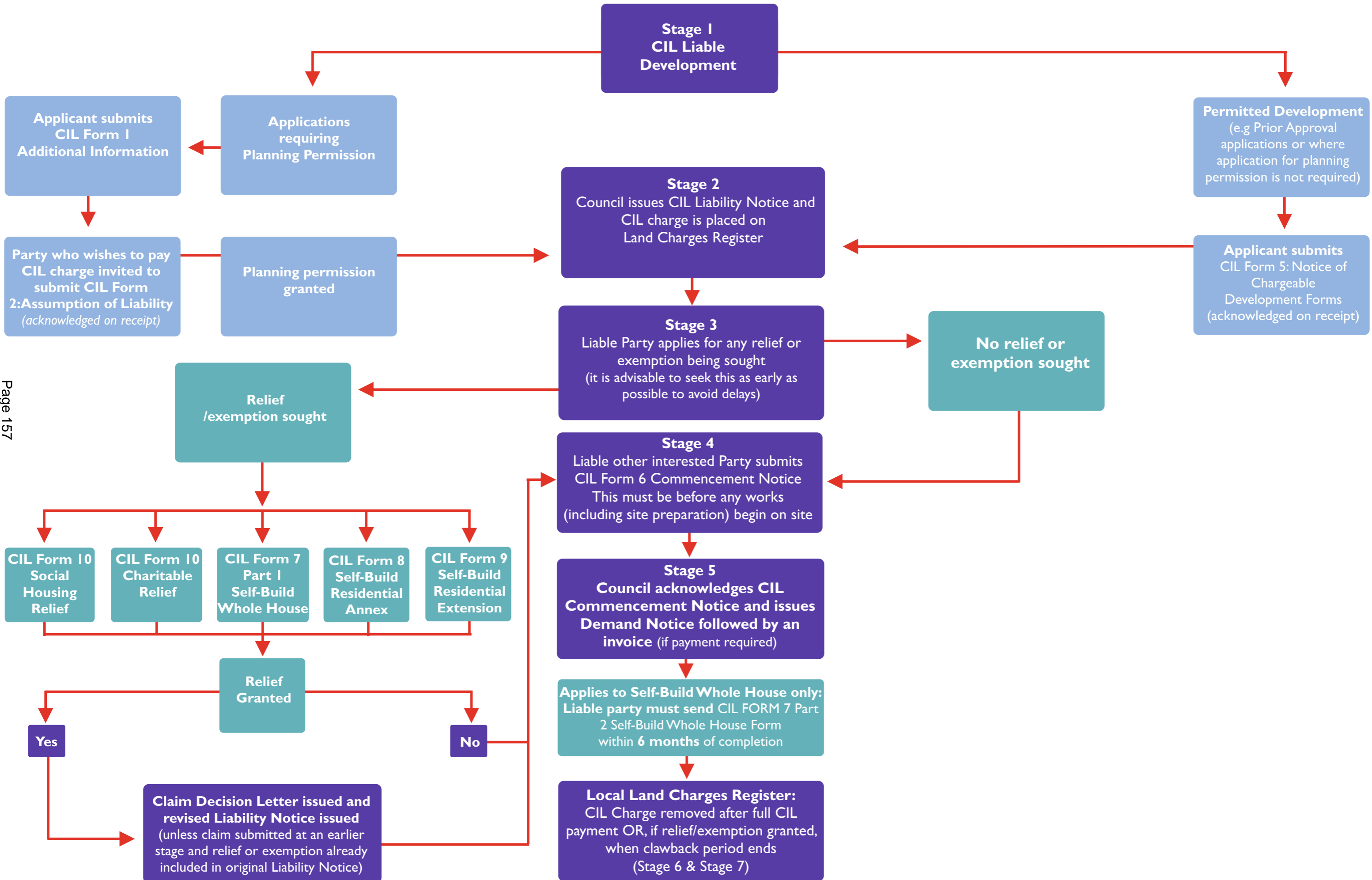
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Southend on Sea City Council's CIL process flowchart from website

Basic CIL Process Diagram

Please note: This diagram summarises the CIL Process and is provided for guidance only. Please ensure you also refer to the CIL Regulations 2010 (as amended) and the Council's CIL webpages www.southend.gov.uk/cil to ensure you comply with the relevant requirements.



POS ENTERPRISES CIL REVIEW COMPARATOR AUTHORITIES

For years 2022/23 and 2023/24 to date

Item	West Berkshire	Auth 1	Auth 2	Auth 3	Auth 4
Total number of CIL Liability Notices issued	273	81	188	1193	350
Total number of exemptions agreed – domestic extensions	62	6	70	159	42
Total number of exemptions agreed – domestic annexes	3	0	5	40	19
Total number of exemptions agreed – self build	29	11	63	202	75
Total number of Liability Orders issued	0	0	0	0	0
Number of appeals	15	1	2	37	1
Number of successful appeals	2 (3 pending)	0	2	13	1 <i>(allowed in part)</i>
Number of complaints received	15	0	5	2	0
Number of fte staff working directly on CIL	3.3	1.8	3	3.58	1.5
Do you have a standard target time for responding to CIL communications?	No policy in place	No, usually by return same day	3 wkg days	7 days email enq 5 days LNs where possible	No standard but 5 wkg days (10-15 if complex or high workload)

Comparator authorities CIL income and expenditure 2021/22 and 2022/23 including admin costs

	Income 21/2	Income 22/3	Spend 21/2	Spend 22/3	Admin 21/2	Admin 22/3
W Berks	£6.29m	£4.642m	£3.85m	£7.54m	£307k	£232k
Auth 1	£5.63m	£6.29m	£6.69m	£8.10m	£281k	£314k
Auth 2	£10.43	£9.97m	£8.08m	£8.02m	£288k	£330k
Auth 3	£6.312	£6.792m	£4.16m	£6.26m	£320k	£359k
Auth 4	£3.69m	£1.08m	£250k	0	£185k	£54k

Source: Local Authority Infrastructure Funding Statements

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**West Berkshire District Council
CIL Enforcement Policy – Householder
Applications**

DRAFT



Contents

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1. Background and Purpose

- 1.1 Community Infrastructure Levy (“CIL”) is a charge levied in respect of development. The legislative basis is found in Part 11 of the Planning Act 2008 (<https://www.legislation.gov.uk/ukpga/2008/29/part/11>) which empowers the Secretary of State to make regulations providing for the imposition of CIL. Those regulations were made in the form of Community Infrastructure Levy Regulations 2010 (as amended) (“the CIL Regulations”) (<https://www.legislation.gov.uk/uksi/2010/948/contents>)
- 1.2 This document provides an overview of how the Council will use the enforcement powers contained within the legislation. It is not intended to be a step-by-step procedure note specifying how the Council will consider individual cases.
- 1.3 When considering the enforcement powers set out in the legislation the Council will be mindful of any guidance, including the note entitled Community Infrastructure Levy – collection and enforcement (<https://assets.publishing.service.gov.uk/media/5a7897a9e5274a2acd188448/1995794.pdf>) and the Council’s Customer Service Charter (https://www.westberks.gov.uk/media/54156/Customer-Service-Charter-January-2023/pdf/WBC_Customer_service_charter_January_2023.pdf?m=1675348889277)
- 1.4 The enforcement provisions contained within the CIL Regulations can be triggered by the following:
- Failure to complete and submit the relevant CIL form(s).
 - Failure to inform of a disqualifying event
 - Late Payment
 - Failure to comply with an information notice from the Charging Council
- 1.5 The Council is able to impose a range of financial penalties (surcharges) on developers when the liability, collection and/or payment processes outlined within the legislation have not been followed correctly. These penalties are designed to ensure that the Council does not lose out financially by having to carry out additional tasks. These surcharges are discretionary. This policy provides an overview of how the Council will exercise this discretion.
- 1.6 The Council has no discretion regarding the imposition of late payment interest however the Council does have a discretion regarding whether to continue with the recovery of any outstanding debt. This policy provides an overview of how the Council will exercise this discretion.
- 1.7 It is possible to appeal against the calculation of CIL and if you believe that the process has not been followed correctly by the Council. Further details can be found here [Community Infrastructure Levy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/community-infrastructure-levy).
- 1.8 CIL can be a complex process and each development site can have its own complications and or nuances. The Council will provide support and guidance to developers to assist them with respect to the legislative requirements.
- 1.9 In particular, the Council is aware that the process can be daunting to individual homeowners wishing to extend their current property, create an annex for a

relative or build their own home. The Council will take this into consideration when applying the CIL Regulations.

1.10 This Policy has been approved by the Executive.

2. **Applicability**

2.1 This Policy applies to Householder Development. For the purposes of this policy, Householder Development shall mean development that meets the following criteria:

2.1.1 An extension to a persons own home in use as their principal residence in excess of 100sqm

2.1.2 Development of a residential annex (change of use/conversion of an existing building or newly constructed annex) within the grounds of a persons own home

2.1.3 A new build dwelling that has been built or commissioned to be built as a persons own home and principal residence.

3. **Policy**

3.1 People who extend their own homes or erect residential annexes within the grounds of their own homes are exempt from the levy, provided that they meet the criteria laid down in regulations 42A and 42B (inserted by the 2014 regulations and amended by the 2019 regulations) which includes the submission to the Council of the necessary claim forms.

3.2 The CIL Regulations require developers to submit the appropriate exemption form and, in respect of some development, notify the Council prior to commencement of the intention to commence. The Council will take into consideration any genuine error or oversight in submitting this documentation when considering the imposition of surcharges and/or the recovery of the outstanding liability. Consideration will include whether the developer is professionally represented.

3.3 The Council has set out below a couple of examples as to how the Council may approach matters: -

Residential Extensions

3.4 If an exemption for a residential extension would have been granted, if the correct paperwork had been submitted on time, then the Council is likely to exercise any discretion in favour of the developer and not impose surcharges or seek recovery of the outstanding liability.

Residential Annexes

3.5 If an exemption for a residential annex would have been granted, if the correct paperwork had been submitted on time, then the Council is likely to exercise any discretion in favour of the developer and not impose surcharges or seek recovery of the outstanding liability. However, if any of the following disqualifying events occur within 3 years of completion:

- the main house is used for any purpose other than as a single dwelling;
- the annex is let; or
- either the main residence, or the annex, is sold separately from the other

then the exemption will be withdrawn and the developer will be liable for the outstanding liability as specified by the Council at the time when the exemption was first claimed (or the amount of relief granted, if lower).

- 3.6 In cases of residential annexes where a disqualifying event has occurred, the Council will consider Enforcement Options.

