

Item 7 - Community Infrastructure Levy (CIL) Governance Annual Review

The attached report was considered by the Development & Conservation Advisory Committee on 19 October 2021. The relevant Minute extract is below.

Development & Conservation Advisory Committee (19 October 2021, Minute 17)

The Planning Policy Team Leader (Infrastructure) presented the report on the annual review of governance arrangements of allocating Community Infrastructure Levy (CIL) funding to local and strategic infrastructure projects across Sevenoaks District. The current governance arrangements had been agreed by Members of the Committee in July 2020. The report looked at what had been implemented and considered the recommendations made by an independent review, as well as any further changes that were required to the process of spending CIL. The Chairman and Vice Chairman of the CIL Spending Board had also been consulted.

Members took the opportunity to discuss the report and the comments made by the independent review by the Planning Advisory Service (PAS). Members discussed the suggested approach as set out in paragraphs 18 to 22 and 28 to 30 of the report. The Planning Policy Team Leader (Infrastructure) advised that due to time constraints for some infrastructure projects that would otherwise go without the benefit of CIL monies, or may never be implemented, it was proposed that 15% of the money currently allocated CIL Spending Board money be allocated to spend on projects outside of the Spending Board process, in certain circumstances. Members discussed the suggestions and whether some changes could be made, including the removal of allocating to officers, that the allocation be 15% of the CIL money received in a financial year, and that the Leader and Portfolio Holder for Development & Conservation agree the spend by a Portfolio Holder Decision. Members discussed if other Members of the Committee should be consulted noting particularly the Chairman and Vice Chairman of CIL Spending Board should be consulted.

Members also noted that there were proposed changes to part X1 of the Council's constitution.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that

- a) the following approach as detailed within the report and as (i) to (v), below be agreed;
 - i. Whilst the results of the assessment are good overall as we are seen as being a well-managed and integrated authority, it is important for us to consider if there are any ways to improve.
 - ii. One of the main suggestions is to look at predicting our CIL income. As officers, our recommendation in the past has been that we do not predict our CIL income as there is no guarantee and it is difficult to predict. This has been because not all permissions that have been served a Liability Notice will be implemented and also as we have no control over when development commences. Predicting CIL could cause us problems or unnecessarily raise hopes. If we allocate funds based on our prediction and less CIL actually comes in, it could also lead to disappointment and projects may miss out. As currently nothing relies on our CIL income and the meeting of the CIL Spending Board is flexible and is based on how much CIL actually comes in, it is suggested that there is no need to predict our CIL income and that we set up a CIL Spending Board only when we have sufficient CIL income to do so.
 - iii. It has also been suggested that we adopt a structured engagement plan to set out formally how we engage with stakeholders. Whilst this could be positive as we could formally set out ways in which we interact and when, it could also be beneficial to leave this flexible so we can interact and agree outcomes as and when needed.
 - iv. I do not consider that there is a need to set up an officer's working group as the CIL Spending Board is set up to distribute CIL funds and the DCAC and Cabinet oversee the Governance of this. It is considered that this is appropriate and a working group is not required.
 - v. In regard to the focus of our IDP, it will be possible to make this more of a delivery document, to look to update this regularly and also to ensure that it links into our IFS. It is important to have a clear structure to this process to ensure that all parties are included and to ensure that this links to our more strategic aims. As we are looking at the IDP and IFS again, in relation to a revised Local Plan, this is the perfect time to consider how this can be done more effectively. As a team are looking at this, it is considered that we can look at a better and more efficient way of dealing with this but no details have been decided yet. It is requested that this aspect be allocated to officers to consider a way forward.

- b) the changes to CIL Spending as detailed as (i) to (iii) below, be agreed;
- i. As the percentage for admin and Parish and Town Council's have already been agreed, it is suggested by officers that out of the 70% allocated to the CIL Spending Board to spend, that 15% percent be set aside for officers to spend outside of the CIL Spending Board process.
 - ii. It is still appropriate for the majority of the spending to be allocated through the CIL Spending Board. It be suggested that 15% of the CIL Spending Board money is allocated to spend on projects outside of the CIL Spending Board process and that funding can only be allocated in the following circumstances:
 - The project is for infrastructure
 - The request is submitted in writing
 - The project is for one of the priorities laid out in the Council's IFS.
 - A clear need is shown for this project and it provides a clear community benefit.
 - It is part of an existing strategy or plan.
 - That the project has sought to maximise funding from other resources.
 - It is within a financial year
 - That the Leader of the Council and Portfolio Holder for Development & Conservation agree to the spend, by sign off on a Portfolio Holder Decision sheet, following consultation with the Chairman and Vice Chairman of CIL Spending Board.
 - iii. It is considered that this will enable Sevenoaks District Council to contribute to much needed infrastructure projects that otherwise would go without the benefit of CIL monies or may never be implemented. There is no time limit on when this money can be spent and provided the projects will meet the criteria above it will be at officer's discretion. It is only a small percentage of the CIL funds and would enable SDC to be more flexible with the allocation of CIL and be able to help projects that are in line with our priorities.

- c) the amendments to Appendix X1 of the Constitution, as set out in Appendices A, B, C, D and E to the report, be agreed.