

Harrogate CIL - Penalties and Surcharges

Most parties liable to pay the CIL are likely to pay their liabilities without problem or delay, guided by the information sent by the council in the liability notice. However, where there are problems in collecting the levy, it is important that the council is able to penalise late payment and discourage future non-compliance.

The CIL Regulations provide for a range of proportionate enforcement measures, such as surcharges on late payments (as set out in the Regulations). In most cases, these measures should be sufficient. In cases of persistent non-compliance, the council may take more direct action to recover the amount due.

Action	Penalty
Failure to assume liability to pay CIL before commencement of development	£50 surcharge per landowner subsequently discovered. Loss of payment by instalments (Regulation 80)
Apportionment of liability between one of more owners of land by Council	£500 surcharge per owner (Regulation 81) Loss of payment by instalments
Failure to submit valid Commencement Notice or Notice of Chargeable Development before development commences	Surcharge of 20% of the CIL chargeable amount due up to a maximum of £2500 (Regulation 82 and 83) Removal of ability to pay by instalments
Failure to notify Council of disqualifying event for CIL relief or exemption within 14 days of the event	Surcharge of 20% of the CIL chargeable amount due up to a maximum of £2500 whichever is the lower amount. If development has not commenced on site when the disqualifying event occurs the surcharge is paid on the commencement of development (Regulation 84)
Failure to pay CIL on time	Imposition of late payment interest at 2.5 percentage points above the Bank of England base rate starting on the day payment was due and ending on the day the unpaid amount is received (Regulation 87)
Continued failure to pay CIL by specified date	Surcharge equal to 5% on the outstanding liability 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 at six months and then again after 12 months (Regulation 85)
CIL still not paid after all previous attempts have been made	The Council can use the following enforcement powers: <ul style="list-style-type: none"> • Stop notice served on the development which prohibits development from continuing until the full CIL payment is made. Continuing to develop in the presence of such a notice is a criminal offence, punishable by potentially unlimited fines. Before serving a stop notice however the Council will issue a first warning to the liable person, landowner, occupier and on site stating amount overdue and number of days after which a CIL Stop Notice may be served if payment continues to be unpaid • Asset Seizure – Liability Order sought to seize and sell assets to recover the money due • Committal to prison for no more than 3 months

You can [appeal](#) to the Planning Inspectorate for the imposition of penalties and surcharges