

COMMUNITY INFRASTRUCTURE LEVY 2010 (CIL)

ALLOCATIONS ADVISORY PANEL (“CAAP”)

Terms of Reference

17 September 2019

1. Introduction

- 1.1 Under the Localism Act 2011 and the CIL Regulations 2010 local authorities across England are empowered to collect CIL payments required for infrastructural development and upgrades in order to support development within their respective administrative areas.
- 1.2 The money collected from the imposition of Winchester City Council’s approved CIL Charging Schedule and associated Regulation 123 List supports the delivery of infrastructure across the district of Winchester City Council and provides crucial financial support for the four delivery targets in the Core Strategy, Local Plan, Infrastructure Delivery Plan (IDP) and the defined infrastructural needs of local communities up to 2031.
- 1.3 The allocation of CIL receipts is divided into several streams which are explained in more detail under the CAB2569 approval by Cabinet in March 2014 which sets out how CIL receipts will be broadly allocated to infrastructural demands of the district as identified in the CIL 123 List and to properly identified local neighbourhood and parish infrastructural demands.
- 1.4 The Council’s most up to date CIL Protocol contains details on the nomination process whereby members, parish councils, community groups and other development partners will be encouraged to submit detailed proposals for CIL funding in their area of between £10,000 and £200,000. £1m of CIL income in total is proposed to be set aside to support this process between 2019 and 2022. It is also proposed that all proposals for the “District CIL” element of the programme (whether from Council teams, statutory providers or other partners) should be assessed using the same criteria. The CAAP Terms of Reference will establish these allocations criteria and the CAAP shall act as an advisory panel only with Cabinet being authorised to take the final decision in each case.
- 1.5 The authority for the establishment, membership and Terms of Reference of the Council’s CIL Allocations Advisory Panel (“CAAP”) is based in the Cabinet approved Community Infrastructure Levy – Operational Review report of Portfolio Holder for the Built Environment, Cllr. Caroline Brook dated 19 September 2018. Details about

the current levels of CIL receipts and the allocation plans are found within this report and will be used to inform the decisions of the CAAP.

2. Membership

- 2.1 The CAAP which is an informal advisory panel of senior officers shall include, but not be limited to: the Portfolio Holder for Built Environment; the Strategic Director (Services); the Strategic Director (Resources), the Strategic Director (Place) and may include, but not necessarily, a willing representative from Hampshire County Council.
- 2.2 The panel shall review valid CIL allocation proposals properly received and make recommendations to Cabinet which will have the final decision.
- 2.3 Three members of the CAAP shall constitute a quorum for each sitting of the panel.
- 2.4 A member who brings their own CIL allocation proposal may not sit as a member of the panel for the session (or part thereof) where that proposal is considered by the CAAP but he/she may appoint a substitute.
- 2.5 In the event of a panel member's absence from a sitting of the CAAP no substitute shall be allowed to sit instead, except where it is done so as a result of 2.4 above.
- 2.6 In the event that the panel member titles referred to in 2.1 above are amended from time to time, the substantive holder of the post, or equivalent post, shall qualify instead.

3. Meetings

- 3.1 The CAAP shall convene as and when it is necessary to consider allocation nominations that have been received in the intervening period.
- 3.2 The date and times for the meeting of the panel shall be distributed to members of the panel in advance of the meeting with an agenda and list of allocation nominations to be considered and advice given.
- 3.3 The CAAP is not a formally constituted sub-committee and has no decision-making authority, therefore, sessions are not required to be held in public and public attendance and participation is not necessary before the panel.
- 3.4 The informal advice of the CAAP shall be captured in the record of the meetings and a recommendation recorded for Cabinet to consider at its next convening.

- 3.5 A meeting is not required for amendments or updates to any of the allocation proposals that may arise from time to time and these may be circulated by email if the CAAP members agree.

4. Terms of Reference

- 4.1 The CAAP shall be responsible for reviewing valid CIL allocation nominations received by the Council from time to time against the Council's formal infrastructural strategies and plans dealing with the allocation and spending of CIL monies,
- 4.2 The Cabinet decided under CAB3071 in September 2018 to adopt the following CIL allocation criteria and compliance (or not) with these criteria will inform the advice and recommendation of the CAAP:
- 4.2.1 Proposal contributes to the delivery of infrastructure;
 - 4.2.2 Schemes and requirements set out in the adopted Winchester District Local Plans (Parts 1 and 2), Council Strategy or supporting strategies;
 - 4.2.3 Proposal contributes to the delivery of key development sites in the District;
 - 4.2.4 Proposal is included in the CIL Reg. 123 List;
 - 4.2.5 Proposal is included in the Infrastructure Delivery Plan (IDP);
 - 4.2.6 Proposal contributes towards the delivery of infrastructure by a provider (including the County Council) where it can be satisfactorily demonstrated that the infrastructure would not otherwise be delivered, i.e. that all other possible funding sources are insufficient;
 - 4.2.7 Proposal levers in other funds that would not otherwise be available, e.g. needed match or draw grant funding;
 - 4.2.8 Proposal offers wider as well as local benefits;
 - 4.2.9 Proposal addresses a specific impact of new development beyond that which has been secured through a s106 planning obligation or s278 highways agreement
- 4.3 Once a full review of the information provided in support of the allocation proposal has been made the CAAP shall determine whether it is going to recommend the approval of the proposed spending of CIL monies to Cabinet.
- 4.4 Once there is consensus amongst members of the CAAP a recommendation in the form of advice to Cabinet must be resolved and recorded by the CAAP in writing.
- 4.5 Recommendations of the CAAP may take into account the nature of the infrastructural requirement, the value of the proposed spend and the proportion of CIL monies that the proposal represents in relation to the four primary allocation strategies of the Council and the financial limitations set out in 4.6 below.

- 4.6 To enable the CAAP to make a fully informed recommendation, the panel shall be entitled to consult any party associated with a nomination for further information to enable the CAAP to better understand the proposal.
- 4.7 Only nominations which are valued between £10,000 and £200,000 in respect nominations by members, parish councils, community groups and other development partners will be considered by the CAAP and the maximum amount of CIL spending that the CAAP may make recommendations for is £1,000,000 in total.
- 4.8 Nominations of any amount for the “District CIL” element of the programme (whether from Council teams, statutory providers or other partners) will be considered by CAAP and assessed using the same criteria.
- 4.8.1 In the event that the CAAP considers an allocation proposal during a period where one or more of the Council’s infrastructural or policy plans is under review the recommendation of the CAAP shall take into account the prevailing strategy, policy or plan, as the case may be, EXCEPT where the imminent strategy, policy or plan is at such an advanced stage that it carries sufficient material weight to affect the recommendation.
- 4.9 Where the CAAP has made a recommendation on an allocation proposal and it later transpires that some or all of the information provided as part of the nomination is false or misleading the CAAP shall be entitled to withdraw or amend its recommendation.
- 4.10 The CAAP shall also be entitled to consider amendments, updates or an adjustment to any nomination(s) by email if agreed by members of the CAAP.

5. Review

- 5.1 These CAAP Terms of Reference shall be reviewed and if necessary amended annually and may also be amended from time to time when it is expedient to do so.

August 2019