

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 Judy Roberts, Cabinet Member for Development and Infrastructure
Key decision?	Yes
Date of decision (same as date form signed)	8 July 2022
Name and job title of officer requesting the decision	Julie Perrin Infrastructure Implementation Officer Infrastructure Implementation & Funding Team
Officer contact details	Tel: 07717 274690 Email: julie.perrin@southandvale.gov.uk
Decision	<p>To create sufficient budget from CIL funding to be used to enable Sinewave (an OFGEM registered specialist company), to lay cabling for a new power supply, from the Faringdon Leisure Centres/Schools external sub-station to the leisure centres dry side plantroom (£46,381.34) and any additional related infrastructure costs towards this project to a limit of £100,000.</p> <p>The works to upgrade the power supply are essential if the Air Source Heat Pump (ASHP) and Solar Photovoltaic Cells (Solar PV) installation works are to progress.</p>
Reasons for decision	<p>We have received an application from the council's Leisure Team to spend CIL revenues towards upgrading the incoming and outgoing electricity supplies to Faringdon Leisure Centre, Fernham Road, Faringdon (Asset ID: FA020000) and to be used towards the additional costs incurred replacing gas fired boilers with air source heat pumps and solar PV. The project directly benefits and relates to the sports hall and is essential to replace the centres failing gas fired heating system with sustainable technology.</p> <p>The requirement for the power supply upgrades were unknown at the time an application for funding through the Public Sector Decarbonisation Grant was generated and submitted. Due to the urgency of the works and the need to meet deadlines within the larger project (which has commenced) funding to cover the additional cost has been approved from the Leisure Team capital budget YC39 (11/05/02). The approved use of CIL funding would remove the requirement for £46,381.34 to be met from</p>

the Leisure Team capital budget and therefore remove the associated impact on other leisure services projects which include other decarbonisation schemes.

Local authorities are required to spend the levy's funds on the infrastructure needed to support the development of their area and they will decide what infrastructure is needed. The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development. 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. The project is an appropriate use of CIL funding as the work to replace failing existing infrastructure is necessary to support development.

Project cost breakdown replacing the gas fired boilers with air source heat pumps and solar PV to include the necessary electricity supply upgrade:

Total project cost	£700,000.00
Total S106 funds	£ 50,829.66
Public Sector Decarbonisation Scheme Grant received	£361,746.00
Authorised capital spend (approval for maximum spend of £189,000 obtained plus £46,381.34 to fund electricity supply upgrade)	£182,760.34
CIL application	£100,000.00
Oxfordshire County Council contribution	£ 58,282.66
Funding surplus*	£ 53,618.66

** in the event that CIL funding in excess of £46,381.34 is used the S106 contribution will be reduced by an equivalent amount.*

In accordance with the Constitution's Finance Procedure Rules para 75 (b) this approval is made by the relevant Cabinet member in consultation with the Cabinet member for finance to create a budget and release the funds.

75. For all other section 106 and CIL agreements where contributions are received by the council a budget for the spending of the receipt must be created as follows:
(a) For agreements of up to £20,000 budgets can be requested by the head of planning and approved by the head of finance.
(b) For agreements greater than £20,000 up to £100,000 budgets can be approved by the relevant Cabinet member in consultation with the Cabinet member for finance.
(c) For agreements of greater than £100,000 budgets must be approved by Council.

Alternative options rejected

The funding already allocated from the Leisure Services capital budget YC39 is used to deliver the electricity supply upgrade and provide funding towards the additional costs incurred replacing gas fired boilers with air source heat pumps and solar PV - This option has been rejected as it would impact on other leisure services projects, many of which are to

