

# APPENDIX X1: Community Infrastructure Levy Spending Board

## **1. Terms of Reference of the Board**

- 1.1. The Board shall consider bids for CIL funding (in accordance with Appendices 1 and 2), and submit recommendations to Cabinet for ratification. If Cabinet chooses not to ratify a particular recommendation, then it shall provide an explanation setting out its concerns and request that the Board reconsiders the issue.

## **2. Membership of the Board**

- 2.1. The Board will comprise of 15 Members of the Council to be chosen according to political proportionality rules, none of whom may be members of the Cabinet. The membership of the Board can be found at Appendix H - Membership of Council Committees, Cabinet and Advisory Committees and Boards.
- 2.2. When appointing the membership, Cabinet will appoint the Chairman and Vice Chairman, who will form part of the 15 members.
- 2.3. Membership to be agreed annually.

## **3. Role of members of the Board and members conduct**

- 3.1 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.
- 3.2 Members of the Board should remain at meetings of the Board until the end of the meeting unless they have a compelling reason not to do so.
- 3.3 Members of the Board are not present for consideration of all Bids, or who are not present during the whole of the discussion, should not vote on any Bid as they will not have heard all the arguments for and against the proposals.
- 3.4 Members of the Board should be informed when a Bid is submitted by the Council or involves the provision of infrastructure on Council land.
- 3.5 Members of the Board can vote on all Bids but must make declarations of interest, Lobbying and Pre-determination before any Bids are debated.
- 3.6 Members of the Board should contact Legal and Democratic Services before a meeting if they have any doubt in their minds regarding a potential Disclosable Pecuniary Interest (DPI).
- 3.7 All 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.

#### **4. Quorum**

- 4.1 The quorum shall be 5 members.

#### **5. Board structure, procedures and speaking protocol**

(“Local Member” means a member of the District Council whose ward, in the opinion of the Chairman, is affected by a bid which is to be included on an agenda for consideration by the CIL Spending Board.)

- 5.1 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
- 5.2 Each bid will then be discussed individually.
- 5.3 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.
- 5.4 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.
- 5.5 The company/person/body submitting the Bid will be expected to present their Bid to the Spending Board. Visual aids are allowed by speakers.
- 5.6 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.
- 5.7 The Chairman will read out the project title.
- 5.8 The officer will introduce the item and lay out the key considerations and summarise the recommendation.
- 5.9 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):
- company/person/body responsible for the Bid
  - A member of the public wishing to speak for the Bid.

- A member of the public wishing to speak against the Bid
- The Local Council representative.
- The Local Member

Notwithstanding the foregoing, the Chairman retains discretion to allow additional speakers as he sees fit.

- 5.10 Speakers will then be asked questions of clarification.
- 5.11 Members of the Spending Board will then have an opportunity to ask questions of the officers present.
- 5.12 Discussion of each Bid will then take place.
- 5.13 A decision on each Bid will only be made at the end of the meeting after all the Bids are discussed.
- 5.14 A vote will then be taken on each bid after a motion has been moved (and seconded if necessary). Any motion put forward ~~can only~~ should usually be for one of the following recommendations:
  - Funding for the scheme is recommended for approval
  - Partial funding for the scheme is recommended for approval
  - Funding for the scheme is not recommended for approval on the basis that the other proposed schemes have been given greater priority
  - Funding for the scheme is not recommended for approval on the basis that insufficient evidence has been provided to justify it.
  - Funding for the scheme is not recommended for approval on the basis that the scheme is not considered appropriate for the use of CIL.
- 5.15 A vote will take place and the Chairman will advise the meeting of the result.
- 5.16 Board meetings to be held at the Chairman's discretion taking into account the level of CIL income.
- 5.17 The above arrangements shall be reviewed after 12 months.

## Sevenoaks District Council

### Community Infrastructure Levy Spending Board

#### Bid for Funding Pro-forma

#### Infrastructure Only

Scheme name:	
Description of Scheme:	
Is this scheme promoted by your organisation in partnership with another organisation (s)?	<p>Yes/No</p> <p>Who is involved in the Partnership. Organisation Name (s):</p> <p>Responsible individuals (s):</p> <p>Signature (s) on behalf of other supporting organisations (s):</p> <p>Please provide details of the Agreements you have in place with your partners. Including the % of money guaranteed for the scheme from each organisation.</p>
Is planning permission required for the scheme?	<p>Yes / No</p> <p>If yes, has it been applied for?</p> <p>If no - please explain why?</p>
Details of any other consent required (if appropriate (e.g. conservation, Listed Buildings, other Govt Bodies):	<p>Consent required:</p> <p>Date applied for / granted:</p>
<u>Need for the Scheme</u>	

List of projects or development that result in the need for this scheme:	
How is the scheme related to these developments (additional information, such as usage forecasts and existing and alternative capacity assessments, can be attached as an appendix):	

**Please provide an explanation of the ‘public benefit’ of the scheme proposed for residents in Sevenoaks District:**

Economic	
Social	
Environmental	
Is the need for the scheme identified in any adopted strategy/plan? E.g. Neighbourhood Plan, Work programme of a Statutory Body, Infrastructure Plan (Reg 1,2,3 list). If so, which?	

