

Record of 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 Pieter-Paul Barker – Cabinet Member for Finance and Property Assets
Key decision?	No
Date of decision (same as date form signed)	12 June 2025
Name and job title of officer requesting the decision	David Cookson Infrastructure Implementation Officer Ref P23/S4209/106
Officer contact details	Tel: 07917 088372 Email: david.cookson@southandvale.gov.uk
Decision	<p>To create a budget for £51,883.00 taken from one S106 contribution, in accordance with the Constitution's Finance Procedure Rules, towards a public art trail in Benson village.</p> <p>Funds to be released subject to completion of a signed legal funding agreement with Benson Parish Council.</p>
Reasons for decision	<p>Paragraph 75(b) of the Constitution of South Oxfordshire District Council and Vale of White Horse District Council – 19 August 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>Benson Parish Council wish to use an art project to bring both existing and new communities together, devising a trail through both new developments and historic parts of the village which have a notable history in furthering the understanding of time and weather.</p> <p>After considerable exploration of potential themes and consultation with the community, the Public Art Working Group (a sub-group of the parish council) decided that a sundial trail celebrating different elements of these facets of Benson's history would be highly appropriate.</p> <p>From the outset they were keen to employ locally based artists, finding two internationally recognised artists "on the doorstep". David Harber specialises in sundial installations, and Martin Cook is a stone carver and calligrapher of stone benches.</p>

	<p>In addition to the main 'sundials and benches' project, the working group have also commissioned another local artist, Bob Martin, to paint two large canvasses depicting Benson life and Benson's rural landscapes, to be hung in Benson Village Hall.</p> <p>The project will be funded from the following contribution:</p> <p>Development: Land to the north east of Benson to the north of Watlington Road/The Sands Planning Ref: P17/S1964/O S106 Ref: 20S28 Date of agreement: 18 December 2020 Obligation: The "Public Art Contribution" is defined as 'the sum of three hundred and six pounds (£306) Index-Linked per dwelling towards the provision of on-site public art by the Parish Council on any part of the site transferred to it or proposed to be transferred to it. Amount Secured: £79,749.28 Spend by Date: 10 years from receipt, 31 January 2032</p>
Alternative options rejected	None considered
Legal implications	<p>Benson Parish Council will be required enter into a legal 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.</p> <p>The funding is not considered to be a subsidy. Government guidance states as a rule public funding that delivers a general public benefit, and which is not intended to be used primarily to carry out an economic activity is non-economic and will not fall within the scope of the subsidies control regime.</p>
Financial implications	There will be £27,866.28 available from this contribution, plans are for a further phase of the art trail and this to be utilised on the site that this contribution was secured.
Climate implications	<p>David Harber Ltd. recycle everything they can in the business, including waste metal. When shipping by air, they charge a carbon offset amount that goes towards tree planting trees in Brazil. They have committed to using 100% recycled material for marketing material, and run an electric company car with two car chargers at work for employees.</p> <p>They also utilise a large bank (60 square metres) of photovoltaic (PV) cells on the workshop roof that generates some of the power required to operate the business. All other power comes from a renewable power supplier.</p>
Equalities implications	The Vale Equalities Team are generally supportive of the project, noting that the applicant could consider wheelchair users in the final design height (advice forwarded to applicant).

Other implications	<p>Legal agreement ref: 20S28 states the art contribution is to be utilised for a project on the site of “Land to the north east of Benson to the north of Watlington Road/The Sands”. The developer, DWH agrees to the public art contribution secured in the s106 to be used for a Benson-wide public art project instead. The SODC planning officer has no objection to it being provided off-site.</p> <p>Land Registry Deeds for Aldridge Triangle and Bertie West Field have been supplied, showing these sites are Benson Parish Council land. Millbrook Mead has been maintained for many years by the parish council but is unregistered. The parish council are claiming adverse possession. If this is not possible the sundial will be located to another area under parish council ownership and the funding agreement will reflect this.</p> <p>Benson Parish Council wish to exercise their rights under Part 12 of The Town and Country Planning (General Permitted Development) (England) Order 2015, which permits:</p> <p>A. The erection or construction and the maintenance, improvement or other alteration by or on behalf of a local authority or by or on behalf of 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>			
Background papers considered	None			
Declarations / conflict of interest? Declaration of other councillor / officer consulted by the Cabinet member?	None			
List consultees		Name	Outcome	Date
	Legal legal@southandvale.gov.uk	Harjit Gill	Consulted 22.05.2025 No issue.	22/05/25
	Finance Finance@southandvale.gov.uk	Emma Creed	Confirmed that all requested contributions are available to spend	25/07/24

	Climate and biodiversity climateaction@southandvale.gov.uk	Team response	Supportive	06/08/24
	Planning planning@southandvale.gov.uk	Emma Bowerman	I am happy to agree the public art statement. The legal agreement required the art to be provided on-site but given that the applicant and the Parish Council are happy with this alternative, which provides a trail that incorporates art on-site and off-site, I have no objection to the proposals subject to agreement by the legal team.	10/03/2025
	Diversity and equality equalities@southandvale.gov.uk	Ruth Lewin-Leigh	Supportive, comments added to box above	25/07/24
	Property property@southandvale.gov.uk	Karen Lister	No issues	26/07/24
	Risk and insurance risk@southandvale.gov.uk		Consulted 24/07/24	
	Benson and Crowmarsh Ward Councillors sue.cooper@southoxon.gov.uk andrea.powell@southoxon.gov.uk	Sue Cooper Andrea Powell	Supportive Supportive	29/07/24 24/07/24
	Communications communications@southandvale.gov.uk	Melis Clark	No issues	26/07/24
	Arts Officer	Abigail Brown	Supported at S106/CIL applications meeting 08/08/24	08/08/24
	Head of Planning	Adrian Duffield	Consulted as part of SMT circulation	06/06/25
	Head of Finance	Simon Hewings	Agreed for progress to SMT at S106/CIL applications meeting	02/06/25

	Strategic Management Team (SMT) ExecutiveSupportSAV@southandvale.gov.uk		Supportive	06/06/25
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 <i>Pieter-Paul Barker</i> Date <i>12th June 2025</i>			

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

For Democratic Services office use only		
Form received	Date: 13/06/25	Time: 16:38
Date published to all councillors	Date: 16/06/25	
Call-in deadline	Date: N/A	Time: N/A