

Cheltenham, Gloucester and Tewkesbury

Community Infrastructure Levy Joint Committee

Terms of Reference

Introduction

Cheltenham Borough Council, Gloucester City Council and Tewkesbury Borough Council worked together to produce the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (2017) (the JCS) as the overarching strategy to guide the development of their area. The three councils (the member councils) have agreed to pool the receipts received from the Community Infrastructure Levy (CIL) with the aim of working together to achieve the objectives of the JCS.

To facilitate an open and transparent joint approach to the governance of the application of CIL receipts the member councils have resolved to establish a joint committee.

Purpose

The Community Infrastructure Levy Joint Committee (the “Committee”) shall work jointly and collaboratively to advise the member Councils on CIL generally and make decisions on bids for CIL monies that have been pooled by the constituent Councils. The member Councils of the Committee are charging authorities for the purposes of the Community Infrastructure Levy Regulations 2010 (as amended) (the “CIL Regulations”). The Committee shall consider how community infrastructure levy (CIL) receipts should be spent to support the development of the Council’s area, in accordance with Regulations 59(1) and 59(3) of the CIL Regulations.

Regulation 59(1) of the CIL Regulations provides (1) that charging authority must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.

Regulation 59(3) of the CIL Regulations provides that a charging authority may apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure outside its area where to do so would support the development of its area.

The member councils believe that working together to pool CIL receipts for the development of infrastructure within their collective administrative areas will support the delivery of their shared objectives as set out in the JCS and consequently will support development within their respective areas in accordance with Regulation 59(3) of the CIL regulations.

The Pooled Fund

In recognition of the joint approach the member councils have agreed Infrastructure Funding Statements (IFS) and Infrastructure Lists (IL) which identify infrastructure priorities that are consistent with the objectives of the JCS and their localities to support development across the JCS area.

It is the intention of the member councils to pool 100% of the CIL receipts they receive net of any CIL receipts which are either passported to local councils or are allocated by the member councils to

their individual neighbourhood CIL funds in accordance with Regulation 59A and 59F of the CIL regulations respectively.

Notwithstanding the agreement by the member councils to pool 100% of their net CIL receipts, it is recognised by the member councils that the IL's agreed by the member councils may contain infrastructure projects which are of greater importance to one member council, notwithstanding that but the project is of benefit to the JCS area as a whole. There may from time to time be exceptional circumstances where specific infrastructure is identified as a new priority for one or more councils. Where this occurs, this will be presented to the Joint Committee for consideration.

Any member council that considers it is no longer appropriate for the member councils to pool 100% of their net CIL receipts shall be able to trigger a review of these terms of reference in accordance with the Governance section appearing herein below.

The Role of the Joint Committee

The Committee shall:

- Oversee the Strategic CIL application process and scrutinise each project bid for strategic fit and compliance with CIL requirements.
- Be accountable for the oversight, monitoring and governance of awards.
- Take an objective and detached view of applications.

The first meeting of the Committee will be to agree the process for assessment of pipeline of projects for investment.

The CIL Officer Working Group shall be made up of appropriate officers of each CIL charging authority and Gloucestershire County Council and will report to the Committee.

The Working Group activities shall include:

- Making recommendations to the Committee
- Contract management where triggered
- Application revisions and extensions
- Financial updates
- Project delivery scrutiny
- Compliance with funding agreements

Governance

The Committee is a Joint Committee under s101(5) and s102 Local Government Act 1972 and under Part 1A Chapter 2 Section 9EB of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

The Committee will include Cheltenham Borough Council, Gloucester City Council and Tewkesbury Borough Council.

These Terms of Reference will be reviewed as a minimum every two years. An earlier review will be triggered by any key changes in policy and or legislation relating to CIL or by a member council wishing to review the proportion of net CIL receipts that the member councils pool pursuant to these Terms of Reference.

Host Authority

The Committee will be hosted under local government arrangements by Tewkesbury Borough Council with hosting arrangements reviewed every two years.

The host authority will provide Secretary/ Clerk, S151 and Monitoring Officer roles of the Committee. This time allocation will be funded from the 5% administration of CIL.

Membership

Each Council shall appoint a Committee Member and a substitute who shall be either the Leader or other appointed Executive Members. The quorate membership of the Committee will be three, made up of one Member from each council.

