

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

Decision made by	Councillor Andy Crawford, Cabinet Member for Finance and Property
Key decision?	No
Date of decision (same as date form signed)	19 June 2024
Name and job title of officer requesting the decision	Janette Hinton-Smith – Infrastructure and Implementation Officer Infrastructure Implementation & Funding Team
Officer contact details	Tel: 01235 422135 / 07917 088369 Email: janette.hinton-smith@southandvale.gov.uk
Decision	<p>To create a budget for £26,000.00 from S106 contributions listed below and release funds, subject to a third party funding agreement to Boundary Park Sports Association for the hybrid cricket wickets project at Boundary Park.</p> <p>Funds to be released, in total as one payment, subject to receipt of the signed legal agreement and subject to consent via a 'licence to alter' from the council as Landlord under the lease.</p> <p>Freehold land and building owned by South Oxfordshire District Council, Freehold Title: ON329601 and Vale of White Horse District Council, Freehold Title: ON329600.</p> <p>Leasehold to Boundary Park Sports Association, Leasehold Title: ON329702. Lease valid for 50 years with 43 years remaining.</p>
Reasons for decision	<p>We have received a request for funds from Boundary Park Sports Association (BPSA) for a total of £26,000. from S106 contributions listed below:</p> <p>Development: land north of Grove Road, Harwell Planning Ref: P15/V1504/FUL S106 Ref: 16V78 Date of agreement: 7 October 2016 Obligation: "Cricket Pitch Contribution" - towards the provision of off site cricket pitches in Harwell parish or at east of Harwell campus Decision: Area Committee</p> <p>Development: Land East of Meadow View, Didcot Road, Harwell</p>

Planning Ref: P20/V1334/FUL
S106 Ref: 22V02
Date of agreement: 7 January 202
Obligation: "Cricket Pitches Contribution" – to be used towards cricket pitches in Harwell parish.
Decision: Delegated

Development: Land at Sutton Road, Milton
Planning Ref: P14/V0676/FUL
S106 Ref: 15V12
Date of agreement: 26 February 2015
Obligation: "Cricket Pitch Contribution" – to be used for cricket pitch provision in the vicinity.
Vicinity: means within ten miles of the site (*distance from development to Boundary Park = 3.6 miles*)
Decision: Area Committee

Agreement ref.	Contribution towards:	Contribution received (incl indexation) and date of expiry	Amount requested	Previously allocated	Projected balance
16V78	Cricket Pitches in Harwell parish - Instalment 1	£9,201.51 received Date of expiry: 07/03/2029	£9,201.51	£0.00	£0.00
16V78	Cricket Pitches in Harwell parish - Instalment 2	£9,374.44 received Date of expiry: 10/07/2030	£9,374.44	£0.00	£0.00
22V02	Cricket pitches in Harwell parish	£6,946.48 received Date of expiry: 18/11/2032	£6,946.48	£0.00	£0.00
15V12	Cricket Pitch provision in the vicinity (vicinity = 10 miles of the site, to BPSA = 3.6 miles)	£2,023.65 received Date of expiry: 16/12/2025	£477.57	£0.00	£1,546.08

£26,000.00

The S106 agreement for 16V78 is 'clear and unambiguous' about how the contribution is to be used and the planning decision was made by area committee.

The S106 agreement for 22V02 is 'clear and unambiguous' about how the contribution is to be used and the planning decision was made by a delegated officer i.e. it was not presented to a planning committee.

When the above two S106 agreements were agreed the cricket pitches at Boundary Park were in Harwell parish. Following a boundary change they are now in Western Valley parish however Legal have agreed that due to the legacy situation Boundary Park Sports Association may apply for the S106 funding.

The S106 agreement for 15V12 is 'unclear and ambiguous' about where the contribution is to be used apart from it says must be within ten miles of the site and the planning decision was made by area committee.

Boundary Park to the development at Milton is 3.6 miles.

As it is 'unclear and ambiguous' regarding the use of the contribution from 15V12 and the total sum requested is more than £20,000, but below £100,000. Thus, in accordance with our constitution, 75(b) of 23 May 2024, the relevant Cabinet Member in consultation with the Cabinet Member for Finance can agree to set up a budget and release the funds requested for the project described.

The proposed project is to change four of the twelve grass wickets on the main cricket square to hybrid pitches that are made of 95% natural grass and 5% two-tone polyethylene yarn. Hybrid pitch would be provided by SIS Grass.

Currently when a cricket square has been used for a match or a practice session then it is out of use for 3-4 days, with the change to the hybrid surface it will increase pitch stability, allowing more playing hours, and faster ground recovery after play, the area would be out of use for only 1-2 days, halving the unavailability of the cricket squares.

Boundary Park Sports Association is the home of Didcot Cricket Club and they have recently expanded their sections to include a women's section and additional girls teams. Boundary Park is also one of the preferred venues for Oxfordshire Cricket Board and currently host many junior county games each year. As the cricket square has reached capacity, they are struggling to host all of the games that are needed. By installing hybrid wickets on 4 of the 12 strips, they can increase capacity and ensure that quality wickets can be provided to the new female Didcot sides and county matches. The additional capacity will allow BPSA to host all of the women's and girls' fixtures from Didcot's new section, without having to turn away the county bookings.

Planning permission for the project is not required. The total project cost is £26,000, which can be funded from the S106 secured contributions.

