


Record of 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 Debby Hallett – Deputy Leader of the Council and Cabinet Member for Corporate Services and Transformation
Key decision?	No
Date of decision (same as date form signed)	15 March 2021
Name and job title of officer requesting the decision	Marybeth Harasz, Garden Communities Manager
Officer contact details	Tel: 01235 422473 Email: marybeth.harasz@southandvale.gov.uk
Decision	<p>To:</p> <ul style="list-style-type: none"> i) carry out a review and potentially amend the Milton Park Local Development Order (LDO); ii) enter into a memorandum of understanding (MOU) with MEPC Milton Park GP Ltd (MEPC), to record arrangements for working in partnership to carry out the review. iii) delegate authority to the Acting Deputy Chief Executive - Place to sign the Memorandum of Understanding on behalf of Vale of White Horse District Council.
Reasons for decision	<p>The current Milton Park LDO was adopted by the council in December 2012. It is beneficial for the council to undertake a review, to ensure that the LDO continues to support, and is relevant to its policies and strategies, including the adopted Vale Local Plan 2031. For example, a review of the LDO design guide (in accordance with Local Plan design policies) is important, in order to respond effectively to our climate emergency ambitions and targets.</p> <p>MEPC wants to ensure that the LDO continues to support the ongoing development of Milton Park, as set out in MEPC Milton Park's 2040 Vision plan.</p> <p>MEPC has agreed to pay the direct costs of carrying out a review of the LDO. This agreement can be confirmed by entering into an MOU with MEPC. An MOU sets out the intentions of the parties but does not form a contractual commitment. Therefore, an MOU is not legally binding. This could mean that if MEPC fails to pay any /all of the direct costs the council will not be able to recover the costs.</p>

	In these circumstances the council could terminate the LDO review. Termination of the review could have financial and reputational consequences for MEPC.			
Alternative options rejected	<ul style="list-style-type: none"> i) Not to carry out a review – the LDO could continue to the end of its term in 2027, but over time the LDO may become less supportive of council policies. It could also become less supportive of MEPC’s business strategy and Milton Park could become less attractive as a location for growing science and technology businesses. ii) Carry out a review without an agreement that MEPC intends to pay the direct costs of the review – External technical and legal advice will be required to carry out the review. The cost of the required advice will be significant. If MEPC did not agree to pay these costs it is unlikely the council would be able to justify the cost of carrying out the review. 			
Legal implications	<p>A memorandum of understanding provides clarity for all partners about their intended contributions to a project. It is however not legally binding and can be terminated by one or all the partners without legal consequences.</p> <p>Because it is not legally binding should one of the parties not honour their stated commitments the other party will have no legal redress. This could mean the council not being reimbursed for the costs of the external advice it will be seeking as part of the review.</p>			
Financial implications	<p>MEPC has agreed to pay the direct costs of carrying out the LDO review but this commitment is not embodied in a legally binding agreement.</p> <p>Officer time will be required to carry out the review. Appropriate development at Milton Park benefits Didcot Garden Town and the council will pay officer costs by reimbursement of costs for time, made from the Didcot Garden Town budget.</p>			
Other implications	None			
Background papers considered	Proposed MOU between VWHDC and MEPC			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?				
List consultees		Name	Outcome	Date

	Ward councillors	Andy Cooke	No Comment	25/02/21
		Hayleigh Gascoigne	It seems sensible to have an MOU	24/02/21
		Sarah Medley	No Comment	25/02/21
		Richard Webber	No Comment	22/02/21
		Judy Roberts	Happy with this	24/02/21
		Bethia Thomas	All looks fine to me	24/02/21
	Legal	Pat Connell	An MOU states the parties intentions but does not constitute a legal obligation	4/3/2021
	Finance	Kathy Merritt	Agreed	18/02/21
	Human resources	N/A		
	Sustainability	Heather Saunders	I agree that a review of the LDO will be very helpful in ensuring that it is in line with current ambitions and targets, particularly with respect to the Climate Emergency. I would encourage the adoption of polices that: - assist the council in meeting its district wide net zero carbon target as set out in the Corporate Plan -align with	22/02/21

			the forthcoming Joint South and Vale Design Guide (currently under development)	
	Diversity and equality	Lynne Mitchell	I have no comments to add as this paper will have no impact on people with protected characteristic	22/02/21
	Climate and biodiversity	Heather Saunders	Agreed - encourage the adoption of policies that contribute towards net biodiversity gain	22/02/21
	Communications	Emma East	No issues from a comms perspective	24/02/21
	Senior Management Team	SMT meeting	Approved	27/1/21
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?	No			
Has this been discussed by Cabinet members?	Briefing held 17 December 2020			
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature  Date 12/03/21			

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

For Democratic Services office use only		
Form received	Date: 15 March 2021	Time: 11:05
Date published to all councillors	Date: 15 March 2021	
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 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
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.