

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 & 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 £41,012 from S106 contributions and release funds, subject to receipt of a signed conditions letter to Chinnor Rugby Football Club (RFC) for the pitch improvement project: installing a borehole at Kingsey Road, Thame, OX9 3JL
Reasons for decision	<p>We have received a request for draw down of funds from Chinnor Rugby Football Club (S106 claim ref.: S21/S0234/106) for a total of £41,012 from the following five S106 contributions;</p> <ol style="list-style-type: none"> 1) Development: Land adjoining Greenwood Avenue Address: Land adjoining Greenwood Avenue, Chinnor Planning Ref: P14/S0953/O S106 Ref: 15S23 2) Development: Land east of Crowell Road Address: Land east of Crowell Road, Chinnor Planning Ref: P14/S1586/O S106 Ref: 15S25 3) Development: Land off Lower Icknield Way Address: Land off Lower Icknield Way, Chinnor Planning Ref: P15/S0154/O S106 Ref: 16S07 4) Development: Land East of Thame Park Road Address: Land East of Thame Park Road, Thame Planning Ref: P14/S1619/O

	<p>S106 Ref: 15S13</p> <p>5) Development: Land West of Thame Park Road Address: Land West of Thame Park Road, Thame Planning Ref: P13/S2330/O S106 Ref: 14S17</p> <p>Three of the S106 agreements (S106 References: 15S23, 15S25 and 16S07) are specific in that their intended use can only be used by Chinnor RFC towards expansion or pitch improvements. The other two S106 agreements (S106 Reference: 15S13 and 14S17) specify the intended use as: outdoor pitches serving Thame.</p> <p>The proposed project towards pitch improvement involves installing a bore hole behind the barn and extending the existing pipework to pitches 2 and 3 (youth pitches), this will enable the club to water all their pitches throughout the seasons as required.</p> <p>Installing a bore hole will enable Chinnor RFC to make available two further pitches increasing the training slots by some 35 per cent and will also allow their youth group to train and exercise safely on a well-maintained surface. It will also allow them to increase their offering to the wider community for exercise and better access to the pitches.</p> <p>Planning permission for the project is not necessary.</p> <p>The project is in line with the Thame Sports Facility Strategy funding allocations. The Sports Facility Strategy is there to act as a guidance document, setting context to identify priorities and to facilitate the decision-making process for delivery.</p> <p>Internal teams, including leisure officers have been consulted on the proposal and use of the S106 contribution. Thame Town Council and Rugby Football Union are supportive of the proposal and use of funds.</p>
<p>Alternative options rejected</p>	<p>None</p>
<p>Legal implications</p>	<p>Chinnor Rugby Football Club (RFC) LTD is a private company limited by guarantee without share capital. The land is owned by Chinnor Rugby Football Club LTD (Company registration number 7520174) and is registered at HM Land Registry under Title number ON72702.</p> <p>It is recommended that Chinnor RFC be advised of the allocation of the funds in a letter with terms of conditions, which sets out what the funds can be used for.</p>
<p>Financial implications</p>	<p>The proposed project conforms to the spending parameters of the S106 agreements and is a suitable use of the funds.</p>

	<p>The total project cost is £41,012, which will be fully funded from the S106 secured contribution. There is no shortfall in funding.</p> <p>It is recommended that a budget is created which allocates the requested £41,012 to the pitch improvement project and the funds be released to Chinnor RFC.</p>			
Other implications				
Background papers considered				
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	None			
List consultees		Name	Outcome	Date
	Ward councillors	Cllr Pieter-Paul Barker	Emailed - no comment	16.2.21
		Cllr David Bretherton	Emailed - no comment	16.2.21
		Cllr Kate Gregory	I am supportive of this application	19.2.21
		Cllr Lynn Lloyd	No issues	16.2.21
		Cllr Ian White	Emailed - no comment	16.2.21
	Legal	Pat Connell	Have you asked for advice from the legal team on how the companies are structured? The funds are to benefit the asset which is owned by a separate company. Surely you should have the landowning company as a party to the agreement to ensure they don't sell off the asset into which we are injecting these monies?	10.3.21
			Your other information on Chinnor assisted and my understanding was that this was now progressing	24.3.21

	Finance	Emma Creed	Contributions checked and agreed in Finance	10.3.21
	Human resources	N/A		
	Sustainability	Heather Saunders	Emailed - no comment	16.2.21
	Communications	Andy Roberts	Signed off	22.2.21
	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?				
Cabinet member for 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 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: 16:55
Date published to all councillors	Date: 24 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.