

Summary of the decisions taken at the meeting of the Executive held on Monday 2 July 2018

- 1. Date of publication of this summary: 3 July 2018
- 2. Decisions (if any) taken as a matter of urgency under Overview and Scrutiny Procedure Rules as set out in the Constitution (and not therefore subject to the call-in procedure): None
- 3. Date by which notice of call-in of any of the following decisions must be received in writing by the Chief Executive (see notes below):- Noon on Friday 6 July 2018
- 4. Notes:-
 - (a) For background documentation to the following decisions, please refer to the agenda and supporting papers (copies of which are available on the Council's website (www.cherwell.gov.uk) or from Democratic Services);
 - (b) Notice of call-in must be submitted in writing, by email or text to the Chief Executive by the deadline specified above, and must state the reason or reasons why "call-in" has been requested;
 - (c) Call-in can be requested by any six non-executive members of the Council.

 However, if at any point during a municipal year the total number of opposition councillors is six or less the total number of non-executive members required to call-in a decision shall be the total number of opposition councillors less two.
 - (d) Decisions not called-in by the deadline specified above will become effective immediately the deadline has expired (unless they are recommendations to the Council).
 - (e) The Council has stipulated that the call-in procedure should not be used to challenge decisions as a matter of course and should be used only when fully justified.

Yvonne Rees Chief Executive

Agenda Item and Recommendation	Decision	Reasons	Alternative Options	Conflicts of Interest Declared and Dispensations Granted by Head of Paid Service
Agenda Item 6 Urgent Business The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.	(1) That the Community Nature Plan 2018-2020 (annex to the Minutes as set out in the Minutes Book) be approved. (2) That the endorsement of the Wildlife Trusts' guidance "Homes for people and wildlife – How to build housing in a nature friendly way" (annex to the Minutes as set out in the Minutes as set out in the Minutes Book be approved) for use as guidance in planning be approved. (3) That the production of specific guidance on biodiversity accounting and the identification of projects for biodiversity	of important development and economic decisions. Failure to recognise and assess the multiple benefits of the natural environment will affect community health and wellbeing, important habitats and species and future economic growth. This report seeks approval for recommendations which support plans and guidance that will enable the Council to invest wisely in the District's natural environment and ensure that it remains healthy for people and wildlife.	Option 1: To reject the Community Nature Plan 2018-20 and the recommendations in the report. This is not proposed as, without the Plan, the Council would not be able to clearly demonstrate that it is meeting its NERC Act biodiversity duty and complying with its obligations relating to important wildlife sites, habitats and species under European and national legislation as well as the National Planning Policy Framework (NPPF). Option 2: To amend the Community Nature Plan 2018-20 and the recommendations in the report	None

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	offsetting in order to deliver net biodiversity gain be approved. (4) That support for the proposed Environmental Investment Plan for Oxfordshire with advice and collaboration be approved.			
Agenda Item 7 'Making' (Adoption) of the Adderbury Neighbourhood Plan Report of Executive Director: Place and Growth Purpose of report To propose that the Executive	Resolved (1) That the referendum result of 21 June 2018 where 91.6% of those who voted were in favour of the Adderbury Neighbourhood Plan which is above the required 50% be	A referendum was held on the Adderbury Neighbourhood Plan on 21 June 2018. Of those eligible to vote, 651 voted in favour of the Plan with 58 against. The vote of 91.6% in favour, meets the requisite majority and the Plan is now part of the statutory Development Plan. The Council is still	Where a referendum poll results in more than half of those eligible to vote voting in favour of the Neighbourhood Plan, the local planning authority must 'make' the Plan. The Council is not subject to this duty if the making of the plan would breach, or would otherwise be	None

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recommends to Council that it 'makes' the Adderbury Neighbourhood Plan following the successful referendum held in Adderbury Parish on 21 June 2018. Recommendations The meeting is recommended: 1.1 To note the referendum result of 21 June 2018 where 91.6% of those who voted were in favour of the Adderbury Neighbourhood Plan which is above the required 50% 1.2 To recommend to Council that it 'makes' the Adderbury Neighbourhood Plan so that it continues to have effect as part of the	noted. (2) That Council be recommended to 'make' the Adderbury Neighbourhood Plan so that it continues to have effect as part of the statutory Development Plan for the District. (3) That Council be recommended to approve the issuing and publication of a decision statement.	required to formally 'make' the Plan and there is no known breach or incompatibility with EU or human rights obligations which prevents this. The Executive is therefore requested to recommend the 'making' of the Adderbury Neighbourhood Plan to the meeting of Council on 16 July 2018 which would be within the prescribed eight week period.	incompatible with, any EU or human rights obligations. There is no known breach or incompatibility. Consequently there are no other options.	

