

# 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.)

- 5.1 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.
- 5.2 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
- 5.3 The Chairman will read out each project title.
- 5.4 The officer will introduce the bid then lay out the key considerations and summarise the recommendation for each bid.

5.5 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 s/he sees fit.

5.6 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 may be accepted until the start of the meeting.

5.7 The 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).

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

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

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

5.12 A decision on the motion will only be made at the end of the meeting after all the Bids have been 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 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 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 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.

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 (CIL) SPENDING BOARD**

**BID FOR FUNDING PRO-FORMA (INFRASTRUCTURE ONLY)**

<b>Scheme name:</b>	
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<b>Description of Scheme:</b>	
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<b>1</b>	Is this scheme promoted by your organisation in partnership with another organisation(s)?	<b>Yes / No (please delete as appropriate)</b>	
		Organisation Name(s):	
		Responsible individuals(s):	
		Signature(s) on behalf of other supporting organisations(s):	
		Please provide details of the Agreements you have in place with your partners. Including the % of money guaranteed for the scheme from each organisation.	

<b>2</b>	Is planning permission required for the scheme?	<b>Yes / No (please delete as appropriate)</b>	
		If yes, has it been applied for?	
		If no, please explain why?	
	If planning permission has been granted - please provide details and a reference number.		

	Details of any other consent required (if appropriate (e.g. conservation, Listed Buildings, other Government bodies):	Consent required	
		Date applied for / granted	

**Need for the Scheme**

<b>3</b>	List of projects or development that result in the need for this scheme:	
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<b>4</b>	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):	
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**Please provide an explanation of the ‘public benefit’ of the scheme proposed for residents in Sevenoaks District:**

<b>5</b>	Economic	
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<b>6</b>	Social	
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<b>7</b>	Environmental	
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<b>8</b>	Is the need for the scheme identified in any adopted strategy/plan? E.g. Neighbourhood Plan, Work programme of a Statutory Body, Infrastructure Plan. If so, which?	
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<b>9</b>	How does the scheme identify with the Council’s Infrastructure Delivery Plan (IDP) and its priorities?	
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**Funding**

<b>10</b>	Total Project Cost	£	
<b>11</b>	Funding required from CIL:	£	
	Please 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.  Please provide the status of each source of funding for example whether it has been formally agreed, whether it has already been paid, whether it has been agreed in principle, if you are waiting for a decision in regard to the funding, or whether you are investigating the source of funding etc.	1)	
		2)	
		3)	
		4)	
		5)	
6)			
<b>12</b>	Is this bid for staged payments?	Yes / No (please delete as appropriate)	
	Will staged payments be accepted?	Yes / No (please delete as appropriate)	
	Please provide details of anticipated funding requirements and timetable		
<b>13</b>	Has a bid(s) for CIL funding been made to relevant town and parish councils?	Bid made (please delete as appropriate):	Yes / No
		Details of bid	
		Decision made (please delete as appropriate):	

		Details of decision:	
	If this bid is being made by a Parish or Town Council and no CIL funds have been contributed by them, please provide an explanation for this.		

14	Would the scheme be fully funded if the CIL contribution is agreed?	Yes / No (please delete as appropriate)	(please delete as appropriate)
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15	Has this scheme already benefited from CIL funding through the CIL Spending Board?	Yes / No (please delete as appropriate)	(please delete as appropriate)
		If Yes; Please provide further justification as to why further CIL funding is required for this project.	

16	Has this scheme/land/building already benefited from funding from Sevenoaks District Council?  Note- this can include grants, section 106s, a Community Fund etc.	Yes / No (please delete as appropriate)	(please delete as appropriate)
		If Yes; Please provide further details of amount and the project involved.	

**Deliverability**

17	Does your organisation have the legal right to carry out the proposed scheme?	Yes / No (please delete as appropriate)	(please delete as appropriate)
		If not, you must attach documentation showing that the statutory provider of this service supports this scheme.	

18	Anticipated start date for delivery of the scheme:	
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19	Anticipated finish date for the delivery of the	
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	scheme:	
20	Anticipated date when CIL funding will need to be made available:	
21	Does land need to be purchased to facilitate the scheme?	<b>Yes / No</b> (please delete as appropriate)
		Please provide details
22	Please provide a consultation plan to let SDC know when they can expect progress reports on the project.	
23	Please provide details of the management and timescales of the project.	
<b>Support</b>		
24	Has consultation been carried out on the scheme or is any planned?	<b>Carried out / Planned / No consultation planned</b> (please delete as appropriate)
		Please provide details (Note: Results can be attached separately if necessary.)
25	Is a relevant SDC ward member(s) supportive of the scheme?	<b>Yes / No</b> (please delete as appropriate)
		You may provide the signature of an SDC ward member or an email from them to <a href="mailto:cil@sevenoaks.gov.uk">cil@sevenoaks.gov.uk</a> .
26	Is the relevant town/parish council supportive of the scheme?	<b>Yes / No</b> (please delete as appropriate)
		Signature of a town/parish council chairman, clerk or chief executive (Note: An email from

		them to <a href="mailto:cil@sevenoaks.gov.uk">cil@sevenoaks.gov.uk</a> would also be sufficient).	
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27	Do you have any other local support for the scheme? This can be in the form of businesses, community groups etc.	<b>Yes / No</b> (please delete as appropriate)
		Please provide details of local support. (Note: An email from a relevant party to <a href="mailto:cil@sevenoaks.gov.uk">cil@sevenoaks.gov.uk</a> would also be sufficient).

