

APPENDIX 5 – DRAFT INSTALMENTS POLICY



Community Infrastructure Levy (CIL) Instalments Policy

This policy takes effect on the 1st January 2015

In accordance with Regulation 69B of the Community Infrastructure Levy Regulations 2010 (as amended), Dacorum Borough Council will allow the payment of CIL by Instalments as set out in the following table. The instalments permitted will be linked to the amount payable (the chargeable amount) as recorded on the Demand Notice.

Dacorum Borough Council CIL Instalments Policy		
Total CIL Liability	Number of Instalments	Payment Period
Less than £20,000	1	100% payable within 60 days of the commencement date.
Equal to or greater than £20,000 but less than £30,000	2	1 st Instalment of 50% payable within 90 days of the commencement date and 2 nd Instalment of 50% payable within 120 days of commencement date.
Equal to or greater than £30,000 and less than £50,000	2	1 st Instalment of 50% payable within 90 days of commencement date and 2 nd Instalment of 50% payable within 180 days of commencement date.
Equal to or greater than £50,000 but less than £100,000	3	1 st Instalment of 25% payable within 120 days of commencement date 2 nd Instalment of 25% payable within 180 days of commencement date and. 3 rd Instalment of 50% payable within 270 days of commencement date.
Equal to or greater than £100,000 but less than £500,000	3	1 st Instalment of 25% payable within 120 days of the commencement date and 2 nd Instalment of 50% payable within 270 days of the commencement date and 3 rd Instalment of 25% payable within 365 days of the commencement date.
Equal to or in excess of £500,000	4	1 st Instalment of 25% payable within 180 days of the commencement date and 2 nd Instalment of 25% payable within 365 days

		of commencement date 3 rd Instalment of 25% payable within 540 days of commencement date. 4 th Instalment of 25% payable within 720 days of commencement date.
<p>Notes:</p> <ol style="list-style-type: none"> 1) Where an outline planning permission permits development to be implemented in phases, each phase of the development is a separate chargeable development which may be collected in accordance with this Instalments policy 2) The Instalments policy does not apply to charges arising from retail developments which shall be due within 90 days of commencement date unless otherwise agreed in writing with the charging authority prior to the commencement date. 3) Nothing in this Instalments Policy prevents the person with the assumed liability to pay CIL, to pay the outstanding CIL (in whole or in part) in advance of the Instalment period set out in this policy. 		

The Instalments Policy only applies in cases where the person(s) liable for paying CIL have complied with **all** the relevant regulations and requirements. These requirements are set out in the CIL Instalments Notes on the following page.

CIL Instalments Guidance Notes

Regulation 70 of the Community Infrastructure Levy Regulations 2010 (as amended) sets out the requirements that must be complied with in order to benefit from the CIL Instalments Policy

The CIL Instalments Policy will only apply in the following circumstances:

- 1) Where the Council has received a CIL Assumption of Liability form prior to the commencement of the chargeable development (Regulation 70 (1) (a)), and
- 2) Where the Council has received a CIL Commencement Notice prior to the commencement of the chargeable development (Regulation 70 (1) (b))

If either of the above requirements are not complied with, the total CIL liability will become payable within 60 days of the commencement of the chargeable development. In addition, surcharges may apply due to the CIL Assumption of Liability Form and/or the CIL Commencement Notice not being submitted to the Council prior to the commencement of the chargeable development.

Once the development has commenced, all CIL payments must be made in accordance with the CIL Instalments Policy. Where a payment is not received in full on or before the day on which it is due, the total CIL liability becomes payable in full immediately (Regulation 70 (8) (a))

This policy **will not** apply if any or more of the following applies:

- a) A commencement notice has not been submitted prior to the commencement of the chargeable development, as required by Regulation 67 of the Community Infrastructure Regulations 2010 (as amended)
- b) On the intended date of commencement
 - i) Nobody has assumed liability to pay CIL in respect of the chargeable development,
 - ii) A commencement notice has been received by Dacorum Borough Council in respect of the chargeable development and
 - iii) Dacorum Borough Council has not determined a deemed commencement date for the chargeable development, and therefore payment is required in full, as required by Regulation 71 of the Community Infrastructure Regulations 2010 (as amended)
- c) A person has failed to notify Dacorum Borough Council of a disqualifying event before the end of 14 days beginning with the day on which the disqualifying event occurs, as per the Community Infrastructure Regulations 2010 (as amended)
- d) An instalments payment has not been made in full after the end of a period of 30 days beginning with the day on which the instalment payment was due, as per the Community Infrastructure Regulations 2010 (as amended)

Where the instalments policy is not applicable, the amount must be paid in full at the end of the period of 60 days beginning with the notified or deemed commencement date of the chargeable development or the date of the disqualifying event, whichever is the earliest, unless specified otherwise within the Community Infrastructure Levy Regulations 2010 (as amended)