

## Rother District Council

<b>Report to:</b>	Community Infrastructure Levy Steering Group
<b>Date:</b>	5 October 2020
<b>Title:</b>	Community Infrastructure Levy and Community Grants Scheme Criteria
<b>Report of:</b>	Head of Strategy and Planning
<b>Purpose of Report:</b>	Information Report: To advise Members on the differences between the Strategic Community Infrastructure Levy and Community Grants Scheme Criteria
<b>Officer Recommendation(s):</b>	It be <b>RESOLVED</b> : That Members' views be sought.

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### Introduction

1. As part of the Community Infrastructure Levy (CIL) Steering Group's Terms of Reference (ToR), the Group was tasked to consider CIL in the context of the Council's Community Grant Scheme (CGS). The current Community Grant Programme has been operating since 2008 and has an annual budget of £130,000 drawn down from Earmarked Reserves.

### Rother Community Grants Scheme

2. Rother District Council's (RDC) CGS supports the development of community facilities, community activities and sustainable local action. Applications are welcomed from voluntary or community organisations for services and activities which benefit the residents of Rother.
3. There are three types of grants that may be funded:
  - **Small value projects** – Grants of under £500 can be applied for and are considered all year round and authorised by the Grant Panel delegation. The maximum amount of funding for small grants in any one year is £5,000.
  - **Medium Grants Scheme** – £30,000 per year is ring-fenced for one-off grants of up to £5,000 each.
  - **Large Grants Scheme** – The maximum grant for any project is £30,000.

Medium and Large grant applications are considered twice yearly as per the procedure set out in paragraph 4, with applications closing on the 15 July and 15 January.

4. Grant applications are initially assessed using a Grant Assessment Sheet against agreed criteria as set out in the [Community Grants Scheme Guidance Details](#). A Grants Criteria table is then prepared for the Grants Panel meeting with an officer recommendation being made to either approve or reject applications. The Panel then discuss and make recommendations to the

March and September Cabinet meetings who ratify the recommendations or otherwise.

5. Panel Membership is comprised of:
  - Two Members of the Cabinet appointed by the Leader.
  - The Chairman of Overview and Scrutiny Committee.
  - A representative from Rother Voluntary Action (RVA).
  - A representative from Action in Rural Sussex (AiRS).
  - The Chairman or appointed deputy from Rother Association of Local Councils (RALC).
  - Two RDC officers appointed by Executive Directors, to include one officer from Finance.
6. A report was presented to Cabinet on 7 September 2020 detailing some minor changes to the existing ToR, to evidence support from Ward Members on applications in their area.

### **Rother Strategic CIL criteria**

7. Strategic CIL (that which is retained by RDC) can be used to fund a wide range of infrastructure such as transport, flood defences, schools, hospitals and other health and social care facilities. However, charging authorities (RDC) may not use the levy to fund affordable housing. Local authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed and this is informed by the [Infrastructure Delivery Plan](#).
8. Elsewhere on the agenda is the Governance Arrangements, Funding Protocol and Assessment Criteria for determining bids for Strategic CIL above £100,000.00 to support significant strategic infrastructure.

### **Rother Local CIL**

9. Where all or part of a chargeable development is within the area of a parish council, the charging authority (RDC) must pass a proportion of the CIL receipts from the development to the parish council. This Local CIL figure equates to 15% of the CIL collected within the parish, except where there is a 'made' Neighbourhood Plan, where this rises to 25%. The Parish Council must use the CIL receipts passed to it to support the development of the Parish Council's area by funding the provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on the area.
10. Communities without a parish or town council still benefit from the neighbourhood portion. Where there is no parish or town council, the charging authority (RDC) retains the levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the Local CIL.
11. The Local CIL can be spent on a wider range of projects than the Strategic CIL, provided that it meets the requirement to 'support the development of the area'. The wider definition means that the neighbourhood portion can be spent on projects other than infrastructure (as defined in the regulations)

provided it is concerned with addressing the demands that development places on the parish's area. For example, the pot could be used to fund affordable housing.

12. While parish and town councils (P&TCs) are not required to spend their Local CIL in accordance with RDC priorities, the Planning Practice Guidance advises that P&TCs should work closely with the District Council to agree priorities for spending the Local CIL.
13. The spending of Local CIL has a much wider remit than that of the Strategic CIL, which must be spent on infrastructure, meaning it can be spent on anything else concerned with addressing demands that development places on an area. Such examples may include environmental improvement (landscaping, open space improvements) public art, street furniture, equipment for a community group. These types of local projects are similar to the those which fall within the scope of the CGS.