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statutory Development Plan for the District.				
1.3 To recommend to Council that it approves the issuing and publication of a decision statement.				
Agenda Item 8 Cherwell Residential Design Guide Supplementary Planning Document - Masterplanning and Architectural Guidance	Resolved (1) That the responses to consultation summarised in the consultation statement be noted.	The Design Guide is now complete and presented for approval before seeking adoption by Council. Once adopted the Design Guide will be a material consideration in the	Option 1: Not to approve the Cherwell Residential Design Guide SPD and seek changes. Officers consider that the SPD has been prepared in accordance with the	None
** Please note that due to the size of the documents, the appendices to this report will be published as a supplement to the main agenda and hard copies circulated to Executive members only ** Report of Executive Director	(2) That the final draft of the Cherwell Residential Design Guide SPD (Design Guide) (annex to the Minutes as set out in the Minute Book) and incorporating changes	determination of planning applications where there are related design issues. The Design Guide seeks to provide clear guidance on the design of the built environment to ensure that the detailed policies for high	relevant legislation. The adopted Cherwell Local Plan 2011-2031 sets the planning framework up to 2031 with the SPD providing a further level of detail to guide development. Significant changes may require	

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Purpose of report To seek approval of the Cherwell Residential Design Guide, Supplementary Planning Document, Masterplanning and architectural guidance for residential development so that it can be presented to the Council for adoption. Recommendations The meeting is recommended: 1.1 To note the responses to consultation summarised in the consultation statement presented in Appendix	(3)	summarised in the annex to the Minutes (as set out in the Minute Book) be approved. That Council be recommended to adopt the final draft of the Cherwell Residential Design Guide SPD (Design Guide) as a statutory Supplementary Planning Document under the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). That the Executive Director Place and	in the Cherwell Local Plan are delivered. The document is a comprehensive guide covering an extensive list of design issues that should be considered in residential design / development. The document has been prepared with regard to national policy guidance and through engagement with key stakeholders and through a period of formal consultation. It is considered by Officers that the document presents guidance that supports both high quality development and continued growth across the district, which maintains high levels of housing delivery.	further consultation. Option 2: Not to approve the Cherwell Residential Design Guide SPD and to rely on Policy ESD15 within the Cherwell Local Plan. Note that the Council could rely on ESD15 but that the Design Guide would provide more detailed advice to aid decision making and provide further clarity on how to achieve high quality development.	
presented in Appendix 2. 1.2 To approve the final		Director Place and Growth be authorised to make any necessary minor and	Upon approval by the Executive it is intended that the document be presented to Council for adoption as a		

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1.3	draft of the Cherwell Residential Design Guide SPD (Design Guide), as presented at Appendix 1 and incorporating changes summarised at paragraph 3.8 – 3.9 of this report. To recommend to Council that it adopts the final draft of the Cherwell Residential Design Guide SPD (Design Guide) as a statutory Supplementary Planning Document under the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).	presentational changes to the Design Guide before the meeting of the Council.	Supplementary Planning Document (SPD). As an SPD the document will have statutory status as planning guidance. It does not establish Development Plan policy which is the role of the Council's Local Plans.		
1.4	To authorise the				

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Executive Director Place and Growth to make any necessary minor and presentational changes to the Design Guide before the meeting of the Council.				
Agenda Item 9 Chesterton Community Woodland at South West Bicester Report of Executive Director: Place and Growth Purpose of report	Resolved (1) That it be agreed to agree to establish a partnership or joint committee with Bicester Town Council, Chesterton Parish Council,	By establishing a formal joint working committee this will represent the interests of the various groups; enable decision making to progress the project, pool knowledge and experience and formalise the position around sharing the funding costs.	Option 1: Community woodland implemented by Cherwell District Council. By taking sole responsibility for the land, Cherwell District Council would be able to develop the site but the full cost of delivering and managing	None
To obtain approval to establish a formal joint committee to develop and manage a community woodland park on land South of Vendee Drive, Bicester.	Oxfordshire County Council and local representation to develop and manage a community woodland park on land South of Vendee Drive,		the land would fall on the Council. This option is not favoured as the project has already benefitted from partnership working and the approach has the potential of bringing	