Retrospective Development

- 3.7 In the case of retrospective development (where development commences without planning permission) and where it involves an extension to a dwelling or a residential annex, CIL Practice guidance, states the following;

Developments consented through retrospective planning permissions granted under section 73A of the Town and Country Planning Act 1990 are not able to obtain relief or exemption from the levy. This also applies when a section 73A permission is obtained to rectify a planning breach of an earlier permission which had been subject to a relief or exemption; the previously granted relief or exemption cannot be carried over or re-applied for in respect of the section 73A permission, and the CIL liability would be payable.

- 3.8 The Council will consider the CIL Practice guidance and the facts of each case when considering liability.

Self-Build and Replacement Dwellings (Whole House)

- 3.9 If an exemption for a self build dwelling would have been granted, if the correct paperwork had been submitted on time, then the Council is likely to exercise any discretion in favour of the developer and not impose surcharges or seek recovery of the outstanding liability. However, if any of the following disqualifying events occurs during the 3 year occupancy period:

- any change in relation to the self-build housing or self-build communal development such that it ceases to meet the criteria set out in regulations;
- failure to comply with the evidence requirements on completion;
- the letting out of a whole dwelling or building that is self-build housing or self-build communal development; or
- the sale of the self-build housing or self-build communal development.

- 3.10 Then the exemption will be withdrawn and the developer will be liable for the outstanding liability including any surcharges and interest.

- 3.11 The only exception is where the developer fails to comply with the evidence requirements on completion. In such cases, the collecting Council must give the developer at least 28 days to submit the necessary form and evidence before taking any further action.

- 3.12 If the exemption is withdrawn the person must pay the full levy and the Council will consider Enforcement Options.

List of Enforcement Options

- 3.13 The Council will approach enforcement in a reasonable and proportionate manner, having regard to the particular facts of each case.

Stop Notices

- 3.14 If development has started without the CIL Liability being paid and the Council thinks it expedient to stop the development from progressing any further until payment is made, it may issue a stop notice. The Council will only consider this option if they consider the imposition of surcharges will not be effective.

Liability Order

- 3.15 Following the reminder notice, if the amount is still wholly or partly unpaid the Council can apply to the Magistrates Court for a Liability Order. This can include if requested, recovering the cost of the application in the same order. The Court must make the liability order if it is satisfied that the amount has become payable by the defendant and has not been paid.

Distress

- 3.16 Where a Liability Order has been made the Council may levy the appropriate amount by distress and sale of goods of the debtor. No person making a distress may seize any clothing, bedding, furniture, household equipment or provisions which are necessary for satisfying the basic needs of the debtor and his family. If, before any goods are seized the outstanding amount is paid or tendered to the Council, the Council must accept the amount and proceed with the levy.

Commitment to prison

- 3.17 Where the Council is unable to recover debts due by way of the charging order or distress the Council may ask to commit the debtor to prison. This is a very unlikely scenario; however the regulations do offer this mechanism to recover the unpaid levy.

Charging Orders

- 3.18 As an alternative to recovering the debt via distress and where the outstanding debt is greater than £2000 the Council can ask the Court to serve a charging order to recover the amount of debt owed.

Enforcement of local land charges

- 3.19 As an alternative to recovering debt via distress and Charging Orders the Council can enforce a local land charge if the outstanding amount of CIL due in respect of that development is less than £2000.

4. **Implementation**

- 4.1 This Policy will be supported and implemented by the development and publication of Standards (requirements), Procedures (how to) and Guidance (advice) as appropriate.

5. **Roles and Responsibilities**

- 5.1 The overall responsibility for the West Berkshire District Council CIL Enforcement Policy rests with Corporate Director – Place.
- 5.2 The responsibility for day-to-day management of the CIL Enforcement Policy throughout West Berkshire Council rests with the Service Lead – Planning and Economy (Chief Planning Officer), they are also responsible for maintaining this Policy, for reviewing all other security policies and procedures and for providing advice and guidance on their implementation.

6. **Review**

- 6.1 This policy will be reviewed to respond to any changes when there is a change in CIL regulations or guidance or at least annually.
- 6.2 The Service responsible for reviewing and maintaining this Policy is Development and Regulation.

Document Control

Document Ref:		Date Created:	13/05/2024
Version:	1.0	Date Modified:	
Revision due	May 2025		
Author:	Development and Regulation	Sign & Date:	
Owning Service	Development and Regulation		
Equality Impact Assessment: (EIA)	Date undertaken:		
	Issues (if any):		

Change History

Version	Date	Description	Change ID
1			
2			
3			

West Berkshire Council Discretionary CIL Householder Review Scheme 2024 – 2025

Introduction:

The Community Infrastructure Levy (CIL) is a charge that can be levied by local authorities on new development in their area. This is an important tool to support local authorities to deliver infrastructure to support development in the local area, such as schools, roads and flood defences.

Following the introduction of a CIL Enforcement Policy – Householder Applications in May 2024, the Council agreed that it would consider requests from householders that it undertake a discretionary review of CIL payments made by them to the Council for qualifying householder development. This scheme sets out the criteria and process by which the Council will consider such requests.

The introduction of this discretionary CIL review process is to ensure that householders who have previously paid CIL are not penalised due to a genuine mistake or other circumstance beyond their control which resulted in a CIL payment being due.

This scheme does not apply to reviews or appeals made via the existing CIL Regulation 113 Review process to the Planning Inspectorate or the Valuations Office Agency (VOA).

It is not intended to enable the refund or cancellation of a CIL charge where the CIL liability has been assumed by a developer nor when the development has resulted in a capital gain through the subsequent sale or letting of a property.

Each case will be considered on its merits and reviewed in accordance with the CIL Enforcement Policy – Householder Applications. The Council has absolute discretion in the application of this Scheme and in determining the eligibility for re-calculation and re-issue of a Liability or Demand notice or refund of any CIL already paid.

Application process:

Applications will be considered taking into consideration the following criteria;

1. A formal request for review must be submitted to cil@westberks.gov.uk on the CIL Householder Review Scheme application form and received between 1 June 2024 and 31st May 2025. A request for a review can also be made via the digital form available on the Council's website.

2. The development in respect of which CIL was paid must have been a householder development in West Berkshire that falls into one of the following categories:
 - a. An extension to a person's own home in excess of 100sqm
 - b. Development of a residential annex (change of use/conversion of an existing building or newly constructed annex) within the grounds of a person's own home
 - c. A new build dwelling that has been built or commissioned to be built as a person's own home and principal residence
3. A request for a review must be made by the person (or persons in the case of joint liability) who assumed CIL liability for the development in question.
4. The person requesting the discretionary review will be required to provide evidence to support their application, including:
 - a. Evidence should be provided to demonstrate that the applicant would have met the exemption or relief criteria, if the correct process had been followed, prior to commencement of development.
 - b. Evidence should be provided to demonstrate the precise nature of the mistake made on the part of the applicant at the time of making an application for relief, exemption or offset or the nature of the mistake made on the part of the Council in determining the CIL Liability.
 - c. Evidence should be provided to demonstrate that if relief or exemption had been granted prior to commencement of development, the development would continue to meet the minor development exemption, residential annex exemption, or extension and no disqualifying event has occurred.
5. Any request for a discretionary review of a CIL payment by a householder will be considered by way of an Initial CIL Review undertaken by the Executive Director – Place in consultation with either the Leader, Deputy Leader, or the Portfolio Holder for Finance on the basis of the evidence submitted.
6. This will follow an internal validation process of each application and an initial assessment and recommendation by the CIL review team.
7. Agreement to re-issue a CIL Liability Notice with a zero liability will only occur where the Council is satisfied in its absolute discretion that the charge and liability and/or demand notice was incorrect due to a genuine error on the part of the applicant or error on the part of the Council.
8. Refunds will only be issued to the person who made the CIL payment to the Council where there was a genuine error on the part of the applicant or error on the part of the Council during the CIL exemption process, which resulted in the CIL charge becoming payable.
9. Surcharges and late payment interest charges will be refunded at the discretion of the panel based on the facts of the case.

10. Applications for financial compensation in addition to repayment of CIL, surcharges and late payment interest paid to the Council will not be considered under this scheme.
11. The Council will evaluate all relevant evidence and will notify the Householder of its decision in respect of the Initial CIL Review within 20 working days of the receipt of the formal request. Where this timescale cannot be met, the person requesting the review will be kept updated as to progress.
12. Where a request for a review has been rejected at the Initial CIL Review, the Householder may request the opportunity to present their case in person to a Member Panel. This request for a review must be received by the Council within 10 working days of the date of the Initial CIL Review decision. The Member panel will be comprised of three members of the Administration (including two Members of the Executive). The considerations for the Member Panel at this stage of the process will be the same as set out above, having regard to any additional representations made at the hearing by the person requesting the review, and the Executive Director Place.
13. There will be no further right of appeal.

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Appendix 4

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Place
Service:	Planning & Economy
Team:	
Lead Officer:	Katharine Makant
Title of Project/System:	
Date of Assessment:	18/04/24

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><small>Note – sensitive personal data is described as “ data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</small></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p><small>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</small></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p><small>Note – will it have an interactive element which allows users to communicate directly with one another?</small></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Yes	No
Note – does your system or process involve circumstances where an individual's input is "scored" or assessed without intervention/review/checking by a human being? Will there be any "profiling" of data subjects?		
Will your project/system involve CCTV or monitoring of an area accessible to the public?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using the data you collect to match or cross-reference against another existing set of data?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will you be using any novel, or technologically advanced systems or processes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note – this could include biometrics, "internet of things" connectivity or anything that is currently not widely utilised		

If you answer "Yes" to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

DRAFT

Armed Forces Covenant – Status Report

Committee considering report:	Executive
Date of Committee:	23 May 2024
Portfolio Member:	Cllr Jeff Brooks
Report Author:	Carolyn Richardson
Forward Plan Ref:	EX4544

1 Purpose of the Report

1.1 The purpose of this report is to provide an overview and update in relation to the Armed Forces Act 2021 and specifically request that West Berkshire Council sign the Armed Forces Covenant and form an Armed Forces Task and Finish group to ensure ongoing compliance and appropriate support to the military ‘family’ in the community.

2 Recommendations

It is recommended that Executive:

- (a) Note this report and the ambition of this Council in relation to the planned actions relating to the Armed Forces Covenant and compliance with the Armed Forces Act 2021.
- (b) Approve the signing of the Armed Forces Covenant.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>£25m plus of central government funding was allocated nationally over four years to 2020/2021. No bids have been submitted by West Berkshire Council and therefore there is opportunity to submit bids.</p> <p>Armed Forces Covenant Fund Trust</p>
Human Resource:	<p>Checks in relation to the HR policies having regard to the Employers Recognition Scheme and other initiatives to be considered.</p>

	Potential active recruitment of military 'leavers' to the Council.			
Legal:	By undertaking the recommendations set out in this report then the Council can be assured of compliance or work to be undertaken to ensure compliance with the legislation.			
Risk Management:	Non-compliance may result in litigation and negative press.			
Property:	None			
Policy:	National policy and legislation by way of the Armed Forces Act 2021 and the Armed Forces Covenant.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	X			The covenant is intended as a vehicle for partners across West Berkshire to help enable Veterans or Reservists to access health services, particularly mental health services, training and employment opportunities.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	X			As above
Environmental Impact:				None
Health Impact:	X			By implementing the legislation and the Covenant the health impacts on this community should be reduced.

