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Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 4 September 2017 at 6.30 pm

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

Councillor John Donaldson, Lead Member for Housing
Councillor Tony Ilott, Lead Member for Financial Management
Councillor Kieron Mallon, Lead Member for Public Protection and Community Services
Councillor D M Pickford, Lead Member for Clean and Green
Councillor Lynn Pratt, Lead Member for Economy and the Estates

Also Present: Councillor Sean Woodcock, Leader of the Labour Group
Councillor Andrew Beere

Apologies for absence: Councillor Colin Clarke, Lead Member for Planning
Councillor Mike Kerford-Byrnes, Lead Member for Change Management, Joint Working and IT
Councillor Richard Mould, Lead Member for Performance Management

Officers: Yvonne Rees, Chief Executive
Scott Barnes, Director of Strategy and Commissioning
Ian Davies, Director of Operational Delivery
Paul Sutton, Chief Finance Officer / Section 151 Officer
Ed Potter, Head of Environmental Services
Jackie Fitzsimons, Shared Public Protection Manager
Sanjay Sharma, Interim Head of Finance / Deputy Section 151 Officer
James Doble, Interim Assistant Director Transformational Governance / Monitoring Officer
Natasha Clark, Interim Democratic and Elections Manager

32 **Declarations of Interest**

There were no declarations of interest.

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

There were no petitions or requests to address the meeting.

34 **Urgent Business**

There were no items of urgent business.

35 **Minutes**

The minutes of the meeting held on 3 July 2017 were agreed as a correct record and signed by the Chairman.

36 **Chairman's Announcements**

There were no Chairman's announcements.

37 **Joint Animal Licensing Policy**

The Public Protection Manager submitted a report to seek approval for the adoption of a joint Animal Licensing Policy and Animal Licensing Conditions for consultation. The policy would be applied by authorised officers when determining applications for all animal related licences.

Resolved

- (1) That, subject to consultation, the proposed Joint Animal Licensing Policy and conditions setting out the Council's approach to determining all animal licensing applications and subsequently ensuring compliance with the relevant conditions be adopted.
- (2) That the Director of Operational Delivery be authorised to set all animal licensing fees and to make any changes to the Joint Animal Licensing Policy and conditions should they be required through either changes in legislation or changes in circumstances.
- (3) That authority be delegated to the Director of Operational Delivery, in consultation with the Lead Member for Public Protection and Community Services, to approve the final policy following the consideration of any consultation responses.

Reasons

There is no statutory requirement for a local authority to have a formal animal licensing policy. However, it is considered best practice to adopt such a policy. This is for the benefit of business owners as well as reassuring the general public and other public bodies. It also ensures transparency and consistency when dealing with applications.

Alternative options

Option 1: Adopt the policy and attached conditions

Option 2: Reject the policy and attached conditions for amendment

38 **Joint Scrap Metal Licensing Policy**

The Public Protection Manager submitted a report to seek approval for the adoption of a joint Scrap Metal Licensing Policy. The policy which would be subject to consultation, would be applied by authorised officers when determining applications for all scrap related licences and subsequently enforcing the provisions of the Scrap Metal Dealers Act 2013.

Resolved

- (1) That it be noted that functions and powers pursuant to the Scrap Metal Dealers Act 2013 are an executive function and such functions and powers, including the setting of licence application fees, hereby be delegated to the Director of Operational Delivery,
- (2) That, subject to consultation, the proposed Joint Scrap Metal Licensing Policy setting out the Council's approach to determining all applications and subsequently ensuring compliance with the provisions of the Act be approved.
- (3) That authority be delegated to the Director of Operational Delivery, in consultation with the Lead Member for Public Protection and Community Services, to approve the final policy following the consideration of any consultation responses.

Reasons

There is no statutory requirement for a local authority to have a formal scrap metal licensing policy; however, it is considered best practice to adopt such a policy. This is for the benefit of business owners as well as reassuring the general public and other public bodies. It also ensures a level of transparency and consistency when dealing with applications.

Alternative options

Option 1: Adopt the policy and recommendations

Option 2: Reject the policy and recommendations

39 **Council Tax Reduction Scheme 2018-2019**

The Chief Finance Officer submitted a report to provide members with an update on the current Council Tax Reduction Scheme (CTRS) and the changes to discounts, including the impact on collection rates, and to provide members with options to consider for a Council Tax Reduction Scheme for 2018-2019 and to seek approval to consult on the approved option.

