

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?	Yes
Date of decision (same as date form signed)	16 July 2024
Name and job title of officer requesting the decision	Julie Perrin – Infrastructure Implementation Officer Infrastructure Implementation and Funding Team
Officer contact details	Tel: 07717 274690 Email: Julie.perrin@southandvale.gov.uk
Decision	To create a budget for £93,688.00 from S106 contributions and release funds, subject to a legal agreement, to Shrivenham Parish Council for the Loggia Refurbishment Project at Shrivenham Memorial Hall. Funds to be released, in stage payments, subject to receipt of the signed legal agreement.
Reasons for decision	<p>We have received a request for funds from Shrivenham Parish Council for a total of £93,688.00 from S106 contribution (17V49) arising from the development of Land at North Shrivenham, Highworth Road, Shrivenham.</p> <p>The S106 agreement is ‘clear and unambiguous’ about how the contributions are to be used and the planning decision was made by the planning committee, the sum requested is more than £75,000, 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 £145,927.08 for the Memorial Hall Contribution, to be used for improvements to Shrivenham Memorial Hall. The proposed project to refurbish the loggia¹ area of Shrivenham Memorial Hall includes the replacement of doors and windows, a new</p>

¹ Oxford Dictionary definition of loggia - Roofed structure, open on at least one side, essentially a gallery, an arcade, or colonnade, affording a protected seating-place with a view, common in Italy, and often with architectural pretensions.

In this case the open side has been glazed.

insulated roof, creating a single space from three smaller rooms and installing improved lighting and heating. Planning permission and Listed Building consent (P24/V0094/FUL P24/V0095/LB) have been granted for the project. The total project cost is £113,688.00, which can be part funded from the S106 secured contribution of £145,927.08 of which £103,753.08 remains unallocated. The remaining balance not already allocated towards other projects (£10,065.08) can help fund further improvements to Shrevenham Memorial Hall in accordance with the terms of the S106 agreement.

Internal teams have been consulted and support the proposed project and use of the S106 contribution.

Development: Land at North Shrevenham, Highworth Road, Shrevenham

Planning Ref: P15/V2541/O

S106 Ref: 17V49

Date of agreement: 06/10/2017

Decision: Planning Committee

Obligation: Memorial Hall Contribution means a contribution of four hundred and five pounds and sixty eight pence (£405.68) (Index Linked) per Dwelling to be constructed as part of the Development to be used for improvements to the Shrevenham Memorial Hall.

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
17V49	Towards improvements to the Shrevenham Memorial Hall	£405.68 per dwelling	<p>£145,927.08</p> <p>Instalment 1 £48,642.36</p> <p>Instalment 2 £48,642.36</p> <p>Instalment 3 £48,642.36</p> <p>Date of expiry for all 05/04/2033</p>	£93,688.00	£42,174.00	£10,065.08

Alternative options rejected None considered.

Climate and ecological implications The proposed project aims to increase the energy efficiency of Shrevenham Memorial Hall and has been developed in line with the recommendations of an energy audit.

Legal implications Shrevenham Parish Council is the registered Proprietor of Shrevenham Memorial Hall (Title No: ON337135). It is recommended that Shrevenham Parish Council enter into a legal agreement which sets out what the funds can be used for and includes a spending deadline to ensure delivery of the project. Transfer of this funding is not considered to be a subsidy as

