

# Public Document Pack



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Committee:** Executive  
**Date:** Monday 2 March 2020  
**Time:** 6.30 pm  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

## Membership

Councillor Barry Wood (Chairman)	Councillor George Reynolds (Vice-Chairman)
Councillor Colin Clarke	Councillor Ian Corkin
Councillor John Donaldson	Councillor Tony Ilott
Councillor Andrew McHugh	Councillor Richard Mould
Councillor Lynn Pratt	Councillor Dan Sames

## AGENDA

### 1. Apologies for Absence

### 2. Declarations of Interest

Members are asked to declare any interest and the nature of that interest that they may have in any of the items under consideration at this meeting.

### 3. Petitions and Requests to Address the Meeting

The Chairman to report on any requests to submit petitions or to address the meeting.

### 4. Minutes

To confirm as a correct record the Minutes of the meeting held on 24 February 2020 (to follow as meeting held after agenda publication).

### 5. Chairman's Announcements

To receive communications from the Chairman.

**6. Future Funding Bicester Vision Community Interest Company (CIC) (Pages 1 - 22)**

Report of Assistant Director – Growth and Economy

**Purpose of report**

The newly incorporated, Bicester Vision CIC (Community Interest Company) will be give a presentation to Executive about how their activities align with the Council's business plan and emerging Cherwell Industrial Strategy.

To consider whether to fund the company for a three-year period and delegate the final decision to the Corporate Director Communities, in consultation S.151 Officer and Lead Member for Economy, Regeneration and Property.

**Recommendations**

The meeting is recommended:

- 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.
- 1.2 To delegate authority to the Corporate Director Communities, in consultation with the 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.

**7. Local Development Scheme (Pages 23 - 42)**

Report of Assistant Director – Planning and Development

**Purpose of report**

To seek approval of an updated Local Development Scheme (LDS) for the production of the Council's planning policy documents.

**Recommendations**

The meeting is recommended:

- 1.1 To approve the updated Local Development Scheme (LDS) presented at Appendix 1.

**8. Housing Standards - Fees and Charges (Pages 43 - 68)**

Report of Assistant Director Housing and Social Care Commissioning

**Purpose of report**

- 1) To seek approval of revised Houses in Multiple Occupation (HMO) licence fees and of those recoverable costs associated with the issue of certain notices and orders.

- 2) To seek approval of the introduction of fees associated with advisory visits for landlords and for the issue of Empty Homes VAT-exemption letters.
- 3) To seek approval that the periodic review and setting of HMO licence fees will, in future, be delegated to the Assistant Director Housing and Social Care Commissioning.
- 4) To seek approval of a revised *Recovery of Costs Policy* which sets out how recovery of certain enforcement costs will be applied and which, in future, makes the Assistant Director Housing and Social Care Commissioning responsible for reviewing and setting those costs.

## **Recommendations**

The meeting is recommended:

- 1.1 To approve the proposed House in Multiple Occupation (HOM) licence fee structure.
- 1.2 To approve the revised administrative charges the Council can recover for certain notices and orders issued under the *Housing Act 2004*.
- 1.3 To approve the introduction of a fee for advisory visits.
- 1.4 To approve the introduction of a fee for issuing Empty Homes VAT-exemption letters.
- 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.
- 1.6 To approve the *Recovery of Costs Policy 2019* (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 and Orders under it.

## **9. Monthly Performance, Risk and Finance Monitoring - January 2020** (Pages 69 - 118)

Report of Executive Director: Finance and Head of Insight and Corporate Programmes

### **Purpose of report**

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.

## 10. Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

## Information about this Agenda

### Apologies for Absence

Apologies for absence should be notified to [democracy@cherwellandsouthnorthants.gov.uk](mailto:democracy@cherwellandsouthnorthants.gov.uk) or 01295 221589 prior to the start of the meeting.

### Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

### Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

### Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

This agenda constitutes the 5 day notice required by Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in terms of the intention to consider an item of business in private.

### Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

### Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

### Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

### Queries Regarding this Agenda

Please contact Natasha Clark, Democratic and Elections  
[democracy@cherwellandsouthnorthants.gov.uk](mailto:democracy@cherwellandsouthnorthants.gov.uk), 01295 221589

**Yvonne Rees**  
**Chief Executive**

Published on Friday 21 February 2020

## Cherwell District Council

### Executive

2 March 2020

<p><b>Future Funding for Bicester Vision Community Interest Company (CIC)</b></p>
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### Report of Assistant Director – Growth and Economy

This report is public

#### Purpose of report

The newly incorporated, Bicester Vision CIC (Community Interest Company) will be give a presentation to Executive about how their activities align with the Council's business plan and emerging Cherwell Industrial Strategy.

To consider whether to fund the company for a three-year period and delegate the final decision to the Corporate Director Communities, in consultation S.151 Officer and Lead Member for Economy, Regeneration and Property.

#### 1.0 Recommendations

The meeting is recommended:

- 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.
- 1.2 To delegate authority to the Corporate Director Communities, in consultation with the 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.

#### 2.0 Background

- 2.1 Bicester Vision was established some ten years ago as an informal public-private sector partnership with the aim to "support and guide Bicester through a period of dramatic growth and change and to ensure that Bicester is an ambitious town and community with a sustainable economy that benefits all".
- 2.2 It has been fulfilling these objectives and is now seen as a valuable body, which is well-regarded by the community and business community of Bicester.
- 2.3 Over time, it has developed into a membership body and this has enabled it to raise funds over and above public sector "anchor" grant funding which has been provided by Cherwell District Council (CDC), Bicester Town Council and Oxfordshire County

Council as well as OxLEP. CDC has historically contributed £15,000 (fifteen thousand pounds) on a rolling annual basis to fund Bicester Vision.

- 2.4 Bicester Vision has recently turned itself into an incorporated body and it has decided to become a Community Interest Company (CIC). CDC has actively participated in Bicester Vision and the intention is that, subject to the Executive endorsing and the decision taken under the recommended delegated authority, continuing funding.
- 2.5 In return for continuing the funding arrangement, and as a condition of the grant funding agreement, CDC would require that Bicester Vision allows CDC to nominate a director to the board (that being the Lead Member with responsibility for Economy and Investment) and that, before the new financial year 2020 and prior to the anniversary of the third payment, a presentation should be given by Bicester Vision to the Executive explaining how the CIC's activities and business plans contribute towards CDC's corporate objectives and priorities which would allow CDC to determine whether it wishes to continue to provide grant funding to the CIC in the future.
- 2.6 The newly incorporated status of the CIC provides an opportune moment to formalise the funding regime based upon the terms of a grant agreement as there is now a legal body with which CDC can contract for the first time in Bicester Vision's existence.
- 2.7 Subject to ongoing funding being agreed, the Assistant Director – Growth and Economy has been delegated the authority to negotiate and complete a grant funding agreement and make necessary minor adjustments to it from time to time, in conjunction with advice from the Council's legal service (Lead Member decision – Leader of the Council, taken on 26 November 2019).

### **3.0 Conclusion and Reasons for Decision**

- 3.1 Members are invited to receive the presentation and decide whether to continue the funding of the new CIC for a three year period.

### **4.0 Consultation**

There have been no consultations in relation to this decision

### **5.0 Alternative Options and Reasons for Rejection**

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Withdraw support for Bicester Vision – this option was rejected because CDC may wish to continue supporting Bicester Vision.

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.

## 6.0 Implications

### Financial and Resource Implications

6.1 There is already a sum of £15K built into the base budget.

Comments checked by:  
 Kelly Wheeler, Finance Business Partner, 01295 221570,  
[kelly.wheeler@cherwell-dc.gov.uk](mailto:kelly.wheeler@cherwell-dc.gov.uk)

### Legal Implications

6.2 There are no legal implications arising directly as a result of this report. The legal service will provide any advice or assistance required in order to negotiate and complete the grant funding agreement detailed in the report.

Comments checked by:  
 Christopher Mace, Solicitor, 01295 221808, [christopher.mace@cherwell-dc.gov.uk](mailto:christopher.mace@cherwell-dc.gov.uk)

### Risk analysis

6.3 Risks of not proceeding:

Risk	Mitigation/remedy
Losing the ability to influence a key partnership organisation.	Participate in the CIC, on the basis proposed in the report.

6.4 Risks of proceeding:

Risk	Mitigation/remedy
Vote on an issue at odds with CDC policy.	Ensure that vote against item is clearly recorded in the Board minute book.
Organisation takes a direction that is no longer in alignment with CDC policies or values.	Option remains to leave the organisation and withdraw funding and support
Not adhering to the grant agreement and funding timetable.	It behoves CDC and Bicester Vision to work together and maintain the conditions of the funding agreement. A senior officer will be assigned the responsibility of ensuring that this happens.

These risks will be managed as part of the operational risk register associated with Bicester vision and escalated as and when necessary to the Leadership Risk Register.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786,  
[Louise.tustian@cherwell-dc.gov.uk](mailto:Louise.tustian@cherwell-dc.gov.uk)

## 7.0 Decision Information

### Key Decision

**Financial Threshold Met:** No

**Community Impact Threshold Met:** No

### Wards Affected

All Bicester wards

### Links to Corporate Plan and Policy Framework

District of opportunity and growth, Thriving communities and wellbeing.

### Lead Councillor

Councillor Lynn Pratt, Lead Member for Economy Regeneration and Property

### Document Information

Appendix No	Title
A	Draft funding agreement
Background Papers	
None	
Report Author	Robert Jolley, Assistant Director – Growth and Economy
Contact Information	01295 221688 <a href="mailto:robert.jolley@cherwell-dc.gov.uk">robert.jolley@cherwell-dc.gov.uk</a>



# Appendix A

DATED

201[X]

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## GRANT AGREEMENT

between

**CHERWELL DISTRICT COUNCIL**

and

**[BICESTER VISION]**

Draft for negotiation

THIS DEED is dated

201[X]

## **PARTIES**

- (1) CHERWELL DISTRICT COUNCIL, whose principal address is at Bodicote House, Bodicote, Banbury, Oxfordshire, OX15 4AA (**Funder**).
- (2) [BICESTER VISION] a community interest company incorporated and registered in England and Wales with registered number [XXX] whose registered office is at [XXX] (**Recipient**).

## **BACKGROUND**

- (A) The Funder has agreed to pay the Grant to the Recipient to assist it in carrying out the Project.
- (B) This Agreement sets out the terms and conditions on which the Grant is made by the Funder to the Recipient.
- (C) These terms and conditions are intended to ensure that the Grant is used for the purpose for which it is awarded.

## **AGREED TERMS**

### **1. DEFINITIONS**

In this Agreement the following terms shall have the following meanings:

**Bribery Act:** the Bribery Act 2010 and any subordinate legislation made under that Act from time to time together with any guidance or codes of practice issued by the relevant government department concerning the legislation.

**Commencement Date:** 1<sup>st</sup> April 2020.

**Governing Body:** the governing body of the Recipient including its directors or members.

**Grant:** the sum of £15,000.00 (fifteen thousand pounds) to be paid to the Recipient in accordance with this Agreement.

**Grant Period:** the period for which the Grant is awarded starting on the Commencement Date and ending on 31<sup>st</sup> March 2023.

**Intellectual Property Rights:** all patents, copyrights and design rights (whether registered or not) and all applications for any of the foregoing and all rights of confidence and Know-How however arising for their full term and any renewals and extensions.

**Know-How:** information, data, know-how or experience whether patentable or not and including but not limited to any technical and commercial information relating to research, design, development, manufacture, use or sale.

**Prohibited Act:** means:

- (a) offering, giving or agreeing to give any gift or consideration of any kind as an inducement or reward for:
  - (i) doing or not doing (or for having done or not having done) any act in relation to the obtaining or performance of this Agreement or any other contract with the Funder; or
  - (ii) showing or not showing favour or disfavour to any person in relation to this Agreement or any other contract with the Funder;
- (b) entering into this Agreement or any other contract with the Funder where a commission has been paid or has been agreed to be paid by the Recipient or on its behalf, or to its knowledge, unless before the relevant contract is entered into particulars of any such commission and of the terms and conditions of any such contract for the payment thereof have been disclosed in writing to the Funder;
- (c) committing any offence:
  - (i) under the Bribery Act;
  - (ii) under legislation creating offences in respect of fraudulent acts; or
  - (iii) at common law in respect of fraudulent acts in relation to this Agreement or any other contract with the Funder; or
- (d) defrauding or attempting to defraud or conspiring to defraud the Funder.

**Project:** the project described in Schedule 1.

**Project Manager:** the individual who has been nominated to represent the Funder for the purposes of this Agreement.

## 2. PURPOSE OF GRANT

- 2.1 The Recipient shall use the Grant only for the delivery of the Project and in accordance with the terms and conditions set out in this Agreement. The Grant shall not be used for any other purpose without the prior written agreement of the Funder.
- 2.2 The Recipient shall not make any significant change to the Project without the Funder's prior written agreement.

## 3. PAYMENT OF GRANT

- 3.1 Subject to clause 12, the Funder shall pay the Grant to the Recipient in accordance with Schedule 2, subject to the necessary funds being available when payment falls due. The Recipient agrees and accepts that payments of the Grant can only be made to the extent that the Funder has available funds.
- 3.2 No Grant shall be paid unless and until the Funder is satisfied that such payment will be used for proper expenditure in the delivery of the Project.

- 3.3 The amount of the Grant shall not be increased in the event of any overspend by the Recipient in its delivery of the Project.
- 3.4 The Recipient shall not transfer any part of the Grant to bank accounts which are not ordinary business accounts within the clearing bank system, without the prior written consent of the Funder.
- 3.5 The Recipient shall promptly repay to the Funder any money incorrectly paid to it either as a result of an administrative error or otherwise. This includes (without limitation) situations where either an incorrect sum of money has been paid or where Grant monies have been paid in error before all conditions attaching to the Grant have been complied with by the Recipient.

#### **4A. NOMINATION RIGHTS**

- 4A.1 The Funder has the right to nominate one (1) person to the board of directors of the Recipient for appointment as a[n] [non-]executive director of the Recipient during the Grant Period.
- 4A.2 The board of directors of the Recipient shall agree to appoint the nominee of the Funder subject to there being no reasonable or lawful objections to the appointment. In the event that the board of directors does object to the appointment of such a nominee then it will provide the Funder with written details of the reasons behind that objection, within one (1) working day of that decision being made, and in the event that:
- 4A.2.1 the Funder disagrees with the reasons provided by the board of directors for the objection then the parties shall attempt to resolve that dispute by referring the matter to the Chief Executive Officer of each party; or
- 4A.2.2 the Funder agrees with the reasons provided by the board of directors then the Funder shall nominate a further nominee to the board of directors pursuant to clause 4A.2.1 above; and
- 4A.2.3 the provision of this clause 4A.2 shall apply to any nomination by the Funder and this process shall be repeated until such time as the Funder's nominee is accepted by the Recipient's board of directors.
- 4A.3 The nominee of the Funder will not be entitled to any remuneration from the Recipient and will resign his or her directorship at the end of the Grant Period.

#### **4. USE OF GRANT**

4.1 The Grant shall be used by the Recipient for the delivery of the Project.

4.2 The Recipient shall not use the Grant to:

- (a) make any payment to members of its Governing Body except to reimburse their expenditure incurred necessarily on behalf of the Recipient in furtherance of the Project;
- (b) purchase buildings or land; or
- (c) pay for any expenditure commitments of the Recipient entered into before the Commencement Date,

unless this has been approved in writing by the Funder.

4.3 The Recipient shall not spend any part of the Grant on the delivery of the Project after the Grant Period.

4.4 Should any part of the Grant remain unspent at the end of the Grant Period, the Recipient shall ensure that any unspent monies are returned to the Funder or, if agreed in writing by the Funder, shall be entitled to retain the unspent monies to use for such purposes as are agreed in writing between the parties.

4.5 Any liabilities arising at the end of the Project including any redundancy liabilities for staff employed by the Recipient to deliver the Project must be managed and paid for by the Recipient using the Grant or other resources of the Recipient. There will be no additional funding available from the Funder for this purpose.

#### **5. ACCOUNTS AND RECORDS**

5.1 The Grant shall be shown in the Recipient's accounts as a restricted fund and shall not be included under general funds.

5.2 The Recipient shall keep separate, accurate and up-to-date accounts and records of the receipt and expenditure of the Grant monies received by it.

5.3 The Recipient shall keep all invoices, receipts, and accounts and any other relevant documents relating to the expenditure of the Grant for a period of at least six years following receipt of any Grant monies to which they relate. The Funder shall have the right to review, at the Funder's reasonable request, the Recipient's accounts and records that relate to the expenditure of the Grant and shall have the right to take copies of such accounts and records.

5.4 The Recipient shall provide the Funder with a copy of its annual accounts within six months (or such lesser period as the Funder may reasonably require) of the end of the relevant financial year in respect of each year in which the Grant is paid.

5.5 The Recipient shall comply and facilitate the Funder's compliance with all statutory requirements as regards accounts, audit or examination of accounts, annual reports and annual returns applicable to itself and the Funder.

## **6. MONITORING AND REPORTING**

6.1 The Recipient shall closely monitor the delivery and success of the Project throughout the Grant Period to ensure that the aims and objectives of the Project are being met and that this Agreement is being adhered to.

6.2 The Recipient shall provide the Funder with a financial report and an operational report on its use of the Grant on each anniversary of the Commencement Date, and in such formats as the Funder may reasonably require.

6.3 Where the Recipient has obtained funding from a third party for its delivery of part of the Project, the Recipient shall include the amount of such funding in its financial reports together with details of what that funding has been used for.

6.4 Along with its first financial report, the Recipient shall provide the Funder with a risk register and insurance review in the format provided by the Funder. The Recipient shall address the health and safety of its staff in the risk register.

6.5 The Recipient shall on request provide the Funder with such further information, explanations and documents as the Funder may reasonably require in order for it to establish that the Grant has been used properly in accordance with this Agreement.

6.6 The Recipient shall permit any person authorised by the Funder such reasonable access to its employees, agents, premises, facilities and records, for the purpose of discussing, monitoring and evaluating the Recipient's fulfilment of the conditions of this Agreement and shall, if so required, provide appropriate oral or written explanations from them.

6.7 The Recipient shall permit any person authorised by the Funder for the purpose to visit the Recipient once every year throughout the Grant Period to monitor the delivery of the Project. Where, in its reasonable opinion, the Funder considers that additional visits are necessary to monitor the Project, it shall be entitled to authorise any person to make such visits on its behalf.

6.8 Following the third payment of the Grant, the Recipient shall attend a meeting of the Funder's Executive, the precise time and date of such meeting to be agreed in writing between the parties within 1 calendar month of the third payment of the Grant, to provide a presentation on the Recipient's activities and successes. The presentation will, amongst other things, assist the Funder in considering further Grant provision beyond the expiry of the Grant Period save that no guarantee is given at the date of this Agreement that funds for further Grant are available or shall be provided.

## **7. ACKNOWLEDGMENT AND PUBLICITY**

7.1 The Recipient shall acknowledge the Grant in its annual report and accounts, including an acknowledgement of the Funder as the source of the Grant.

7.2 The Recipient shall not publish any material, other than those which are specifically identified in Schedule 1, referring to the Project or the Funder without the prior written agreement of the Funder PROVIDED ALWAYS THAT in the event that the Funder has not acknowledged receipt of such material within 10 working days of the receipt from the Recipient of the same, the Funder shall be deemed to agree to the publication of any material which is passed to it by the Recipient pursuant to this clause 7.2. The Recipient shall acknowledge the support of the Funder in any materials that refer to the Project and in any written or spoken public presentations about the Project. Such acknowledgements (where appropriate or as requested by the Funder) shall include the Funder's name and logo (or any future name or logo adopted by the Funder) using the templates provided by the Funder from time to time.

7.3 In using the Funder's name and logo, the Recipient shall comply with all reasonable branding guidelines issued by the Funder from time to time.

7.4 The Recipient agrees to participate in and co-operate with promotional activities relating to the Project that may be instigated and/or organised by the Funder.

7.5 After consultation with the Recipient, the Funder may acknowledge the Recipient's involvement in the Project provided that in using the Recipient's name or logo the Funder shall act reasonably.

7.6 The Recipient shall comply with all reasonable requests from the Funder to facilitate visits, provide reports, statistics, photographs and case studies that will assist the Funder in its promotional and fundraising activities relating to the Project.

## **8. INTELLECTUAL PROPERTY RIGHTS**

8.1 The Funder and the Recipient agree that all rights, title and interest in or to any information, data, reports, documents, procedures, forecasts, technology, Know-How and any other Intellectual Property Rights whatsoever owned by either the Funder or

the Recipient before the Commencement Date or developed by either party during the Grant Period, shall remain the property of that party.

- 8.2 Where the Funder has provided the Recipient with any of its Intellectual Property Rights for use in connection with the Project (including without limitation its name and logo), the Recipient shall, on termination of this Agreement, cease to use such Intellectual Property Rights immediately and shall either return or destroy such Intellectual Property Rights as requested by the Funder.

## 9. CONFIDENTIALITY

- 9.1 Subject to clause 10 (Freedom of Information), each party shall during the term of this Agreement and thereafter keep secret and confidential all Intellectual Property Rights or Know-How or other business, technical or commercial information disclosed to it as a result of the Agreement and shall not disclose the same to any person save to the extent necessary to perform its obligations in accordance with the terms of this Agreement or save as expressly authorised in writing by the other party.

- 9.2 The obligation of confidentiality contained in this clause shall not apply or shall cease to apply to any Intellectual Property Rights, Know-How or other business, technical or commercial information which:

- (a) at the time of its disclosure by the disclosing party is already in the public domain or which subsequently enters the public domain other than by breach of the terms of this Agreement by the receiving party;
- (b) is already known to the receiving party as evidenced by written records at the time of its disclosure by the disclosing party and was not otherwise acquired by the receiving party from the disclosing party under any obligations of confidence; or
- (c) is at any time after the date of this Agreement acquired by the receiving party from a third party having the right to disclose the same to the receiving party without breach of the obligations owed by that party to the disclosing party.

## 10. FREEDOM OF INFORMATION

- 10.1 The Recipient acknowledges that the Funder is subject to the requirements of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIRs).

- 10.2 The Recipient shall:

- (a) provide all necessary assistance and cooperation as reasonably requested by the Funder to enable the Funder to comply with its obligations under the FOIA and EIRs;



- (b) transfer to the Funder all requests for information relating to this Agreement that it receives as soon as practicable and in any event within 2 working days of receipt;
- (c) provide the Funder with a copy of all information belonging to the Funder requested in the request for information which is in its possession or control in the form that the Funder requires within 5 working days (or such other period as the Funder may reasonably specify) of the Funder's request for such information; and
- (d) not respond directly to a request for information unless authorised in writing to do so by the Funder.

10.3 The Recipient acknowledges that the Funder may be required under the FOIA and EIRs to disclose information without consulting or obtaining consent from the Recipient. The Funder shall take reasonable steps to notify the Recipient of a request for information (in accordance with the Secretary of State's section 45 Code of Practice on the Discharge of the Functions of Public Authorities under Part 1 of the FOIA) to the extent that it is permissible and reasonably practical for it to do so but (notwithstanding any other provision in this agreement) the Funder shall be responsible for determining in its absolute discretion whether any information is exempt from disclosure in accordance with the FOIA and/or the EIRs.

## **11. DATA PROTECTION**

The Recipient shall (and shall procure that any of its staff involved in connection with the activities under the Agreement shall) comply with any notification requirements under the Data Protection Act 2019 (**DPA**) and both Parties will duly observe all their obligations under the DPA, which arise in connection with the Agreement.

## **12. WITHHOLDING, SUSPENDING AND REPAYMENT OF GRANT**

12.1 The Funder's intention is that the Grant will be paid to the Recipient in full. However, without prejudice to the Funder's other rights and remedies, the Funder may, at its discretion, withhold or suspend payment of the Grant and/or require repayment of all or part of the Grant if:

- (a) the Recipient uses the Grant for purposes other than those for which they have been awarded;
- (b) the delivery of the Project does not start within 3 months of the Commencement Date and the Recipient has failed to provide the Funder with a reasonable explanation for the delay;
- (c) the Funder considers that the Recipient has not made satisfactory progress with the delivery of the Project;
- (d) the Recipient is, in the reasonable opinion of the Funder, delivering the Project in a negligent manner;

- (e) the Recipient obtains duplicate funding from a third party for the Project without the prior written consent of the Funder;
- (f) the Recipient obtains funding from a third party which, in the reasonable opinion of the Funder, undertakes activities that are likely to bring the reputation of the Project or the Funder into disrepute;
- (g) the Recipient provides the Funder with any materially misleading or inaccurate information;
- (h) the Recipient commits or committed a Prohibited Act;
- (i) any member of the Governing Body, employee or volunteer of the Recipient has (a) acted dishonestly or negligently at any time and directly or indirectly to the detriment of the Project or (b) taken any actions which, in the reasonable opinion of the Funder, bring or are likely to bring the Funder's name or reputation into disrepute;
- (j) the Recipient ceases to operate for any reason, or it passes a resolution (or any court of competent jurisdiction makes an order) that it be wound up or dissolved (other than for the purpose of a bona fide and solvent reconstruction or amalgamation);
- (k) the Recipient becomes insolvent, or it is declared bankrupt, or it is placed into receivership, administration or liquidation, or a petition has been presented for its winding up, or it enters into any arrangement or composition for the benefit of its creditors, or it is unable to pay its debts as they fall due; or
- (l) the Recipient fails to comply with any of the terms and conditions set out in this Agreement and fails to rectify any such failure within 30 days of receiving written notice detailing the failure.

12.2 The Funder may retain or set off any sums owed to it by the Recipient which have fallen due and payable against any sums due to the Recipient under this Agreement or any other agreement pursuant to which the Funder provides goods or services to the Recipient.

12.3 Should the Recipient be subject to financial or other difficulties which are capable of having a material impact on its effective delivery of the Project or compliance with this Agreement it will notify the Funder as soon as possible so that, if possible, and without creating any legal obligation, the Funder will have an opportunity to provide assistance in resolving the problem or to take action to protect the Funder and the Grant monies.

**13. ANTI-DISCRIMINATION**

- 13.1 The Recipient shall not unlawfully discriminate within the meaning and scope of any law, enactment, order, or regulation relating to discrimination (whether in race, gender, religion, disability, sexual orientation, age or otherwise) in employment.
- 13.2 The Recipient shall take all reasonable steps to secure the observance of clause 13.1 by all servants, employees or agents of the Recipient and all suppliers and sub-contractors engaged on the Project.