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Recommendations The meeting is recommended: 1.1 To agree to establish a joint committee with Bicester Town Council, Chesterton Parish Council, Oxfordshire County Council and local representation to develop and manage a community woodland park on land South of Vendee Drive, Bicester. 1.4 Delegate to the Executive Director, Place and Growth, in consultation with the Assistant Director: Law and Governance and the Lead Member for	Assistant Director: Law and Governance and the Lead Member for Clean and Green to establish the constitution and terms of reference for the partnership/committee.		resources from other partners to provide a more sustainable long term future. Option 2: Creation of a community organisation to run the site. There is potential for a community organisation to be established to run the site in the future, however transfer of the land is imminent and no such organisation currently exists. It is also likely to take time for the organisation to gain strength to take on the project and this would delay any progress. A joint committee approach can include representatives from a local group who	
Clean and Green to establish the			could be co-opted on the committee in the first	

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constitution and terms of reference for the committee.			option 3: Create a joint committee with Bicester Town Council, Chesterton Parish Council, Oxfordshire County Council and local representation. This would enable a partnership approach to developing and managing the community woodland and a sharing of costs. This approach can also take the benefit of each organisations knowledge and skills. Option 4: The developer retains ownership of the land. This would result in the loss of the potential to provide a significant new area of open space for the local residents. Whilst the	

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			land is currently farmed there would be the potential for further planning applications to be made in the future and development pressure. Open spaces are valuable for the health of residents, increase property values and increase the attractiveness of the town for investors.	
Agenda Item 10 Homelessness Strategy 2018-2020 Report of Director: Wellbeing Purpose of report To consider the priorities and actions set out in the new	Resolved (1) That the Homelessness Strategy 2018-2020 and Action Plan (annexes to the Minutes as set out in the Minute Book) which are based on a	Under homelessness legislation local housing authorities are required to carry out a review of homelessness in their district and to then formulate and publish a homelessness strategy based on its results. Therefore Members are recommended to approve the	Option 1: To not approve the Homelessness Strategy 2018-2020 and Action Plan but this would mean the Council would not be meeting its statutory requirements. Also the Council would not have a strategic approach for responding effectively to	None

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20 and Action Plan and approve these documents for implementation. It is a statutory requirement to have a Homelessness Strategy and to have carried out a review of homelessness in the council area. The strategic priorities identified for Cherwell are: Prevent and relieve homelessness in the district Prevent single homelessness Ensure vulnerable people can access appropriate help and support Ensure homeless households can access suitable temporary and permanent accommodation	homelessness in the district be approved in order to ensure that the Council meets statutory requirements and is able to respond effectively to the needs of homeless households.	ensure the Council meets its statutory requirements and is able to respond effectively to the needs of homeless households.	households in the district.	

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Recommendations				
The meeting is recommended:				
1.1 To approve the Homelessness Strategy 2018-2020 and Action Plan which are based on a review of homelessness in the district in order to ensure that the Council meets statutory requirements and is able to respond effectively to the needs of homeless households.				
Agenda Item 11 Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2016 - enforcement and	Resolved (1) That the use of the financial penalties, as outlined in the annex	The Government has introduced financial penalties as a means of preventing landlords from profiting from non-compliance with	Option 1: The Council could choose to adopt lower penalty levels than those stipulated as a maximum within the	None