<b><u>Funding</u></b>	
Total project cost:	£
Funding required from CIL:	£
Identify other funding sources for this project, what contribution they are making and why these can not be used to fund the scheme in its entirety	1)
	2)
	3)
	4)
	5)
	6)
Is this bid for staged payments?	Yes/No
Will staged payments be accepted?	Yes/No

	Details of anticipated funding requirements and timetable:
Has a bid(s) for CIL funding been made to relevant town and parish councils?	Bid made: Yes / No  Details of bid:  Decision made: Yes / No  Details of decision:
Would the scheme be fully funded if the CIL contribution is agreed:	Yes / No
Has this scheme benefited from CIL funding previously:	Yes / No  If Yes; Please provide further justification as to why further CIL funding is required for this project.
<b><u>Deliverability</u></b>	
Does your organisation have the legal right to carry out the proposed scheme?	Yes / No  If not, you must attach documentation showing that the statutory provider of this service supports this scheme.
Anticipated start date for delivery of the scheme:	
Anticipated finish date for the delivery of the scheme:	
Anticipated date when CIL funding will need to be made available:	
Does land need to be purchased to facilitate the scheme:	Yes / No  Details:
Please provide a consultation plan to let SDC know when they can expect	

progress reports on the project.	
Please provide details of the management and timescales of the project.	
Has consultation been carried out on the scheme or is any planned?	<p>Carried out / Planned / No Consultation planned</p> <p>Details:</p> <p>(Note: Results can be attached separately if necessary.)</p>
Is a relevant SDC ward member(s) supportive of the scheme?	<p>Yes / No</p> <p>Signature of at least one SDC ward member:</p> <p>Note - An e-mail from them to <a href="mailto:cil@sevenoaks.gov.uk">cil@sevenoaks.gov.uk</a> would also be sufficient.</p>
Is the relevant town/parish council supportive of the scheme?	<p>Yes / No</p> <p>Signature of at town/parish council chairman, clerk or chief executive:</p> <p>Note - An e-mail from them to <a href="mailto:cil@sevenoaks.gov.uk">cil@sevenoaks.gov.uk</a> would also be sufficient.</p>
<b><u>Maintenance</u></b>	
Which organisation will be responsible for ongoing maintenance:	
Are funding arrangements in place for maintenance:	<p>Yes / No</p> <p>Details:</p>
Any further comments:	

<p><b><u>Declaration</u></b></p>	
<p>I am authorised to submit this bid for funding on behalf of the organisation that I represent. At the time of writing, the information contained in this submission (including appendices) is correct and true to the best of my knowledge. If CIL funding is committed and circumstances change prior to the completion of the scheme, the organisation that I represent will notify Sevenoaks District Council. The Council will reserve the right to reconsider the allocation of funding. If CIL funding is committed to the above project then the organisation that I represent commits to providing Sevenoaks District Council with sufficient information to enable it to undertake its reporting requirements under the CIL Regulations 2010 (as amended), or any subsequent relevant regulations.</p>	
Signature	
Name	
Position	
Organisation	
Name, role and contact details of the person that will be attending SDC's CIL Spending Board to support this bid:	

## Sevenoaks District Council

### Community Infrastructure Levy Spending Board

#### Decision Making Process

##### Lead Officer's initial validation of bids

The lead officer will undertake an initial validation of bids. The following will not be put to the spending board for consideration:

- Those schemes for which a pro-forma has not been completed.
- Those schemes where the bidding organisation does not have the legal right to carry out the proposed scheme or the support from the statutory provider of that service.
- Those schemes that could clearly not be defined as infrastructure to support development.

The lead officer's validation of bids will be agreed by the chairman of the CIL Spending Board in advance of papers being published for the spending board meeting.

A written response will be provided to the bidder to explain this decision. This may suggest that a revised submission is considered at a future meeting.

##### **Second stage of Validation Process**

The Lead Officer will carry out a second stage in the validation of bids, which will assess the proposed bids against the following criteria in order to make recommendations on the bids submitted:

- The need for the scheme.
- Whether the scheme supports Key Infrastructure projects
- Whether the applicant working in partnership to implement the scheme.
- Is the bid part of an existing Strategy or Plan?
- Is there a significant public benefit to the scheme?
- Is there match funding for the scheme?
- Is there clear project management
- Is planning permission in place (if required)?
- Does the Bid have local support?
- What is the Cost benefit to the scheme?

