



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Summary of the decisions taken at the meeting
of the Executive held on Monday 2 March 2020**

1. Date of publication of this summary: 3 March 2020
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 March 2020
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
<p>Agenda Item 6 Future Funding Bicester Vision Community Interest Company (CIC)</p> <p>Report of Assistant Director – Growth and Economy</p> <p>Recommendations</p> <p>The meeting is recommended:</p> <p>1.1 To receive a presentation from Bicester Vision about their plans and how these align with the Council’s business plan and emerging Cherwell Industrial Strategy.</p> <p>1.2 To delegate authority to the Corporate Director Communities, in consultation with the</p>	<p>Resolved</p> <p>(1) That the presentation from Bicester Vision about their plans and how these align with the Council’s business plan and emerging Cherwell Industrial Strategy be noted.</p> <p>(2) That authority be delegated to the Corporate Director Communities, in consultation with the S.151 officer and the Leader of the Council, to determine whether to support the funding of Bicester Vision for a three year term, in the sum of £15,000 per annum.</p>	<p>Members are invited to receive the presentation and decide whether to continue the funding of the new CIC for a three year period.</p>	<p>Option 1: Withdraw support for Bicester Vision – this option was rejected because CDC may wish to continue supporting Bicester Vision.</p> <p>Option 2: Explore other options for participating in some other public-private partnership in Bicester – this option was rejected because there are no other such partnerships in Bicester.</p>	<p>None</p>

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<p>S.151 officer and the Lead Member for Economy, Regeneration & Property, to determine whether to support the funding of Bicester Vision for a three year term, in the sum of £15,000 per annum.</p>				
<p>Agenda Item 7 Local Development Scheme</p> <p>Report of Assistant Director – Planning and Development</p> <p>Recommendations</p> <p>The meeting is recommended:</p> <p>1.1 To approve the updated Local Development Scheme (LDS) presented at</p>	<p>Resolved</p> <p>(1) That the updated Local Development Scheme (LDS) (Annex to the minutes as set out in the Minute Book) be approved.</p>	<p>An updated Local Development Scheme (LDS) has been prepared. It provides a programme for the preparation of the Council’s key planning policy documents that will be relevant to future planning decisions. The Council has a statutory responsibility to prepare and maintain an LDS. The LDS will be used by officers, the public, partners and developers and</p>	<p>Option 1: Not to approve the LDS</p> <p>The Council has a statutory responsibility to maintain an up to date LDS. If the Council did not prepare its own LDS, the Secretary of State could impose one. Aside from that legal duty, not to approve the LDS could undermine the confidence of the public and stakeholders about the</p>	<p>None</p>

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Appendix 1.		other stakeholders to monitor the production of documents and to plan for associated consultations. Approval of the LDS is needed to assist project management and ensure that the Council meets its statutory responsibilities for plan-making.	<p>Council's plan-making programme. The LDS would need to be re-presented to the Executive at a future meeting or to the Lead Member for Planning.</p> <p>Option 2: To reconsider the content of the LDS The LDS has been prepared having regard to the Council's statutory responsibilities and current resources. It is considered by officers to be appropriate for the present and foreseeable circumstances.</p>	
Agenda Item 8 Housing Standards - Fees and Charges Report of Assistant Director	Resolved (1) That the proposed House in Multiple Occupation (HOM)	HMO licence fees Revision of the Council's HMO fees is required as a consequence of legal rulings with which the Council must	In connection with HMO licence fees: Option 1: Failure to revise the HMO licence fees to split the charge associated	None

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<p>Housing and Social Care Commissioning</p> <p>Recommendations</p> <p>The meeting is recommended:</p> <p>1.1 To approve the proposed House in Multiple Occupation (HOM) licence fee structure.</p> <p>1.2 To approve the revised administrative charges the Council can recover for certain notices and orders issued under the <i>Housing Act 2004</i>.</p> <p>1.3 To approve the introduction of a fee for advisory visits.</p> <p>1.4 To approve the introduction of a fee for</p>	<p>licence fee structure be approved.</p> <p>(2) That the revised administrative charges the Council can recover for certain notices and orders issued under the Housing Act 2004 be approved.</p> <p>(3) That the introduction of a fee for advisory visits be approved.</p> <p>(4) That the introduction of a fee for issuing Empty Homes VAT-exemption letters be approved.</p> <p>(5) That the delegation of future House in Multiple Occupation (HMO) Licence fee</p>	<p>comply. The costs associated with processing and enforcing HMO licences have been thoroughly reviewed. The proposed HMO licence fee structure incorporates the changes required to ensure the Council is compliant, the newly reviewed costs incurred by the Council in carrying out its licensing function, and also recently determined corporate overheads. The proposed licence fee structure therefore reflects the real cost to the Council of its HMO licensing activity.</p> <p>HMO licence fee structure also implements the introduction of a higher fee for new HMOs found operating without a licence as provided for by the HMO Licence Policy 2018. This</p>	<p>with the application and enforcement processes would leave the Council open to legal challenge and is not therefore a supportable option. However, whilst accepting the principle of splitting the licence fees, the Executive could, if it wished, implement different fees to those proposed in the report. The proposed fee structure has been set to reflect the costs incurred by the Council and any changes would therefore risk being deemed arbitrary rather than being soundly based.</p> <p>Option 2: The Executive could opt not to set different licence fees for compliant and non-compliant applicants. That</p>	

