

APPENDIX X1: Community Infrastructure Levy Spending Board

1. Terms of Reference of the Board

- 1.1. The Board shall consider bids for **Community Infrastructure (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 **who** 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 **Subject to the Council’s Code of Conduct and the Localism Act 2011 (or any Act superseding these Acts)**, 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.)

~~5.6~~ **5.1** At the beginning of the meeting the Chairman will **move the recommendation and** 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.

~~5.4~~ **5.2** Officers will be invited to introduce a summary of CIL at the beginning of the meeting to include:

- Summary of **current** 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.

~~5.7~~ **5.3** The Chairman will read out **each** the project title.

~~5.8~~5.4The officer will introduce the bid then the item and lay out the key considerations and summarise the recommendation for each bid.

~~5.9~~5.5Speakers 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 s/he sees fit.

~~5.4~~5.6Those 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~~5.7The company/person/body submitting the Bid will be expected to present their Bid to the Spending Board. A bid is likely to be deferred if the Board considers that they reasonably require further information in order to determine it.

5.8 Speakers are allowed visual aids (of up to 5 slides).

~~5.10~~5.9Speakers will then be asked Members of the Spending Board will then have an opportunity to ask questions of clarification of the Speakers present.

~~5.11~~5.10Members of the Spending Board will then have an opportunity to ask questions of the officers present.

~~5.12~~5.11Discussion of each Bid will then take place. Any proposed changes shall be treated as an amendment to the motion and voted on accordingly.

5.13 ~~5.12~~ A decision on each Bid the motion will only be made at the end of the meeting after all the Bids have been are discussed. This ensures that every bid is considered and discussed before any decision is made.

5.13 The Board can only consider the bid put before them and the details provided by the applicant. This means that the Board cannot amend any details of the bid or the amount of money awarded at the meeting. They can only agree, refuse or defer if they consider more information is needed or that further investigation is required to be carried out in regard to the costs of the project.

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 should usually be for one of the following recommendations Each bid should be given the following considerations during the decision making process:

- Whether sufficient evidence has been provided to demonstrate a strong social, environmental or economic justification for the scheme.
- Whether sufficient 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 demonstrate a strong link between new development and the scheme justify it.
- Whether sufficient evidence has been submitted to show that the project involves partnership working.
- Whether the scheme forms part of a planned, local, economic or community strategy to address the need for local or strategic infrastructure.
- Whether sufficient evidence has been provided to show the clear public benefit to the scheme.
- Whether sufficient evidence has been provided to show that funding has been maximised from other funding sources.
- Whether there is sufficient certainty that the scheme will be delivered, including considering whether the project has all the

necessary permissions in place and evidence has been provided to demonstrate that there are sufficient maintenance arrangements in place.

- Whether the scheme has local support.
- Whether the project has already benefited from CIL through the Parish and Town Councils.
- Whether overall the scheme provides a strong community benefit.
 - ~~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 After all the bids have been considered individually and any amendments made, a vote will take place on the motion / substantive motion 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
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 local or Key Infrastructure projects
- Whether the applicant is working in partnership to implement the scheme
- Is the scheme bid part of an existing Strategy or Plan?
- The Is there a significant public benefit of to the scheme?
- Is there match funding for the scheme
- Has the applicant sought to maximise funding from other sources?

- Is there clear project management
- ~~Is planning permission in place (if required)?~~
- **Is the scheme deliverable?**
- Does the **scheme and bid** have local support?
- **Has the project already had CIL funding?**
- **Does the scheme provide an overall community benefit?** ~~What is the Cost benefit to the scheme?~~

****Infrastructure Definition - The term “infrastructure” is the basic systems, facilities and services which support development in an area. These can include highways and other transport facilities, flood defences, energy, educational facilities, health and social care facilities, community facilities, green blue infrastructure etc***

Each ~~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 **initial** assessment and recommendations will be **provided to** will be agreed by the Chairman **and Vice** Chairman of the CIL Spending Board in advance of the papers being published for the Spending Board Meeting. **The Report to the CIL Spending Board will include a summary of what criteria the bids score highly against and those where they perform weaker against.**~~

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

CIL Spending Board’s **Key** Considerations

The CIL spending board’s key considerations will be whether there is a public **and overall community** 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 sufficient evidence has been submitted to show that the project involves partnership working.
- Whether the scheme forms part of a planned, local, economic or community strategy to address the need for local or strategic infrastructure.
- Whether sufficient evidence has been provided to show the clear public benefit to the scheme.
- Whether sufficient evidence has been provided to show that other sources of funding have been maximised ~~Whether the CIL contribution will be matched by funding from other sources.~~
- Whether there is sufficient certainty that the scheme will be delivered, including considering whether the project has all the necessary permissions in place and evidence has been provided to demonstrate that there are sufficient maintenance arrangements in place.
- ~~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 has local support. ~~Whether the scheme is supported by the relevant town/parish council.~~
- Whether the project has already benefited from CIL through the Parish and Town Councils.
- Whether overall the bid provides a benefit to the community as a whole
- ~~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. The recommendation to Cabinet for each item should usually be for one of the following:

- Funding for the scheme is approved.
- Funding for the scheme is approved subject to a legal agreement being entered into. If no legal agreement is entered into, within 6 months the bid will be reported back to the CIL Spending Board to be reconsidered.
- Funding for the scheme is secured and set aside for this project. The funding will be paid upon the completion of a legal agreement and when planning permission is granted for the project. If planning permission is not granted, the bid will be reported back to the CIL Spending Board to be reconsidered.
- Funding for the scheme is secured and set aside for this project. The funding will be paid upon the completion of a legal agreement and when all the funding sources laid out in the submission documents have been secured. If not all the funding is secured, within 1 year, the bid will be reported back to the CIL Spending Board to be reconsidered.
- 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.
- A decision of the provision of funding a scheme is deferred. It is considered that further evidence is required to fully show the benefits of the scheme.
- A decision of the provision of funding for the a scheme is not approved on the basis that the scheme deferred. It is considered that further evidence is required to indicate whether the project is viable is not considered to be an appropriate use of CIL.

If the decision is for the application to be refused then an applicant should be given sufficient information to understand the reason why. If it is deferred then the applicant should be given sufficient clarity over what information is required for the Bid finally to be determined. 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.