Resolved

- (1) That the report and financial implications for the Council be noted.
- (2) That the recommendation made by Budget Planning Committee to consult on Option 1 – no change to the current Council Tax Reduction Scheme or Council Tax discounts for 2018-2019 and to change only the detail of the scheme to update the Pensioner Regulations as prescribed by DCLG and to uprate the Working Age Regulations amounts in line with Housing Benefit be approved.

Reasons

From April 2013 Council Tax Benefit was abolished and replaced with a local Council Tax Reduction Scheme. Members are now required to agree for consultation purposes a Council Tax Reduction Scheme for the 2018-2019 financial year.

Alternative options

Option 1: To not recommend any of the options for a scheme for 2018-2019. This would have financial implications for the Council and those residents affected by Welfare Reform.

40

Spring Budget 2017 - Business Rates Relief Schemes

The Chief Finance Officer submitted a report to provide members of Executive with an update on the Spring Budget 2017 changes to Business Rates and to seek approval of the local Discretionary Business Rate Relief Scheme and Pubs Relief Scheme.

Resolved

- (1) That the report and financial implications for the Council be noted.
- (2) That the adoption of the local Discretionary Business Rate Relief Scheme for 2017-2018 (annex to the Minutes as set out in the Minute Book) be approved.
- (3) That the adoption of the Pubs Relief Scheme for 2017-2018 (annex to the Minutes as set out in the Minute Book) be approved.

Reasons

The report sets out a proposed Local Discretionary Relief scheme to provide relief to business ratepayers in properties facing substantial business rates rises as a result of the 2017 Revaluation. The local scheme aims to distribute no more than the Government grant provided for this purpose in the Spring Budget.

Alternative options

Option 1: Members could choose not to adopt the proposed schemes, but in view of the fact that expenditure will be reimbursed the Government expects billing authorities to grant relief to all qualifying ratepayers.

41

Oxfordshire Clinical Commissioning Group (OCCG) Phase 1 Consultation and Decisions Regarding the Horton General Hospital

The Director of Operational Delivery submitted a report to consider the most recent developments and decisions in relation to the Horton General Hospital (HGH) and the Council's response to proposals for service change by the Oxfordshire Clinical Commissioning Group (OCCG).

Resolved

- (1) That the decisions taken by Oxfordshire Joint Health and Overview Scrutiny Committee and the Oxfordshire Clinical Commissioning Group be noted.
- (2) That the action to submit a Notice of Renewal for a judicial review of the flawed consultation process be endorsed.
- (3) That the referral process to the Secretary of State for Health of the Oxfordshire Clinical Commissioning Group decision to make permanent the freestanding midwife led unit at the Horton General Hospital be supported to the fullest extent.

Reasons

The process of the development of service model options for the Horton General Hospital and the formal consultation of these has been long and arduous. The Council has engaged throughout and responded positively. It is hugely disappointing that the Council's concerns and suggestions have not been reflected in the obstetrics decision.

The Council has demonstrated that the consultation process has been flawed and that this should be subject to a legal challenge. The Council's partners in this matter also support this view. In this respect, it is recommended that the Council should, with its partners, continue the fight by supporting the Oxfordshire Joint Health and Overview Scrutiny Committee with the referral of this matter to the Secretary of State for Health and to continue with vigour its legal challenge of the consultation process.

Alternative options

Option 1: To accept the decisions made by OCCG. This is not proposed as the Council believes that the consultation was flawed and that there is an alternative and viable obstetrics model for the HGH

On Street Parking Enforcement

The Director of Operational Delivery submitted a report to consider additional on-street parking enforcement delivered by Thames Valley Police and its funding.

In the course of the discussion Members acknowledged that whilst not a statutory function, the proposal would assist residents and improve the district. Councillor Mallon proposed an additional recommendation: That subject to Thames Valley Police confirming they have resource available, authority be delegated to the Director of Operational Delivery, in consultation with the Deputy Leader, to commence the funding of the equivalent of a full time Police Community Officer in the 2017/18 municipal year in addition to the funding agreed in resolution (2). Councillor Reynolds seconded the proposal.

In response to comments by Councillor Woodcock, Leader of the Labour Group, who confirmed the support of the Labour Group for the proposal, Councillor Reynolds confirmed that activity logs would be maintained by TVP for monitoring purposes and for CDC to ensure value for money.

Resolved

- (1) That agreement be given to fund Thames Valley Police the equivalent of a full time Police Community Support Officer to undertake on-street parking enforcement across the Cherwell District
- (2) That funding of up to £30,000 per annum for this purpose for a minimum of two years be agreed.
- (3) That, subject to Thames Valley Police confirming they have resource available, authority be delegated to the Director of Operational Delivery, in consultation with the Deputy Leader, to commence the funding of the equivalent of a full time Police Community Officer in the 2017/18 municipal year in addition to the funding agreed in resolution (2).

