

## Record of an individual Cabinet member decision

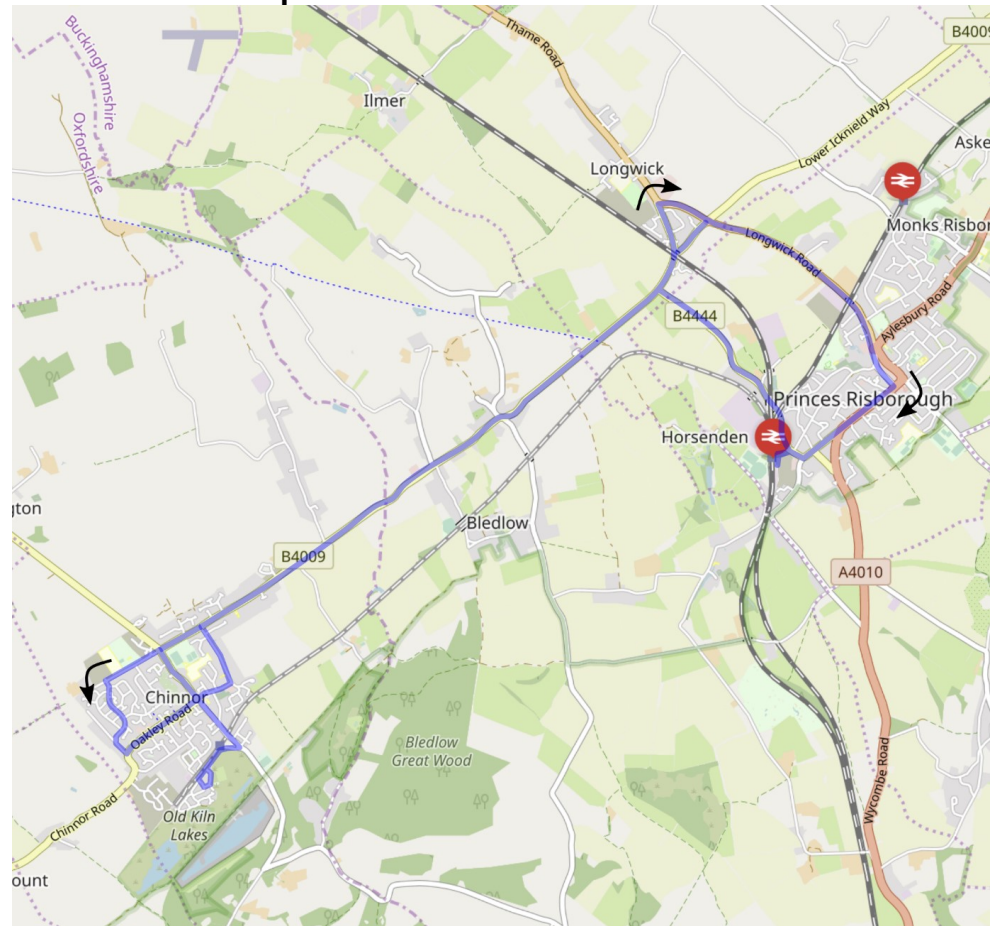
Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

<b>Decision made by</b>	Councillor Leigh Rawlins, Cabinet Member for Finance and Property Assets
<b>Key decision?</b>	Yes
<b>Date of decision</b> (same as date form signed)	3 November 2022
<b>Name and job title of officer requesting the decision</b>	Silke More O'Ferrall - Infrastructure Implementation Officer Finance  S106 application reference: P22/S3554/106
<b>Officer contact details</b>	Tel: 07917 088370 Email: <a href="mailto:silke.oferrall@southandvale.gov.uk">silke.oferrall@southandvale.gov.uk</a>
<b>Decision</b>	To create a budget for £85,814 from S106 contributions and release funds to the Oxfordshire County Council towards improved public transport in Chinnor. Funds to be released, in total as one payment, subject to receipt of the signed legal agreement.
<b>Reasons for decision</b>	<p>We have received a request to draw down funds from Oxfordshire County Council for a total of £85,814.25 from the S106 contribution Agreement reference 16S37 arising from the development at Land north of Mill Lane. (Planning application reference P16/S1468/O)</p> <p>The section 106 agreement is 'clear and unambiguous' about how the contribution is to be used. The planning decision was made by planning committee, over which further discretion cannot be applied. In accordance with the council's Constitution Financial Procedure Rules paragraph 74 –</p> <p>For section 106 or CIL agreements that provide clear and unambiguous details on how the receipts raised must be used, where that agreement has been approved by the Planning Committee and over which further discretion cannot be applied then the head of finance can approve the creation of the relevant revenue or capital budget.</p> <p>The Cabinet Member for Finance and Corporate Assets is requested to approve, as a higher authority, the creation of the budget and award of funding as a key decision for the council.</p> <p>The section 106 agreement reference 16S37, a bipartite agreement was secured by South Oxfordshire District Council towards improving</p>

