

## 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>	Leader of the Council Councillor David Rouane
<b>Key decision?</b>	No.  In accordance with South Oxfordshire District Council's Constitution, receipt of a government grant, even if over £75,000, is excluded from the definition of a key decision
<b>Date of decision</b> (same as date form signed)	8 November 2023
<b>Name and job title of officer requesting the decision</b>	Ben Coleman
<b>Officer contact details</b>	Email: <a href="mailto:ben.coleman@southandvale.gov.uk">ben.coleman@southandvale.gov.uk</a> Tel: 07901 533664
<b>Decision</b>	<ul style="list-style-type: none"> <li>To accept £1,727,000 from Oxfordshire County Council and to finalise and enter into the associated funding agreement (<b>Appendix One</b>) with Oxfordshire County Council.</li> <li>To utilise the aforementioned funding from Oxfordshire County Council for the Homes for Ukraine Scheme.</li> <li>to delegate authority to accept and allocate this and any future funding for the same purpose to the Head of Finance &amp; Section 151 officer in consultation with the Deputy Chief Executive – Transformation and Operations</li> </ul>
<b>Reasons for decision</b>	<p>The council has been supporting Ukrainian guests residing in the district under the Homes for Ukraine scheme since the initiation of the scheme in March 2022. The support given is a requirement of local authorities by central government and the council has worked at a system wide level with the other Oxfordshire councils to deliver this support in accordance with the requirements laid out in <i>Homes for Ukraine: council guides</i> as related to Local Authorities.</p> <p>Oxfordshire County Council, as the upper tier authority, has been allocated funding from the Department for Levelling Up, Housing and</p>

Communities (DLUHC) to support the Homes for Ukraine scheme.

The government requires 'tariff funding' to be used to carry out the required safeguarding and accommodation checks, to commission or provide services that ensure guests and sponsors are provided with advice and support and to fund all other activity required in the delivery of local authority duties with respect to the Homes for Ukraine Scheme. In two-tier areas, upper-tier councils are required to make payments to lower-tier councils in relation to all the services which they provide to guests under the Homes for Ukraine Scheme including any upfront payments to ensure that services can be delivered.

Oxfordshire local authority chief executives have agreed an initial funding plan for the first phase of the scheme.

Upfront funding includes:

- The provision of Community Liaison Officers employed by the districts'
- Discretionary funding to all councils to cover the administration of the scheme, the provision of support to guests, the costs of homelessness, emergency payments made by districts and discretionary payments to guests and all other costs as related to the scheme, as set out in the report to Chief Executives

Additional programme funding has been agreed as follows, as agreed in the relevant report to Oxfordshire Chief Executives:

- Funding to South Oxfordshire District Council specifically to provide the core team for 'Move On'
- Funding to all councils for 'Move On', to support guests to access sustainable accommodation

In order for Oxfordshire County Council to pay the council this funding, the council is required to enter into the attached grant funding agreement. **Appendix One.** This funding is both a retrospective payment for services already delivered and costs incurred over the past eighteen months, and up-front payment for services yet to be carried out.

### **ADDITIONAL FUNDING**

A significant contingency has been maintained to fund new and ongoing pressures arising from the Homes to Ukraine fund. Oxfordshire County Council therefore expects to be in a position to provide additional funding to the recipient if expenditure exceeds the funding already agreed. This may either be for:

Additional funding for the purposes already identified above where councils provide evidence that the current funding has been exhausted