Reasons

Additional on-street parking enforcement has for some time been identified as a local issue requiring attention. The proposal for TVP with funding from this Council to undertake this low priority crime function is expected to be welcomed by local councils and the majority of drivers who park off-street or legally on-street.

Alternative options

Option 1: To continue this function with no additional resource, meaning this remains a low priority for TVP and only undertaken on an ad hoc basis when other police pressures allow. This is not recommended as it is anticipated that there will be no improvement to the current on-street parking difficulties.

Option 2: The employment of a traffic warden was proposed but the use of a PCSO was an operational preference for TVP.

43 **Bicester Healthy New Town Status**

The Director of Operational Delivery submitted a report to inform the Council of progress in implementing the Bicester Healthy New Town Programme using the NHS grant received.

Resolved

- (1) That progress in the implementation of Bicester's Healthy New Town Programme be noted.
- (2) That the receipt of the NHS grant to 2019 be endorsed.

Reasons

Good progress has been made in starting to deliver the detailed Delivery Plan for the Healthy New Town Programme. The baseline data from the residents' health and wellbeing survey have confirmed the importance of addressing levels of obesity and social isolation in the town and a number of initiatives are increasing the opportunities for Bicester residents to actively adopt healthier behaviours and to help start to build a healthier community.

The significant NHS funding is clearly making a difference. The recent extended grant offer for 2019 for the Bicester Programme was received and required acceptance over the summer period. The grant agreement was completed in liaison and with the support of the Council Leader, hence the recommendation for endorsement.

Alternative options

The alternative is to refuse the NHS grant and cease the programme.

44 **The Brighter Futures in Banbury Programme Annual Review 2016-2017**

The Director of Operational Delivery submitted a report to consider an annual review of the Brighter Futures in Banbury programme and endorse the direction of travel.

Resolved

- (1) That following the recommendation of the Local Strategic Partnership, the Brighter Futures in Banbury Programme Annual Review 2016-2017 be approved.
- (2) That the work carried out to date to scope the action plan until March 2019 and the finalisation of the detail of this plan during the autumn of 2017 through the Lead Member for Public Protection and Community Services be noted.

Reasons

The Brighter Futures in Banbury Programme draws together statutory and voluntary agencies and organisations to align services to best serve those most in need. The annual report was presented to the Local Strategic Partnership in July 2017. There was broad support for the progress being made through the strategic approach to joint working.

The action plan developed by theme leads that will take the Programme forward until March 2019 will be endorsed and finalised by the Lead Member for Public Protection and Community Services.

Alternative options

No alternatives have been considered

45

Quarter 1 2017/2018 Performance Update

The Strategic Director – Strategy and Commissioning submitted a report to provide an update on the Cherwell Business Plan progress to the end of Quarter One 2017/18.

Resolved

- (1) That the exceptions highlighted and proposed actions be noted.
- (2) That it be noted that the Overview and Scrutiny Committee considered the report at its meeting on 29 August 2017 and referred no performance related matters to the Executive.

Reasons

This is the first report for 2017/18 based on the new Business Plan. As agreed previously, this report focuses on the exceptions and some examples of good performance to provide a balance and includes commentary supporting the generally excellent levels of delivery.

Alternative options

None identified

46

Quarter 1 2017/2018 Revenue and Capital Budget Monitoring

The Chief Finance Officer submitted a report which summarised the Council's Revenue, Capital and Reserves position as at the end of Quarter One of the financial year 2017-18 and projections for the full year.

Resolved

- (1) That the projected revenue and capital position at June 2017 be noted

- (2) That the current position on reserves at June 2017 be noted.

Reasons

In line with good practice budget monitoring is undertaken on a monthly basis within the Council. The revenue and capital position is formulated in conjunction with the joint management team and reported formally to the Budget Planning Committee on a quarterly basis. The report is then considered by the Executive.

The revenue and capital expenditure in quarter 1 has been subject to a detailed review by Officers.

Alternative options

Option 1: This report illustrates the Council's performance against the 2017-18 Financial Targets for Revenue and Capital and sets out the Council's position on Reserves. As this is a monitoring report, no further options have been considered. However, members may wish to request that officers provide additional information.

47

Amendment to Membership of Shareholder Committee

Executive was asked to appoint a member to the Shareholder Committee as there was a vacancy following the resignation of Councillor Attack from the Executive.

