

Record of individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Councillor Robin Bennett, Cabinet Member for Economic Development and Regeneration
Key decision?	No
Date of decision (same as date form signed)	22 June 2022
Name and job title of officer requesting the decision	Jayne Bolton Community Wellbeing Manager
Officer contact details	Email: Jayne.bolton@southandvale.gov.uk
Decision	<p>To accept the award of £150,000 (2020-21 award allocation) and £50,000 (2021-22 award allocation) of revenue funding from the Department of Levelling Up, Housing and Communities (DLUHC), for use with delivery of the Berinsfield Garden Village project, and;</p> <p>in accordance with the council's Financial Procedure Rules in relation to receiving government grant outside of the usual budget setting cycle for which no budget exists, to request the chief finance officer, in consultation with the leader of the council and the chief executive, to use the grant to increase the Berinsfield revenue budget.</p>
Reasons for decision	<p>Homes England's Garden Communities programme offers financial and other support aligned well with the Council's aims to support the regeneration of Berinsfield. It is aligned with the Council's adopted Corporate Plan 2020-2024 and the South Oxfordshire Local Plan 2035.</p> <p>The Garden Village project will help to achieve social equity and provides an opportunity to address the climate change emergency through renewable energy projects and sustainable development and to address healthy living and place shaping initiatives.</p> <p>Accepting the £200,000 in revenue funding will support delivery of Berinsfield Garden Village by enabling progress of the vision for a community led delivery plan as approved by cabinet on 30 September 2021.</p> <p>The funding is key to achieving the intended sustainable and holistic vision of making Berinsfield into a high-quality, green</p>

	<p>environment.</p> <p>Accepting the £200,000 capacity funding and moving ahead with projects may attract further funding from the government for capital funding to ensure that garden community principles are embedded in future development at Berinsfield Garden Village and regeneration of the existing village.</p>			
Alternative options rejected	<p>Choose not to accept the funding and likely forego future additional funding opportunities presented by Homes England's Garden Communities programme. Currently there is no ongoing Council core budgetary funding available for the Berinsfield Garden Village project to progress without new additional funding being secured.</p>			
Climate and ecological implications	<p>Acceptance of Homes England funding yields an opportunity to influence development proposals to include eco-friendly techniques and principles, in line with the Council's policies regarding the climate change emergency (including low carbon development and renewable energy).</p>			
Legal implications	<p>The funding has been granted under S31 of the Local Government Act 2003 and it is to support South Oxfordshire District Council towards expenditure lawfully incurred or to be incurred. Homes England (under DLUHC) will monitor how the funding has been used to progress the project through regular contact with South Oxfordshire District Council officers.</p>			
Financial implications	<p>In accordance with South Oxfordshire District Council's Constitution, receipt of a government grant, even one over £75,000, is excluded from the definition of a key decision. It has been placed in an earmarked reserve for Berinsfield Garden Village. Acceptance of the receipt will not commit the council to any other additional unbudgeted expenditure over and above the £200,000 receipt.</p>			
Other implications	<p>None</p>			
Background papers considered				
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?				
List consultees		Name	Outcome	Date
	Ward councillor	Robin Bennett	<i>(Making ICMD Decision as Cabinet member)</i>	
	Legal	Pat Connell	The letter (from Homes England) attached doesn't clarify	25/05/22

			what, if any conditions attach to the section 31 funding. However, we may have to take a view if there is no further clarity from government after all your enquiries	
	Finance	Nicole Tyreman	Agreed.	24/05/22
	Human resources	n/a		
	Diversity and equality	Lynne Mitchell	Please ensure consideration is given to accessibility to all with this development and include equality officer in consultations. Thanks for asking me and yes, my comments still stand as I think we need to ensure accessibility is considered with both projects.	25/05/22
	Climate and biodiversity	Heather Saunders	no comments	25/05/22
	Communications	Emma East	No issues from a comms perspective.	25/05/22
	Senior Management Team		Agreed	15/06/22
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?	Not applicable			
Has this been discussed by Cabinet members?	Yes, the cabinet member for Berinsfield Garden Village (Garden Communities) supports the proposals within the report.			
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature ___ Councillor Robin Bennett _____ Date _____ 22 June 2022 _____			

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only		
Form received	Date: 22 June 2022	Time: 14:21
Date published to all councillors	Date: 22 June 2022	
Call-in deadline	Not applicable as this is not a key decision.	

Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must hand-sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.
Tel. 01235 422520 or extension 2520.
Email: democratic.services@southandvale.gov.uk
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
 - refer the decision back to the Cabinet portfolio holder for reconsideration or
 - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
 - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:

- (a) to incur expenditure, make savings or to receive income of more than £75,000;**

- (b) to award a revenue or capital grant of over £25,000; or**
- (c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
 - Decisions to spend funds (significant impact on more than one ward)
 - Changes to the household waste collection policy (affects all households in the district)
 - Reviewing a housing strategy (could have a significant impact on residents in many wards)
 - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
 - Decisions to build new or improve existing community facilities (used by residents of more than one ward)

The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.