The Draft South Oxfordshire Playing Pitch Strategy (page 69) states: *Seek to address overplay at Boundary Park if overplay is causing reduction in pitch quality, through improved maintenance, replacement of surfaces (at artificial pitches), provision of in situ practice nets for training and / or provision of additional grass or*

	<p><i>artificial pitches.</i></p> <p>Leisure has no objections to this application and the proposed changes should help to improve the overplay highlighted in the PPS.</p>
Alternative options rejected	None
Climate and ecological implications	<p>The manufacture of the synthetic element of the new wickets will have a carbon emissions impact. However, we agree that this is the best option for this project due to the increased capacity for more teams to play cricket.</p> <p>The hybrid cricket wickets will enhance sustainability at the site, increase pitch stability, allow more playing hours, faster ground recover as well as protecting the value of the facility for the Council.</p>
Legal implications	<p>It is recommended that Boundary Park Sports Association enter into a third party funding agreement which sets out what the funds can be used for and includes a spending deadline to ensure delivery of the project. Funds will be released once the funding agreement has been signed by both parties.</p> <p>A licence to alter is required from the council as Landlord under the lease. BPSA will need to apply to the Council for this. The funding should therefore be subject to getting the relevant consents.</p> <p>The funding is not considered to be a subsidy as the funding does not meet all 4 parts of the four limb test set out in the Subsidy Control Act 2022. The funding is only to be used in accordance with the S106 and the use will be for grassroots sports clubs with nominal charges and so the use is non-economic. Therefore, the recipient is not considered to be an enterprise. As not all four tests are satisfied, the funding is not subject to the Subsidy Control regime.</p>
Financial implications	<p>The total project cost is £26,000, which can be funded from the S106 secured contributions totalling £26,000.</p> <p>The remaining balance of £1,546.08 from 15V12 can help fund other sports facilities in accordance with the terms of the S106 agreement.</p> <p>Accountancy has confirmed that the contributions are available.</p>
Equalities implications	No comments from an equality perspective.
Other implications	Steventon Cricket Club have shown an interest in utilising the contribution from the Milton development but have not submitted an application yet nor advised what their project will be.
Background papers considered	None
Declarations / conflict of interest? Declaration of other	None

councillor/officer consulted by the Cabinet member?				
List consultees		Name	Outcome	Date
	VWHDC Ward councillors for Harwell	Hayleigh Gascoigne Debra Dewhurst	I support the application for BPSA to upgrade their cricket pitch using S106 contributions. Informed/emailed	07/05/2024 07/05/2024
	VWHDC Ward councillor for Milton Heights	Sarah James	No objection to this.	09/05/2024
	Legal legal@southandvale.gov.uk	Nigel Bell – locum planning lawyer	Confirmed the proposed project is within the terms of the Section 106 Agreements. I confirm that the works are unlikely to require planning permission.	23/04/2024
	Finance Finance@southandvale.gov.uk	Emma Creed	Confirmed that contributions are available.	07/05/2024
	Climate and biodiversity climateaction@southandvale.gov.uk	Heather Saunders	The manufacture of the synthetic element of the new wickets will have a carbon emissions impact. However, we agree that this is the best option for this project due to the increased capacity for more teams to play cricket.	07/05/2024
	Diversity and equality equalities@southandvale.gov.uk	Equality team	No comments from an equality side of things.	24/04/2024
	Council as Landowner property@southandvale.gov.uk	Andrew Higson	The works to create hybrid cricket wickets is acceptable under the terms of the lease subject to obtaining landlords consent which is not to be unreasonably withheld. The works to the cricket facilities will enhance sustainability at the site as well as protecting the reversionary value for the Council.	07/05/2024
	Health and safety healthandsafety@southandvale.gov.uk	Andy Huckstep	No questions or comments from Health and Safety.	23/04/2024
	Risk and insurance risk@southandvale.gov.uk	Yvonne Cutler Greaves	Agreed	08/05/2024
	Communications	Vic Nickless	Noted from a	08/05/2024

	communications@southandvale.gov.uk		communications perspective.	
	Community Enablement communityenablement@southandvale.gov.uk	Sam Wheeler	I have checked our grants system and there are no grant applications past or present from Boundary Park Sports Association related to this project.	25/04/2024
	Leisure – Carmella Anderson Carmella.anderson@southandvale.gov.uk	Carmella Anderson	Leisure has no objections to this application and the proposed changes should help to improve the overplay highlighted in the PPS.	07/05/2024
	Didcot Garden Town Team – Nicola.wyer@southandvale.gov.uk	Nicky Wyer	Emailed	22/04/2024 and 08/05/2024
	Planning – Adrian Butler Adrian.Butler@southandvale.gov.uk	Adrian Butler	As BPSA was in Harwell parish at the time the S106 legal agreement was made then it is acceptable for them to apply for the Harwell contributions. I have no objection to them using the financial contributions secured by the S106 agreements mentioned, towards proving the cricket wickets proposed. In my opinion the proposal does not constitute development and would not need planning permission. However, BPSA may wish to seek a Certificate of Lawfulness of Proposed Use or Development should it require a formal opinion from the council.	23/04/2024
	Harwell Parish Council		Emailed/Informed	23/04/2024
	Milton Parish Council		Emailed/Informed	25/04/2024
	Head of Planning	Adrian Duffield	Agreed for progression to SMT at S106/CIL Applications Meeting	23/05/2024
	Head of Finance	Simon Hewings	Agreed for progression to SMT at S106/CIL Applications Meeting	23/05/2024
	Strategic Management Team (SMT) ExecutiveSupportSAV	Suzanne Malcolm, Andrew Down, Mark	Support	13/06/2024

	@southandvale.gov.uk	Minion, Andrew Busby		
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?				
Has this been discussed by Cabinet members?				
Cabinet Member for Finance and Property To confirm the decision as set out in this notice.	Signature: Councillor Andy Crawford Date: 19 June 2024			

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

For Democratic Services office use only		
Form received	Date: 19 June 2024	Time: 12.03pm
Date published to all councillors	Date: 19 June 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 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
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.