

Appendix H

LONDON BOROUGH OF TOWER HAMLETS INFRASTRUCTURE DELIVERY BOARD

TERMS OF REFERENCE

1) Introduction

- a) This document sets out the terms of reference of the Board level group known as the Infrastructure Delivery Board ('IDB').
- b) The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board unless expressly included in this document.
- c) The IDB was established through the approval for the implementation of the Infrastructure Delivery Framework, granted by the Mayor in Cabinet on the 5th January 2016.
- d) In carrying out its responsibilities as set out in these Terms of Reference the IDB will at all times act reasonably and in good faith and where practicable, in a way which is consistent with the Council Procedure Rules.
- e) These Terms of Reference were adopted on 4th October 2016 and shall be reviewed at any time the chair of this meeting considers it necessary.

2) Interpretation

- a) The following terms have the meanings as outlined below:
 - 'IDF': the Infrastructure Delivery Framework.
 - 'IDSG': Infrastructure Delivery Steering Group.
 - 'IDB': Infrastructure Delivery Board.
 - 'CIL': The Community Infrastructure Levy.
 - 'S106': Section 106 Planning Obligations.
 - 'the 2008 Act' The Planning Act 2008.
 - 'the 2010 Regulations' The Community Infrastructure Levy Regulations 2010 as amended from time to time.
 - 'the Constitution' means the London Borough of Tower Hamlets Constitution as amended from time to time.
 - 'the Neighbourhood Portion' means the percentage of CIL requiring consultation with local people before it is spent.
 - 'Relevant Infrastructure' means the infrastructure listed on the Council's 123 list.

3) Scope of Responsibilities

- a) To comply with relevant statutory reporting requirements.
- b) To approve amendments to the Terms of Reference for the IDB and IDSG meetings. Where this might constitute a 'Key decision' under the Council's Constitution, recommendations should be referred to the Mayor in Cabinet.
- c) To approve if appropriate, where initial project proposals have been submitted to the IDB, the preparation of detailed project proposals.
- d) Where necessary, to recommend the referral of the following decisions, as and when required, to the Mayor in Cabinet:
 - The proposed approach to reporting CIL and S106 income, allocation and expenditure information.
 - The delegation of powers to the Corporate Director of Development and Renewal (or equivalent) as chair of the IDSG to approve the allocation of CIL or S106 funding in defined circumstances.
 - The proposed approach to engaging Commissioners where the allocation of CIL and/or S106 involves the provision of grants.
 - The proposed approach to integrating the completion of 'Records of Corporate Director's Actions' forms through the IDF process.
 - The approval the adoption of capital budgets where the project in question is funded at least in part by CIL or S106 funding.
 - The approval of allocation of any amount of CIL or S106 to a project. CIL funding must be allocated to Relevant Infrastructure and S106 funding must be allocated in accordance with the related S106 agreement.
 - Proposals relating to expenditure of the Neighbourhood Portion of CIL.
- e) To, where necessary, to recommend the referral of the following information to the Mayor in Cabinet and/or the Overview and Scrutiny Committee, for reporting purposes:
 - CIL and S106 income and expenditure information;
 - Progress updates with regard to approved infrastructure projects;
 - An evidence base to support decision-making.

- f) To endeavour to ensure the Recorded Corporate Director's Action process of adopting a capital budget or approving the waiving of Procurement Procedures for an infrastructure project, that is at least partially funded by the Community Infrastructure Levy (CIL) or S106 funding, can be signed by relevant parties prior to or at the meeting of the IDB where they have been referred to the IDB in accordance with submission requirements.
- g) To ensure any recommendations made to the Mayor in Cabinet that involve the allocation of CIL funding (excepting the Neighbourhood Portion) are informed by the need for CIL to be spent the provision, improvement, replacement operation or maintenance of Relevant Infrastructure.
- h) To ensure any recommendations made to the Mayor in Cabinet that involve the Neighbourhood Portion of CIL are informed by the need for it to be spent on the provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on an area.
- i) To ensure any recommendations made to the Mayor in Cabinet that involve the S106 are made in accordance with spending restrictions set out in the related S106 agreement.
- j) To consider and provide initial views on new infrastructure projects that may involve the future allocation of CIL or S106.
- k) To consider any infrastructure evidence base documents that are referred to the IDB by the IDSG.
- l) Approve the referral of proposals to Commissioners where the allocation of CIL and/or S106 involves the provision of grants.

4) Membership and General Governance

- a) The IDB shall be chaired by the Mayor of the Council and the membership shall consist of the regular attendees of the Mayors Advisory Board.
- b) Decisions made in the IDB will be made by the chair of the IDB.
- c) IDB meetings shall be held in accordance with the Council's Municipal Meetings Calendar. See attached at Appendix A the programme for the IDB meetings in 2016/17 as extracted from the Council's Municipal Meetings Calendar.
- d) The chair of the IDB may cancel or call additional meetings.

- e) An IDB meeting is only quorate when at least one Member and the Chair are present.
- f) Urgent business between meetings may, in exceptional circumstances, be conducted via communications between members of the IDB.
- g) Democratic Services will form the Agenda for the IDB in collaboration with the chair, Infrastructure Planning Team, and IDSG meeting. This Agenda and any supporting papers will where practicable be distributed in accordance with the Agenda for the Mayor's Advisory Board meeting.
- h) Democratic Services will maintain the meeting, distribute documents as necessary and take Minutes and record decisions as appropriate. The draft minutes will be subject to formal agreement by the IDB at the next meeting.
- i) The term of office for the IDB is for a period until the Council's executive (or equivalent) decides the term shall expire.
- j) IDB members shall participate in such personal training or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the IDB.
- k) IDB members should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
- l) Where appointed, substitutes can be named and must undertake the same training as IDB members.
- m) Relevant officers of the Council may attend the IDB to present:
 - Matters relating to the collection or expenditure of CIL and/or S106 funding.
 - Proposals relating to infrastructure projects.
 - Any other matters considered appropriate by the chair of this group.
- n) The Chair of the IDB shall ensure the IDB fulfils its responsibilities as set out in these Terms of Reference.
- o) Member of the IDB must declare to the Council and at any such time as their circumstances change, any potential conflict of interest arising as a result of their position on the IDB.
- p) The IDB is to be held in private.

Appendix A: IDB Meetings Programme 2016/17

	MEETING DAY/TIME/	MAY 16	JUN 16	JUL 16	AUG 16	SEP 16	OCT 16	NOV 16	DEC 16	JAN 17	FEB 17	MAR 17	APR 17	MAY 17	JUN 17	No. of Mtgs
Infrastructure Delivery Board	Tuesdays (same day as MAB)		28	26	9	27		8 22		10 31	28	28	TBC	TBC	TBC	10