**14. HUMAN RIGHTS**

- 14.1 The Recipient shall (and shall use its reasonable endeavours to procure that its staff shall) at all times comply with the provisions of the Human Rights Act 1998 in the performance of this Agreement as if the Recipient were a public body (as defined in the Human Rights Act 1998).
- 14.2 The Recipient shall undertake, or refrain from undertaking, such acts as the Funder requests so as to enable the Funder to comply with its obligations under the Human Rights Act 1998.

**15. LIMITATION OF LIABILITY**

- 15.1 The Funder accepts no liability for any consequences, whether direct or indirect, that may come about from the Recipient running the Project, the use of the Grant or from withdrawal of the Grant. The Recipient shall indemnify and hold harmless the Funder, its employees, agents, officers or sub-contractors with respect to all claims, demands, actions, costs, expenses, losses, damages and all other liabilities arising from or incurred by reason of the actions and/or omissions of the Recipient in relation to the Project, the non-fulfilment of obligations of the Recipient under this Agreement or its obligations to third parties.
- 15.2 Subject to clause 15.1, and without prejudice to any liability which cannot be excluded by the Funder as a matter of law, the Funder's liability under this Agreement is limited to the payment of the Grant.

**16. WARRANTIES**

The Recipient warrants, undertakes and agrees that:

- (a) it has all necessary resources and expertise to deliver the Project (assuming due receipt of the Grant);
- (b) it has not committed, nor shall it commit, any Prohibited Act;

- (c) it shall at all times comply with all relevant legislation and all applicable codes of practice and other similar codes or recommendations, and shall notify the Funder immediately of any significant departure from such legislation, codes or recommendations;
- (d) it shall comply with the requirements of the Health and Safety at Work etc. Act 1974 and any other acts, orders, regulations and codes of practice relating to health and safety, which may apply to employees and other persons working on the Project;
- (e) it has and shall keep in place adequate procedures for dealing with any conflicts of interest;
- (f) it has and shall keep in place systems to deal with the prevention of fraud and/or administrative malfunction;
- (g) all financial and other information concerning the Recipient which has been disclosed to the Funder is to the best of its knowledge and belief, true and accurate;
- (h) it is not subject to any contractual or other restriction imposed by its own or any other organisation's rules or regulations or otherwise which may prevent or materially impede it from meeting its obligations in connection with the Grant; and
- (i) it is not aware of anything in its own affairs, which it has not disclosed to the Funder or any of the Funder's advisers, which might reasonably have influenced the decision of the Funder to make the Grant on the terms contained in this Agreement.

## 17. INSURANCE

17.1 The Recipient shall effect and maintain with a reputable insurance company a policy or policies in respect of all risks which may be incurred by the Recipient, arising out of the Recipient's performance of the Agreement, including death or personal injury, loss of or damage to property or any other loss (the **Required Insurances**).

17.2 The Required Insurances referred to above include (but are not limited to):

- (a) public liability insurance with a limit of indemnity of not less than five million pounds (£5,000,000) in relation to any one claim or series of claims arising from the Project;
- (b) professional indemnity insurance with a limit of indemnity of not less than five million pounds (£5,000,000) in relation to any one claim or series of claims arising from the Project; and
- (c) employer's liability insurance with a limit of indemnity of not less than five million pounds (£5,000,000) in relation to any one claim or series of claims arising from the Project.

The Recipient shall (on request) supply to the Funder a certificate in respect of such insurance policies and evidence that the relevant premiums have been paid.

**18. DURATION**

18.1 Except where otherwise specified, the terms of this Agreement shall apply from the date of this Agreement until the expiry of the Grant Period or for so long as any Grant monies remain unspent by the Recipient, whichever is longer.

18.2 Any obligations under this Agreement that remain unfulfilled following the expiry or termination of the Agreement shall survive such expiry or termination and continue in full force and effect until they have been fulfilled.

**19. TERMINATION**

The Funder may terminate this Agreement and any Grant payments on giving the Recipient three months' written notice should it be required to do so by financial restraints or for any other reason.

**20. ASSIGNMENT**

The Recipient may not, without the prior written consent of the Funder, assign, transfer, sub-contract, or in any other way make over to any third party the benefit and/or the burden of this Agreement or, except as contemplated as part of the Project, transfer or pay to any other person any part of the Grant.

**21. WAIVER**

No failure or delay by either party to exercise any right or remedy under this Agreement shall be construed as a waiver of any other right or remedy.

**22. NOTICES**

All notices and other communications in relation to this Agreement shall be in writing and shall be deemed to have been duly given if personally delivered, e-mailed, or mailed (first class postage prepaid) to the address of the relevant party, as referred to above or otherwise notified in writing. If personally delivered or if e-mailed all such communications shall be deemed to have been given when received (except that if received on a non-working day or after 5.00 pm on any working day they shall be deemed received on the next working day) and if mailed all such communications shall be deemed to have been given and received on the second working day following such mailing.

**23. DISPUTE RESOLUTION**

23.1 In the event of any complaint or dispute (which does not relate to the Funder's right to withhold funds or terminate) arising between the parties to this Agreement in relation to this Agreement the matter should first be referred for resolution to the Project Manager or any other individual nominated by the Funder from time to time.

23.2 Should the complaint or dispute remain unresolved within 14 days of the matter first being referred to the Project Manager or other nominated individual, as the case may be, either party may refer the matter to the Chief Executive of the Funder and the Chief Executive of the Recipient with an instruction to attempt to resolve the dispute by agreement within 28 days, or such other period as may be mutually agreed by the Funder and the Recipient.

23.3 In the absence of agreement under clause 23.2, the parties may seek to resolve the matter through mediation under the CEDR Model Mediation Procedure (or such other appropriate dispute resolution model as is agreed by both parties). Unless otherwise agreed, the parties shall bear the costs and expenses of the mediation equally.

**24. NO PARTNERSHIP OR AGENCY**

This Agreement shall not create any partnership or joint venture between the Funder and the Recipient, nor any relationship of principal and agent, nor authorise any party to make or enter into any commitments for or on behalf of the other party.

**25. JOINT AND SEVERAL LIABILITY**

Where the Recipient is not a company nor an incorporated entity with a distinct legal personality of its own, the individuals who enter into and sign this Agreement on behalf of the Recipient shall be jointly and severally liable for the Recipient's obligations and liabilities arising under this Agreement.

**26. CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999**

This Agreement does not and is not intended to confer any contractual benefit on any person pursuant to the terms of the Contracts (Rights of Third Parties) Act 1999.

**27. GOVERNING LAW**

This Agreement shall be governed by and construed in accordance with the law of England and the parties irrevocably submit to the exclusive jurisdiction of the English courts.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

*Draft for negotiation*

## **Schedule 1 The Project**

### **1 Aim of the Grant**

The intention of the Funder is to provide the Grant to the Recipient to enable it to [XXX].

### **2 Purpose of the Grant**

This Agreement governs the provision of the Grant with the intention of assisting the Recipient in [XXX] during the Grant Period.

### **3 Principles under which the Grant is provided**

The Recipient warrants that the Grant will be used to fund [XXX]

Draft for negotiation



## Schedule 2 Payment Schedule

1. The Funder shall pay the Grant to the Recipient in the following instalments and on the following dates, subject to the Funder being satisfied that the Recipient has complied with the trigger event for payment:

<b>Amount of Grant Payable</b>	<b>Time for Payment</b>
[XXX]	[XXX] 2020
[XXX]	[XXX] 2021
[XXX]	[XXX] 2022

Draft for negotiation

EXECUTED as a DEED  
by the affixing of the COMMON SEAL of  
CHERWELL DISTRICT COUNCIL  
in the presence of:

.....  
Authorised Signatory

EXECUTED as a DEED  
by [BICESTER VISION]  
acting by and under the signature of:  
[NAME], a Director

.....  
Director

In the presence of:

Witness Signature: .....

Witness Name: .....

Witness Address: .....

.....

.....

Witness Occupation: .....

Draft for negotiation

## Cherwell District Council

### Executive

2 March 2020

#### Local Development Scheme

### Report of Assistant Director – Planning and Development

This report is public

#### Purpose of report

To seek approval of an updated Local Development Scheme (LDS) for the production of the Council's planning policy documents.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the updated Local Development Scheme (LDS) presented at Appendix 1.

#### 2.0 Introduction

2.1 The Local Development Scheme (LDS) is a rolling business plan that sets out the preparation of key planning policy documents that will inform future planning decisions. It outlines the programme and resources for the completion and adoption of each relevant planning document. It is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended) that the Council prepares and maintains an LDS.

2.2 The LDS must specify:

- the local development documents which are to be development plan documents;
- the subject matter and geographical area to which each development plan document is to relate;
- which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
- any matter or area in respect of which the authority has agreed (or propose to agree) to the constitution of a joint committee;
- the timetable for the preparation and revision of the development plan documents; and,
- such other matters as are prescribed.

2.3 Development Plan Documents must be prepared in accordance with the LDS and this must be demonstrated at public examinations. The LDS will be used by officers,

consultees, developers, agents and the public in determining when planning policy documents are likely to be produced by the Council and when key stages of consultation can be expected. Implementation of the LDS is monitored through the Annual Monitoring Report (AMR) process and the LDS is periodically reviewed if there are significant changes in circumstances.

- 2.4 A new LDS is presented at Appendix 1 for approval. It revises that approved by Executive in December 2018.
- 2.5 Since the approval of the last LDS, the following has been achieved:
1. significant progress on the Partial Review of the Local Plan (Oxford's unmet housing needs), albeit with a prolonged Examination;
  2. the making of the Mid Cherwell Neighbourhood Plan on 14 May 2019;
  3. progress by the Oxfordshire Plan team on the joint statutory spatial plan - a commitment under the Oxfordshire Housing and Growth Deal.
- 2.6 The most resource intensive project has necessarily been the Partial Review of the Local Plan - a commitment in the adopted Local Plan. The prolonged examination has caused delay in progressing other work but additional resource is being made available to assist (addressed through separate budget and service planning processes).
- 2.7 The revised LDS provides new timescales for:
- i. completion of the Partial Review of the Local Plan (Oxford's Unmet Housing Needs);
  - ii. continuing support for the preparation of the Oxfordshire Plan 2050;
  - iii. a revised programme for a district wide Local Plan review;
  - iv. new work on a Banbury Canalside Supplementary Planning Document supported by a delivery plan;
  - v. recommencement of work on a potential Community Infrastructure Levy aligned to the Local Plan review.
- 2.8 These projects will require close working with other services, colleagues at the County Council, local communities and other partners and stakeholders.
- 2.9 The LDS has been prepared having regard to current circumstances. Future circumstances that might lead to the need for review of the LDS include:
- new Government policy and guidance on plan-making (for example, the Government has announced that it will be publishing a planning white paper);
  - changing timeframes for work not fully within the Council's control (for example, the timing of receipt of the Inspector's report for the examination of the Partial Review and the timeline for the Oxfordshire Plan 2050);
  - unanticipated changes to available resources.
- 2.10 The LDS will be kept under review.

### 3.0 Report Details

- 3.1 An updated Local Development Scheme (LDS) is presented at Appendix 1.
- 3.2 The LDS highlights the key planning policy documents that will be prepared going forward. They are:

1. **Partial Review of Cherwell Local Plan 2011-2031 (Part 1)** – submitted to Government for examination on 5 March 2018. A preliminary hearing took place on 28 September 2018 and main hearings were held between 5 and 13 February 2019. The Inspector's Post-Hearing Advice Note was received on 13 July 2019 in which he recommended some modifications. Modifications have been prepared and completion of the Examination is to follow.
2. **Oxfordshire Plan 2050** – a new countywide strategic plan being prepared jointly on behalf of the five district local planning authorities, with the support of the County Council, under Section 28 of the Planning and Compulsory Purchase Act 2004.

Preparation is overseen by the Oxfordshire Growth Board. In 2018 a Draft Statement of Common Ground was published and a Project Board established. A first stage of public consultation was undertaken during February/March 2019. It is intended that a second stage of public consultation will be held in June/July 2020. Consultation on the proposed submission draft is scheduled for November/December 2020, followed by final submission in March 2021. The Plan is expected to be adopted in March 2022. Upon adoption by the Council it will become part of the statutory Development Plan.

3. **Cherwell Local Plan Review** – a review of the adopted Cherwell Local Plan to ensure key planning policies are kept up to date, to assist implementation of the Oxfordshire Plan and to replace the remaining saved policies of the 1996 Local Plan. There is now a statutory requirement to review Local Plans every five years. The last Local Plan was adopted in July 2015 with one policy (Bicester 13) re-adopted in December 2016. It is expected that the Partial Review of the Local Plan will have been completed within the five year period and the Oxfordshire Plan is progressing.

In addition to meeting identified housing, employment, leisure, transport and infrastructure needs, the Local Plan review will provide the opportunity to develop newer planning policies for:

- responding to climate change and the Council's climate emergency declaration;
- placing healthy placing shaping at the centre of the Plan;
- achieving net increases in biodiversity;
- considering the future of our urban centres and rural areas;
- responding to new Government policy and guidance including on design.

It is considered that the review of the Plan should be progressed without delay and aligned, as far as possible, with the on-going preparation of the Oxfordshire

Plan 2050. The Oxfordshire Plan will provide a suite of strategic policies, but not all that will be required at a local level. The Local Plan review will need to include both strategic and local policies to address the matters above.

The option of a joint Plan is one that Members may wish to consider and might offer some economies of scale (for example in commissioning evidence).

However, as a strategic, joint local plan is being prepared in the form of the Oxfordshire Plan, in the current circumstances officers see no real strategic or planning advantage in preparing a joint district local plan at this time and therefore do not recommend this option. There is also a significant risk that the additional complexity of a joint plan could cause some delay.

4. **Supplementary Planning Documents (SPDs)** – work is to be recommenced on a Banbury Canalside SPD but supported by a delivery plan. This will provide additional detail to assist the implementation of Policy Banbury 1 of the adopted Cherwell Local Plan 2011-2031 with a view to driving the regeneration of this significant part of central Banbury.
5. **Community Infrastructure Levy (CIL) Charging Schedule** – CIL comprises a schedule of charges for contributions to off-site infrastructure, payable by developers. Consultation on a preliminary charging schedule was undertaken from 12 February to 25 March 2016. A draft charging schedule was consulted upon from 14 November 2016 to 9 January 2017.

Work on a potential CIL was put on hold while a national policy review was undertaken and in anticipation of further Government guidance which has since been published. New work on CIL is now programmed to align with preparation of the Cherwell Local Plan Review.

- 3.3 The LDS provides a programme schedule for each project specifying the geographical area affected by the document, the status of the document, the timetable for production, a brief summary of the management arrangements and service resource, and the monitoring and review mechanism.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 An updated 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 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.

## **5.0 Consultation**

Cllr Colin Clarke – Lead Member for Planning

## 6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

### Option 1: Not to approve the LDS

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 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.

### 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.

## 7.0 Implications

### Financial and Resource Implications

- 7.1 The work arising from the LDS is to be met within existing budgets (subject to approval of the budget on 24 February 2020).

Comments checked by:

Karen Dickson, Strategic Business Partner, 01295 221900  
[karen.dickson@cherwell-dc.gov.uk](mailto:karen.dickson@cherwell-dc.gov.uk),

### Legal Implications

- 7.2 The Council has a statutory responsibility to prepare an LDS and to keep it maintained as set out in the Planning and Compulsory Purchase Act 2004 (as amended).

Comments checked by:

Matthew Barrett, Planning Solicitor, 01295 753798  
[Matthew.barrett@cherwell-dc.gov.uk](mailto:Matthew.barrett@cherwell-dc.gov.uk),

## 8.0 Decision Information

### Key Decision

**Financial Threshold Met: No**

**Community Impact Threshold Met: No**

## Wards Affected

All

## Links to Corporate Plan and Policy Framework

Business Plan 2019/20

- District of Opportunity & Growth
- Clean, Green and Safe
- Thriving Communities & Well-Being.

## Lead Councillor

Councillor Colin Clarke – Lead Member for Planning

## Document Information

Appendix No	Title
Appendix 1	Draft Local Development Scheme, March 2020
Background Papers	
None	
Report Author	David Peckford, Assistant Director – Planning & Development Chris Cherry, Principal Planning Policy Officer (Acting)
Contact Information	<a href="mailto:david.peckford@cherwell-dc.gov.uk">david.peckford@cherwell-dc.gov.uk</a> , tel. 01295 221871 <a href="mailto:christina.cherry@cherwell-dc.gov.uk">christina.cherry@cherwell-dc.gov.uk</a> , tel. 01295 221851



## CHERWELL DISTRICT COUNCIL LOCAL DEVELOPMENT SCHEME March 2020

*Draft for Executive*



***Cherwell***  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

DRAFT

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## 1. Introduction

The Local Development Scheme (LDS) is a rolling business plan for the preparation of key planning policy documents that will be relevant to future planning decisions. It outlines the programme and resources for completion and adoption of each relevant planning document. It is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended) that the Council prepares and maintains an LDS.

The LDS must specify:

- the local development documents which are to be development plan documents;
- the subject matter and geographical area to which each development plan document is to relate;
- which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
- any matter or area in respect of which the authority has agreed (or proposes to agree) to the constitution of a joint committee;
- the timetable for the preparation and revision of the development plan documents; and
- such other matters as are prescribed.

Development Plan Documents must be prepared in accordance with the LDS.

This LDS was approved by the Council's Executive on **XXXXXX** and revises that previously approved on 3 December 2018. It updates the programme for the production of the Council's key planning policy documents.

## 2. Key changes since the last LDS

Key changes since approval of the last LDS in December 2018 include:

- significant progress on the Partial Review of the Cherwell Local Plan (Oxford's Unmet Housing Needs);
- the Mid Cherwell Neighbourhood Plan was made 14 May 2019;
- work on producing an Oxfordshire wide Joint Statutory Spatial Plan – the Oxfordshire Plan 2050 – has progressed.

These changes have informed preparation of this LDS.

## 3. Existing Development Plan

As at March 2020, the existing statutory Development Plan comprises:

- the Cherwell Local Plan 2011-2031 (Part 1) adopted in July 2015 (incorporating the re-adopted Policy Bicester 13);
- the saved policies of the adopted Cherwell Local Plan 1996 that have not been replaced (see Appendix 7 of the 2015 adopted Local Plan);
- the Hook Norton Neighbourhood Plan formally 'made' on 19 October 2015;
- the Bloxham Neighbourhood Plan formally 'made' on 19 December 2016;
- the Adderbury Neighbourhood Plan formally 'made' on 16 July 2018;
- the Mid Cherwell Neighbourhood Plan formally 'made' on 14 May 2019;
- the Oxfordshire Minerals and Waste Local Plan (Part 1 – Core Strategy) (adopted by the County Council on 12 September 2017);

- the saved policies of the Oxfordshire Minerals and Waste Local Plan 1996 (adopted by the County Council) that have not been replaced.

The **Cherwell Local Plan 1996** was adopted in November 1996 and policies were saved from 27 September 2007.

The **Cherwell Local Plan 2011-2031 (Part 1)** was completed and adopted by the Council on 20 July 2015. It incorporates Policy Bicester 13 re-adopted on 19 December 2016. The Plan presently comprises the main strategy document containing strategic development sites and policies.

The **adopted Policies Map** – a map of Cherwell which illustrates geographically the application of the policies in the adopted Development Plan (other than Minerals and Waste policies prepared by the County Council). An Interactive Adopted Policies Map is available on-line at [www.cherwell.gov.uk](http://www.cherwell.gov.uk).

#### **4. Existing Supplementary Planning Documents**

Supplementary Planning Documents (SPDs) provide further detail to Local Plan policies. They are statutory documents but do not form part of the Development Plan. The following SPDs have been completed to add further detail to the adopted Cherwell Local Plan 2011-2031:

- North West Bicester SPD – adopted on 22 February 2016
- Banbury Masterplan SPD – adopted on 19 December 2016
- Kidlington Masterplan SPD – adopted on 19 December 2016
- Developer Contributions SPD – adopted on 26 February 2018
- Cherwell Residential Design Guide SPD - adopted on 16 July 2018

#### **5. Non-Statutory Local Plan**

The Council also has a Non-Statutory Cherwell Local Plan 2011 which has not been withdrawn nor fully replaced. Originally produced as a replacement for the adopted Local Plan 1996, the Plan was subject to first and second draft deposit stages and pre-inquiry changes were incorporated. However, the decision was taken by the Council to discontinue work on the plan on the 13 December 2004 and withdraw it from the statutory local plan process before the Public Inquiry. To avoid a policy void the Non-Statutory Cherwell Local Plan 2011 was approved by the Council as interim planning policy for development control purposes on the 13 December 2004. Over time, its policies are being superseded by new planning documents.

#### **6. Statement of Community Involvement**

The Council's Statement of Community Involvement (SCI) sets out how communities and stakeholders can expect to be engaged in the preparation of planning documents and in the consideration of planning applications. The SCI was consulted upon from 29 January to 11 March 2016 and adopted by the Council on 18 July 2016.

#### **7. Annual (or Authorities) Monitoring Reports (AMRs)**

These are produced each year to monitor progress in producing Local Plans and Supplementary Planning Documents; on the implementation of policies; in meeting the district's housing requirement; and on the making of Neighbourhood Plans. They must include up-to-date information collected for monitoring purposes and, where relevant, include information on any applicable Community Infrastructure Levy and cooperation with prescribed bodies. AMRs are published on-line and supported by the publication of additional monitoring information as required.

## 8. Potential Neighbourhood Development Plans

Neighbourhood Plans can be produced by Town or Parish Councils or other relevant bodies to set out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular, specified neighbourhood area. They are not prepared by the District Council but are submitted to it ahead of independent examination and a referendum. They are not legally defined as Development Plan Documents but do become part of the statutory Development Plan once they have successfully passed a referendum.

In addition to the 'made' Hook Norton, Bloxham, Adderbury and Mid Cherwell Neighbourhood Plans (see section 3), the following Parishes presently either have designated Neighbourhood Areas, have made applications for an area to be designated, or are actively preparing plans:

- Deddington
- Shipton on Cherwell and Thrupp
- Weston-on-the-Green
- Bodicote
- Stratton Audley
- Merton.

## 9. Planning Policy Documents to be prepared by the Council

Planning policy documents that the Council is or will be working on are as follows:

1. **Partial Review of Cherwell Local Plan 2011-2031 (Part 1)** – prepared to meet a commitment in the adopted Local Plan to help Oxford with its unmet housing need. Submitted to Government for examination on 5 March 2018. Consultation took place on an Issues Paper from 29 January 2016 – 11 March 2016, on an Options Paper from 14 November 2016 – 9 January 2017 and on a Proposed Submission Document from 17 July 2017 to 10 October 2017. A preliminary hearing took place on 28 September 2018 and main hearings were held between 5 and 13 February 2019.

The Inspector's Post-Hearing Advice Note was received 13 July 2019. The Inspector advised that one major change was required to make the Plan sound. A Schedule of Proposed Main Modifications to address the concerns of the Inspector were consulted upon between 8 November 2019 and 20 December 2019 with a view to making a formal submission to the Planning Inspectorate

Upon adoption by the Council the Partial Review will become part of the statutory Development Plan.

2. **Oxfordshire Plan 2050** – a new countywide strategic plan being prepared jointly on behalf of the five district local planning authorities, with the support of the County Council, under Section 28 of the Planning and Compulsory Purchase Act 2004. Preparation is overseen by the Oxfordshire Growth Board. In 2018 a Draft Statement of Common Ground was published and a Project Board established. A first stage of public consultation was undertaken during February/March 2019. It is intended that a second stage of public consultation will be held in June/July 2020. Consultation on the proposed submission draft is scheduled for November/December 2020, followed by final submission in March 2021. The Plan is expected to be adopted in March 2022. Upon adoption by the Council it will become part of the statutory Development Plan.

3. **Cherwell Local Plan Review** – a review of the adopted Cherwell Local Plan to ensure key planning policies are kept up to date, to assist implementation of the Oxfordshire Plan and to replace the remaining saved policies of the 1996 Local Plan.
4. **Supplementary Planning Documents (SPDs)** – Banbury Canalside SPD – to be re-commenced supplemented by a delivery plan. This will provide additional detail to assist the implementation of Policy Banbury 1 of the adopted Cherwell Local Plan 2011-2031.
5. **Community Infrastructure Levy (CIL) Charging Schedule** – CIL comprises a schedule of charges for contributions to off-site infrastructure, payable by developers. Consultation on a preliminary charging schedule was undertaken from 12 February to 25 March 2016. A draft charging schedule was consulted upon from 14 November 2016 to 9 January 2017.

Work on a potential CIL was put on hold while a national policy review was undertaken and in anticipation of further Government guidance which has since been published. New work on CIL is now programmed to align with preparation of the Cherwell Local Plan Review.

The programme for preparing these documents is set out in the schedules below. The Council is expected to produce documents in accordance with the schedules. If significant changes in circumstances occur, the LDS will be reviewed.