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Report of Assistant Director Housing Purpose of report To request Executive approval to authorise officers to apply certain financial penalties where landlords do not bring their privately rented properties up to the legal minimum standard as set out in the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and as may be amended. Recommendations The Executive is recommended: 1.1 To approve use of the	to the Minutes (as set out in the Minute Book) to ensure private rented domestic properties meet the prescribed minimum energy efficiency standards be approved. (2) That this power be delegated to the Assistant Director of Housing who may then provide subdelegations, as required, to other appropriate officers.	legislation and to ensure compliant landlords are not disadvantaged. It is important that the penalties for not complying are sufficiently substantial to persuade a landlord to carry out their duties without the need for enforcement. The penalty fees are intended to provide sufficient incentive for landlords to comply. Chasing payment for unpaid fines can be resource intensive and expensive; it is proposed that fines paid within 14 days of the penalty notice issue will be reduced by 25% to incentivise early payment.	legislation; however that would not send a clear message to landlords that they must ensure tenants (many vulnerable) are able to manage their energy costs; improve the condition of the private rented stock and reduce maintenance costs; smooth seasonal peaks in energy demand and increase the nation's energy security; and reduce greenhouse gas emissions.	

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financial penalties, as outlined in this report, to ensure private rented domestic properties meet the prescribed minimum energy efficiency standards. 1.2 To delegate this power to the Assistant Director of Housing who may then provide subdelegations, as required, to other appropriate officers.				
Agenda Item 12 Policy to Implement Enforcement Powers Provided by the Housing and Planning Act 2016 Report of Assistant Director Housing	Resolved (1) That the policy for imposing civil penalties as an alternative to prosecution in appropriate cases (annex to the Minutes	The proposed policies present members with the opportunity to ensure the Council has the range of enforcement options available to deal effectively with rogue landlords and to protect our residents. In relation to Rent Repayment	The first alternative option would be to not adopt the new policies relating to the discretionary Civil Penalty and Banning Order provisions but to adopt the Rent Repayment Order Policy in isolation. That would cover the Council's	None

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Purpose of report This report explains certain enforcement powers to deal with rogue landlords provided by the Housing and Planning Act 2016, and seeks approval of 3 policies that will allow the Council, as the local housing authority, to implement and make use of those powers. Recommendations The Executive is recommended to: 1.1 Adopt the policy for imposing civil penalties as an alternative to prosecution in appropriate cases, as detailed in Appendix 1, with immediate effect. 1.2 Adopt the policy dealing	(2)	as set out in the Minute Book) be adopted with immediate effect. That the policy dealing with applications for rent repayment orders (annex to the Minutes as set out in the Minute Book) be adopted with immediate effect. That the Assistant Director Housing be made responsible for determining the uses to which retained civil penalty funds and retained rent repayment should be put. That the policy dealing with applications for a	Orders the proposed policy will also ensure the Council can demonstrate compliance with the duty to consider making an RRO in applicable circumstances.	duty as regards RROs. That approach would forego the additional powers and tools available to officers to crack down on rogue landlords who knowingly rent out unsafe and substandard accommodation. It would also prevent the Council from taking advantage of the additional funding that would be available to assist with the enforcement of appropriate conditions in the private rented sector. The second alternative would be to reject the three policies in their entirety, but that would leave the Council with no means of fulfilling its duty to consider RROs.	

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1.3	with applications for rent repayment orders, as detailed in Appendix 2, with immediate effect. Make the Assistant Director Housing responsible for determining the uses to which retained civil penalty funds and retained rent repayment should be put.	banning order against persons convicted of specified offences (annex to the Minutes as set out in the Minute Book) be approved with immediate effect.			
1.4	Adopt the policy dealing with applications for a banning order against persons convicted of specified offences, as detailed in Appendix 3, with immediate effect.				
	nda Item 13 well Community Lottery	Resolved	Adoption and publication of the Cherwell Community	Option 1: To not adopt the Cherwell Community	None

