

## 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>	Councillor Pieter-Paul Barker, Cabinet member for finance and property assets
<b>Key decision?</b>	No
<b>Date of decision</b> (same as date form signed)	
<b>Name and job title of officer requesting the decision</b>	David Cookson Infrastructure Implementation Officer  Ref P20/S1610/106
<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>	To create a budget for £75,000.00 from one S106 contribution, and release funds to South Oxfordshire District Council towards improvements to the public open space at Radnor Road, Wallingford, in accordance with Paragraph 75(b) of the Constitution of South Oxfordshire District Council and Vale of White Horse District Council – 24 May 2022.  The Constitution 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.
<b>Reasons for decision</b>	The public open space at Radnor Road is a well-used green amenity space which contains a number of issues that impede full community enjoyment. These include inadequate footpaths, overgrown and inappropriate vegetation and a lack of enclosure on the northern edge. Some of these factors, alongside the many exits from the site have contributed to the land becoming known for antisocial behaviour.  Various community groups have requested that South Oxfordshire District Council (as landowner) lead a project to enhance this space and ultimately convert into a safe and welcoming place for families to use.  The project to be funded involves design and construction of two footpaths across the open space, planting of trees, and landscaping measures to prevent unwanted car access onto the green, as necessary.

	The footpaths will be a minimum 1.2 m wide, with maximum slope of 1:12, maximum camber of 1:40 and surfaces suitable for wheelchair use in all weather conditions.
<b>Alternative options rejected</b>	None.
<b>Climate and ecological implications</b>	The footpaths will be constructed from recycled materials.  There will be an increase in tree species and habitat connectivity.
<b>Legal implications</b>	The project will be funded from the following planning obligation:  <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> "Open Space Contribution" means the sum of ninety thousand pounds (£90,000) towards upgrading/enhancing open space to the north of the Site". <b>Actual Contribution Received:</b> £91,804.95 <b>Contribution expiry date:</b> 09 February 2026 (10 years from receipt)  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.  To confirm, this open space is 'North' of the development. The planning officers report shows evidence that contribution was secured due to a lack of green space on the actual development.
<b>Financial implications</b>	The total anticipated cost of the project will be fully funded by developers contributions only.
<b>Other implications</b>	None.
<b>Background papers considered</b>	None.
<b>Declarations/c onflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?</b>	

List consultees		Name	Outcome	Date
	Ward councillors	George Levy	Cllr fully supports – “This project to put two hard surface footpaths across the space has been actively supported and promoted by both myself and councillor Mike Kidley of Wallingford Town Council since 2019 when I was elected as a district councillor”	10-11-22
		Sue Roberts	Supportive	11-11-22
	Wallingford Town Council	Planning Committee	Supportive	30-08-22
	Legal <a href="mailto:legal@southandvale.gov.uk">legal@southandvale.gov.uk</a>	Vivien Williams	Agreed at S106/CIL Applications Meeting	23-11-22
	Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a>	Emma Creed	Confirmed that contribution is available to spend	04-11-20
	Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>	Kim Hall	Supportive. Recommends landscaping plans to further enhance the biodiversity value of the site, perhaps considering part wildflower meadow, and would encourage further engagement with the local community group who have already planted trees at Radnor Road	10-11-22
	Diversity and equality <a href="mailto:equalities@southandvale.gov.uk">equalities@southandvale.gov.uk</a>	Lynne Mitchell	Supportive, however, from an access audit perspective a slope has to be more than 1.21, anything under that is a ramp, and would therefore require handrails.	14-11-22
	Planning <a href="mailto:planning@southandvale.gov.uk">planning@southandvale.gov.uk</a>	Cathie Scotting	Supportive, noted application in accordance with S106 obligation	10-05-21
	Risk and insurance <a href="mailto:risk@southandvale.gov.uk">risk@southandvale.gov.uk</a>		Emailed	10-11-22
	Communications <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a>	Andy Roberts	No comments to add	10-05-21

	Head of Finance <a href="mailto:simon.hewings@southandvale.gov.uk">simon.hewings@southandvale.gov.uk</a>	Simon Hewings	Agreed at S106/CIL Applications Meeting	23-11-22
	Head of Planning <a href="mailto:adrian.duffield@southandvale.gov.uk">adrian.duffield@southandvale.gov.uk</a>	Adrian Duffield	Agreed at S106/CIL Applications Meeting	23-11-22
	SMT		Supportive	11-01-22
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>				
<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 Pieter-Paul Barker _____ Date _____ 24 January 2023 _____			

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

For Democratic Services office use only		
Form received	Date:	Time:
Date published to all councillors	Date:	
Call-in deadline	Date:	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 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.**