Resolved

- (1) That Councillor Tony Ilott be appointed to the Shareholder Committee.

Reasons

Following the resignation of Councillor Attack from the Executive, there are currently only two members on the Shareholder Committee.

Alternative options

Not to appoint a Member to the Shareholder Committee. This is not recommended as the Terms of Reference of the Committee state that the membership of the Committee is three Executive members.

48

Exclusion of the Press and Public

Resolved

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraph 3 would be disclosed to them, and that in all the circumstances of

the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

49 **Franklins House, Bicester**

The Chief Finance Officer submitted an exempt report relating to Franklins House, Bicester.

Resolved

- (1) As set out in the exempt minutes.
- (2) As set out in the exempt minutes.
- (3) As set out in the exempt minutes.

Reasons

As set out in the exempt minutes.

Alternative options

As set out in the exempt minutes.

50 **Business Waste**

The Head of Environmental Services submitted an exempt report to consider the potential expansion of the Council's business waste service.

Resolved

- (1) That the business waste business case (exempt annex to the Minutes as set out in the Minute Book) be approved.

Reasons

The development of the business waste service as an 'invest to grow' proposal does have the opportunity to lower the overall cost of the service. However, this will require an increase in existing resource which will be shared between this Council and SNC.

It is anticipated that the growth in income will exceed the increase in resource and will reduce the overall cost of the service to the Council.

Alternative options

Option 1: To support the proposed expansion of business waste services

Option 2: To reject the proposed business plan

Option 3: To ask officers to seek & consider alternative options

51 **Landscape Maintenance**

The Head of Environmental Services submitted an exempt report relating to landscape maintenance.

Resolved

- (1) As set out in the exempt minutes.
- (2) As set out in the exempt minutes.
- (3) As set out in the exempt minutes.
- (4) As set out in the exempt minutes.
- (5) As set out in the exempt minutes.

Reasons

As set out in the exempt minutes.

Alternative options

Option 1: As set out in the exempt minutes.

Option 2: To reject the recommendations

Option 3: To ask officers to consider other possible ways forward

The meeting ended at 8.20pm

Chairman:

Date:

Appendix A



Draft Local Discretionary Business Rate Relief Scheme for 2017/18

1. Introduction

The Local Discretionary Business Rate Relief Scheme applies for the period 1 April 2017 to 31 March 2018 only. Under the scheme relief will only be provided where a qualifying ratepayer's bill has increased due to the 2017 Revaluation.

The assistance Cherwell District Council is able to offer under the scheme is limited by the funding provided. The funding allocation is £736,000 for 2017/18, but £110,400 will be kept in reserve to allow for rateable value adjustments for appeals and other changes.

2. Qualifying Criteria

- 2.1 The ratepayer must be in occupation of the property on 31 March 2017. No relief will be awarded to a ratepayer taking up occupation on or after 1 April 2017.
- 2.2 All other mandatory reliefs must have been applied for prior to an application for Local Discretionary Business Rate Relief being considered.
- 2.3 The 2017 Rateable Value must be £200,000 or less.
- 2.4 Where a property is formed following a split, merger or reorganisation a new calculation will be carried out.
- 2.5 Where a qualifying ratepayer's 2016/2017 or 2017/2018 business rates bill is reduced for any of the following reasons the amount of relief will be reduced or removed accordingly:
 - A reduction in rateable value in the 2010 Rating List or 2017 Rating List
 - The provision of a certificated rateable value for the 2010 Rating List or a historical change
 - The application of any additional relief or exemption
 - Vacation and reoccupation of the property

- Any other relevant reason

3. Exclusions

3.1 Relief will not be awarded to the following types of ratepayers and properties:

- Precepting bodies (County, District and Parish Councils)
- Banks, building societies and other major financial institutions
- Multi-national businesses or large chains
- Businesses which occupy 3 or more properties
- National Health Service
- Charities
- Central Government bodies

3.2 Ratepayers occupying properties on or after 1 April 2017.

3.3 Properties which were not on the Rating List on 1 April 2017.

3.4 Unoccupied properties

3.5 Where the award of relief would not comply with EU law on State Aid.

4. State Aid

Ratepayers will be required to confirm that they have received any other State Aid that exceeds €200,000 in total including any other rates relief being granted for premises other than the one to which the declaration relates, under the De Minimis Regulations EC 1417/2013.

