

COMMUNITY INFRASTRUCTURE LEVY SPENDING BOARD AND TERMS OF REFERENCE

Cabinet – 19 May 2015

Report of Chief Planning Officer

Status: For Decision

Key Decision: No

Portfolio Holder Cllr. Piper

Contact Officer(s) Richard Morris Ext.7268 Emma Boshell Ext. 7358

Recommendation to Cabinet:

That the membership, terms of reference and protocol for speakers for the Community Infrastructure Levy Spending Board be agreed as set out in Appendices A and B to this report.

Reason for recommendation:

To ensure that the Council is able to make decisions on how CIL funding is prioritised in an open and transparent manner.

Introduction and Background

- 1 The Council adopted the CIL Charging Schedule on 18 February 2014 and qualifying developments permitted since 4 August 2014 are now liable to pay CIL.
- 2 As part of the process of adopting the CIL Charging Schedule, Cabinet tasked the Local Planning and Environment Advisory Committee (LPEAC) with developing the CIL governance arrangements. In March 2014, LPEAC resolved that a member/officer workshop should be set up to begin to consider CIL governance issues. It was proposed that, following this workshop, LPEAC would formally debate different CIL governance models and make a recommendation to Cabinet.
- 3 Two CIL governance workshops were held with LPEAC members in October and November 2014, which focused on the structure and processes that will be used to make decisions on CIL expenditure priorities. In March 2015 LPEAC and Cabinet considered the recommendations from the workshops and agreed that a Community Infrastructure Levy Spending Board should be established to recommend to Cabinet how CIL funding should be prioritised. It was agreed that the terms of reference of the Board should be consistent with the body of the report considered.
- 4 The membership and terms of reference, including the protocol for speakers, are attached to this report at Appendices A and B. Cabinet is asked to appoint the

membership of the CIL Spending Board and to agree the terms of reference and protocol for speakers. If agreed, these will form part of the Council's Constitution.

Other Options Considered and/or Rejected

Cabinet could decide not to agree to the adoption of the proposed governance arrangements. This option is not recommended by Officers on the basis that the proposals have been developed through a member-led process that has considered the issue in some detail. In addition, any identified weaknesses in the system can be addressed through the proposed review process.

Key Implications

Financial

There are some financial and staff resource implications in terms of support and administration of the CIL Spending Board which are covered within the on going work of the Democratic Services and other teams.

Legal Implications and Risk Assessment Statement

Governance arrangements that are consistent with the CIL regulations must be agreed. If they are not then the Council runs the risk of challenges from developers over the use of CIL to the Ombudsman being upheld.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Appendices:

Appendix A – CIL Spending Board Membership and Terms of Reference 2015/16 (to follow)

Appendix B – CIL Spending Board Protocol for Speaking For or Against Proposals

Background Papers:

[Report to Cabinet 5 March 2015 – CIL Governance](#)

Richard Morris
Chief Planning Officer