

## Record of an individual Cabinet member decision

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

<b>Decision made by</b>	Councillor Pieter-Paul Barker, Finance and Property Assets
<b>Key decision?</b>	No
<b>Date of decision</b> (same as date form signed)	
<b>Name and job title of officer requesting the decision</b>	Janette Hinton-Smith – Infrastructure Implementation Officer Infrastructure Implementation & Funding Team
<b>Officer contact details</b>	Tel: 01235 422135 Email: Janette.hinton-smith@southandvale.gov.uk
<b>Decision</b>	To create a budget for <b>£53,550.00</b> from one S106 contribution and release funds, to Vale of White Horse District Council (VWHDC – GWP Community Centre team) for the external signage and noticeboard project for the Great Western Park Community Centres and Boundary Park Car Park.
<b>Reasons for decision</b>	<p>We have received a request for funds from S106 agreement 08S35/11S21 arising from the development “Great Western Park, Didcot - of land to the West of Didcot between A4130 and Park Road to both north and south of Wantage Road”.</p> <p>The S106 agreement is ‘unclear and ambiguous’ about where the contribution is to be used apart from that it must be for providing works of art on the Site and within the immediate vicinity of the Site and it was an Area Planning Committee decision.</p> <p>In accordance with the Councils Constitution Financial Procedure Rules (para 75(b)) this paper seeks approval by the relevant cabinet member, to create a budget and release the funds requested for the purposes described.</p> <p>The S106 agreement was secured and we have received £848,526.59 for ‘Public Art’ to be used on the site (Great Western Park) or within the immediate vicinity of the site.</p> <p>The project will be funded from the following S106 contribution of which £516,933.96 is available:</p> <p><b>Development:</b> Great Western Park, Didcot - of land to the West of Didcot between A4130 and Park Road to both north and south of Wantage Road</p>

**Planning Ref:** P02/W0848/O

**S106 Ref:** 08S35 / payment varied on 11S21

**Date of agreement:** 18 July 2008 / 22 November 2011

**Decision:** Area Planning Committee

**Obligation:** 08S35 = "Public Art" is defined in clause one of the agreement as 'designing commissioning and providing works of art on the Site and within the immediate vicinity of the Site that relate to the Site and the local area such works to be designed to help create a distinctive high quality and successful new community and to be provided on or in the streets building and places freely accessible to the public.'

"Public Art Contribution" is defined as 'the sum of £640,000 index linked towards the provision of Public Art'

**Obligation:** 11S21 = To pay the Public Art Contribution to the District Councils in six instalments.

**Amount:** £848,526.59 of which £516,933.96 is available

**Expiry of contribution:** August 2026

The project has been identified in the District Council's Public Art Strategy for Great Western Park, 2011 and has been developed with the Community Centre Team and the Arts Development officer.

The project has been designed to deliver on **6** of the **29 projects** identified in the Public Art Strategy at **four different sites** as follows:

- Project 9a. Northern Neighbourhood Community Centre (SODC) signage art on the exterior – to be decorative wall feature incorporating the centre name measuring 3m x 3m.
- Project 9b. Northern Neighbourhood Community Centre (SODC) noticeboard fixed to building – see below \*
- Project 10b. District Community Centre (VWHDC) noticeboard fixed to building – see below \*
- Project 10c. District Community Centre (VWHDC) signage art on the exterior – to be a decorative wall feature incorporating the centre name, measuring approximately 4m x 5m or wrapping around wall
- Project 11 b. Southern Community Centre (SODC) noticeboard at the front entrance – see below \*
- Location 26 – Boundary Park car park entrance (VWHDC) noticeboard – see below \*

\* Four artistically bespoke noticeboards - two freestanding and two wall mounted - to be A0 size, front opening robust, durable, and practical for centre staff to use.

All four sites are owned by either Vale of White Horse District Council or South Oxfordshire District Council.