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<b>Schedule 9.1</b>	<b>Partial Review of the Cherwell Local Plan 2011-2031 (Part 1): Oxford's Unmet Housing Needs</b>	
Strategic or Local Policies	Strategic Policies	
Subject Matter	Partial Review of Part 1 of the adopted Cherwell Local Plan 2011-2031 to help meet the identified unmet housing needs from elsewhere in the Oxfordshire Housing Market Area and arising infrastructure requirements. Builds upon countywide joint working and follows the 'Post SHMA Strategic Work Programme' agreed by the [then Shadow] Oxfordshire Growth Board on 20 November 2014. On 26 September 2016, the Oxfordshire Growth Board approved an apportionment of Oxford's unmet housing need (approximately 15,000 homes) to the Oxfordshire District Councils. Cherwell was asked to accommodate an additional 4,400 homes (2011-2031).	
Geographical Area	Cherwell District	
Status	Development Plan Document (DPD)	
Timetable	<b>Agreed Countywide Post-SHMA work programme</b>	20 November 2014
	<b>Formal Commencement (adoption of Local Plan Part 1)</b>	20 July 2015
	<b>District Wide Issues Consultation (Regulation 18)</b>	29 January 2016 – 11 March 2016
	<b>Countywide working on identifying the unmet need and apportionment</b>	Completed 26 September 2016
	<b>District Wide Options Consultation (Regulation 18)</b>	14 November 2016 – 9 January 2017
	<b>Preparation of Proposed Submission DPD</b>	January 2017 to July 2017
	<b>Consultation on Proposed Submission DPD</b>	17 July – 10 October 2017
	<b>Submission (Regulation 22)</b>	5 March 2018
	<b>Examination (Regulation 24)</b>	March 2018 onwards
	<b>Examination Hearings (Regulation 24)</b>	28 September 2018; 5 - 13 February 2019.
	<b>Submission of Main Modifications</b>	25 February 2020 (TBC)
	<b>Receipt and Publication of the Inspector's Report (Regulation 25)</b>	April 2020 (estimate)
	<b>Adoption (Regulation 26)</b>	May 2020 (estimate)
	Notes: Programme following hearings subject to confirmation from the Planning Inspectorate.	
Management Arrangements	<ul style="list-style-type: none"> <li>• Planning Policy, Conservation and Design Manager reporting to</li> <li>• Assistant Director - Planning and Development reporting to</li> <li>• Corporate Director - Place &amp; Growth</li> <li>• Reports to Executive and Council</li> </ul>	
Resources Required	Planning Policy team, input from other Council services, neighbouring authorities and consultees; consultancy support as required; Programme Officer and Planning Inspectorate.	
Monitoring and review mechanisms	Annual Monitoring Report	



<b>Schedule 9.2</b>	<b>Oxfordshire Plan 2050</b> <i>(note: programme reflects the timeline endorsed by the Oxfordshire Growth Board at a meeting on 24 September 2019 available at: <a href="http://democratic.southoxon.gov.uk/ieListDocuments.aspx?Cid=330&amp;Mid=2473&amp;Ver=4 - Item 25">http://democratic.southoxon.gov.uk/ieListDocuments.aspx?Cid=330&amp;Mid=2473&amp;Ver=4 - Item 25</a>)</i>	
Strategic or Local Policies	Strategic Policies	
Subject Matter	Countywide spatial plan to manage development to 2050. Will provide strategic planning policies including for housing, employment, transport & infrastructure, biodiversity and responding to climate change.	
Geographical Area	Oxfordshire	
Status	Joint Development Plan Document (DPD)	
Timetable	<b>Formal commencement</b>	31 January 2018
	<b>Initial Consultation (Regulation 18)</b>	February/March 2019
	<b>Consultation on Preferred Strategy (Regulation 18)</b>	June/July 2020 (TBC)
	<b>Consultation on Proposed Submission Draft Plan (Regulation 19)</b>	November/December 2020 (TBC)
	<b>Submission (Regulation 22)</b>	March 2021 (TBC)
	<b>Examination (Regulation 24)</b>	June - September 2021 (estimated)
	<b>Receipt and Publication of Inspector's Report</b>	December 2021 (estimated)
	<b>Adoption (Regulation 26)</b>	March 2022 (subject to examination)
		Notes: Examination dates and subsequent programme subject to confirmation from the Planning Inspectorate and views of Inspector.
Management Arrangements	A joint Plan by the five district Local Planning Authorities with the support of the County Council. Overseen by the Oxfordshire Growth Board - a joint committee of the six local authorities, together with key strategic partners. CDC Input: <ul style="list-style-type: none"> <li>• Planning Policy, Conservation and Design Manager reporting to</li> <li>• Assistant Director - Planning and Development reporting to</li> <li>• Corporate Director - Place &amp; Growth</li> <li>• Reports to Executive and Council</li> </ul>	
Resources Required	Oxfordshire Growth Board: <ul style="list-style-type: none"> <li>• Central Plan Team: <ul style="list-style-type: none"> <li>• with consultancy support as required</li> <li>• advised by district officer Liaison Group</li> <li>• advised by Members' Advisory Group</li> <li>• reporting to Project Board (Heads of Planning)</li> <li>• reports to Growth Deal Programme Board &amp; Growth Board</li> </ul> </li> <li>• Growth Deal capacity funding</li> </ul> CDC <ul style="list-style-type: none"> <li>• input from Planning Policy, Conservation and Design service</li> <li>• input from other Council services on internal working group</li> <li>• consultancy support as required</li> </ul>	
Monitoring and review mechanisms	Oxfordshire Plan monitoring report & CDC Annual Monitoring Report	

<b>Schedule 9.3</b>	<b>Cherwell Local Plan Review</b>	
Strategic or Local Policies	Strategic and Local Policies	
Subject Matter	Planning policies to manage development and meet local priorities, to review & keep up-to-date existing planning policies, and to support implementation of the Oxfordshire Plan 2050. Will include the identification and delivery of strategic and non-strategic development sites for housing, employment, open space and recreation, travelling communities and other land uses.	
Geographical Area	Cherwell District	
Status	Development Plan Document (DPD)	
Timetable	<b>Commencement</b>	April 2020
	<b>District Wide Issues Consultation (Regulation 18)</b>	July - August 2020
	<b>District Wide Options Consultation (Regulation 18)</b>	February – March 2021
	<b>Consultation on draft Plan (Regulation 18)</b>	October - November 2021
	<b>Consultation on Proposed Submission Plan (Regulation 19)</b>	July– August 2022
	<b>Submission (Regulation 22)</b>	November 2022
	<b>Examination (Regulation 24)</b>	November 2022 – June 2023 (TBC)
	<b>Examination Hearings (Regulation 24)</b>	February/March 2023 (TBC)
	<b>Receipt and Publication of the Inspector's Report (Regulation 25)</b>	June 2023 (TBC)
	<b>Adoption (Regulation 26)</b>	July 2023 (TBC)
		Notes: Hearing dates and subsequent programme subject to confirmation from the Planning Inspectorate
Management Arrangements	<ul style="list-style-type: none"> <li>• Planning Policy, Conservation and Design Manager reporting to</li> <li>• Assistant Director - Planning and Development reporting to</li> <li>• Corporate Director - Place &amp; Growth</li> <li>• Reports to Executive and Council</li> </ul>	
Resources Required	Planning Policy, Conservation and Design service, input from other Council services, neighbouring authorities and consultees; consultancy support as required. Programme Officer and Planning Inspectorate.	
Monitoring and review mechanisms	Annual Monitoring Report	

<b>Schedule 9.4</b>	<b>Banbury Canalside Supplementary Planning Document (SPD)</b>	
Subject Matter	Expands upon and provides further detail to Local Plan policies for the development area of Canalside, Banbury. To be supported by a delivery plan.	
Geographical Area	Canalside including part of Banbury town centre	
Status	SPD	
	<b>Continued Preparation &amp; Engagement</b>	March – September 2020
	<b>Formal Consultation on draft SPD (Regulation 12/13)</b>	September – October 2020
	<b>Adoption (Regulation 14)</b>	December 2020
Management Arrangements	<ul style="list-style-type: none"> <li>• Planning Policy, Conservation and Design Manager reporting to</li> <li>• Assistant Director - Planning and Development reporting to</li> <li>• Corporate Director - Place &amp; Growth</li> <li>• Reports to Executive and Council</li> </ul>	
Resources Required	Planning Policy, Conservation and Design service; input from other Council services, neighbouring authorities and consultees; consultancy resource.	
Monitoring and review mechanisms	Annual Monitoring Report	

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<b>Schedule 9.5</b>	<b>Community Infrastructure Levy Charging Schedule</b>	
Subject Matter	The purpose of CIL is to raise funds to deliver off-site infrastructure that will support the development proposed within Cherwell. This could include open space, leisure centres, cultural and sports facilities, transport schemes, schools among other requirements. The charging schedule providing the basis of the Levy and must be informed by an assessment of an infrastructure funding gap and the viability of different levels of Levy. There will be consultation and a public Examination.	
Geographical Area	Cherwell District	
Status	Levy	
	<b>Re-commencement</b>	March 2021
	<b>Focused consultation on Draft Charging Schedule</b>	October - November 2021
	<b>Formal consultation on Draft Charging Schedule (Regulation 16)</b>	July – August 2022
	<b>Potential Submission of Charging Schedule (Regulation 19)</b>	November 2022 (subject to Council decision)
	<b>Examination (TBC)</b>	November 2022 – June 2023
	<b>Examination Hearings (TBC)</b>	February/March 2023
	<b>Receipt and Publication of the Inspector's Report (Regulation 23) (TBC)</b>	June 2023
	<b>Approval (TBC)</b>	July 2023
	Notes: Examination and Hearing dates yet to be confirmed. Aligned to Local Plan Review.	
Management Arrangements	<ul style="list-style-type: none"> <li>• Planning Policy, Conservation and Design Manager reporting to</li> <li>• Assistant Director - Planning and Development reporting to</li> <li>• Corporate Director - Place &amp; Growth</li> <li>• Reports to Executive and Council</li> </ul>	
Resources Required	Planning Policy team; input from other Council services, neighbouring authorities and consultees; consultancy support as required. Programme Officer and Planning Inspectorate.	
Monitoring and review mechanisms	Annual Monitoring Report	

Appendix 1: LDS Timetable

Document	2018												2019												2020											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
1 Partial Review of the Local Plan (Part 1)	S			H						H			FC FC						A																	
2 Oxfordshire Joint Statutory Spatial Plan (JSSP)	C											IC			FC FC										FC FC			FC FC								
3 Local Plan Review																								C			IC IC									
4 Banbury Canalside SPD	IC																								R						FC FC			A		
5 Community Infrastructure Levy (CIL)	In Progress																																			

Document	2021												2022												2023											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
1 Partial Review of the Local Plan (Part 1)																																				
2 Oxfordshire Joint Statutory Spatial Plan (JSSP)				S	H H						A																									
3 Local Plan Review				FC FC	FC FC						FC FC			S						H H			A													
4 Banbury Canalside SPD (Adoption in Dec 2020)																																				
5 Community Infrastructure Levy (CIL)	R			IC IC						FC FC			S						H H			A														

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- C** Commencement
- IC** Initial Consultation
- FC** Further Consultation
- S** Submission
- H** Hearings (Public Examination)
- A** Adoption / Approval
- R** Re-commencement
- In Progress
-  Paused

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## Cherwell District Council

### Executive

2 March 2020

#### Housing Standards – Fees and Charges

### Report of Assistant Director Housing and Social Care Commissioning

This report is public

#### Purpose of report

- 1) To seek approval of revised Houses in Multiple Occupation (HMO) licence fees and of those recoverable costs associated with the issue of certain notices and orders.
- 2) To seek approval of the introduction of fees associated with advisory visits for landlords and for the issue of Empty Homes VAT-exemption letters.
- 3) To seek approval that the periodic review and setting of HMO licence fees will, in future, be delegated to the Assistant Director Housing and Social Care Commissioning.
- 4) To seek approval of a revised *Recovery of Costs Policy* which sets out how recovery of certain enforcement costs will be applied and which, in future, makes the Assistant Director Housing and Social Care Commissioning responsible for reviewing and setting those costs.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the proposed House in Multiple Occupation (HOM) licence fee structure.
- 1.2 To approve the revised administrative charges the Council can recover for certain notices and orders issued under the *Housing Act 2004*.
- 1.3 To approve the introduction of a fee for advisory visits.
- 1.4 To approve the introduction of a fee for issuing Empty Homes VAT-exemption letters.
- 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.

- 1.6 To approve the *Recovery of Costs Policy 2019* (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 and Orders under it.

## **2.0 Introduction**

### **2.1 HMO licence fees**

- 2.1.1 Recent legal rulings have altered how fees can be applied. As a consequence, the Council's HMO licence fees now need to be split so that costs associated with the administration of the licence application process are charged separately from the costs associated with enforcement of HMO licencing provisions, though both can still properly be charged. The net effect of this change is that licence applicants will not have to pay up-front for enforcement aspects of the licensing regime in the event their licence application cannot proceed to the issue of a licence.

- 2.1.2 In addition to splitting the licence fee as required, the proposed licence fee structure also incorporates changes to make the cost of a licence for compliant landlords lower than those for non-compliant landlords. These changes reflect proposals set out in the Council's *HMO Licensing Policy*, adopted by the Executive on 3 September 2018.

### **2.2 Revised charges for notices and orders**

- 2.2.1 The Council already uses powers provided by the *Housing Act 2004* to recover the administrative costs it incurs when it issues certain enforcement notices and orders. The current charge of £200 (but with provision to charge more in certain circumstances) was last set in August 2016 by the Head of Service at that time, in accordance with the provisions of the Council's *Recovery of Costs Policy 2012*, (approved by Executive on 5 November 2012). The proposed increase in the charge follows a review of the costs incurred by the Council and although it recommends a significant increase, the proposed charge now reflects the true cost to the Council of the administration associated with the relevant enforcement activity.

### **2.3 Charges for advisory visits**

- 2.3.1 The proposal to charge landlords for advisory visits reflects growing demands made on the Housing Standards Team by landlords seeking advice about setting up new HMOs. Although the Council wishes to support good landlords, the information required is largely available on the Council's website. Help and assistance over and above that can properly be regarded as a set-up cost of the sort faced by anyone setting up a business, and one for which a fee is judged appropriate. This approach is broadly similar to the charging for pre-application advice by the Council's planning officers.

### **2.4 Charge for issuing Empty Homes VAT-exemption letters**

- 2.4.1 The Council is able, on request, to provide written confirmation to owners of long-term empty homes of the time for which their property is known to have been unoccupied. That information, provided in the form of a Council letter, can be used by the property owner to help secure VAT reductions on materials and certain works of improvement. The letters can therefore facilitate renovations and getting



them back into use. The savings secured can in some cases be significant<sup>1</sup>. The proposed charge for providing VAT-exemption letters is intended to reflect the cost to the Council of their production.

## 2.5 **Setting of future enforcement fees**

2.5.1 The setting of both HMO licence fees and the recoverable costs associated with the issue of certain notices and orders under the *Housing Act 2004* is prescribed by legislation and is therefore capable of specific challenge. In order that these charges can be kept under appropriate review, can be revised as necessary and so that the necessary calculations and justifications can be produced expeditiously if required, it is recommended that the future setting of these enforcement costs is delegated to the Assistant Director Housing and Social Care Commissioning.

2.5.1 The proposed *Recovery of Costs Policy 2019* is a revision of the current 2012 Policy and provides a framework to underpin the determination of relevant costs associated with both the issue of relevant notices and orders but also those recoverable costs associated with any works-in-default<sup>2</sup> undertaken by the Council.

## 3.0 **Report Details**

### 3.1 **HMO licence fees**

3.1.1 The *Housing Act 2004* section 63(3) gives Local Authorities the power to 'require the application to be accompanied by a fee fixed by the authority.' Subsection (7)(a) empowers the authority, when fixing the fees, to 'take into account all costs incurred by the authority in carrying out their function' under the Act.

3.1.2 Two recent legal rulings have placed a duty on local authorities to review their private rented sector licence fees. The cases, *R (Gaskin) v Richmond-upon-Thames LBC* and *R (Hemming t/a Simply Pleasure) v Westminster CC*, mean that the fees local authorities charge for the licensing of houses in multiple occupation must be proportionate for the area to which they apply, and must be applied in two parts:

- Part 1 – a fee levied at the point of application to cover the costs of the scheme's 'authorisation procedures and formalities', i.e. the costs of processing the application; and
- Part 2 – if the application is successful, a further fee to cover the costs of running and enforcing the scheme.

The view of the Ministry of Housing, Communities and Local Government (MHCLG) is that it is now unlawful for a local authority to take a full HMO licence fee upfront and then refund the second part of the fee to any unsuccessful applicants.

3.1.2 Local authorities must ensure that licence fees they set reflect the cost of operating the licensing regime; they cannot be set with the intention of generating a profit. Cost which may be taken into account include: staff time, premises, travel, telephones and computers, publicity and materials such as stationery. Overheads

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<sup>1</sup> With an owner in one recent case reporting a saving of several tens of thousands of pounds.

<sup>2</sup> Work-in-default is the term applied to situations in which the Council carries out works in place of a person served with a notice if that person fails to carry out specified repairs or improvements and incurs recoverable costs as a result.

such as the cost of the Finance Department, Human Resources and Legal Services (to the extent that they are pertinent to licensing) can also be taken into account.

3.1.3 The component parts of running a licensing scheme can be broken down into the following:

- Set up costs.
- Actual processing of applications.
- Overheads.
- Monitoring licence holders.
- Enforcing against unlicensed landlords. This is regarded as being of benefit for licence holders to avoid unlicensed operators undercutting those with licences.

3.1.4 The Council's current licence fees are charged as a single fee payable when a licence application is submitted. The application fee for a first-time licence is £700 and the fee for a renewal application is £400.

3.1.5 The current fee structure for Cherwell District Council is not compliant with the legal requirements arising from recent case law which leaves the Council open to possible challenge and the risk of having to return part of some licence fees already paid by landlords.

3.1.6 A revised fee structure has been produced which:

- Satisfies the new legal requirements (two-stage fee)
- Allows the authority's HMO licensing activities to be as cost-neutral as possible
- Provides a mechanism to encourage compliance
- Places the burden of enforcement costs onto those needing enforcing and reduces the regulatory costs for the compliant majority.
- Continues to provide lower costs for licence renewal (in straight-forward cases).

3.1.7 Proposed licence fee structure:

Category	Description	Stage 1 fee (charged with application)	Stage 2 fee (becomes due when application successful)	Total fee payable
A	Higher-rate new application	£400	£650	£1,050
B	Standard new application	£400	£250	£650
C	Higher-rate renewal	£300	£350	£650
D	Standard renewal	£300	£150	£450

3.1.8 Each of the fees in the revised fee structure have been developed by means of a thorough review of the particular activities undertaken in the licensing process, how long each typically takes, and which officers are involved. Hourly costs have also included an allowance for corporate overheads (as a 27% increase to gross employment costs<sup>3</sup>) to reflect the full cost to the Council of time allocated to this activity. This has resulted in an accurate assessment of the cost involved for each category of licence.

<sup>3</sup> The 27% overhead figure has been developed corporately and confirmed by the Interim Executive Director: Finance.

3.1.9 Further information about the Stage-1 and Stage-2 fees is provided in *Appendix 1*; Benchmarking of the proposed fees against other local authorities is provided in *Appendix 2* and a SWOT analysis of the approach behind the fee structure in *Appendix 3*.

3.1.10 The introduction of the revised fees is expected to be broadly cost neutral over a projected five-year period (licences last for five years). The analysis of projected income is provided in *Appendix 4*.

### 3.2 Revised charges for notices and orders

3.2.1 Section 49 of the *Housing Act 2004* empowers local authorities to make such reasonable charge as they consider appropriate as a means of recovering certain administrative and other expenses incurred by them in:

- a) serving an improvement notice under section 11 or 12;
- b) making a prohibition order under section 20 or 21;
- c) serving a hazard awareness notice under section 28 or 29;
- d) taking emergency remedial action under section 40;
- e) making an emergency prohibition order under section 43; or
- f) making a demolition order under section 265 of the *Housing Act 1985* (c. 68).

The Act prescribes which activities can be taken into account for each particular notice/order.

3.2.2 The Council's Private Sector Housing *Housing Health & Safety Rating Scheme Policy 2012* set out the circumstances in which charges will be applied.

3.2.3 The current minimum charge of £200 was set in 2016. A thorough review has been carried out and a new charge has been calculated which takes into account the average time taken for each of the applicable activities, the hourly costs for the officers involved and all associated costs such as postage, mileage etc. For the first time, hourly costs have also included an allowance for corporate overheads (as a 27% increase to gross employment costs) to reflect the full cost to the Council of time allocated to this enforcement activity. The proposed minimum charges are as follows:

<b>Enforcement Action (under Part 1 of the Housing Act 2004)</b>	<b>Current charge</b>	<b>Proposed charge</b>
Serving an improvement notice under section 11 or 12	£200	£450
Making a prohibition order under section 20 or 21	£200	£450
Serving a hazard awareness notice under section 28 or 29	No charge	No charge
Taking emergency remedial action under section 40	£200	£450
Making an emergency prohibition order under section 43	£200	£450
Reviewing suspended improvement notices / prohibition orders	£200	£225
Making a demolition order under section 265 of the <i>Housing Act 1985</i> (c. 68)	Charged on hourly rate	Charged on hourly rate

Where multiple notices are served at the same time in relation to a single property, only a single charge is, and will continue to be, levied.

3.2.4 Benchmarking of the proposed charges against other local authorities has been undertaken and is shown in *Appendix 5*.

### 3.3 Charges for advisory visits

3.3.1 The Housing Standards Team propose to offer advisory visits for a fee to help landlords and agents who are planning, converting, or renovating their rental properties and HMOs. The purpose of the visits will be to provide advice at an early design stage to ensure properties are converted with safe designs, suitable fire precautions, amenity standards, legal requirements, and offer best practice advice and guidance.

3.3.2 Our advice visits will be ideal for:

- New landlords who want confidence and peace of mind that they are setting up a rental property the right way.
- Landlords who are new to the district and want to make sure they comply with the Council's HMO standards.
- Experienced landlords and agents who want specific advice on upgrading an existing rental property or wish to explore development options.

3.3.3 The visits will help reduce burdens on landlords by enabling them to get it right-first-time and avoid the need for licence conditions, retrospective works, or notices. Officers will continue to give basic, general advice onsite and over the telephone, but can then offer this chargeable service if landlords are looking to invest or make renovations and would benefit from bespoke, expert advice to ensure compliance with the Council's standards.

3.3.4 The fee will be set at £150 per visit (which is a similar level to Planning pre-application visits which are of a similar nature). This should be cost-neutral to the Council, whilst representing good value for customers. A desktop-only service will also be offered for a lower cost of £100 for reviewing and commenting on plans and written proposals.

Landlord/agent advisory visits	£150 per visit
Desktop review of plans etc.	£100 per request

3.3.5 Benchmarking

- South and Value District Councils charge £150 per inspection made at the request of the landlord.
- Oxford City Council charge £158 per HMO licensing advice visit
- Sefton MBC charge £133.50 for HMO advice inspections

#### 3.4 **Charging for Empty Homes VAT-exemption letters**

3.4.1 Owners of empty homes can be eligible for a reduced VAT rate of 5% (if empty 2-9 years) or 0% (if empty 10+ years) on the purchase of building materials associated with improving and bringing the property back into use. The Empty Homes Officer can provide property owners with an official letter confirming that the property has been empty and specifying the duration, which can be used as evidence to HMRC. There is currently no charge for this service which can act as a sweetener and additional leverage for owners who would also be liable for the 100% council tax premium.

3.4.2 It is proposed that the Council makes an administrative charge for this service of **£40 per letter**. This equates to approximately one hour of the Empty Homes Officer's time as they will need to check the records to verify the duration the property has remained empty, and then write and post the letter. This cost will be more than recouped by the potential tax savings which owners will be able to make.

3.4.3 The Empty Homes Officer reports that other authorities charge for this service, but none have responded to a request for information.

### **3.5 Setting of future enforcement fees**

3.5.1 The proposed HMO licence fee structure establishes a new approach to setting these fees. As explained in sections 3.1.6 and 3.1.7, the intention is to ensure that the Council is fully compliant with legislative requirements, that its costs are fully reflected and covered and that non-compliant landlords bear a greater proportion of costs associated with enforcement of the scheme. Having established this approach, and for the reasons set out in section 2.5, it is proposed that the future setting of these enforcement fees is delegated to the Assistant Director Housing and Social Care Commissioning.

3.5.1 The proposed *Recovery of Costs Policy 2019* (attached as *Appendix 6*) is a revision of the current 2012 Policy. It provides a framework to underpin the determination by the Assistant Director Housing and Social Care Commissioning of relevant costs associated with both the issue of certain notices and orders but also those recoverable costs associated with any works-in-default undertaken by the Council. It will provide the basis on which those costs can be supported in the event that costs are challenged in the course of any particular case. The principle change included in the new policy is the specific inclusion of corporate overhead costs.

3.5.2 The new *Recovery of Costs Policy 2019*, if adopted, will replace the current 2012 Policy of the same name.

3.5.3 It is assumed that the fees for discretionary visits and for issue of VAT-letters will be reviewed and revised periodically through the Council's established process for setting fees and charges rather than being delegated to the Assistant Director Housing and Social Care Commissioning. These are straightforward matters and judged not to require the underpinning analysis necessary for enforcement charges.

## **4.0 Conclusion and Reasons for Recommendations**

### **4.1 HMO licence fees**

4.1.1 Revision of the Council's HMO fees is required as a consequence of legal rulings with which the Council must 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.

4.1.2 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 revision reflects a reapportioning 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.

### **4.2 Revised charges for notices and orders**

4.2.1 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 *Housing Act 2004*.

#### **4.3 Charges for advisory visits**

4.3.1 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.

#### **4.4 Charge for VAT-exemption letters**

4.4.1 It is judged appropriate for the Council to charge a 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.

#### **4.5 Setting of future enforcement fees**

4.5.1 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 necessary if challenged or appealed. The proposed delegation of recoverable costs is reflected in the proposed *Recovery of Costs Policy 2019* 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.

### **5.0 Consultation**

None

### **6.0 Alternative Options and Reasons for Rejection**

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

#### **In connection with HMO licence fees:**

Option 1: Failure to revise the HMO licence fees to split the charge associated 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.

Option 2: The Executive could opt not to set different licence fees for compliant and non-compliant applicants. That 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.

**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 Council at risk of challenge that its charges were arbitrary rather than being soundly based.

**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.

**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.

**In connection with Setting of future HMO licence fees and 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.

## 7.0 Implications

### Financial and Resource Implications

- 7.1 The proposed changes to the HMO Licence Fee structure will be broadly neutral in terms of income, as set out in *Appendix 4*. No additional resource costs are envisaged.
- 7.2 The income generated from increasing the recoverable costs associated with the issuing of certain Enforcement notices is likely to be modest as it will depend upon the number of non-compliant landlords and premises. In the financial year 2018-19, charges were raised for notices/orders served in relation to two premises. These low numbers reflect the fact that the great majority of landlords respond positively to informal interventions for which no charge is levied. The prospect of incurring a charge provides an incentive for landlords to take action before a formal notice is issued and an increase in the charge can reasonably be expected to add to that incentive<sup>4</sup>.
- 7.3 The proposed discretionary-visit fees and VAT-letter fees will contribute to the relevant Housing Revenue budget. The income generated will clearly depend upon

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<sup>4</sup> Providing landlords with the opportunity to respond to informal enforcement in the first instance (except in the most serious cases or when they have a history of non-compliance) accords with the approach specified in the Council's *Enforcement Policy 2015*.

the number of landlords choosing to use the service but is likely to be modest. At this introductory stage it is envisaged that income of £1k-£1.5k will be raised.

