

Record of individual Cabinet member decision

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

Decision made by	Councillor Pieter-Paul Barker – Cabinet Member for Finance and Property Assets																		
Key decision?	Yes, because while the expenditure is below the required threshold it is the view of the chief executive or relevant head of service, that there 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.																		
Date of decision (same as date form signed)	26 February 2024																		
Name and job title of officer requesting the decision	Ben Coleman – Programmes Service Manager																		
Officer contact details	Tel: 07901 533664 Email: ben.coleman@southandvale.gov.uk																		
Decision	<p>To participate in the government funded schemes to provide financial compensation to householders and businesses adversely affected by flooding impacts from storm Henk, between 2 and 12 January 2024.</p> <p>The council to make up front payments and reclaim funds from central government (Department for levelling Up, Housing & Communities and Department for Business and Trade)</p> <p>The schemes are:</p> <table border="1"> <thead> <tr> <th>Type of Grant</th> <th>Value</th> <th>Scheme administered by</th> <th>Internal Administration Lead</th> </tr> </thead> <tbody> <tr> <td>Community Recovery Grant</td> <td>£500 per household</td> <td>DLUHC</td> <td>Community Hub</td> </tr> <tr> <td>Council Tax Discounts</td> <td>100% discount. Minimum of 3 months, available up to March 2025</td> <td>DLUHC</td> <td>Revenue & Benefits and Community Hub</td> </tr> <tr> <td>Business Recovery Grant</td> <td>Up to £2,500 per business</td> <td>DBT</td> <td>Economic Development</td> </tr> </tbody> </table>			Type of Grant	Value	Scheme administered by	Internal Administration Lead	Community Recovery Grant	£500 per household	DLUHC	Community Hub	Council Tax Discounts	100% discount. Minimum of 3 months, available up to March 2025	DLUHC	Revenue & Benefits and Community Hub	Business Recovery Grant	Up to £2,500 per business	DBT	Economic Development
Type of Grant	Value	Scheme administered by	Internal Administration Lead																
Community Recovery Grant	£500 per household	DLUHC	Community Hub																
Council Tax Discounts	100% discount. Minimum of 3 months, available up to March 2025	DLUHC	Revenue & Benefits and Community Hub																
Business Recovery Grant	Up to £2,500 per business	DBT	Economic Development																

	Business Rates Relief	100% discount. Yr 1 Minimum of 3 months, available up to March 2025, Yr2 up to March 2026	DLUHC	Economic Development and Revenue & Benefits
To delegate to the Head of Finance to agree the terms of the applications and the process for evaluation of applications and award of grants and other financial support available under these schemes.				
Reasons for decision	<p>Storm Henk was the largest flood event for more than 20 years and we believe that in the region of 59 residential properties and 6 business experienced internal flooding or were unable to operate/be occupied due to the flooding.</p> <p>Guidance from central government on the schemes is presented in Appendix One (DLUHC) and Appendix Two (DBT) attached. Once grant applications have been made they will be verified and subject to fraud and due diligence checks and where appropriate the grant will be paid out and/or the appropriate council tax/business rate reduction applied. The council then claims/recovers the costs paid out from government.</p> <p>The council has signed and returned memoranda of understandings with the Department for Levelling up Housing and Communities and the Department for Business and Trade. Copies attached in Appendix Three (DLUHC) and Appendix Four (DBT).</p> <p>There is no funding from government to cover the administration of the scheme.</p> <p>Officers will set out and publish on our website processes to receive and validate applications for financial assistance from residents and businesses, with appropriate antifraud checks and safeguards. The application form to be compiled by the councils and completed by applicants will include all the requirements the council has agreed to by entering into the MOUs and reflect the Guidance issued and attached. This will include a declaration on subsidy control and potential for claw back.</p>			
Alternative options rejected	The council could choose not to participate in these schemes. This has been rejected because the council only has to fund the administration of the schemes and the financial support is important to residents and businesses to help them recover from the impact of the flooding.			
Legal implications	Legal implications are set out in the body of this report. The terms and conditions to form part of the application form and which each applicant will be agreeing to will reflect the requirements contained in the MOU for each council and guidance issued by DHLUC in order to protect the councils.			

