

This procedure sets out the enforcement steps that the JCS Authorities, acting individually as Charging and Collecting Authorities (Relevant Authorities), will be undertaking in the event of a breach in line with The Community Infrastructure Levy Regulations 2010 (as amended)¹.

These steps can be triggered by:

- Non or late payment;
- Failure to submit the relevant forms or notify the relevant Authority of disqualifying circumstances; or
- Failure to comply with an Information Notice issued by the relevant Authority.

Surcharges and Interest²

Surcharge for Failure to Assume Liability³

Where liability has not been assumed and a chargeable development has been commenced the relevant Authority will impose a surcharge of £50 on each person liable in respect of the development.

Surcharge – Apportionment of Liability⁴

Where the relevant Authority is required to apportion liability between each material interest in the relevant land, a surcharge of £500 will be imposed on the owner of each of those interests.

Surcharge for Failure to Submit a ‘Notice of Chargeable Development’⁵

Where planning permission has been granted by way of general consent and a development has commenced prior to the relevant Authority receiving a notice of chargeable development, a surcharge of 20% or £2500 (whichever is the lesser amount) will be imposed.

Surcharge for Failure to Submit a ‘Commencement Notice’⁶

Where a chargeable development has commenced prior to the relevant Authority receiving a notice of chargeable development, a surcharge of 20% or £2500 (whichever is the lesser amount) will be imposed.

Surcharge – Disqualifying Events⁷

Where a person fails to notify the relevant Authority of a disqualifying event with 14 days of its occurrence, a surcharge of 20% or £2500 (whichever is the lesser amount) will be imposed. Where the disqualifying event occurs prior to commencement, the surcharge will be payable on commencement, in all other cases the surcharge will be payable on the day that it is imposed.

¹ Part 9 ‘Enforcement’

² Community Infrastructure Levy Regulations 2010 (as amended), Part 9, Chapter 1 ‘Surcharges and Interest’

³ Regulation 80

⁴ Regulation 81

⁵ Regulation 82

⁶ Regulation 83

⁷ Regulation 84

Surcharge for Late Payment⁸

Where a person is liable to pay CIL and it has not been received by the Relevant Authority 30 days after which the payment is due a surcharge of 5% of the liability due or £200 (whichever is the greater amount) will be imposed. If this is not received within 6 months the Relevant Authority will impose a surcharge of 5% of the liability due or £200 (whichever is the greater amount). If this is not received within 12 months the Relevant Authority will impose a surcharge of 5% of the liability due or £200 (whichever is the greater amount)

Surcharge for Failure to Comply with an 'Information Notice'⁹

Where a person fails to comply within 14 days with any requirement of an information notice the Relevant Authority will apply a surcharge of 20% of the liability or £1,000 (whichever is the lesser amount).

Late Payment Interest¹⁰

Where the Relevant Authority has not received a CIL payment by the day that it is due, interest will be applied for the period of the delay of payment at a rate of 2.5% above the Bank of England base rate.

CIL Stop Notices¹¹

A CIL Stop Notice will be issued by the Relevant Authority in the event that payment has not been made and it is considered expedient to halt the development until payment has been received.

CIL Warning Notice¹²

- A warning of the Relevant Authority's intention to impose a CIL Stop Notice will be issued to the person who is liable for the unpaid amount, each person known as an owner of the land, each person known as an occupier of the land and any other person considered to be materially affected by the CIL Stop Notice.
- The Notice will state the date, the reason for issuing it, the unpaid amount, the period of time before the Stop Notice will be issued (3-28 days) and the consequences of failure to comply. This notice will also be displayed on the relevant land.

CIL Stop Notice¹³

- Where a Warning Notice has been issued and within the specified timescale the amount is unpaid (in whole or in part) the Relevant Authority will serve a CIL Stop Notice.
- The CIL Stop Notice will be issued to the person who is liable for the unpaid amount, each person known as an owner of the land, each person known as an occupier of the land and any other person considered to be materially affected by the CIL Stop Notice.

⁸ Regulation 85

⁹ Regulation 86

¹⁰ Regulation 87

¹¹ Part 9, Chapter 2 'CIL Stop Notices'

¹² Regulation 89, (2) to (5)

¹³ Regulation 90

- The Notice will state the date, the reason for issuing it, the unpaid amount, the activity which must cease and the consequences of failure to comply. This notice will also be displayed on the relevant land.

Withdrawal of a CIL Stop Notice¹⁴

- The Relevant Authority will withdraw a CIL Stop Notice when the unpaid amount has been paid in full. A 'Notice of Withdrawal' will be issued in writing to all persons served with the Stop Notice and displayed on site.

Failure to comply with a CIL Stop Notice could lead to the relevant parties being charged with an offence¹⁵ or an Injunction being applied¹⁶.

Debt Recovery¹⁷

The recovery of CIL will be pursued in line with the provisions relating to the legal recovery process in Part 9, Chapter 3 of the Community Infrastructure Levy Regulations 2010 (as amended).

¹⁴ Regulation 91

¹⁵ Regulation 93

¹⁶ Regulation 94

¹⁷ Part 9, Chapter 3 'Recovery of CIL'