

## Record of 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>	Leigh Rawlins, Cabinet member for finance and property assets
<b>Key decision?</b>	No
<b>Date of decision</b> (same as date form signed)	3 October 2022
<b>Name and job title of officer requesting the decision</b>	David Cookson Infrastructure Implementation Officer  Ref P22/S2856/106
<b>Officer contact details</b>	Tel: 07917 088372 Email: <a href="mailto:david.cookson@southandvale.gov.uk">david.cookson@southandvale.gov.uk</a>
<b>Decision</b>	In accordance with the Constitution's Finance Procedure Rules, to create a budget for £45,000.00 from one S106 contribution, and release those funds in one payment subject to completion of a third party funding agreement, to Wallingford Sports Trust towards installation of new floodlights at Wallingford Sports Park.
<b>Reasons for decision</b>	<p>Wallingford Sports Park is a well-established facility which has provided sport for the people of Wallingford and the surrounding region of South Oxfordshire for 50 years.</p> <p>Wallingford Sports Trust, the umbrella organisation that operates the Sports Park, is a Charitable Incorporated Organisation and a not for profit organisation, with eight constituent clubs providing sporting opportunities in rugby, hockey, football, tennis, squash and racquetball, skittles, petanque and archery, to approximately 1800 members.</p> <p>A major concern for the future of the Sports Trust is the hike in energy prices which will increase costs of running the whole Sports Park and pavilion by nearly £50k pa, an increase which can only partially be passed on to users of the Park.</p> <p>This application is a request to fund replacement of the 32 existing 2kw metal halide lanterns on the all-weather pitch (AWP), with 20/21 LED lanterns using around half the energy, on the same columns. This should cut energy use on the AWP by over 50% and cost by some £12,000 per annum.</p>

<b>Alternative options rejected</b>	None.
<b>Climate and ecological implications</b>	<p>The current metal halide luminaires are rated at 2kw each. 32 lights can potentially use 64kwh of energy in one hour.</p> <p>Replacing these units with 21 LED lights will save an estimated 68% in electricity (manufacturer's figures).</p>
<b>Legal implications</b>	<p>The applicant will be required to enter into a third party funding agreement, which will ensure the award is spent correctly and legally, and enable the district council to recover any money not spent within the terms of the agreement. The agreement will also cap the amount allowed to be spent on legal costs to 5% of the application amount, which is £2,250.00.</p> <p>The Sports Park rent is subsidised by SODC. The accounts for Wallingford Sports Trust show receipt of grants totalling £225,860 in the last three year period (made up to March 2021).</p> <p>As the subsidy limit is £315,000 over a three year period, it would appear unlikely this award would cause the applicant to exceed their limit for subsidies.</p>
<b>Financial implications</b>	<p>Paragraph 75(b) of the Constitution of South Oxfordshire District Council and Vale of White Horse District Council – 24 May 2022 (Financial procedure rules section), states that for section 106 and CIL 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.</p> <p>The project will be funded from the following planning obligation:</p> <p><b>Development:</b> Hithercroft Industrial Estate Moreton Avenue, OX10 9EU  <b>Planning Ref:</b> P13/S3451/FUL  <b>S106 Ref:</b> 14S23  <b>Date of agreement:</b> 23 September 2014  <b>Obligation:</b> "Outdoor Sport Contribution" means the sum of ninety eight thousand nine hundred and sixty eight pounds (£98,968) towards the enhancement/improvement of outdoor sport facilities serving the Site".</p> <p><b>Actual Contribution Received:</b> £107,032.64  <b>Contribution expiry date:</b> 08 October 2027 (10 years from receipt)</p> <p>In relation to how this contribution is to be used, there is no further information in the agreement of how this contribution should be allocated.</p> <p>£18,500.00 of this contribution has already been allocated to another project, £43,532.64 will remain for future applications if the £45,000.00 is awarded.</p>

<b>Other implications</b>	South Oxfordshire District Council have absolute freehold of Wallingford Sports Park. Wallingford Sports Trust lease the site from SODC. The current lease expires on 31 May 2049, but there is an outstanding rent review.			
<b>Background papers considered</b>	None.			
<b>Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?</b>				
<b>List consultees</b>		<b>Name</b>	<b>Outcome</b>	<b>Date</b>
	Ward councillors	George Levy	Supportive	23-08-22
		Sue Roberts	Supportive	27-08-22
	Wallingford Town Council	Michelle Taylor	Supportive	12-09-22
	Property Team	Andrew Pegg	Need to see full details in order to determine whether the works, which are alterations in any event (not like for like) need landlords consent and the most appropriate mechanism to grant that consent.	23-08-22
	Legal <a href="mailto:legal@southandvale.gov.uk">legal@southandvale.gov.uk</a>	Gillian Mason	Officer commented that funds should not be released until licence to alter is agreed and document has been entered into	08-09-22
	Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a>	Emma Creed	Confirmed that contribution is available to spend	04-08-22
	Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>	Heather Saunders	Supportive	24-08-22
	Diversity and equality <a href="mailto:equalities@southandvale.gov.uk">equalities@southandvale.gov.uk</a>	Lynne Mitchell	Supportive	25-08-22
	Planning <a href="mailto:planning@southandvale.gov.uk">planning@southandvale.gov.uk</a>	Cathie Scotting	No objections, noted application in accordance with S106 obligation	23-08-22

	Risk and insurance <a href="mailto:risk@southandvale.gov.uk">risk@southandvale.gov.uk</a>	Allison Holliday	Supportive	24-08-22
	Communications <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a>	Emma East	No comments to add	23-08-22
	SMT		Approved	28-09-22
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>	N/A			
<b>Has this been discussed by Cabinet members?</b>				
<b>Cabinet portfolio holder's signature</b> To confirm the decision as set out in this notice.	Signature _____ Councillor Leigh Rawlins _____ Date _____ 3 October 2022 _____			

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

For Democratic Services office use only		
Form received	Date: 3 October 2022	Time: 16:14
Date published to all councillors	Date: 4 October 2022	
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 hand-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 2520.  
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.**