VWHDC - District Community Centre, Gentian Mews, Didcot,  
OX11 6GR  
Corporate property I.D. DI001

VWHDC & SODC - Boundary Park Pavilion Car Park, Greenwood Way, Didcot, OX11 6EY  
 Corporate property I.D. 180000  
 Leased to Boundary Park so tenants' approval will be required

SODC - Northern Neighbourhood Community Centre, Dan Read Parade, Didcot, OX11 6BD  
 Corporate property I.D. 179000

SODC - Southern Community Centre, Sorrel Crescent, Didcot, OX11 6HQ  
 Corporate property I.D. DID182000

The brief for this project was created specifically to deliver the above and has been through the District Council's procurement and tendering process via a Procurement Management Plan. Planet Art is the chosen contractor and the overall budget for their design and delivery is:

	Northern Neighbourhood Community Centre Exterior Signage - South	District Community Centre Exterior Signage - Vale	Decorative noticeboards as 4 different locations - 2 locations South and 2 locations Vale					
	Project 9a	Projects 10c	Projects 9b, 10b, 11b & Lot 26	Sub totals				
Research and Design	1150	1150	1000	£3,300.00				
Admin and Planning	500	500	500	£1,500.00				
Community Engagement	800	800	500	£2,100.00				
					£6,900.00	Design Phase		
Creation of work	14000	14000	9500	£37,500.00				
Delivery	700	700	1000	£2,400.00				
Installation	1800	1800	2000	£5,600.00				
Marketing	250	250	150	£650.00				
Total Cost	£19,200.00	£19,200.00	£14,650.00		£46,150.00	Commissioning Phase		
<b>Sundry costs for the council: hall hire, admin &amp; planning fees</b>				£500.00				
				<b>TOTAL</b>	<b>£53,550.00</b>			

Total cost for South Oxfordshire District Council will be £26,525.00.  
 Total cost for Vale of White Horse District Council will be £27,025.00,  
 Vale cost is £500 higher as the project will be managed by the District Community Centre manager (Vale).

The designs will be created by Planet Art and circulated internally for consultation with Communications, Equalities, Property, Health & Safety and Planning.  
 Upon approval of the designs the necessary permission/approval from Property and Health & Safety, Boundary Park Sports Association and a Planning application will be made if this is necessary.  
 Final designs will be exhibited at the centre.  
 Once all permissions/approvals are in place then the artist elements can be commissioned.

	<p>All artworks will be visible from the main vehicle and pedestrian approaches to each building, creating a sense of wayfinding and destination.</p> <p>As the Community Centres neighbours and surrounding community will be involved in the design process there is greater local 'ownership' and will build a long-term relationship with each centre.</p> <p>The project will happen in two phases: design and commission. The full amount of funding is being requested now and, if approved, will be transferred to the District Community Centre in two phases to match. Therefore £6,900 + £500 will be transferred first to cover the design phase and once approval of designs are in place along with necessary permissions then the remaining funds of £46,150.00 will be transferred.</p>
<b>Alternative options rejected</b>	None considered.
<b>Legal implications</b>	<p>The councils are the freehold owner of the sites and have a statutory duty to manage and maintain.</p> <p>Transfer of funds between two public bodies is non-economic and is not liable to Subsidy Control.</p>
<b>Financial implications</b>	<p>The total project cost is estimated to be £53,550.00, which will be fully funded from the S106 secured contribution.</p> <p>Accountancy have confirmed that the S106 funds are available.</p> <p>Paragraph 75b of the council's financial procedure rules apply as the application is for over £20K, the award will require the approval of an Individual Cabinet Member Decision (ICMD). The Cabinet Member for Finance and Property Assets is requested to approve the creation of the budget and award of the S106 funding.</p>
<b>Climate implications</b>	It's good to note that climate implications form part of the design brief, as well as the procurement process, and we would like to highlight the importance of the sustainability of the materials used over the lifetime of the project, and the value of engaging local artists and suppliers to minimise the carbon emissions from travel and transport.
<b>Equalities implications</b>	<p>Support the request, ensure that the positions of free standing notice boards do not cause any obstruction for wheelchair users of people who have a visual impairment. Abi Brown is very aware of accessibility to all, and she knows about using non glare material. When designs are decided please email the designs to <a href="mailto:equalities@southandvale.gov.uk">equalities@southandvale.gov.uk</a> for comment.</p>
<b>Other implications</b>	None
<b>Background papers considered</b>	
<b>Declarations/conflict of interest?</b>	None