public transport serving Chinnor, to help support public transport services, request for the contribution were made by Oxfordshire County Council at planning application stage and necessary to make development acceptable in planning terms.

The 320 Bus Service connects Chinnor to Princes Risborough for access to the rail network and services available in Princes Risborough. Journeys at peak hours are provided under contract to Chiltern Railways. The request for funding relates to off-peak journeys between the peak journeys. The additional journeys will increase the number of people travelling by bus between Chinnor and Princes Risborough, and the overall level of usage of the bus route.

**Service Route Map**



**Alternative options rejected**

None considered.  
An effective bus service is required to offer the new residents a realistic alternative to the car to access employment, education and facilities outside of Chinnor.

**Climate and ecological implications**

We would support the application to increase the public transport service between Chinnor and Princes Risborough as it will offer a viable alternative to the private car and result in a reduction of greenhouse gas emissions. We would be interested to know whether the bus service will use an electric or fossil-fuelled bus fleet – we would obviously prefer the first option.

<p><b>Legal implications</b></p>	<p>The release of the contribution is determined in the section 106 agreement defined in the Fifth Schedule (The District Council's Obligations), paragraph 1.3</p> <p><i>1.3 'When the District Council receives the County Contributions (as defined in the Fourth Schedule) the District Council shall pay the County Contributions to the County Council such payment to be made only when the District Council is reasonably satisfied that the County Contributions will be applied for any purpose other than that for which it is stated to be used in this Deed'</i></p> <p>It is recommended that the Oxfordshire County Council enter into a legal agreement which sets out what the funds can be used for and includes a spending deadline to ensure delivery of the project. Once the agreement is complete Oxfordshire County Council will be advised of the allocation of the funds in a letter.</p>												
<p><b>Financial implications</b></p>	<p>The total project cost is estimated to be £108,996 and is detailed in the table as set out below. Any shortfall of funds will be met by Oxfordshire County Council (OCC) using other section 106 funds for public transport improvements in Chinnor.</p> <p>The 320 Bus Service Chinnor to Princes Risborough is run by Redline Bus Company. (<i>Company number 08758110</i>)</p> <p>An initial contract covered the operating period 1 September 2020 until 31 Dec 2021 for an amount of £59,472.</p> <p>A subsequent contract extension covered the operating period 1 January 2022 until 22 July 2022 for an amount of £24,134.</p> <p>A further contract extension is being finalised for the period 23 July 2022 to 25 August 2023 of which the cost to Oxfordshire County Council is estimated to be £25,390. Buckinghamshire County Council will also be contributing to the costs for this period.</p> <table border="1" data-bbox="459 1464 1362 1659"> <thead> <tr> <th>Contract Period</th> <th>Estimated Service Cost</th> <th></th> </tr> </thead> <tbody> <tr> <td>1 Sep 2020 to 22 July 2022</td> <td>£83,606</td> <td>confirmed</td> </tr> <tr> <td>23 July 2022 to 25 August 2023</td> <td>£25,390</td> <td>estimated</td> </tr> <tr> <td></td> <td>£108,996</td> <td>total</td> </tr> </tbody> </table> <p>OCC's Bus Service Team has already drawn down £44k for the Bus Service Chinnor to Princes Risborough and have a negative account. They will be looking to drawn down further section 106 money at year end this financial year and request the section 106 funds secured and received be transferred to OCC to clear the negative account and have the funds available for further drawdown.</p>	Contract Period	Estimated Service Cost		1 Sep 2020 to 22 July 2022	£83,606	confirmed	23 July 2022 to 25 August 2023	£25,390	estimated		£108,996	total
Contract Period	Estimated Service Cost												
1 Sep 2020 to 22 July 2022	£83,606	confirmed											
23 July 2022 to 25 August 2023	£25,390	estimated											
	£108,996	total											
<p><b>Other implications</b></p>													