**Maintenance**

28	Which organisation will be responsible for ongoing maintenance?	
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29	Are funding arrangements in place for maintenance?	<b>Yes / No</b> (please delete as appropriate)
		Please provide details

30	Please provide any further comments here. This could include if there are any other infrastructure projects that are related to this bid or any that rely on this bid.	
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**Declaration**

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.

**Signature** .....

**Name** .....

**Position** .....

**Further information:**

Name, role and contact details of the person that will be the contact for this bid:	
Name, role and contact details of the person that will be attending SDC's CIL Spending Board to support this bid:	
Name, role and contact details of the person that will be the point of contact and responsible for the Legal Contract:	
Name, role and contact details of the person that will be legally responsible for receiving the CIL fund*:	
Full company/charity name:	
Registered No:	

### Privacy Notice

The personal data which is collected within this form is reasonably necessary for its public task of processing your application for CIL grant funding. This includes considering whether to grant the application and to ensure the effective management of CIL grant funding if approved.

If your application is unsuccessful then personal information will be retained for a period of 10 years after the application is refused. The personal data shall then be deleted except for any information made public under the Council's other legal obligations (including the Access to Information provisions of the Local Government Act 1972 or the Freedom of Information Act). If your application is successful then your data will be retained for the duration of the project applied for and for the full period in which the contract under which the monies are transferred is enforceable. The personal information will then be deleted, except for any information made public under the Council's other legal obligations. Any information relating to this application which is deleted will be deleted in accordance with the Council's standard record retention practice.

Unless otherwise stated we will generally handle personal information in accordance with the Council's Privacy Policy, which can be found through our website at [www.sevenoaks.gov.uk/privacy](http://www.sevenoaks.gov.uk/privacy).

# Sevenoaks District Council

## Community Infrastructure Levy Spending Board

### Decision Making Process

#### First Stage of Validation Process

The lead officer will undertake an initial validation of bids. The following will not be put to the spending board for consideration and, subject to any request for a review process offered, shall be considered as invalidated:

- 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 part of an existing Strategy or Plan?
- The public benefit of the scheme?
- Has the applicant sought to maximise funding from other sources?
- Is there clear project management

- 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?

*\*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 bid will be scored against how they perform against each category. The lead officer’s initial assessment and recommendations will be provided to 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.

Those applications which are not referred to that meeting of the Board shall be refused.

### **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. 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 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 bid provides a benefit to the community as a whole

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 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 a scheme is deferred. It is considered that further evidence is required to indicate whether the project is viable.

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.

#### **Request for a review of a bids considered by Sevenoaks District Council not to succeed under Stage 1 of the Validation Process**

1. A request for a review must be made within 6 months of the letter from Sevenoaks District Council informing them of one of or more of the following:
  - that the project is not considered to be infrastructure;
  - that the bid is considered to be incomplete or
  - there is insufficient evidence to show that the organisation making the bid has the right to carry out the scheme.
2. The request for a review must be submitted formally in writing or emailed to the following address [cil@sevenoaks.gov.uk](mailto:cil@sevenoaks.gov.uk).
3. The request for a review must contain additional evidence/information in addition to the original bid as to why they consider their project complies with the 1<sup>st</sup> stage of validation.
4. Sevenoaks District Council will review the information submitted, they will liaise with legal and make a decision on the information submitted within 6 weeks. If a decision cannot be met within 6 weeks, they will contact the organisation to explain why and provide a new date for a decision to be made.
5. A senior manager will review the case, before a response is provided.



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. Whilst we are aware that new projects would improve the immediate environment, bids would be looked upon more favourably if they included a wider environment benefit. For example landscaping improvements to a wider area, enhancements to wildlife, enhancements to the overall appearance of the wider site etc.</p>
2	Does the scheme proposed support local or strategic infrastructure.	Schemes that will provide for key infrastructure projects are 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 123 List) or Infrastructure Delivery Plan will provide towards a clear local need and will receive a higher score. Evidence should also be provided to demonstrate a strong link new development and the bid project. Projects with also support local community projects with a clear community benefit will also be looked upon favourably.
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, economic strategies, Work Programmes by statutory bodies or if it has been identified as a key or much needed 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	Does the scheme show that funding has been maximised from other sources	The majority of money to fund a project should not come from CIL. It should not be used to fund entire projects. Please note schemes that will be relying totally on CIL will not be considered favourably. Schemes that already have a large amount/majority of funding in place will receive a higher score. The security of the funding should also be considered. The majority of funding should be sought from other sources of funding.
7	Deliverability	<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> </ul> <p>whether planning permission or other consent is required or sought? Bids that have planning permission in place will be looked upon favourably. This assessment should also include considering whether the works require PP or whether the proposal is permitted development. This assessment should also ensure that the applicant has checked this issue. It is considered that large scale projects which are supported by a number of neighbourhood, local and business plans are unlikely to have all their paperwork and funding in place. Therefore this part of the assessment should also consider the benefits of a larger scheme against the fact that they do not have all their permissions in place.</p>
8	Does the Bid have local support?	In particular, does the Bid have the support of a local member, a local organisation or business and/or the Parish and Town Council? Bids that have local support are more likely to be looked upon favourably.
9	Has the project already had CIL funding?	A lower score will be given for those projects which have already received CIL funding via the CIL Spending Board. Unless a strong justification can be provided as to why further funding is required. Projects which are working in Partnership and include CIL funding from Parish or Town Councils will be looked upon more favourably. If the Parish and Town Councils are not contributing to their own CIL, an opportunity is provided to allow them to explain why.
10	Evaluation of the overall benefits of the scheme and the benefit it provides to the community	Higher scores will be given to those projects which show that they have sought the majority of their funding from other sources and overall provide clear evidence of a community benefit or need. Projects where the CIL money would complete the scheme will also be scored highly.

