

## 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>	Councillor Andy Crawford, Cabinet Member for Finance and Property
<b>Key decision?</b>	Yes
<b>Date of decision</b> (same as date form signed)	11 June 2024
<b>Name and job title of officer requesting the decision</b>	David Cookson Infrastructure Implementation Officer  Ref P24/V0508/106
<b>Officer contact details</b>	Tel: 07917 088372 Email: <a href="mailto:david.cookson@southandvale.gov.uk">david.cookson@southandvale.gov.uk</a>
<b>Decision</b>	In accordance with the Constitution's Finance Procedure Rules, to create a budget for <b>£75,643</b> taken from one S106 contribution and release those funds subject to completion of a third party funding agreement, to Radley Parish Council towards an artistic canopy for the Radley Rotunda Community Centre.
<b>Reasons for decision</b>	<p>The Radley Rotunda is a new circular timber-built community room, which will provide a meeting place for residents of a new housing development and the surrounding area of Radley Parish.</p> <p>The Rotunda Community Centre Trustees are seeking to work with a local artist to create a decorative sculptural canopy and portico for the front entrance of the community building and provide a covered area for the rear of the building.</p> <p>The trustees have worked closely with VWHDC Arts Development officer to create a brief, seek appropriate artists and plan this project, and have selected a local artist who fits the criteria of the brief. Central to his proposal is working with the community and surrounding residents to create the design.</p> <p>This project has been specifically designed to utilise the public art contribution from the new development to assist the new residents integrate with the existing community.</p>

<b>Alternative options rejected</b>	None.
<b>Climate and ecological implications</b>	The chosen artist utilises sustainable materials and sources wood locally.
<b>Legal implications</b>	<p>The project will be funded from the following arts contribution:</p> <p><b>Development:</b> Land south of Kennington, East of Kennington Road  <b>Planning Ref:</b> P17/V2961/FUL  <b>Planning Decision Date:</b> 29 March 2019  <b>Decision Type:</b> Area Committee  <b>S106 Ref:</b> 19V15  <b>Date of agreement:</b> 29 March 2019  <b>Obligation:</b> The “Public Art Contribution” is defined as ‘the sum of three hundred pounds (£300) Index-Linked per Dwelling towards the funding of Public Art’  “Public Art” is defined as ‘artist-led measures to include public spaces, public realm and infrastructure on the Site including walking and cycling routes by creating a unique identity and character for the social and cultural benefits of the community’.  <b>Amount Secured:</b> £118,630.02  <b>Spend by Date:</b> 10 August 2033</p> <p>“Public Art” is defined as ‘artist-led measures to include public spaces, public realm and infrastructure on the Site including walking and cycling routes by creating a unique identity and character for the social and cultural benefits of the community’.</p> <p>There is no further information in the agreements on how the contributions should be allocated.</p>
<b>Financial implications</b>	<p>Paragraph 75(b) of the Constitution of South Oxfordshire District Council and Vale of White Horse District Council – 5 April 2024 (Financial procedure rules section, pages 222 to 223), states that for section 106 and CIL 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.</p> <p>The project will cost £75,643, which will leave £42,987.02 available from the contribution towards other projects, or any unforeseen costs.</p>
<b>Other implications</b>	<p>Regarding planning consent, the applicant has referenced the Town and Country Planning (General Permitted Development) (England) Order 2015, PART 12 - Development by local authorities.</p> <p>Permitted development:</p> <p>A. The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of</p>

	<p>(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;</p> <p>(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.</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>
	Ward Councillors (Kennington and Radley Ward)	James Cox  Diana Lugova	Emailed 21/03/24  Supportive	  02/04/24
	Arts Officer	Abi Brown	<p>"I have supported Radley Rotunda (project) and Radley parish council in devising the artistic scope and brief for this ambitious project and assisted them in following due process to select their preferred artist."</p> <p>"This promises to be a very exciting project and a genuine desire to involve the community in its design and creation. I understand this application is for the full amount, and the design phase will determine more detail and planning requirements about the final artwork."</p> <p>"I have every faith in the organising committee to manage the project well and I have great confidence in</p>	28/04/24

			their chosen artist, whose work is of high quality and exemplary.”	
	Legal <a href="mailto:legal@southandvale.gov.uk">legal@southandvale.gov.uk</a>	Nigel Bell	Confirmed the proposed project is within the terms of the Section 106 Agreement.	10/04/24
	Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a>	Emma Creed	Confirmed funds available to spend	18/03/24
	Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>	Kim Hall	Supports the use of sustainable, locally sourced oak in this sculpture by a local artist, and applicant’s overall commitment to providing a low carbon community building	28/03/24
	Diversity and equality <a href="mailto:equalities@southandvale.gov.uk">equalities@southandvale.gov.uk</a>	Equalities Team	No specific equalities implications for the art, however it would be good to show further information once the initial designs are completed so that team can support creation of an accessible space	26/03/24
	Planning <a href="mailto:planning@southandvale.gov.uk">planning@southandvale.gov.uk</a>	Stuart Walker	No objection, complies with obligation of 19V15	26/03/24
	Communications <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a>	Andrea Busiko	No comments	22/03/24
	Head of Planning	Adrian Duffield	Approved for progression to SMT at S106/CIL Applications Meeting	09/04/24
	Head of Finance	Simon Hewings	Approved for progression to SMT at S106/CIL Applications Meeting	09/04/24
	Strategic Management Team (SMT) <a href="mailto:ExecutiveSupportS@southandvale.gov.uk">ExecutiveSupportS@southandvale.gov.uk</a>		Supportive	08/05/24
<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 portfolio holder's signature</b> To confirm the decision as set out in this notice.	Signature: Councillor Andy Crawford Date: 11 June 2024

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

For Democratic Services office use only		
Form received	Date: 11/06/2024	Time: 9:24am
Date published to all councillors	Date: 11/06/2024	
Call-in deadline	Date: 18/06/2024	Time: 5pm

## 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.**