	<p>Shrivenham Parish Council are not an organisation who are selling goods or services on the market as an economic enterprise and the funding will not have an effect on competition or investment in the UK, or international trade or investment.</p> <p>Financial assistance is classified as a subsidy or a subsidy scheme where it satisfies all four 'limbs', or conditions, of the 4-limb test set out in section 2 of the Subsidy Control Act 2022. Government guidance states that financing of the construction, development, maintenance and operation of infrastructure and sites used for activities related to culture, heritage and nature conservation (cultural and heritage infrastructure) will generally not fall within the scope of the Act if it is not intended to be commercially exploited.</p> <p>Therefore, the funding is not considered to be a subsidy.</p>																
<p>Financial implications</p>	<p>The proposed project conforms to the spending parameters of the S106 agreements and is a suitable use of the funds.</p> <p>The total project cost is £113,688.00, which can be part funded from the S106 secured contribution of £145,927.08 of which £103,753.08 remains unallocated.</p> <p>Full project cost breakdown:</p> <table border="1" data-bbox="480 947 1469 1630"> <tr> <td data-bbox="480 947 1150 1290"> Supplies and services: <ul style="list-style-type: none"> • New windows and doors • New insulated roof • Remove room dividers and make good • New radiators • Trenching through floor and making good • New lighting • Decoration to all affected areas </td> <td data-bbox="1150 947 1469 1290" style="text-align: right;">£103,688.00</td> </tr> <tr> <td data-bbox="480 1290 1150 1339">Contingency (9.64%)</td> <td data-bbox="1150 1290 1469 1339" style="text-align: right;">£10,000.00</td> </tr> <tr> <td data-bbox="480 1339 1150 1388">Total project cost</td> <td data-bbox="1150 1339 1469 1388" style="text-align: right;">£113,688.00</td> </tr> <tr style="background-color: #cccccc;"> <td data-bbox="480 1388 1150 1438"></td> <td data-bbox="1150 1388 1469 1438"></td> </tr> <tr> <td data-bbox="480 1438 1150 1487">S106 funding application</td> <td data-bbox="1150 1438 1469 1487" style="text-align: right;">£93,688.00</td> </tr> <tr> <td data-bbox="480 1487 1150 1536">ACRE grant funding (confirmed and received)</td> <td data-bbox="1150 1487 1469 1536" style="text-align: right;">£20,000.00</td> </tr> <tr> <td data-bbox="480 1536 1150 1585">Total funding projected</td> <td data-bbox="1150 1536 1469 1585" style="text-align: right;">£13,688.00</td> </tr> <tr> <td data-bbox="480 1585 1150 1630">Funding gap</td> <td data-bbox="1150 1585 1469 1630" style="text-align: right;">£ NIL</td> </tr> </table> <p>Shrivenham Parish Council is able to reclaim the VAT expended on delivering the project and VAT is not included in the sums provided above.</p>	Supplies and services: <ul style="list-style-type: none"> • New windows and doors • New insulated roof • Remove room dividers and make good • New radiators • Trenching through floor and making good • New lighting • Decoration to all affected areas 	£103,688.00	Contingency (9.64%)	£10,000.00	Total project cost	£113,688.00			S106 funding application	£93,688.00	ACRE grant funding (confirmed and received)	£20,000.00	Total funding projected	£13,688.00	Funding gap	£ NIL
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<p>Equalities implications</p>	<p>Limited equalities implications have been identified and Shrivenham Parish Council are aware of the recommendations contained within the Inclusive Mobility Guide.</p>																
<p>Other implications</p>	<p>None identified.</p>																
<p>Background papers considered</p>	<p>None.</p>																

Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	None.			
List consultees		Name	Outcome	Date
	Ward councillors	Cllr Foxhall Cllr Patel	Informed 09/05/2024	
	Legal legal@southandvale.gov.uk	Nigel Bell	Confirmed the proposed project is within the terms of the Section 106 Agreement	13/05/2024
	Finance Finance@southandvale.gov.uk	Emma Creed	I can confirm these contributions are available.	23/04/2024
	Climate and biodiversity climateaction@southandvale.gov.uk	Kimberley Hall	Climate Officers are supportive of Shrevenham Parish Council's approach to improving the energy efficiency of Memorial Hall as a whole, and they have confirmed that the improvements being made to the loggia, including insulation, new windows and LED lighting, are following the recommendations of an energy audit."	24/05/2024
	Diversity and equality equalities@southandvale.gov.uk	Equalities Team	We are pleased to confirm that, based on the details shared, we have determined there are limited equality implications associated with this initiative. In alignment with our commitment to promoting inclusive practices and ensuring equality for all, we strongly recommend that continuous monitoring of equality impacts be integrated throughout the duration of the project. This proactive approach will help identify and address any potential disparities that may arise, ensuring the project remains accessible and beneficial to all members of the community, including those with impairments.	28/05/2028
	Risk and insurance risk@southandvale.gov.uk	Yvonne Cutler Greaves	I agree with this application, the design is I am sure much needed and sympathetic.	17/05/2024
	Communications communications@southandvale.gov.uk	Victoria Nickless	Comms are aware of this S106 funding application.	18/06/2024
	Community Enablement communityenablement@southandvale.gov.uk	Lynsey Green	I have checked our grants system and there are no past or present grant applications from Shrevenham Parish	13/05/2024

	t@southandvale.gov.uk		Council related to the project.	
	Planning stuart.walker@southandvale.gov.uk	Stuart Walker	No objection. The request complies with the memorial hall contribution obligations of agreement 17v49, and I note planning permission and listed building consent has already been granted for the works.	09/05/2024
	Property property@southandvale.gov.uk	Chris Mobbs	No comments from Strategic Property on this application.	09/05/2024
	Community Safety communitysafety@southandvale.gov.uk	Jennie Hope	Nil comments from Community Safety.	13/05/2024
	Head of Planning	Adrian Duffield	Approved for progression at S106/CIL Applications Meeting	20/06/2024
	Head of Finance	Simon Hewings	Approved for progression at S106/CIL Applications Meeting	20/06/2024
	Strategic Management Team (SMT) ExecutiveSupportSAV@southandvale.gov.uk		Supportive	12/07/2024
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 signature To confirm the decision as set out in this notice.	Signature: Councillor Andy Crawford Date: 16 July 2024			

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

For Democratic Services office use only		
Form received	Date: 16 July 2024	Time: 10.29am
Date published to all councillors	Date: 16 July	
Call-in deadline	Date: 23 July 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 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.