Comments checked by:

Kelly Wheeler, Business Partner, 01295 221570 [Kelly.wheeler@cherwell-dc.gov.uk](mailto:Kelly.wheeler@cherwell-dc.gov.uk)

### **Legal Implications**

- 7.4 The Council needs to revise its HMO licence fees to ensure it is compliant with recent legal rulings. The proposed changes mean that the administrative and enforcement elements of the licencing regime are appropriately identified in the fee structure and appropriately meet the requirements. The manner in which the various fees have been calculated is also compliant with the requirements in the *Housing Act 2004*.
- 7.5 The proposals for recoverable costs are compliant with the requirements in the *Housing Act 2004* and raise no issue.
- 7.6 Charging for discretionary inspections and advice and for the issue of VAT exemption letters is a legitimate approach and raises no legal issues for the Council.
- 7.7 The delegation of the setting of future HMO licence fees and the future setting of recoverable costs associated with the issue of relevant notices/orders under the Housing Act 2004 and with works-in-default, raises no legal issues and is an appropriate means of ensuring that these fees/costs can be regularly reviewed and revised as necessary.
- 7.8 The proposed Recovery of Costs Policy 2019 is an update of an existing policy, which it will replace if adopted, and raises no legal issues.

Comments checked by:

Chris Mace, Solicitor, 01295 221808 [christopher.mace@Cherwell-DC.gov.uk](mailto:christopher.mace@Cherwell-DC.gov.uk)

## **8.0 Decision Information**

### **Key Decision**

**Financial Threshold Met: No**

**Community Impact Threshold Met: No**

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

Housing That Meets Your Needs - raising standards in rented housing.



## Lead Councillor

Councillor John Donaldson, Lead Member for Housing

## Document Information

Appendix No	Title
1	Additional information about Stage-1 and 2 fees
2	Licence fee benchmarking
3	Licence fee SWOT analysis
4	Projected income
5	Benchmarking of charges for notices and orders
6	Recovery of Costs Policy 2019
<b>Background Papers</b>	
None	
<b>Reference Papers</b>	
HMO Licensing Policy 2018 Recovery of Costs Policy 2012	
<b>Report Author</b>	Tim Mills, Housing Development and Standards Manager
<b>Contact Information</b>	01295 221655, tim.mills@cherwell-dc.gov.uk

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## Additional information about HMO Licence Stage-1 and 2 fees

### 1. Stage 1 fee

This fee covers the average costs incurred by the council from processing the application. We have taken this to mean from the point of receiving the application up-to and including issuing the decision notice (which may be a decision to grant, or decision to refuse to grant), and includes:

- Data entry and validation of application form, including time spent requesting additional/missing information and background checks, and associated overheads
- Arranging and conducting an initial inspection (required to assess suitability for use as an HMO, and hence whether to grant or refuse to grant the licence), including travel costs
- Preparing and serving licences (notices of intention and decision to grant or refuse to grant) including drafting of licence conditions, reviewing and responding to representations and senior officer review

#### 1.1 Stage 1 fee – new applications

The stage 1 fee for new applications reflects the average time and costs required to process a new HMO licence from receipt of application to us issuing decision notices. This application fee will be non-refundable if applicants are unsuccessful as we will have already expended resources on considering the application.

#### 1.2 Stage 1 fee – renewal applications

The stage 1 fee for renewal applications reflects the average time and costs required to process renewals of HMO licences. The fee for renewing is lower than for new applications primarily because the administrative burden is lower as generally much of the information on the application form is the same as that already held in the system. Additionally, renewal inspections tend to be quicker to complete than initial surveys as we generally already hold accurate plans and typically fewer issues are found.

### 2 Stage 2 fee

This covers all other costs incurred by the council in running the scheme, including:

- Processing the Stage 2 fee
- Ongoing administrative work over the life of the licence, e.g. requesting and recording certificates, updating contact information, processing representations, variations, revocations etc., plus associated overheads
- Ongoing monitoring and review of licence holder compliance and property condition
- Identification and enforcement of unlicensed HMOs. This is regarded as being of benefit for licence holders to avoid unlicensed operators undercutting those with licences.
- Time spent setting-up and running the scheme, including creating and maintaining the application forms and other administrative costs and associated overheads

#### 2.1 Category A – higher-rate new application stage 2 fee

The higher-rate new application fee will be charged whenever:

- an HMO has been found by us to be operating without a licence; and/or
- an application is received for an HMO which evidence shows has been unlicensed for six weeks or more; or
- the 'standard new application' stage 2 fee is not paid within 14 days.

The higher-rate stage 2 fee for new applications reflects the additional officer time and enforcement interventions required when dealing with non-compliant landlords. Dealing with non-compliant landlords and properties can be extremely time-consuming and necessitate longer initial visits, longer and more frequent compliance inspections, plus the added time spent requesting and following-up requests for documents and information. This fee also serves as a punitive weighting to cover the scheme's wider enforcement costs and also

rebalancing the fact that these landlords may have been avoiding licensing and other regulatory responsibilities.

The decision to impose the higher-rate fee will be taken at the point of issuing the Notice of Intention to Grant the Licence, as part of the wider “fit and proper” decision. The only exception being that this higher-rate fee will automatically become due in cases where the ‘standard new application’ fee had been charged but has not been paid within 14 days. This is to encourage prompt payment and covers the additional time and resources required to follow-up failures to pay.

## **2.2 Category B – Standard new application stage 2 fee**

The standard new application fee will be chargeable when:

- an application is made within 6 weeks of the property being purchased or becoming an HMO; and/or
- a landlord fails to renew their previous licence before expiry (but applies within 6 weeks of expiry); or
- there is a change of licence holder for a currently held licence.

The standard new application stage 2 fee reflects the average time and costs of issuing a new licence for up to five years for a compliant landlord and HMO. The fee including two revisits to check compliance plus the ongoing administration and review of the licence. First-time licences often require structural work to be done in order to comply with our standards, and hence are more likely to incur representations, and require more re-inspections compared with subsequent (renewal) licences.

Officers may request evidence that the HMO became licensable within the last 6 weeks. If this evidence cannot be provided, or is unsatisfactory, the higher-rate fee will be charged. Similarly, if the stage 2 fee is not paid within time, the higher-rate becomes due.

## **2.3 Category C – Higher-rate renewal stage 2 fee**

The higher-rate renewal application fee will be chargeable when:

- the licence is renewed before expiry by the same licence holder; and
- we have concerns about the management and/or condition of the property which requires additional enforcement intervention/oversight; or
- the ‘standard renewal application’ stage 2 fee is not paid within 14 days.

The higher-rate renewal stage 2 fee reflects the additional officer time and enforcement interventions required when dealing with non-compliant landlords. This includes the need for longer initial and compliance inspections, the added time spent requesting and following-up documents and information, plus a punitive weighting to cover wider enforcement costs.

The stage 2 renewal fee will generally be determined following the renewal inspection. The decision forms part of the wider “fit and proper” decision, and will be taken prior to issuing the Notice of Intention to Grant the Licence. When making these decisions, officers will have regard to the property condition, compliance with licence conditions and HMO Regulations, recent enforcement interventions, as well as the licence holder’s wider compliance history.

The only exception to this is that this higher-rate fee will automatically become due in cases where the ‘standard new application’ fee had been charged but has not been paid within 14 days.

## **2.4 Category D – Standard renewal stage 2 fee**

The standard licence renewal fee will be chargeable for licences when:

- an application for a licence is made valid prior to the existing licence expiring; and
- we do not have concerns about the condition and management of the property.

The stage 2 fee reflects the average time and costs of issuing a renewal licence to a compliant landlord for up to five years. This fee includes up to two visits to check compliance over the lifetime of the licence plus ongoing administration and review e.g. updating of certificates and contact details, and a small contribution to the wider scheme costs.

The stage 2 renewal fee will generally be determined following the renewal inspection. The standard renewal fee will be charged where landlords are compliant, conditions have been complied with, and the HMO is in good repair and well managed. It is anticipated that the standard renewal fee will be applied in the majority of cases.

### **3. Payment of fees**

#### **3.1 Stage 1 fee**

The Stage 1 fees will be paid at the point of completing the application. In most cases, this will be via the website where the fee will be calculated automatically and paid at point of submitting the form.

Landlords who apply via paper application will have the option to pay the same fee by cheque, card or BACS. These options will also be available for stage 2 payments.

#### **3.2 Stage 2 fee**

The Stage 2 fee becomes payable once the decision to issue the licence has been made. This decision will generally be communicated to the applicant by email. There are two approaches being utilised by Local Authorities to secure payment:

##### *Option 1 – issue invoice for payment with the draft licence*

An invoice/request for payment is sent with (or shortly after) the Notice of Intention to Grant a licence is served. If the fee is not paid within a prescribed period (e.g. 14 days to align with the end of the representation period), we can consider the application has not been 'duly made', and we do not proceed to issue the final licence. A reminder could be sent at the end of the 14 days to advise that the fee has gone up to the higher-rate and giving a further 7-14 days to make payment, before the application is withdrawn.

##### *Option 2 – issue invoice for payment with final licence*

An invoice for payment is sent with (or shortly after) the Notice of Decision to Grant (final licence), and a condition requiring payment within 14 days is included in the licence. Non-payment on the remaining fee becomes a breach of licence condition which is enforceable as a civil penalty, prosecution, or licence revocation.

We propose to utilise **Option 1**. An invoice will be sent with the Intention Notice giving 14 days for payment to be made. This meshes well with the existing process and in the majority of cases is not anticipated to add significant delays to the licensing process. This timing also allows us to charge a higher fee if after completing the initial inspection we have concerns about the property management for example we have to add conditions relating to fire safety. This allows us to undertake targeted enforcement and cost recovery.

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**HMO Licence fee benchmarking against other local authorities**

HMO licence fees charged by other local authorities:

Local Authority	New HMO licence fees			Renewal HMO licence fees			Duration /description (Pro-rata for 5 years)
	Stage 1	Stage 2	Total	Stage 1	Stage 2	Total	
<b>Oxford City Council</b> (operate mandatory and additional HMO licensing)	£1,100	£840	£1940	£260	£215	£475	High rate annual (£3840) <sup>1</sup>
	£305	£220	£525	£190	£60	£250	Standard rate annual (£1525) <sup>2</sup>
	-	-	-	£190	£85	£275	2-year renewal (£1075) <sup>3</sup>
	-	-	-	£190	£205	£395	5-year renewal
<b>West Oxford District Council</b>	£262	£358	£620	-	-	-	3 years (£1033)
<b>South &amp; Vale District Councils</b>	£410	£310	£720	-	-	£510	5 years <sup>4</sup>
<b>Warwick District Council</b>	£832 to £1275 depending on number of occupants			£616 to £936 depending on number of occupants			5 years Extra fees and discounts apply <sup>5</sup>
<b>Bristol City Council</b>	£468	£952	£1420	£363	£737	£1100	5 years. Extra fees and discounts apply <sup>6</sup>
<b>Bath &amp; North-East Somerset Council</b>	£500	£295	£795	£500	£195	£695	5 years. Discounts apply <sup>7</sup>
<b>Birmingham City Council</b>	-	-	£1150	-	-	£850	1 or 5 years. Extra fees and discounts apply <sup>8</sup>
<b>Eastleigh Borough Council</b>	£615	£285	£900	-	-	-	5 years. Extra fees and discounts apply <sup>9</sup>

<sup>1</sup> Pro-rata fee calculated assuming higher-rate new plus 4 higher-rate renewals

<sup>2</sup> Pro-rata fee calculated assuming standard new plus 4 standard renewals

<sup>3</sup> Pro-rata fee calculated assuming standard new plus 2 two-year renewals

<sup>4</sup> South and Vale’s licence fee covers one interim inspection, and they charge £150 for additional inspections requested by landlord.

<sup>5</sup> Warwick apply discounts for landlords making multiple applications. Extra administrative charges include: £53 for repeated requests for missing documents; £159 unlicensed HMO finder’s fee.

<sup>6</sup> Bristol charge extra £50 per household when more than 5 households; extra £100 if found unlicensed; £150 discount for providing certificates promptly.

<sup>7</sup> BANES offer £50 discount for entirely electronic (and correct) applications. £25 charge for missed inspections.

<sup>8</sup> Birmingham offer £150-£300 discounts for accredited landlords. £100 surcharge for incomplete applications. Licences issued for 5 years or 1 year if subject to enforcement action.

<sup>9</sup> Eastleigh charge for occupants over 5 up to £1150 max fee. £51.75 missed appointment fee.

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### HMO Licence fee SWOT analysis

#### Strengths

Compliant landlords pay similar or lower fees as currently and will see that we are actively seeking to punish those evading licensing and assigning the cost to them accordingly.

Provides an enforcement tool – compliant landlords pay lower fees, and still allows us to issue licences for a longer or shorter period as required.

Fee structure still straightforward and relatively easy to administer – it is simple to request payment when sending out Intention Notice.

#### Weaknesses

Additional time needed if required to raise invoices for the second-stage licence fees.

Requires additional decision-making by officers prior to issuing the licence.

May not be able to enforce payment of stage 2 fee – risk of tenants being evicted to avoid higher-rate fee.

Need to ensure timings are correct between finance (raising invoices) and issuing of notices/licence conditions – additional challenge/potential for delays.

#### Opportunities

New fee structure gives greater flexibility to use licence fees as an enforcement tool – i.e. either as a financial incentive or disincentive.

Allows us to charge a higher fee after completing renewal inspections and problems are found – allowing targeted enforcement and targeted cost recovery.

#### Threats

Non-payment of second stage fee resulting property remaining an unlicensed HMO.

Lower fees may not cover all costs if landlords which were previously compliant subsequently need enforcement over the lifetime of the licence.

Additional scrutiny and challenging of higher fee charges – likely to get more representations etc.

Additional time spent chasing stage 2 fee (but includes mechanism to promote early payment for majority of applicants).

We may be challenged on the basis that under the Housing Act 2004 section 64 the only grounds for refusal are based on the suitability of the property to be an HMO, and/or the fit and proper status of the licence holder etc. If we issue the Intention Notice, there is a question over whether we can subsequently refuse to license because they haven't paid the fee (may be covered by 63(2)/(3), may not be). This risk is low as many other authorities (including Oxford City) use a similar fee structure.

High levels of compliance by licensed landlords may result in under-funding of scheme (high expenditure on enforcement seeking small number of unlicensed HMOs).

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## Projected income

### *Projected income and proportion of fee categories*

There are currently approximately 145 licenced HMOs in the district. Each has a licence which will expire and need renewing in the next 5 years. Some of those properties will be sold and fall out of licensable HMO use, or the new owner will apply for a new licence. We are also receiving new applications for HMOs which are being created or bought.

Based on the rate of recent new applications and renewals for HMO licences, we anticipate having approximately 200 licensed HMOs in the district by March 2025. The table below summarises the projected ratios of new and renewal applications which we expect to receive over the next 5 years, together with the anticipated income under the current and proposed fee structures. The increased income from the imposition of the higher fees will be used to cover the additional resources required in enforcing those cases.

Licence fee category	Projected applications over 5-year period	Current fees	Projected income – current fees	Proposed fees	Projected income - proposed fees (anticipated compliance ratios)	Projected income if all applications at lower fee rate (i.e. 100% compliance)
A – Higher new	5	£700	£45,500	£1050	£5,250	£42,250
B – Standard new	60			£650	£39,000	
C – Higher renewal	20	£400	£54,000	£650	£13,000	£60,750
D – Standard renewal	115			£450	£51,750	
<b>Total</b>	200	-	£99,500	-	£109,000	£103,000

- Category A new application fees may be charged for HMOs found by enforcement, late payment of a Category B fee, or operating an unlicensed HMO for more than 6 weeks.
- Category B New applications fees may be charged when the HMO has been operating less than 6 weeks, changing licence holder e.g. following purchase of an existing HMO, or a late renewal of an existing HMO (within 6 weeks of expiry). Applicants must be broadly compliant and pay the stage 2 fee on time.
- Category C renewal fees may be charged for poor management, unsafe property conditions, or late payment of a Category D fee.
- Category D renewal fees will be charged for valid renewals which are broadly compliant, no fire or health and safety licence conditions, and pay the stage 2 fee on time.

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## Benchmarking of charges for notices and orders

The table below shows the fees levied by a selection of Local Authorities for taking enforcement action under Part 1 of the Housing Act 2004.

Anecdotally, most authorities do not appear to publish their enforcement fees and charges online. A Local Government Association report on private sector housing enforcement<sup>1</sup> sampled eight councils and their average notice charge in 2014 was £360.

Local Authority	Charge for Part 1 notices			Year fees and charges last reviewed
	Making IN/PO	Taking ERA	Reviewing notices	
<b>Oxford City Council</b>	£525.50	£625	£315	2019
<b>Sefton MBC</b>	£390 <sup>c</sup>	£198	£130	2019
<b>Eastleigh Borough Council</b>	£475	£475	£150	2018
<b>Southampton City Council</b>	£250-£420 <sup>a</sup>	£180	£90	2017
<b>Nottingham City Council</b>	£350		-	2017
<b>Walsall MBC</b>	£275-£375 <sup>b</sup>	£325-£375	£75	2017

<sup>a</sup> Southampton CC. charge depends on number of hazards assessed (1-4 or 5+)

<sup>b</sup> Walsall MBC charge depends on size of property (number of bedrooms)

<sup>c</sup> Sefton MBC charge £390 for the first notice and £130 for any subsequent notice (e.g. when IN & PO served together)

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## Recovery of Costs Policy 2019

### 1. Recovery of costs associated with the service of notices etc. under Part-1 Housing Act 2004

- 1.1 The *Housing Act 2004* provides for the use of certain notices and orders to deal with house-condition issues. It also allows the Council to recover certain costs incurred in association with them.
- 1.2 Although the government may set a limit on the maximum amount that can be charged it has not done so. However, local authorities are expected only to charge the reasonable costs of enforcement and should take into account the personal circumstances of the person(s) against whom the enforcement action is being taken.
- 1.3 The Council's *Housing Health & Safety Rating Scheme Policy 2012* (HHSRS Policy) sets out the circumstances in which the various notices etc. will be used and costs recovered. That policy also allows for the Head of Service<sup>1</sup> to determine whether any variation to the stated approach is appropriate.
- 1.4 Unless the Head of Service considers that there is a legitimate reason for departing from the stated policy, the Council will recover the costs associated with taking all relevant enforcement actions.
- 1.5 This 2019 Policy continues the approach set in the 2012 version that the Council will recover a specified minimum charge (for the sake of clarity) but will recover an increased amount when it is judged appropriate to do so, taking into account the time spent on the relevant activities in any particular case<sup>2</sup>. The additional charge is only likely to apply when for example, the enforcement action relates to a large, unusually complex or particularly defective premises (all of which will mean that the enforcement process takes more time).
- 1.6 The Head of Service will be responsible for determining (periodically) what the specified minimum charge will be and, in doing so, will take into account:
  - travelling costs (which may be standardised or averaged)
  - employment costs of relevant officers (which may be standardised or averaged)
  - Corporate overheads (which may be applied as a percentage addition to employment costs)
  - estimates of the time typically taken on the various relevant activities (which may be standardised or averaged)
- 1.8 The Head of Service will also specify periodically how, and in what circumstances, costs over and above the specified minimum charge will be determined.

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<sup>1</sup> Currently the Assistant Director Housing and Social Care Commissioning

<sup>2</sup> For example: original inspection, the process of hazard rating or notice & schedule preparation (in the case of Improvement Notices only)

## **2. Recovery of costs associated with work-in-default**

- 2.1 A number of the statutory notices used by the Council allow it to undertake work-in-default in the event that notice recipient(s) fail to carry out works required by those notices. The Council can then recover the costs it has incurred.
- 2.2 The Council will rely upon its *House Condition Enforcement Policy* in determining whether or not to undertake work-in-default in each particular case.
- 2.3 The Council will seek to recover all of the costs associated with undertaking work-in-default (including for example, time spent by its officers, administrative costs, contractor's costs, the cost of any specialist reports, supervisory costs etc.)
- 2.4 The Council will calculate the cost of officer time (for activities other than travel) on the basis of the actual time spent by officers on the chargeable activities and will charge that time at an appropriate hourly rate.
- 2.5 The Head of Service will be responsible for determining (periodically) what hourly rate or rates should be applied and in doing so, will take into account:
  - employment costs of relevant officers (which may be standardised or averaged)
  - Corporate overheads (which may be applied as a percentage addition to employment costs)
- 2.6 The Head of Service will also be responsible for determining (periodically) how travelling cost will be calculated and may determine that a standardised / average travelling cost should be used.
- 2.7 The Council will normally invoice the responsible person(s) for the cost of work but will in addition make the cost of work-in-default a charge on the relevant premises in all cases where the applicable legislation provides for that to be done. Accrued interest will be added to charges at an appropriate rate determined by the Council.
- 2.8 Any exceptions to this approach will be determined by the relevant Head of Service



## Cherwell District Council

### Executive

2 March 2020

<p><b>Monthly Performance, Risk and Finance Monitoring Report – January 2020</b></p>
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**Report of Executive Director: Finance and  
Head of Insight and Corporate Programmes**

This report is public

### **Purpose of report**

This report summarises the Council's Performance, Risk and Finance monitoring position as at the end of each month.

### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To note the monthly Performance, Risk and Finance Monitoring Report.

### **2.0 Introduction**

- 2.1 The Council is committed to performance, risk and budget management and reviews progress against its corporate priorities on a monthly basis.
- 2.2 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 and providing an update on the financial position.
- 2.3 The Council's performance management framework sets out the key actions, projects and programmes of work that contribute to the delivery of the 2019-20 business plan and the priorities of the Council. These measures and key performance indicators are reported on a monthly basis to highlight progress, identify areas of good performance and actions that have been taken to address underperformance or delays.
- 2.4 The Council maintains a Leadership Risk Register that is reviewed on a monthly basis. The latest available version of the risk register at the date this report is published is included in this report.
- 2.5 The Report details section is split into three parts:
  - Performance Update
  - Leadership Risk Register Update




- Finance Update

- 2.6 There are four appendices to this report:
- Appendix 1 - 2019/20 Business Plan
  - Appendix 2 - Monthly Performance Report
  - Appendix 3 - Leadership Risk Register
  - Appendix 4 - Capital

### 3.0 Report Details

#### Performance Update

- 3.1 The Council’s performance management framework sets out the key actions, projects and programmes of work that contribute to the delivery of the 2019-20 business plan (see Appendix 1) and the priorities of the Council.
- 3.2 The 2019-20 business plan set out three strategic priorities:
- Clean, Green and Safe.
  - Thriving Communities and Wellbeing.
  - District of Opportunity and Growth.
- 3.3 This report provides a summary of the Council’s performance in delivering against each strategic priority. To measure performance a ‘traffic light’ system is used. Where performance is on or ahead of target it is rated green, where performance is slightly behind the target it is rated amber. A red rating indicated performance is off target.

Colour	Symbol	Meaning for Business Plan Measures	Meaning for Key Performance Measures (KPIs)
Red		Significantly behind schedule	Worse than target by more than 10%.
Amber		Slightly behind schedule	Worse than target by up to 10%.
Green		Delivering to plan / Ahead of target	Delivering to target or ahead of it.

#### Priority: Clean, Green and Safe.

- 3.4 The Council is committed to protecting the natural environment and ensuring the character of the district is preserved and enhanced. Our commitment included working to ensure the district has high standards of environmental cleanliness and greater waste and recycling services. Maintaining the district as a low crime area is another key part of this priority and the Council is committed to working in partnership to deliver against this objective.
- 3.5 Overview of our performance against this strategic priority:

**Protect the Built Heritage** is reporting Amber for January and Year to date. The Conservation team continue to work closely with Development Management on cases of heritage interest. The Conservation Area Appraisal programme is ongoing.

Nine Conservation Area Appraisals are in progress. Seven have been subject to public consultation. A further two are being drafted. A number of heritage guidance notes are also being prepared. The Team intend to complete as many as possible by the end of March while maintaining its service to Development Management.

### **Working with the community to reduce anti-social behavior.**

The team continues to carry out District Wide Engagements and during January they have, amongst other things, caught fly tippers red handed, youths riding motorbikes without helmets, people littering and advised on locations where vehicles/furniture have been dumped. A wooded area where alleged grooming was taking place has been identified and visited. We have also interacted with both licensed and suspected unlicensed Scrap Metal Collectors. Also, successful community engagement efforts continue, with many village residents joining the team's Facebook page and with invitations to be featured in the 'Three Parishes Newsletter' and to attend Village Meetings and Coffee Mornings been received by the team in the last month.



**% Waste Recycled & Composted** is reporting Red for January and Amber for Year to Date, this is expected at this time of year. Recycling rate is up by just over 1% on this time last year which will give an end of year recycling rate of approximately 55.3%.

### Priority: Thriving Communities and Wellbeing

- 3.6 The Council is committed to supporting our communities to thrive and to promoting the wellbeing of our residents. This priority includes supporting health and wellbeing, improving leisure facilities and delivering leisure activities and working in partnership with voluntary organisations to deliver services in a manner that safeguards children, young people and vulnerable adults. Another key aspect of this priority is preventing homelessness, the delivery of affordable housing and improving the condition of residential properties.

Overview of our performance against this strategic priority:

**% of Council Tax collected, increase Council Tax Base** is reporting Amber for January and Green for Year to Date. The amount of Council Tax collected has increased by nearly £2.4m since April 2019, bringing the total amount that needs to be collected to nearly £105m, this is mainly down to new builds as well as a review on exemptions and student discounts to ensure customers are still entitled to the reduction they are claiming.

The amount of money due to be collected in February and March 2020 equates to more than £5.6m which is 5.4% of the total collection rates.

As more and more customers opt to pay over 12 monthly instalments meaning that collection rates fall throughout the year and start to increase again in February and March.



Whilst the team is still proactively chasing debt by issuing all reminders, finals and following up with outbound calls during the day and evening for overdue arrangements they are unable to chase amounts that aren't yet due and therefore have been unable to meet the cumulative collection rates.

In month collection has dropped slightly with the number of direct debit recalls increasing which is common at this time of the year.



**Homes improved through enforcement action** is reporting Green for January and Year to Date, with 16 homes improved during January, including 5 where energy efficiency works were undertaken in response to proactive Minimum Energy Efficiency Standards (MEES) interventions.

**Enhanced Community Resilience and Emergency Planning.** We continue to work with Oxfordshire County Council's Emergency Planning Team and liaise with partners to prepare for any potential incidents. Also, a major flood Thames Valley exercise is being planned for May which will be preceded by local exercises of the planned response to specific flood risks. This will include a Cherwell exercise. Thames Valley level activity this month have included reception centre awareness training and safety advisory group training.