### **Conclusion**

14. It is apparent that the Strategic CIL and Community Grants are very different and fulfil different funding functions. However, the Local CIL is more akin to the local community projects that may potentially overlap with the Community Grants.
15. Members will be aware that the finances of the Council are under strain and that it may not be feasible in future to continue funding Community Grants of £130,000 per annum from Earmarked Reserves. Therefore, Members may wish to consider options for the Community Grants criteria that seeks to avoid duplication/overlap with the Local CIL.
16. Members will note the differences between the CGS and the Strategic and Local CIL funding thresholds and criteria. Views are sought from the CIL Steering Group as to whether there should be any amendments to the current Rother CGS to minimise duplication with the Local CIL.

### **Implications**

#### **Financial Implications**

17. The Community Grant of £130,000 is currently funding from Earmarked Reserves that will not be sustainable into the future.

## ASSESSMENT CRITERIA

Before Rother District Council can reach a decision to release funds from the Community Infrastructure Levy, it needs to be able to consider a range of information. The table below sets out the criteria in which the information provided in the Bid Form will be considered against.

Q	BID PRO-FORMA QUESTION	KEY CONSIDERATIONS
1	Is the need for the scheme identified in any RDC adopted strategy or plan?	<p>Does the proposal have regard to any of the following?</p> <ul style="list-style-type: none"> <li>• Is the proposal identified in the Infrastructure Delivery Plan?</li> <li>• Is the proposal or infrastructure identified in the Regulation 123 List?</li> <li>• Does the proposal comply with the Core Strategy?</li> <li>• Does the proposal have regard to the Corporate Plan?</li> </ul>
2	How does the proposal demonstrate that it supports development for the area?	<p>The CIL Regulations state that funds must be spent on <i>'infrastructure necessary to support growth'</i>. The CIL should not be spent to remedy current insufficiencies in infrastructure provision unless those insufficiencies will intensify through new development. Proposals will score high if the project unlocks sites to enable development and is a catalyst for further development. May be that the project enables other projects to come forward.</p> <p>Things to consider:</p> <ul style="list-style-type: none"> <li>• Does the proposal meet the CIL Regulations?</li> <li>• How does the proposal reflect the aims of CIL in so far as it helps bring forward development in the area? For example, a new access road may unlock a development site which can provide housing for the area.</li> <li>• Is the investment required to enable or mitigate the impacts of growth?</li> <li>• Are there any secondary effects such as increasing foot fall to local shops or shortens journey times?</li> </ul>
3	What is the evidence of need for the proposed infrastructure?	Does the proposal relate to any published strategies that your own organisation has in place? Proposals will score high if the infrastructure is programmed into the organisation's infrastructure plan.
4	What are the direct and indirect benefits to the proposal?	<p>Proposals that score highly will have a profound positive effect on a wide range of users.</p> <p>A scheme would not need to be located in the Rother District to qualify for funding. However, the proposal must demonstrate a clear strategic benefit to residents and/or visitors of Rother.</p>

		<p>Things to consider:</p> <ul style="list-style-type: none"> <li>• Would the project lead to any income generation?</li> <li>• Does the project cover more than one Charging Authority and will the infrastructure serve areas beyond the local area, including neighbouring boroughs?</li> <li>• Does the proposal offer wider as well as local benefits?</li> <li>• Are there any indirect benefits? For example, a new leisure facility would provide a direct benefit to the community. However, an indirect benefit may be that obesity rates in the locality reduce.</li> </ul>
5	Please provide details of any consultation undertaken with the community or other stakeholders.	<p>Proposals will score high if a range of consultation techniques have been used involving a wide range of stakeholders and end users over a sustained period of time and evidence demonstrates engagement has helped build consensus and identifying the needs of the community.</p> <p>Things to consider:</p> <ul style="list-style-type: none"> <li>• Is there community support/objection to this project?</li> <li>• Provide evidence of any petitions, campaigns, fundraising initiatives, consultation responses, community engagement techniques, letters of support etc.</li> <li>• How have any groups with 'protected characteristics' been consulted (see next question)?</li> </ul>
6	In regard to the project, please explain how you have given consideration to the different needs of people and describe the steps that have been taken to minimise the potential for discrimination and maximise equality of opportunity.	<p>The Public Sector equality duty covers the nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</p> <p>The purpose of identifying equalities issues and assessing the impact is to help make sure that the project reflects the needs of the all sections of the community.</p> <p>Proposals will score high if all opportunities to promote equality have been taken and no potential for discrimination or adverse impact to equality or missed opportunities have been identified.</p> <p>Things to consider:</p> <ul style="list-style-type: none"> <li>• Identify which groups will be affected by the proposal.</li> <li>• Identify any positive/negative impacts for the 'protected' groups?</li> <li>• Are any 'protected' groups more affected by the proposal than others, if so why?</li> <li>• How can any negative impacts be mitigated?</li> </ul>
7	Are there any risks associated	List the key risks involved in running the project and how those risks will be managed. Proposals will be awarded

