

## 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
<b>Key decision?</b>	No
<b>Date of decision</b> (same as date form signed)	30 October 2022
<b>Name and job title of officer requesting the decision</b>	Julie Perrin Infrastructure Implementation Officer Infrastructure Implementation & Funding Team
<b>Officer contact details</b>	Tel: 07717 274690 Email: <a href="mailto:Julie.perrin@southandvale.gov.uk">Julie.perrin@southandvale.gov.uk</a>
<b>Decision</b>	To create a budget for £45,000.00 from CIL funding to be used to enable the remodelling and refurbishment of Portway toilets, Wantage to include a <i>Changing Places</i> facility, up to three separate toilets and a storage area for equipment including signs and barriers for use within the car parks. The scheme also has the potential to incorporate carbon saving measures which are to be identified through the tendering process.
<b>Reasons for decision</b>	<p>We have received an application from the council's Technical Services Team to spend CIL revenues towards remodelling and refurbishing the public toilets situated at Portway, Wantage (Asset ID: WAN019P001) with the option to include carbon reduction measures which are yet to be specified.</p> <p>The Portway public toilets are an existing important facility in Wantage Town. The Government has sought to increase the provision of <i>Changing Places</i> toilets through the introduction of a grant scheme. The council has secured a grant of £100,000.00 from the Department of Levelling Up, Changing Places Fund. Wantage Town Council have agreed a contribution of £12,000.00 towards the refurbishment.</p> <p>The approved use of CIL funding towards the project would reduce the requirement for funding to be provided from the Technical Services Team capital budget (YA50). The identified capital budget would then be available in full or in part to provide funding for additional projects and/or funding for the incorporation of carbon reduction measures into the basic Portway toilets scheme.</p>

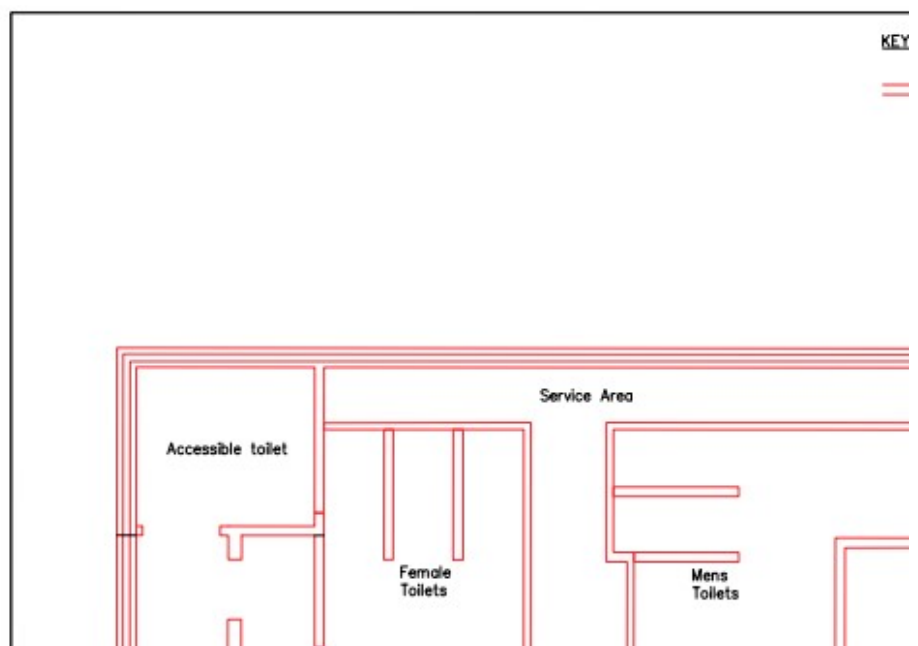
Local authorities are required to spend the levy's funds on the infrastructure needed to support the development of their area and they will decide what infrastructure is needed. The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies 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.

The project is an appropriate use of CIL funding as the increased population is expected to generate additional demand for these town centre amenities. The current facilities are unable to adequately meet an increased demand due to pre-existing deficiencies which will be made more severe by new development. Work to replace failing existing infrastructure is therefore necessary to support development.