**New and improve Community centres.** The Sunshine Centre extension was officially opened on 17th January, providing a new community room and training facility for the community & voluntary sector to use. Also, the Hill sport & community facility was officially opened on 27th January providing a new community building for the town. The facility



will be working with a variety of partners, voluntary organisations and stakeholders to deliver activities, opportunities and support for the local community, which sits in a Brighter futures ward in Banbury. The new programme of activity will work to improve health & wellbeing outcomes and it will provide opportunities to strengthen the community and support community safety.

Priority: District of Opportunity and Growth

3.8 The Council is committed to developing the local economy, promoting inward investment and delivering sustainable growth. This priority also contributes towards making great places to live, work, visit and invest through economic development and working in partnership to deliver strategic transport infrastructure projects.

3.9 Overview of our performance against this strategic priority:

**Deliver the Local Plan** is reporting Amber for January and Year to Date. The Planning Policy Team will report to Members on proposed modifications to the Plan and the outcome of public consultation on 24 February. Council officers continue to assist the central Oxfordshire Plan team with its evidence gathering and consideration

of Issues and Options as required. Work on the district wide Local Plan Review will progress following the Partial Review.

**Promoting the District as a tourist destination.** The Rallye MonteCarlo Historique was back in Banbury one more time on the 30 January. It was a successful and well attended event, a great boost to winter trade for the town centre hospitality venues.



**Developing the Cherwell Industrial Strategy.** A Business workshop was held in Banbury on 23<sup>rd</sup> January 2020; 36 senior business leaders attended, and the event was considered both worthwhile and a success by those who attended. A draft strategy will be available for consultation during the Summer of 2020.

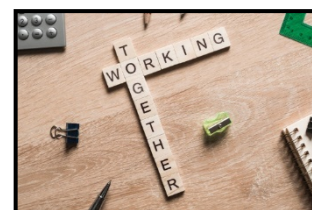
### Summary of Performance

- 3.10 The Council reports on performance against 21 business plan measures monthly and 17 key performance indicators on a monthly basis. The full details, including commentary against each measure and key performance indicator can be found in Appendix 2.

Business Plan Measures and Key Performance Indicators (36)					
Status	Description	January	%	YTD	%
Green	On target	32	89%	32	89%
Amber	Slightly off target	3	8%	4	11%
Red	Off target	1	3%	0	0%

### 3.11 Spotlight on: Customer and Service Development – The Oxfordshire and Cherwell Partnership

The Partnership Working Programme between Cherwell District Council and Oxfordshire County Council has been developed to build opportunities to work together, to deliver efficiencies and aims to provide the best services to our residents delivered in a seamless way.



Progress is being made in projects across a number of different service areas and there are several shared or joint posts that are now established between the two councils. This includes the senior leadership team and many support or back office services, such as Human Resources and Communication. These joint working initiatives help us save money and be more efficient, but we also have a series of pilot projects in place that are aimed at improving services for local people. The paragraphs below give an overview of some of the projects underway.

**Housing and Commissioning** - There is an ongoing commitment between Adult Social Care and Housing to work closely together, a number of activities are underway:

- A housing providers event was held in November to market our position on Extra-Care Housing.
- An Extra-Care Housing Panel was relaunched to assist the Adult Social Care team in better accessing Extra-Care Housing across the county.

- All districts and the city now contribute to a pooled budget for the commissioning of new services in relation to Young People's Accommodation Services – new contracts due to start in October 2020.
- A county wide homelessness strategy is being developed which will inform the recommissioning of the Adults Homeless Pathway.
- A joint CDC/OCC protocol for assisting potential foster carers and family/friends ('kinship') carers to move to more suitable accommodation is in place.
- A joint Keyworker Accommodation Guide has been produced to support workers in essential services (e.g. care and health) who are struggling to find affordable accommodation in Oxfordshire.
- One commissioning process is being run across OCC/CDC for the provision of Debt and Money Advice Services.
- In December OCC delegated powers to enable CDC to carry out enforcement of Energy Performance Certificate (EPC), which can be used to improve the standard of housing in the private rented sector.
- Work is underway between Housing at CDC and Adult Social Care at OCC to identify how we could locate and reach a higher number of older and disabled people living in poor quality or cold homes in the County.



**Regulatory Services** - Our trading standards and environmental health services now have a single shared manager working across both the county and district councils. The development of the service is well underway with activities such as:

- The procurement of a single IT system across the councils, which will save both councils money and should provide more efficient support to local businesses.
- A new joint approach to inspections of petroleum storage facilities has been implemented.
- A single business support policy has been developed, aligning the approach the councils take to providing free and charged for business support.
- A joint management team is now in place for the regulatory services group across both councils.

**Health and Wellbeing Pilot** - A joint working project is being led by the Director of Public Health with a focus in Cherwell with lessons to be shared across the rest of the county. The project will help increase access to services and opportunities for local people to make healthy choices focused on the prevention of longer-term health issues. This project links up with the work Cherwell has led with regards to Health Place Shaping (Cherwell's Healthy Place Shaping work in Bicester is highly regarded), all about working to build communities that have access to healthy lifestyle choices and services ensuring that people stay healthy and well for as long as possible.



There are many more partnership opportunities to explore and during the coming months we will also be focusing on improving how we are working together on waste management and climate change, planning, and services such as property and facilities management.

Exciting and busy times ahead, as the joint working programme continues to pick up pace, we will make sure to provide you with regular updates, so you know where we are up to and what's coming next.

## Risk Update

- 3.12 The Council maintains a Leadership Risk Register that is reviewed on a monthly basis. The latest available version of the risk register at the date this report is published is included in this report.
- 3.13 The heat map below shows the overall position of all risks contained within the Leadership Risk Register.

Risk Scorecard – Residual Risks						
		Probability				
		1 - Remote	2 - Unlikely	3 - Possible	4 - Probable	5 - Highly Probable
Impact	5 - Catastrophic			L09		
	4 - Major			L01, L04, L07, L08, L10, L11, L12 & L18		
	3 - Moderate		L16	L02, L05, & L14	L15	
	2 - Minor		L17			
	1 - Insignificant					

- 3.14 The table below provides an overview of changes made to the Leadership Risk Register during the past month. Any significant changes since the publication of the report will be reported verbally at the meeting.

Leadership Risk	Score	Direction	Latest Update
<b>L01</b> Financial Resilience	12 Medium risk	↔	Risk reviewed 11/02 – Comments Updated.
<b>L02</b> Statutory functions	9 Low risk	↔	Risk Reviewed 10/02 – No changes.
<b>L04</b> CDC Local Plan	12 Medium risk	↔	Risk Reviewed 04/02 – No changes.
<b>L05</b> Business Continuity	9 Low risk	↔	Risk Reviewed 06/02 – Risk owner and comments updated.
<b>L07</b> Emergency Planning	12 Medium risk	↔	Risk Reviewed 06/02 – Risk owner and comments updated.
<b>L08</b> Health & Safety	16 High risk	↔	Risk Reviewed 03/02 – Controls, control assessment and mitigating actions and commentary updated.
<b>L09</b> Cyber Security	15 Medium risk	↔	Risk Reviewed 03/02 – Controls and mitigating actions updated.
<b>L10</b> Safeguarding the Vulnerable	12 Medium risk	↔	Risk Reviewed 17/02 – Risk Manager updated.
<b>L11</b> Sustainability of Council owned companies and delivery of planned financial and other objectives.	12 Medium risk	↔	Risk Reviewed 11/02 – Risk Manager updated.
<b>L12</b> Financial sustainability of third-party suppliers including contractors and other partners	8 Low risk	↑	Risk Reviewed 05/02 – Residual Risk score increased from 8 to 12 and comments updated.
<b>L14</b> Corporate Governance	9 Low risk	↔	Risk Reviewed 10/02 – No changes
<b>L15</b> Oxfordshire Growth Deal	12 Medium risk	↔	Risk Reviewed 05/02 – Comments updated.
<b>L16</b> Joint Working – New Risk	6 Low risk	↔	Risk Reviewed 10/02 – Comments updated.
<b>L17</b> Separation – New Risk	4 low risk	↔	Risk Reviewed 18/02 – Comments updated.
<b>L18</b> Workforce Strategy	12 Medium risk	↔	Risk Reviewed 10/02 – No changes.

During January the leadership risk had one score change, L12 Financial sustainability of third party suppliers including contractors and other partners from 8 to 12. For details please go to Appendix 3 Leadership Risk Register.

### 3.15 Finance Update (Revenue and Capital)

### 3.16 Revenue Position

The Council's forecast financial position up to the end of January, is set out in the table below following a review across the Council's service areas. Overall, for the financial year 2019/20 Cherwell District Council is projecting an overspend of £710k across the directorates, which has increased from £536k at the end of December. The movement during the month is being explored by the relevant Directors to understand the underlying implications, what options might be available and any potential benefit not only for the current year but also the medium term. Across all directorates, managers are exploring all possible mitigation action available, to ensure that as far as possible, the medium and longer term impacts of the overspending is removed. The Council continues to benefit from beneficial interest rates earlier in the year which generated a one-off underspend of £1.84m, which has slightly reduced from last month, resulting in an overall underspend of £1.1m for the Council.

For more detail on the movements across all budgets please see the table below showing the main reasons for the variances in 2019/20.

Revenue Monitoring <i>(Brackets denotes an Underspend)</i>	Budget £000	Forecast £000	Current Month Variances £000	Prior Month Variances £000
Communities	1,689	1,659	(30)	(25)
Leisure & Sport	791	851	60	50
Housing	2,047	1,937	(110)	(120)
Environmental Services	4,648	5,311	663	566
Environmental Health & Licensing	1,364	1,174	(190)	(160)
<b>WELLBEING TOTAL</b>	<b>10,539</b>	<b>10,932</b>	<b>393</b>	<b>311</b>
<p><b>Communities: (£30k) underspend.</b> The underspend is made up of small savings across the department, of which £10k relates to the Health bus, which is being provided in a more cost-effective way in the future.</p> <p><b>Leisure &amp; Sport: £60k overspend.</b> As per last month the overspend is attributable to the FAST programme where insufficient expenditure budget was built in for this financial year. This has been corrected for 20/21. There has been savings across the department to mitigate this however due to an unexpected fault with the biomass heater, we are expecting to incur repair costs and also receive less RHI income (renewable heat incentive) as a consequence. In January Lifecycle costs for the sports equipment at the Leisure centres have also anticipated to be higher. These costs are based on estimates over a 25 year contract, of which we are currently in year 10. The Leisure team work closely with the contractor to identify income generating opportunities to mitigate fluctuations in future years.</p> <p><b>Housing: (£110k) underspend.</b> The underspend is a combination of salary savings due to vacancies and savings against the Cherwell Bond Scheme due to a low level of claims made. Also contributing to the overall underspend is higher than anticipated fee income as a subsequent result of administering Disabled Facilities grants and Discretionary grants.</p>				



**Environmental Services: £663k overspend.** Which has increased by £100k during December, across agency, overtime and gate fees. The Director is exploring the full implications of this increased overspend and what action can be taken. **£416k** Agency Staff, Overtime - an additional £64k from December in overtime and agency costs over budgeted levels during the Christmas and New Year holiday period, **£35k** reduction in recycling credit and materials income, **£23k** Bulking & Haulage charge tonnage increase, **£120k** Gate Fees - an additional £44k from December due to an unexpected £16 per tonne increase (by the third party waste facility outside the Council's direct control) for the last quarter, **£52k** increase in business waste tonnage but reduction in anticipated income, **(£133k)** Additional income for street scene repairs, S106 & Grants for Country Park, **£29k** Increase in Management Fees & Reduction in Car Park Income, **£37k** Increase in National Domestic Rates & Business Improvement District charges, **£50k** increase in contractor costs - Oxfordshire Waste & Recycling Partnership Contribution, Refuse Disposal Charge & Waste Analysis by Oxfordshire County Council, **£34k** landfill diversion budget issue and other small overspends

**Environmental Health & Licensing: (£190k) underspend.** The underspend relates to salary savings due to changes in structures and vacancies. In addition, higher than anticipated discretionary income has been generated.

Planning & Development	1,313	1,793	480	335
Economy & Regeneration	1,892	1,862	(30)	(30)
Build! Programme	(345)	(285)	60	60
<b>PLACE &amp; GROWTH TOTAL</b>	<b>2,860</b>	<b>3,370</b>	<b>510</b>	<b>365</b>

**Planning & Development: £480k overspend.** Which has increased by £135k during December from a combination of additional staffing costs and lower levels of planning fee income. The Director is exploring the full implications of this increased overspend and what action can be taken. This overspend is made up of £135k in Building Control due to agency staff & under recovery of income, £480k in Development Management due to under recovery of income and additional budgeted costs related to the anticipated appeals and staffing costs of £120k (an increase of £40k from last month). Professional Fees are now forecasting £46k less savings this month compared to last but still within budget. In addition, continued lower activity levels for Planning Application income have resulted in a £48k variance to last month. This will be reviewed. This is offset in part by savings of £257k of mostly Consultancy costs in Planning Policy and Local Development Framework.

**Economy & Regeneration: (£30k) underspend** mainly as a result of long-term vacancies within the Economic Growth team

**Build! Programme: £60k overspend.** The overspend mainly lies within the Affordable Rents sector due to expenditure not budgeted. The budget has been corrected for 20/21. Also, within Shared Ownership there is an under recovery of income due to a delay in the opening of Hope Close.

Finance	3,143	3,171	28	41
Property	(950)	(1,134)	(184)	(175)
<b>Finance Total</b>	<b>2,193</b>	<b>2,037</b>	<b>(156)</b>	<b>(134)</b>

**Finance £28k: £128k** overspend due to external audit fee, recruitment costs and contractor fees, **(£100k)** underspend in Revs & Bens due to Universal Credit Introduction

**Property: (£184k) underspend** on a variety of functions, such as security, maintenance and vacancies.

**Note:** additional income for Tramway and Castle Quay ringfenced directly to reserves due to uncertainty at this stage.

Law & Governance	1,387	1,387	-	-
<b>Law &amp; Governance Total</b>	<b>1,387</b>	<b>1,387</b>	<b>0</b>	<b>0</b>

**Law & Governance:** - Overspend in District Elections but reserve can be drawn upon to cover this.

Customers & IT services	1,903	1,861	(42)	-
Strategic Marketing & Communications	391	350	(41)	(24)
HR, OD & Payroll	730	742	12	-
Performance & Transformation	457	491	34	18
Corporate Services	106	106	-	-
<b>CUSTOMERS &amp; IT SERVICES TOTAL</b>	<b>3,587</b>	<b>3,550</b>	<b>(37)</b>	<b>(6)</b>

**Customers and IT services:** Underspend in IT as invoice posted last year but recharges took place this year. Overspends in L and D (12K) and Land Charges (mainly income under recovery) are offset by underspends in Comms (reduced salary costs)

<b>TOTAL DIRECTORATES</b>	<b>20,566</b>	<b>21,276</b>	<b>710</b>	<b>536</b>
Interest Costs	2,705	2,012	(693)	(692)
Interest Receivable	(563)	(745)	(182)	(165)
Interest from Graven Hill	(2,593)	(3,557)	(964)	(990)
Pension Costs	237	237	-	-
Appropriations for Transfer to Reserves	4,402	4,402	-	-
Appropriations for Transfer from Reserve	(3,543)	(3,543)	-	-
Capital Charges	1,500	1,500	-	-
<b>EXECUTIVE MATTERS TOTAL</b>	<b>2,145</b>	<b>306</b>	<b>(1,839)</b>	<b>(1,847)</b>

**Interest Costs - (£692k)** Lower than expected balance b/f, slippage on capital programme, and lower rates than budgeted.

**Interest Receivable: (£165k)** due to new loan given to Crown House.

**Treasury Management - active management resulted in beneficial interest rates and slower levels of borrowing significantly improving forecasted position.**

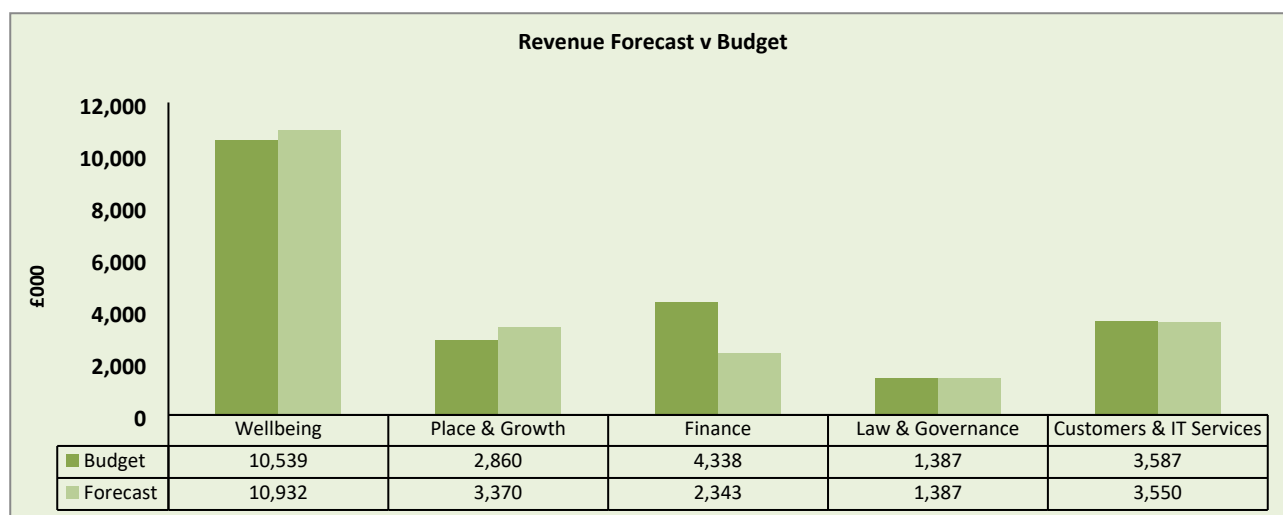
**Interest from Graven Hill - (£990k)** Higher than expected balances b/f, small increase in interest rate +Additional £220k Bond Fee income

<b>COST OF SERVICES</b>	<b>22,711</b>	<b>21,582</b>	<b>(1,129)</b>	<b>(1,311)</b>
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Funding (Brackets denotes an Underspend)	Budget £000	Forecast £000	Current Month Variances £000	Prior Month Variances £000
Business Rates Retention	(10,760)	(10,760)	-	-
Revenue Support Grant	(114)	(114)	-	-
Transfer to parish Councils for CTRS	349	349	-	-
Transition Grant	0	0	-	-
<b>FORMULA GRANT EQUIVALENT</b>	<b>(10,525)</b>	<b>(10,525)</b>	<b>-</b>	<b>-</b>
New Homes Bonus	(5,087)	(5,087)	-	-
<b>GRANTS AWARDED TOTAL</b>	<b>(5,087)</b>	<b>(5,087)</b>	<b>-</b>	<b>-</b>
Council Tax	(6,923)	(6,923)	-	-

Collection Fund	(176)	(176)	-	-
<b>COUNCIL TAX INCOME TOTAL</b>	<b>(7,099)</b>	<b>(7,099)</b>	<b>-</b>	<b>-</b>
<b>TOTAL INCOME</b>	<b>(22,711)</b>	<b>(22,711)</b>	<b>-</b>	<b>-</b>
<b>Reserve management</b>			<b>0</b>	
<b>(Surplus)/Deficit</b>			<b>(1,129)</b>	<b>(1,311)</b>

The graph below shows the overall variance by Directorate and compares the budget to the forecast end of year position.



## Capital Programme

A summary of the capital programme is set out in the table below. The detailed Capital programme is shown in the appendices to this report.

The budget for 2019/20 is £93m. Overall, we are projecting an underspend in year of (£239k), further detail can be found within the capital programme schedule.

Directorate	Budget £000	Forecast £000	Re- profiled beyond 2019/20 £000	Current Period Variances £000	Prior Period Variances £000
Wellbeing, Environmental & Regulatory	5,233	3,649	1,395	(189)	(141)
Place & Growth	16,545	13,615	5	4	4
Customers & Service Development	869	856	36	23	34
Finance Services	56,673	26,339	30,256	(78)	(54)
<b>Total</b>	<b>92,929</b>	<b>47,388</b>	<b>45,302</b>	<b>(239)</b>	<b>(157)</b>
<b>Current Period Variances:</b>					

**Wellbeing, Environmental & Regulatory Services: (£189k)** Budgets no longer required for Sunshine Centre (£21k) and Biomass Heating Bicester Leisure Centre (£14k). Forecast saving of (£154k) Discretionary Grants Domestic Properties.

**Finance Services: (£78k)** relating to: New E-tendering Portal for procurement no longer required (£30k), Tramway site small additional works required amounting to £15k, (£43k) Retained Land budget no longer required, (£2k) Condition works Survey works project complete. Franklins House Travelodge (£25k). £3k over on BYHP Separation. £19k over on the fairway Garage Demolition, (£5k) on Thorpe Place Industrial Units, (£4k) on Thorpe Lane Depot Tarmac and (£6k) on Thorpe Way Industrial Units.

**Customers & Service Development: £23k** relating to: HR/Payroll System. However, is it anticipated that HR revenue will be able to absorb this

### **Re-profile beyond 2019/20:**

#### **Wellbeing, Environmental & Regulatory Services:**

£30k Spiceball Leisure Centre Bridge Resurfacing is part of the CQ2 project and will roll into 20/21.

£122k Bicester Leisure Centre extension, due to prioritisation this will roll into 20/21.

£183k North Oxfordshire Academy Astroturf due to ongoing discussion with ULT and their contribution around the project, the scheme will be rolled into 20/21

£12k Physical Activities and Inequalities Insight feasibility study to commence in Q4

£542k disables facilities Grants - will roll forward what is not used as is better care fund money and can't be used for anything else.

£50k of unspent Discretionary Grant budget to be rolled into 20/21 to retain the level of budget at the agreed £200k.

£43k Solar Photovoltaic scheme to be rolled into 20/21 to set up a Climate emergency fund.

£135k Car park refurbishment to roll into 20/21. Delays with planning

£60k works to the Corporate Booking system to be slipped into 20/21

£179k Vehicle Replacement Programme to be slipped into 20/21

£18k Off road parking to be slipped into 20/21

£15k Urban City Electricity Installations to be slipped into 20/21

#### **Place & Growth:**

£1,636k Phase 1b Bicester Library plans are no longer on hold but the majority of work will take place in 20/21

£10,529k Phase 2 majority of works to commence in 20/21.

£1,450k East Western Railway work balance of capital to be rolled into 20/21

#### **Finance Services:**

£8k Bradley Arcade Roof Repairs

£253k Banbury Health Centre - Refurbishment of Ventilation, Heating & Cooling Systems

£25,798k Castle Quay 2

£3,300k Castle Quay 1

£55k Horsefair, Banbury

£250k The Mill

£106k Banbury Museum Upgrade of AHU

£141k Bodicote House Fire Compliance Works

£55k The Fairway Garage Demolition

£16k Ferriston Roof Covering

£17k Pioneer Square Fire Panel

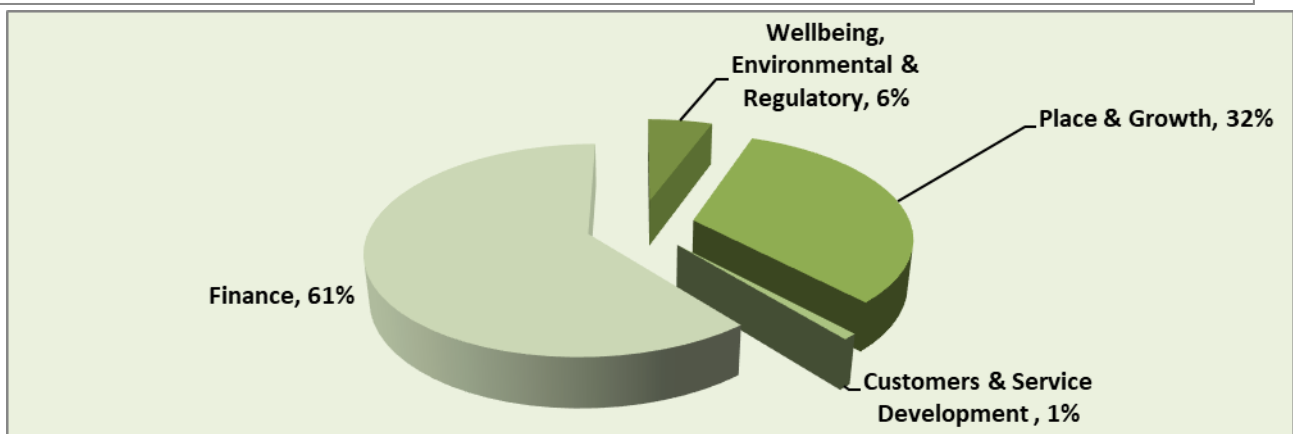
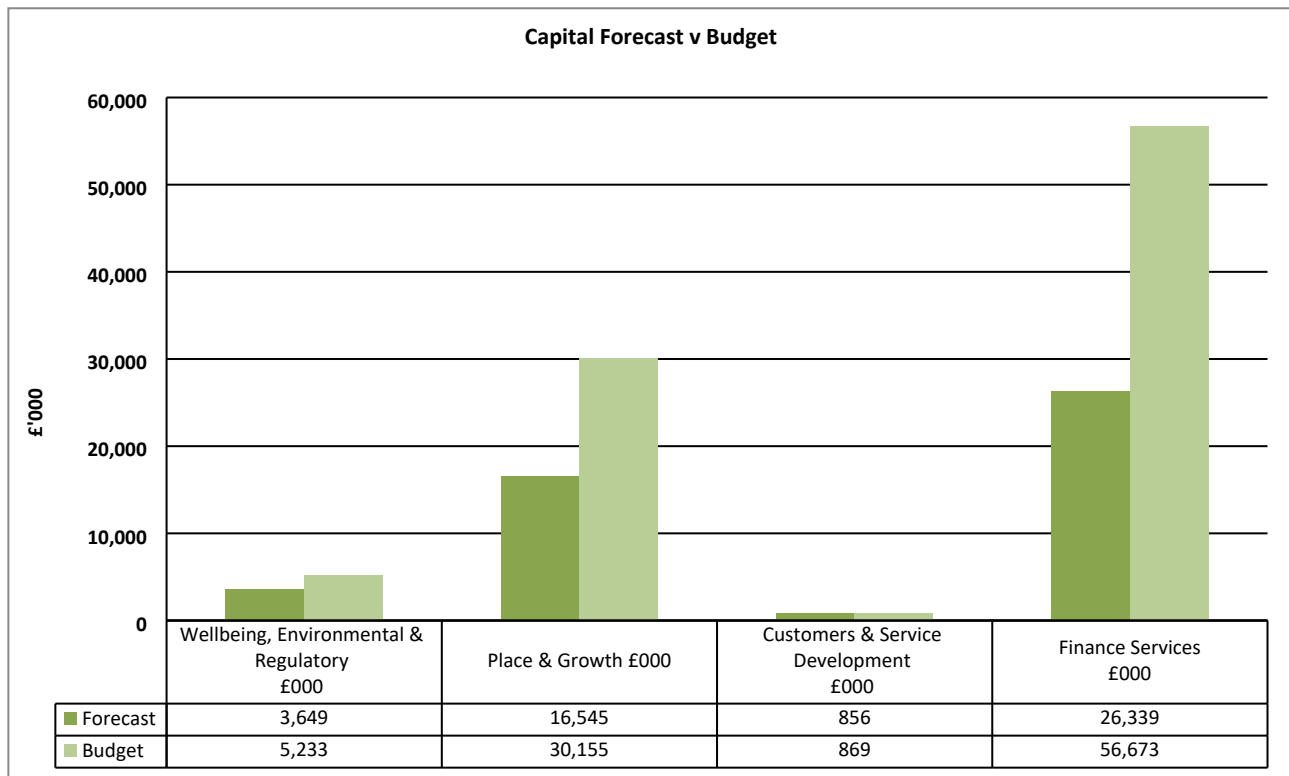
£30k Corporate Asbestos Surveys

£10k Corporate Fire Risk Assessments

£12k Corporate Reinstatement Cost Assessments

£105k Works From Compliance Surveys

£100k CDC Feasibility of utilisation of proper



## 4.0 Conclusion and Reasons for Recommendations

4.1 It is recommended that the contents of this report are noted.

## 5.0 Consultation

5.1 This report sets out performance, risk and budgetary information from the previous month and as such no formal consultation on the content or recommendations is required.

