

# Community Infrastructure Levy (CIL) - Surcharges Strategy and Referral Process

Part 9 of the CIL Regulations 2010 (as amended) provide a range of enforcement measures to penalise non-compliance with the CIL process which includes the application of certain surcharges.

## **Statement:**

Portsmouth City Council as CIL Charging and Collecting Authority will apply all eligible surcharges in cases of non-compliance with the CIL process. This includes:

- Surcharge of £50 on each person liable to pay CIL for failure to assume liability prior to commencement of development (Regulation 80)
- Surcharge of £500 for each material interest where liability has to be apportioned (Regulation 81)
- Surcharge equal to 20% of the chargeable amount or £2,500, whichever is the lower amount, for failure to submit a Notice of Chargeable Development (Regulation 82)
- Surcharge equal to 20% of the chargeable amount/notional chargeable amount or £2,500, whichever is the lower amount, for failure to submit a Commencement Notice (Regulation 83)
- Surcharge equal to 20% of the chargeable amount or £2,500, whichever is the lower amount, for failure to notify of a disqualifying event (Regulation 84)
- Surcharge equal to 5% of the amount payable or £200, whichever is the greater amount, for late payment after the end of 30 days after the liability is due, further increasing if still outstanding after six months and then again after 12 months (Regulation 85)
- Surcharge equal to 20% of the relevant amount or £1,000, whichever is the lower amount, for failure to comply with an Information Notice (Regulation 86)

In exceptional circumstances only, and upon referral from the Planning Obligations Lead Officer, the Assistant Director of Planning and Economic Growth may authorise the non-application of a surcharge.

For the avoidance of doubt, late payment interest will always be payable as below:

- Late payment interest on any unpaid relevant amount at an annual rate of 2.5% above the Bank of England base rate starting on the day after payment was due and ending on the day the unpaid amount is received (Regulation 87).

Approved by: Ian Maguire

Assistant Director of Planning and Economic Growth

October 2022