

## Record of Cabinet portfolio holder decision

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

<b>Decision made by</b>	Councillor Alice Badcock
<b>Key decision?</b>	No
<b>Date of decision</b> (same as date form signed)	11/5/19
<b>Name and job title of officer requesting the decision</b>	Leisure Facilities Team Leader
<b>Officer contact details</b>	Tel:01235 422202 Email:chis.webb@southandvale.gov.uk
<b>Decision</b>	<p>To vire £30,000 from the council's capital contingency budget to a new capital scheme to undertake the replacement of swimming pool filters at Wantage Leisure Centre.</p> <p>To vire £17,574 from the council's capital contingency budget to a new capital scheme for the replacement of the water feature surface in Abbey Meadow in Abingdon.</p>
<b>Reasons for decision</b>	<p>Officers have identified that the two filters which maintain the water quality for Wantage Leisure Centre swimming pool are failing and need complete replacement. This can be achieved whilst the pool is in use and service maintained if it is done in a planned way. If the filters were to fail the pool would need to be closed for a period of months inconveniencing customers and potentially damaging the relationship between the council and GLL the council's leisure management contractor.</p> <p>As the existing capital budget for the leisure centre general repairs and maintenance has been paused, to expedite these essential works requires a virement from the capital contingency budget.</p> <p>The surface of the water feature in Abbey Meadow in Abingdon had been identified as an increasing health and safety risk as it had numerous patches where the safety surfacing had been eroded leaving bare concrete as the only surface to walk on.</p> <p>As the existing capital budget for the leisure centre general</p>

	repairs and maintenance has been paused, to fund these essential works requires a virement from the capital contingency budget.			
<b>Alternative options rejected</b>	Not funding either of these two essential repair projects would ultimately lead to a loss of service.			
<b>Legal implications</b>	The council is protected by entering into appropriate contractual arrangements. In particular the replacement of the filters will be through a Joint Construction Tribunal (JCT) contract as they are of a more complex nature and have significant operational consequences should they not be undertaken correctly. This form of contract gives the council greater securities and is a well-known industry form of contract.			
<b>Financial implications</b>	A virement of £30,000 is required to fund the replacement filter works at Wantage Leisure centre and a virement of £17,574 is required to fund the replacement of the water feature surface at Abbey Meadow in Abingdon.			
<b>Other implications</b>	None			
<b>Background papers considered</b>	None			
<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>
	Legal	Pat Connell	Agreed	13/3/19
	Finance	Simon Hewings	Agreed	13/3/19
	Communications	Lucy Billen	Agreed	14/3/19
	Senior Management Team	Adrianna Partridge	Agreed	26/4/19
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>	No			
<b>Has this been discussed by Cabinet members?</b>				
<b>Cabinet portfolio holder's signature</b> To confirm the decision as set out in this notice.	Signature <u>          A B Coode          </u>			

	Date <u>1/5/19.</u>
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**ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.**

For Democratic Services office use only		
Form received	Date:	Time:
Date published to all councillors	Date:	
Call-in deadline	Date:	Time:

## 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 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.**