## 6.0 Alternative Options and Reasons for Rejection

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

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.

## **7.0 Implications**

### **Financial and Resource Implications**

7.1 Financial implications are detailed within section 3.15 to 3.18 of this report.

Comments checked by:

Adele Taylor, Executive Director Finance (Interim). 0300 003 0103

[Adele.taylor@cherwell-dc.gov.uk](mailto:Adele.taylor@cherwell-dc.gov.uk)

### **Legal Implications**

7.2 There are no legal implications from this report.

Comments checked by:

Nick Graham, Director Law and Governance & Monitoring Officer

[Nick.Graham@cherwell-dc.gov.uk](mailto:Nick.Graham@cherwell-dc.gov.uk)

### **Risk management**

7.3 This report contains a full update with regards to the Council's risk position at the end of the previous month. A risk management strategy is in place and the risk register has been fully reviewed.

Comments checked by:

Celia Prado-Teeling, Acting Insight Team Leader, 01295 221556,

[celia.prado-teeling@cherwell-dc.gov.uk](mailto:celia.prado-teeling@cherwell-dc.gov.uk)

## **8.0 Decision Information**

### **Key Decision**

**Financial Threshold Met: No**

**Community Impact Threshold Met: No**

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

All

### **Lead Councillors –**

Councillor Richard Mould – Lead member for Performance Management

Councillor Tony Illott – Lead member for Finance and Governance

## Document Information

Appendix No	Title
Appendix 1	2019/20 Business Plan
Appendix 2	Monthly Performance Report
Appendix 3	Leadership Risk Register
Appendix 4	Capital Report
<b>Background Papers</b>	
None	
<b>Report Author</b>	Louise Tustian – Head of Insight and Corporate Programmes
<b>Contact Information</b>	Tel: 01295 221786 <a href="mailto:Louise.tustian@cherwell-dc.gov.uk">Louise.tustian@cherwell-dc.gov.uk</a>

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# Cherwell District Council Business Plan 2019-20



DISTRICT COUNCIL  
NORTH OXFORDSHIRE



## Organisational Plan

### Operational Excellence

- Rigorous Financial Management
- Efficient and Effective Governance
- Commercial and Procurement excellence
- Continuous Improvement

### Customer Focus

- Excellent Customer Services
- Efficient and Effective Services
- Accessible services – Enabled through digitisation
- Consultation and Customer Insight

### Best Council to work for

- Employer of choice
- Employee Engagement and Wellbeing
- Culture of Learning and Development
- Sustainable relationships with key partners

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# Appendix 2 – Monthly Performance Report

## January 2020

Includes:

- Programme Measures
- Key Performance Measures (KPIs)

Key to symbols

Colour	Symbol	Meaning for Joint Business Plan Measures	Meaning for Joint Key Performance Measures (KPIs)
Red		Significantly behind schedule	Worse than target by more than 10%.
Amber		Slightly behind schedule	Worse than target by up to 10%.
Green		Delivering to plan / Ahead of target	Delivering to target or ahead of it.

CDC Programme Measures - Clean, Green and Safe

Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
CDC1.1.1 High Quality Waste & Recycling	Clr D Sames	Ed Potter Graeme Kane	Neighbourhood blitz in Hardwick Banbury successfully delivered. 900 recycling packs delivered to residents	Work to promote food waste recycling to take place in February including door knocking and promotional literature being delivered	★	Service on track with recycling rate slightly ahead of last year	★
CDC1.1.2 Ensure Clean & Tidy Streets	Clr D Sames	Ed Potter Graeme Kane	Neighbourhood blitz in Hardwick Banbury successfully completed. Additional resources committed to the area during the blitz	Preparation for the Cherwell Spring Clean/Keep Britain tidy Great Spring Clean over 200 parish councils, community groups and Community Action Groups will be contacted. Additional bags & litter picking equipment will be ordered and made available	★	Additional resources being used on clearing verges as the vegetation has died back revealing litter in some areas	★
CDC1.1.3 Reduce Environmental Crime	Clr D Sames	Graeme Kane Richard Webb	Investigations and clear ups of fly tips continued through the month along with actions to ensure the removal of abandoned vehicles and address problematic dog fouling. A DVLA audit of our system to ensure compliance with legislation relating to the removal of abandoned vehicles took place in early January.	Investigations and clear ups of fly tips will continue through the month along with actions to ensure the removal of abandoned vehicles.	★	The team continues to respond to reports of fly tipping and abandoned vehicles as core functions. A review of investigation processes is continuing with a focus on achieving stronger outcomes (how to improve the effectiveness of prevention activities and the outcomes of investigations). We will also be considering how to raise awareness of the good work that is done by the team. A DVLA audit of our system to ensure compliance with legislation relating to the removal of abandoned vehicles took place in early January. The overall audit rating result was green, meaning a high level of compliance was demonstrated, ensuring we can continue to access this important resource to support investigations.	★

CDC Programme Measures - Clean, Green and Safe

Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
CDC1.1.4 Protect Our Natural Environment and Promote Environmental Sustainability	Cllr A McHugh	Graeme Kane Richard Webb	The location of the diffusion tube monitoring points for assessing air quality across the district were reviewed and no changes to the locations currently being used were required.	Elected members workshop on climate change due in early February the workshop will inform members as well as giving members the opportunity to put forward their views. The outcome of the air quality grant application to the Department for Environment Food and Rural Affairs will be known later this month (February).	★	Air quality monitoring continues at 42 locations across the district. The annual data for 2019 will be available once the bias adjustment factor to be applied to the data has been published by the Department for Environment Food and Rural Affairs, this is usually around the end of March. The air quality action plan is being reviewed with partners to track progress and identify further actions required.	★
CDC1.1.5 Support Community Safety and Reduce Anti-Social Behaviour	Cllr A McHugh	Graeme Kane Richard Webb	Undertaken in January:  Attending Reception Centre Awareness Training to support our emergency plans. Assisting in a Joint TVP/BTP Operation to safeguard exploited children and to target criminals that use the rail network. Community Safety Engagement Days at Warriner School. Assisting at the Monte Carlo Rallye Event in Banbury Town Centre.	Work in February 2020 will concentrate on continuing with the district wide community engagement and the rural patrols as well as continuing to work with partners to prevent crime and reduce anti-social behavior.	★	The community safety team continues to work with partners to prevent crime and reduce antisocial behavior. During January the team received hugely positive feedback for their attendance at the Monte Carlo Rallye Event in Banbury  The team continues to carry out District Wide Engagements and have, amongst other things, caught fly tippers red handed, youths riding motorbikes without helmets, people littering and advised on locations where vehicles/furniture have been dumped. A wooded area where alleged grooming was taking place has been identified and visited. We have also interacted with both licensed and suspected unlicensed Scrap Metal Collectors and called in suspicious activity by van drivers.  Many village residents have joined the team's Facebook page and we have been asked to be featured in the 'Three Parishes Newsletter'. Invitations have also been extended to us to attend Village Meetings and Coffee Mornings.	★
CDC1.1.6 Protect the Built Heritage	Cllr C Clarke	David Peckford Simon Furlong	Work on Conservation Area Appraisals has continued. Consultation on the review of the Ardley Conservation Area Appraisal ended on 21 January 2020. Lead Member Reports for Ardley, Stratton Audley and Duns Tew are ready for managers review.	Officer reports for Ardley, Stratton Audley and Duns Tew Conservation Area Appraisals to be submitted for Lead Member approval.	●	The Conservation team continue to work closely with Development Management on cases of heritage interest. The Conservation Area Appraisal programme is ongoing. Nine Conservation Area Appraisals are in progress. Seven have been subject to public consultation. A further two are being drafted. A number of heritage guidance notes are also being prepared. The Team intend to complete as many as possible by the end of March while maintaining its service to Development Management.	●

CDC Programme Measures - Thriving Communities & Wellbeing

Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
CDC2.1.1 Promote Health & Wellbeing	<p>CLlr A McHugh CLlr C Clarke</p>	<p>Graeme Kane Nicola Riley</p>	<p>Local Strategic Partnership (LSP) terms of reference reviewed, and updated version agreed by Board Cross departmental Workplace wellbeing working group convened to work towards 'Thrive at Work' Bronze award for Cherwell DC</p>	<p>Assess and coordinate responses to British Telecom phone box removal proposals.</p>	★	<p>British Telecom proposes removal of 5 further phone boxes in Banbury, Bicester &amp; Kidlington. CDC is a statutory consultee and must sub-consult affected communities.</p>	★
<p>CDC2.1.2 Improve Leisure &amp; Community Facilities</p>	<p>CLlr G Reynolds</p>	<p>Graeme Kane Nicola Riley</p>	<p>Completion of installation of new Height Restriction Barrier (with gates) at Whitelands Farm Sports Ground  Commencement of works at Spiceball Leisure Centre for internal re-modelling/change of use to Creche/Spin Studio</p>	<p>Completion of re-modelling works at Spiceball Leisure Centre and changes to Facility mix including the creche and upstairs meeting room.  Commencement of works to internal remodeling of Bicester Leisure Centre including changes to the Creche/meeting Room/Staff Room</p>	★	<p>Works to improve and enhance the Leisure Facilities in January 2020 included the provision and instillation of the new Height Restriction Barriers at Whitelands Farm Sports Ground.  In addition to this works commenced to the internal re-modelling at Spiceball Leisure Centre including, the change of use of the current creche provision (moving this to the 2nd floor and utilising the meeting room), thus allowing the previous Creche provision to be utilised as a dedicated spin studio.  Works to the re-modelling of Bicester Leisure Centre including improvement to the gym provision and change of use of the Creche to act as a designated spin studio will commence in February/March 2020.</p>	★

CDC Programme Measures - Thriving Communities & Wellbeing

Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
CDC2.1.3 Support the Voluntary Sector	Cllr A McHugh	Graeme Kane Nicola Riley	<p>Cherwell Lottery now has 79 registered good cause partners and a further three pending approval. Annualised income is £32,000# Initial review undertaken of grant aided volunteer support services in preparation for drafting 2020/21 agreements.</p> <p>Cherwell senior's consultation is currently live across the district and will be open until the end of March.</p> <p>The Sunshine Centre extension was officially opened on 17th January, providing a new community room and training facility for the community &amp; voluntary sector to use.</p> <p>The Hill sport &amp; community facility was officially opened on 27th January providing a new community building for the town.</p> <p>January Community Link publication distributed to voluntary organisations and groups</p>	<p>Assess and award Community Capital Infrastructure grants for release in Q1 of 2020/21. New Year wishes</p> <p>Brighter Futures consultation event for Grimsbury February 19th</p> <p>Age Friendly Banbury pop up event February 20th</p>	★	<p>Community Capital Infrastructure Grants have a 2020/21 budget of £100,000. They are awarded to fund community projects including, village halls, playgrounds and pocket parks. There will be further grant application rounds through 2020/21 until the full budget has been allocated.</p> <p>The Hill Sport &amp; Community facility will be working with a variety of partners, voluntary organisations and stakeholders to deliver activities, opportunities and support for the local community which sits in a Brighter futures ward in Banbury. The new programme of activity will work to improving health &amp; wellbeing outcomes and providing opportunities to strengthen a community and support community safety.</p> <p>New Year Wishes consultation event – to engage with residents in our Brighter Future ward of Grimsbury to capture their wishes and aspirations for 2020. The event provides fun activities for all ages to engage residents and allow us to consult with them in an informal way, developing an action plan for the whole community and stake holders to work towards in the new year with positive outcomes. Burchester Place Community Hall February 19 11-2pm</p>	★

CDC Programme Measures - Thriving Communities & Wellbeing

Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
CDC2.1.4 Enhanced Community Resilience	CLlr A McHugh	Graeme Kane Richard Webb	Met with Bicester Village Emergency Planning Officer to discuss potential implications from coronavirus Provided Business Continuity advice to businesses at Bicester ECO centre Undertook an animal health disease control exercise with Trading Standards	continuity workshop is planned for small/medium businesses in Banbury this month. This has been organised by OxLEP. Cherwell staff will attend the Thames Valley Local Resilience Forum annual conference which focusses this year on decision making in emergency situations.	★	We continue to work with Oxfordshire County Council's Emergency Planning Team and liaise with partners to prepare for any potential incidents. A major flood Thames Valley exercise is being planned for May which will be preceded by local exercises of the planned response to specific flood risks. This will include a Cherwell exercise. Thames Valley level activity this month have included reception centre awareness training and safety advisory group training	★
CDC2.1.5 Homelessness Prevention	CLlr J Donaldson	Gillian Douglas Graeme Kane	CDC did submit a joint bid with the other Oxfordshire District and City Councils seeking funding for additional resources to deliver Single Homeless Services in Cherwell and support partnership working across the county	It has been confirmed that Oxfordshire has been successful in gaining £1.5M from the Rough Sleeper Initiative Fund to provide ongoing and additional services to support single adults who are homeless or at risk. In Cherwell this will ensure the Housing First initiative is ongoing, and an additional dedicated Housing Officer is appointed to work with our most vulnerable single clients in the community.	★	The Housing Needs Team continue to provide a proactive and upstream service to customers in Cherwell at risk of homelessness. The additional Winter Beds provided in Banbury have been fully occupied, ensuring 5 individuals are not rough sleeping this winter. The Housing First initiative is now accommodating 6 people with a plan to have 2 more properties available soon. Additional funding from the RS13 grant will provide further dedicated resources to enhance our service to single customers, particularly the most at risk of rough sleeping in our community.	★



CDC Programme Measures - Thriving Communities & Wellbeing

Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
<p>CDC2.1.6 Support and Safeguard Vulnerable People</p> <p style="text-align: center; font-size: 24px; font-weight: bold;">Page 93</p>	Cllr A McHugh	Graeme Kane Nicola Riley	<p>The average time taken to assess new claims and change events for Housing Benefit, Council Tax Reduction and Discretionary Housing Payments continues to be on target.</p> <p>The new customer portal for Revenues and Benefits continues to roll out.</p>	<p>A new Council Tax Reduction Scheme will be introduced from April 20. The Income Banded Scheme is simpler and means that customers will experience fewer changes in the level of support they receive and therefore a reduced number of Council Tax bills. This will in turn make it easier to budget.</p> <p>A new simpler Council Tax Reduction Scheme will be introduced from April 20. The new scheme will mean that residents will experience fewer changes in the level of help they receive which in turn will help households to budget effectively.</p>	★	<p>The average time taken to assess both new claims and change events for Housing Benefit and Council Tax Reduction continues to be very good and Discretionary Housing Payments are being considered in a timely way so helping some of our more vulnerable residents to maintain their homes.</p> <p>The New customer portal has recorded 102 new user registrations from Cherwell residents in over one week.</p>	★

CDC Programme Measures - Thriving Communities & Wellbeing

Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
CDC2.1.7 Respond to the Welfare Reform Agenda	Cllr P Rawlinson Cllr T Ilott	Adele Taylor Belinda Green Gillian Douglas	<p>Performance on the average time taken to assess new claims for benefit continues to be excellent at 9.7 days. Change events are also being assessed within 2.6 days on average so ensuring customers are receiving the correct benefit.</p> <p>The team have been proactively encouraging the take-up of Council tax Reduction .</p>	<p>The Council has agreed the introduction of a new, simpler Council Tax Reduction Scheme from April 20. The scheme is based on income bands and will mean that our customers experience fewer changes in their Council Tax Reduction and Council Tax bills</p> <p>The team are currently testing the new software ready for annual billing.</p> <p>The next meeting of the Universal Credit project team is planned for April 2020.</p>	★	The team have been proactively encouraging the take-up of Council tax Reduction with publicity and training and are working with DWP UC team to ensure that Universal Credit customers submit a claim for help with Council Tax payments.	★
CDC2.1.8 Promote Healthy Place Making	Cllr A McHugh	Graeme Kane Rosie Rowe	<p>Project inception meeting held with WSP consultants appointed to undertake a Health Impact Assessment of the Oxfordshire Plan 2050.</p> <p>Active Environments workshop held with Sport England attended by teams from across the Districts</p>	<p>2nd Health Impact Assessment Steering Group to be held on 20/2/20</p> <p>Sixth volunteer fayre to be held on 5/2/20</p> <p>Complete submission of funding proposal for wayfinding project in Kidlington by 15/2/20</p> <p>Insight workshops with stakeholders from Banbury Ruscote to be held on 4/2/20 and 25/2/20</p>	★	Project inception meeting held with WSP consultants appointed to undertake a Health Impact Assessment of the Oxfordshire Plan 2050. First meeting of the Health Impact Assessment Steering Group (with cross District and County representation).	★

CDC Programme Measures - District of Opportunity & Growth

	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
CDC3.1.1 Deliver Innovative and Effective Housing Schemes	ClIr J Donaldson	Gillian Douglas Graeme Kane	Three sales at Hope Close to complete at the end of February. Five of the remaining 8 have been reserved	Completion of three sales at Hope Close at the end of February 2020	★	Interest in the remaining 3, 3-bedroom houses at Hope Close has increased during January. We are optimistic that the remaining 3 homes will be reserved during February 2020.	★
CDC3.1.2 Promote the district as a tourist destination	ClIr L Pratt	Robert Jolley Simon Furlong	Promoted the Rallye Monte Carlo Historique which came to Banbury on 31 January 2020.	Launch of 2020 Experience Oxfordshire Visitor Guide with Cherwell content.	★	The Rallye Monte Carlo Historique was a successful and well attended event, with a day's boost to winter trade for town center hospitality venues.  Membership and day to day liaison continues with Experience Oxfordshire (EO) which promotes Cherwell as a visitor destination.	★
CDC3.1.3 Develop a Cherwell Industrial Strategy	ClIr L Pratt	Robert Jolley Simon Furlong	Large Business workshop was held in Banbury on 23rd January 2020; 36 senior business leaders attended, and the event was considered both worthwhile and a success by those who attended.	Planning to engage with young people during March 2020 Analysing outputs from engagement workshops, providing input to the strategy development process.	★	The Cherwell Industrial Strategy (CIS) is important as a process of meaningful engagement with a range of internal and external partners as well as for its end product. On 23 January 2020, 36 Senior business leaders, representing 27 large Cherwell based companies, joined senior public sector colleagues to help shape the ten-year plan for Cherwell's economy. Collated feedback and outputs from the event will inform the content of the Cherwell Industrial Strategy. A draft strategy will be available for consultation during the Summer of 2020. CIS links to the OxLEP Local Industrial Strategy which is a key and underpinning component of the Oxfordshire Housing and Growth Deal (Productivity workstream).	★
CDC3.1.4 Promote Inward Investment and Business Growth	ClIr L Pratt	Robert Jolley Simon Furlong	Specialist advice provided to 8 businesses on continuity matters through clinics held in Banbury and Bicester during January 2020. Promoted the Cherwell Business Awards 2020 to encourage applications to be made from local businesses by 14 February 2020 Business support provided to inward investors and local businesses.	Continue to provide support for new business investors whilst enhancing services to provide information, advice and guidance to enable growth.	★	Advice and information provided to assist the consideration of key employment related applications by colleagues from planning and externally to support enterprises seeking suitable accommodation and development sites.  The District has 97% superfast broadband coverage of premises (greater than 24mbps). Collaboration with Oxfordshire County Council towards delivering 100% coverage and to raise the standard to 'full fibre' (1gbps) to enable 5G mobile technology through an emerging Digital Partnership.	★

CDC Programme Measures - District of Opportunity & Growth

	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
CDC3.1.5 Develop Our Town Centres and Increase Employment at Strategic Sites	Cllr L Pratt	Robert Jolley Simon Furlong	Progressed preparation for partnership support to Banbury BID and Bicester Vision for 20/21.	Planning a follow up Bicester Town Centre workshop to be held in March.	★	Continued support provided to Banbury BID (Business Improvement District) in the delivery of its Year Two business plan.  Advice and support provided to the Tooley's Boatyard Trust.  Following the Bicester Town Centre workshop with Bill Grimsey in June 2019, a task group of volunteers has been working on a plan for the town centre. Plans are underway to feedback to the original group during March. Next steps will be discussed and agreed. Progress with increasing employment at strategic sites is recorded under 'Inward investment and business growth' measure (CDC 3.1.4).	★
Page 96 CDC3.1.6 Deliver the Local Plan	Cllr C Clarke	David Peckford Simon Furlong	Partial Review of the Local Plan: consultation on proposed 'Main Modifications' to the Plan ended on 20 December.  Oxfordshire Plan 2050: the central Plan team has continued with evidence gathering and the consideration of spatial options for a future options consultation paper.	Partial Review of the Local Plan: The Planning Policy Team will report to Members on proposed modification to the Plan and the outcome of public consultation on 24 February.  Oxfordshire Plan 2050: CDC Officers will continue to support the work of the Oxfordshire Plan team in the interest of progressing work on an options consultation paper.  Local Plan Review: a revised Local Development Scheme (LDS) containing the timetable for the preparation of the district wide Local Plan is scheduled to be presented to the Executive in March 2020.	●	The Partial Review of the Local Plan (which seeks to help Oxford with its unmet housing need) is being independently examined. The Planning Inspector's preliminary views were received in July 2019 and were largely supportive. He recommended the deletion of a single proposed strategic housing allocation (land south east of Woodstock) and requested additional work for the redistribution of the affected 410 homes. The necessary Main Modifications were prepared by officers and consulted upon from 8 November to 20 December 2019. Reports are scheduled to be presented to Members on 24 February 2020.  Council officers continue to assist the central Oxfordshire Plan team with its evidence gathering and consideration of Issues and Options as required. Work on the district wide Local Plan Review will progress following the Partial Review.	●

CDC Programme Measures - District of Opportunity & Growth

	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
CDC3.1.7 Deliver the Growth Deal	Cllr B Wood	Robert Jolley Simon Furlong	Preparation for Year 3 plans of work underway for all five workstreams (including PMO), Affordable Housing numbers confirmed with Central Team and review of infrastructure projects on going.	Year 3 Plans of works due for Cherwell District Council Growth Deal Programme Board approval at March meeting.	★	Change in Infrastructure work stream lead. New incumbent establishing appropriate network with Infrastructure delivery teams. Impact in Programme minimised through robust oversight and careful management.	★

CDC KPIs - Clean, Green and Safe

Measure	Portfolio Holder	Director/Lead Officer	Result	Target	Status	Commentary	YTD Result	YTD Target	YTD
<b>CDC1.2.01 % Waste Recycled &amp; Composted</b>	Cllr D Sames	Ed Potter Graeme Kane	49%	56%	▲	Recycling rate is up by just over 1% on this time last year which will give an end of year recycling rate of approximately 55.3%.	56%	56%	●

**CDC KPIs - Thriving Communities & Wellbeing**

Measure	Portfolio Holder	Director/Lead Officer	Result	Target	Status	Commentary	YTD Result	YTD Target	YTD
<b>CDC2.2.01 Number of Homeless Households living in Temporary Accommodation</b>	Cllr J Donaldson	Gillian Douglas Graeme Kane	22.00	35.00	★	Numbers in temporary accommodation at the end of January has fallen, due to more people being helped to move on to settled accommodation and the ongoing work to ensure crisis presentations are minimised. Working with clients ahead of any statutory duties ensures help and advice can be given at the earliest opportunity to enable customer to resolve their housing situation and the number of households who then become homeless and require temporary accommodation is limited. We also continue to have significant numbers of new build properties being delivered and reduced housing application processing times both of which enable quicker move on for households in housing need.	22.00	35.00	★
<b>CDC2.2.02 Number of people helped to live independently through use of DFG &amp; other grants/loans</b>	Cllr J Donaldson	Gillian Douglas Graeme Kane	63.00	45.00	★	We provided assistance to a total of 63 households in January; 11 by means of disabled adaptations grants (larger jobs) and 52 through smaller works.	519.00	450.00	★
<b>CDC2.2.03 Homes improved through enforcement action</b>	Cllr J Donaldson	Gillian Douglas Graeme Kane	16.00	9.00	★	16 homes were improved in January including 5 where energy efficiency works were undertaken in response to proactive Minimum Energy Efficiency Standards (MEES) interventions.	96.00	90.00	★
<b>CDC2.2.04 Delivery of affordable housing in line with CDC and Growth Deal targets</b>	Cllr J Donaldson	Gillian Douglas Graeme Kane	35.00	20.00	★	<b>Total affordable housing completions: 35</b> Of which: 26 x Affordable Rent; 9 x Shared Ownership tenure There were no Oxfordshire Growth Deal affordable housing units completed this month in Cherwell District.	374.00	357.00	★
<b>CDC2.2.05 Average time taken to process Housing Benefit New Claims</b>	Cllr T Ilott	Belinda Green Claire Taylor	9.72	15.00	★	The average time taken to assess new claims in the month of January was 9.7 days against a local target of 15 days and a national average of 20 days which is excellent. The team continue to work hard to prioritise new claims and ensure they are dealt with promptly.	11.76	15.00	★
<b>CDC2.2.06 Average time taken to process Housing Benefit change events</b>	Cllr T Ilott	Belinda Green Claire Taylor	2.60	8.00	★	In January the average time taken to assess change events was 2.6 days which is excellent. Despite the evolving landscape of benefit changes with the roll out of Universal Credit the team are proactively adapting to this and continue to deliver a strong performance and to ensure that customers receive the correct amount of benefit.	5.60	8.00	★
						In comparison to the same period last year the overall usage has fallen by circa 4,000. In terms of individual Centre performance against January 2020 Spiceball and Whitelands were down by circa 5,500 and 5,500 (Spiceball downturn will primarily be around the difficulties with car parking/access to the Centre).			

