

Record of 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 | Councillor Bethia Thomas, Cabinet Member for Community Engagement |
| Key decision? | No as per paragraph 23 (a) of the Vale of White Horse District Council Constitution Acceptance of the government grant will not commit the council to any other additional unbudgeted expenditure over and above the £121,938 received. |
| Date of decision (same as date form signed) | 26 June 2021 |
| Name and job title of officer requesting the decision | Melanie Smans, Economic Development & Active Communities Manager |
| Officer contact details | Tel: 07801 203542 Email: melanie.smans@southandvale.gov.uk |
| Decision | To sign the Funding Agreement between the Secretary of State for Housing, Communities and Local Government, and the Vale of White Horse District Council for the Reopening High Streets Safely Fund |
| Reasons for decision | In June 2020 the Ministry of Housing, Communities and Local Government (MHCLG) launched the Reopening the High Street Safely Fund to support the safe reopening of high streets and commercial areas. The European Regional Development Fund (ERDF) grant funding will allow local authorities to put in place additional measures to establish a safe trading environment for businesses and customers, particularly in high streets, through measures that extend to the end of March 2022. The Vale of White Horse District Council has been awarded a one-off grant of £121,938.00. The project plan to spend the funding was approved via ICMDs by Cllr Bethia Thomas, Cabinet Member for Community Engagement, on 15 July 2020 and 16 December 2020. The project plan has been approved by MHCLG. The Funding Agreement has been issued for the council to accept the grant funding and terms of the scheme. Once it has been signed, officers can commence the delivery of the project plan. On 11 June 2021 MHCLG wrote to the council seeking confirmation the council will accept the grant and will sign the Grant Funding Agreement |

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| <p>Alternative options rejected</p> | <p>If the council does not accept the grant funding, it will be ineligible for a further £121,938 of funding from the Welcome Back Fund.</p> |
| <p>Legal implications</p> | <p>As per the Financial Procedure Rules in the Constitution of South Oxfordshire District Council and Vale of White Horse District Council – 1 November 2020:</p> <p><i>Claims for grant or subsidy and financial returns</i> 54. <i>Each head of service shall make proper arrangements for claiming grants and submitting associated claims, by the due date, so as to maximise the council's income. (See also the financial procedure rules re Income)</i></p> <p>55. <i>It shall be the duty of each head of service to prepare, and the responsibility of the chief finance officer or nominated deputy to certify and otherwise deal with, all claims for grants or subsidy and other financial returns required by Government departments and other bodies or organisations</i></p> <p>The council's legal team has reviewed the Funding Agreement and advise that the clauses relating to EU law no longer apply and that <i>'The risk is the applicable law is not clear, the courts now have to rely on UK law, but if none covers the area of dispute, the courts can be influenced by the old EU law or depart from it. This issue only becomes a problem if there is a dispute.'</i></p> <p>The response from officers at MHCLG is: <i>'This is a standard Grant Funding Agreement (GFA) that has been issued to all local authorities in England ... These are standard clauses which were agreed through the Managing Authority for this project at the outset of the fund and, as such, we are not able to change the wording or add additional text to the funding agreement provided.'</i></p> |
| <p>Financial implications</p> | <p>There will be no financial implications for the council as the guidance states 'The costs associated with administering this grant will also be eligible for reimbursement up to four percent of the total grant value. This four percent would be taken directly from the grant itself; no additional funding is being provided to cover these administrative costs'. This will provide £117,060.48 for projects and £4,877.52 for administration costs.</p> <p>Local authorities can spend money on eligible activities from 1 June 2020 until 31 March 2022 and then claim it back from CLGU in arrears, expected to be done quarterly. There is a small risk that expenditure incurred is not reimbursed when the claim is assessed by government if it is felt that it is ineligible. This risk will be mitigated by ensuring that expenditure incurred is in line with scheme</p> |

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| | guidance and full records of the expenditure are maintained. | | | |
| Other implications | As the funding is from the ERDF, the specific ERDF branding requirements need to be followed and the reporting requirements are resource intensive. For example, evidence must be retained to demonstrate that any project expenditure is eligible, that costs have been defrayed and that all procurements are awarded in line with the Public Procurement Regulations. If the reporting and branding requirements are not adhered to, there is a risk that claims may be rejected or partially paid. This will be mitigated by ensuring the spend is in line with guidance and ensuring full records are kept. | | | |
| Background papers considered | ICMD by Cllr Bethia Thomas, 15 July 2020 ICMD by Cllr Bethia Thomas, 16 December 2020 | | | |
| Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member? | Nil | | | |
| List consultees | | Name | Outcome | Date |
| | Ward councillors | NA | | |
| | Legal | Pat Connell | As above – minor edit | 24.6.2021 |
| | Finance | Kathy Merritt | Support | 25/5/2021 |
| | Human resources | NA | | |
| | Sustainability | NA | | |
| | Diversity and equality | NA | | |
| | Communications | NA | | |
| | Senior Management Team | All | Support pending approval from Legal | 23/06/2021 |
| Confidential decision? If so, under which exempt category? | No | | | |
| Call-in waived by Scrutiny Committee chairman? | Not applicable as this is not a key decision. | | | |
| Has this been discussed by Cabinet members? | Yes – as above various ICMDs | | | |
| Cabinet portfolio holder's signature To confirm the decision as set out in this notice. | Signature ___ Councillor Bethia Thomas _____ Date _____ 26 June 2021 _____ | | | |

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

| For Democratic Services office use only | | |
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| Form received | Date: 28 June 2021 | Time: 08:30 |
| Date published to all councillors | Date: 28 June 2021 | |
| Call-in deadline | Not applicable as this is not a key decision. | |

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.