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<p>issuing Empty Homes VAT-exemption letters.</p> <p>1.5 To approve the delegation of future HMO Licence fee setting in accordance with the Housing Act 2004 and Orders under it to the Assistant Director Housing and Social Care Commissioning and Housing.</p> <p>1.6 To approve the <i>Recovery of Costs Policy 2019</i> (Appendix 6) which includes future delegation of the setting of recoverable costs to the Assistant Director Housing and Social Care Commissioning to the extent permitted by the Housing Act 2004</p>	<p>setting in accordance with the Housing Act 2004 and Orders under it to the Assistant Director Housing and Social Care Commissioning and Housing be approved.</p> <p>(6) That the Recovery of Costs Policy 2019 (Annex to the Minutes as set put in the Minute Book) which includes future delegation of the setting of recoverable costs to the Assistant Director Housing and Social Care Commissioning to the extent permitted by the Housing Act 2004 and Orders under it be approved.</p>	<p>revision reflects a reappportioning of the cost of the enforcement element of HMO licences and ensures landlords are paying proportionately towards enforcement costs, with non-compliant landlords contributing more.</p> <p>Revised charges for notices and orders The recoverable charges made by the Council were last set in 2016. They have been reviewed to take account of the Council's increased costs and also to more properly reflect corporate overheads following recent review. The proposed recoverable costs reflect the true costs incurred by the Council in issuing relevant notices and orders under the <i>Housing Act 2004</i>.</p>	<p>course would fail to reflect the fact that the enforcement costs associated with the enforcement of the licensing regime are higher for poorly performing landlords and would mean all landlords being charged equally.</p> <p>In connection with recoverable administrative costs: Option 3: The proposed recoverable costs associated with the issues of enforcement notices etc. have again been based on a careful review of the Council's costs. The Executive could, if it wished, set different charges to those proposed in the report but that course would leave the</p>	

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and Orders under it.		<p>Charges for advisory visits It is judged appropriate for the Council to charge a fee for detailed advice it provides to landlords who are considering setting up new rental property, particularly new HMOs. Essential information about the Council's requirements are available free of cost but detailed, property-specific advice effectively replaces research and planning a landlord would otherwise have to undertake. It is legitimate and appropriate for the Council to charge for the time committed to this discretionary activity.</p> <p>Charge for VAT-exemption letters It is judged appropriate for the Council to charge a</p>	<p>Council at risk of challenge that its charges were arbitrary rather than being soundly based.</p> <p>In connection with charging for advisory visits: Option 4: The Executive could determine that it will not charge for this activity or it could set different fees.</p> <p>In connection with charging for VAT-exemption letters: Option 5: The Executive could determine that it will not charge for this activity or it could set a different fee.</p> <p>In connection with Setting of future HMO licence fees and</p>	

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		<p>modest fee for undertaking the necessary research and providing written confirmation about long-term empty property which their owners can use to obtain VAT reductions. The proposed charge is simply intended to reimburse the officer time spent on reviewing the property history and producing each letter.</p> <p>Setting of future enforcement fees Delegation of HMO licence fee setting and recoverable costs setting to the Assistant Director, Housing and Social Care Commissioning will ensure these particular charges can be kept under close review, revised as and when required and that the calculations and justifications can be produced as</p>	<p>recoverable costs Option 6: The Executive could decide that future HMO licence fees and recoverable enforcement costs could be determined as part of the Council's fee setting process rather than delegated to the Assistant Director Housing and Social Care Commissioning. That would however risk them becoming divorced from the underpinning analysis necessary to support them in the event of challenge. Failure to adopt the revised Recovery of Cost Policy would also necessitate setting a different mechanism for establishing how Work-in-default costs are to be calculated.</p>	

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		<p>necessary if challenged or appealed. The proposed delegation of recoverable costs is reflected in the proposed <i>Recovery of Costs Policy 2019</i> and that policy is dependent upon it. In the absence of such a policy, different arrangements will need to be established in order that recoverable costs can be set.</p>		
<p>Agenda Item 9 Monthly Performance, Risk and Finance Monitoring - January 2020</p> <p>Report of Executive Director: Finance and Head of Insight and Corporate Programmes</p> <p>Recommendations</p> <p>The meeting is recommended:</p>	<p>Resolved</p> <p>(1) That the monthly Performance, Risk and Finance Monitoring Report be noted.</p>	<p>The Council is committed to performance, risk and budget management and reviews progress against its corporate priorities on a monthly basis.</p> <p>This report provides an update on progress made so far in 2019-20 to deliver the Council's priorities through reporting on Performance, the Leadership Risk Register</p>	<p>Option 1: This report illustrates the Council's performance against the 2019-20 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.</p>	<p>None</p>

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1.1 To note the monthly Performance, Risk and Finance Monitoring Report.		and providing an update on the financial position.		