

## 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 Sue Caul, Cabinet Member for Affordable Housing, Infrastructure, Development and Governance
<b>Key decision?</b>	No – CIL funds have been included in the 2023/24 capital programme.
<b>Date of decision</b> (same as date form signed)	
<b>Name and job title of officer requesting the decision</b>	Janette Hinton-Smith Infrastructure Implementation Officer Infrastructure Implementation and Funding Team
<b>Officer contact details</b>	Tel: 07917088369 Email: <a href="mailto:janette.hinton-smith@southandvale.gov.uk">janette.hinton-smith@southandvale.gov.uk</a>
<b>Decision</b>	<p>To approve the use from the 20% CIL public healthcare allocation of the infrastructure proportion, as set out in the council's April 2021 CIL spending strategy, towards:</p> <ol style="list-style-type: none"> <li>1) Funding £194,264 (50% of the application from NHS Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (BOB ICB) towards ancillary costs relating to delivery of the Great Western Park (GWP) Health Centre.</li> <li>2) Award a total of £388,528 funding (including 50% contribution from South Oxfordshire District Council CIL healthcare allocation) to BOB ICB, subject to entering into a third-party funding agreement.</li> <li>3) Delegate to officers to enter into a funding agreement with the ICB that governs the release of funds and sets out project monitoring and claw back clauses and to release funds to the ICB in accordance with the funding agreement once signed and sealed.</li> </ol>
<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 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</p>

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 public healthcare
- 30 per cent for district council infrastructure

The infrastructure proportion can be spent as follows:

*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>*

Use of the CIL allocation across the Didcot Garden Town area is set out in the CIL spending strategy, as follows:

CIL regulations allow for funds to be spent in neighbouring authorities but the council will not exercise this option with the exception of: i) funds generated in the Didcot Garden Town (DGT) boundary (which covers parishes in both South Oxfordshire and Vale of White Horse district areas), providing that the project(s) are within that area. CIL funding in relation to projects delivered within DGT should align and/or promote the DGT principles and priorities where possible. This approach will contribute positively to creating a high-quality place across the garden town and districts. This provision is replicated in the South Oxfordshire District Council CIL spending strategy.

CIL funding from Vale is in accordance with the CIL spending strategy in relation to the DGT area and the Vale CIL working group have confirmed that a 50/50 split is supported.

	<p>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 ICMD seeks the approval of the ancillary costs project submitted by BOB ICB to be funded from the 2023/24 CIL healthcare allocation and to enter into a funding agreement with BOB ICB 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.</p>
<b>Alternative options rejected</b>	<p>Officers explored options for delivery of the health centre for some years until a deliverable solution was agreed by Cabinet on 23/06/2023. The agreed process was considered the best and only available option for delivering a health centre at Great Western Park.</p>
<b>Climate and ecological implications</b>	<p>The CIL spending strategy does not place any specific requirements on CIL healthcare allocation applicants with regards to climate and ecological implications for the projects proposed in funding applications.</p> <p>There are no direct climate and ecological implications relating to this award however, consideration may be given in relation to the wider scheme delivery.</p>
<b>Legal implications</b>	<p>It is recommended that BOB ICB enter into a legal agreement with Vale of White Horse District Council, which sets out what the funds can be used for and includes a spending deadline to ensure delivery of the project.</p> <p>NHS Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (BOB ICB) was established on 1 July 2022 by The Integrated Care Boards (Establishment) Order 2022. The ICB replaces the CCG under the Health and Care Act 2022. The ICB is a statutory body with the general function of arranging for the provision of services for the purposes of the health service in England and is an NHS body.</p> <p>Transfer of funds between two public bodies is non-economic and is not liable to Subsidy Control. In the event that the second public body is passing the funds to a third party for economic use, the second public body will be responsible for implementing Subsidy Control.</p>
<b>Financial implications</b>	<p>The ancillary costs towards this project are estimated at £388,528, this funding split 50/50% at £194,264 each between South Oxfordshire and Vale of White Horse District Councils. This can be funded from CIL healthcare allocation of 20% of the infrastructure proportion, as set out in the council's April 2021 CIL spending strategy. The CIL healthcare allocation of funding is included in the 2023/24 capital programme at £1,882,000 which is sufficient to meet this funding request.</p> <p>Any funding shortfall for the project is expected to be met by ICB revenue funding of a 3<sup>rd</sup> Party Developer scheme (via rent</p>