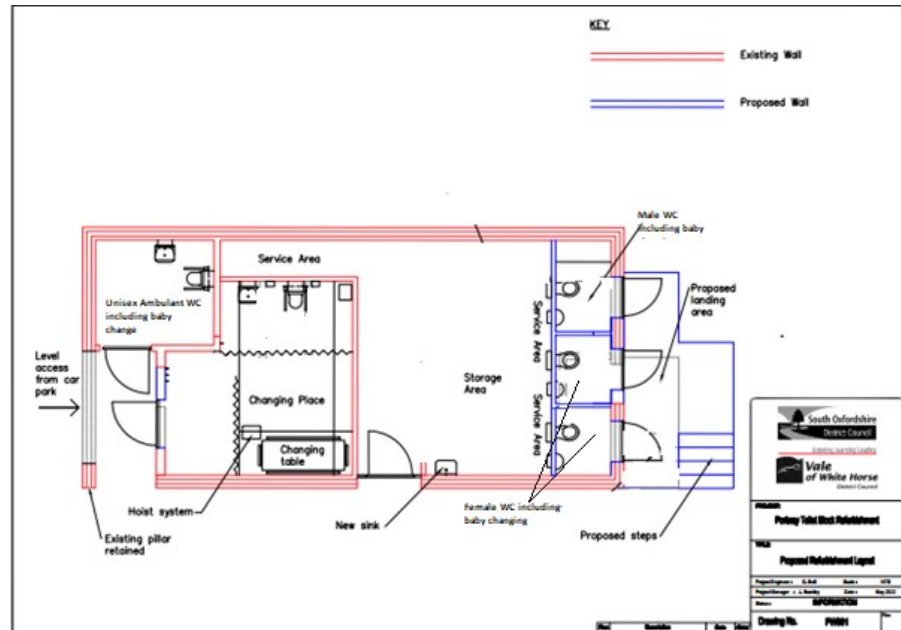
Pre-existing deficiencies include:

- equipment and fittings within the toilets coming to the end of their life.
- dated layout of the facility provides no adequate space to offer sanitary accommodation for people with multiple and complex disabilities who have one or two assistants with them.

Existing layout of Portway public toilets



Indicative possible layout following the tender process



Project cost breakdown:

<b>Basic project cost (to exclude solar panels and other carbon reduction measures which are yet to be identified)</b>	<b>£150,000.00</b>
Approved grant from the Department of Levelling Up Changing Places Fund	£100,000.00
Wantage Town Council agreed contribution	£ 12,000.00
CIL application	£ 45,000.00
Capital provisional programme YA50 – it is proposed to use some of this funding should the shortfall be larger than can be covered by CIL funds	£ 75,000.00
<b>Funding gap</b>	<b>£ 0.00</b>

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.

<b>Alternative options rejected</b>	<p>The funding already allocated from the Technical Services capital budget (YA50) is used to deliver the project – this option has been rejected as it would impact on other projects to be brought forward by the Technical Services Team and/or impact on the option to incorporate carbon saving measures into the scheme.</p>
<b>Climate and ecological implications</b>	<p>Through the tender process carbon reduction measures will be identified, evaluated and where appropriate specified. The council's Climate and Biodiversity Team have been consulted and have responded as follows:</p> <p>The Climate team is supportive of the carbon reduction measures included in this proposal, such as installation of solar panels, LED lighting, light sensors and potential for grey water usage. I would just refer back to Heather's comments in the GW2, recommending that we request estimates of electricity costs saved when seeking quotes for the solar energy (including income from export to grid) and payback so that a fully informed decision can be made when reviewing the total costs of the project.</p>
<b>Legal implications</b>	<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>
<b>Financial implications</b>	<p>The basic project cost is anticipated to be approximately £150,000.00, with additional funding required to incorporate any carbon reduction measures identified through the tender process. If CIL funding is not approved capital funds from the council's Technical Services capital budget (YA50) have been approved and will be used.</p> <p>This funding allocation would be an addition to the CIL funds the council earmarked for eligible schemes in the 2022-23 budget setting.</p>
<b>Other implications</b>	<p>The grant of £100,000.00 secured from the Government Department for Levelling Up, Changing Places Fund requires that the funding is spent before the current financial year end. An extension to this deadline is not possible and the failure to deliver the project within this timeframe will result in the loss of the grant funding.</p>