ICT Impact:		X		Limited – support in setting up an email account
Digital Services Impact:		X		Limited – support in setting up a webpage.
Council Strategy Priorities:		X		
Core Business:		X		
Data Impact:				None
Consultation and Engagement:	<ul style="list-style-type: none"> • Cllr Stephanie Steevenson, Armed Forces Champion • Alex O'Connor, BCT • Rhys Lewis, BCT • Nick Caprara, Housing; • Rose Carberry, Education; • April Peberdy, Public Health; • Dave Wraight, CFS • Charlotte Martin, HR • Nicola Thomas, Legal; • Sarah Clarke, Service Director Governance & Strategy. • Clare Lawrence, ED Place • Pamela Voss, EMTAS Team Lead 			

4 Executive Summary

- 4.1 The Armed Forces Act 2021 (AFA21) came into force in December 2021 which has legal duties for Councils and other bodies to comply with.
- 4.2 This Council has long and proud relationship with the military having signed the Military Community Covenant in 2011, having policies in place for Military Reservists, and ensuring we do not prejudice against the military whether serving, their families or veterans.
- 4.3 Over recent years there have been several changes in relation to the Armed Forces covenant in West Berkshire, and across Berkshire, with the commencement of the AFA21 and the formation of the Royal County of Berkshire Civil Military Partnership Board in June 2022.
- 4.4 A key element of the progress and ambition of this Council is to reaffirm our commitment by the signing of the Armed Forces Covenant. This along with the formation of an Armed Forces Task and Finish Group will allow progress to be made with the action plan and ongoing compliance with the legislation ensured.

5 Supporting Information

Armed Forces Overview

5.1 **Appendix B** to this report provides:

- (a) An overview of the number of veterans and units in West Berkshire.
- (b) The Defence Employers Recognition Scheme, including the current status of this Council.
- (c) The Armed Forces Covenant Fund Trust.
- (d) The Royal County of Berkshire Civil Military Partnership Board which this Council is a member.

5.2 The legislative requirements in relation to the Armed Forces Act 2021 are set out in **Appendix C** along with this Council's current status.

5.3 In late 2023 a report was tabled in relation to the support for the military community living and working, serving and veterans in West Berkshire. At that time an action plan was agreed.

5.4 The current action plan is set out in **Appendix D**.

Armed Forces Covenant

5.5 West Berkshire Council signed the **Community Covenant Partnership** in 2011. More recently, following the commencement of the Armed Forces Act 2021, the Community Covenant Partnership has been superseded by the **Armed Forces Covenant**.

5.6 The Government published the Armed Forces Covenant, as a tri-Service document which expresses the enduring, general principles that should govern the relationship between the Nation, the Government and the Armed Forces community.

5.7 The Armed Forces Covenant, the 'Covenant', is a National promise to those who serve or who have served in the armed forces, and their families, to be treated fairly. It also aims to encourage charities, local authorities, businesses and communities and individuals to work together with the military to offer support to service personnel and their families as well as reservist and veterans.

5.8 The two principles relating to the Covenant are:

- (a) Those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services.

- (b) Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.

5.9 Based on the above principles and to reaffirm our commitment to the military it is recommended that the Council sign the Armed Forces Covenant, which subject to approval will take place in June/July 2024.

Armed Forces Champion & Council Coordination

5.10 This Council has had an Armed Forces Champion for many years with the current Champion being Cllr Stephanie Steevenson.

5.11 The Councils current lead officer to the Armed Forces Champion is the Services Manager for Emergency Planning.

5.12 It has been agreed that going forward the Building Communities Together (BCT) team will be more involved and will lead following a transition period.

5.13 In addition, the requirement of the Armed Forces Act 2021 focuses on Housing, Health and Education therefore wider than one person and wider than Emergency Planning and Building Communities Together.

5.14 As a result, a local Armed Forces Task & Finish Group is being put in place to progress the actions and respond to any issues more coherently.

5.15 Over and above the compliance with the legislation a representative from Human Resources will be included in the T&F Group in order to engage more effectively with service leavers in relation to working in the Council.

5.16 The Task and Finish Group will therefore include representatives from the following services and agencies:

- (a) Children and Family
- (b) Education
- (c) Housing
- (d) Public Health
- (e) Human Resources
- (f) Other Services as necessary
- (g) BOB ICS
- (h) Local Military Units
- (i) Service Charities - as necessary to represent veterans groups.

5.17 This T&F Group will provide an annual progress report to the Executive.

6 Conclusions and Recommendations

- 6.1 This Council has a lot to offer and be proud of in relation to support to the military in the area by way of Military Champions, policies for Reservists and support to events such as Remembrance Day, Armed Forces Day, SERFCA engagement events and visits to military establishments.
- 6.2 In order to progress further and more effectively it is therefore recommended that the Executive:
- (a) Note this report and the ambition of this Council in relation to the planned actions relating to the Armed Forces Covenant and compliance with the Armed Forces Act 2021.
 - (b) Approve the signing of the Armed Forces Covenant.

7 Other options considered

- 7.1 Do nothing – this is not considered an option due to the legislative requirements.
- 7.2 Limit the action plan, however this may expose the Council by way of actively supporting the military community but would be less impactful on staff time.

8 Appendices

Appendix A Equalities Impact Assessment

Appendix B Armed Forces Overview

Appendix C Armed Forces Act 2021 Duties and Compliance April 2024

Appendix D Armed Forces Action Plan

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only
-

Officer details:

Name: Carolyn Richardson
Job Title: Service Manager – Emergency Planning
Tel No: 01635 519105
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Appendix A Equity Impact Assessment

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Section 2: Detail of proposal.....	10
Section 3: Impact Assessment - Protected Characteristics.....	12
Section 3: Impact Assessment - Additional Community Impacts	13
Section 4: Review.....	14

Section 1: Summary details

Directorate and Service Area	Place, Development & Regulation
What is being assessed (e.g. name of policy, procedure, project, service or proposed service change).	Proposed signing of Armed Forces Covenant and formation of an Armed Forces Partnership.
Is this a new or existing function or policy?	New
<p>Summary of assessment</p> <p>Briefly summarise the policy or proposed service change. Summarise possible impacts. Does the proposal bias, discriminate or unfairly disadvantage individuals or groups within the community? (following completion of the assessment).</p>	<p>By signing the AFC and forming an Armed Forces Partnership it is aimed to ensure that the Council complies with the Armed Forces Act 2021 the principles of which are to aim to ensure:</p> <p>(a) Those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services.</p> <p>(b) Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.</p>
Completed By	Carolyn Richardson, Service Manager
Authorised By	
Date of Assessment	15/4/2024

Section 2: Detail of proposal

<p style="text-align: center;">Context / Background</p> <p>Briefly summarise the background to the policy or proposed service change, including reasons for any changes from previous versions.</p>	<p>Proposed signing of Armed Forces Covenant and formation of an Armed Forces Partnership</p>
<p style="text-align: center;">Proposals</p> <p>Explain the detail of the proposals, including why this has been decided as the best course of action.</p>	<p>As detailed in the report this is to ensure compliance with the Armed Forces Act 2021.</p>
<p style="text-align: center;">Evidence / Intelligence</p> <p>List and explain any data, consultation outcomes, research findings, feedback from service users and stakeholders etc, that supports your proposals and can help to inform the judgements you make about potential impact on different individuals, communities or groups and our ability to deliver our climate commitments.</p>	<p>Consultation has taken place across services and other Councils in relation to the potential impact.</p>
<p style="text-align: center;">Alternatives considered / rejected</p> <p>Summarise any other approaches that have been considered in developing the policy or proposed service change, and the reasons why these were not adopted. This could include reasons why doing nothing is not an</p>	<p>As per the report.</p>

option.

Section 3: Impact Assessment - Protected Characteristics

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Age	X		<input type="checkbox"/>				
Disability	X	<input type="checkbox"/>	<input type="checkbox"/>				
Gender Reassignment	X	<input type="checkbox"/>	<input type="checkbox"/>				
Marriage & Civil Partnership	X	<input type="checkbox"/>	<input type="checkbox"/>				
Pregnancy & Maternity	X	<input type="checkbox"/>	<input type="checkbox"/>				
Race	X	<input type="checkbox"/>	<input type="checkbox"/>				
Sex	X	<input type="checkbox"/>	<input type="checkbox"/>				
Sexual Orientation	X	<input type="checkbox"/>	<input type="checkbox"/>				
Religion or Belief	X	<input type="checkbox"/>	<input type="checkbox"/>				

Section 3: Impact Assessment - Additional Community Impacts

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Rural communities	X	<input type="checkbox"/>	<input type="checkbox"/>				
Areas of deprivation	X	<input type="checkbox"/>	<input type="checkbox"/>				
Displaced communities	X	<input type="checkbox"/>	<input type="checkbox"/>				
Care experienced people	X	<input type="checkbox"/>	<input type="checkbox"/>				
The Armed Forces Community	<input type="checkbox"/>	X	<input type="checkbox"/>	Ensuing compliance with the AFC21		Council	

Section 4: Review

Where bias, negative impact or disadvantage is identified, the proposal and/or implementation can be adapted or changed; meaning there is a need for regular review. This review may also be needed to reflect additional data and evidence for a fuller assessment (proportionate to the decision in question). Please state the agreed review timescale for the identified impacts of the policy implementation or service change.

Review Date	N/A
Person Responsible for Review	N/A
Authorised By	N/A

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website

Appendix B Armed Forces Overview

Background

There are 22 military units in West Berkshire in 12 sites. These include 3 regular army units, 1 US Air Force unit, 7 reserve units and 10 cadet units (Combined Cadet Force (CCF), Army, Air Force and Sea Cadets).

In addition to the serving personnel and their families living and working within West Berkshire there are the veterans and their families.

At the last census there were a total of 1,325,353 people who had served in the military as a Regular or a Reservist in the UK, in the South East this was 245,235. The numbers across Berkshire are shown below:

<i>Council Area</i>	<i>Number of Ex Regular or Reservists living in the area</i>
West Berkshire Council	4156
<i>Royal Borough of Windsor & Maidenhead</i>	<i>3443</i>
<i>Wokingham Borough Council</i>	<i>3440</i>
<i>Bracknell Forest Council</i>	<i>2939</i>
<i>Reading Borough Council</i>	<i>2711</i>
<i>Slough Borough Council</i>	<i>1058</i>

The greatest number of ex regular or reservists are therefore living in this area.

