

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

Decision made by	Councillor David Rouane, Leader of the Council
Key decision?	No
Date of decision (same as date form signed)	17 July 2024
Name and job title of officer requesting the decision	Silke More O'Ferrall, Infrastructure Implementation Officer Infrastructure Implementation & Funding Team
Officer contact details	Tel: 07917 088370 Email: silke.oferrall@southandvale.gov.uk
Decision	To create a budget for £28,158 from S106 contributions and release funds, subject to a legal agreement, to the Chinnor Community Swimming Pool for the refurbishment of changing room facilities at St. Andrew's CE Primary School, Station Road, Chinnor, OX39 4PU. Funds to be released, subject to receipt of the signed legal agreement and building control certification.
Reasons for decision	We have received a request for funds from Chinnor Community Swimming Pool for a total of £28,158.22 from two S106 contributions arising from the developments shown below. Development: Siareys Yard Station Road Address: Siareys Yard Station Road, Chinnor, OX39 4HA Planning Ref: P14/S0986/FUL S106 Ref: 15S37 Date of agreement: 24 September 2015 Spend by date: 10 November 2025 / 21 December 2027 Decision: Planning Committee Obligation: The "Indoor Recreation/Sport/Play Contribution" is defined in schedule two of the S106 agreement as the sum of £20,841 Index-Linked – made up of two instalments The contribution is further defined in paragraph 3 under "Application of Monies Received", in sub-paragraph 3.1.5 – for any purpose other than towards the provision of all or any of the following: outdoor sport including pitches and ancillary facilities, indoor sport and recreation and play areas in Chinnor or adjoining Parishes including Thame in such form and as such time as the district council shall in their discretion decide.

(Refer to 12S06 for original S106 contributions - superseded by agreement 15S37. The original permission – planning permission was granted under application reference P10/E1215 – S106 agreement dated 15 February 2012 -Delegated decision)

Development: Former Cement Works Land at Kiln Lane

Address: Former Cement Works Land at Kiln Lane, Chinnor, OX39 4BZ

Planning Ref: P14/S0655/FUL

S106 Ref: 15S41

Date of agreement: 20 November 2015

Spend by date: 9 May 2027

Decision: Delegated

Obligation: The “Indoor Sport Contribution” is defined in schedule two of the agreement as the sum of £16,395.81 Index-Linked towards indoor sport and recreation facilities in Chinnor or adjoining parishes including Thame in such form and at such time as the District Council shall in its discretion decide.

(The original permission - planning permission was granted under application reference P09/E01245/O. S106 agreement dated 29 June 2010 – Planning Committee decision)

The S106 agreement is not ‘clear and unambiguous’ about how the contributions are to be used.

The planning decision for S106 reference 15S41 was made by a delegated officer i.e.it was not presented to a planning committee. The planning decision for S106 reference 15S37 was made by planning committee.

The sum requested is more than £20,000, but below £100,000. Thus, in accordance with our constitution, the relevant Cabinet Member in consultation with the Cabinet Member for Finance can agree to set up a budget and release the funds requested for the project described above.

The S106 agreement (15S37 and 15S41) were secured and we have received £39,300.08 for Indoor Sport Contribution to be used in Chinnor.

Chinnor Community Swimming Pool is seeking to fully refurbish the changing room facilities. The refurbishment will ensure that the facilities are usable by more people and accessible to all especially to those with limited mobility, which has been lacking until this project. Private changing areas will encourage more people to use the facility as communal change is often a barrier to all ages.

It is currently only communal changing split only by gender. Plumbing in the facilities is broken or leaking in places. The changing area is currently not accessible to persons with wheelchairs or limited mobility due to stepped entrances and footbaths.

This refurbishment will include installation of private changing areas in both changing rooms.

	<p>Internal teams, including the leisure development officer have been consulted and support the proposal and use of the funds.</p> <p>Chinnor Parish Council and St Andrew's CE Primary School fully support the project.</p>
<p>Alternative options rejected</p>	<p>None considered.</p>
<p>Climate and ecological implications</p>	<p>The refurbishment will reduce the water consumption of the building as the leaks are repaired and the toilets/basins are replaced with more efficient ones.</p> <p>The energy efficiency of the building will be improved as the replacement doors will reduce draughts and less energy is lost. This will reduce the building's energy and heating bills. However, the current proposal does not consider other measures to further improve the energy efficiency such as improving the insulation of the building or upgrading the lighting. We would recommend that an energy audit is conducted of the building to identify the actions needed to decarbonise it.</p>
<p>Legal implications</p>	<p>Chinnor Community Swimming Pool is a swimming pool set in the grounds at St Andrew's CE Primary School, Chinnor, Station Road, OX39 4PU. It is run entirely by a committee of volunteers and a dedicated group of volunteer lifesavers. The Chinnor Community Swimming Pool at St. Andrews Committee Constitution was adopted at an AGM held on 18 May 2010.</p> <p>The land is owned by the Diocesan Trustees (Oxford) Limited (Company registration number 867729) and registered at Land Registry under Title number ON301971.</p> <p>As a requirement of the award and release of funding, details provided of the organisations ability to accept and receive funding, letter of support provided by landowner and building regulation requirements satisfied.</p> <p>It is recommended that the Chinnor Community Swimming Pool enter into a legal agreement which sets out what the funds can be used for and includes a spending deadline to ensure delivery of the project. Once the agreement is complete Chinnor Community Swimming Pool will be advised of the allocation of the funds in a letter.</p> <p>The funding is not considered to be a subsidy as the recipient of the funding 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.</p>