Further information on State Aid law can be found at <https://www.gov.uk/state-aid>

5. How will the Local Discretionary Business Rate Relief be calculated?

Local Discretionary Business Rate Relief will be calculated after any or all of the following have been applied:

- Exemptions and other reliefs
- Transitional arrangements

6. Application Process

An application form must be completed. All applications will be considered on their individual merits.

A calculation will be carried out to ensure no-one is disadvantaged if they may be eligible for other Spring Budget reliefs.

7. Appeals

All appeals must clearly state the ground(s) and be made in writing to: Revenues and Recovery Team, Cherwell District Council, Bodicote House, Bodicote, Banbury OX15 4AA.

Any appeal will be judged in line with this policy and the decision is to be taken at the sole discretion of the Chief Finance Officer in consultation with the Joint Revenues and Benefits Manager. All appeals will be reviewed within 4 weeks of submission of all necessary information. All decisions taken on appeals are final and the outcome will be recorded and advised to the ratepayer in writing. If an appeal is successful, rate relief will be backdated for the full eligible period within the 2017/18 financial year.

DRAFT



Pubs Relief Scheme

1. Introduction

The Government recognises the important role that pubs play in urban and rural communities across the country. At Spring Budget 2017, the Chancellor announced a £1,000 business rates discount for public houses with a rateable value of up to £100,000 for one year from 1 April 2017.

2. Legislative framework

The Government expects billing authorities to use their discretionary relief powers under section 47 of the Local Government Finance Act 1988 to grant relief to all qualifying ratepayers.

3. Duration of the relief

The relief is only applicable for the 2017/18 financial year.

4. Eligibility criteria

The scheme is available to eligible occupied properties with a rateable value of less than £100,000. Where pubs are part of a chain, relief will be available for each eligible property in the chain, subject to meeting State Aid requirements.

There is no definitive description of a traditional pub or public house in law, however the Government's policy intention is that eligible pubs should:

- be open to the general public
- allow free entry other than when occasional entertainment is provided
- allow drinking without requiring food to be consumed
- permit drinks to be purchased at a bar

For these purposes it excludes:

- restaurants
- cafes
- nightclubs
- hotels
- snack bars
- guesthouses
- boarding houses
- sporting venues
- music venues
- festival sites
- theatres
- museums
- exhibition halls
- cinemas
- concert halls
- casinos

5. Amount of relief available

The amount of relief available is up to £1,000 for each eligible property. There is no relief available under this scheme for properties with a rateable value of £100,000 or more. Eligibility for the relief and the relief itself will be assessed and calculated on a daily basis.

In addition to the pub relief scheme, the Chancellor announced in Spring Budget 2017 that £110 million will be available to assist ratepayers losing small business rates relief or rural rate relief as a result of revaluation. On top of this, the Government has also made available a separate £300m discretionary relief fund over the next four years to enable local authorities to help individual businesses that are facing increased rates bills. Both of these schemes may also be available to pubs.

6. Applying for relief

The Council will automatically grant business rates relief for pubs as and when we are aware of businesses which may qualify for the relief. This policy will be published on the Council's website www.cherwell.gov.uk.

If a ratepayer wishes to apply for the relief they should contact the Council at business.rates@cherwell-dc.gov.uk.

7. State aid

State Aid law is the means by which the European Union regulates state funded support to businesses. Providing discretionary relief to ratepayers is likely to amount to State Aid. However the relief will be State Aid compliant where it is awarded in accordance with the De Minimis Regulations.

The De Minimis Regulations allow an undertaking to receive up to €200,000 'de minimis' aid over a rolling three year period. If the ratepayer is receiving, or has received any 'de minimis' aid granted during the current or two previous financial years (from any source), they should inform us when making the application or following receipt of the relief where no application is made.

8. Appeals

An appeal can be made on the following grounds:

- (a) the property is of a type specifically stated as being eligible for relief and the Council has, by error, omitted to grant the relief.
- (b) The property is not of a type specifically stated as being eligible for relief, but by analogy the use is comparable to that of the Government's policy intention.

All appeals must clearly state the ground(s) and be made in writing to: Revenues and Recovery Team, Cherwell District Council, Bodicote House, Banbury OX15 4AA.

Any appeal will be judged in line with this policy and the decision is to be taken at the sole discretion of the Chief Finance Officer in consultation with the Joint Revenues and Benefits Manager. All appeals will be reviewed within 4 weeks of submission of all necessary information. All decisions taken on appeals are final and the outcome will be recorded and advised to the ratepayer in writing. If an appeal is successful, rate relief will be backdated for the full eligible period within the 2017/18 financial year.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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