

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 5 November 2012 at 6.30 pm

Present: Councillor Barry Wood, Leader of the Council (Chairman)
Councillor G A Reynolds, Deputy Leader of the Council (Vice-Chairman)

Councillor Ken Atack, Lead Member for Financial Management
Councillor Norman Bolster, Lead Member for Estates and the Economy
Councillor John Donaldson, Lead Member for Banbury Brighter Futures
Councillor Michael Gibbard, Lead Member for Planning
Councillor Tony Ilott, Lead Member for Public Protection
Councillor Nigel Morris, Lead Member for Clean and Green (from agenda item 10)
Councillor D M Pickford, Lead Member for Housing
Councillor Nicholas Turner, Lead Member for Performance and Customers

Also Present: Councillor Patrick Cartledge, Leader of the Labour Group
Councillor Tim Emptage, Leader of the Liberal Democrat Group

Officers: Sue Smith, Chief Executive
Calvin Bell, Director of Development
Ian Davies, Director of Community and Environment
Martin Henry, Director of Resources / Section 151 Officer
Kevin Lane, Head of Law and Governance / Monitoring Officer
Chris Rothwell, Head of Community Services (for agenda item 6)
Ed Potter, Head of Environmental Services (for agenda item 9)
Marianne North, Housing Needs Manager (for agenda item 7)
Tim Mills, Private Sector Housing Manager (for agenda item 8)
Kate Winstanley, Strategic Housing Officer (for agenda item 7)
Natasha Clark, Team Leader, Democratic and Elections

54 **Declarations of Interest**

Members declared interests in the following agenda items:

8. Revision of Private Sector Housing Policies.

Councillor G A Reynolds, Disclosable Pecuniary Interest, as a private sector landlord.

Councillor Nicholas Turner, Disclosable Pecuniary Interest, as a private sector landlord.

55 **Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

56 **Urgent Business**

There were no items of urgent business.

57 **Minutes**

The minutes of the meeting held on 1 October 2012 were agreed as a correct record and signed by the Chairman.

58 **Review of Parking Arrangements over Christmas and New Year Period**

The Head of Community Services submitted a report which sought approval for a Christmas and New Year Parking promotion.

In introducing the report, the Deputy Leader of the Council advised Executive that the proposal to offer free parking to all customers on Saturday, Sunday and Monday from 1 December 2012 to 7 January 2013 in Council operated car parks was intended to support local business, attract more visitors into Banbury and Bicester and to reduce costs of parking to visitors. There would be notices advising of the promotion and during free periods the car park ticket machines would not accept money. All other restrictions would however apply at all times e.g. maximum length of stay in a particular car park.

Executive members welcomed the proposals commenting that they demonstrated that the Council supported residents and businesses. Members stressed the need for clear notices to ensure that car park patrons were aware of the arrangements and restrictions.

Councillor Emptage, Leader of the Liberal Democrat Group, addressed Executive and expressed support for the promotion which would provide a boost to the local economy.

Councillor Cartledge, Leader of the Labour, also supported the promotion but raised concerns about possible congestion around the car parks during the free parking dates.

Executive was advised that the Christmas and New Year parking proposals needed to be formally advertised as they would be a variation from the legal Parking Orders. Specified procedures were required to vary the charges which were required in order that the Council could correctly enforce arrangements. In order to ensure that the promotion could commence on 1 December, Executive noted that the Chairman of the Overview and Scrutiny Committee had agreed to waive call-in as any delay to implement the decision would seriously prejudice the public interest.

Resolved

- (1) That a six week promotion offering free parking to all customers on Saturday, Sunday and Monday from 1 December 2012 to 7 January 2013 in Council operated car parks be approved.
- (2) That it be noted that the Chairman of the Overview and Scrutiny Committee has agreed to waive call-in as any delay to implement the decision would seriously prejudice the public interest.

Reasons

As a way to support local business, attract more visitors to Banbury and Bicester and to reduce costs of parking to visitors, a Christmas and New Year parking promotion has been proposed.

The Chairman of the Overview and Scrutiny Committee has agreed to waive call-in as any delay to implement the decision would seriously prejudice the public interest.

Options

- Option One: Change to tariffs
- Option Two: A specified initial free parking period
- Option Three: Alternative days/weeks on which to run the promotion.

59

Cherwell District Council Revised Allocation Scheme 2012

The Head of Regeneration and Housing submitted a report which sought approval to adopt a new Allocation Scheme and to endorse the decision to dissolve the Oxfordshire Sub-regional Choice Based Lettings partnership

In introducing the report, the Lead Member for Housing explained that the Localism Act 2011 enabled local authorities to shape an allocations scheme to give greater priority to locally identified needs, removing the requirement to have an 'open' housing register. This had enabled the Council to operate a change of approach to allocations and restrict applications to the Housing Register. In future there will be a three stage test: Eligibility; Qualification; Reasonable preference.