Funding for new activity agreed through the Chief Executives group or as

	<p>delegated to deliver partnerships</p> <p>Additional funding will be confirmed and paid following receipt of an agreed business case from the Recipient Councils s151 officer.</p>
<b>Alternative options rejected</b>	<p>To not enter the agreement and not accept the funding.</p> <p>This approach has already been agreed in principle at Chief Executive and s151 officer level across the Oxfordshire system. The agreement and funding reflects work and support already in place which is a requirement of central government. To not agree the funding agreement and accept the funding would leave the council with significant unrecoverable costs.</p> <p>As below, officers have sought to amend the agreement to mitigate a risk around the level of indemnity, but this has not been possible – see risk section below.</p>
<b>Risks</b>	<p>Risk that Central Government claws back the amount of the grant where there has been a breach of grant conditions by partners, which in this instance is South Oxfordshire District Council OCC state “we need the indemnity so that we can recover any amounts we need to pay to government as a result of any breaches by partners”</p> <p>OCC is requesting indemnity from South Oxfordshire District Council so that in the event of a breach of the funding agreement by South Oxfordshire District Council resulting in OCC needing to return funds to the government they are not at risk.</p> <p>South and Vale’s position is that we usually only indemnify up to £100,000 which is not acceptable to county. Council officers have sought to amend the grant funding agreement to mitigate this risk but have been advised that the county council are unwilling to do this. The council therefore has the option to either accept these risks with the funding or not accept the funding.</p> <p>Given the control measures in place around the spending of the grant and the monitoring procedure, officers deem the risk of breaching the conditions of the funding to be low risk and advise that we accept the risk and enter into the funding agreement.</p>
<b>Climate and ecological implications</b>	None
<b>Legal implications</b>	<p>This is a standard funding agreement provided by Oxfordshire county council for the allocation of funds. Officers have sought to amend the agreement to mitigate a risk around the level of indemnity, but this has not been possible.</p> <p>The funding agreement will be entered into with Oxfordshire County Council (<b>Appendix one</b>). The funding agreement has been drawn up by the county council covering the retrospective and onward distribution of</p>

	<p>the grant monies and reporting requirements.</p> <p><b>Use of Grant</b></p> <p>The Grant shall be used by the South Oxfordshire District Council for the delivery of the Homes for Ukraine Project. Should any part of the Grant remain unspent at the end of the Grant Period, the South Oxfordshire District Council shall ensure that any unspent monies are returned to the Oxfordshire County Council or, if agreed in writing by the Oxfordshire County Council, shall be entitled to retain the unspent monies to use for charitable purposes as agreed between the parties.</p> <p>The grant period starts on the Commencement Date and ends on 31 March 2025.</p>			
<b>Financial implications</b>	<p>The Homes for Ukraine South Oxfordshire District Council allocation is £1,727,000.</p> <p>The council has been using it's reserves to fund work already carried out for Homes for Ukraine. This funding is required to reimburse the expenditure incurred in advance of receipt of this grant payment and to fund ongoing and future Homes for Ukraine work.</p> <p>The funding agreement details the reporting requirements for the funding. Spend will be closely monitored to ensure that the total spend is up to the value of the funding received.</p>			
<b>Other implications</b>	None			
<b>Background papers considered</b>	Appendix One – funding agreement			
<b>Declarations/c onflict 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>
	Legal <a href="mailto:legal@southandvale.gov.uk">legal@southandvale.gov.uk</a>	Patrick Arran	V1 Agreed by E Mail 10/08/2023	10/08/2023
	Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a>	Roger McLeod	V1 Agreed by E mail 11/08/2023	11/08/2023
	Human resources <a href="mailto:hadminandpayroll@southandvale.gov.uk">hadminandpayroll@southandvale.gov.uk</a>	Abigail Witting	Agreed	09/11/2023

	Strategic property <a href="mailto:Property@southandvale.gov.uk">Property@southandvale.gov.uk</a>	N/a		
	Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>	Kim Hall	no climate or biodiversity implications to accepting the funding	09/11/2023
	Diversity and equality <a href="mailto:equalities@southandvale.gov.uk">equalities@southandvale.gov.uk</a>	Abigail Witting	Agreed- this proposal will have a positive impact on the Ukrainian refugee community addressing potential inequalities due to race	09/11/2023
	Health and safety <a href="mailto:healthandsafety@southandvale.gov.uk">healthandsafety@southandvale.gov.uk</a>	N/a		
	Risk and insurance <a href="mailto:risk@southandvale.gov.uk">risk@southandvale.gov.uk</a>	N/a		
	Communications <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a>	Gail Buckle	Agreed by e mail 13/09/2023	13/09/2023
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>	No. Not a Key Decision			
<b>Has this been discussed by Cabinet members?</b>	This generally takes place after the ICMD report has been to SMT.			
<b>Cabinet portfolio holder's signature</b> To confirm the decision as set out in this notice.	Councillor David Rouane Leader of South Oxfordshire District Council. Signature _____ Date _____ 8 November 2023 _____			

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

For Democratic Services office use only		
Form received.	Date: 10 November 2023	Time: 09:58
Date published to all councillors	Date: 10 November 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.**