

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 Sue Caul, Cabinet Member for Affordable Housing, Infrastructure, Development and Governance
Key decision?	No – Community Infrastructure Levy (CIL) funds have been included in the 2024/25 capital programme.
Date of decision (same as date form signed)	9 April 2024
Name and job title of officer requesting the decision	David Cookson Infrastructure Implementation Officer
Officer contact details	Tel: 07917 088372 Email: david.cookson@southandvale.gov.uk
Decision	<p>To approve request from Marcham Road Health Centre to draw down £966,097 of funding from the Vale of White Horse District Council healthcare CIL allocation, which is 20 per cent of the infrastructure proportion, as set out in the council's April 2021 CIL spending strategy. This allocation of funding is included in the 2024/25 capital programme.</p> <p>To enter into a funding agreement with Marcham Road Health Centre that governs the release of funds and sets out project monitoring requirements and claw back clauses.</p> <p>To release funds to Marcham Road Health Centre in accordance with the funding agreement once signed and sealed.</p>
Reasons for decision	<p>Marcham Road Health Centre in Abingdon is a privately owned medical practice which undertakes GP surgeries on behalf of NHS England, and currently has 13,850 patients registered. For a period of several months now the Health Centre has been the only GMS (general medical services) Practice continuing to register new patients consistently. All other Abingdon and Didcot practices have closed their lists and the population continues to increase.</p> <p>The Practice is applying for CIL funding to allow the centre to be extended, adding an additional four consulting rooms and two examination rooms, which will increase GMS primary health care capacity for Abingdon and its surrounds.</p>

	<p>The expansion of consultation and examination rooms is expected to increase current patient capacity by a further 33%, allowing registration of an extra 4,000 patients approximately.</p> <p>The Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board are fully supportive of the project and have confirmed that the proposals will allow the practice to provide additional public health care provision required to support the development of the area.</p>
Alternative options rejected	<p>Patient population has increased by 14.7% over the past year and as a result the centre is already beginning struggle to find space for all staff. The centre has tried increasing remote working and room sharing but despite this is still struggling. The current trajectory of growth without increased space is not sustainable and there is a very real risk that once capacity is reached, the centre will have to close to new patients.</p>
Climate and ecological implications	<p>Climate Team recommend the practice consider a zero carbon building design, which also has opportunities for reducing future energy costs.</p> <p>Consider any retrofit opportunities for the existing building which would support decarbonising the whole building, in line with the Council's aspiration for the Vale to a carbon neutral district by 2045.</p>
Legal implications	<p>The funding agreement with Marcham Road Health Centre will govern release of funds and set out project monitoring requirements, that all planning conditions must be met and claw back clauses.</p> <p>For financial assistance to be a subsidy it must meet four specific conditions. One of these conditions is for the financial assistance to confer an economic advantage on one or more enterprises. This has two components. First, the recipient of the assistance must be an enterprise, which is any entity (that is, any person, or groups of persons under common control) that is engaged in an economic activity, which means offering goods and services on a market.</p> <p>If the recipient is engaged in both economic and non-economic activity, it should be considered an enterprise only in relation to its economic activity. Providing NHS health services would not be considered funding an enterprise, therefore not subject to the subsidy control regime.</p>
Financial implications	<p>This allocation of funding is included in the 2024/25 capital programme as part of the CIL healthcare allocation as set out in the council's CIL spending strategy.</p> <p>A credit check has been carried out by Dun & Bradstreet Ltd (D&B), which is a well-established business credit information supplier.</p> <p>The D&B report found Marcham Road Health Centre's credit risk to be low and after reviewing, the council's Strategic Finance Manager agreed that the finances of the health centre are secure, and it is a long established NHS Health Centre in Abingdon.</p>

Equalities implications	None identified. The Practice is a Care Quality Commission registered building and complies with all access requirements.			
Other implications	This CIL will be funding a private operation, albeit one which operates vital primary care services in the area. It is recommended the funding agreement allows for clawback of funds and/or a legal charge.			
Background papers considered	CIL Spending Strategy			
Declarations/ conflict of interest? Declaration of other councillor/ officer consulted by the Cabinet member?	None identified.			
List consultees		Name	Outcome	Date
	Communications communications@southandvale.gov.uk	Andrea Busiko	No comments	26/01/24
	Ward councillors – Abingdon Fitzharris	Eric de la Harpe Robert Maddison	Supportive Requested comments 10/01/24	15/01/24
	Planning	Stuart Walker	No comments	11/01/24
	Legal legal@southandvale.gov.uk	Sarah Commins	“Funding Agreement to control release of funds and claw back”	22/02/24
	Finance Finance@southandvale.gov.uk	Mark Hewer Richard Spraggett	“Sufficient funding is included as part of the healthcare CIL allocation in the 24/25 capital programme for this application. The project details are in accordance with this allocation and is therefore able to be funded from this source.” Comments incorporated into financial implications section	11/01/24 08/03/24
	Climate and biodiversity climateaction@southandvale.gov.uk	Chloe Bunting	Comments added to box above	17/01/24

	Risk and insurance risk@southandvale.gov.uk		Requested comments 26/01/24	
	Diversity and equality equalities@southandvale.gov.uk	Equalities Officer	Supportive, no issues.	11/01/24
	Head of Planning	Adrian Duffield	Agreed at S106/CIL Applications Meeting	30/01/24
	Head of Finance	Simon Hewings	Agreed at S106/CIL Applications Meeting	30/01/24
	Strategic Management Team (SMT) ExecutiveSupportS@southandvale.gov.uk		Comments incorporated into report	22/03/24
	Cabinet Member for Finance and Property	Councillor Andy Crawford	No comments to add	09/04/24
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?				
Has this been discussed by Cabinet members?				
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature: Councillor Sue Caul Date: 09/04/2024			

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

For Democratic Services office use only		
Form received	Date: 09/04/2024	Time: 4.07pm
Date published to all councillors	Date: 10/04/2024	
Call-in deadline	Date: N/A	Time: N/A

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.
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 (except government grant) 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.