

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

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| Decision made by | Councillor Pieter-Paul Barker, Finance and Property Assets |
| Key decision? | No |
| Date of decision (same as date form signed) | |
| Name and job title of officer requesting the decision | Janette Hinton-Smith – Infrastructure Implementation Officer Infrastructure Implementation & Funding Team |
| Officer contact details | Tel: 01235 422135 Email: Janette.hinton-smith@southandvale.gov.uk |
| Decision | To create a budget for £26,443.71 from one S106 contribution and release funds, to South Oxfordshire District Council (SODC) Leisure Facilities team, towards replacing the current fluorescent tube lighting at the swimming pool at Didcot Wave with LED components. |
| Reasons for decision | <p>We have received a request for funds from S106 agreement 16V93 dated 19 December 2016, arising from the development “Parcel SN01A Great Western Park, Didcot”.</p> <p>Didcot Wave, Newlands Avenue, Didcot, Oxon, OX11 8NX is a SODC owned facilities. Corporate property I.D. DID076000. This is not a joint use centre and is the sole responsibility of SODC.</p> <p>The S106 agreement is ‘unclear and ambiguous’ about how the contribution is to be used, and the planning decision was made by a delegated officer, i.e. the planning application was not presented to a planning committee and the sum requested is more than £20,000, but below £100,000.</p> <p>In accordance with the Councils Constitution Financial Procedure Rules (para 75(b) this paper seeks approval by the relevant cabinet member, to create a budget and release the funds requested for the purposes described.</p> <p>The S106 agreement was secured and we have received £29,990.22 for ‘Indoor Sport’ in the parish of Didcot. The project will be funded from the following S106 contribution:</p> <p>Development: Parcel SN01A Great Western Park Didcot Planning Ref: P16/V0120/FUL S106 Ref: 16V93</p> |

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| | <p>Date of Agreement: 19 December 2016</p> <p>Obligation: "Site D Leisure Centre Contribution" means the sum of twenty four thousand, two hundred and thirty five pounds (£24,235) Index-Linked towards the funding of a leisure centre in Didcot to serve Great Western Park.</p> <p>Amount: £29,990.22</p> <p>Expiry of contribution: 7 August 2028</p> <p>The proposed project is to improve the current lighting levels in in the pool hall at Didcot Wave by removing old fluorescent tubes and replacing them with LED components. The current lighting is the original halide lighting from when the centre was built. The lighting is inefficient and becoming increasingly unreliable and expensive to maintain. If a small number of units fail this can cause a drop in the lighting lux levels within the pool hall to below the recommended level for recreational and club swimming which is 300 lux. It is important this level is maintained to allow swimmers and lifeguards to be able to see adequately above and below the surface of the water.</p> <p>Installing new corrosion resistant light emitting diodes (LEDs) will allow us to reach the required lighting levels to ensure standards are met and make the pool hall a safer and more pleasant environment for users and staff.</p> <p>LEDs will reduce the ongoing maintenance and energy costs and the overall carbon footprint of the centre. LED's have a longer life expectancy, are tougher, more durable, and brighter, they also come on instantly with no warm up period required. LED lighting generally comes with a 5-year warranty, so any replacement cost within this time frame will be completed by the manufacturer.</p> <p>It is estimated that this project could potentially halve the total circuit power and maintenance costs for the pool and reduce the amount of CO2 produced. On completion of the project more accurate calculations and costings will be available but soft market testing has expected a saving of around 12,000 kWh annually nearly half the 25,000 kWh emitted at present.</p> <p>As the local population continues to increase from the large number of new developments in and around Didcot a significant demand has been placed on this facility as it is the only one in Didcot. LED lighting is a selling point for both new and existing customers and allows the centre to continue providing an accessible and acceptable leisure provision that can meet the current and future demands being placed on it.</p> |
| Alternative options rejected | None considered. |
| Climate and ecological implications | The climate team support the use of S106 to upgrade the pool lights at Didcot Wave to LED. |
| Legal implications | The council is the freehold owner of the site and has a statutory duty to manage and maintain. |

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| | The funding is not considered to be a subsidy as the recipient of the funding (SODC) is not an enterprise, no economic advantage is being conferred, nor does the funding have an effect on competition or investment within the UK, or on trade or investment between the UK and another country or territory, or both. Therefore, the funding is not subject to the subsidy control regime | | | |
| Financial implications | <p>The total project cost is estimated to be £26,443.71, which will be fully funded from the S106 secured contributions of £29,990.22.</p> <p>From a market test completed the project is expected to come in on budget but should there be any shortfall following the procurement process it will be met from leisure capital budget X155.</p> <p>Accountancy have confirmed that the S106 funds are available.</p> <p>Paragraph 75b of the council's financial procedure rules apply as planning permission for the development providing the S106 funds was via a delegated decision. As the application is for over £20K the award will require the approval of an Individual Cabinet Member Decision (ICMD).</p> <p>The Cabinet Member for Finance and Property Assets is requested to approve the creation of the budget and award of the S106 funding.</p> | | | |
| Other implications | None | | | |
| Background papers considered | P23/S1160/106 | | | |
| Declarations/conflict of interest? | None | | | |
| Declaration of other councillor/officer consulted by the Cabinet member? | | | | |
| List consultees | | Name | Outcome | Date |
| | Ward Councillors where funding is from: | Sarah Medley | Emailed | 21-04-2023 |
| | | Hayleigh Gascoigne | I am in support of spending money on public facilities to reduce energy and carbon costs. | 25-04-2023 |
| | Ward Councillors where funding is to be spent: | Mocky Khan Axel Macdonald Celia Wilson | Emailed | 21-04-2023 |
| | Cabinet member – | Pieter-Paul Barker | Emailed | 21-04-2023 |
| | Legal legal@southandvale.gov.uk | Wendi Batteson | Agreed at S106/CIL Applications Meeting | 27-04-2023 |