It has been agreed that the consideration of the bids is assessed using a similar method to the Sevenoaks Big Community fund, in that each Bid will be scored against how they perform against each category. The lead officer's assessment and recommendations will be agreed by the Chairman of the CIL Spending Board in advance of the papers being published for the Spending Board Meeting.

The above criteria will be refined and agreed at the initial meeting of the Spending Board.

### CIL Spending Board's consideration

The CIL spending board's key considerations will be whether there is a public benefit of the proposed scheme for residents in Sevenoaks District and whether the scheme constitutes value for money. In determining this, the spending board will consider the following issues in making its recommendation.

- Whether sufficient evidence has been provided to demonstrate a strong social, environmental or economic justification for the scheme.
- Whether sufficient evidence has been provided to demonstrate a strong link between new development and the scheme.
- Whether the scheme forms part of a planned strategy to address the need for infrastructure.
- Whether the CIL contribution will be matched by funding from other sources.
- Whether the use of other funding sources has been maximised.
- Whether there is sufficient certainty that the scheme will be delivered.
- Whether the scheme is supported by at least one of the relevant SDC ward members (note: this will be a prerequisite of a successful funding bid).
- Whether the scheme is supported by the relevant town/parish council.
- Whether evidence has been provided to demonstrate that there are sufficient maintenance arrangements in place.

The board may also take into account other factors that it considers relevant.

Limited CIL funding is available and it is unlikely that it will fund all of the infrastructure schemes that are considered necessary to support development. Where it is necessary to choose between schemes that could both be appropriate uses of CIL (i.e. they satisfy all of the considerations set out above), the board will give particular consideration to the public benefit of the schemes for residents in Sevenoaks District and the link between development and the scheme.

### Types of recommendation

The board may make the following recommendations to Cabinet for it to ratify:

- Funding for the scheme is approved.
- Funding for the scheme is not approved on the basis that 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 to be an appropriate use of CIL.

These recommendations should give bidders an indication of whether they should consider bidding for this scheme again and what additional information, if anything, should be provided with any resubmission.

Criteria Number	Criteria Description	Detail
1	The need for the scheme	<p>Here we would expect the applicant to explain the need for and the benefits of the scheme. We have asked for the applicant to respond specifically in regard to the Economic, Social and Environmental needs of the District and its residents. So will award points under each section:</p> <p>Economic - are there benefits to the economy?</p> <p>Social - what is the benefit to the local community or wider community.</p> <p>Environmental - Are there clear benefits to the environment by implementing this scheme.</p>
2	Is the scheme proposed for Infrastructure?	Schemes should provide for key infrastructure projects likely to have a greater impact i.e medical, schools, highways, flooding will receive higher scores. Those identified in the Council's Infrastructure Plan (reg 1,2,3 List) and the Strategic Infrastructure List will receive a higher score.
3	Working in partnership	Has the applicant provided evidence that they are working in partnership with one or more organisation. We will look at the type of partners involved, how formal the Partnership is and the amount of involvement from all partners. Please note; we will take into account those infrastructure/statutory providers that do not need to work in partnership.
4	Is the Bid scheme part of an existing Strategy/Plan	We would expect the scheme to be put forward as part of an existing Strategy or Plan. This could include Neighbourhood or Parish plans. It could also include regional strategies, Work Programmes by statutory bodies or if it has been identified as a project.
5	Public Benefit	It is likely that bids are looking to provide the greatest public benefit will be looked upon more favourably than those that do not bring a greater benefit to the wider community. Definition: We are therefore looking for schemes that will provide something that is advantageous or good; that will relate to, or affecting a population or a community as a whole.
6	Match Funding	CIL is clearly meant as a 'Top up' and should not be used to fund entire projects. Please note: Schemes that will be relying totally on CIL will not be considered. Schemes that already have a large amount/majority of funding in place will receive a higher score.
7	Clear Project Management	<p>Through their bid we would expect the applicant to show evidence that the project is well managed. Have they provided for example:</p> <ul style="list-style-type: none"> <li>- clear dates for start and finish of the project.</li> <li>- details of the management of the project and timescales</li> <li>- details of when they will provide updates to SDC</li> <li>- is other consent required/granted?</li> </ul>
8	Planning Permission in place	Has planning permission been granted or sought for the development? This also includes considering if the works don't require PP and whether the proposal is permitted development and also to ensure that the applicant has checked this issue.
9	Does the Bid have local support?	In particular, does the Bid have the support of a local member and/or the Parish and Town Council?
10	Has the project already had CIL funding?	A lower score will be given for those projects which have already received CIL funding. Unless a strong justification can be provided as to why further funding is required.
11	Cost Benefit	Higher scores will be given to those projects which require the smallest % of the overall project cost or provide evidence of a clear public benefit or need. Projects where the CIL money would complete the scheme will also be scored highly.
Total points allocated		
Amount applied for		