<b>Background papers considered</b>	<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>			
<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>
	Ward councillors	Patrick O’Leary	Emailed 08/09/2022	
	Legal <a href="mailto:legal@southandvale.gov.uk">legal@southandvale.gov.uk</a>	Rameesh Chowdhary	Legal implications have been considered and incorporated as part of the decision.	22/09/2022
	Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a>		This allocation would be an addition to the CIL funds the council earmarked for eligible schemes in the 2022-23 budget setting.	06/10/2022
	Human resources <a href="mailto:hradminandpayroll@southandvale.gov.uk">hradminandpayroll@southandvale.gov.uk</a>	Trina Mayling	No comments from HR.	22/09/2022
	Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>	Kim Hall	The Climate team is supportive of the carbon reduction measures included in this proposal, such as installation of solar panels, LED lighting, light sensors and potential for grey water usage. I would just refer back to Heather’s comments in the GW2, recommending that we request estimates of electricity costs saved when seeking quotes for the solar energy (including income from export to grid) and payback so that a fully informed decision can be made when reviewing the total costs of the project.	09/09/2022
	Equality and inclusivity <a href="mailto:equalities@southandvale.gov.uk">equalities@southandvale.gov.uk</a>	Lynne Mitchell	I supported the need for the Changing Places toilet and encouraged the team to apply to the government for the funds. These facilities are invaluable to our disabled residents/visitors.	09/09/2022

	Health and safety <a href="mailto:healthandsafety@southandvale.gov.uk">healthandsafety@southandvale.gov.uk</a>	Debbie Porter	No comments at this time.	14/09/2022
	Risk and insurance <a href="mailto:risk@southandvale.gov.uk">risk@southandvale.gov.uk</a>	Allison Holliday	Comments included in GW1: <i>increase risks due to economic issues as a result of war in Ukraine and shortage of materials and increased building costs which is constantly changing. From an insurance perspective please ensure hot works permits are completed and we are notified if they are a requirement as part of refurbishment.</i> No further comments.	08/09/2022
	Communications <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a>		Emailed 08/09/2022	
	Community Enablement <a href="mailto:communityenablement@southandvale.gov.uk">communityenablement@southandvale.gov.uk</a>	Kathy Deacon	No comments from Community enablement, as the works are being carried out by the Technical Services Team we would not be able to fund them.	12/09/2022
	Community Safety <a href="mailto:communitysafety@southandvale.gov.uk">communitysafety@southandvale.gov.uk</a>	Katharine Doherty	I haven't had the chance to look at the proposal in detail but I would strongly advise that any refurb plans take into account the opportunity to 'design out' crime and ASB as we know that our public toilets can be a target for criminal damage.	14/09/2022
	Planning <a href="mailto:Stuart.walker@southandvale.gov.uk">Stuart.walker@southandvale.gov.uk</a>	Stuart Walker	No comments from me. I understand the work is permitted development.	09/09/2022
	Head of Planning	Adrian Duffield	Agreed at S106/CIL Applications Meeting	10/10/2022
	Head of Finance	Simon Hewings	Agreed at S106/CIL Applications Meeting	10/10/2022
	Strategic Management Team (SMT) <a href="mailto:ExecutiveSupportSAV@southandvale.gov.uk">ExecutiveSupportSAV@southandvale.gov.uk</a>	Suzanne Malcolm Adrianna Partridge	Happy to support. Happy to support.	27/10/2022
	Cabinet Member for Finance and Corporate Assets	Councillor Andy Crawford		
<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>	
<b>Cabinet member for Development &amp; Infrastructure signature</b> To confirm the decision as set out in this notice.	Signature ____ Councillor Judy Roberts _____ Date ____ 30 October 2022 _____
<b>Cabinet member for Finance &amp; Corporate Assets signature</b> To confirm the decision as set out in this notice.	Signature ____ Councillor Andy Crawford _____ Date ____ 28 October 2022 _____

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

For Democratic Services office use only		
Form received	Date: 30 October 2022	Time: 19:04
Date published to all councillors	Date: 31 October 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 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.**