


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	Cllr Bethia Thomas, Cabinet Member for Development and Regeneration
Key decision?	No
Date of decision (same as date form signed)	
Name and job title of officer requesting the decision	David Cookson Infrastructure Implementation Officer Ref P19/V0857/106
Officer contact details	Tel: 01235 422213 Email: david.cookson@southandvale.gov.uk
Decision	To create a budget for £21,299.43 from S106 contributions and release funds to Drayton School towards the building of a new modular nursery building at Hilliat Fields, Drayton, OX14 4JF.
Reasons for decision	<p>We have received a request for £21,299.43 from S106 agreement 15V65, arising from the development "Land West of Abingdon Road, Drayton", dated 6 November 2015.</p> <p>The "Pre-school Contribution" is defined as 'the sum of twenty thousand eight hundred and seventeen pounds (£20,817) to be paid to the District Council to be used towards the provision of pre-school facilities in the Parish'. All contributions shall be index linked therefore the sum received is £21,299.43.</p> <p>The S106 agreement is clear and unambiguous about how the contributions are to be used, the planning application was not presented to a planning committee and the sum requested is more than £20,000, but below £100,000.</p> <p>In accordance with the Councils Constitution Financial Procedure Rules (para 75(b) (Appendix 1)) this paper seeks approval by the relevant cabinet member in consultation with the cabinet member for finance, to create a budget and release the funds requested for the purposes described below.</p>

Alternative options rejected	The S106 limits options to spend money in accordance with the legal agreement. Funds needs to be spent on "Provision of pre-school facilities in the Parish". There are no other pre schools/nursery schools in Drayton.			
Legal implications	It is recommended that Drayton Primary School enter into an agreement with the council, which sets out what the funds can be used for and includes a spending deadline to ensure delivery of the project.			
Financial implications	The total project cost is estimated at £143,646.00, which shall be part funded from the total S106 secured contribution of £21,299.43.			
Other implications	None identified			
Background papers considered				
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?				
List consultees		Name	Outcome	Date
	Ward Councillor for Drayton (prev.)	Stuart Davenport	Supports	06/03/2019
	Ward Councillor for Drayton (current)	Andy Cooke	Supports	31/07/2019
	Drayton Parish Council	Richard Williams (Chairman)	Supports	09/04/2019
	Community Enablement	Suzi Wild	Supports	23/05/2019
	Planning Officer	Abbie Barnes	No issues	15/05/2019
	Sustainability	Heather Saunders	No response	
	Diversity and Equality	Cheryl Reeves	No response	
	Legal	Pat Connell	No issues	25/07/2019

	Head of Planning	Adrian Duffield	Supports	01/07/2019
	Head of Finance	William Jacobs	Supports	19/06/2019
	Senior Management Team		Supports	24/07/2019
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?				
Has this been discussed by Cabinet members?				
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature  Date <u>21/8/2019</u>			

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 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.

