

Report to: **Strategic Planning Committee**

Date of Meeting: Tuesday 27 November 2018

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 16

Subject: **Community Infrastructure Levy Members Working Party Terms of Reference**

Purpose of report: The CIL Working Party was set up by Strategic Planning Committee on 29 March 2017 (minute 44) and subsequently approved by Council on 26 April 2017 (minute 70). Given the potential range of interests which could be expressed in the future expenditure of CIL, it is in keeping with good practice and transparency in local government to have agreed terms of reference for this advisory body, which are accessible to the public, and a range of stakeholders.

Recommendation: **To agree the Community Infrastructure Levy Members Working Party Terms of Reference**

Reason for recommendation: Since the inception of the Community Infrastructure Levy Members Working Party, on Friday 8 September 2017, there have been no agreed Terms of Reference. Members of the group are, therefore, asked to agree the Terms of Reference as set out.

Officer: Susan Howl, Democratic Services Manager, 01395 517541

Financial implications: No specific financial implications with the terms of reference.

Legal implications: Other than to note that it is appropriate from a good governance point of view that there are clear terms of reference for the Working Group there are no direct legal implications arising.

Equalities impact: Low Impact
Since the Community Infrastructure Levy Members Working Party is an advisory body; the Strategic Planning Committee must give due regard to potential equalities impacts on those with protected characteristics when considering future expenditure of CIL.

Risk: Low Risk

Links to background information:

- [Strategic Planning Committee Minutes from 29 March 2017 \(minute 44 - Community Infrastructure Levy – Governance\)](#)
- [Council Minutes from 26 April 2017 \(minute 70 – Minutes of Cabinet and Committees\)](#).

Link to Council Plan: Encouraging communities to be outstanding; Developing an outstanding local economy; Delivering and promoting our outstanding environment; and Continuously improving to be an outstanding council.

Community Infrastructure Levy (CIL) Member Working Party

Membership: 5 Members of the Strategic Planning Committee

Meetings: As and when required

Quorum: 3

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

CIL takes the form of a tariff calculated on the basis of floor-space and is only payable for certain types of development in certain locations. In East Devon, full information is contained in the council's [charging schedule](#) (adopted by Council on 20 April 2016 and came into effect on 1 September 2016).

'Infrastructure' for the purposes of CIL includes:

- Roads and other transport facilities
- Schools and other educational facilities
- Flood defences
- Medical facilities
- Open spaces
- Sports and recreational

The revenue from the levy must be used for supporting the development of an area by 'funding the provision, replacement, operation or maintenance of infrastructure'. The

[Regulation 123 List](#) sets out the infrastructure which money raised through CIL will be used to fund in whole or in part. Whilst CIL can also be spent on other infrastructure projects which are not identified on this list, it serves as a good guide as to what CIL money may be spent on. "123" refers to the Regulation within the CIL Regulations which requires the list to be produced and does not mean it is a priority 1, 2, 3 list. The [Infrastructure Delivery Plan \(IDP\)](#) provides a guide to the specific projects that are required to deliver the Local Plan (only some of which will be fund in whole or part by CIL) and the priority for their delivery.

Statement of Purpose

The CIL Working Party was set up by Strategic Planning Committee on 29 March 2017 (minute 44) and subsequently approved by Council on 26 April 2017 (minute 70). Its primary role is to consider community infrastructure funding bids received and make recommendations to the Strategic Planning Committee on Community Infrastructure Levy spend. The Community Infrastructure Levy (CIL) Member Working Party is a non-decision making body which assists and advises the Strategic Planning Committee.

Terms of Reference

1. To advise and recommend a strategy for the expenditure of the Community Infrastructure Levy.
2. Where the agreed strategy for expenditure includes a bidding process to advise and recommend a scoring criteria for assessing Community Infrastructure Levy bids.
3. Where 2. above applies to consider community infrastructure funding bids received.
4. To consider and recommend Community Infrastructure Levy spend to the Strategic Planning Committee.