This does not account for the number of serving personnel who live in this area.

It can therefore be considered that West Berkshire has a considerable size of serving and veterans living and working in the area.

Legislation

In 2021 the Armed Forces Act 2021 (AFA21) further enshrines the Armed Forces Covenant into legislation to help prevent service personal and veterans being disadvantaged when accessing public services.

The Act receive Royal Assent on 15 December 2021.

The Act introduced a duty to have due regard to the principles of the Armed Forces Covenant. These principles are:

- a. the unique obligations of, and sacrifices made by, the armed forces.
- b. the principle that it is desirable to remove disadvantages arising for service people from membership, or former membership, of the armed forces.
- c. the principle that special provision for service people may be justified by the effects on such people of membership, or former membership, of the armed forces.

Having regard to the 'relevant function' for local authorities, as a 'specified body' under the act, this relates to a relevant housing, education or healthcare function.

[Guidance](#) was issued in November 2022 in relation to the legislation, by the Ministry of Defence. This guidance provides the background information and details in relation to 'removing disadvantages' for healthcare access, education and housing. These are set out in **Annex A** along with details in relation to this Councils compliance.

Employers Recognition Scheme.

The Defence Employers Recognition Scheme (ERS) is run by the Reserved Forces and Cadet Association (RFCA). The focus of this scheme is to maintain active engagement and relationships with employers to connect them with Defence. In so doing the South East (SE) RFCA informs employers about the activities we undertake and the valuable contributions made by Reservists, Adult Instructors and Cadets in the local area.

The ERS encourage employers to support defence and inspire other organisations to do the same.

The scheme encompasses bronze, silver and gold awards for employer organisations to pledge, demonstrate or advocate support to defence and the armed forces community, and align their values with the Armed Forces Covenant.

At the moment, West Berkshire Council has no award relating to this scheme. However, on signing the Covenant and on reviewing the criteria it is considered that the Council should be able to achieve a Bronze immediately and a Silver award by March 2025.

Armed Forces Covenant Fund Trust

The Armed Forces Covenant Fund Trust supports the Armed Forces Covenant by delivering funding programmes that create real change to Armed Forces communities across the UK. It is classified as a Non-Departmental Public Body, or NDPB, looking after the Armed Forces Covenant Fund, worth £10M each year.

The Armed Forces Covenant Fund has four broad funding themes now and in future years.

- a. Non-core healthcare services for veterans
- b. Removing barriers to family life
- c. Extra support, both in and after Service, for those that need help
- d. Measure to integrate military and civilian communities and allow the Armed Forces community to participate as citizens

To date West Berkshire has not made any bids to this trust therefore there is an opportunity subject to linking in with the above criteria and issues to be supported as a result. It may be however that a Berkshire wide bid would be beneficial.

Royal County of Berkshire Civil Military Partnership Board. (RBCMPB)

A Royal County of Berkshire Civil Military Partnership Board was developed and launched in June 2022.

At the launch the Terms of Reference and action plan were agreed.

The aim of the partnership is to bring about economies of scale, with shared action plans and joint initiatives, shared good practice, shared understanding of issues including raising areas of concern nationally. Working together on joint events such as Armed Forces Week, applying for joint MoD Covenant Grants, as well as wider but more focused support from the Military.

The RBCMPB is currently chaired and administered by Royal Borough of Windsor and Maidenhead.

Military Issues

Whilst the numbers of veterans are known, what is not known are the issues relating to those veterans, current serving personnel or their families. This is not so easy to identify since there are many routes for support to be provided through regimental associations, military charities, welfare officers and of course the 'routine' health and Council services.

As a result, the need for any additional support is not clear. This is one of the aspirations of the RBCMPB and will be followed up and reported on to this board as necessary.

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Appendix C Armed Forces Act 2021 Duties and Compliance April 2024

Whilst there are requirements for the Council to comply with in relation to the above functions it is also set out what the Covenant is not about which includes:

- Not being prescriptive to the approaches used
- Does not abolish existing Covenant pledges.
- Covering all issues affecting the Armed Forces Community outside the scope of the Covenant.
- It does not supersede or replace other statutory requirements.
- Does not permit advantageous treatment as a matter of course is not within the scope of the Duty such as offering discount to all through the Defence Discount Service, although provision can sometimes be justified.

The full status of compliance has not been assessed in detail at this stage however initial findings are set out below covering the 3 main functions.

Function	Duties	Current Council Status								
Healthcare	<ul style="list-style-type: none"> • Provision of services • Planning and funding • Co-operation between bodies and professionals <p>These healthcare functions are within scope of the Duty in the following settings:</p> <ul style="list-style-type: none"> • NHS Primary Care services, including general practice, community pharmacies, NHS dental, NHS optometry services and public health screening services. • NHS Secondary Care services, including urgent and emergency care, hospital and 	<p>Health: In addition to the duties as set out in 5.16 above GP surgeries should aim to be Veteran Friendly GP practices with a toolkit supporting this work: Veterans' healthcare toolkit: Veteran friendly GP practice accreditation (rcgp.org.uk). There is a list of veteran friendly GPs shown by County and Surgery: veteran-friendly-report-310523.xlsx (live.com). Within this list are 8 of the 11 GP surgeries in West Berkshire as shown below:</p> <table border="1"> <tr><td>Thatcham Medical Practice</td></tr> <tr><td>Burdwood Surgery, Thatcham</td></tr> <tr><td>Hungerford Surgery</td></tr> <tr><td>Kintbury & Woolton Hill Surgeries</td></tr> <tr><td>Lambourn Surgery</td></tr> <tr><td>Downland Practice, Compton</td></tr> <tr><td>Falkland Surgery, Newbury</td></tr> <tr><td>Strawberry Hill Medical Centre, Newbury</td></tr> </table>	Thatcham Medical Practice	Burdwood Surgery, Thatcham	Hungerford Surgery	Kintbury & Woolton Hill Surgeries	Lambourn Surgery	Downland Practice, Compton	Falkland Surgery, Newbury	Strawberry Hill Medical Centre, Newbury
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Hungerford Surgery										
Kintbury & Woolton Hill Surgeries										
Lambourn Surgery										
Downland Practice, Compton										
Falkland Surgery, Newbury										
Strawberry Hill Medical Centre, Newbury										

Function	Duties	Current Council Status												
	<p>community services, specialist care, mental health services, and additional needs services (as applicable).</p> <ul style="list-style-type: none"> Local authority-delivered healthcare services, including sexual health services and drug and alcohol misuse services. 													
<p>Education</p>	<ul style="list-style-type: none"> Admissions Educational attainment and curriculum Child wellbeing Transport Attendance Additional needs support Use of Service Pupil Premium funding (England only) <p>These education functions are within scope of the Duty in compulsory education settings, that is, primary, secondary, and, for England only, compulsory further education. The Duty does not cover nursery (early years education), higher education, or other voluntary adult education settings.</p>	<p>Education. Our schools work intensively with military families with some of our primary schools having 30% mobility due to postings of service men and women. The schools provide an outstanding level of pastoral care for the children and families and run family counselling in addition to the education. Two schools that have the highest number of military families have had Ofsted's recently and both have achieved good with recognition of their care and achievements for military children and families. The Council and schools make full use of service pupil premium which is used in order to achieve good outcomes for the children.</p> <p>As of January 2023 (the last data collection period) the number of children from military families in local state schools were:</p> <table border="1" data-bbox="938 991 2029 1332"> <thead> <tr> <th>Type of Unit</th> <th>No of Children</th> <th>No of Units</th> </tr> </thead> <tbody> <tr> <td>Nurseries</td> <td>2</td> <td>1 nursery</td> </tr> <tr> <td>Primary Schools</td> <td>158 (3 schools with highest have 52, 33 and 10 children)</td> <td>60 Primary Schools</td> </tr> <tr> <td>Secondary Schools (WBDC run)</td> <td>92 (2 schools have 58 and 33 children)</td> <td>3 Secondary Schools</td> </tr> </tbody> </table>	Type of Unit	No of Children	No of Units	Nurseries	2	1 nursery	Primary Schools	158 (3 schools with highest have 52, 33 and 10 children)	60 Primary Schools	Secondary Schools (WBDC run)	92 (2 schools have 58 and 33 children)	3 Secondary Schools
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Nurseries	2	1 nursery												
Primary Schools	158 (3 schools with highest have 52, 33 and 10 children)	60 Primary Schools												
Secondary Schools (WBDC run)	92 (2 schools have 58 and 33 children)	3 Secondary Schools												

Function	Duties	Current Council Status
Housing	<ul style="list-style-type: none"> • Allocations policy for social housing • Tenancy strategies (England only) • Homelessness • Disabled Facilities Grants 	<p>Housing Services have several policies relating to military including:</p> <p>Housing Allocations and Lettings Policy. Within this policy the Service have introduced an updated qualification criteria for armed forces personnel who are now exempt from local connection qualifying criteria and will be deemed to qualifying for the Housing Register. The Policy also supports government regulations to provide additional preference to members of the armed forces who have an urgent need to assist this group into suitable settled accommodation (Section 12.8 of the Policy). The Policy also sets out that additional priority (Band C) will be awarded to divorced or separated spouse of civil partner of service personnel who need to move out of MoD provided accommodation.</p> <p>In the rough sleeping community, there are no known ex service personnel. There was one ex service personnel who was supported by the Housing Service.</p> <p>The Service is also actively working with the Home Office to rehouse ARAP & ARCS Afghan families accommodated within the bridging hotel, the rehousing plans include acquiring homes for families to settle and working with the Home Office around potential MoD accommodation through the Settled Family Accommodation programme.</p>

Equalities: Equalities in relation to this community already exists in a number of policies. However, with the emerging Equalities, Diversity and Inclusion Framework the Armed Forces Act 2021 will also be considered as part of that document.