	with the delivery of the scheme?	<p>greater weight if there is a strong certainty of delivery, costs identified, funding in place planning approved (where relevant) and political and community support for the proposal.</p> <p>Things to consider:</p> <ul style="list-style-type: none"> <li>• Are there any physical and environmental impacts (e.g. flood risk, contamination, biodiversity, noise, etc.) that need to be mitigated?</li> <li>• Is the project dependent on other projects going ahead?</li> <li>• Has a risk assessment been carried out?</li> <li>• Does the proposal require any land to be secured? Are there any ownership, acquisition or compulsory purchase order issues?</li> <li>• Will the proposal require any statutory approvals or licenses such as planning permission? If so, has advice been obtained?</li> </ul>
8	What would be the risks if CIL funding not being available?	<p>Where it can be satisfactorily demonstrated that the infrastructure would not otherwise be delivered unless CIL funding can be secured and the absence of CIL will cause significant risks, the proposal will score high.</p> <p>Things to consider:</p> <ul style="list-style-type: none"> <li>• Would investment reduce on-going costs placed on the council and local community in the long-term?</li> <li>• What would be the impact if investment was delayed (additional cost)?</li> </ul>
9	Please provide a breakdown of the project costs and provide quotes to substantiate your figures where possible. Please outline the forecasted total cost of the project.	The Charging Authority must be satisfied that value for money is being achieved. It is therefore advised that all bid applications should contain more than one quote for the proposed works. CIL funding is conditional upon this requirement. Projects which are accompanied by a detailed cost plan will be awarded greater weight as it demonstrates that the project has been fully researched and considered.
10	Please provide a detailed summary of the total CIL funding required, including phasing.	The Charging Authority recognises that large scale projects seeking funding that is greater than the current amount available for CIL may be an issue. However, greater weight can be given to well-prepared large-scale projects accompanied by a project plan evidencing how much CIL is needed and how much should be set aside over successive plan periods.
11	Please indicate why CIL funding	It must be reasonably demonstrated that all other funding options have been explored. It is unlikely that CIL will be

	<p>is being sought and outline the source of any additional funding that has been secured or is being sought.</p>	<p>granted unless this can be demonstrated. Greater weight will be given to proposals which are only partly reliant on CIL and the majority of funding has been secured.</p> <p>Things to consider:</p> <ul style="list-style-type: none"> <li>• What other sources of funding have been considered and applied for. Please highlight or explain where other possible funding sources have been considered insufficient.</li> <li>• Is the proposal expected to see any Section 106 funding?</li> <li>• Is there a remaining funding shortfall? If so, how much? How will the shortfalls in funding be met?</li> </ul> <p>Present other funding secured in the following or similar format:</p> <table border="1" data-bbox="539 763 1377 954"> <tr> <td>Source</td> <td></td> </tr> <tr> <td>Amount</td> <td></td> </tr> <tr> <td>Conditions Attached</td> <td></td> </tr> <tr> <td>Use by Date</td> <td></td> </tr> <tr> <td>Funding Confirmed</td> <td></td> </tr> </table>	Source		Amount		Conditions Attached		Use by Date		Funding Confirmed	
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12	<p>What is the delivery timescale for the project? Please outline key milestones.</p>	<p>Please outline whether the scheme is:</p> <ol style="list-style-type: none"> <li>a) Short term – within five years</li> <li>b) Medium term – between five to 10 years</li> <li>c) Long term – more than 10 years</li> </ol>										
13	<p>What are the on-going costs of the project, who is responsible for these and how have these been planned for?</p>	<p>Things to consider:</p> <ul style="list-style-type: none"> <li>• Can on-going costs be covered by warranties?</li> <li>• Are on-going costs covered by another organisation?</li> <li>• Does the proposed infrastructure provide opportunities to generate income to meet the future costs?</li> </ul>										