

LONDON BOROUGH OF TOWER HAMLETS COMMUNITY INFRASTRUCTURE LEVY SCHEDULE EXAMINATION

Briefing Note from the Examiner

1 EXAMINER

The Examiner is Malcolm Rivett BA (Hons), MSc, MRTPI

2 PROGRAMME OFFICER

The Programme Officer [PO] is Pauline Butcher. For the purposes of the Examination she acts as an impartial officer of the Examination, under my direction, and not as an employee of the Council.

Pauline can be contacted at:

Email: ldfprogrammeofficer@tiscali.co.uk
Telephone: 020 7364 7093
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5 Clove Crescent
London
E14 2BG

Her principal functions are:

- to liaise with all parties to ensure the smooth running of the Examination;
- to ensure that all the documents received before the Examination are recorded and distributed;
- to maintain the examination library, including the Examination Document list; and
- to assist me with all procedural and administrative matters.

She will advise on any programming queries and all practical and procedural points should be addressed to her. She will pass them on to me for a reply, if necessary, but carries my authority to act in accordance with the regulations

3 HEARINGS

The hearing sessions will commence at 10:00 on Wednesday, 28 May 2014 in:

Room C1
London Borough of Tower Hamlets Town Hall
Mulberry Place,
5 Clove Crescent
London
E14 2BG

The sessions are likely to continue on 29 May 2014 and potentially also 30 May 2014. Three sessions are envisaged and the precise date/time of each session will be confirmed nearer the time.

4 SCOPE OF THE EXAMINATION AND THE EXAMINER'S ROLE

My role is to consider whether the Community Infrastructure Levy [CIL] Schedule meets the requirements of the Planning Act 2008 and associated Regulations in respect of legal compliance and viability.

The examination will focus on viability. The Council should rely on evidence collected whilst preparing the schedule to demonstrate that it is viable. Those seeking changes should demonstrate why that is not the case, preferably providing appropriate evidence in support of their case.

The focus will be on the schedule rather than individual objections. I will consider the viability of the schedule, having regard to the evidence available and representations submitted. The examination hearings will be in the form of roundtable, structured debates, focussing on particular topics and led by me, rather than a public inquiry-style event with presentation of cases by each party and cross-examination.

Following the closure of the hearing sessions, I will prepare a Report to the Council with conclusions and recommendations. My recommendations will fall into one of categories:

- Approval of the schedule without modification
- Approval of the schedule subject to modification
- Approval of the schedule together with non-binding recommendations
- Rejection of the schedule, where it does not comply with drafting requirements and it cannot be modified to so comply.

5 PROCEDURAL QUESTIONS FOR THE COUNCIL

At the start of the Examination I will formally ask the Council to:

confirm that the Schedule has been prepared in accordance with:-

- the statutory procedures;

- the Council's Core Strategy and Infrastructure Delivery Plan;
- the consultation requirements set out in the Community Infrastructure Levy Regulations April 2010 (as amended);

And that:

- it is supported by a financial appraisal; and
- there are no fundamental procedural shortcomings.

Participants should note that although *The Community Infrastructure Levy (Amendment) Regulations 2014* came into force in February 2014 as indicated therein (and in section 2:2:5:5 of the *Community Infrastructure Levy Guidance (DCLG)* document) the changes to the rate setting and examination processes made by the 2014 Regulations do not apply to authorities who had already published a draft charging schedule on the date when the regulations came into force – ie they **do not** apply to the Tower Hamlets schedule which is the subject of this Examination.

6 THE HEARINGS AND BEFOREHAND

Those who have made representations on the Schedule within the relevant time period ["representors"] should have already decided whether their views have been adequately expressed in written form or whether they wish to also present them orally at a hearing session. Both methods will carry the same weight and I will have equal regard to views put orally or in writing.

Attendance at a hearing session will only be useful and helpful to me if participants can engage in a debate. Representors must confirm attendance to the PO by **22 April 2014** so that arrangements can be finalised or it will be assumed that they are relying on written representations. They should also indicate which sessions, identified in the attached *Main Issues and Questions for the Examination* document, they wish to attend.

Those who wish to rely on their previous written submissions need take no further action and there is also little to be gained by merely repeating or paraphrasing in a new written statement comments previously made. However, if a representor wants to make a further written submission supporting their position, it **must** be focussed on answering those specific questions, set out in the *Main Issues and Questions for the Examination* document, which are of relevance to the representations they have previously made. An electronic and sufficient paper copies of the statement must be submitted to the PO **by 22 April 2014**.

The Council, in its own written statement, which should respond to all the procedural questions listed at 5 above and all the questions in the *Main Issues and Questions for the Examination* document, may also respond to points raised in statements by representors. An electronic and sufficient paper copies of this statement must be submitted by the Council to the PO **by 6 May 2014**.

All submissions should be focussed on the questions and should be as succinct as possible. They should not exceed 3000 words in length for each hearing session and in many cases may not need to be as long as this. It is unlikely that late submissions will be accepted and no further written evidence will be accepted at the hearings, or thereafter, unless I specifically request it.

7 CLOSE OF THE EXAMINATION

Once I have gathered all the information necessary to come to reasoned conclusions and decisions on the issues I write the Report. The Examination itself remains open until this is submitted to the Council. However once the hearing sessions part of the Examination is completed, I can receive no further information from any party, unless it is a matter on which I specifically request it. Any unsolicited items will be returned.

Malcolm Rivett

EXAMINER