

## 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

<b>Decision made by</b>	Councillor Judy Roberts, Cabinet Member for Development and Infrastructure in consultation with Councillor Andy Crawford, Cabinet Member for Finance and Corporate Assets
<b>Key decision?</b>	No – CIL funds have been included in the 2022/23 capital programme
<b>Date of decision</b> (same as date form signed)	29 March 2022
<b>Name and job title of officer requesting the decision</b>	Mark Hewer – Infrastructure and Development Team Leader
<b>Officer contact details</b>	Email: <a href="mailto:mark.hewer@southandvale.gov.uk">mark.hewer@southandvale.gov.uk</a>
<b>Decision</b>	<p>To approve funding request from OCC to draw down their 2020 and 2021 CIL allocations of 50% of the infrastructure proportion, as set out in the council's April 2021 CIL spending strategy, of £1,961,305.10 for which the Head of Finance has delegated authority to do so, in consultation with the relevant cabinet member and Head of Planning, under point 6.4 of the council's scheme of delegation, 22 February 2022.</p> <p>To enter into a funding agreement with OCC that governs the release of funds and sets out project monitoring requirements and claw back clauses for which the Head of Finance has delegated authority to do so under point 6.3 of the council's scheme of delegation, 22 February 2022.</p> <p>To release funds to OCC in accordance with the funding agreement once signed and sealed for which the Head of Finance has delegated authority to do so under point 6.3 of the council's scheme of delegation, 22 February 2022.</p>
<b>Reasons for decision</b>	<p>The Vale of White Horse District Council began collection of CIL in November 2017. Following this, a spending strategy was approved setting out how funds were to be allocated and spent. The spending strategy was reviewed in 2020 and an updated version came into effect on 1 April 2021 and is published on the council's website <a href="#">here</a>.</p> <p>The spending strategy notes the 15/25 per cent allocation to</p>

the relevant town or parish council (depending on their neighbourhood plan status) and the 5 per cent allocation for administration of CIL to be retained by the Vale of White Horse District Council as set out in the CIL regulations, but expands on the use of the remaining allocation known as the infrastructure proportion.

Considering the whole of the infrastructure proportion as 100 per cent, the spending strategy allocates funds as follows:

- 50 per cent to Oxfordshire County Council for transport, education, libraries and household recycling centres
- 20 per cent for Health care
- 30 per cent for District Council Infrastructure

The infrastructure proportion can be spent on:

*The levy can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities (for further details, see [section 216\(2\) of the Planning Act 2008](#), and [regulation 59](#), as amended by the [2012](#) and [2013 Regulations](#)). This definition allows the levy to be used to fund a very broad range of facilities such as play areas, open spaces, parks and green spaces, cultural and sports facilities, healthcare facilities, academies and free schools, district heating schemes and police stations and other community safety facilities. This flexibility gives local areas the opportunity to choose what infrastructure they need to deliver their relevant plan (the Development Plan and the London Plan in London). Charging authorities may not use the levy to fund affordable housing.*

*Local authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed.*

*The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.*

Source: <https://www.gov.uk/guidance/community-infrastructure-levy#spending-the-levy>

Whilst allocations are set through the spending strategy, funds for the county council and health care are only released upon a request to draw down the funds accompanied by project details to enable officers to assess their eligibility against the CIL regulations. This DA seeks the approval of the projects submitted by OCC for their 2020 and 2021 allocations and to enter into a funding agreement with

the county council that governs the release of funds, sets out project monitoring requirements and claw back clauses, and to release funds in accordance with the funding agreement once signed and sealed.

Full details of the schemes seeking funding approval provided by OCC can be found in:

- Appendix 1 – 2020 Oxfordshire County Council CIL Funding Application Project Details – Vale
- Appendix 2 – 2021 Oxfordshire County Council CIL Funding Application Project Details - Vale

A summary of these projects is set out in the table 1 below.

Having reviewed the project details provided, it considered that these all meet CIL spending criteria and requirements of the council's CIL spending strategy and are therefore recommended to be approved for release to OCC subject to funding agreement.

**Table 1**

**2020**

Type	Project	Details	CIL Requested
Education	Radley Primary School	Expansion to 1FE	£957,715.43
		<b>TOTAL</b>	<b>£957,715.43</b>

**2021 (1 January to 30 September)\***

	Project	Details	CIL Requested
Transport (Small)	Coleshill Traffic Calming		£35,000.00
Transport (Small)	Cumnor, Arnolds Way Zebra Crossing		£90,000.00
Transport (Small)	A420 Bus Infrastructure Real Time Information (RTI) Units		£100,000.00
Transport (Small)	Faringdon Pedestrian Crossing		£60,000.00
Transport (Small)	A420 Urban Area Bus Infrastructure Real Time Information (RTI) Units		£60,000.00
Transport (Small)	Abingdon, Faringdon Road Zebra Crossing		£70,000.00
Education	Radley Primary School	Expansion to 1FE	£588,589.67
		<b>TOTAL</b>	<b>£1,003,589.67</b>

2020 Total	£957,715.43
2021 Total	£1,003,589.67

**OVERALL  
TOTAL**

**£1,961,305.10**

\*As part of the 2021 CIL spending strategy update, the reporting year was changed from the calendar year to 1 October to 30 September. The intention of which is to ensure future annual funding applications are received from the county council prior to the following financial year when the funds will become available to be transferred. As 2021 was the first year of this revised reporting period, the 2021 allocation was from 1 January 2021 to 30 September 2021. Subsequent years will run from 1 October to 30 September.

