

22 June 2017 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks



Planning Advisory Committee

Supplementary Agenda 3

	Pages	Contact
5. Referrals from Cabinet or the Audit Committee (if any) Further Advice to Planning Advisory Committee in connection with Governance Arrangements for the Community Infrastructure (CIL) Spending Board	(Pages 1 - 6)	

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Further advice to Planning Advisory Committee (PAC) in connection with governance arrangements for the Community Infrastructure (CIL) Spending Board

1. Consideration of recommendations for format of CIL Spending Board

Recommendation A to PAC on 16 May 2017

It is the view of officers and Members that a pool system would not provide a consistent approach to the consideration of Bids and would be difficult to manage. It is therefore proposed that the CIL Spending Board is changed to have a similar format to that of the Development Control Committee. This means that the Chairman and Vice Chairman remain in place and that the same Members make decisions on all submission subject to any disclosable interests, leaving a fixed membership of 7 and no pool. If agreed it is requested that officers be given permission to work on the necessary amendments and submit the requisite reports in order to affect the agreed changes.

PAC Modification to Recommendation A

A fixed membership of greater than 7 Members; politically proportionate with the aim of geographical representation of the District where possible; no pool; a speaking protocol; and officers granted permission to work on the necessary amendments and submit the requisite reports in order to affect the agreed changes.

Recommendation of Cabinet on 15 June 2017

Recommendation A from the Planning Advisory Committee of 16 May 2017 be referred back to the Planning Advisory Committee to devise a more detailed recommendation on a model for Spending Board similar to that applicable to Development Control Committee;

2. Officer's comments

Following recommendation A (of Item 8 of PAC Agenda 16/05/17) being referred back to the Planning Advisory Committee by Cabinet on 15th June, officers would like to provide the following information to assist the Planning Advisory Committee:

- a) an explanation of benefits for the proposed **change in committee set up** from 'pool' style committee to a fixed committee;
- b) comments on the **role of members and member conduct**; and also
- c) a potential **speaking protocol** based on the Development Control Committee.

Agenda Item 5

a) Change in committee set up

It has been recommended, in the original PAC Report, that the CIL Spending Board is no longer set up as a pool and that the committee is fixed.

The reasons behind this recommendation from officers were as follows:

- It would make the committee easier to manage as we would no longer need to arrange the Members on each Board on each occasion.
- It would always ensure there were enough Members available for each meeting of the Spending Board.
- Officers are concerned that it is likely that Bids will be submitted covering large infrastructure projects which will cover a number of parishes and towns that we would not be able to get enough Members to sit on each individual Board, who did not have an interest in every Bid to be considered at each meeting. For example: a Bid towards a medical facility in Edenbridge would serve not just Edenbridge but would also serve the surrounding parishes. A Bid to provide a contribution to works on the River Darent by the Env Agency would cover a number of parishes. It was thought if there were a few of these items it would be difficult to get a 'pool' of members with no interest in all the Bids going to one Board.
- It would also mean that we would not need to defer any decisions until the next Spending Board.
- It would make decisions more consistent as it would mean that the same members would make all the decisions and would be aware of what happened at the previous committees.
- The second stage in validation was combined with this recommendation to assist members and to provide further direction as to how the money should be spent, to further ensure consistency.

b) Role of members and members conduct

The following suggestions from officers are based on the on Part 7 of the Constitution regarding the Development Control Committee (DCC):

- The agenda for the CIL Spending Board will be available for at least 5 working days before the Board meet. It is incumbent that Members of the Spending Board ensure that they remain impartial and receptive to all points of debate before reaching a decision on how to vote on a Bid.
- Members should remain at meetings of the Board until the end of the meeting unless they have a compelling reason not to do so.
- Members who enter the meeting during discussion of a Bid, or are not present during the whole of the discussion, should not vote on the Bid as they will not have heard all the arguments for and against the proposal

- Members should be informed when a Bid is submitted by the Council or involves the provision of infrastructure on Council land.
- Members can vote on all Bids but must make declarations of interest, Lobbying and Pre-determination before any Bids are debated.
- All sitting members of the Board must avoid reaching a judgement before all relevant evidence is presented to the Board.
- All sitting Board members must ensure that they never give the impression of closing their minds to information relevant to the Bid.

As part of this approach other recommendations include:

- The Chairman and Vice-Chair remain in place.
- There are 19 members (same as DCC) chosen according to political proportionality rules.
- Officers will be invited to introduce a summary of CIL at the beginning of the meeting to include;
 - Summary of CIL Legislation
 - Amount of funding available
 - Where CIL receipts have come from
- Each bid will then be discussed individually.

c) Speaking Protocol

Following the format of the DCC.

Bids will only be debated at the discretion of the Chairman, if it is requested for debate by a Local Member or if there are registered speakers and this must be agreed prior to the meeting.

Registering to speak - Those wishing to speak must contact the District Council before 5pm on the day of the Spending Board at the latest. However at the Chairman's discretion, late registration maybe accepted until the start of the meeting. Only one public speaker supporting the application and one against will be permitted.

The company/person/body submitting the Bid will be expected to present their Bid to the Spending Board. No visual aids are allowed.

At the beginning of the meeting the Chairman will indicate the Bids on which Local Members, the Town or Parish Council, applicants or members of the public have asked to speak, which shall automatically be reserved for debate.

The Chairman will read out the project title.

The officer will introduce the item and lay out the key considerations and summarise the recommendation.

Agenda Item 5

Speakers who have previously registered will be invited to do so by the Chairman in the following Order for a maximum of 3 minutes (Local Members will have 4 minutes):

- A member of the public wishing to speak for the Bid.
- A member of the public wishing to speak against the Bid
- The company/agent/body responsible for the Bid.
- The Local Council representative.
- The Local Member

Speakers will then be asked questions of clarification.

Members of the Spending Board will then have an opportunity to ask questions of the officers present.

Discussion of each Bid will then take place.

A decision on each Bid will only be made at the end of the process. This is because as there is a limited amount of money available, Members need to be aware of the details of all the Bids to be able to determine which Bids for funding should be approved.

A vote will then be taken on each bid after a motion has been moved and seconded. Any motion put forward can only be for one of the following recommendations:

- Funding for the scheme is approved
- Funding for the scheme is not approved on the basis that the other proposed schemes have been given greater priority
- Funding for the scheme is not approved on the basis that insufficient evidence has been provided to justify it.
- Funding for the scheme is not approved on the basis that the scheme is not considered appropriate for the use of CIL.

A vote will take place and the Chairman will advise the meeting of the result.

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