Agenda Item and Recommendation	Decis	ion	Reasons	Alternative Options	Conflicts of Interest Declared and Dispensations Granted by Head of Paid Service
- Lottery Policy Report of Assistant Director - Communities	(1)	That the establishment of the Cherwell Community Lottery Policy and the associated procedures	Lottery Policy and membership of The Lotteries Council will enable Cherwell District Council to make a robust application to the	Lottery Policy – This would mean that an application for a Lottery Licence would be unlikely to be successful.	
Purpose of report In order to deliver the Cherwell Community Lottery approved in December 2016 it is		(annexes to the Minutes as set out in the Minute Book) be approved.	Gambling Commission for a Lottery Licence. Explicit delegation to the Assistant Director –	Option 2: To not delegate authority for the Lottery to the Assistant Director – Communities – This would	
necessary to establish and publish The Cherwell Community Lottery Policy and associated policies and procedures. This will support	(2)	That Full Council be recommended to delegate responsibility for running the Cherwell Community	Communities draws a clear line between the council's licensing / enforcement duties and its community development functions.	lead to two service directorates being involved in the Lottery whereby the day-to-day running of the Lottery would rest with	
the Council's application to the Gambling Commission, and underpin the effective running of the Cherwell Community	(2)	Lottery to the Assistant Director – Communities.	Clear and fair guidelines regarding 'Good Cause' and grant eligibility will enable the	Communities while overall responsibility for the Lottery would remain with Public Health and	
Recommendations	(3)	That Full Council be recommended to delegate authority to the Assistant Director	smooth running of the Cherwell Community Lottery and demonstrate the Council's commitment to	Licensing. This is considered likely to result in 'disconnect' and confusion.	
The meeting is recommended to:		Law & Governance to amend the Constitution and the	local community development.	Option 3: To not require clear and fair guidelines	

_	nda Item and ommendation	Decision	Reasons	Alternative Options	Conflicts of Interest Declared and Dispensations Granted by Head of Paid Service
1.1	Approve establishment of the Cherwell Community Lottery Policy as set out at 3.4 below, and the associated procedures set out at annex 1 (attached).	Scheme of Delegation to reflect resolution (2) above. (4) That Cherwell District Council becoming a member of The Lotteries Council be approved.		regarding 'Good Cause' and grant eligibility – This would make the lottery difficult to manage and increase the likelihood of challenges in the event of the Council declining 'Good Cause' or grant applications.	
1.5	Recommend Full Council to delegate responsibility for running the Cherwell Community Lottery to the Assistant Director – Communities	(5) That officers be requested to develop criteria for the acceptance of supported 'Good Cause' organisations.			
1.6	Recommend Full Council to delegate authority to the Assistant Director – Law & Governance to amend the Constitution and the Scheme of Delegation to reflect 1.2 above.	 (6) Direct officers to develop draft criteria for the distribution of the Cherwell Community Lottery 'Central Fund'. (7) Direct officers to apply to the Gambling 			

	nda Item and ommendation	Decision	Reasons	Alternative Options	Conflicts of Interest Declared and Dispensations Granted by Head of Paid Service
1.7 1.8 1.9	Approve Cherwell District Council becoming a member of The Lotteries Council. Direct officers to develop criteria for the acceptance of supported 'Good Cause' organisations. Direct officers to develop draft criteria for the distribution of the Cherwell Community Lottery 'Central Fund'. Direct officers to apply to the Gambling Commission for a Lottery Operator Licence which will require the appointment of two senior Council officers to be identified	Commission for a Lottery Operator Licence which will require the appointment of two senior Council officers to be identified as 'named officers' on the operator licence for the purpose of the application and 'in- house' responsibility for the lottery once it is up and running. The named officers shall be the Executive Director Wellbeing and the Assistant Director Communities.			

Agenda Item and Recommendation	Decision	Reasons	Alternative Options	Conflicts of Interest Declared and Dispensations Granted by Head of Paid Service
as 'named officers' on the operator licence for the purpose of the application and 'inhouse' responsibility for the lottery once it is up and running. The named officers shall be the Executive Director Wellbeing and the Assistant Director Communities.				
Agenda Item 14 Monthly Performance, Risk and Finance Monitoring Report - May 2018 Report of Assistant Director: Performance and Transformation and Assistant Director: Finance and Governance Purpose of report	Resolved (1) That the monthly Performance, Finance and Risk Monitoring Report be noted.	This report provides an update on progress made so far in 2018-19 to deliver the Council's priorities through reporting on performance, the financial position and providing an update on the Leadership Risk Register.	Option 1: This report illustrates the Council's performance against the 2018-19 business plan. As this is a monitoring report, no further options have been considered. However, members may wish to request that officers provide additional information.	None

