

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	Bethia Thomas, Cabinet Member for Development & Regeneration
Key decision?	No
Date of decision (same as date form signed)	15 May 2020
Name and job title of officer requesting the decision	Suzanne Malcolm Acting Deputy Chief Executive - Place Ref P19/V2638/106
Officer contact details	Tel: 01235 422217 Email: suzanne.malcolm@southandvale.gov.uk
Decision	To approve payment of the "Work of Art" contribution, of £72,486.34 from S106 contribution to Chilton Parish Council for the amphitheatre project at Chilton Field Way open space area in Chilton. Subject to; <ul style="list-style-type: none"> a) the receipt of a signed funding release letter to include a spending deadline to ensure delivery of the project and to state that if the project is under budget that the funds will need to be repaid. b) the artist and installer providing an amphitheatre maintenance specification to the parish council when the installation is complete.
Reasons for decision	We have received a request for funds from Chilton Parish Council for a total of £72,486.34 from S106 contribution (09/V19) arising from the development at Land to the South of Chilton Field, Avon Road. The S106 agreement is 'clear and unambiguous' about how the contribution is to be used, but as the planning decision was Delegated (not presented to planning committee) and the sum requested is more than £20,000, but below £100,000, in accordance with our constitution, this report seeks the approval of the Cabinet member for Development & Regeneration in consultation with the Cabinet member for Finance to pay the "Work of Art" contribution to Chilton Parish Council. The S106 agreement was secured and we received £82,799 for

	<p>the “Work of Art contribution” in the parish of Chilton.</p> <p>The proposed project is a - ‘Sculptural earthwork amphitheatre to provide a seating/meeting area within existing public open space at Chilton Field Way, Chilton’. Planning permission (P19/V2123/FUL) for the project has been approved. The total project cost is £72,486.34, that can be funded from the S106 secured contribution of £82,799 minus £10,312.66 which is already been spent on the project.</p>			
Alternative options rejected	Officer would normally request the creation of a budget to pay these funds. In this instance there is no requirement to do so as the funds were included in the approved capital budget in 2013/14.			
Legal implications	It is recommended that Chilton Parish Council sign a funding release letter that includes a spending deadline to ensure delivery of the project and to state that if the project is under budget that the funds will need to be repaid, and that they receive a maintenance specification from the artist and installer.			
Financial implications	£72,486.34 is available in the capital budget for this project. The total project cost is £72,486.34 and can be funded from the S106 secured contribution of £82,799 minus £10,312.66 that has already been spent.			
Other implications	none			
Background papers considered	none			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	none			
List consultees		Name	Outcome	Date
	Ward councillors	Hayleigh Gascoigne Sarah Medley	Application supported.	29.07.2019
	Legal	Pat Connell	Supports application.	14.4.2020
	Finance	Emma Creed	Agreed funds are available.	16.09.2019
	Arts	Abi Brown	Supports application.	15.10.2019
	Sustainability	Heather Saunders	N/A	
	Assurance	Yvonne Cutler Greaves	N/A	
	Communications	Andy Roberts	Publicise on completion of project.	7.5.2020
	Head of Development &	Suzanne Malcolm	Supports application	04.5.2020

	Regeneration			
	Head of Planning	Adrian Duffield	Supports application	04.5.2020
	Interim Head of Finance	Simon Hewings	Supports application	04.5.2020
	Strategic Management Team (SMT)		Supports application	13.5.2020
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?	No			
Cabinet member for Development & Regeneration signature To confirm the decision as set out in this notice.	Approved by email on 14.5.2020 subject to confirmation of approval from Cabinet member for Finance. Signature: Bethia Thomas Date: 14.5.2020			
Cabinet member for Finance signature To confirm the decision as set out in this notice.	Approved by email on 15.5.2020. Signature: Andrew Crawford Date: 15.5.2020			

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

For Democratic Services office use only		
Form received	Date: 15 May 2020	Time: 16:15
Date published to all councillors	Date: 18 May 2020	
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.