**Alternative options rejected**

None

**Legal implications**

It is recommended that the Vale of White Horse District Council enters into a funding agreement with OCC to govern the release of funds and set out project monitoring requirements and claw back clauses.

The OCC CIL allocation collected in 2017, 2018 and 2019 was released under a funding agreement in June 2021. The structure of the funding agreement for the release of the 2020 and 2021 allocation will replicate the previous funding agreement. Other than the funding dates, values and project details, the only proposed change would be to reduce the monitoring requirements from quarterly to six monthly due to the pace at which infrastructure projects progress and resource implications.

**Financial implications**

The proposed projects conform to the spending parameters set out in the CIL regulations and are a suitable use of the funds.

The process for awarding funding to OCC is for the available allocation to be included in the capital programme for the following financial year, agreed through the budget setting process. Therefore, the funds will be allocated within the budget and be available to transfer to the county council from 1 April of the year following the CIL reporting year (1 October to 30 September). Meaning in this case, funds allocated for 2020 (carried forward as OCC did not submit an application in the corresponding year) and 2021 will become available for transfer in the 2022/23 financial year.

Finance have confirmed that the requested funding is available in the 2022/23 capital programme.

Due to the large funding amount, the finance team will require prior notification to the release of funding to ensure sufficient funds are in the relevant bank account to facilitate

	the transaction to the bank account details provided by OCC.			
<b>Other implications</b>	None			
<b>Background papers considered</b>	Vale of White Horse CIL Spending Strategy, published on the council's website <a href="#">here</a> .			
<b>Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?</b>	None			
<b>List consultees</b>		<b>Name</b>	<b>Outcome</b>	<b>Date</b>
	Finance	Richard Spraggett	I can confirm I am happy with the financial implications. The money will be available although obviously for those amounts we'll need a few days notice.	21.02.2022
	Planning	Paula Fox	Agreed at S106 / CIL Applications Meeting	08.03.2022
	Legal Services	Vivient Williams	Confirmed as acceptable	21.02.2022
		Pat Connell	Confirmed that previous funding agreement to be used as basis for new agreement	08.03.2022
	Communications	Emma East	No further comments from me on the comms – agree with the wording that you'll let us know when the funding has been finalised and we'll approach OCC to put together a joint press release to highlight the CIL funding	21.02.2022
	Planning Policy	Vicky Aston	Contributions towards expansion of Radley Primary	02.03.2022

		<p>School from 0.5FE to 1FE is recorded in the VOWH IDP (2016) page 11 (Funding vial CIL) - Contributions towards expansion of Radley Primary School from 0.5FE to 1FE.</p> <p>In relation to 'Site specific highway and public transport works directly related to the development sites' the expectation in the VOWH IDP is that this will be collected through S106/278. There is a reference to 'strategic transport contributions' being collected through CIL. Also paragraph 6.3 confirms that 'infrastructure which is not directly related to the development will be funded through CIL, this could include:</p> <ul style="list-style-type: none"><li>· Local town services - funding towards community mini-bus or other local public transport services providing accessibility for the less-able bodied to the town centre.</li><li>· Public transport upgrades – funding towards premium bus routes and enhancement of other bus routes between settlements</li></ul>	
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			<p>required to mitigate development and provide alternative to car use.</p> <ul style="list-style-type: none"> <li>· Real Time Information (RTI) – provision of RTI to provide up to date information on bus services for passengers.</li> <li>· Public Rights of Way (PRoW) improvements'</li> </ul> <p>Some of these items do relate to strategic routes and improvements to access near to Schools, which should be supported. OCC could be asked to confirm (if they haven't already) that none of the funding for these schemes could have been captured through a S106 associated with a development site.</p>	
	Head of Planning	Adrian Duffield	Agreed at S106 / CIL Applications Meeting	08.03.2022
	Head of Finance	Simon Hewings	Agreed at S106 / CIL Applications Meeting	08.03.2022
	Strategic Management Team (SMT)		Agreed	23.03.2022
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>	No			
<b>Cabinet member for Development and Infrastructure signature</b> To confirm the decision as set out in this notice.	Signature _____ Councillor Judy Roberts _____ Date _____ 29 March 2022 _____			

<b>Cabinet member for Finance and Corporates Assets signature</b> To confirm the decision as set out in this notice.	Signature _____ Councillor Andy Crawford_____	
	Date _____ 28 March 2022_____	

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

For Democratic Services office use only		
Form received	Date: 29 March 2022	Time: 09:20
Date published to all councillors	Date: 29 March 2022	
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 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](mailto: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 Great Coxwell Parish Council 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.**