

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 Pieter-Paul Barker, Finance and Property Assets																				
Key decision?	No																				
Date of decision (same as date form signed)																					
Name and job title of officer requesting the decision	Janette Hinton-Smith – Infrastructure Implementation Officer Infrastructure Implementation & Funding Team																				
Officer contact details	Tel: 01235 422135 Email: Janette.hinton-smith@southandvale.gov.uk																				
Decision	To create a budget for £20,984.68 from one S106 contribution and release funds to South Oxfordshire District Council (SODC) – Strategic Property team towards the development of 116-120 Broadway, Didcot project, phase one.																				
Reasons for decision	<p>The SODC Cabinet Report of 30 September 2021 requested approval of £500,000 Section 106 affordable housing contributions to be allocated (budget created) for phase one of the project. Approval given 7 October 2021.</p> <p>Within the Cabinet report was a table of S106 contributions that are to be used for the phase one of the project.</p> <p>One of the contributions within the table is:</p> <table border="1"> <thead> <tr> <th>Site</th> <th>Location</th> <th>Planning ref</th> <th>Contribution (£)</th> </tr> </thead> <tbody> <tr> <td>Parcel DN02B, Great Western Park</td> <td>Didcot</td> <td>P16/S0154/FUL</td> <td>20,984</td> </tr> </tbody> </table> <p>Whilst double checking the legal agreement it was noticed that the contribution was to be paid to Vale of White Horse District Council for their use and legal have advised that it can not be used for this project.</p> <p>It is proposed to use an alternative SODC S106 affordable housing contribution from:</p> <table border="1"> <thead> <tr> <th rowspan="2">Legal Agreement</th> <th rowspan="2">Planning ref</th> <th rowspan="2">Site</th> <th colspan="2">Contribution</th> </tr> <tr> <th>Received</th> <th>To use</th> </tr> </thead> <tbody> <tr> <td>17S41</td> <td>P17/S0164/O</td> <td>Little Martins Field, Brightwell-cum-Sotwell</td> <td>£60,472.94</td> <td>£20,984.68</td> </tr> </tbody> </table> <p>Expiry of contribution March 2030</p>	Site	Location	Planning ref	Contribution (£)	Parcel DN02B, Great Western Park	Didcot	P16/S0154/FUL	20,984	Legal Agreement	Planning ref	Site	Contribution		Received	To use	17S41	P17/S0164/O	Little Martins Field, Brightwell-cum-Sotwell	£60,472.94	£20,984.68
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Alternative options rejected	None.			
Legal implications	<p>Section 106 of the Town and Country Planning Act 1990 provides that someone with an interest in the land to be developed, can provide planning obligations to the Local Planning Authority, by way of a deed, in order to make development acceptable. Planning obligations may take the form of contributions.</p> <p>Where contributions are paid pursuant to a Section 106 Deed, the payee can ask the council to account for how monies have been allocated. Where monies have not been allocated within any prescribed time period, or not allocated in accordance with the terms of the deed, the council can be required to repay those contributions, with interest.</p> <p>The Section 106 Agreement (deed) provides that the contribution is for Vale of White Horse District Council, therefore this report recommends the council correct an error, so that the contribution can be correctly allocated. Consequently, alternative contributions have been identified for 116-120 Broadway, Didcot project, phase one.</p>			
Financial implications	Accountancy confirmed that this contribution is available to use.			
Climate implications	No comments from the Climate & Biodiversity team.			
Equalities implications	No comments from equalities viewpoint.			
Other implications	None. Use of this contribution in place of the previous allocation ensures that the project is fully funded from appropriate sources.			
Background papers considered	None			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?				
List consultees		Name	Outcome	Date
	Ward councillors	Ben Manning Anne-Marie Simpson	<p>Emailed</p> <p>Queried if use of this contribution is in accordance with the council's S106 procedure and is being used appropriately. In particular in relation to the location of use being outside of the parish where the funds were generated.</p> <p>Officer response confirmed that the S106 contribution is available for, and is appropriate to be used for this project. The funding must be used for affordable housing in</p>	<p>15/12/2023</p> <p>19/12/2023</p>

			the district council's area and there are no proposals for delivery of affordable housing within the parish. Broadway scheme is the closest affordable housing project to the parish where funding was secured.	
Brightwell-cum-Sotwell Parish Council	Gabrielle McEvoy		Queried if the contribution could be used within the parish of Brightwell-cum-Sotwell and what influence the parish council have on the use of this contribution. Officer response confirmed that consultation with parish council is in accordance with the process but that this S106 contribution can only be used for delivery of affordable housing in the district.	19/12/2023
Legal legal@southandvale.gov.uk	Louise Greene Sarah Commins		Incorporated into report I can confirm that the proposed use is compliant with the legal agreement.	18/12/2023 09/01/2023
Finance Finance@southandvale.gov.uk	Emma Creed		I can confirm this is available.	14/12/2023
Climate and biodiversity climateaction@southandvale.gov.uk	Kim Hall		No comment from the Climate & Biodiversity team.	22/12/2023
Diversity and equality equalities@southandvale.gov.uk	Lynne Mitchell		No comments from equalities	18/12/2023
Affordable Housing Lewis.Pitts@southandvale.gov.uk	Lewis Pitts		No issues with this and glad this is being amended. Our figures suggest that this sum is available and has yet to be committed to any project. Please keep me in the loop as and when this progresses, it would be greatly appreciated so that I can update our records accordingly.	02/01/2024
Planning katherine.canavan@southandvale.gov.uk	Katherine Canavan Cathie Scotting		Emailed I support the expenditure of the affordable housing contribution for affordable housing.	15/12/2023 18/12/2023
Property property@southandvale.gov.uk	Julia Leppard		Strategic Property's response is 'agreed'.	09/01/2024
Communications communications@southandvale.gov.uk	Andrea Busiko		No comment on this from Comms	15/01/2024
Head of Planning	Adrian Duffield		Agreed at S106/CIL Applications Meeting	30/01/2024
Head of Finance	Simon Hewings		Agreed at S106/CIL Applications Meeting	30/01/2024

	Strategic Management Team (SMT) ExecutiveSupportS@southandvale.gov.uk		Supported	29.02.2024
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?				
Has this been discussed by Cabinet members?	yes			
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature <u>Pieter-Paul Barker</u> Date <u>04/03/2024</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 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.
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 (except government grant) 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.