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This report summarises the Council's Performance, Risk and Finance monitoring position as at the end of each month. Recommendations The meeting is recommended: 1.1 To note the monthly				
Performance, Risk and Finance Monitoring Report.				
Agenda Item 15 Silverstone Heritage Centre Loan Facility Report of Interim Executive Director Finance and Governance Purpose of report	Resolved (1) That Full Council be recommended to consider the application for a loan facility of up to £1 million, to the Silverstone Heritage	Silverstone represents a significant hub for leisure, tourism, employment and high tech industry. Its draw and impact in the region extends much beyond the administrative boundaries of the councils surrounding it, including Cherwell District	Option 1: Do not offer a loan facility. If a loan facility is not forthcoming then SHL would have to seek funds from other bodies, but that may jeopardise the completion of the project on time and impact on the potential	None

Agenda Item and Recommendation	Decision	Reasons	Alternative Options	Conflicts of Interest Declared and Dispensations Granted by Head of Paid Service
To consider whether or not to provide a £1m loan facility to Silverstone Heritage Limited as part match-funding to their Lottery grant application for the delivery of the Silverstone Heritage Experience. Other Local Authorities (including South Northamptonshire Council) and LEP partners have already signed an agreement to loan up to £8m of funding to the experience. Works have already commenced on site, with a planned launch in Spring 2019. The loan facility is a partial match fund for a project to develop a visitor experience at Silverstone that focusses on the history and heritage of Silverstone and to understand he context and importance of	Experience. This is to partially match fund the £9.1m of grant funding secured from Heritage Lottery Fund (HLF) and in addition to £8m of loans granted by Local Council partners and Local Enterprise Partnerships.	Council, with an economic radius estimated to be of up to 50 miles. Further, an estimated 36,000 jobs are dependent on Silverstone as the centre for UK motorsports and the home of Formula 1. Additionally, the leisure, recreation and employment businesses that depend on the venue generate significant amounts of business rates for the councils in the area, and the changes to the retention of business rates mean that councils now benefit directly from the success of Silverstone. The support requested for SHL within this report is recognition of the strategic importance of the venue to the area and the need to	positive outcomes for the area.	

Agenda Item and Recommendation	Decision	Reasons	Alternative Options	Conflicts of Interest Declared and Dispensations Granted by Head of Paid Service
the internationally renowned racing circuit. The experience will be a dynamic exhibition taking visitors through both the history of Silverstone as well as the current world of motor sport and the future. The work to build the facility has already commenced following a rigorous tender process by the Silverstone Heritage Experience for new building works and refurbishment of a hangar at the Silverstone. This means that costs have now been fixed and there is more certainty about project delivery, with regular updates on project progress received by senior officers at the Council.		promote the venue and enhance its attraction in order to ensure the long term future of Formula 1 motorsports.		
Recommendations				
The meeting is recommended to:				

Agenda Item and Recommendation	Decision	Reasons	Alternative Options	Conflicts of Interest Declared and Dispensations Granted by Head of Paid Service
1.1 Recommend to Council that they should consider the application for a loan facility of up to £1 million, to the Silverstone Heritage Experience. This is to partially match fund the £9.1m of grant funding secured from Heritage Lottery Fund (HLF) and in addition to £8m of loans granted by Local Council partners and Local Enterprise Partnerships.				
Agenda Item 17 Silverstone Heritage Centre Loan Facility - Exempt appendices	Resolved (1) That the exempt appendices be noted.	N/A	N/A	None

Agenda Item and Recommendation	Decision	Reasons	Alternative Options	Conflicts of Interest Declared and Dispensations Granted by Head of Paid Service
Agenda Item 18 The Mill Arts Centre, Banbury Exempt Report of Assistant Director: Communities	 (1) As set out in the exempt decisions. (2) As set out in the exempt decisions. (3) As set out in the exempt decisions. (4) As set out in the exempt decisions. (5) As set out in the exempt decisions. (6) That officers be requested to report back to Members in October 2018. 	As set out in the exempt decisions	As set out in the exempt decisions	None
Agenda Item 19	Resolved	As set out in the exempt	As set out in the exempt	None

Agenda Item and Recommendation	Decision	Reasons	Alternative Options	Conflicts of Interest Declared and Dispensations Granted by Head of Paid Service
Sunshine Centre, Banbury Exempt Report of Assistant Director: Communities	 As set out in the exempt decisions. 	decisions	decisions	