

## 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 Bethia Thomas, Leader of the Council and Cabinet Member Climate Action and the Environment
<b>Key decision?</b>	No
<b>Date of decision</b> (same as date form signed)	24 June 2024
<b>Name and job title of officer requesting the decision</b>	Julie Perrin – Infrastructure Implementation Officer Infrastructure Implementation and 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>	<p>To create a budget for <b>£24,999</b> from S106 contributions to fund a Vale of White Horse District Council project, towards the installation of artistic paving at the Portway, Wantage which will form part of the Portway Rain Garden Project.</p> <p>To release the funds, as set out below and transfer them to a budget code set up for this purpose.</p>
<b>Reasons for decision</b>	<p>We have received a request for funds from the councils Arts Development Officer for a total of £24,999 from a S106 contribution (15V38) arising from the development at Land west of Stockham Farmhouse, Wantage.</p> <p>The S106 agreement is not ‘clear and unambiguous’ about how the contributions are to be used and the sum requested is more than £20,000, but below £100,000. Thus, in accordance with our constitution, 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 above.</p> <p>The S106 agreement was secured and we have received £28,201.34 towards the cost of selection, provision and associated costs of the Work of Art to be installed by the Council on or in the Vicinity of the Development. Vicinity is defined as within five miles of the Development.</p> <p>The proposed project forms an element of artistic paving to enhance</p>

the wider Portway Rain Garden Project. The wider project implements Sustainable Urban Drainage Schemes (SUDS) to reduce surface water ingress into the Thames Water drainage network, intending to reduce the pressure on the mains sewage system and is to receive funding from Thames Water and from allocated CIL funding. The artistic paving is one of three artistic elements which will enhance and contribute to the wider rain garden project. It is anticipated that the further two artistic elements (wall art and artistic benches) will seek S106 funding from public art contributions at a later date.

The total project cost for the installation of artistic paving is £24,999 which can be funded from the S106 secured contribution of £28,201.34. The remaining balance of £3,202.34 can fund other public art projects in accordance with the terms of the S106 agreement.

The council's Legal, Finance, Climate and biodiversity, Diversity and equality, Risk and insurance, Communications, Community enablement, Planning, Community safety and Strategic property teams have been consulted and have raised no objections to the proposed project and use of the S106 contributions.

Wantage Town Council have been notified of the project and application for S106 funding and have made no comment.

**Development:** Land west of Stockham Farmhouse, Wantage

**Planning Ref:** P14/V1810/FUL

**S106 Ref:** 15V38

**Date of agreement:** 30/07/2015

**Decision:** Planning Committee

**Obligation:** "Public Art Contribution" means the sum of twenty seven thousand pounds (£27,000) to be paid by the owner to the Council towards the cost of selection provision and associated cost of the Work of Art to be erected and installed by the Council on or in the Vicinity of the Development.

"Vicinity of the Development" means within five miles of the Development.

"Work of Art" means a sculpture statue or other artistic representation including street furniture, paving, hard and soft landscaping or architectural detailing as agreed between the District Council (acting reasonably) and the Owner.

Agreement ref.	Contribution towards: (extracts from S106 agreement)	Amount in agreement	Contributions received (incl indexation) and date of expiry	Amount requested	Previously allocated	Projected balance
15V38	Towards the cost of selection provision and associated cost of the Work of Art to be erected and installed by the Council on or in the Vicinity of the Development.	£27,000.00	£28,201.34	£24,999.00	£0.00	£3,202.34