Financial implications	<p>As the scheme is fully funded by central government departments there is no financial impact on the council. However the claim to central government must be completed by 12th April to ensure reimbursement.</p> <p>The administration of the scheme, which is being undertaken by staff across the council, is not covered by any additional grant.</p>
Climate implications	<p>There are not anticipated to be any climate implications arising from this decision.</p>
Equalities implications	<p>In the design of the application process for these schemes staff are aware to ensure that our processes are as open and accessible to all as possible. We will ensure that we publicise the scheme in a variety of ways to ensure that information reaches the widest possible audiences (e.g. website, libraries and community centres, resident group/partner contacts). In addition, the team will provide support during the application process wherever it is required.</p>
Other implications	<ul style="list-style-type: none"> • Delivery of the grants are a significant unplanned activity and required the resources of several teams, including the Community Hub, Communications, Economic Development, Finance, Policy and Programmes, Revenue and Benefits and Technical Services. • Payments under all schemes need to be completed by 29 March 2024, this leaves a reasonably short period for delivery of the schemes. For the duration of delivery of the schemes, it is considered that business as usual activity is likely to be impacted in order to support residents and businesses affected by flooding. • Residents and businesses affected by flooding have been directed to report to Oxfordshire County Council's Flood Toolkit. While this gives an indication of the numbers affected who may claim grants, it is anticipated that the number of potential claimants could rise with marketing availability of the schemes, placing further demand on resources to process. • Fraudulent claims are a risk to the council in administering the schemes, and appropriate mitigation (including formal fraud checks) will need to be included in the delivery of schemes. • There is a risk that some of those that are eligible for the grant do not apply for financial support and or not within south and vale application timeframe and so miss out on the funding. This is mitigated by officers proactively writing to all addresses logged on the County Councils flooding toolkit, and those who have separately contacted the council about the scheme, to let them know that the application process is open and that they must apply before 17 March 2024 or they will not receive any financial assistance. In addition, the opening of the scheme and application timeframes will be publicised through all the councils regular communication channels including the website.
Background papers considered	<p>Appendix One - DLUHC guidance Appendix Two - DBT guidance Appendix Three - DLUHC MoU Appendix Four - DBT MoU</p>

Declarations/c onflict of interest? Declaration of other councillor/offic er consulted by the Cabinet member?	None			
List consultees		Name	Outcome	Date
	Ward councillors	N/A	N/A	N/A
	Head of Finance	Simon Hewings	Supportive	23 Feb 2024
	Legal legal@southandvale.gov.uk	Pat connell	Supportive – amendments incorporated	23 Feb 2024
	Finance Finance@southandvale.gov.uk	Anna Winsip	Supportive – amendments incorporated	23 Feb 2024
	Climate and biodiversity climateaction@southandvale.gov.uk	Dominic Lamb	Supportive	23 Feb 2024
	Diversity and equality equalities@southandvale.gov.uk	Abi Witting	Supported – with amendments incorporated	23 Feb 2024
	Technical technicalservices@southandvale.gov.uk	John Backley	Supportive – amendments incorporated	23 Feb 2024
	Communications communications@southandvale.gov.uk	Andy Roberts	Supportive	23 Feb 2024
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?	Yes, by Councillor Ken Arlett, Chair of Scrutiny Committee.			
Has this been discussed by Cabinet members?	No			
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature ___ Councillor Pieter-Paul Barker _____ Date _____ 26 February 2024 _____			

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

For Democratic Services office use only		
Form received	Date: 27 February 2024	Time: 08:45
Date published to all councillors	Date:27 February 2024	
Call-in deadline	Not applicable as the Scrutiny Committee Chair has waived call-in rights.	

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.
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 (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.