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Appendix D Revised Armed Forces Covenant Action Plan

#	Action	Progress	Timeline	Lead
1	Set up an Armed Forces Champion email address to future proof the arrangements for the Member and the lead officer.	Completed – armedforces@westberks.gov.uk	Closed Nov 2023	CR & ICT
2	Support ex military in the Council to attend events at RBFRS Newbury Fire Station as part of their Military Hub events.	Completed	W/c 6 Nov 2023	CR & Comms
3	Develop a webpage to assist military personnel and their families to navigate Council support and signpost them to other support options, including charities.	Pages drafted and out for final consultation. Launch Date planned for 23 May 2024.	24 May 2024	CR + Digital Team with AFC
4	Undertake a survey of Council Staff and members to understand how many have serviced, are still serving, in what capacity and Service, or who have direct military family connections.	Draft survey in place – final checks being undertaken in relation to GDPR. Expected to be launched post signing of the covenant. Outcome of survey to be completed by 24 June 2024	W/C 27 May 2024 Results 24 June 2024	CR, AFC and Research Team
5	Sign the Armed Forces Covenant	Hold date of 22 May 2024 in place	TBC June 2024	CR
6	Council Armed Forces T&F group to be in place	Service representatives being agreed	TBC June 2024	CR
7	Consider ways of working with: a. National Health Services, b. Public Health team in relation to mental health, sexual health, drug and alcohol services and health checks for ex service personnel.	As above	TBC June 2024	Armed Forces T&F Group
8	Work with the local units and military charities to understand the issues relating to serving families and veterans in the area.		TBC June - onwards	Armed Forces T&F Group
9	Actively support the Armed Forces Week; 2024 – Reserves Day on Wed 26 th June 2024, AFD Sat 29 June 2024 with flags up for the whole week starting		24- 29 June 2024	Armed Forces T&F Group

#	Action	Progress	Timeline	Lead
	Monday 24 th June 2024, and any event organised across the whole of Berkshire by the Berkshire/Civilian Military Partnership.			
10	Undertake an audit of the requirement of the Armed Forces Act 2021 and Covenant to understand the level of compliance and any improvements needed.	Initial review undertaken. More detailed review to take place in July – Sept 24	Sept 2024	Armed Forces T&F Group
11	Develop an action plan relating to the outcome of audit above.		Sept 2024	Armed Forces T&F Group
12	Develop a detailed 2-3 year action plan to move from no award to a Gold award under the Employer Recognition Scheme	Bronze award will be applied for in May 24 following signing of the Armed Forces Covenant. Silver award will be applied for in Dec 24 based on the work being undertaken.	Sept 24	Armed Forces T&F Group
13	Consider an 'event' in relation to veterans or soon to be veterans in relation to working for the Council		TBC	Armed Forces T&F Group
14	Engage with the Councils National Careers Service Berkshire in supporting people leaving the military finding employment		TBC	Armed Forces T&F Group
15	Actively support the Army Challenge Events by supporting staff to attend the team building events.		As they are promoted	Armed Forces T&F Group
16	Actively promote military events or events which support the military in the community.		Ongoing	Armed Forces T&F Group

New Mental Health Fund 2024/25

Committee considering report:	Executive
Date of Committee:	23 May 2024
Portfolio Member:	Councillor Janine Lewis
Report Author:	Zoe Campbell, Interim Service Lead Rachel Johnson, Senior Programme Officer, Public Health and Wellbeing
Forward Plan Ref:	EX4539

1 Purpose of the Report

- 1.1 The purpose of this report is to request approval of funds that will be matched by Greenham Trust to set up a new fund to improve the mental health and wellbeing of children, young people and adults across West Berkshire. The fund 'Lets Get Mindful' will support projects that help reduce anxiety and improve mental health and wellbeing of adults, children and young people, aiming to reduce inequalities and improve educational attainment and school readiness.

2 Recommendations

- 2.1 Executive to agree for officers to work in partnership with Greenham Trust to set up 'Lets Get Mindful' to launch in Spring 2024 in line with the commitment in the Council Strategy delivery plan. The aim will be to enable voluntary and community sector organisations to apply for funding to set up new projects or contribute to existing projects to improve the mental health and wellbeing of adults, children and young people across West Berkshire.
- 2.2 Executive to approve funds from the public health and wellbeing ring-fenced grant that will be matched by Greenham Trust to create total fund of £100,000.
- 2.3 Executive to note action 2023 in the Council Strategy Delivery Plan, 2023-27, "Set up a new fund in partnership with Greenham Trust for mental health support initiatives". This is one of the actions that aims to deliver on priority area 5, goal 5.B. "Help our residents lead fulfilled and active lives". The fund will also help to achieve priority area 2, 2.A. "Prioritise support for those who need it most" and 2.2. "Vulnerable children and families supported at early stages to prevent the need for more critical or statutory social services".

Table 1: New mental health fund income details

Contributor	Amount
Greenham Trust	£50,000
West Berkshire Council – public mental health cost centre and public health reserves	£50,000
Total	£100,000

3 Implications and Impact Assessment

Implication	Commentary			
Financial:	£50,000 from the public health and wellbeing grant will be matched with £50,000 from Greenham Trust for a new mental health fund. Applications to the new fund will be made via the Good Exchange platform.			
Human Resource:	There are no implications for human resources.			
Legal:	A new funding agreement with Greenham Trust will be required.			
Risk Management:	Potential risk that we receive no applications for the new grant and have an underspend. Mitigation is that monies could be returned to each funding partner.			
Property:	Not applicable.			
Policy:	No.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				

<p>A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>	X			<p>A project that is funded by the new mental health fund may target a specific protected characteristic.</p>
<p>B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?</p>	X			<p>Someone with a protected characteristic and/or someone experiencing a mental health issue or someone who wants to improve their mental health may benefit positively from attending a project that is funded by the new mental health fund.</p>
<p>Environmental Impact:</p>				<p>N/A</p>
<p>Health Impact:</p>	X			<p>Someone experiencing a mental health issue or someone who wants to improve their mental health may benefit from attending a project that is funded by the new mental health fund, which may have a positive impact on their mental health and wellbeing.</p>
<p>ICT Impact:</p>				<p>N/A</p>
<p>Digital Services Impact:</p>				<p>N/A</p>
<p>Council Strategy Priorities:</p>	X			<p>The current proposal supports the following council priority:</p> <ul style="list-style-type: none"> • Thriving Communities with a Strong Local Voice
<p>Core Business:</p>	X			<p>This project supports Health and Wellbeing Strategy priority 4 and 5:</p> <ul style="list-style-type: none"> • Promote good mental health and wellbeing for all children and young people • Promote good mental health and wellbeing for all adults

Data Impact:				N/A
Consultation and Engagement:	April Peberdy, Zoe Campbell, Cllr Janine Lewis, Legal, Finance.			

4 Executive Summary

- 4.1 The purpose of this report is to request approval of funds that will be matched by Greenham Trust to improve the mental health and wellbeing of children, young people and adults across West Berkshire. The fund will be prioritised to provide support for families living in poverty and deprivation in order to reduce anxiety and improve mental health and wellbeing of adults, children and young people, aiming to reduce inequalities and improve educational attainment and school readiness.
- 4.2 The proposal is for £50,000 to be transferred to a ‘Let’s Get Mindful’ fund from the public health grant with immediate effect. Greenham Trust and West Berkshire Council to contribute equal sums which will fund a range of new or existing projects that support mental wellbeing, focusing on vulnerable families (e.g. living in poverty and deprivation) to reduce health inequalities.
- 4.3 Local authorities receive a ring fenced grant¹ to be spent on delivering the public health functions of local authorities. This includes the duty to improve public health through mandated and non-mandated functions.
- 4.4 There is £42,000 in the mental health cost centre in the public health grant that will be allocated to the new mental health fund and £8000 from public health reserves. Greenham Trust have agreed to match funding West Berkshire Council which will facilitate greater impact on mental health and wellbeing outcomes for residents.

5 Supporting Information

Background

- 5.1 The data at Table 2 shows hospital admissions as a result of self harm and the number of school pupils with social, emotional and mental health needs In 2021/22 there were 270 emergency admissions for intentional self-harm in West Berkshire (all ages), a rate of 168.2 per 100,000, similar to the England average of 163.9 per 100,000 in the same year. The data shows an increasing and getting worse trend for school pupils with social, emotional and mental health needs.

¹ <https://www.gov.uk/government/publications/public-health-grants-to-local-authorities-2023-to-2024/public-health-ring-fenced-grant-2023-to-2024-local-authority-circular>

Table 2: Hospital admissions as a result of self-harm, rate per 100,000 and school pupils with social, emotional and mental health needs (most recent available data)

Indicator	Period	West Berkshire			South East Region	England			
		Recent Trend	Count	Value	Value	Value	Worst/ Lowest	Range	Best/ Highest
Hospital admissions as a result of self-harm (10-14 yrs)	2021/22	–	-	328.6	346.3	307.1	785.4		69.8
Hospital admissions as a result of self-harm (15-19 yrs)	2021/22	–	-	797.3	845.5	641.7	1,729.4		196.5
Hospital admissions as a result of self-harm (20-24 yrs)	2021/22	–	-	405.4	466.3	340.9	1,213.9		68.2
Emergency hospital admissions for intentional self-harm (all ages)	2021/22	–	270	168.2	197.5	163.9	425.7		47.9
School pupils with social, emotional and mental health needs % of school pupils with social, emotional and mental health needs (school age)	2021/22		612	2.3%		3%	5.2		1.7
School Readiness: percentage of children with free school meal status achieving a good level of development at the end of Reception	2022/23	–		39.1%					
School readiness:	2022/23		1379	75.4%					

Indicator	Period	West Berkshire			South East Region	England			
		Recent Trend	Count	Value	Value	Value	Worst/ Lowest	Range	Best/ Highest
percentage of children achieving the expected level in the phonics screening check in Year 1									
School readiness: percentage of children with free school meal status achieving the expected level in the phonics screening check in Year 1	2022/23	→		50.2%					

Source: <https://fingertips.phe.org.uk>

5.2 Proposal to work with Greenham Trust to set up the new mental health fund. This would be covered by a funding agreement with detailed inclusion and exclusion criteria to ensure that any monies awarded help to support resident’s mental health and wellbeing. The aim will be to encourage a range of voluntary sector organisations to apply for funding, especially those that support families who may be experiencing social isolation or financial difficulties to reduce anxiety and improve mental health and wellbeing.

Proposals

5.3 The proposal is for a new mental health fund to be set up with a contribution of £50,000 from the public health grant which will be match funded by Greenham Trust. The project will be managed via a grant process through Greenham Trust, supported by West Berkshire Council with approvals taking place through panel decision. The fund will support projects that help reduce anxiety and improve mental health and wellbeing of adults, children and young people. The fund will also support organisations who work with adults who are experiencing social isolation or financial difficulties that will have a negative impact on their mental health and wellbeing.

6 Other options considered

6.1 Do nothing – this is not the recommended option due to the data at Table 2 which outlines improvements needed to support mental health and wellbeing and deliver on

commitments within the [Council Strategy delivery plan](#) and Joint Health and Wellbeing Strategy ² priorities 4 and 5.

7 Conclusion

7.1 The recommendation is for approval of funds that will be matched by Greenham Trust to set up a new fund to improve the mental health and wellbeing of children, young people and adults across West Berkshire. The fund 'Lets Get Mindful' will support projects that help reduce anxiety and improve mental health and wellbeing of adults, children and young people, support families who may be experiencing social isolation or financial difficulties, to reduce inequalities and improve educational attainment and school readiness.