The Executive was advised that there had been extensive consultation on the revised Allocations Scheme. Stakeholders consulted included Registered Providers, Statutory and Voluntary Agencies, elected members and all applicants to Cherwell's existing Housing Register. A variety of consultation methods were used including Cherwell's website, email, face to face and telephone depending on the audience. All existing applicants to Cherwell's Housing Register received a personal letter advising them in outline of the changes which also invited them to 3 specific briefings held in Banbury, Bicester and Kidlington. Specific briefings were also provided for elected

members, Registered Providers, Partner agencies and Cherwell staff. Feedback was generally positive.

The Lead Member for Housing advised Executive that since 2009 the Council had been part of an Oxfordshire Sub-regional Choice Based Lettings partnership. The initial Co-operation Agreement expired in July 2012 and was now operating on a month by month basis. Performance of the scheme was low and it had therefore proved not cost effective to operate. As a result of the new government guidance in the Localism Act 2011 and June 2012 Code of Guidance 'The Allocation of accommodation: guidance for local housing authorities in England', which gave local authorities more freedom to set their own individual policies all Districts participating in the partnership agreeing to cease the arrangement. Notwithstanding, Cherwell remained committed to operating choice based lettings within the district and a growth revenue bid would forward as part of the budget process to reflect the need to amend IT arrangements.

Councillor Cartledge, Leader of the Labour Group, addressed Executive and sought clarification on the impact on the homeless, auto bidding and the impact on people currently in bands 4 or 5 which would be obsolete under the revised Scheme.

The Housing Needs Manager explained that the needs of homeless families were managed under separate legislation. In terms of auto bidding, this was undertaken on a two weekly cycle and the suitability of each applicant was considered on a case by case basis. The Executive was advised that the new bands 1, 2 and 3 may incorporate some individuals currently in band 4 or 5 as each person would be contacted personally and their circumstances reviewed under the revised Scheme.

In addressing the Executive, Councillor Emptage, Leader of the Liberal Democrat Group, praised the Member briefing he had attended and sought clarification on a number of points which was duly provided by the Housing Needs Manager.

In considering the report, Executive members commented that it was extremely important that Cherwell District Council was ready for the changes to the welfare regime and any potential increase in demand whilst also managing residents' expectations.

The Executive commended Housing Officers for the work undertaken in preparing the revised Allocations Scheme, the extensive consultation and briefings.

Resolved

- (1) That the adoption of the new Allocation Scheme effective from 1 April 2013 subject to required IT changes being completed be approved.
- (2) That authority be delegated to the Head of Regeneration and Housing, in consultation with the Lead Member for Housing, to amend this effective date, if required

- (3) That Cherwell District Council's exit from the Oxfordshire Sub-regional Choice Based Lettings partnership be approved.

Reasons

The Allocation Scheme proposals ensure Cherwell has a robust policy which meets the Council's statutory duties and follows legal requirements. It will also ensure existing levels of staffing can re-focus to deliver more housing advice to meet increased demand for services and keep to a minimum the numbers of people who may become homeless and require statutory duties from the Council.

The proposal to withdraw from the Sub-regional Choice Based Lettings Scheme support the revised Allocation Scheme to be introduced. By leaving the Sub-regional Scheme, Cherwell will be free to make any further changes to its policy independently and more easily as may be required in future.

Options

Option One: To accept all the recommendations as set out in the report and in doing so support Cherwell's exit from Sub-regional Choice Based Lettings Scheme and establish the new Allocation Scheme

Option Two: To accept none of the recommendations

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Revision of Private Sector Housing Policies

The Head of Regeneration and Housing submitted a report which sought adoption of revised private sector housing policies and revised standards for houses in multiple-occupation.

Resolved

- (1) That the following operational policies in place of similarly named policies adopted in May 2008 be adopted:
- Housing (Private Sector) Policy
 - Housing Health & Safety Rating Scheme (HHSRS) Policy
 - House in Multiple Occupation (HMO) Licence Policy
 - Recovery of Costs Policy
 - House Condition Enforcement Policy
 - Private Sector Housing Grants and Assistance Policy
- (2) That the house in multiple-occupation standards (entitled HMO Standards 2012) be adopted as the Council's standards in place of earlier adopted standards.

Reasons

Adoption of these revised operational policies and HMO Standards will ensure that the Council is able to discharge its responsibilities for house conditions to

best effect, taking into account developments and experience gained since 2008.

Options

Option One: Adoption of the new policies and HMO Standards

Option Two: To agree the recommendation with variations

Option Three: To reject the recommendation.

(Councillors Reynolds and Turner left the meeting for the duration of this item)

61

Localism Act 2011 - Register of Community Assets

The Head of Law and Governance submitted a report which enabled the Executive to consider the implications of the provisions of the Localism Act 2011 in relation to assets of community value and to approve appropriate decision-taking mechanisms to ensure that the statutory requirements can be met.

Resolved

- (1) That the implications of the provisions of the Localism Act 2011 in relation to the obligation of the Council to maintain a list of assets of community value ('the List') be noted.
- (2) That authority be delegated to the Head of Housing and Regeneration, in consultation with the Lead Member for Estates and the Economy, to consider and determine nominations for inclusion on the List.
- (3) That authority be delegated to the Director of Development, in consultation with the Leader of the Council, to consider and determine requests from asset owners for review of decisions to include an asset on the List.
- (4) That authority be delegated to the Head of Housing and Regeneration, in consultation with the Head of Finance and Procurement, to consider and determine applications for compensation from asset owners for loss and expense incurred through assets being included on the List.
- (5) That authority be delegated to the Director of Development, in consultation with the Director of Resources, to consider and determine requests for review of compensation determinations from asset owners for loss and expense incurred through assets being included on the List.

