

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 Elaine Ware
Key decision?	No
Date of decision (same as date form signed)	4 October 2018
Name and job title of officer requesting the decision	Phil Ealey, Housing Needs Manager
Officer contact details	Tel: 01235 422456 Email: phil.ealey@southandvale.gov.uk
Decision	<p>The draft housing allocations policy will go forward for a six-week public consultation that will commence 15 October 2018. The consultation will be conducted primarily through the council's websites.</p> <p>All stakeholders, councillors and housing register applicants will be contacted to participate in the consultation.</p>
Reasons for decision	South and Vale Cabinets previously agreed that, subject to this ICMD, the draft housing allocations policy should go forward for public consultation.
Alternative options rejected	n/a
Legal implications	The draft policy in its entirety and the significant changes which have been incorporated has been reviewed by a specialist housing barrister who has concluded that the proposals follow what have already become fairly well-established practices in other authorities and represent a moderated approach to both the legislative amendments made and other developments in housing allocation policy nationally.
Financial implications	The consultation cost will be met within existing resources.
Other implications	An Equalities Impact Check has been completed for the draft housing allocations policy. This will be made available as part of the public consultation. Arrangements are in place to enable persons without digital access to participate in the consultation.

Background papers considered	Draft Housing Allocations Policy Independent legal opinion Summary of main changes Equalities Impact Check Consultation email			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	None			
List consultees		Name	Outcome	Date
	Ward councillors	All cllrs will be notified of the consultation		
	Legal	Pat Connell	agreed	01.10.2018
	Finance	Nicole Rye	agreed	28.09.2018
	Human resources	n/a		
	Sustainability	n/a		
	Diversity and equality	Cheryl Reeves	EIC agreed	25.09.2018
	Communications	Lucy Billen	Agreed	20.08.2018
	Senior Management Team	SMT	Agreed	03.10.2018
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?	n/a			
Cabinet member's signature To confirm the decision as set out in this notice.	Signature _____ E Ware _____ Date _____ 04.10.2018 _____			

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

For Democratic Services office use only		
Form received	Date: 4 October 2018	Time: 16:00
Date published to all councillors	Date: 4 October 2018	
Call-in deadline	Not applicable	

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.