8 Appendices

8.1 None

Subject to Call-In:

Yes x

- | | |
|--|--------------------------|
| The item is due to be referred to Council for final approval | <input type="checkbox"/> |
| Delays in implementation could have serious financial implications for the Council | <input type="checkbox"/> |
| Delays in implementation could compromise the Council's position | <input type="checkbox"/> |
| Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months | <input type="checkbox"/> |
| Item is Urgent Key Decision | <input type="checkbox"/> |
| Report is to note only | <input type="checkbox"/> |

Wards affected: All West Berkshire Wards.

Officer details:

Name: Rachel Johnson
Job Title: Senior Programme Officer
Tel No: 01635 519934
E-mail: rachel.johnson@westberks.gov.uk

² [Berkshire West Health and Wellbeing Strategy 2021 2030 Dec 20211.pdf \(westberks.gov.uk\)](#)

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Care Experienced - a Proposal Protected Characteristic

Committee considering report:	Executive
Date of Committee:	23 May 2024
Portfolio Member:	Councillor Heather Codling
Report Author:	Karl Davis
Forward Plan Ref:	EX4510

1 Purpose of the Report

The purpose of the report is to request that the Executive adopt the proposal that being a ‘care experienced’ person will be viewed as a protected characteristic by West Berkshire Council and afforded the same protections and rights as other groups who are considered to have a protected characteristic in the Equalities Act 2010.

2 Recommendation

It is recommended that the Executive adopt the motion agreed at Full Council on 26th March 2024 (Attachment 1) that enshrines the term ‘care experienced’ as a protected characteristic.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	None
Human Resource:	Policies, procedures, and equalities training will need to be updated to include care experienced as a protected characteristic.
Legal:	The Public Sector Equality Duty requires the council to produce a review of equality objectives in the annual publication of information relating to people who share a protected characteristic in services and employment. Consideration will need to be made if, and how care experience will be included in this.

Care Experienced - a Proposal Protected Characteristic

Risk Management:	Future decisions about services and policies made and adopted by the Council will need to be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a protected characteristic.			
Property:	None			
Policy:	All policies need to consider the impact on people with a protected characteristic.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	X			This proposal aims to redress some of the inequalities experienced by care leavers. Equalities Impact Assessment completed
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		This proposal will not impact people with existing protected characteristics.
Environmental Impact:		X		None
Health Impact:		X		There is potential for us to influence health colleagues to recognise and respond to care experienced people as having a protected characteristic and improve health access and outcomes for this group.

Care Experienced - a Proposal Protected Characteristic

ICT Impact:		X		None
Digital Services Impact:		X		None
Council Strategy Priorities:	X			Strategic Priority: Ensure our vulnerable children and adults achieve better outcomes. The adoption of this proposal will enhance the opportunities for care experienced people to achieve their potential.
Core Business:	X			There is a legal duty on the council to provide support services to care leavers aged 18-25 years. The adoption of this proposal will enhance the local offer and improve the quality of lives and outcomes for this group.
Data Impact:		X		None
Consultation and Engagement:	There has been dialogue with various people and organisations about the adopting of this proposal. These have included Ofsted (during a recent inspection visit); the Lead Member; internal officers and Young People. The appetite for adopting the proposal is positive and seen as beneficial to the council and those who are care experienced.			

4 Executive Summary

4.1 The Independent Review of Children’s Social Care, published in May 2022 (The “Macallister review”), recognised the often-negative outcomes for people with care experience and recommended that the government should make ‘care experienced’ a protected characteristic. The final report recognised that there are a range of barriers and discrimination care leavers can face throughout life, examples include, but are not limited to:

- 70% of people who have been in care die earlier than would otherwise be expected
- Over half of those in custody up to the age of 21 have been in care
- A quarter of the homeless population in England and Wales has experience of the care system.

Care Experienced - a Proposal Protected Characteristic

- 4.2 The report concluded that many care experienced people face discrimination, stigma, and prejudice in their day to day lives. Public perceptions of care experience centre on the idea that children are irredeemably damaged and that can lead to discrimination and assumptions being made.
- 4.3 This stigma and discrimination can be explicit, and often comes with assumptions about the likely characteristics of children and adults that have care experience. They can also be implicit and are evidenced in the way care experience is discussed in schools, workplaces, and the media.
- 4.4 At its worst this can lead to care experienced people being refused employment, failing to succeed in education or facing unfair judgements about their ability to parent when they have children and families of their own.
- 4.5 Many care experienced people in West Berkshire are among the most resilient and capable in the district, and that as corporate parents, we should be nurturing and supporting their talents to help them reach their full potential.

5 Supporting Information

Proposal

The Executive are requested to propose, support and adopt the following motion:

Executive notes that:

- Care experienced people face significant barriers that impact them throughout their lives;
- Despite the resilience of many care experienced people, society too often does not take their needs into account;
- Care experienced people often face discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system;
- Care experienced people may encounter inconsistent support in different geographical areas;
- As corporate parents, councillors have a collective responsibility for providing the best possible care and safeguarding for the children who are looked after by us as an authority;
- All corporate parents should commit to acting as mentors, hearing the voices of looked after children and young people and to consider their needs in any aspect of council work;
- Councillors should be champions of the children in our care and challenge the negative attitudes and prejudice that exists in all aspects of society;
- The Public Sector Equality Duty requires public bodies, such as councils, to eliminate unlawful discrimination, harassment, and victimisation of people with protected characteristics.

This Executive therefore resolves:

- That it recognises that care experienced people are a group who are likely to face discrimination;
- That it recognises that Councils have a duty to put the needs of disadvantaged people at the heart of decision-making through co-production and collaboration;
- That future decision, services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a protected characteristic.
- That in the delivery of the Public Sector Equality Duty the Council includes care experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a protected characteristic in services and employment.
- That this Council will treat care experience as if it were a Protected Characteristic.
- To formally call upon all other bodies to treat care experience as a protected characteristic until such time as it may be introduced by legislation.
- For the council to continue proactively seeking out and listening to the voices of care experienced people when developing new policies based on their views.

The motion was proposed by the Lead Member for Children to Full Council on 26.04.2024.

6 Other options considered

Do nothing, proposal not accepted.

7 Conclusion

There is well documented research and evidence that shows the outcomes for adults who were in care as children are poorer than the general population. They experience discrimination, prejudice and barriers in their daily lives in many ways. The 'Independent Review of Children's Social Care' has recommended to Government that the term 'Care Experienced' becomes a protected characteristic under the Equalities Act 2010. Many Local Authorities have already adopted this recommendation locally and incorporated it into their policies and procedures. West Berkshire council is committed to being a good corporate parent and improving the lives of disadvantaged groups. The Executive are requested to support the proposal of a motion to be presented at full council that adopts being a 'care experienced' person will be viewed as a protected characteristic and afforded the same protections and rights as other groups who are considered to have a protected characteristic in the Equalities Act 2010.

8 Appendices

8.1 Appendix A – Equalities Impact Assessment

Background Papers:

None

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All

Officer details:

Name: Karl Davis
Job Title: Service Manager Children in Care
Tel No: 07400459695
E-mail: karl.davis@westbeks.gov.uk

Section 1: Summary details

Directorate and Service Area	Children and Families Service
What is being assessed (e.g. name of policy, procedure, project, service or proposed service change).	The proposal that being a 'care experienced' person will be viewed as a protected characteristic by West Berkshire District Council and afforded the same protections and rights as other groups who are considered to have a protected characteristic in the Equalities Act 2010.
Is this a new or existing function or policy?	New Policy
Summary of assessment Briefly summarise the policy or proposed service change. Summarise possible impacts. Does the proposal bias, discriminate or unfairly disadvantage individuals or groups within the community? (following completion of the assessment).	The Executive are asked to recommend to the council that they adopt the proposal that being a 'care experienced' person will be viewed as a protected characteristic by West Berkshire District Council and afforded the same protections and rights as other groups who are considered to have a protected characteristic in the Equalities Act 2010.
Completed By	Karl Davis
Authorised By	Dave Wraight
Date of Assessment	

Section 2: Detail of proposal

<p>Context / Background</p> <p>Briefly summarise the background to the policy or proposed service change, including reasons for any changes from previous versions.</p>	<p>The Independent Review of Children’s Social Care, published in May 2022 (The “Macallister review”), recognised the often-negative outcomes for people with care experience and recommended that the government should make ‘care experienced’ a protected characteristic.</p> <p>The report concluded that many care experienced people face discrimination, stigma, and prejudice in their day to day lives. Public perceptions of care experience centre on the idea that children are irredeemably damaged and that can lead to discrimination and assumptions being made.</p> <p>This stigma and discrimination can be explicit, and often comes with assumptions about the likely characteristics of children and adults that have care experience. They can also be implicit and are evidenced in the way care experience is discussed in schools, workplaces, and the media. At its worst this can lead to care experienced people being refused employment, failing to succeed in education or facing unfair judgements about their ability to parent when they have children and families of their own.</p> <p>Many care experienced people in West Berkshire are among the most resilient and capable in the district, and that as corporate parents, we should be nurturing and supporting their talents to help them reach their full potential.</p>
<p>Proposals</p> <p>Explain the detail of the proposals, including why this has been decided as the best course of action.</p>	<p>The Council resolves:</p> <ul style="list-style-type: none"> • That it recognises that care experienced people are a group who are likely to face discrimination; • That it recognises that Councils have a duty to put the needs of disadvantaged people at the heart of decision-making through co-production and collaboration; • That future decision, services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a protected characteristic. • That in the delivery of the Public Sector Equality Duty the Council includes care experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a protected characteristic in services and employment.

Care Experienced - a Proposal Protected Characteristic

	<ul style="list-style-type: none"> • That this Council will treat care experience as if it were a Protected Characteristic. • To formally call upon all other bodies to treat care experience as a protected characteristic until such time as it may be introduced by legislation. • For the council to continue proactively seeking out and listening to the voices of care experienced people when developing new policies based on their views.
<p>Evidence / Intelligence</p> <p>List and explain any data, consultation outcomes, research findings, feedback from service users and stakeholders etc, that supports your proposals and can help to inform the judgements you make about potential impact on different individuals, communities or groups and our ability to deliver our climate commitments.</p>	<p>There is well documented research and evidence that shows the outcomes for adults who were in care as children are poorer than the general population. They experience discrimination, prejudice and barriers in their daily lives in many ways. The ‘Independent Review of Children’s Social Care’ has recommended to Government that the term ‘Care Experienced’ becomes a protected characteristic under the Equalities Act 2010. Many Local Authorities have already adopted this recommendation locally and incorporated it into their policies and procedures. West Berkshire council is committed to being a good corporate parent and improving the lives of disadvantaged groups.</p>

Care Experienced - a Proposal Protected Characteristic

<p>Alternatives considered / rejected</p> <p>Summarise any other approaches that have been considered in developing the policy or proposed service change, and the reasons why these were not adopted. This could include reasons why doing nothing is not an option.</p>	<p>Do nothing and not adopt the proposed protected characteristic.</p>
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Section 3: Impact Assessment - Protected Characteristics

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Marriage & Civil Partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Pregnancy & Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Sexual Orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Religion or Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Section 3: Impact Assessment - Additional Community Impacts

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Rural communities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Areas of deprivation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Displaced communities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A proportion of care experienced young people are former UASC therefore the impact would be positive on them			
Care experienced people	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal that being a 'care experienced' person will be viewed as a protected characteristic will have a positive effect on that group.			