**Alternative options rejected** None

<b>Climate and ecological implications</b>	The applicant has selected an artist who has sustainable policies and practices in place. The project aims to create community awareness of ecology, the water cycle and the natural world.																				
<b>Legal implications</b>	None identified in awarding the S106 funding. Funding allocated to the project is not considered to be a subsidy, it will be used directly by the Council to deliver a public benefit. The council is not acting as an enterprise and the funding does not give it an economic advantage,																				
<b>Financial implications</b>	<p>The total project cost is £24,999, which can be funded from the S106 secured contribution of £28,201.34. The remaining balance of £3,202.34 can help fund other public art projects in accordance with the terms of the S106 agreement.</p> <p>Project cost breakdown:</p> <table border="1"> <thead> <tr> <th>Item</th> <th>£</th> </tr> </thead> <tbody> <tr> <td>Artists Fees – R &amp; D, design</td> <td>6,500.00</td> </tr> <tr> <td>Community engagement</td> <td>3,000.00</td> </tr> <tr> <td>Artwork files for fabrication</td> <td>800.00</td> </tr> <tr> <td>Fabrication and delivery</td> <td>12,199.00</td> </tr> <tr> <td>Contingency</td> <td>2,500.00</td> </tr> <tr> <td><b>Total project cost</b></td> <td><b>24,999.00</b></td> </tr> <tr> <td><b>S106 funding application</b></td> <td><b>24,999.00</b></td> </tr> <tr> <td>Funding gap</td> <td>NIL</td> </tr> </tbody> </table> <p>The figures provided above are exclusive of VAT.</p>			Item	£	Artists Fees – R & D, design	6,500.00	Community engagement	3,000.00	Artwork files for fabrication	800.00	Fabrication and delivery	12,199.00	Contingency	2,500.00	<b>Total project cost</b>	<b>24,999.00</b>	<b>S106 funding application</b>	<b>24,999.00</b>	Funding gap	NIL
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<b>Equalities implications</b>	The councils Equalities Team have no comments to make on the funding application and have requested that more detail on the wider project is provided as it develops, to ensure it is accessible for all who want to visit.																				
<b>Other implications</b>	None identified.																				
<b>Background papers considered</b>	None.																				
<b>Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?</b>	Decision made by Leader of the Council as the relevant cabinet member is also the ward member.																				
<b>List consultees</b>		<b>Name</b>	<b>Outcome</b>																		
	Ward councillors	Clr Amos Duveen Clr Jenny Hannaby	All notified																		
			17/04/2024																		

		Cllr Patrick O'Leary		
	Legal <a href="mailto:legal@southandvale.gov.uk">legal@southandvale.gov.uk</a>	Gillian Mason  Pat Connell	Comments/amendments have been incorporated within the Legal implications section of the report.  With thanks to Gillian for reviewing and amending the above. As she has highlighted the key issue is how we have considered and addressed subsidy control. I happy to sign these off as amended by Gillian on behalf of legal.	16/05/2024  19/05/2024
	Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a>	Emma Creed	I can confirm this contribution is available.	18/04/2024
	Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>	Chloe Bunting	We are supportive of the use of an artist who is has sustainable policies and practices and the wider aims of the project to create community awareness of ecology, the water cycle and the natural world.	24/04/2024
	Diversity and equality <a href="mailto:equalities@southandvale.gov.uk">equalities@southandvale.gov.uk</a>	Equalities Team	No comments to be made on the application, supporting artists is always a lovely opportunity. It would be good to see more detail as the project develops to ensure it is accessible for all who want to visit.	23/04/2024
	Property <a href="mailto:property@southandvale.gov.uk">property@southandvale.gov.uk</a>	Chris Mobbs	No comments to make.	17/04/2024
	Risk and insurance <a href="mailto:risk@southandvale.gov.uk">risk@southandvale.gov.uk</a>		No comments from Risk and Insurance	
	Communications <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a>	Andrea Busiko	No comments from Comms on this application	17/04/2024
	Community Enablement <a href="mailto:communityenablement@southandvale.gov.uk">communityenablement@southandvale.gov.uk</a>	Sam Wheeler	I have searched our grants system, and I haven't found any related grant applications for this project	18/04/2024
	Community Safety <a href="mailto:communitysafety@southandvale.gov.uk">communitysafety@southandvale.gov.uk</a>	Jennie Hope	Nil comments from Community Safety	18/04/2024
	Planning <a href="mailto:stuart.walker@southandvale.gov.uk">stuart.walker@southandvale.gov.uk</a>	Stuart Walker	The request complies with the public art contribution obligations of agreement 15v38	17/04/2024
	Head of Planning	Adrian Duffield	Approved for progression by delegation to Stuart Walker and Paula Fox at	09/05/2024

			S106/CIL Applications Meeting	
	Head of Finance	Simon Hewings	Approved for progression at S106/CIL Applications Meeting	09/05/2024
	Strategic Management Team (SMT) <a href="mailto:ExecutiveSupportSAV@southandvale.gov.uk">ExecutiveSupportSAV@southandvale.gov.uk</a>		Approved	30/05/2024
	Cabinet Member for Finance and Property	Councillor Andy Crawford	Supportive	17/06/2024
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>	n/a			
<b>Has this been discussed by Cabinet members?</b>				
<b>Leader of the Council and Cabinet Member Climate Action and the Environment</b> To confirm the decision as set out in this notice.	Signature: Councillor Bethia Thomas Date: 24 June 2024			

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

For Democratic Services office use only		
Form received	Date: 24 June 2024	Time: 15:09
Date published to all councillors	Date: 24 June 2024	
Call-in deadline	Date: n/a	Time: