

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

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| Decision made by | Bethia Thomas, Cabinet member for Development and Regeneration |
| Key decision? | No |
| Date of decision (same as date form signed) | 8 June 2020 |
| Name and job title of officer requesting the decision | Jayne Bolton Infrastructure and Development Manager Ref P20/V0430/106 |
| Officer contact details | Tel: 01235 422437 Email: Jayne.bolton@southandvale.gov.uk |
| Decision | To create a budget for £21,005.00 from S106 contributions and release funds, subject to an acceptance of conditions letter to include receipt of valid quotes for the works, to Letcombe Regis Parish Council for an extension to the Parish Council burial ground at The Village Hall and Recreation Ground, Bassett Road, Letcombe Regis. |
| Reasons for decision | <p>We have received a request for funds from Letcombe Regis Parish Council for a total of £21,005.00 from an S106 contribution arising from the following development:</p> <p>07V19 Letcombe Laboratory Letcombe Regis</p> <ul style="list-style-type: none"> Burial Ground Contribution £20,000 <p>The S106 agreement is 'clear and unambiguous' about how the contribution is to be used. Agreement 07V19 relates to a planning decision made by a delegated officer i.e. it was not presented to a planning committee. The total sum requested is more than £20,000, but below £100,000. Thus, in accordance with our constitution, the Cabinet Member for Development and Regeneration in consultation with the Cabinet Member for Finance can agree to create a budget and release the funds requested for the project described above.</p> <p>The S106 agreement was secured and we have received a total of £21,955.00 (the sum due plus rpi).</p> <p>£950 was transferred to Letcombe Regis Parish Council in July 2015 towards tree clearing works at the cemetery. This leaves a balance of £21,005.00.</p> |

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| | <p>The proposed project will provide a minimum of 100 burial plots and improved access and parking, at The Village Hall and Recreation Ground, Bassett Road, Letcombe Regis. Planning permission (P19/V2316/FUL) for the project is granted. The total project cost is estimated to be in the region of £30,000.00, which can be [part] funded from the S106 secured contribution of £21,005.00, the balance being met by the parish council.</p> <p>Letcombe Regis' ability to obtain formal quotes has been delayed by Covid-19 lockdown. The case is put forward for determination under the terms of Paragraph 1 (iii) of the Third Schedule, which set out conditions under which the Owner may request repayment of contributions unexpended by the expiry date stating:</p> <p>'Any contribution or part of a contribution which the Council has contracted to expend prior to the date of receipt of such request shall be deemed to have been expended by the Council prior to that date'.</p> <p>Determination is requested on the following grounds:</p> <ul style="list-style-type: none"> • The S106 contribution expires on 1 July 2020 • Formal quotations are unlikely to be less than the funding amount requested • A bank statement provided by Letcombe Regis Parish Council evidencing their ability to bridge the expected funding gap • Paragraph 3 (i) of the Third Schedule prevents use of the Contribution for any other purpose • The proposal is conditional that release of the S106 funding is on receipt of valid quotes for the works as agreed under an acceptance of conditions letter between the parish and district council |
| Alternative options rejected | None considered |
| Legal implications | It is recommended that Letcombe Regis Parish Council sign an acceptance of conditions letter which sets out a condition of receipt of formal quotations, 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 to be in the region of £30,000.00, which can be [part] funded from the S106 secured contribution of £21,005.00. |
| Other implications | Consultation with internal teams of planning, parks, community funding, community safety, equalities, countryside, finance, legal and sustainability officers support the proposal and use of the S106 contributions. |

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| Background papers considered | | | | |
| Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member? | None | | | |
| List consultees | | Name | Outcome | Date |
| | Ward councillor | Councillor Paul Barrow | Following your request for comments, I have very few. I do remember discussions about this in Letcombe Regis Parish Council. I am satisfied that the sum required is appropriate. The project is certainly needed and shows some thought for the future. Unless you need further particular details please accept this mail as approval for the additional payment in fulfilment of the S106 application. | 01/05/20 |
| | Legal | Pat Connell | It's clear the funds can be used for this project and indeed can only be used for this project. You will need to ensure the funding agreement is in place before the spend expiry date of 1st July 2020. | 01/05/20 |
| | Finance | Emma Creed | S106 contribution checked on Agresso and agreed balance remaining of £21,005. | 01/05/20 |
| | Human resources | N/A | | |
| | Sustainability | N/A | | |

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| | Assurance | N/A | | |
| | Communications | Emma East | No comments on project – inform communications on the decision so that can look at doing a press release if we feel it's appropriate at the time on the extension | 29/5/2020 |
| | Acting Deputy Chief Executive – Place | Suzanne Malcolm | Supports application as agreed at S106 Applications Meeting. | 22/05/20 and 5/6/2020 |
| | Head of Planning | Adrian Duffield | Supports application as agreed at S106 Applications Meeting. | 22/05/20 |
| | Interim Head of Finance | Simon Hewings | Supports application as agreed at S106 Applications Meeting. | 22/05/20 |
| | Strategic Management Team (SMT) | | Approved | 10/06/2020 |
| 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. | Signature: Councillor Bethia Thomas Date: 8/6/2020 | | | |
| Cabinet member for Finance signature To confirm the decision as set out in this notice. | Signature: Cllr Andrew Crawford Date: 7/6/2020 | | | |

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

| For Democratic Services office use only | | |
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| Form received | Date: 10 June 2020 | Time: 17:20 |
| Date published to all councillors | Date: 11 June 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.