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| | Finance Finance@southandvale.gov.uk | Emma Creed | I confirm this money is available to spend. | 03-04-2023 |
| | Human resources hradminandpayroll@southandvale.gov.uk | N/A | | |
| | Climate and biodiversity climateaction@southandvale.gov.uk | Jessie Fieth | The climate team support the use of S106 to upgrade the pool lights at Didcot Wave to LED. | 04-04-2023 |
| | Diversity and equality equalities@southandvale.gov.uk | Lynne Mitchell | Happy to support an upgrade to LED lighting as I know it's important and will be more cost effective in the long run. Need to be aware of glare with lights reflecting off the water and also with any natural lighting. | 03-04-2023 |
| | Strategic property Property@southandvale.gov.uk | Chris Mobbs | Strategic Property has no comments to make | 24-04-2023 |
| | Health and safety healthandsafety@southandvale.gov.uk | Debbie Porter | <p>Contractor to be used should be checked to ensure they have experience installing lighting in pool environments and they have an acceptable health and safety record.</p> <p>The risk of injury from electric shock is magnified by the wet and corrosive conditions in pools and associated areas. Health and safety plan to include scope and specification of all equipment, electrical wiring, and lighting, ensure it is of safe standard for the corrosive environment (ref standards). Lighting selected to be of sufficient lux to minimise risk of slips trips and falls and located at angles and height to reduce glare and reflection off pool surface, wet areas etc.</p> | |

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| | | | <p>Safety alerts on pool lighting systems were highlighted in 2016, ensure existing system and systems to be used are not subject to a safety alert prior to works and take action to mitigate the risks.</p> <p>Diving at work regulations may apply if the plan is to include lighting under water.</p> | |
| | <p>Risk and insurance risk@southandvale.gov.uk</p> | <p>Yvonne Cutler Greaves</p> | <p>Emailed</p> | <p>21-04-2023</p> |
| | <p>Communications communications@southandvale.gov.uk</p> | <p>Andrea Busiko</p> | <p>Nil comments, please keep Communications updated so we can action relevant Comms.</p> | <p>24-04-2023</p> |
| | <p>Garden Communities - Didcot Garden Town team Nicola.wyer@southandvale.gov.uk</p> | <p>Nicky Wyer</p> | <p>This has been forwarded to Charlotte who will respond on behalf of DGT if required.</p> | <p>21-04-2023</p> |
| | <p>Leisure Development Carmella.anderson@southandvale.gov.uk</p> | <p>Carmella Anderson</p> | <p>Leisure have no objections to the request</p> | <p>05-04-2023</p> |
| | <p>Planning Phil.moule@southandvale.gov.uk</p> | <p>Phil Moule</p> | <p>The Site B and Site D Leisure Centre Contributions were sought to go towards the funding an off-site Leisure Centre in Didcot to serve GWP. The request from the Leisure Team at the time of the planning application mentioned the new Leisure Centre to be provided at Didcot NE.</p> <p>The definition of the Site B and Site D Leisure Centre Contributions in the S106 Agreement is 'means the sum of twenty four thousand two hundred and thirty five pounds (index linked) towards the funding of a leisure</p> | <p>11-04-2023</p> |

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| | | | <p>centre in Didcot to serve Great Western Park’.</p> <p>The definition in the S106 does not stipulate a new leisure centre and does not ear mark the Didcot NE site. I suspect the S106 definition is such to take account of the possibility of the Didcot NE Leisure Centre project not coming forward (as this was dependent upon an option agreement being taken forward) an thus relates to a leisure centre in Didcot.</p> <p>The funding project is for the improvement of existing leisure centre facilities at Didcot. We would therefore need to be comfortable that ‘improvements to an existing leisure centre’ meets the definition of ‘funding a leisure centre at Didcot’.</p> | |
| | Harwell Parish Council | | Emailed | 21-03-2023 |
| | Head of Planning | Adrian Duffield | Agreed at S106/CIL Applications Meeting | 27-04-2023 |
| | Head of Finance | Simon Hewings | Agreed at S106/CIL Applications Meeting | 27-04-2023 |
| | Strategic Management Team (SMT) ExecutiveSupportSAV@southandvale.gov.uk | Suzanne Malcolm, Adrianna Partridge, Adrian Duffield | Happy to support | 04-05-2023 |
| Confidential decision? If so, under which exempt category? | No | | | |
| Call-in waived by Scrutiny Committee chairman? | | | | |
| Has this been discussed by Cabinet members? | | | | |

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| <p>Cabinet member for Finance and Property Assets signature To confirm the decision as set out in this notice.</p> | <p>Signature <u> <i>Pieter-Paul Barker</i> </u></p> <p>Date <u> 25th May 2023 </u></p> |
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ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY

| For Democratic Services office use only | | |
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| 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 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.