	decarbonise facilities which come at a greater cost than any like for like replacements.
Climate and ecological implications	<p>The project to install ASHP and Solar PV will greatly reduce the centre's carbon emissions, contributing to the achievement of the Government 10 Point Plan for a Green Industrial Revolution, and the council's corporate plan priorities.</p> <p>The project also promotes the council's commitment to adhere to, and comply with, the government's Carbon Neutral Strategy and directives (2035) and will allow the leisure centre to be able to provide most of its own energy requirements making it more self-sufficient.</p>
Legal implications	<p>Local authorities are required to spend the levy's funds on the infrastructure needed to support the development of their area and they will decide what infrastructure is needed. The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development. 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.</p> <p>To ensure that the levy is open and transparent, charging authorities must prepare infrastructure funding statements on the levy for the previous financial year which must be placed on the websites by 31 December each year and will include any CIL expenditure on this project to ensure accountability and enable the local community to see what infrastructure is being funded from the levy.</p>
Financial implications	The project to install ASHP and Solar PV has commenced, the additional works to upgrade the power supply are essential to the delivery of the wider project. If CIL funding is not approved capital funds from the councils Leisure Team capital budget (YC39) have been approved and will be used.
Other implications	None
Background papers considered	<p>The Community Infrastructure Levy (CIL) was adopted by the Vale of White Horse District Council on 27 September 2017 and took effect on 1 November 2017.</p> <p>The Vale of White Horse District Council Community Infrastructure Levy – Spending Strategy, updated 1 April 2021 sets out how the council allocates and will utilise the CIL funds generated.</p>
Declarations/ conflict of interest? Declaration of other councillor/	

officer consulted by the Cabinet member?				
List consultees		Name	Outcome	Date
	Ward councillors	Cllr David Grant Cllr Bethia Thomas	Emailed 25/05/2022	
	Legal legal@southandvale.gov.uk	Rameesh Chowdhary	No further comments on this application. Understand ICMD to be circulated in the usual way.	30/05/2022
	Finance Finance@southandvale.gov.uk	Richard Spraggett	Agreed at S106/CIL Applications Meeting	07/06/2022
	Human resources hradminandpayroll@southandvale.gov.uk		Emailed 25/05/2022	
	Climate and biodiversity climateaction@southandvale.gov.uk	Heather Saunders	I agree that CIL funding should be considered instead of capital funding to enable these essential works.	30/05/2022
	Diversity and equality equalities@southandvale.gov.uk	Lynne Mitchell	From an equalities perspective I would support this project as it will improve the facilities and is part of the councils objectives.	30/05/2022
	Health and safety healthandsafety@southandvale.gov.uk	Debbie Porter	This work will be subject to the CDM regs and as such managed directly by Corporate Landlord team who will ensure the contractors have in place the specialist H&S required.	25/05/2022
	Risk and insurance risk@southandvale.gov.uk	Yvonne Cutler-Greaves	Assurance and risk have no comments to make on this at present, please keep insurance informed as to when the works are about to start so we can inform our insurers.	26/05/2022
	Planning Stuart.walker@southandvale.gov.uk	Stuart Walker	No comments to add.	25/05/2022
	Communications communications@southandvale.gov.uk		Emailed 25/05/2022	
	Community Safety karen.brown@southandvale.gov.uk	Jennie Hope	I can confirm we don't have anything to add from a Community Safety perspective on this occasion.	25/05/2022
	Community Enablement communityenablement@southandvale.gov.uk		Emailed 25/05/2022	
	Head of Planning	Adrian Duffield	Agreed via delegate: Paula Fox at S106/CIL Applications Meeting	07/06/2022

	Head of Finance	Simon Hewings	Agreed	15/06/2022
	Senior Management Team ExecutiveSupportS@southandvale.gov.uk	Suzanne Malcolm	Agreed	07/07/2022
		Andrew Down	Amendment required to wording of reasons for decision section – <i>Updated as requested</i>	07/07/2022
		Adriana Partridge	Agreed	07/07/2022
	Cabinet Member for Finance and Corporate Assets	Councillor Andy Crawford		
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?	No			
Has this been discussed by Cabinet members?	Yes			
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature ____ Councillor Judy Roberts _____ Date ____ 8 July 2022 _____			

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

For Democratic Services office use only		
Form received	Date: 11 July 2022	
Date published to all councillors	Date: 11 July 2022	
Call-in deadline	Date: 19 July 2022	Time: 17:00

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.