Care Experienced - a Proposal Protected Characteristic

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
The Armed Forces Community	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Section 4: Review

Where bias, negative impact or disadvantage is identified, the proposal and/or implementation can be adapted or changed; meaning there is a need for regular review. This review may also be needed to reflect additional data and evidence for a fuller assessment (proportionate to the decision in question). Please state the agreed review timescale for the identified impacts of the policy implementation or service change.

Review Date	
Person Responsible for Review	
Authorised By	

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website.

Hackney Carriage Tariffs – 2024 (Post Consultation)

Committee considering report:	Executive
Date of Committee:	23 May 2024
Portfolio Member:	Councillor Lee Dillon
Report Author:	Moira Fraser
Forward Plan Ref:	EX4367

1 Purpose of the Report

- 1.1 To provide feedback on the statutory consultation in relation to the hackney carriage table of fares.
- 1.2 The Executive is asked to determine whether or not to modify the hackney carriage fare scale, following the Executive Decision on [14 March 2024](#) to consult on the proposals submitted by a member of the trade, in light of the objections received (and not withdrawn) during the consultation period.
- 1.3 In accordance with the legislation, as the statutory consultation has been undertaken, a revised table of fares with or without modification, must be adopted by the 11 June 2024 at the latest.

2 Recommendations

The Executive is asked to:

- 2.1 Note the objections, supporting statements and comments received during the statutory consultation.
- 2.2 Resolve not to modify the existing tariffs from the rates agreed in 2023.
- 2.3 Resolve to modify the maximum fouling charges to those set out in paragraph 5.21.
- 2.4 Resolve that the effective date of implementation be the 27th May 2024.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	The cost of placing the public notice was around £460 which

	<p>was met from within existing budgets. There are no other specific financial implications arising from this report.</p> <p>There is a potential for licensing income to reduce should the decision made have a detrimental impact on the number of drivers and operators working in the district. This will be monitored and managed through the Joint Management Board and Licensing data which is reported to the Licensing Committee on an annual basis.</p>
<p>Human Resource:</p>	<p>None</p>
<p>Legal:</p>	<p>The procedure for setting fares and public notice requirements is stipulated within Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>The procedure is prescriptive and requires that a decision to make/vary a table of fares is made first. Following this, there is a statutory consultation requirement, to allow for any objections to the new/varied table to be made. The remainder of the process is dependent on whether any objections are received (and not withdrawn) or not.</p> <p>There is no right of appeal so any legal challenge to the decision(s) made in relation to a new/varied table of fares would be by way of judicial review.</p> <p>The function of making/varying the table of fares for hackney carriages is a function of the Executive (which could be exercised in accordance with the Council's Scheme of Delegation).</p> <p>As objections have been received and not withdrawn the Executive is required to determine whether or not any modifications should be made to the table of fares.</p> <p>The fouling charge can be considered under section 65 of The Local Government (Miscellaneous Provisions) Act 1976.</p> <p>Section 65 (1) provides:-</p> <p>(1) A district council may fix the rates or fares within the district as well for a time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section.</p>

	<p>Consequently, this charge was included as part of the consultation which has followed the process set out in section 65.</p> <p><u>Section 65 (4) provides:-</u></p> <p>(4) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.</p> <p>As objections have been received and not withdrawn the Council can make any modifications to the table of fares, which includes the fouling charge that they consider to be reasonable, after considering the objections and following the statutory process.</p> <p>Legal Advice on setting of tariffs has been received from Beth Varcoe.</p>			
Risk Management:	There would be a risk of challenge to the decision should the statutory process not be followed.			
Property:	None			
Policy:	None			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				

<p>A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		X		<p>Nationally young women are one of the largest groups to use taxis. Other groups, such as those who are disabled and those who are elderly may also use taxis more frequently.</p> <p>Any change to fares suggested could impact these groups financially, but equally there needs to be a viable taxi trade to provide a taxi service for these groups and all residents/visitors to West Berkshire.</p> <p>The review of the current fares is seeking to protect the public from excessive fares but at the same ensuring that this remains a profitable sector and therefore retaining drivers and operators to provide the service to those who rely on it.</p> <p>We received a comment on wheelchair accessible vehicles. The requirements for the trade in terms of WAVs will be included in the Hackney Carriage and Private Hire Licensing Policy. The Taxi and Private Hire Vehicles (Disabled Persons) Act 2022 which came into effect in June 2022 sets out specific rights and protections for disabled persons using hackney carriage and private hire vehicles to ensure that they are not charged extra.</p>
<p>B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?</p>		X		See above
<p>Environmental Impact:</p>		X		A well-functioning taxi sector will assist with promoting public transport in the district.
<p>Health Impact:</p>		X		None

ICT Impact:				None
Digital Services Impact:		X		The table of fares (with or without modification) will be published on the Council's website along with the Public Protection Partnership's Website.
Council Strategy Priorities:		X		The provision of a viable taxi trade in the district will support a number of the priorities in the Council Strategy in particular they are associated with a prosperous and resilient West Berkshire and thriving communities with a strong local voice.
Core Business:		X		Providing support to the taxi trade forms part of the business as usual for the Public Protection Partnership.
Data Impact:		X		All data obtained during the consultation will be dealt with in accordance with the PPP - Privacy Notice
Consultation and Engagement:	<p>In making this decision Members will be cognisant of the comments made during the statutory consultation process undertaken in accordance with section 65 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>An informal consultation was conducted with the taxi trade prior to the statutory consultation and the outcome of that consultation can be found here.</p> <p>The Licensing Committee were consulted prior to the report coming to the March Executive meeting outside of the formal meeting process.</p>			

4 Executive Summary

- 4.1 The Local Government (Miscellaneous Provisions) Act 1976 section 65 gives a Local Authority the power to determine the table of fares for the hire of hackney carriages. This legislation also prescribes a statutory consultation process and a means of ensuring objections are properly considered in relation to a Local Authority's adoption of or variation to a table of fares prior to the table coming into effect.

- 4.2 The current tariff scale was confirmed by the [Executive on the 08 June 2023](#) and came into effect on the 19 June 2023. The current tariffs can be found [here](#).
- 4.3 As part of the annual review process we received a request from a member of the trade to modify the fares for 2024. It is considered best practice to review the fares on an annual basis. A report was brought to the March Executive meeting where Members agreed to undertake a statutory consultation on the proposal.
- 4.4 The consultation ran from the 21 March to the 11 April 2024. As objections to the varied table of fares have been received and not withdrawn the matter must be considered further to decide whether or not to modify the table of fares before it comes into effect and to set a further date for the table to come into effect. The table of fares must come into operation by the 11 June 2024 i.e. no later than two months after the last date for making objections (11 April 2024) with or without modification.

5 Supporting Information

Introduction

- 5.1 The process of setting a fare increase is complex and a balance needs to be struck between the legitimate aims of the taxi trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares.
- 5.2 Local authorities have a statutory power to set the maximum fares that licensed hackney carriages (taxis) can charge for a journey. Under section 65 of the Local Government (Miscellaneous Provisions) Act 1976, local authorities have the power to “...fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.”
- 5.3 Any changes to the current table of fares must be subjected to a statutory consultation process. Where objections to the proposed table of fares are received and not withdrawn, a decision is required as to whether or not to modify the revised table of fares and to set an implementation date.
- 5.4 The Department for Transport’s ‘Taxi and private hire vehicle licensing: best practice guidance’ (March 2010) includes some guidance around taxi fares at paragraphs 52 to 54. It notes that it is “*good practice to review the fare scales at regular intervals*”. The guidance emphasises that “*Fare scales should be designed with a view to practicality*” and goes on to state;

“The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.”

- 5.5 The trade is not obligated to charge the maximum fare. This means that hackney carriage drivers are within their rights to negotiate the fare down provided that the final agreed fare is no more than the maximum set. The best practice guidance confirms:

“Taxi fares... in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings... But local licensing authorities can usefully make it clear that published fares are a maximum...”

“There is a case for allowing any taxi operators who wish to do so to make it clear... that they charge less than the maximum fare...”

Background

- 5.6 The [current tariff scale](#) was approved by the Executive at the meeting of the 08 June 2023 and came into effect on the 19 June 2023. The Council received a request to amend the tariffs for 2024 from a member of the trade in late 2023. This request formed part of the annual review of tariffs.
- 5.7 The proposals for 2024 were discussed at the 08 January 2024 Licensing Committee meeting where Members requested that an informal consultation be conducted before the matter was put to the Executive to assist them with their decision making.
- 5.8 A subsequent inconclusive non statutory consultation was undertaken with the trade in early 2024 and the outcome was reported to the March 2024 Executive. The Executive agreed that they would like to undertake a statutory consultation on the proposed changes.
- 5.9 The consultation was undertaken between the 21 March 2024 and the 11 April 2024.

Modifications Requested by the Trade for the 2024 Table of Fares

- 5.10 In summary, for 2024, the submission from one member of the trade has suggested that:
- they would like to see an uplift of the maximum tariffs by about 3.02%.
 - the initial flag rate remain as is, and the increase to the tariffs be achieved by reducing the yardage (mileage per unit) for tariffs 1, 2 and 3.
 - separate tariffs for saloon and multi seater vehicles carrying five or more passengers be retained i.e. tariffs 4 (1B), 5 (2B) and 6 (3B).
 - no increases be included for multi seater vehicles carrying five or more passengers (tariffs 4 (1B), 5 (2B) and 6 (3B)).
 - the maximum fouling charges be revisited and a variable fouling charge in line with the tariff to be introduced. This proposal is designed to take into consideration that it may be more difficult to get vehicles cleaned at certain times of the day and that fouling could result in greater loss of earnings to the owner and driver. The proposal is set out in the table below:

	Tariff 1	Tariff 4	Tariff 2	Tariff 5	Tariff 3	Tariff 6
Interior	£150	£150	£225	£225	£300	£300
Exterior	£50	£50	£75	£75	£100	£100

Statutory Consultation

5.11 The following consultation took place:

- A notice was placed in the Newbury Weekly News on the 21 March 2024
- It was also posted on the Council’s Consultation Hub on the 21 March 2024 and on the Public Protection Partnership’s website on the same day.
- A copy of the notice was also placed in the Market Place Reception on the 21 March 2024.
- An email was sent to all licensed Hackney Carriage Proprietors to alert them to the consultation.
- A notification was also sent out to the 2440 people on the Community Panel.
- A Facebook message was posted on the 21 March 2024.
- A press release was issued on the 22 March 2024
- A tweet was sent out from the PPP X Account on the 22 March 2024.
- The consultation ran from the 21 March to 11 April 2024.

