

## 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>	Robin Bennett, Cabinet Member for economic development & regeneration
<b>Key decision?</b>	No
<b>Date of decision</b> (same as date form signed)	1 July 2021
<b>Name and job title of officer requesting the decision</b>	Silke More O’Ferrall, Infrastructure Implementation Officer
<b>Officer contact details</b>	Tel: 01235 422409 Email: <a href="mailto:silke.oferrall@southandvale.gov.uk">silke.oferrall@southandvale.gov.uk</a>
<b>Decision</b>	To create a budget of £60,000 from CIL funding towards Mill Lane, Chalgrove Flood Alleviation Scheme.
<b>Reasons for decision</b>	<p>We have received an application from the Technical Services team for CIL funding towards the Flood Alleviation Scheme in Mill Lane, Chalgrove. This scheme originated following numerous flood events and flooding to eight properties in Mill Lane, Chalgrove in 2014.</p> <p>The Technical Services team intend to improve the local drainage network, reducing the strain on the existing watercourse, which has become undersized overtime following the increase in development. It is proposed to install 240 metres of culvert, and carry out a further 280 metres of ditch works to provide an additional overflow route for the stream at times of peak flow, to the west of Langley Field Farm, through agricultural land and away from properties on Mill Lane.</p> <p>By putting forth this scheme, there is opportunity for the council to reduce flood risk in the local area and provide a safer community for residents.</p> <p>CIL funding would be an appropriate use to meet the additional demand placed on this area.</p> <p>In accordance with the Constitution’s Finance Procedure Rules para 75 (b) this paper seeks the approval by the Cabinet Member for economic development &amp; regeneration in consultation with the Cabinet member for finance to create a</p>

	<p>budget and release the funds.</p> <p><i>75. For all other section 106 and CIL agreements where contributions are received by the council a budget for the spending of the receipt must be created as follows:</i></p> <p><i>(a) For agreements of up to £20,000 budgets can be requested by the head of planning and approved by the head of finance.</i></p> <p><b><i>(b) For agreements greater than £20,000 up to £100,000 budgets can be approved by the relevant Cabinet member in consultation with the Cabinet member for finance.</i></b></p> <p><i>(c) For agreements of greater than £100,000 budgets must be approved by Council.</i></p>
<p><b>Alternative options rejected</b></p>	
<p><b>Legal implications</b></p>	<p>Local authorities are required to spend the levy's funds on the infrastructure needed to support the development of their area and they will decide what infrastructure is needed. The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development. The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development. Flood defences is specifically mentioned in the CIL regulations and meets the requirement for which the levy can be used. There are sufficient CIL funds generated in the parish of Chalgrove to be used to fund the project.</p> <p>To ensure that the levy is open and transparent, charging authorities must prepare infrastructure funding statements on the levy for the previous financial year which must be placed on the websites by 31 December each year. These reports will ensure accountability and enable the local community to see what infrastructure is being funded from the levy.</p>
<p><b>Financial implications</b></p>	<p>The budget for this scheme was originally set in 2015, through partnership funding. £35,000 has been secured from Oxfordshire County Council (OCC), and a further £40,000 has been committed from the Environmental Agency (EA) via Flood and Coastal Risk Management Grant in Aid. South Oxfordshire District Council have provided £15,000, bringing the total budget to £90,000.</p> <p>The ICMD approving the budget to carry out the construction of a flood alleviation channel and to begin the tender procurement process to identify a suitable contractor was approved and signed off by the relevant cabinet member on 8 November 2019.</p> <p>After receiving tender submissions for this scheme, the most economical advantageous bid came in £60,000 over budget and therefore a request for CIL funding to make up the shortfall is being made.</p>

	As at 1 June 2021 a balance of £6,548,999 is available in CIL funding to enable this project to be funded.		
<b>Other implications</b>	None		
<b>Background papers considered</b>	<p>The Community Infrastructure Levy (CIL) was adopted by the South Oxfordshire District Council on 18 February 2016 and took effect on 1 April 2016.</p> <p>Where a new development has been built, statutory regulations state that the towns and parishes where the development has occurred receive 25 per cent of the CIL revenues if they have an adopted neighbourhood plan, or 15 per cent if they have not.</p> <p>Up to five per cent of the CIL revenue raised can be used to cover administration costs related to tracking, monitoring, and reporting on CIL revenue and expenditures.</p> <p>In April 2021 South Oxfordshire District Council <a href="#">CIL Spending Strategy</a> was updated which sets out how the council allocates and will utilise the CIL funds generated.</p> <p>The District Council internal budgetary amount is 30 per cent of the total percentage allocation from council's CIL revenues, less transfers to town or parish councils and council administrative costs incurred having been deducted. The amount is calculated on available actual funds.</p> <p>The funding allocated to the district internal allocation is intended for use to fund new infrastructure as identified by the IDP and / or corporate priorities and the improvement, replacement, operation, or maintenance of existing infrastructure providing that this supports development.</p>		
<b>Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?</b>	None		
<b>List consultees</b>		<b>Name</b>	<b>Outcome</b>
	Legal	Pat Connell	Minor edits
	Finance	Emma Creed	Agreed
	Human resources	N/A	
	Sustainability	Heather Saunders	Emailed
	Assurance	Yvonne Cutler Greaves	Emailed
	Communications	Andy Roberts	Agreed
			<b>Date</b>
			8.6.21
			17.6.21
			8.6.21
			8.6.21
			10.6.21

	Interim Head of Service: Development and Regeneration	Chris Traill	Decision delegated to Jayne Bolton - Agreed	18.6.21
	Head of Service: Planning	Adrian Duffield	Decision delegated to Stuart Walker - Agreed	18.6.21
	Interim Head of Service: Finance	Simon Hewings	Agreed	18.6.21
	Strategic Management Team (SMT)	Suzanne Malcolm	Approved	30.6.21
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>	N/A			
<b>Cabinet member for economic development &amp; regeneration signature</b> To confirm the decision as set out in this notice.	Approved by email 1 July 2021			
<b>Cabinet member for Finance signature</b> To confirm the decision as set out in this notice.	Approved by email 30 June 2021			

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

For Democratic Services office use only		
Form received	Date: 1 July 2021	Time: 10:10
Date published to all councillors	Date: 1 July 2021	
Call-in deadline	Not applicable as this is a non-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](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.**