

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

Decision made by	Robin Bennett, Cabinet member for economic development and regeneration
Key decision?	No
Date of decision (same as date form signed)	20 May 2021
Name and job title of officer requesting the decision	Suzanne Malcolm Acting Deputy Chief Executive – Place
Officer contact details	Tel: 01235 422217 Email: Suzanne.Malcolm@southandvale.gov.uk
Decision	To create a budget for £56,468.99 from S106 contributions and release these funds to the Oxfordshire County Council for the delivery of bus services at Henley-on-Thames.
Reasons for decision	<p>We have received a request for funds from Oxfordshire County Council (S106 Application Ref. P21/S0995/106) for a total of £56,468.99 from two S106 contributions:</p> <p>1) Development: Highlands Farm Planning Ref: P16/S0077/O S106 Ref: 16S45 Obligation: The “Public Transport” contribution is defined in schedule three of the agreement as ‘the sum of £108,000 Index-Linked (£121,468.63) for the coverage of towards the provision of bus services on route 151 and/or 154 or equivalent routes to provide a service to the Development to be paid in three instalments;-’ The ‘First Instalment’ being the sum of £36,000 Index-Linked (39,694.81) The ‘Second Instalment’ being the sum of £36,000 Index-Linked (£40,573.20) The ‘Third Instalment’ being the sum of £36,000 Index-Linked (£41,200.62)</p> <p>2) Development: Highlands Farm Planning Ref: P16/S0077/O, P17/S0024/RM, P19/S2646/FUL S106 Ref: 20S11 Obligation: The “Additional Public Transport” contribution is defined in schedule two of the Dead of Variation agreement as ‘the sum of £13,341.09 Index-Linked (£15,268.37)’</p>

	<p>The S106 agreements are ‘clear and unambiguous’ about how the contributions are to be used and the planning decision for S106 agreement 16S45 and 20S11 was made by a delegated officer and not presented to a planning committee. The sum requested is more than £20,000, but below £100,000 threshold. In accordance with our constitution, the Cabinet member for economic development and regeneration, in consultation with the Cabinet member for finance can agree to set up a budget and release the funds requested for the project.</p> <p>The proposed project Oxfordshire County Council is seeking to draw upon the final S106 contributions secured towards delivery of bus services in Henley-on-Thames. Planning permission for the project is not necessary.</p> <p>The S106 agreement reference 16S45, a bipartite agreement was secured by South Oxfordshire District Council to help support public transport services, requests for these contributions were made by Oxfordshire County Council at planning application stage.</p> <p>The S106 agreement reference 20S11 was secured by deed of variation as an additional public transport contribution from planning permission granted under P19/S2646/FUL, for a variation of housing mix at Highlands Farm as consented under planning permission P17/S0024/RM.</p>
<p>Alternative options rejected</p>	<p>None</p>
<p>Legal implications</p>	<p>It is recommended that the Oxfordshire County Council be advised of the allocation of the funds in a letter, which sets out what the funds can be used for and includes a spending deadline to ensure delivery of the project.</p> <p>The previous S106 funds received by Oxfordshire County Council have been passed onto Henley Town Council under a funding agreement, signed on 9 July 2019, stipulating that the contributions are not to be used for purposes other than the delivery of the local bus services serving the developments. Subsequently a further supplementary agreement was signed on 20 January 2021, between Oxfordshire County Council and Henley Town Council for the additional public transport monies collected towards the bus service.</p> <p>Reading Buses who took over the routes 151, 152, and 153 in August 2018 have subsequently decided to withdraw from the contract to run the service. Whilst the service was successful, and passenger numbers were as predicted, they have reviewed a number of routes and decided to stop the Henley service.</p> <p>TK Travel Ltd have taken over the running of the service however with a reduced the timetable. The cost of the service provided by TK Travel is substantially higher than that of Reading Buses despite the reduced service. Henley-on-Thames Town Council have entered into a contract for five years with TK Travel Ltd, with the option to extend for a further</p>

	period of up to 3 years.
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Financial implications	<p>The financial support for the bus service is necessary for it to operate and build up the use of the service by the local people including residents of and visitors to the residential developments permitted by the planning permissions. It provides sustainable transport access between the developments and the town centre at Henley-on-Thames.</p> <p>It is recommended that a budget is created which allocates the requested £56,468.99 towards delivery of the bus service in Henley-on-Thames and the funds be released to Oxfordshire County Council.</p>			
Other implications				
Background papers considered				
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?				
List consultees		Name	Outcome	Date
	Ward Councillors	Kellie Hinton	Emailed - no comment	11.3.21
		Ken Arlett	Emailed - no comment	11.3.21
		Stefan Gawrysiak	Emailed - no comment	11.3.21
	Legal	Pat Connell	I confirm I have no comments on the section 106 funding application for the support for the Henley Bus service	24.3.21
	Finance	Emma Creed	Agree the contributions in the report	12.3.21
	Human resources	N/A	N/A	
	Sustainability	Heather Saunders	Emailed - no comment	11.3.21
	Communications	Andy Roberts	Happy to sign this off from comms	11.3.21
	Acting Deputy Chief Executive – Place	Suzanne Malcolm	Agreed	23.3.21
	Head of Planning	Adrian Duffield	Agreed	23.3.21
	Interim Head of Finance	Simon Hewings	Agreed	23.3.21

	Strategic Management Team (SMT)	Suzanne Malcolm	Approved	14.4.21
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?	No			
Cabinet member for economic development & regeneration signature To confirm the decision as set out in this notice.	Signature - Approved by Cllr Robin Bennett by email dated 20 May 2021			
Cabinet member for finance signature (as consultee) To confirm the decision as set out in this notice.	Signature - Approved by Cllr Leigh Rawlins by email dated 13 May 2021			

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

For Democratic Services office use only		
Form received	Date: 21 May 2021	Time: 08:50
Date published to all councillors	Date: 21 May 2021	
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 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
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.