5.12 The Council has received 35 individual [responses to the statutory consultation](#). Fourteen responses were from drivers, three from operators, eight from residents, nine from members of the Community Panel and one from an officer in the Home to School Transport Team. Some responses are a mixture of support or objections and additional comments. We have also received a separate response signed by 78 drivers from Cabco with 77 of those drivers indicating that they are not in favour of increasing the tariffs.

5.13 Some of the respondents have indicated that they do not want to see the tariffs increase but would like to see the fouling charges increased.

5.14 In total 19 objections to the proposals have been received (18 individual responses and the joint response from Cabco). Thirteen of these were from drivers, two from operators, one from an officer in the Home to School Transport Team and three from residents.

5.15 Nine respondents supported the proposals, five of these were from members of the Community Panel, one from a resident, two from drivers and one from an operator.

5.16 We received six comments specifically about the fouling charges (three from drivers, two from operators and one from a member of the Community Panel). Some supportive of the sliding scales and others not.

5.17 Eight of the respondents provided more general comments which were neither supportive of nor objected to the proposed tariff changes. The outcome of the consultation can be found [here](#). Responses cover a range of topics, which fall outside of the tariff setting process, including wheelchair accessible vehicles, Uber and other ride share operators, presentation of the table of fares, waiting times and options for supporting the trade to ‘go greener’.

5.18 As objections have been received and not withdrawn the Executive is required to decide whether or not the revised table of fares, including the fouling charges, should be modified before it is implemented and decide the date for implementation. This must be by the 11 June 2024 in accordance with the requirements under s.65 Local Government (Miscellaneous Provisions) Act 1976. Officers are proposing that this be the 27 May 2024.

Recommendations

5.19 If the comments on the consultation (eight responses) are discounted 68% of the respondents (19/28) objected to the increase in tariffs in 2024. Thirteen of the fifteen drivers and two of the three operators that responded to the consultation objected to the proposed increase in the tariffs. Officers therefore recommend that the tariffs are not modified this year.

5.20 Members may however feel that they may wish to amend fouling charges. In terms of this issue a range of responses were received:

- Increasing the interior fouling charge from £100 to £150 and keeping the exterior charge at £25 across all tariff bands;
- maximum interior charge of £225 for vehicles that carry 1- 4 passengers or £300 5+ passengers exterior charge of £75 1- 4 passengers or £100 5+ passengers (to take cognisance of the fact that larger vehicles cost more to clean)
- They should be increased and generally supportive of the proposal as set out in the table in paragraph 5.10.

5.21 Based on long standing concerns about the level of fouling charges officers therefore recommend the following in relation to the maximum charges to reflect potential loss of earnings:

	Tariff 1	Tariff 4	Tariff 2	Tariff 5	Tariff 3	Tariff 6
Interior	£100	£100	£150	£150	£200	£200
Exterior	£25	£25	£50	£50	£75	£75

Responses to General Comments

5.22 A number of comments were received relating to waiting times. All hackney carriages are fitted with meters that calculate the fare. They typically use a combination of time and distance measurements to determine the fare. The meter uses a timer to measure the amount of time that has elapsed since the ride began and includes any waiting time when the taxi is stopped in traffic. A distance sensor is used to measure the distance that the taxi has travelled. The fare is calculated using a formula that considers the time that has elapsed and the distance that has been covered.

5.23 We recognise that the way these calculations are set out on the table of fares is complicated, but they are necessary in order for these calculations to take place. Information about the first mile (which includes the initial flag charge) and the subsequent running miles are therefore included on the table.

- 5.24 The Council does not restrict access to Uber or other ride sharing platforms. These often operate on a zoning basis. West Berkshire does not currently fall in any zones as far as Officers are aware. The Council does not currently restrict the number of hackney carriage licences that we issue although a number have ‘grandfather rights’ to operate saloon cars.
- 5.25 The concerns raised about wheelchair accessible vehicles will be dealt with in the Hackney Carriage and Private Hire Licensing Policy. The Policy will take into consideration the relevant legislation including The Taxi and Private Hire Vehicles (Disabled Persons) Act 2022 which came into effect in June 2022. The Act sets out specific rights and protections for disabled persons using hackney carriage and private hire vehicles to ensure that they are not charged extra.
- 5.26 We have an existing scheme in place to help the taxi trade ‘go greener’ which provides a 100% subsidy of the vehicle licence for electric taxis and a 50% rebate for hybrid vehicles. You can read more about the scheme here: [West Berkshire Council - Agenda item - Helping West Berkshire Taxi Trade Go Greener \(EX4215\)](#). The Taxi Policy will also include reference to emission standards for local hackney carriage and private hire vehicles.

6 Other Options Considered

- (a) Adopt the table of fares at Appendix A.
- (b) Adopt the fouling charges only as included in the table of fares at Appendix A.
- (c) Adopt only the changes to the tariffs (and not the fouling charges) as included in the table of fares at Appendix A.
- (d) Determine to adopt higher or lower fares than those set out in Appendix A.

7 Appendices

7.1 Appendix A – Proposed table of Fares 2024

Background Papers:

Local Government (Miscellaneous Provisions) Act 1976
<http://www.legislation.gov.uk/ukpga/1976/57>

[Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance \(March 2010\)](#)

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All

Officer details:

Name: Moira Fraser
Job Title: Policy and Governance Officer
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E-mail: Moira.fraser@westberks.gov.uk

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Hackney Carriages Table of Fares With Effect From XXX

MAXIMUM fare for any part of a journey dependent on Time, Day and Date:

A lesser fare can be agreed prior to commencement of the journey.

<p>Taxi Plate Number</p> <p>???</p> <p>Licenced to Carry ? Passengers</p> <p>Any comments regarding this vehicle or driver should be made to:</p> <p>West Berkshire Council, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD</p> <p>Or via email to licencing@westberks.gov.uk Quoting the above Taxi Plate number or drivers badge number</p>	<p>Tariff 1 (Standard Time 1-4 Passengers) Any journey with 1-4 passengers (Indicated by a "T1" on the taxi meter)</p> <p>1. 06:00 and 21:59 Monday to Saturday (Excluding Bank Holidays, Public Holidays, 24th,25th,26th,31st December & 1st January.)</p> <hr/> <p>Tariff 4 (1B Multi) (Standard Time, 5-8 passengers) Indicated by a "T1B or T4" on the taxi meter Any journey with 5 or more passengers</p> <p>1. 06:00 and 21:59 Monday to Saturday (Excluding Bank Holidays, Public Holidays, 24th, 25th, 26th 31st December & 1st January.)</p>	<p>Tariff 2 (Time and ½ 1-4 passengers) Any journey with 1-4 passengers (Indicated by a "T2" on the taxi meter)</p> <p>1. 22:00 and 05.59 Monday to Sunday. 2. 06.00 and 21.59 Sundays, Bank Holidays, Public Holidays, 24th, 26th, 31st December & 1st January.</p> <hr/> <p>Tariff 5 (2B Multi) (Time and ½, 5-8 passengers) Indicated by a "T2B or T5" on the taxi meter Any journey with 5 or more passengers</p> <p>1. 22.00 and 05.59 Monday to Sunday. 2. 06.00 and 21.59 Sundays, Bank Holidays, Public Holidays, 24th, 26th,31st December & 1st January.</p>	<p>Tariff 3 (Double Time 1-4 passengers) Any journey with 1-4 passengers. (Indicated by a "T3" on the taxi meter)</p> <p>1. 00.00 and 23.59 on 25th December 2. 00.00 and 05:59 on 26th December. 3. 00.00 and 05:59 on 1st January.</p> <hr/> <p>Tariff 6 (3B Multi) (Double Time, 5-8 passengers) Indicated by a "T3B or T6 "on the taxi meter Any journey with 5 or more passengers</p> <p>1. 00.00 and 23.59 on 25th December 2. 00.00 and 05:59 on 26th December. 3. 00.00 and 05:59 on 1st January</p>
<p>Initial Flag T1,T2,T3, The first 1276.483 yards (1167.216 meters) T1B(T4),T2B(T5),T3B(T6), The first 1340.307 yards (1225.576 meters)</p>	<p>T1 £5.00 / (T1B/T4) £7.50 (First mile =£6.20) / (First mile =£8.70)</p>	<p>T2 £7.50 / (T2B/T5) £11.25 (First mile =£9.30) / (First mile =£13.05)</p>	<p>T3 £10.00 / (T3B/T6) £15.00 (First mile =£12.40) / (First mile =£17.40)</p>
<p>For each subsequent 232.088 yards(212.221 meters) or part thereof T1,T2,T3 243.692 yards(222.831 meters) or part thereof T1B/T4, T2B/T5, T3B/T6</p>	<p>T1 40p / (T1B/T4) 60p (£3.03 running mile) / / (£4.33 running mile)</p>	<p>T2 60p / (T2B/T5) 90p (£4.55 running mile / / (£6.50 running mile)</p>	<p>T3 80p / (T3B/T6) 120p (£6.06 running mile) / / (£8.66 running mile)</p>
<p>Initial Waiting Time (T1, T2, T3: 231 seconds and then for every period of 42 seconds or part thereof.) (T1B/T4, T2B/T5, T3B/T6 242seconds and then for 44 seconds or part thereof.</p>	<p>T1 40p / T1B/T4 60p T1 (£6.00 per 10 mins, £34.40 per hour) T4 (£8.40 per 10 mins, £49.20 per hour)</p>	<p>T2 60p / T2B/T5 90p T2 (£9.00 per 10 mins, £51.60 per hour) T5 (£12.60 per 10 mins, £73.80 per hour)</p>	<p>T3 80p / T3B/T6 120p T3 (£12.00 per 10 mins, £68.80 per hour) T6 (£16.80 per 10 mins, £98.40 per hour)</p>

Where the taxi is used for pre-booked journeys the fare shall be calculated from the point in the district at which the hirer commences their journey. (Local Government (Miscellaneous Provisions) Act 1976 sec. 67)

If a Hackney Carriage is booked by telephone, e-mail, **app or other electronic means** a booking fee may be charged.

Congestion Zone Charges, Ulez, Tolls or similar will be applied for any journey where such charges or tolls are incurred.

Fouling will be charged at a maximum of (Interior T1/T1B/T4 £150, T2/T2B/T5 £225, T3/T3B/T6 £300) (Exterior T1/T1B/T4 £50, T2/T2B/T5 £75, T3/T3B/T6 £100) Payable to driver immediately.

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Executive – 23 May 2024

Item 13 – Member Questions

To follow

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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