	<p>reimbursement of the 3PD developer's lease rent). However, there may be need for additional developer funding if a shortfall is identified that cannot be met by the 3<sup>rd</sup> Party Developer scheme.</p> <p>The ancillary costs will be capitalised as part of the overall project delivery.</p>		
<b>Equalities implications</b>	<p>The implementation of a new health centre is supported. The building layout includes separate room for both a baby changing room and a baby feeding room that are also separate from any bathrooms. It would be good to see more details on the space as a whole and how they plan on being inclusive within their building.</p>		
<b>Other implications</b>	<p>The funding award is at risk should the project fail to progress however, this is mitigated by positive project advancement and that no deliverable alternatives have been identified.</p>		
<b>Background papers considered</b>	None		
<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>
<p>Legal <a href="mailto:legal@southandvale.gov.uk">legal@southandvale.gov.uk</a></p> <p>Contracts &amp; Property – Gillian Mason <a href="mailto:Gillian.mason@southandvale.gov.uk">Gillian.mason@southandvale.gov.uk</a></p> <p>Litigation &amp; Planning – Vivien Williams <a href="mailto:Vivien.williams@southandvale.gov.uk">Vivien.williams@southandvale.gov.uk</a></p>	Vivien Williams	Agreed at S106/CIL Applications Meeting	30/01/2024
<p>Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a></p>	Mark Hewer	Sufficient funding is included as part of the Healthcare CIL allocation in the 23/24 capital programme for this application. The project details are in accordance with this allocation and is therefore able to be funded from this source.	11/01/2024
<p>Human resources <a href="mailto:hradminandpayroll@southandvale.gov.uk">hradminandpayroll@southandvale.gov.uk</a></p>	Trina Mayling	No comments from HR.	17/01/2024
<p>Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a></p>	Kimberley Hall	No comment from Climate & Biodiversity based on any climate or ecological implications of the wider project being considered as	24/01/2024

			part of the planning process.	
	Diversity and equality <a href="mailto:equalities@southandvale.gov.uk">equalities@southandvale.gov.uk</a>	Equalities Team	It is good to see the implementation of a new health centre. Plus see above equalities implications section.	18/01/2024
	Health and safety <a href="mailto:healthandsafety@southandvale.gov.uk">healthandsafety@southandvale.gov.uk</a>	Andy Huckstep	No comments from health and safety at this stage.	26/01/2024
	Risk and insurance <a href="mailto:risk@southandvale.gov.uk">risk@southandvale.gov.uk</a>	Yvonne Cutler Greaves		
	Didcot Garden Town <a href="mailto:didcotgardentown@southandvale.gov.uk">didcotgardentown@southandvale.gov.uk</a>	Nicky Wyer	The DGT team support the request and acknowledge that the CIL Spending Strategy allows the use funding across the boundaries in the DGT area.	25/01/2024
	Strategic Property <a href="mailto:strategicpropertyteam@southandvale.gov.uk">strategicpropertyteam@southandvale.gov.uk</a>	Aileen David	Comments and changes incorporated.	19/01/2024
	Planning Officer <a href="mailto:Phil.moule@southandvale.gov.uk">Phil.moule@southandvale.gov.uk</a>	Phil Moule		
	Communications <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a>	Andrea Busiko	Happy to sign off with no comments	26/01/2024
	Head of Planning	Adrian Duffield	Agreed at S106/CIL Applications Meeting	30/01/2024
	Head of Finance	Simon Hewings	Agreed at S106/CIL Applications Meeting	30/01/2024
	Strategic Management Team (SMT) <a href="mailto:ExecutiveSupportSAV@southandvale.gov.uk">ExecutiveSupportSAV@southandvale.gov.uk</a>		Supported	15/02/2024
	Cabinet Member for Finance and Property	Councillor Andy Crawford	Fully support the release of CIL funds for this much needed facility	19/02/2024
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>				
<b>Has this been discussed by Cabinet members?</b>	Yes			
<b>Cabinet member for Affordable Housing, Infrastructure,</b>	Signature: Councillor Sue Caul Date: 23 February 2024			

<b>Development and Governance signature</b> To confirm the decision as set out in this notice.	
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**ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY**

For Democratic Services office use only		
Form received	Date:	Time:
Date published to all councillors	Date:	
Call-in deadline	Date:	Time:

## 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 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.**