

27 June 2017 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks



Governance Committee

Further to the recent despatch of agenda and papers for the above meeting, please note that an additional agenda item has been added, which the Chairman has agreed to take as urgent matter:

	Pages	Contact
6. Referral from the Planning Advisory Committee	(Pages 1 - 6)	

Reasons for urgency:

The reference was made by the Planning Advisory Committee on 22.06.17 who agreed to refer the draft Protocol to the Governance Committee. As the Governance Committee papers were despatched prior to the recommendation of Planning Advisory Committee, the papers had not been available five clear working days before the meeting. The Governance Committee is not due to meet until November 2017, and therefore the delay of the consideration by Governance Committee would cause further delay in the Community Infrastructure Levy Spending Board meeting. The Chairman has agreed to it being taken as an urgent matter so that the Governance Committee's Comments will be available in advance of the July Cabinet meeting.

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Urgent Item - Referral from the Planning Advisory Committee

Relevant minute extract below from the meeting of the Planning Advisory Committee held on 22 June 2017.

15 Referral from Cabinet or the Audit Committee

The Chairman advised that she would allow Members 5 minutes to consider the supplementary agendas that had been tabled.

Members noted the referral from Cabinet, which requested the Committee provide a more detailed recommendation on a model for the Community Infrastructure Levy (CIL) Spending Board similar to that applicable to the current Development Control Committee. The Planning Policy Team Leader advised that she had drafted a note which designed to assist members of the Planning Advisory Committee. This note made the following suggestions: an explanation of the benefits for the proposed change in committee set up from a 'pool' style committee to a fixed committee and also details on the role of members and members conduct and a potential speaking protocol both based on part 7 of the Council's constitution.

Members discussed a fixed membership of 19 members, which mirrored the same number of Development Control Committee. Members asked questions of clarification. In response Members were advised that the decision of the monetary allocations would be decided once all of the bids had been heard. This would include those that did not have any registered speakers as Officers would still introduce the item. A concern was expressed that there could be conflicts of interests with bids being in Members wards of towns and therefore wording in the protocol needed to reflect the whole district.

Members discussed how often the Board may meet and whether there would be a financial threshold before a meeting was scheduled to meet.

It was moved by the Chairman that it be recommended to Cabinet that the CIL Spending Board have a fixed membership of 19 Members and that Officers be delegated authority to finalise a draft protocol in consultation with the Chairman, Vice Chairman, Portfolio Holder for Planning and the Chairman of the CIL spending Board and this be referred to Governance Committee and be recommended to Cabinet.

The motion was put to the vote and it was:

Resolved: That

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- a) Officers be delegated authority to finalise a draft CIL spending Board protocol in consultation with the Chairman, Vice Chairman, Portfolio Holder for Planning and Chairman of the CIL spending board;
- b) the draft protocol be referred to Governance Committee;
- c) it be recommended to Cabinet that the CIL Spending Board consist of a fixed membership of 19 Members; and
- d) the draft protocol be recommended to Cabinet.

(Draft protocol attached)

Draft Protocol for the CIL Spending Board

Role of members and members conduct

- 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.
- Members should contact Legal and Democratic Services before a meeting if they have any doubt in their minds regarding a potential Disclosable Pecuniary Interest (DPI).
- 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.

Board structure, procedures and speaking protocol

- There is a fixed Chairman and Vice-Chair, who are part of the 19 members proposed. They will be elected annually at Annual Council.
- 5 members are required to constitute a quorum.
- 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.
- 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.
- 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.

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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. Visual aids are allowed by speakers.
- 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.
- 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 meeting after all the Bids are discussed.
- 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
 - Partial 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.