Declaration of other councillor/officer consulted by the Cabinet member?				
List consultees		Name	Outcome	Date
	Vale Ward Councillors where funding is to be spent:	Debra Dewhurst Hayleigh Gascoigne	Emailed  Happy to support this use of the S106 art funds.	11/12/2023  15/12/2023
	SODC Ward Councillors where funding is to be spent:	Mocky Khan Axel Macdonald Denise Macdonald Tony Worgan Ian Snowdon	Emailed	11/12/2023 and 26/02/2023
	SODC Cabinet member – where funds were generated and are held	Pieter-Paul Barker	Emailed	11/12/2023
	Legal <a href="mailto:legal@southandvale.gov.uk">legal@southandvale.gov.uk</a>  Litigation & Planning – <a href="mailto:Vivien.williams@southandvale.gov.uk">Vivien.williams@southandvale.gov.uk</a>	Vivien Williams	In agreement	14/12/2023
	Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a>	Emma Creed	I confirm there are sufficient funds.	11/12/2023
	Human resources <a href="mailto:hadminandpayroll@southandvale.gov.uk">hadminandpayroll@southandvale.gov.uk</a>	N/A		
	Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>	Kim Hall	Support the use of S106 contribution for this project – see full response above.	07/12/2023
	Diversity and equality <a href="mailto:equalities@southandvale.gov.uk">equalities@southandvale.gov.uk</a>	Lynne Mitchell	Supports the project – see full response above.	04/12/2023
	Procurement <a href="mailto:Procurement@southandvale.gov.uk">Procurement@southandvale.gov.uk</a>	Angela Cox	PMP process followed and approved	24/07/2023
	Property <a href="mailto:Property@southandvale.gov.uk">Property@southandvale.gov.uk</a>	Mark Foster  Chris Mobbs	Property Assets are in support of this proposal. From Strategic Property: . Boundary Park is leased out to a third	01/12/2023  04/12/2023

			<p>party (both Councils are the joint landlord), so we will need to ensure that we seek the tenant's approval to the works, together with any necessary formal approvals.</p> <ul style="list-style-type: none"> <li>. The area of the car park appears to be within that part of Boundary Park held freehold by Vale.</li> <li>. Southern Community Centre and Northern Community Centre are held freehold by South Oxfordshire District Council.</li> <li>. District Community Centre is held freehold by Vale of White Horse District Council.</li> </ul>	
	<p>Health and safety  <a href="mailto:healthandsafety@southandvale.gov.uk">healthandsafety@southandvale.gov.uk</a></p>	Andy Huckstep	<p>Is there a guideline document or policy that supports the design of the proposed artwork? Something detailing holes, gaps, edges, non-climb features etc to be adhered to from an H&amp;S perspective and any maintenance considerations.</p> <p><i>Comment passed to Abi Brown, arts and project officer.</i></p>	14/12/2023
	<p>Risk and insurance  <a href="mailto:risk@southandvale.gov.uk">risk@southandvale.gov.uk</a></p>	Yvonne Cutler Greaves	<p>No comments to add from risk and insurance viewpoint.</p>	18/12/2023
	<p>Communications  <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a></p>	Andrea Busiko	<p>No comments on the application</p>	12/12/2023
	<p>Garden Communities - Didcot Garden Town team  <a href="mailto:Nicola.wyer@southandvale.gov.uk">Nicola.wyer@southandvale.gov.uk</a></p>	Nicky Wyer	<p>Forwarded to wider DGT team.</p>	14/12/2023
	<p>Planning  <a href="mailto:Cathie.scotting@southandvale.gov.uk">Cathie.scotting@southandvale.gov.uk</a></p>	Cathie Scotting	<p>I have no objection to the proposed art project at GWP. The admin and engagement costs are an appropriate proportion of the capital project.</p>	04/12/2023

			It is evident that the signs (noticeboard) do not need advertisement consent, but it would be worth checking once the final details are known. <a href="https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers">https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers</a>	
	Head of Finance	Simon Hewings	Agreed at S106/CIL Meeting	14/12/2023
	Strategic Management Team (SMT) <a href="mailto:ExecutiveSupportSAV@southandvale.gov.uk">ExecutiveSupportSAV@southandvale.gov.uk</a>		Supportive	26/01/2023
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>				
<b>Has this been discussed by Cabinet members?</b>	no			
<b>Cabinet member for Finance and Property Assets signature</b> To confirm the decision as set out in this notice.	Signature <u>  <i>Pieter-Paul Barker</i>  </u> Date <u>  1st March 2024  </u>			

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

For Democratic Services office use only		
Form received	Date:	Time:
Date published to all councillors	Date:	
Call-in deadline	Date:	Time:

## 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 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 22520.  
Email: [democratic.services@southandvale.gov.uk](mailto: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 Didcot Garden Town 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 leisure 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.**