

## 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>	Cllr David Rouane, Leader of South Oxfordshire District Council
<b>Key decision?</b>	No
<b>Date of decision</b> (same as date form signed)	24/07/23
<b>Name and job title of officer requesting the decision</b>	Nick King Economic Development Manager
<b>Officer contact details</b>	Tel: 07801 203545 Email: <a href="mailto:Nick.king@southandvale.gov.uk">Nick.king@southandvale.gov.uk</a>
<b>Decision</b>	<ol style="list-style-type: none"> <li>1. To delegate authority to the Head of Development and Corporate Landlord (in consultation with the Cabinet member for economic development and regeneration) to take the necessary decisions and actions to oversee the UK Shared Prosperity Fund (UKSPF) investment plan and Rural England Prosperity Fund (REPF) addendum, including implementing and administering the schemes and the resulting projects in accordance with the requirements and priorities of the prospectus, Memorandum of Understanding (MoU) and allocated funding.</li> <li>2. Delegate authority to the Head of Development and Corporate Landlord (in consultation with the Cabinet Member for Cabinet member for economic development and regeneration) to deliver the above-named prosperity funds and to make non-material changes to the investment plans in consultation with the Head of Finance / Section 151 Officer, and appropriate cabinet members.</li> <li>3. To appoint Cllr Robin Bennett to act as Joint Chair of the Local Partnership Group (joint group with Vale of White Horse District Council)</li> </ol>
<b>Reasons for decision</b>	<p>Given the complexity of partnership working across several interventions, there is a need to establish a straightforward and efficient decision process to allow for successful and timely implementation of prosperity funding schemes. Delegating authority to the Head of Development and Corporate Landlord is recommended on the following basis:</p> <ul style="list-style-type: none"> <li>- Outline direction for use of the prosperity funds have already been agreed through a previous series of ICMDs, (including decisions to approve submission of the UKSPF investment plan, and</li> </ul>

	<p>subsequent REPF addendum).</p> <ul style="list-style-type: none"> <li>- As per the conditions of the signed MoU, prosperity funds can only be used in line with our approved investment plan, subsequent addendum, and the schemes' respective prospectuses.</li> <li>- Implementation of the schemes is time-sensitive, with challenging deadlines meaning that aligning with the council's standard decision-making framework is likely to create barriers to meeting funding deadlines.</li> <li>- The ability for quick decision making is crucial to successful rollout of the prosperity funds and it is reasoned that delegation of authority to the Head of Service (in consultation with Cabinet Member) to approve decisions provides appropriate oversight.</li> <li>- Delivery of the prosperity funds is to be guided and scrutinised by the establishment of a compulsory Local Partnership Group (LPG), this is a joint group in partnership with Vale of White Horse District Council, comprised of local stakeholders, including businesses, community, and arms-length government organisation stakeholders. Relevant portfolio holders from each of the councils will act as Joint-Chairs.</li> <li>- An additional layer of assurance is provided through progress reports that are submitted to government's Department for Levelling Up, Housing and Communities (DLUHC) on a quarterly basis. Reports are compiled by Economic Development before being scrutinised by internal audit and approved for submission by the council's Chief Financial Officer.</li> <li>- Internal working groups comprised of relevant officers are engaged across all proposed interventions, giving appropriate scrutiny and awareness of plans internally.</li> </ul>
<p><b>Alternative options rejected</b></p>	<ul style="list-style-type: none"> <li>- To follow standard decision-making processes to approve actions for each individual project outlined under the prosperity funds via cabinet decision or ICMD. Rejected on the basis that the council has already agreed the direction of funding via the agreed investment plans and signed MoU. Timelines for standard procedures may lead to unacceptable risks including overburdening available officer capacity, potential for contract liability, and potential for withdrawal of future funding.</li> </ul>
<p><b>Climate and ecological implications</b></p>	<p>The prosperity funds support the council's climate and ecological objectives by:</p> <ul style="list-style-type: none"> <li>- Taking climate action through encouraging the wider district community to reduce its carbon footprint in-order-to meet the climate targets and enabling investment in nature, low carbon equipment, green skills and infrastructure.</li> <li>- Offering direct decarbonisation opportunities for businesses and community organisations, including investment in net-zero equipment and infrastructure.</li> <li>- Skills development opportunities for nature based and retrofit skills.</li> </ul>
<p><b>Legal implications</b></p>	<ul style="list-style-type: none"> <li>• Acceptance of funding was conditional on signing a Department of</li> </ul>

