

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	Cllr Robin Bennett, cabinet member for economic development and regeneration
Key decision?	No
Date of decision (same as date form signed)	7 September 2021
Name and job title of officer requesting the decision	David Cookson Infrastructure Implementation Officer Ref P21/S2219/106
Officer contact details	Tel: 07917 088372 Email: david.cookson@southandvale.gov.uk
Decision	To create a budget of £23,561.40 from S106 contributions and release funds, to Wallingford Town Council towards an artistic notice board and bench in front of Lidl Supermarket, Lupton Road, Wallingford and to enter into a funding agreement in the form of an acceptance of conditions letter, with Wallingford Town Council on the terms detailed below and thereafter to release funds, subject to receipt of the signed letter.
Reasons for decision	<p>We have received an application from Wallingford Town Council for funds totalling £23,561.40, arising from the following development:</p> <p>Development: UK Bathroom Warehouse, Lupton Road, Wallingford Planning Ref: P17/S3651/FUL Decision Type: Delegated S106 Ref: 18S18 Date of agreement: 13 April 2018 Obligation: The “Public Art Contribution” is defined as ‘...the sum of twenty-two thousand two hundred pounds (£22,200) Index-Linked towards the funding of public art at the Site.”</p> <p>There is no further information the above agreement on how this contribution should be allocated.</p> <p>Agreement 18S18 relates to a planning decision made by a delegated officer i.e., it was not presented to a planning committee and the total sum requested is more than £20,000, but below £100,000. Thus, in</p>

	accordance with our constitution, the cabinet member for economic development and regeneration in consultation with the cabinet member for finance may agree to set up a budget and release the funds requested for the project described above, in accordance with the Council's Constitution Financial Procedure Rules (para 75(b) (Appendix 1)).
Alternative options rejected	None
Legal implications	It is recommended that Wallingford Town Council enter into a funding agreement which sets out what the funds can be used for and includes a spending deadline to ensure delivery of the project.

Financial implications	<p>The proposed project conforms to the spending parameters of the S106 agreements and is a suitable use of the funds.</p> <p>The applicant has predicted costs of approximately £10,400 for the notice board and £8,300 for the bench. With a contingency of £4,861.40, this will use the maximum funds available of £23,561.40. If contingency is unspent it will be returned to the council.</p>			
Other implications	None			
Background papers considered	None			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	None			
List consultees		Name	Outcome	Date
	Ward Councillor	Sue Roberts	Supportive	30-06-21
	Ward Councillor	George Levy	Emailed	30-06-21
	Finance	Emma Creed	Agreed money available to spend	16-06-21
	Legal	Susan White	No comments other than to confirm meets the requirements of contribution towards public art at the site and scope of the planning obligation in the s.106 agreement	26-07-21
	Equalities Officer	Lynne Mitchell	Supportive whilst noting that "BS8300", the British Standard	20-07-21

			that sets out how buildings should be designed, constructed and maintained to create an accessible and inclusive environment for disabled people, recommends between 450 and 475mm for fixed seating. The recommended range for a wheelchair user to read informational signs is 1000–1100mm and for somebody standing 1400–1700mm.	
	Grants Officer	Suzi Wild	No concerns	14-07-21
	Communications	Emma East	No concerns	29-07-21
	Planning Officer	Cathie Scotting	No objection to the proposed spending of the S106 monies, the project is in accordance with the S106 agreement.	02-08-21
	Interim Head of Development & Regeneration	Chris Traill	Agreed	09-08-21
	Head of Planning	Adrian Duffield	Agreed	09-08-21
			No further comments	01-09-21
	Head of Finance	Simon Hewings	Agreed	09-08-21
	Strategic Management Team (SMT)		Supportive	01-09-21
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?	No			
Cabinet member for economic	Signature: Robin Bennett (by email on 7/9/2021)			

development and regeneration signature To confirm the decision as set out in this notice.	Date: 7/9/2021
Cabinet member for finance and corporate assets signature (as consultee) To confirm the decision as set out in this notice.	Signature: Leigh Rawlins (by email on 7/9/2021) Date: 7/9/2021

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

For Democratic Services office use only		
Form received	Date: 10 September 2021	Time: 09:53
Date published to all councillors	Date: 10 September 2021	
Call-in deadline	Date: n/a	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 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.