CDC KPIs - Thriving Communities & Wellbeing

Measure	Portfolio Holder	Director/Lead Officer	Result	Target	Status	Commentary	YTD Result	YTD Target	YTD
CDC2.2.07 Number of visits/usage of District Leisure Centre	Cllr G Reynolds	Graeme Kane Nicola Riley	153,780	129,105	★	Bicester Leisure and Woodgreen Leisure Centre showed good performance with an increase of circa 4,500 and 2,00 respectively, Kidlington Leisure Centre also showing an increase of circa 1,000 users. Performance at NOA, Cooper and Stratfield Brake were consistent with January 2019 with NOA and Cooper circa 200 up each and Stratfield Brake down by around 800.	1,373,055	1,321,470	★
Page 100  CDC2.2.08 % of Council Tax collected, increase Council Tax Base	Cllr T Ilott	Belinda Green Claire Taylor	9.03%	9.25%	●	The amount of Council Tax we collect has increased by nearly £2.4m since April 2019 bringing the total amount, we need to collect to nearly £105m, this is mainly down to new builds as well as a review on exemptions and student discounts to ensure customers are still entitled to the reduction they are claiming. The amount of money we are due to collect in February and March 2020 equates to more than £5.6m which is 5.4% of our total collection rates. As more and more customers opt to pay over 12 monthly instalments meaning that collection rates fall throughout the year and start to increase again in February and March. Whilst we are still proactively chasing debt by issuing all reminders, finals and following up with outbound calls during the day and evening for overdue arrangements we are unable to chase amounts that aren't yet due and therefore have been unable to meet our cumulative collection rates. In month collection has dropped slightly with the number of direct debit recalls increasing which is common at this time of the year. The amount we collect from prolific non payers has caused a drop-in collection rates with the first court of the year reporting lower month by month collection. Collection rates are slightly lower than last year but the amount we are due to collect in February and March has increased for the same period compared to the previous year. We are processing work quicker and more efficiently which will have a positive impact on collection rates. now at the same point as last year and with work being processed quicker and more efficiently this will also have a positive impact on collection rates the number of 12 monthly payers is still increasing and we will continue to monitor this with a view to setting revised targets for 2020/21.	92.76%	86.75%	★



CDC KPIs - Thriving Communities & Wellbeing

Measure	Portfolio Holder	Director/Lead Officer	Result	Target	Status	Commentary	YTD Result	YTD Target	YTD
CDC2.2.09 % of Business Rates collected, increasing NNDR Base	Cllr T Ilott	Belinda Green Claire Taylor	8.9%	7.8%	★	The in-month collection in monetary terms decreased however due to the amount of business rates we need to collect for 2019/20 also slightly decreasing the in-month collection percentage is showing as increased. We have been proactively chasing balances prior to ensure all customers are aware of their outstanding balances. We have seen new growth within the district which has created balances with instalments from 1 February 2020 through to 1 March 2020. We have reviewed all cases with a court order to ensure payments are being received. Cherwell has experienced an increase in the number of 12 monthly payers therefore the targets for 2020/21 will also be reviewed.	92.8%	93.8%	●

**CDC KPIs - District of Opportunity & Growth**

Measure	Portfolio Holder	Director/Lead Officer	Result	Target	Status	Commentary	YTD Result	YTD Target	YTD
+ CDC3.2.1 % Major Planning applications processed within 13 weeks	Cllr C Clarke	David Peckford Simon Furlong	89%	60%	★	9 Major Planning Applications were determined during January 2020, 8 of them within the target period or agreed timeframe. Therefore 89% of applications have been determined within timeframe, against a target to achieve no less than 60% within time.	87%	60%	★
+ CDC3.2.2 % Non Major planning appeal decisions allowed	Cllr C Clarke	David Peckford Simon Furlong	0%	10%	★	No Non-Major Planning Application Appeals were allowed by the Planning Inspectorate during January 2020.	1%	10%	★
CDC3.2.3 % Planning enforcement appeal decisions allowed	Cllr C Clarke	David Peckford Simon Furlong	0%	10%	★	No Planning Enforcement Notice Appeals were allowed by the Planning Inspectorate during January 2020.	0%	10%	★
+ CDC3.2.4 % of Non Major applications processed within 8 weeks	Cllr C Clarke	David Peckford Simon Furlong	77%	70%	★	106 Non-Major Planning Applications were determined during January 2020, 82 of them within target period or agreed timeframe. Therefore 77% of applications have been determined within timeframe, against a target to achieve no less than 70% within time.	83%	70%	★
+ CDC3.2.6 Major planning appeal decisions allowed	Cllr C Clarke	David Peckford Simon Furlong	0%	10%	★	No Major Planning Application Appeals were allowed by the Planning Inspectorate during January 2020.	5%	10%	★

Appendix 3 – Leadership Risk Register as at 18/02/2020

Level of risk	How the risk should be managed
<b>High Risk</b> (16-25)	<b>Requires active management</b> to manage down and maintain the exposure at an acceptable level. Escalate upwards.
<b>Medium Risk</b> (10 -15)	<b>Contingency Plans</b> - a robust contingency plan may suffice together with early warning mechanisms to detect any deviation from the profile.
<b>Low Risk</b> (1 – 9)	<b>Good Housekeeping</b> - may require some risk mitigation to reduce the likelihood if this can be done cost effectively, but good housekeeping to ensure that the impact remains low should be adequate. Re-assess frequently to ensure conditions remain the same.

Risk Scorecard – Residual Risks						
		Probability				
		1 - Remote	2 - Unlikely	3 - Possible	4 - Probable	5 - Highly Probable
Impact	5 - Catastrophic			L09		
	4 - Major			L01, L04, L07, L08, L10,L11, L12& L18		
	3 - Moderate		L16	L02, L05, & L14	L15	
	2 - Minor		L17			
	1 - Insignificant					

Risk Definition	
Leadership	Strategic risks that are significant in size and duration, and will impact on the reputation and performance of the Council as a whole, and in particular, on its ability to deliver on its corporate priorities
Operational	Risks to systems or processes that underpin the organisation’s governance, operation and ability to deliver services

Ref	Name and Description of risk	Potential impact	Inherent (gross) risk level (no Controls)			Controls	Control assessment	Lead Member	Risk owner	Risk manager	Residual risk level (after existing controls)			Direct'n of travel	Mitigating actions (to address control issues)	Comments	Last updated
			Probability	Impact	Rating						Probability	Impact	Rating				
2019/20																	
L01 -	<b>Financial resilience –</b> Failure to react to external financial impacts, new policy and increased service demand. Poor investment and asset management decisions.	Reduced medium and long term financial viability  Reduction in services to customers  Increased volatility and inability to manage and respond to changes in funding levels  Reduced financial returns (or losses) on investments/assets  Inability to deliver financial efficiencies  Inability to deliver commercial objectives (increased income)  Poor customer service and satisfaction  Increased complexity in governance arrangements  Lack of officer capacity to meet service demand  Lack of financial awareness and understanding throughout the council	4	4	16	Medium Term Revenue Plan reported regularly to members.  Fully  Balanced medium term and dynamic ability to prioritise resources  Fully  Highly professional, competent, qualified staff  Partially  Good networks established locally, regionally and nationally  Fully  National guidance interpreting legislation available and used regularly  Fully  Members aware and are briefed regularly  Fully  Participate in Oxfordshire Treasurers' Association's work streams  Fully  Review of best practice guidance from bodies such as CIPFA, LGA and NAO  Fully  Treasury management and capital strategies in place  Fully  Investment strategies in place  Fully  Regular financial and performance monitoring in place  Fully  Independent third party advisers in place  Fully  Regular bulletins and advice received from advisers  Fully  Property portfolio income monitored through financial management arrangements on a regular basis  Partially  Asset Management Strategy in place and embedded.  Partially  Transformation Programme in place to deliver efficiencies and increased income in the future  Fully		Councillor Tony Illot	Adele Taylor	Dominic Oakeshott	4	3	12	↔	Key staff recruited to and review of workload and capacity across the team. Additional resilience and resource for financial accounting and reporting engaged through external partners and agencies. Assessment of national picture undertaken and being reported through senior managers and members highlighting the medium term challenges.  Investment strategy approach agreed and operating and all potential investments now taken through the working groups prior to formal sign off. Robust review and challenge of our investment options to be regularly undertaken through our usual monitoring processes.  Timeliness and quality of budget monitoring particularly property income and capital improving. Financial Systems replacement project underway. LEAN review of budget monitoring undertaken with significant engagement from within the wider business.  Asset Management Strategy being reviewed and refreshed.  Review of BUILD! to ensure procurement and capital monitoring arrangements are in place and development of forward programme - work still underway.  Finance support and engagement with programme management processes continuing.  Further integration and development of Performance, Finance and Risk reporting  Regular involvement and engagement with senior management across County as well as involvement in Regional and National finance forums.  Regular member meetings, training and support in place and regularly reviewed. Briefings provided on key topics to members with particular focus on key skills for specific committees such as audit committee.  New approach to budget setting introduced linked to service planning. Additional challenge added into the process to ensure robustness of estimates  Regular utilisation of advisors as appropriate.  Internal Audits being undertaken for core financial activity and capital as well as service activity  Assessment of national picture via Pixel and LG Futures has identified that the funding available in later years is likely to be significantly reduced, adding longer term resilience challenges.	Maintaining focus in this area with ongoing review, staff and member training and awareness raising.  Investment options considered as and when they arise, MTFS and budget setting being developed to enhance the scrutiny and quality of investments.  Financial System Solution Project continuing to consider future finance system options, incorporating budget management via Lean, extension of Civica and new procurement.  Review underway  Review in hand.  Finance business partners involved with reflection locally on outcomes.  Integrated reporting has been embedded  Engagement with a number of national and regional networks to ensure we are as up-to-date as we can be in relation to potential funding changes from 2020/21 and impact on our MTFS.  Regular training will be undertaken.  Budget setting for 2020/21 underway.  Review of borrowing approach being considered alongside our financial advisors  Regular reporting of progress on internal audits considered by the committee  Medium/long term position assessed as significantly worse, increasing risk alongside the capacity needed to work on activity to reduce spending levels. Budget setting for 2021/22 will begin at the Budget Planning Committee in March 202 in order to ensure full and thorough consideration of the budget in conjunction with members to alleviate the challenges over the medium term.	Risk reviewed - 11/02/2020 - Comments updated.
L02 -	<b>Statutory functions –</b> Failure to meet statutory obligations and policy and legislative changes are not anticipated or planned for.	Legal challenge  Loss of opportunity to influence national policy / legislation  Financial penalties  Reduced service to customers	3	4	12	Embedded system of legislation and policy tracking in place, with clear accountabilities, reviewed regularly by Directors  Clear accountability for responding to consultations with defined process to ensure Member engagement  Fully  National guidance interpreting legislation available and used regularly  Fully  Risks and issues associated with Statutory functions incorporated into Directorate Risk Registers and regularly reviewed  Partially  Clear accountability for horizon scanning, risk identification / categorisation / escalation and policy interpretation in place  Partially  Robust Committee forward plans to allow member oversight of policy issues and risk management, including Scrutiny and Audit  Partially  Internal Audit Plan risk based to provide necessary assurances  Partially  Strong networks established locally, regionally and nationally to ensure influence on policy issues  Fully  Senior Members aware and briefed regularly in 1:1s by Directors  Partially		Councillor Barry Wood	Yvonne Rees	Nick Graham	3	3	9	↔	Establish corporate repository and accountability for policy/legislative changes  Review Directorate/Service risk registers  Ensure Committee forward plans are reviewed regularly by senior officers  Review of Leadership Risk Register and Risk Strategy for 2019-20 in progress.  Ensure Internal Audit plan focusses on key leadership risks  Develop stakeholder map, with Director responsibility allocated for managing key relationships  Standardise agendas for Director / PFH 1:1s  New NPPF published 05/03/18 will guide revised approach to planning policy and development management.  Allocate specific resource to support new projects/policies or statutory requirements e.g. GDPR	Service plans for 2019-20 received and currently being reviewed. Performance framework for 2019-20 to be agreed.  Review of Leadership Risk Register and Risk Strategy for 2019-20 in progress.	Risk reviewed 14/02/20 - Risk reviewed, no changes.

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2019/20																	
L04 -	<b>CDC Local Plan</b> - Failure to ensure sound, up to date local plan remains in place for Cherwell resulting in poor planning decisions such as development in inappropriate locations, inability to demonstrate an adequate supply of land for housing and planning by appeal	Poor planning decisions leading to inappropriate growth in inappropriate place. Negative (or failure to optimise) economic, social, community and environmental gain Negative impact on the council's ability to deliver its strategic objectives, including its commitments within the Oxfordshire Housing & Growth Deal increased costs in planning appeals Reputational damage with investor community of Cherwell as a good place to do business created by uncertainty/ lack of policy clarity	4	4	16	Local Development Scheme (LDS) is actively managed and reviewed, built into Service Plan, and integral to staff appraisals of all those significantly involved in Plan preparation and review Team capacity and capability kept under continual review with gaps and pressures identified and managed at the earliest opportunity. Arrangements in place to source appropriate additional, time-bound resource if needed Delegations to Chief Exec agreed to ensure timely decisions On-going review of planning appeal decisions to assess robustness and relevance of Local Plan policies	Partially Partially Partially Fully Partially	Councillor Colin Clarke	Paul Feehily	David Peckford	3	4	12	↔	Regular review meetings on progress and critical path review Regular Portfolio briefings and political review LDS updated as required with programme management approach adopted to ensure progress against plan LDS timeline built into Directorate level objectives (e.g. via Service Plans) and incorporated into SMART targets within staff appraisals Authority Monitoring Reports continue to be prepared on a regular annual basis.	The latest Local Development Scheme is that approved by the Executive in December 2018. It includes the programmes for the Partial Review of the Local Plan, the Oxfordshire Plan 2050, a Local Plan Review, the Banbury Canalside Supplementary Planning Document and work on a Community Infrastructure Level (CIL). The residual risk score of '12' reflects delay with the Oxfordshire Plan and the review of the Local Plan. A review of the Local Development Scheme, containing revised timetabling for the preparation of planning policy documents, is scheduled to be presented to the Executive in March 2020. The 2019 Annual Monitoring Report was approved by the Executive on 7/1/2020	Risk reviewed 04/02/2020 - No changes.
L05 -	<b>Business Continuity</b> - Failure to ensure that critical services can be maintained in the event of a short or long term incident affecting the Councils' operations	Inability to deliver critical services to customers/residents Financial loss Loss of important data Inability to recover sufficiently to restore non-critical services before they become critical Loss of reputation	4	4	16	Business continuity strategy in place Services prioritised and recovery plans reflect the requirements of critical services ICT disaster recovery arrangements in place Incident management team identified in Business Continuity Strategy All services undertake annual business impact assessments and update plans Business Continuity Plans tested	Fully Fully Fully Partially Fully Partially	Councillor Andrew McHugh	Rob MacDougall	Richard Webb	3	3	9	↔	Business Continuity Statement of Intent and Framework agreed by CEDR BC Improvement Plan agreed with CEDR ICT transition to data centre and cloud services have reduced likelihood of ICT loss and data loss Corporate ownership and governance sits at senior officer level BC Impact assessments and BCPs in place for all teams and peer reviewed by OCC's Emergency Planning team Progress report was provided to CEDR in March BC assurance framework under development	A cross-council programme to update all business continuity plans commenced in September to ensure all plans are up to date following separation of the councils. This refresh is now virtually complete. The Business Continuity Steering Group are developing an incident response plan and an assurance framework for our BC plans. The Business Continuity pages on the Intranet have been updated to provide more resources and information to assist in the development of robust BC plans.	Risk Reviewed 06/02/2020 - Risk owner and comments updated
L07 -	<b>Emergency Planning (EP)</b> - Failure to ensure that the local authority has plans in place to respond appropriately to a civil emergency fulfilling its duty as a category one responder	Inability of council to respond effectively to an emergency Unnecessary hardship to residents and/or communities Risk to human welfare and the environment Legal challenge Potential financial loss through compensation claims Ineffective Cat 1 partnership relationships	4	4	16	Key contact lists updated monthly. Emergency Planning Lead Officer defined with responsibility to review, test and exercise plan and to establish, monitor and ensure all elements are covered Added resilience from cover between shared Environmental Health and Community Safety Teams as officers with appropriate skill Senior management attend Civil Emergency training Multi agency emergency exercises conducted to ensure readiness On-call rota established for Duty Emergency Response Co-ordinators Active participation in Local Resilience Forum (LRF) activities	Fully Partially Fully Fully Fully Fully	Councillor Andrew McHugh	Rob MacDougall	Richard Webb	3	4	12	↔	Emergency plan contacts list being updated monthly and reissued to all duty managers. OCC Emergency Planning providing expert advice and support under a partnership arrangement. Chief Operating Officer meets with ACO Oxfordshire Fire and Rescue quarterly to oversee shared EP arrangements. Supporting officers for incident response identified in the emergency plan and wallet guide Drop in training session now taking place monthly (from June) covering a range of topics. Senior managers have attended multi-agency exercises and duty manager training with OCC senior managers. On-call rota being maintained Authority represented at the Local Resilience Forum	Active plans are in place to ensure the authority is prepared for a variety of emergencies. Continual improvements are being made as a result of a review of these plans and in partnership with the Local Resilience Forum. An 'on-call' system ensures there is a senior manager available to lead a response to an incident 24/7. Cherwell now has a stand-alone plan following separation from SNC and is working in partnership with OCC's Emergency Planning team who provide expert advice and support. The LRF Brexit planning arrangements are now on hold but we continue to promote business readiness for the end of the transition period.	Risk Reviewed 06/02/2020 - Risk manager and comments updated.

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2019/20																	
108 -	Health and safety - Failure to comply with health and safety legislation, corporate H&S policies and corporate H&S landlord responsibilities	Fatality, serious injury & ill health to employees or members of the public	5	4	20	New Health & Safety Corporate HS&W Policy and Corporate Arrangements & guidance in place as part of the newly adopted HSE's recommended called 'HSG65' Management System HSG 65. Organisations have a legal duty to put in place suitable arrangements to manage health & safety.	Partially	Councillor Lynn Pratt	Adele Taylor	Ceri Harris	3	4	12	↔	A new Corporate Health, Safety and Wellbeing Policy was ratified BPM meeting on 17th June. The Corporate arrangements are in the process of being updated. At the time of updating this document 33 out of the 44 Corporate Arrangements have been reviewed and updated. The completed Corporate Arrangements have now been uploaded onto the intranet.	The Executive Leadership Team (ELT) receives a quarterly report from the Corporate H&S Manager.  Corporate Health and Safety Team to ensure all departments to respond to the Departmental Risk Assessment Checklist and to follow up with departments on areas of concern. Responses are being collated on a central spreadsheet which will become the database of all risk assessments across the Council.  As Health and Safety Officers are in place no further action is required and risk mitigated.  These two posts are established posts and budgeted accordingly to secure future funding for continuity.  The H&S team are conducting health and safety inspections internally across all services and teams. To date a total of 15 audits have been carried out across the Council. The audit reports have been provided to the relevant service managers, including recommendations, advise and timescales for remediation.  Final sign off from the HR/Training Manager for training procurement and implementation due. Final tweaks being made prior to launch of eLearning package  A review has been undertaken of all CDC owned properties to ensure that fire risk assessments, water hygiene surveys and asbestos surveys have been completed where required. A compliance review of tenanted properties leased by CDC is also under way to ensure that the tenants are managing the property in accordance with legislative requirements.  A proposal for the formation of a Health and Safety Committee to report to the ELT will be submitted to ELT in April 2020. The purposed of this committee, if ratified, will monitor the activities of the Corporate Health and Safety Team and to act as a scrutiny committee for the Corporate Arrangements.  Reporting dates have been agreed and adhered to.  Corporate Health and Safety has scheduled to undertake a review of Procurement process to ensure compliance.	Risk reviewed 03/02/2020 - Controls, control assessment, & mitigating actions and commentary updated.
		Criminal prosecution for failings				Clearly identified accountability and responsibilities for Health and Safety established at all levels throughout the organisation	Fully								Following the ratification of the new Corporate Health, Safety and Wellbeing Policy all Assistant Directors have been asked to complete a Departmental Risk Assessment Checklist. The Checklist identified the areas of risk within the department and whether there is a risk assessment in place to cover the risks.		
		Financial loss due to compensation claims				Corporate H&S Manager & H&S Officer in post to formalise the H&S Management System & provide competent H&S advice & assistance to managers & employees.	Fully								As Health and Safety Officers are in place no further action is required and risk mitigated.		
		Enforcement action – cost of regulator (HSE) time				Proactive monitoring of Health & Safety performance management internally									A 2-year internal Health and Safety Audit programme is in place covering the period until May 2021. The health and safety internal audit programme covers all elements of our overall H&S management system to ensure compliance with legislative standards.		
		Increased agency costs				Effective induction and training regime in place for all staff	Fully								Management of H&S training will now be included within the new eLearning programme which is in the process of being procured. A central list of risk assessments is to be created to enable more proactive monitoring of risk assessment across the council. Risk Assessment Workshop training is being developed. Robust training already in place in Environmental Services.		
		Reduction in capacity impacts service delivery				Positive Health & Safety risk aware culture	Partially								Good awareness in higher risk areas of the business, e.g. Environmental Services. However other areas need improved awareness of risk assessment process. This needs to be achieved by a review of training needs across CDC and the mandatory training of managers on risk assessment. Property team have undertaken a review of CDC owned operational properties to ensure health and safety compliance is fully maintained in line with the legislative compliance requirements.		
		Reputational Impact				Corporate Health & Safety meeting structure in place for co-ordination and consultation	Partially								Currently the Council has no formal committee structure in place for the consultation of health safety with staff.		
		Corporate body & Member overview of Health & Safety performance				Corporate body & Member overview of Health & Safety performance	Partially								Quarterly reporting to ELT and to the Portfolio Holder by the Corporate Health and Safety Manager		
		Assurance that third party organisations subscribe to and follow Council Health & Safety guidelines and are performance managed where required				Assurance that third party organisations subscribe to and follow Council Health & Safety guidelines and are performance managed where required	Fully								Robust procurement process that requires health and safety documentation and commitment to be proven prior to engagement of contractors.		

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L09 -	<b>Cyber Security</b> - If there is insufficient security with regards to the data held and IT systems used by the councils and insufficient protection against malicious attacks on council's systems then there is a risk of: a data breach, a loss of service, cyber- ransom.	Service disruption Financial loss / fine Prosecution – penalties imposed Individuals could be placed at risk of harm Reduced capability to deliver customer facing services Unlawful disclosure of sensitive information Inability to share services or work with partners Loss of reputation	4	5	20	File and Data encryption on computer devices Managing access permissions and privileged users through AD and individual applications Consistent approach to information and data management and security across the councils Effective information management and security training and awareness programme for staff Password security controls in place Robust information and data related incident management procedures in place Appropriate robust contractual arrangements in place with all third parties that supply systems or data processing services Appropriate plans in place to ensure ongoing PSN compliance Adequate preventative measures in place to mitigate insider threat, including physical and system security Insider threat mitigated through recruitment and line management processes Cookie pop-ups on the website	Fully Fully Fully Fully Fully Fully Fully Fully Fully Partially	Councillor Ian Corkin	Claire Taylor	David Spilsbury	3	5	15	↔	The cyber-essentials plus certification has now been passed.  Accounts, Audit & Risk Committee Members updated and given a presentation on Cyber Security November 2019  The Regional Police Cyber Security Advisor gave the IT management team two training sessions (full cyber awareness Oct18 and table top DR exercise Nov18) followed by a series of all-Council staff awareness sessions in January 2019. Mop-up on e-learning options now being explored by IT and HR.  Implemented an intrusion prevention and detection system.  Agreed Terms of Reference and re-implementation of the security forum as the Information Governance Group, with meetings to be held on a minimum quarterly basis chaired by the Information Governance Manager. Information Governance support is now provided to Cherwell as part of a joint working relationship with Oxfordshire County Council. An action for the next month will be to ensure there are effective partnership working arrangements in place under this new service.  Cyber Awareness e-learning available and will be part of new starters induction training. Cyber Security issues regularly highlighted to all staff. External Health Check undertaken January 2020, no high risk security issues highlighted.  Options for a cookie consent tool being investigated for a decision February 2020.	Cyber security incidents are inevitable. The only way to manage this risk is to have effective controls and mitigations in place including audit and review.	Risk Reviewed 03/02/20 - Controls and mitigating actions updated.
L10 -	<b>Safeguarding the vulnerable (adults and children)</b> - Failure to follow our policies and procedures in relation to safeguarding vulnerable adults and children or raising concerns about their welfare	Increased harm and distress caused to vulnerable individuals and their families Council could face criminal prosecution Criminal investigations potentially compromised Potential financial liability if council deemed to be negligent	4	4	16	Safeguarding lead in place and clear lines of responsibility established Safeguarding Policy and procedures in place Information on the intranet on how to escalate a concern Mandatory training and awareness raising sessions are now in place for all staff. Safer recruitment practices and DBS checks for staff with direct contact Action plan developed by CSE Prevention group as part of the Community Safety Partnership Data sharing agreement with other partners Attendance at Children and Young People Partnership Board (CYPPB) Annual Section 11 return compiled and submitted as required by legislation. Engagement with Joint Agency Tasking and Co-ordinating Group (JATAC) and relevant Oxfordshire County Council (OCC) safeguarding sub group Engagement at an operational and tactical level with relevant external agencies and networks	Partially Fully Fully Fully Fully Partially Fully Fully Fully Fully	Councillor Barry Wood	Ansaf Azhar	Nicola Riley	3	4	12	↔	Ongoing internal awareness campaigns Ongoing external awareness campaigns Annual refresher and new training programmes including training for new members Continue to attend groups focused on tackling child exploitation	A new Safeguarding Officer has been appointed. This post will work closely with the adult safeguarding team at OCC to ensure robust policy and procedures are in place for Cherwell and to improve the link into social care. Cherwell teams will continue to escalate their own referrals and send notifications to the Safeguarding inbox to maintain a corporate record. The new HR payroll system (expected in April 2020) will hold training records. The new officer will ensure there is appropriate take-up of training across the organisation.	Risk Reviewed 17/02/2020 - Risk Manager updated.