	<p>Levelling Up, Housing, and Communities (DLUHC) Memorandum of Understanding (MoU).</p> <ul style="list-style-type: none"> <li>• The MoU was pre-signed by DLUHC representatives, indicating that terms are not negotiable. Para 1.4 states that “the MOU is not intended to create any legal or binding obligations”.</li> <li>• Para 8.2.2 of the MoU states that all funding used must comply with subsidy control legislation, all procurements undertaken using the funds must have complied with public procurement rules and the handling of personal data in connection with activities relating to the funding must comply with Data Protection Act 2018.</li> </ul>
<b>Financial implications</b>	<ul style="list-style-type: none"> <li>• Para 5.9 of the MoU states that the Secretary of State has the right to reduce or withhold payments if there are concerns about delivery.</li> <li>• Para 5.11 states if the Secretary of State has concerns about future spending plans, payments may be made by instalments or future payments withheld</li> <li>• Para 5.13 states that no funding will be provided for any activity after 31 March 2025. All spending must be complete by this date as underspends must be repaid.</li> </ul>
<b>Other implications</b>	<ul style="list-style-type: none"> <li>• Delivery of the prosperity funds strongly aligns with a host of corporate objectives, and wider strategies, including: <ul style="list-style-type: none"> <li>- Protect and restore our natural world</li> <li>- Action on Climate Emergency</li> <li>-</li> </ul> </li> <li>• No additional risks have been identified beyond those previously captured in the risk assessment compiled for the investment plan submission. The most substantial risks include: <ul style="list-style-type: none"> <li>- Constrained delivery timeframes</li> <li>- Reputational risks related to council use of funds</li> </ul> </li> <li>• Economic Development will work with the communications team to establish regular progress reporting and engagement opportunities related to the funding.</li> <li>• Equalities impacts would be undertaken to accompany project delivery.</li> </ul>
<b>Background papers considered</b>	<ul style="list-style-type: none"> <li>• UKSPF Investment Plan (and ICMD)</li> <li>• REPF Addendum (and ICMD)</li> <li>• Memorandum of Understanding</li> <li>• UKSPF June 2023 Update Briefing</li> </ul>
<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>
	Portfolio Holder	Cllr Robin Bennett	Fully supportive	15/07/23
	Legal <a href="mailto:legal@southandvale.gov.uk">legal@southandvale.gov.uk</a>	Patrick Arran	Agreed	23/06/23
	Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a>	Richard Spragett	Agreed	29/06/23
	Human resources <a href="mailto:hadminandpayroll@southandvale.gov.uk">hadminandpayroll@southandvale.gov.uk</a>	Trina Mayling	No comments	14/07/23
	Strategic property <a href="mailto:Property@southandvale.gov.uk">Property@southandvale.gov.uk</a>	Karen Lister	Agreed	29/06/23
	Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>	Kim Hall	Fully support decisions	30/06/23
	Diversity and equality <a href="mailto:equalities@southandvale.gov.uk">equalities@southandvale.gov.uk</a>	Lynne Mitchell	No comments to add	03/07/23
	Health and safety <a href="mailto:healthandsafety@southandvale.gov.uk">healthandsafety@southandvale.gov.uk</a>	N/A	No comments received	
	Risk and insurance <a href="mailto:risk@southandvale.gov.uk">risk@southandvale.gov.uk</a>	Yvonne Cutler-Greaves	Agree the approach and this will help mitigate the constrained timeframe risk by speeding up decision making.	06/07/23
	Communications <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a>	N/A	No comments received	
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>	Not applicable as this is not a key decision.			
<b>Has this been discussed by Cabinet members?</b>	Yes			
<b>Cabinet portfolio holder's signature</b> To confirm the decision as set out in this notice.	Signature _____ David Rouane _____ Date _____ 24/07/23 _____			

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

For Democratic Services office use only		
Form received	Date: 25 July 2023	Time: 08:38
Date published to all councillors	Date: 26 July 2023	
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 (except government grant) 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.**