<b>Background papers considered</b>	<a href="#">P22/S3554/106</a>			
<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 Lynn Lloyd  Cllr Ian White	Fine from my point of view.  This is fine in my view.	10-10-2022 Email  05-10-2022 Email
	Legal <a href="mailto:Rameesh.chowdhary@southandvale.gov.uk">Rameesh.chowdhary@southandvale.gov.uk</a>	Rameesh Chowdhary	Legal implications have been considered. Funds to be released subject to completion of a legal agreement setting out the purpose to which the funds may be applied.	07-10.22 Email
	Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a> <a href="mailto:Emma.creed@southandvale.gov.uk">Emma.creed@southandvale.gov.uk</a>	Emma Creed	S106 contribution checked for funds and agreed in Finance	06-10-2022 Email
	Human resources <a href="mailto:hadminandpayroll@southandvale.gov.uk">hadminandpayroll@southandvale.gov.uk</a>	Trina Mayling	No comment from HR	04-10-2022 Email
	Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>		We would support the application to increase the public transport service between Chinnor and Princes Risborough as it will offer a viable alternative to the private car and result in a reduction of greenhouse gas emissions. We would be interested to know whether the bus service will use an	04-10-2022 Email

			electric or fossil-fuelled bus fleet – we would obviously prefer the first option.	
	<a href="mailto:equalities@southandvale.gov.uk">Equalities@southandvale.gov.uk</a> <a href="mailto:Lynne.mitchell@southandvale.gov.uk">Lynne.mitchell@southandvale.gov.uk</a>	Lynne Michell	Support the need for a bus service. Please be mindful that there are often limited spaces for wheelchair users and or people with prams. Which often means a wheelchair user is left waiting at bus stops for the next available bus. Be good to ensure there is a shelter at the stops.	03-10-2022
	Health and safety <a href="mailto:healthandsafety@southandvale.gov.uk">healthandsafety@southandvale.gov.uk</a>	Debbie Porter	No comment	03-10-2022 Email
	Risk and insurance <a href="mailto:risk@southandvale.gov.uk">risk@southandvale.gov.uk</a>		No comment	Emailed 03-10-2022
	Communications <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a>		No comment from us on this one.	10-10-2022 Email
	Communityenablement <a href="mailto:communityenablement@southandvale.gov.uk">communityenablement@southandvale.gov.uk</a>	Debbie Adams	The only type of transport in Chinnor we have supported financially is the heritage railway society.	04-10-2022 Email
	Planning <a href="mailto:Emma.bowerman@southandvale.gov.uk">Emma.bowerman@southandvale.gov.uk</a>	Emma Bowerman	No objection	30-09-2022 Email
	Head of Planning	Adrian Duffield	Agreed at S106/CIL Applications Meeting	10-10-2022
	Head of Finance	Simon Hewings	Agreed at S106/CIL Applications Meeting	10-10-2022
	Strategic Management Team (SMT) <a href="mailto:ExecutiveSupportSAV@southandvale.gov.uk">ExecutiveSupportSAV@southandvale.gov.uk</a>	Suzanne Malcolm Adrianna Partridge	Happy to support. Happy to support.	27/10/2022
<b>Confidential decision?</b>	No			

If so, under which exempt category?	
<b>Call-in waived by Scrutiny Committee chairman?</b>	
<b>Has this been discussed by Cabinet members?</b>	
<b>Cabinet member for Finance and Property Assets signature</b> To confirm the decision as set out in this notice.	Signature ____ Councillor Leigh Rawlins _____ Date _____ 3 November 2022 _____

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

For Democratic Services office use only		
Form received	Date: 3 November 2022	Time: 08:52
Date published to all councillors	Date: 3 November 2022	
Call-in deadline	Date: 10 November 2022	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.**