If a quorate meeting cannot be achieved, the meeting will be rearranged. Each Committee Member shall remain in office until removed or replaced by his or her appointing Council or, in the case of an Executive Committee Member, until he or she ceases to be a member of the Executive Committee.

Functions of the Committee

Each of the Councils, by establishing the Joint Committee, empowers the Committee to make decisions on bids for CIL monies in respect of sums received by its member Councils. The bids will be considered, and the monies allocated in a manner which is consistent with the infrastructure commitments contained with the annual IFS published by the councils, this includes the IL (including any interim assessments) and the Infrastructure Delivery Plan (being updated to support the emerging Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan). Allocation of funding will be made on a project-by-project basis, not per financial year.

The Committee will support and engage in such other additional functions as the respective Councils may determine from time to time including but not limited to:

1. Identifying the future strategic infrastructure and investment needs.
2. Providing an evidence base for spending decisions on strategic locally identified priorities.
3. Consulting with Gloucestershire County Council on proposals for CIL expenditure and to consider Gloucestershire County Council spending priorities (if any) for CIL expenditure.
4. Exploring other sources of funding and opportunities for match funding streams.
5. Determining the method for evaluating and scoring to rate each application submitted and review weighting for criteria.
6. Scrutinising full applications and project presentations including any special terms under which an award is made.
7. Monitoring the delivery of projects that have had funding allocations, including regular reporting from officers in relation to contract management and financial updates.
8. As and where necessary calling individual projects into account where Grant contract conditions trigger review.
9. Determining how any unallocated funds within the pooled fund should be treated.

Voting

One vote for each Council.

Normal rules as to declarations of interest shall be applied in accordance with the host authority's Code of Conduct

Decisions shall be made by full consensus vote.

Quorum

A representative from each Council must be present. No business shall be transacted at any meeting unless the quorum is reached. If quorum is not reached within 30 minutes of the start of the meeting (or if quorum ceases to be present during a meeting) the meeting shall be adjourned to the same time and venue to a date determined by the Chair.

Meetings

The Chair and Vice Chair of the meeting will be elected at the first meeting and then each Annual Meeting of the Committee and, if the Chair or Vice Chair is not present at any meeting within 10 minutes of the start of the meeting, those present will elect a Chair to act for that meeting.

The Chair and Vice Chair will be from different Councils.

Only a voting member is entitled to be elected as Chair or Vice Chair of the Committee.

Meetings will occur at least annually to agree Strategic CIL allocations. Other meetings may be required to respond to the programme of the additional functions. Meetings which make decisions on the allocation of CIL funding will be in public.

Constitution

The Constitution of the host authority shall apply to the Committee.

Attendance

Gloucestershire County Council shall be entitled to attend meetings of the Committee to input on matters relevant to the functions and activities of the Committee but shall have no voting rights nor be involved in scrutiny.

Each member Council may send appropriate officers to meetings of the Committee, or any Sub-Committee thereof, to support its Members.

Responsibilities of the Chair and Vice Chair

The role of the Chair is to ensure that the meetings of the Committee are conducted efficiently and effectively.

The role of the Vice Chair is to deputise for the Chair during any period of the Chair absence, or at other times as appropriate, and their responsibilities shall be the same as those of the Chair.

Member Conduct

Members shall be subject to the Code of Conduct for Elected Members adopted by the Council that nominated them to be a Committee Member.

Scrutiny

The decisions made by the Committee shall be subject to the decisions being reported back through relevant Cabinet/Executive Committee of each of the member Councils.

Any decision by the Committee, except those agreed as urgent in accordance with these provisions, shall not be implemented until the member Councils have formally reported back through their own Cabinet/Executive Committee.

All decisions of the Committee (unless considered urgent) shall be subject to the "call in" process of each member Council. If not called in during that period any decision shall then be available for implementation.

Where the Committee decides that a decision is urgent it shall record the reasons for such urgency in the Minutes of the meeting and any subsequent “call in” of that decision should normally relate only to the process leading to the decision and not to the decision itself and the Chair of the member Council’s Scrutiny Committee shall be advised immediately.

Liability of Members

Committee Members shall have the same responsibilities as those that apply when sitting on other committees and bodies as an appointed representative of their nominating Council.