

CIL Enforcement Procedures

To ensure that the CIL collection process runs smoothly, collecting authorities have been given a stringent set of enforcement powers, including surcharges for failing to submit CIL notices prior to commencement. The CIL regulations also allow collecting authorities to penalise late or non-payment of CIL charges, including applying interest on late CIL payments and imposing surcharges where payments are not received in full when due.

Persistent failure to pay CIL charges due may result in the council serving a CIL stop notice prohibiting further development on the site, and taking action to recover the debt due, including seizing assets.

The consequences of failing to follow the CIL collection and payment procedures are set out in the document below.

Guidance

Guidance on the Community Infrastructure Levy, including the collection and enforcement process, can be found on the Planning Practice Guidance website:

[Government's Online Planning Practice Guidance \(updated 12-Jun-2014\)](#)

Further information, including the forms required to be submitted as a part of the CIL collection process can be found on the Planning Portal website:

[Planning Portal's CIL website](#)

Further details of Surcharges

CIL payment enforcement procedures are set out in Part 9 of the Regulations, which allow collecting authority to penalise late payment, discourage future non-compliance and recover payment overdue.

	Types of Surcharge	Amounts	Trigger and details
1	Failure to assume liability (Reg.80)	£50 on each person liable to pay CIL	a) chargeable development has started; AND b) nobody has assumed CIL liability.
2	Apportionment of liability (Reg.81)	£500 on each material interest	a) chargeable development has started; AND b) nobody has assumed CIL liability whilst there are more than one material interest in the land.
3	Failure to submit a notice of chargeable development (Reg.82)	20% of chargeable amount payable, up to £2,500 max	a) chargeable development starts before the collecting authority has received a valid notice of chargeable development.
4	Failure to submit a commencement notice (Reg.83)	20% of chargeable amount payable, up to £2,500 max	a) chargeable development starts before the collecting authority has received a valid commencement notice;
5	Failure to notify a disqualifying event (Reg.84)	20% of chargeable amount payable, up to £2,500 max	Where a person who is required to notify the relevant authority of a disqualifying event fails to do so before the end of the period of 14 days beginning with the day on which the disqualifying event occurs, e.g. relie-related.
6	Late payment (Reg.85)	5% of overdue amount, starting at £200 min (Can be imposed on 3 occasions, i.e. when 30-day period, 6-month period and 12-month period ends, counting from the day when debt is initially due)	When amount A is not received in full after the end of the 30-day period beginning with the day on which payment of A is due.
7	Failure to comply with an information notice (Reg.86)	20% of relevant amount, up to £1,000 max	Where a person fails to comply with any requirement of an information notice before the end of the period of 14 days beginning with the day on which the notice is served.

Late Interests (2.5% above Bank of England base rate)

Interests are calculated for the period starting on the day after the day payment was due and ending on the day the unpaid amount is received.

Recovering overdue CIL payments

In cases of persistent non-compliance, collecting authorities may take more direct action to recover the amount due.

- 1) Serving Stop Notice;
- 2) Applying to Magistrate's Court for Liability Order;
- 3) Applying to Court for a Charging Order following procurement of Liability Order;
- 4) Enforcing the Local Land Charge;
- 5) Recovery in a court of competent jurisdiction.