

## Record of 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>	Andrew Crawford
<b>Key decision?</b>	No
<b>Date of decision</b> (same as date form signed)	22 June 2022
<b>Name and job title of officer requesting the decision</b>	Trevor Gaffney Revenues and Benefits Manager
<b>Officer contact details</b>	Tel: 07821 637920 Email: <a href="mailto:trevor.gaffney@southandvale.gov.uk">trevor.gaffney@southandvale.gov.uk</a>
<b>Decision</b>	To approve a scheme to determine and make Business Rate relief awards under the government's Discretionary COVID-19 Additional Relief Fund Scheme (CARF) in accordance with Government guidance. The scheme is targeting businesses 2021/2022 net rates liability and will be applied to ratepayers' business rate accounts as a rates relief (not grant payment) based on a fixed percentage rate of their 2021/22 charge. This will help ensure maximum coverage of the relief available.
<b>Reasons for decision</b>	<p>The government has allocated local authorities with some discretionary funding to help businesses with their 2021/2022 business rates. The relief cannot be used for any previous or future billing periods and any money not used is to be returned to Central Government.</p> <p>In accordance with government guidance the scheme must exclude certain ratepayers:</p> <ul style="list-style-type: none"> <li>• not award any relief to ratepayers who have already been eligible for previous grants, i.e. Extended Retail Discount and the Nursery Discount.</li> <li>• not award any relief to empty/unoccupied business premises (ignoring temporary closures due to COVID restrictions).</li> <li>• not award any relief to themselves (Local Authority, Parish, County Council etc.)</li> <li>• not award any relief to business premises with a nil 2021/2022 rates liability (those in receipt of Small Business Rates Relief etc.)</li> </ul> <p>The council's Discretionary Rebate Scheme has taken on board the</p>

	<p>relevant guidance, whilst retaining a relatively wide distribution of relief, in order to help as many businesses as possible and maximise the relief awards made.</p> <p>This decision also helps deliver to those which were excluded from the previous extended retail discount and targets those left in scope that were faced with a 2021/2022 rates bill during the pandemic.</p>			
<b>Alternative options rejected</b>	<p>Opting solely for an 'on application' approach where ratepayers would need to individually prove the level of impact upon their business due to the pandemic was considered but dismissed, as take-up would be unknown but likely to be far lower than the initial alternative 'targeted' award. Businesses, which the Government Guidance has not already excluded from qualifying, may also fail to make any application, especially as the 2021/2022 billing period has ended. This would therefore go against the council's objective of ensuring wide coverage which benefits as many businesses in scope as possible, whilst still having a separate 'on application' approach available.</p>			
<b>Climate and ecological implications</b>	None.			
<b>Legal implications</b>	There are no legal implications emanating from this decision. Relief awards of CARF will be made in accordance with DLUHC guidance and applied to the 2021/2022 rates account.			
<b>Financial implications</b>	<p>The awards of relief will be <b>fully funded by Government</b>, so will not be detrimental to the council. It will also form part of the NNDR3 government return and audited accordingly.</p> <p>New burdens funding has been made available to help cover the administrative costs of implementing the relief.</p>			
<b>Other implications</b>	None.			
<b>Background papers considered</b>	Government guidance/policy			
<b>Declarations/c onflict 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>
	Ward councillors	n/a		
	Legal <a href="mailto:legal@southandval">legal@southandval</a>	Patrick Arran	Approved	22/06/2022

	<a href="mailto:e.gov.uk">e.gov.uk</a>			
	Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a>	Simon Hewings	Approved	14/06/2022
	Human resources <a href="mailto:hradminandpayroll@southandvale.gov.uk">hradminandpayroll@southandvale.gov.uk</a>	n/a		
	Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>	n/a		
	Diversity and equality <a href="mailto:equalities@southandvale.gov.uk">equalities@southandvale.gov.uk</a>	Lynne Mitchell	Approved	16/06/2022
	Health and safety <a href="mailto:healthandsafety@southandvale.gov.uk">healthandsafety@southandvale.gov.uk</a>	n/a		
	Risk and insurance <a href="mailto:risk@southandvale.gov.uk">risk@southandvale.gov.uk</a>	n/a		
	Communications <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a>	Gavin Walton	Approved	14/06/2022
	Senior Management Team <a href="mailto:ExecutiveSupportS@AV@southandvale.gov.uk">ExecutiveSupportS@AV@southandvale.gov.uk</a>		Approved	16/06/2022
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>	Not applicable			
<b>Has this been discussed by Cabinet members?</b>	No			
<b>Cabinet portfolio holder's signature</b> To confirm the decision as set out in this notice.	Signature _____ Andrew Crawford _____ Date _____ 22 June 2022 _____			

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

For Democratic Services office use only		
Form received	Date: 6 July 2022	Time: 10:50
Date published to all councillors	Date: 6 July 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 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](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.**