

## 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>	Yes
<b>Date of decision</b> (same as date form signed)	1 September 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: silke.oferrall@southandvale.gov.uk
<b>Decision</b>	To create a budget for <b>£80,250</b> from S106 contributions to fund Thame Town Council for the Public Art: Art Leading Wayfinding Project in Thame and to enter into a legal agreement with Thame Town Council on the terms detailed below and thereafter to release funds, subject to receipt of the signed legal agreement.
<b>Reasons for decision</b>	<p>We have received a request for draw down of funds from Thame Town Council (S106 claim ref.: S21/S3217/106) for a total of £80,250 from the following three S106 contributions:</p> <ol style="list-style-type: none"> <li> <p><b>1. Development:</b> Land north of Oxford Road  <b>Address:</b> Land north of Oxford Road, Thame  <b>Planning Ref:</b> P14/S3841/FUL  <b>S106 Ref:</b> 15S31  <b>Obligation:</b> The "Public Art" contribution is defined in schedule three of the agreement as 'the sum of £47,106 (<b>£52,672.47</b>) Index-Linked towards directional signage and information boards on footways in Thame'.</p> </li> <li> <p><b>2. Development:</b> Land East of Thame Park Road  <b>Address:</b> Land East of Thame Park Road, Thame  <b>Planning Ref:</b> P14/S1619/O  <b>S106 Ref:</b> 15S12  <b>Obligation:</b> The 'Public Art' contribution is defined in schedule three of the agreement as 'the sum of £21,081.86 (<b>£22,057.56</b>) Index-Linked towards public art in Thame.'</p> </li> </ol>

	<p>3. <b>Development:</b> Land East of Thame Road  <b>Address:</b> Land East of Thame Road, Thame  <b>Planning Ref:</b> P14/S1619/O  <b>S106 Ref:</b> 15S13  <b>Obligation:</b> The ‘Public Art’ contribution is defined in schedule three of the agreement as ‘the sum of £28,820.77 (<b>£31,522.97</b>) Index-Linked towards public art in Thame.’</p> <p>The town-wide directional signage / wayfinding project will improve communication routes through the town as well as raising awareness of Thame’s history and heritage, including in connecting all estates into Thame, but also covering wayfinding throughout the rest of town.</p> <p>This is phase 3 of the overall project - Delivery of works, installation and unveiling of the works of art.</p> <p>Phase 1 of this work, the Wayfinding Strategy, already undertaken - identified the most suitable places for pieces of Public Art to be located to ensure that they become a significant part of the landscape of Thame.</p> <p>Phase 2 also completed - involved the creation of an Artist’s brief and commissioning of an Artist.</p> <p>Phase 3 of the project will now commence with creative community engagement, involving a wide range of established and new residents creating an interactive and intriguing story trail which will weave its way around Thame using the history and heritage of Thame for inspiration. The finished pieces will bring the story of Thame to life and add a further fun element to the interactive trail.</p> <p>As the project will result in various forms of art – some finger posts, some steppingstones, some vitreous enamel boards once the sites are narrowed down following workshops - Thame Town Council will contact South Oxfordshire’s District Council’s Planning team to see if the works of art are acceptable under ‘Permitted Development’. If necessary the appropriate application will be required and no funding will be released until permission is granted.</p> <p>The proposed project conforms to the spending parameters of the S106 agreements and is a suitable use of the funds. The funding provides capital for the delivery of the Public Art and Wayfinding Strategy within Thame.</p> <p>Internal teams, including the arts officer have been consulted and support the proposal and use of the funds.</p>
<b>Alternative options</b>	None

<b>rejected</b>				
<b>Legal implications</b>	<p>Thame Town Council is the parish authority for Thame.</p> <p>It is recommended that Thame Town Council enter into a legal agreement which will include the terms of use of the S106 funding; the instalments in which the funding is paid; the timing of instalments; the conditions subject to which instalments are paid and to otherwise protect the interests of South Oxfordshire District Council as the provider of the funding.</p> <p>A signed legal agreement will be secured with Thame Town Council before any payment is made. This will reduce risks to the Council regarding any possible inappropriate use of funds.</p>			
<b>Financial implications</b>	<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 £80,250, which will be fully funded from the S106 secured contribution. There is no shortfall in funding and a £5,000 contingency is included as a precautionary measure.</p> <p>The financial implications of this request can be accommodated by the secured S106 contributions.</p> <p>It is recommended that a budget is created which allocates the requested £80,250 to the Public Art: Art Leading Wayfinding project and the funds be released to Thame Town Council.</p>			
<b>Other implications</b>	None			
<b>Background papers considered</b>				
<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>	<b>Date</b>
	Ward councillors	Cllr Pieter-Paul Barker	Emailed	28.7.21
		Cllr David Bretherton	Supportive	29.7.21
		Cllr Kate Gregory	Emailed	28.7.21
	Legal	Pat Connell	Agreed	28.7.21

	Finance	Emma Creed	Agreed	6.8.21
	Human resources	N/A		
	Sustainability	Heather Saunders	Emailed	22.7.21
	Communications	Emma East	Agreed	30.7.21
	Interim Head of Development & Regeneration	Chris Traill	Agreed	9.8.21
	Head of Planning	Adrian Duffield	Agreed	9.8.21
	Interim Head of Finance	Simon Hewings	Agreed	9.8.21
	Strategic Management Team (SMT)		Agreed	18.8.21
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>	No			
<b>Cabinet member for Economic Development &amp; Regeneration signature</b> To confirm the decision as set out in this notice.	Signature: Cllr R Bennett Date: 1/9/2021 by email			
<b>Cabinet member for Finance signature</b> To confirm the decision as set out in this notice.	Signature: Cllr L Rawlins Date: 1/9/2021 by email			

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

For Democratic Services office use only		
Form received	Date: Friday 3 September 2021	Time: 13:19
Date published to all councillors	Date: Friday 3 September 2021	
Call-in deadline	Date: Friday 10 September 2021	Time: 17:00

## 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.**