

APPENDIX E

DRAFT 2015

COMMUNITY INFRASTRUCTURE LEVY AGREEMENT

BETWEEN

MONMOUTHSHIRE COUNTY COUNCIL
(hereafter referred to as the charging authority)

AND

****** TOWN COUNCIL**
(hereafter referred to as the Town Council)

**THIS AGREEMENT RELATES TO COMMUNITY
INFRASTRUCTURE LEVY REGULATION 59A-F
“DUTY TO PASS COMMUNITY INFRASTRUCTURE LEVY TO
LOCAL COUNCILS”**

OCTOBER 2015

MONMOUTHSHIRE COUNTY COUNCIL

COMMUNITY INFRASTRUCTURE LEVY AGREEMENT

This Agreement relates to Community Infrastructure Levy Regulation 59A-F – “Duty to Pass Community Infrastructure Levy to Local Councils”. In April 2013 amendments to the Community Infrastructure Levy (CIL) Regulations were published that set out a requirement for the Council, as charging authority to pass a proportion of CIL receipts collected in their area to respective Community Councils. For the purposes of these Regulations, the term “Community Council” encompasses both Community Councils and Town Councils.

CIL REGULATIONS

The CIL Regulations state that charging authorities in Wales make provision to pass 15% of CIL receipts to the Town Council.

The Town Council will receive 15% of CIL receipts received by the charging authority, subject to a maximum amount equal to £100 per dwelling, through CIL liable development in its town council area. If no CIL liable development occurs in the town council area, there will be no CIL receipts to be passed to the Town council.

CIL is to be used to fund infrastructure to support development in accordance with the Local Development Plan. CIL Regulations require the charging authority to publish a list of infrastructure that can be funded through CIL. The approved Regulation 123 List of Infrastructure has been produced by the Charging Authority following consultation as part of the Preliminary Draft Charging Schedule and Draft Charging Schedule consultations.

The charging authority and the Town Council agree to work in collaboration to draft a local list of infrastructure that can be used to identify local schemes to be funded through the 15% CIL receipts.

PURPOSE OF THE AGREEMENT

The charging authority has produced this Agreement to ensure a clear and transparent administration and monitoring process of CIL funding.

TERMS OF THE AGREEMENT

The Town Council hereby agrees that CIL payments will be made to the Town Council on an annual basis on the 30th June.

The Town Council hereby agrees to work closely with the charging authority to identify and agree on local infrastructure projects for inclusion on a local list, which will inform the Town Council's CIL spending priorities

If the Town Council does not spend its levy share within 5 years of receipt, the charging authority will (in line with the CIL Regulations) require the CIL payments to be repaid to the charging authority.

REPORTING

For each financial year (1st April – 31st March) that funds are received through CIL, the Town Council is required to report the following information to the charging authority:-

- (a) the total CIL receipts for the reported year;
- (b) the total CIL expenditure for the reported year;
- (c) summary of CIL expenditure during the reported year including -
 - (i) the items of infrastructure to which CIL has been applied;
 - (ii) the amount of CIL expenditure on each item; and
- (d) the total amount of CIL receipts retained at the end of the reported year.

The Town Council must send the above details to the charging authority from which it received CIL receipts, no later than 31st October following the reported year.

The charging authority will report the Town Council's data in its own annual monitoring report to be placed on the Council website by 31st December each year, for the previous year.

Where the charging authority holds and spends the neighbourhood portion on behalf of the local community, it will report this as a separate item in the CIL Annual Monitoring Report.

Signed on behalf of **** Town Council

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Name and designation.....

Date.....

Signed on behalf of Monmouthshire County Council

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Name and designation.....

Date.....