Financial implications	<p>The total project cost is estimated to be £32,758.22. The amount of £4,600 was approved on 27 November 2023 under S106 application reference P23/S3577/106 for levelling and replacing the flooring which is now part of this project. The project is expected to be fully funded.</p> <p>The proposed project conforms to the spending parameters of the S106 agreements and is a suitable use of the funds.</p>			
Equalities implications	<p>A positive equalities implication.</p> <p>The refurbished changing rooms will have wider doors for easier access, the floor will be level with the bottom of the door so no lip to step over, the toilet cubicles will be the minimum width for a disabled toilet which is 2200mm deep and 1500mm wide. Removal of the foot baths will leave level flooring throughout.</p>			
Other implications				
Background papers considered				
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	None			
List consultees		Name	Outcome	Date
	Ward Councillors Ed Sadler Ali Gordon-Creed	Ali Gordon Creed	Confirmed support for project.	21/03/2024
	Legal legal@southandvale.gov.uk Contracts & Property – Gillian Mason Gillian.mason@southandvale.gov.uk Litigation & Planning – Vivien Williams Vivien.williams@southandvale.gov.uk	Pat Connell	No objection in principle to the section 106 monies being spent on improving the community swimming pool. Detail required to agree the award and release of funds are incorporated into the legal implications section.	26/03/2024
	Finance emma.creed@southandvale.gov.uk	Emma Creed	I can confirm the contributions are available.	22/03/2024

Climate and biodiversity climateaction@southandvale.gov.uk	Jessie Fieth	We would support the proposed measures but it seems like they are missing an opportunity to think about wider energy efficiency measures.	27/03/2024
Diversity and equality equalities@southandvale.gov.uk	Abi Witting, Trina Mayling, Ruth Lewin-Leigh	From equalities perspective we definitely support the refurbishment of these changing facilities.	21/03/2024
Health and safety healthandsafety@southandvale.gov.uk	Andy Huckstep	No additional comments from H&S	20/03/2024
Risk and insurance risk@southandvale.gov.uk		Emailed 20/03/2024	
Communications communications@southandvale.gov.uk	Andrea Busiko	No comments from comms on this application.	26/03/2024
Planning emma.bowerman@southandvale.gov.uk and tom.wyatt@southandvale.gov.uk	Emma Bowerman Tom Wyatt	a) I agree that the application meets the definition as set out in the section 106 agreement b) The project in the application does not require planning permission The application meets the requirements of the S106 agreement and that the proposed works will not require planning permission.	20/03/2024 20/03/2024
Leisure development officer Carmella.anderson@southandvale.gov.uk	Carmella Anderson	I have checked the LFAs and cannot see this pool referenced. However, I have no objections to this request.	04/04/2024
Communityenablement Communityenablement@southandval.gov.uk	Alison Hamilton	I have checked our grants system and they were awarded one EA grant £1,000 August 2023	20/03/2024

			towards the purchase of a swimming pool hoist, so does not relate to this project and no other grant applications have been received from the organisation.	
	Head of Planning	Adrian Duffield	Approved for progression at S106/CIL Applications Meeting	09/04/24
	Head of Finance	Simon Hewings	Approved for progression at S106/CIL Applications Meeting	09/04/24
	Strategic Management Team (SMT) <u>ExecutiveSupportSAV@southandvale.gov.uk</u>		Supportive	12/07/24
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?				
Has this been discussed by Cabinet members?				
Leader of the Council signature To confirm the decision as set out in this notice.	Signature: Councillor David Rouane Date: 17 July 2024			

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

For Democratic Services office use only		
Form received	Date: 18 July 2024	Time: 2.06pm
Date published to all councillors	Date: 18 July 2024	
Call-in deadline	Date: N/A	Time: N/A

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.