Reasons

To enable the Executive to understand the full implications of the legislation.

To enable determinations in relation to listing and compensation to be dealt with in a timely way in accordance with statutory requirements.

Options

- Option One: To accept the recommendations as set out.
- Option Two: To reserve the relevant decisions to members. Executive could decide that the listing and compensation determinations outlined above should be reserved to members. However, this is not recommended because of the statutory time limits that are imposed, the fact that determinations will involve a factual assessment applying legislative tests with limited scope for the exercise of discretion, and the need to ensure a separation of roles to accommodate the rights to review.
- Option Three: To delegate authority to officers other than those recommended. Executive could decide that alternative officers to those recommended should be given the necessary delegated authority. This is not recommended because the responsibility for assets and estates is vested in the Head of Housing and Regeneration and the compensation decisions should be subject to assessment and determination by qualified finance officers.

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Local Government Resources Review (LGRR) Update and 2013/14 Budget Process Update

The Head of Finance and Procurement submitted a report which informed the Executive of the latest position on the LGRR project regarding council tax and pooling localisation and an update on 2013/14 budget planning.

In introducing the report, the Lead Member for Financial Management reported that Cherwell District Council had agreed with other major preceptors in Oxfordshire that for year 1 of the new council tax localisation scheme the status quo should be maintained and that there would, in effect, be no change to the current support which is in place. Proposals to offset the budget reduction will be prepared as part of the 13/14 budget process and reported to the Executive in due course.

In terms of business rates localisation and pooling, modelling was still ongoing and a recommendation on whether to formally submit an application to pool by the deadline of 9th November would be made the week commencing 5 November 2012. A full report detailing the recommendation and next steps would be presented to the December 2012 Executive.

Resolved

- (1) That the latest position on council tax localisation and consultation responses be noted.

- (2) That the latest position on business rates localisation and pooling be noted.
- (3) That authority be delegated to the Chief Executive and Director of Resources, in consultation with the Leader of the Council and the Lead Member for Financial Management to make an application to join an Oxfordshire pool if the financial modelling supports.
- (4) That the changes to the budget timetable be noted.

Reasons

In September and October 2012 the Executive received an update report on the Local Government Resource Review (LGRR) including the introduction of localised Council Tax Support to replace Council Tax Benefit and changes to the way in which business rates are collected and distributed. This summary provides members with updated information on progress since the last report.

The Council agreed its budget guidelines and timetable at the Executive meeting in October 2012 which showed a first draft of the budget being presented at the December 2012 meeting. The information regarding the financial settlement for local authorities will not be available until at least the 19 December 2012 so the first draft of the budget will be presented to the Executive in January 2012.

Options

None

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Collective Energy Switching Scheme

The Head of Environmental Services submitted a report which informed members of collective energy purchasing and switching scheme proposals and provided information for progressing a scheme in Cherwell.

In introducing the report, the Lead Member for Clean and Green advised Executive that collective energy switching offered households the opportunity to sign up to a scheme that allowed an intermediary to negotiate with energy companies on their behalf in order to secure the householder a discounted energy price. The scheme would complement the Council's Housing Strategy and had the potential to deliver part of Council's priority to tackle fuel poverty.

Member commended the scheme and agreed that it offered a lot of potential. Members stressed the need for the scheme to be clear and easy to understand. It would be important to ensure that it was widely communicated to residents in receipt of benefits. It was agreed that officers be requested to investigate the possibility of a commercial collective energy scheme in the district.

Resolved

- (1) That it be agreed to take forward a collective switching scheme for domestic energy consumers in Cherwell and to collaborate with other interested Districts to achieve the best deal for residents.
- (2) That engaging iChoosr as an intermediary to negotiate with energy companies in order to achieve the best value for money be further explored.
- (3) That the setting up of a working group to implement and deliver a collective switching project be agreed.
- (4) That officers be requested to investigate the possibility of a commercial collective energy scheme in the district.

Reasons

A collective energy purchasing and switching scheme will complement the Council's Housing Strategy by combating fuel poverty as well as the Council's Low Carbon Environmental Strategy by making the costs of green tariffs more compatible with other tariffs.

The scheme can also have environmental benefits, if the auction was to include green energy suppliers. This would make a contribution to the corporate objective of being a cleaner, greener Cherwell and would be particularly appropriate in Eco Bicester.

A collective energy purchasing and switching scheme across more Districts will make the scheme more successful as there is strength in numbers.

Research has established that iChoosr has the knowledge and extensive experience in collective switching therefore it is recommended that iChoosr is considered as partners to operate the pilot scheme.

Options

Option One: Progress with a scheme working with iChoosr

Option Two: Do not progress with a scheme

Option Three: Investigate other options

The meeting ended at 7.50 pm

Chairman:

Date: