

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE POLICE & CRIME PANEL

PAPER MARKED

Report of	POLICE & CRIME COMMISSIONER
Date	MONDAY 27 JANUARY 2014 – 2.00PM
Subject	SECTION 106 AND COMMUNITY INFRASTRUCTURE LEVY (CIL) UPDATE
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Purpose of the Report

1. This update report provides high level information for the Police and Crime Panel in respect of the impact on policing infrastructure and services arising from new development being considered in the statutory Planning regimes of Councils in Leicestershire, Leicester and Rutland. The means of mitigation of this impact, Section 106 of the Planning Act and the Community Infrastructure Levy (CIL), are considered further to the discussion of the panel meeting in 2013.

Recommendation

2. The Police and Crime Panel are asked to note the contents of the report.

Background

3. Substantial new development in the area has and will put a strain on Policing and nationally, since 2010, the Association of Police Officers (ACPO) have supported Police Forces to secure contributions towards infrastructure to mitigate the impact of growth.
4. This central message was reaffirmed to Police forces by ACPO in 2012 following changes in planning policy.
5. The Force depends on Planning Decision makers, in most cases local Councils, to support Police requests for infrastructure funding from developers and to make provision for police infrastructure in their Plans and CIL proposals.

Leicestershire Police Approach

6. Since 2006 Leicestershire Police have sought developer contributions because:
 - The accumulating scale of development planned in our area will adversely affect the delivery of Policing without additional funding.

- The Force's capital programme cannot accommodate the financial impact of this growth i.e. to pay for additional vehicles, premises, communications, IT systems, officer equipment etc
 - The UK Planning system allows the Police to seek developer contributions to mitigate these adverse impacts.
7. The Government's National Planning Policy Framework [NPPF] provides guidance around promoting sustainability where necessary new developments should pay for the infrastructure they will need, including that for security. The force seek contributions –
- When Councils prepare development plans and Infrastructure Plans for their Districts.
 - When the Force comments on major planning applications made to Councils and, where permission is refused, at subsequent appeals.
 - As Councils prepare their charging schedules for the new CIL development tax.
 - By resorting to law when appropriate when our compliant requests are not adequately considered by planning decision makers.
8. CIL will virtually replace Section 106 developer contributions from April 2015. A transition regime is in place. The view of the Force is that as a tax, CIL offers a fair, reliable, durable and effective way for the Force to ensure that the additional infrastructure demands of growth related development are paid for, and that all local Councils should embark upon this and include Policing in their purview. If this does not happen, after April 2015 the ability of the Force to seek Section 106 developer contributions will be substantially curtailed. Only Rutland County Council has published its intentions for CIL.

Leicestershire Police Activity

9. The Force employs an experienced professional planner within the Finance Directorate to work with local authorities, developers and others to pursue its interests.
10. To date commitments have been made totalling £3.2m in favour of the Police from some 60 agreements. This is the approach reaffirmed by ACPO. The Force targets resources to prioritise –
- Working with Councils who have current major growth planning applications in front of them - including Sustainable Urban Extensions or SUEs.
 - As a result of legal advice, refreshing our approach in requests to improve our prospects for success and pursue contributions at Planning appeals and via legal challenge if appropriate,
 - Ensuring Police infrastructure is included in any Council's proposals for CIL.
 - Making contribution requests in relation to major planning applications.

Summary

11. Between 2006 and 2031, there have and will be a number of major developments across Leicester, Leicestershire and Rutland and Leicestershire Police is working with Councils, the development industry and others to seek Section 106 and CIL contributions. This is because existing Force funding cannot accommodate the impact development growth has on its infrastructure assets and supporting capital programme.
12. The PCC will continue to support this workstream.

Implications

Financial – This report is an update for the Police and Crime Panel to note the financial implications of growth and this workstream which seeks to mitigate this.

Legal - The workstream is the subject of regular and specialist legal input. There are no legal implications in this reporting.

Equality - There are no equality issues identified however there will be impacts where mitigation is not achieved and where Police cover is spread too thinly.
Impact Assessment

Risks and – No risks have been identified from this report.
Impact

Link to
Police and
Crime Plan

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