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L11 -	<b>Sustainability of Council owned companies and delivery of planned financial and other objectives</b> - failure of council owned companies to achieve their intended outcomes or fail to meet financial objectives	Unclear governance leading to lack of clarity and oversight in terms of financial and business outcomes Non achievement of business and finance outcomes directly or indirectly impacting on other council services Lack of understanding at officer and member level about the different roles of responsibilities required when managing council owned companies	3	4	12	Annual business planning in place for all companies to include understanding of the link between our objectives being delivered and financial impact for the council Financial planning for the companies undertaken that will then be included within our own Medium term financial plan Ensure strong corporate governance mechanisms are in place Sound monitoring in place of both business and financial aspects of the companies and the impact on overall council performance Training in place for those undertaking roles relating to the companies	Fully Fully Partially Fully Partially	Councillor Tony Illot	Adele Taylor	Jonathan MacWilliam	3	4	12	↔	Changes in the shareholder support side line management been put in place. Additional oversight and capacity from senior managers including performance dashboards at CEDR Resilience and support being developed across business to support and enhance knowledge around council companies Skills and experience being enhanced to deliver and support development, challenge and oversight. Work with one company to ensure long term support arrangements are put in place.	Knowledge and experience building take place with training and support as required. Company dashboard now being reviewed by CEDR to understand the impact of what is happening at company level on the council. Review of company governance being undertaken to ensure that we are adhering to best practice Will support future year governance and financial management Company closure processes discussed and timetables agreed which is helping to build the relationship between the Council and the Council owned companies.	Risk reviewed - 11/02/2020 - Risk Manager updated.
L12 -	<b>Financial sustainability of third party suppliers including contractors and other partners</b> - the failure of a key partner of supplier impacting on the business of the council	The financial failure of a third party supplier or partner results in the inability or reduced ability to deliver a service to customers. Failure to ensure the necessary governance of third party relationships (council businesses, partners, suppliers) are in place to have sufficient oversight of our suppliers	3	4	12	Ensure contract management in place review and anticipate problems within key service suppliers and partners Business continuity planning arrangements in place in regards to key suppliers Ensuring that proactive review and monitoring is in place for key suppliers to ensure we are able to anticipate any potential service failures	Partially Partially Partially	Councillor Tony Illot	Adele Taylor	Wayne Welsby	3	4	12	↑	Meetings take place when required with suppliers to review higher risk areas. Some review of appropriate information in regards to key supplier performance through trade press, information from networks in place.	Council departments monitor suppliers financial stability as part of their contract management responsibilities. In addition, through collaboration with Oxfordshire CC, a joint Procurement (Provision) Hub will be established in early FY20/21 that will put in place greater commercial skills and controls across the two authorities. This will result in improved monitoring and management of commercial contract risk across the council's supply chain. In lieu of the new Provision Hub being established a complete a new data set of CDC spend (FY2019/20 Qtr. 1 & 2) will be analysed in Feb20 to identify any supplier deemed to be of high financial risk. The results will be shared with Contracts Managers to put in place appropriate mitigation plans to manage any identified risk.	Risk reviewed - 05/02/2020 - Residual Risk score increased from 8 to 12 and comments updated.
L14 -	<b>Corporate Governance</b> - Failure of corporate governance leads to negative impact on service delivery or the implementation of major projects providing value to customers.	Threat to service delivery and performance if good management practices and controls are not adhered to. Risk of ultra vires activity or lack of legal compliance Risk of fraud or corruption Risk to financial sustainability if lack of governance results in poor investment decisions or budgetary control. Failure of corporate governance in terms of major projects, budgets or council owned companies impacts upon financial sustainability of the councils.	4	4	16	Clear and robust control framework including: constitution, scheme of delegation, ethical walls policy etc. Clear accountability and resource for corporate governance (including the shareholder role). Integrated budget, performance and risk reporting framework. Corporate programme office and project management framework. Includes project and programme governance. Internal audit programme aligned to leadership risk register. Training and development resource targeted to address priority issues; examples include GDPR, safeguarding etc. HR policy framework. Annual governance statements	Partially Partially Partially Partially Partially Partially Partially	Councillor Barry Wood	Yvonne Rees	Nick Graham	3	3	9	↔	Standing item at senior officer meetings – regular review of risk and control measures Review of constitution to take place 2018/19 Implementation of corporate programme office – May 2018 Full review of HR policy to be undertaken during 2018/19 Monitoring Officer to attend management team meetings	S113 Agreement terminates on 16 January 2019. Collaboration Agreement being developed. Executive and Cabinet will consider its adoption on 7 and 14 January 2019 respectively. Service schedules are being developed for all services that require ongoing joint working - and these are programmed to be in place by 16 January 2019.	Risk reviewed 10/02/20 - Risk reviewed, no changes.



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L15 -	<b>Oxfordshire Growth Deal (contract with HMG)</b> As a result of a lack of experience of this scale and nature of partnership delivery there is a risk that inadequate levels of control will be applied by the Partnership to Oxfordshire Housing and Growth Deal governance, resourcing and delivery and that CDC (and its partners) will fail to meet its publicly stated Contractual commitments to its Partners and Government over the 5-year term.	Failure to meet its obligations as a partner within the Growth Deal could see Cherwell as a factor in Government holding back some or all of its funding and/or cease to extend the arrangement beyond 2023.  Infrastructure milestone delivery late (for infrastructure linked to accelerated housing)  Accelerated housing numbers delivered to plan late  Cost of infrastructure to accelerate circa 6500 homes within 5-year term significantly beyond 2018 budget cost estimate  DC GVA: no defined metrics in HGDDP but linked to homes accelerated/infrastructure/affordable homes delivered/JSSP progress and delivery  JSSP  Affordable Houses  Productivity	5	5	25	Appointment of an interim advisor to guide and support delivery of the GD programme and risk management controls  Recognition of issues in CDC GD arrangements and delivery of a 6-week review to identify and propose an action plan to manage and bring the issues within control (see 6-week plan)  Establish CDC organisational fit of GDC GD as a programme capability reporting to CEDR through the Place Board  Secured approval for CDC GD next stage plan at CEDR 17/12/18 which targets setting up CDC GD programme board, work stream capability and leadership supported by CDC Transformation PMO by end March 19 (see Board paper and Next stage Plan Proposal)  Built on CDC PMO RAID principles and developed initial RAID logs for each work stream (capture risks, issues, dependencies and assumptions) to help define "gives and gets" as a basis for holding all to account for defined and transparent baseline delivery.	Fully  Partially  Fully  Fully	Councillor Barry Wood	Robert Jolley	Jonathan MacWilliam	4	3	12	↔	A CDC GD programme and programme board capability  Work stream plans of work (work stream brief, schedule, RAID log)  Appropriate engagement with members in support of their advisory/scrutiny at GD Board level  Governance and performance management  Improved collaboration working with partners to hold them to account for their part of delivery  Securing approval of a resourced GD Y2 plan to be delivered in a collaborative partnership environment Extending support from interim advisor to end March 19	Progress is being made across all workstreams evidenced by more detailed monthly reports to the CDC Programme Board. The improving maturity of the Programme is resulting in more sophisticated engagement at all levels including through specific member roles. The current focus of work is on preparing Year 3 Plans of Work to ensure each work stream is appropriately focused.	Risk reviewed 05/02/2020 - Comments updated.
L16 -	<b>Joint Working</b> That the challenges and risks associated with joint working outweigh the benefits and impacts on the provision of services to residents and communities.	Opportunities for joint working take longer to develop than planned delaying potential service improvements for residents and communities.  Resources are allocated to the development of proposals, reducing the capacity of the Council to deliver on its priorities and plans, impacting on quality of services delivered to residents and communities.  Uncertainty around joint working could lead to reduced staff morale and potentially increase staff turnover. Benefits to be realised from joint working business cases do not materialise or take longer to deliver than planned.	3	3	9	S113 agreement in place with Oxfordshire County Council  Partnership Working Group established with OCC to oversee the development of joint working proposals.  Robust programme and project management methodologies in place.	Fully  Fully  Fully	Councillor Ian Corkin	Yvonne Rees	Claire Taylor	2	3	6	↔	Regular reporting on joint working proposals to the senior management team.	Joint senior appointments in the customers and organisational development directorate have been completed. The business case for a joint strategy and communications service is in its implementation phase. The partnership working group will review a schedule of projects for the next phase of development at their next meeting. The Audit plan for 2020/21 will ensure joint working arrangements are included.	Risk reviewed - 18/02/20 - no changes.
L17 -	<b>Separation</b> The separation of joint working arrangements with South Northamptonshire Council impacts on the provision of services to residents and communities.	Separation of joint working arrangements result in reduced capacity and resilience to deliver services.  Services being delivered to SNC are impacted by re-organisation in Northamptonshire, impacting on the quality of services delivered to residents and communities	3	3	9	On-going service delivery arrangements to SNC set out clearly and underpinned by the Collaboration Agreement with protocols in place for dealing with any emerging issues.  Robust programme and project management frameworks in place.	Fully  Fully	Councillor Ian Corkin	Yvonne Rees	Claire Taylor	2	2	4	↔	Regular reporting on joint working proposals to the senior management team.	All services apart from Customer Services have now separated or been moved into a service delivery arrangement. Customer service is on track for an April separation after council tax billing has been completed. This will ensure customer service capacity is not impacted during the busy period.	Risk reviewed - 18/02/20 - No changes.
L18 -	<b>Workforce Strategy</b> The lack of effective workforce strategies could impact on our ability to deliver Council priorities and services.	Limit our ability to recruit, retain and develop staff  Impact on our ability to deliver high quality services  Overreliance on temporary staff  Additional training and development costs	3	4	12	Analysis of workforce data and on-going monitoring of issues  Key staff in post to address risks (e.g. strategic HR business partners)  Weekly Vacancy Management process in place	Partially effective  Fully  Fully	Councillor Ian Corkin	Claire Taylor	Karen Edwards	2	3	6	↔	Development of relevant workforce plans .  Development of new L&D strategy, including apprenticeships.  Development of specific recruitment and retention strategies.  New IT system is being implemented to improve our workforce data.	Training on workforce planning for the HR team planned to start in Jan/Feb 2020.	Risk reviewed 10/02/2020 - no changes.

#### L04 - Local Plan Risk

The latest Local Development Scheme is that approved by the Executive in December 2018. It includes the programmes for the Partial Review of the Local Plan, the Oxfordshire Plan 2050, a Local Plan Review, the Banbury Canalside Supplementary Planning Document and work on a Community Infrastructure Level (CIL). A revised LDS is scheduled to be presented to Executive in March 2020.

#### Partial Review

A Partial Review of the Local Plan, to assist Oxford with its unmet housing need, was submitted to Government for Examination on 5 March 2018. A preliminary public hearing was held on 28 September 2018 and main hearings in February 2019. On 13 July 2019, the Council received the Inspector's Post-Hearing Advice Note setting out his preliminary conclusions. In principle, the Inspector is satisfied that the Plan's housing requirement and strategy are appropriate and that there are exceptional circumstances for alterations to the Green Belt. However, he has concerns about proposed development next to Woodstock and suggested that the Council prepare Main Modifications to address this. On 30 September 2019, officers informally submitted proposed modifications to the Inspector supported by evidence. On 29 October the Inspector advised that the Council could progress to consultation on the modifications. Consultation took place from 8 November to 20 December. A report on the outcome is to be presented to the Executive and Council on 24 February with a recommendation on whether the modifications should be submitted to the Inspector.

#### Oxfordshire Plan 2050

A Growth Deal commitment. The Plan is being prepared by a central Plan team appointed through the Oxfordshire Growth Board.. The Council contributes to the plan-making process as a partner with a view to it being adopted as part of the Development Plan upon completion.

Public consultation on an Issues Paper ended on 25 March 2019. A public 'call for location ideas' ended on 12 April. The central Plan team is evidence gathering and scoping 'spatial options' for Plan development. On 24 September 2019 the Oxfordshire Growth Board agreed a new timetable for completion of the Plan. This allows for further stakeholder engagement in Autumn/Winter 2019/20; public consultation on a formal Options Paper in June/July 2020; and, consultation on a proposed Plan at the end of 2020. The intention is to submit the Plan for Examination in March 2021.

#### Local Plan Review

Work programming and initial preparatory work commenced in Spring 2019 but had to be put on hold while further work on the Partial Review was pursued. There is a statutory requirement to review Local Plans within five years from adoption (the adopted Local Plan having been adopted in July 2015). The Plan will need to take account of the Oxfordshire Plan 2050 and consequently there are dependencies between the two work programmes. Work on the new Local Plan will need to progress in 2020, particularly as work on the Partial Review draws to a conclusion.

#### Banbury Canalside SPD

Work has been stalled due to the need the review the work undertaken to date, particularly in the context of wider business plan objectives, and due to capacity issues within the Planning Policy team. However, in October 2019 the Planning Policy and Regeneration and Estates teams commenced internal scoping work focusing on issues of site delivery.

#### Community Infrastructure Levy

Not a Local Development Document but a potential means of securing funding for infrastructure to assist overall delivery (should the Council decide to implement CIL). Work on a potential charging levy was paused due to a Government review of how CIL operates but could be recommenced subject to resourcing.

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PROJECT MANAGER / SERVICE OWNER	DESCRIPTION	£000's						Re-profiling and variances to be updated	
		BUDGET	ADJUSTMENTS	BUDGET TOTAL	FORECAST	RE-PROFILED BEYOND 2019/20	Current Month Variances £000	Prior Month Variances £000	OUTTURN NARRATIVE
Stuart Parkhurst	Sunshine Centre	440		440	420		(20)	(21)	Scheme was approved 02/07/18 for £372k (made up of £252k S106 and £120k CDC funding) However when the potential o/spend was discussed with Nicola it was discovered that S106 funds were actually £360k plus an additional £72k giving a total of S106 £432k. Plus £8k CDC funding gives a total budget of £440k. 6/2 Stuart to chase final invoice
	<b>Community Total</b>	<b>440</b>	<b>-</b>	<b>440</b>	<b>420</b>	<b>-</b>	<b>(20)</b>	<b>(21)</b>	
Liam Didcock	Biomass Heating Bicester Leisure Centre	14		14	0		(14)	(14)	Budget no longer required
Tom Darlington	Whitelands Farm Sports ground	0		0	0		-	-	Final account agreed @ £181,873 with main contractor. Additional works (height barriers, culvert bank works, channel kerbs, footpath repairs estimated @ £33,100). Overspend to be funded from S106. Total £215k
Liam Didcock	Solar Photovoltaics at Sports Centres	43		43	0	43	0	0	This budget may be recycled for 'Climate Emergency Fund' and will need to be reprofiled to 20/21
Tom Gubbins	Physical Activity and Inequalities Insight	20		20	8	12	-	-	We forecast to spend £20k on Leisure strategy and feasibility work as allocated to commence in Q4 and roll into 20/21
Liam Didcock	North Oxfordshire Academy Astro turf	183		183	0	183	-	-	Due to the ongoing discussions with the ULT and their contribution around the project this is likely be early 2021 at best but more likely be rolled into 2021/2022.
Liam Didcock	Bicester Leisure Centre Extension	122		122	0	122	-	-	Following strategy presented to members and prioritisation. Work due to commence in 2020 slipped a year
Liam Didcock	Spiceball Leis Centre Bridge Resurfacing	30		30	0	30	-	-	Works to be determined post completion of the new bridge connection, as part of the CQ2 project. Will roll into 20/21
Rebecca Dyson	Corporate Booking System	60		60	0	60	-	-	Work being undertaken to determine the provision of booking system for sport and leisure through JADU.. Delay partly due to CDC/SNC split. Not expecting full budget to be spent as being developed 'in house' but final costs not yet determined.
Liam Didcock	Cooper School Performance Hall - Roof, Floor & Seating	0		0	0		-	-	capital scheme completed in 18-19

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Kevin Lerner	Community Capital Grants	167		167	166	1	-	-	This is the Cherwell Community Capital Grant. The £49 commitment will be spent during 19/20. £1k to be rolled forward in to 20/21
Liam Didcock	Cooper sports Facility Floodlights	65		65	64		(1)	(1)	Project complete
Liam Didcock	Fencing Works/Associated Storage	50		50	48		(2)	(2)	Project complete
	S106 Capital Costs	0		0	0		-	-	
	<b>Leisure &amp; Sport Total</b>	<b>754</b>	<b>-</b>	<b>754</b>	<b>286</b>	<b>451</b>	<b>(17)</b>	<b>(17)</b>	
	Empty Homes Work-in-Default Recoverable	0		0				-	
Tim Mills	Disabled Facilities Grants	749	1,093	1,842	1,300	542	-	-	expect to spend £1.3m but will need to roll forward whatever is not spent because this is Better Care Fund money and cannot be used for other purposes. . On that basis we shall not need DFG capital from the Council for 2020-21
Tim Mills	Discretionary Grants Domestic Properties	304		304	100	50	(154)	(104)	Spend this year is rather uncertain and depends heavily on the number of Landlords Home Improvement Grants we can deliver. We are expecting to spend £100k. The £154k difference is not required this year and does not need to be rolled forward. The 5-year funding agreement for Discretionary Grants is £150k pa until 2023-24.
	Abritas Upgrade	52		52	52		-	-	Upgrade of Abritas taking place so full spend is expected. Remaining budget to be spent on additional works to fine tune the new system to meet the requirements.
	<b>Housing Total</b>	<b>1,105</b>	<b>1,093</b>	<b>2,198</b>	<b>1,452</b>	<b>592</b>	<b>(154)</b>	<b>(104)</b>	
Ed Potter	Car Park Refurbishments	192		192	57	135	-	-	£135k to be slipped in to 19/20, Delays with planning
Ed Potter	Energy Efficiency Projects	15		15	15	0	-	-	Anticipated full spend in 19/20
Ed Potter	Glass Bank Recycling Scheme	0		0	0	0	-	0	
Ed Potter	Public Conveniences	250		250	250	0	-	-	£50k to be passed to castle quay 1 - confirmation expected in period 10 once refurbishment at claremont completed
Ed Potter	Off Road Parking	18		18	0	18	-	-	£18k to be slipped in to 20/21
Ed Potter	Vehicle Replacement Programme	1,179		1,179	1,000	179	-	0	best estimate - £179k to be slipped in to 20/21 - confirmation expected in period 10

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		BUDGET	ADJUST MENTS	BUDGET TOTAL	FORECAST	RE- PROFILED BEYOND 2019/20	Current Month Variances £000	Prior Month Variances £000	OUTTURN NARRATIVE
Ed Potter	Wheeled Bin Replacement Scheme	45		45	46	0	1	-	Fully committed 19/20
Ed Potter	Urban City Electricity Installations	15		15	0	15	-	-	£15k to be slipped in to 19/20 - Works to carried out in early 20/21
Ed Potter	Vehicle Lifting Equipment	20		20	19	0	(1)	(1)	Fully committed 19/20
Ed Potter	Container Bin Replacement	20		20	20	0	-	-	Anticipated full spend in 19/20
Ed Potter	Commercial Waste Containers	12		12	12	0	-	-	Anticipated full spend in 19/20
Ed Potter	On Street Recycling Bins	25		25	20	5	-	-	£5k to be slipped in to 19/20
Ed Potter	Thorpe Lane Depot Capacity Enhancement	50		50	52	0	2	2	Slight Overspend in 19/20
	<b>Environment - Environment</b>	<b>1,841</b>	<b>-</b>	<b>1,841</b>	<b>1,491</b>	<b>352</b>	<b>2</b>	<b>1</b>	
	<b>Wellbeing, Environmental &amp; Regulatory Total</b>	<b>4,140</b>	<b>1,093</b>	<b>5,233</b>	<b>3,649</b>	<b>1,395</b>	<b>(189)</b>	<b>(141)</b>	
Jane Norman	Community Centre Refurbishments	84		84	84	0	-	-	Anticipated full spend in 19/20
Jane Norman	The Hill Youth Community Centre	989	(989)	0	0		-	-	duplicate code, see 40107 for The Hill project
Andrew Bowe	East West Railways	1,450		1,450	0	1,450	-	-	Ongoing investigation - see AB email 5/12/19
Robert Jolley	Graven Hill - Loans and Equity	13,000		13,000	13,000	0	-	-	This drawn based on the funding requirements of Graven Hill but should be drawn in full by the year end.
Jenny Barker	NW Bicester Eco Business Centre	68		68	68		-	-	Anticipated full spend in 19/20 - emailed JB
Jane Norman	The Hill Community Centre	110	989	1,099	1,099		-	-	Project is on target for completion in 2019/20 and is on budget.
Jane Norman	Orchard Lodge (Phase 1)	0		0	1		1	(2)	Remaining schemes in this phase are or will complete in this financial year.
Jane Norman	Old Place Yard (Phase 1)	0		0	7		7	17	
Jane Norman	Coach House Mews (Phase 1)	0		0	8		8	(355)	
Jane Norman	Banbury Ambulance Station (Phase 1)	0		0	6		6	14	
Jane Norman	Fairway Methodist Church (Phase 1)	0	291	291	269		(22)	326	
Jane Norman	Juniper Court/Drapers (Phase 1)	0		0	0		-	0	
Jane Norman	Spring Gardens (Phase 1)	0		0	(1)		(1)	(1)	
Jane Norman	Newton Close (Phase 1)	0		0	0		0	0	
Jane Norman	Admiral Holland Redevelopment Project (phase 1b)	2,380		2,380	1,700	680	-	0	Total budget for Phase 1b £3,554m (held in cc40154). Admiral Holland construction will continue in to 20/21 . Creampot Crescent will be completed in 19/20. Bicester Library no longer on hold but the majority of work will take place in 20/21.
Jane Norman	Creampot Crescent Cropredy (phase 1b)	201		201	207	0	6	6	
Jane Norman	Bicester Library (phase 1b)	973		973	17	956	-	0	
Jane Norman	Build Programme (Phase 2)	672	(291)	381	0	381	(0)	-	
Jane Norman	Bretch Hill Reservoir (Thames Water Site) (Pha	6964		6,964	10	6,954	0	-	

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		BUDGET	ADJUSTMENTS	BUDGET TOTAL	FORECAST	RE-PROFILED BEYOND 2019/20	Current Month Variances £000	Prior Month Variances £000	OUTTURN NARRATIVE
Jane Norman	Trades & Labour Club (Phase 2)	1542		1,542	0	1,542	(0)	-	The programme is being reviewed, more will be known by Q4
Jane Norman	Angus Close (Phase 2)	344		344	0	344	(0)	-	
Jane Norman	Nizewell Head (Phase 2)	198		198	0	198	(0)	-	
Jane Norman	Leys Close (Phase 2)	276		276	6	270	(0)	-	
Jane Norman	Bullmarsh Close (Phase 2)	354		354	62	292	(0)	-	
Jane Norman	Buchanan Road/Woodpiece Road (Phase 2)	163		163	0	163	0	-	
Jane Norman	Park Road (Phase 2)	196		196	0	196	(0)	-	
Jane Norman	Wykham Lane (Phase 2)	189		189	0	189	0	-	
	<b>Place &amp; Growth - Economy &amp; Regeneration</b>	<b>30,155</b>	<b>0</b>	<b>30,155</b>	<b>16,545</b>	<b>13,615</b>	<b>5</b>	<b>5</b>	
	<b>Place &amp; Growth Total</b>	<b>30,155</b>	<b>-</b>	<b>30,155</b>	<b>16,545</b>	<b>13,615</b>	<b>5</b>	<b>5</b>	
Natasha Barnes	Customer Self-Service Portal CRM Solution	0		0	0		-	-	
Tim Spiers	EXKI PROD copy fwd planning IT hardware	0		0	0		-	0	Move to 40071 (included in forecast)
Rakesh Kumar	Land & Property Harmonisation	249		249	279		30	39	Entec, extra resources (PM) and 140K for 2 new systems needed and 51K for PM resource
Tim Spiers	5 Year Rolling HW / SW Replacement Prog	69		69	57		(12)	(12)	Planned to complete by end of FY - Windows 10/Office 365 roll out and computer replacement.
Tim Spiers	Business Systems Harmonisation Programme	40		40	0		(40)	(40)	Rolling budget supporting joint teams. Underspend is offsetting other overspends
	Website Redevelopment	0			1				
Tim Spiers	Upgrade Uninterrupted Pwr Supp Back up / Datacentre	19		19	13		(6)	(6)	Migrate remaining services to data centre
Tim Spiers	IT Strategy Review	105		105	91		(14)	(13)	Forecast = 128 (actual) less Oct - Dec costs (move to Rev) less credit coming in from SNC for Q1. Assumed Q4 costs will also be captured within Rev
Tim Spiers	Digital Portal	0		0	0		-	0	journalled to 40170
Tim Spiers	Land & Property Harmonisation	0		0	0		-	-	Planned to complete by end of FY, replacement land and property systems
Tim Spiers	Customer Excellence & Digital Transfer	112		112	72	36	(4)	(27)	Forecast= actuals less recharges to SNC for Q3 plus predicated actuals less recharges for Q4. u/s is to be slipped into next year
Hedd Vaughan-Evans	Unified Communications	112		112	131		19	19	50% invoice to SNC to be included in Q3 recharges
Hedd Vaughan-Evans	WIFI Replacement	38		38	64		27	16	Forecast = actuals less credit for SNC for Q3 then predicted actuals less credit for Q4. Also added on CAE figure in commitments less 40% to SNC.
	<b>Information Technology Total</b>	<b>744</b>	<b>-</b>	<b>744</b>	<b>709</b>	<b>36</b>	<b>0</b>	<b>(24)</b>	Underspend need for Phase 2 next year as per F

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Karen Edwards	HR / Payroll System replacement	125		125	147		22	57	Predicted overspend should be able to be absorbed within HR revenue. Forecast = 83 actual less credit from SNC for Eric (8K) and Entec (8K). Add on 1) Eric's costs for Q4 less recharge 2) Entec cost for Q4 less recharge 3) system costs less recharge
	Elections Polling Booth and Count Tables	0		0			-	-	
	<b>HR, OD and Payroll Total</b>	<b>125</b>	<b>-</b>	<b>125</b>	<b>147</b>	<b>-</b>	<b>22</b>	<b>57</b>	
	<b>Customers &amp; Service Development Total</b>	<b>869</b>	<b>0</b>	<b>869</b>	<b>855</b>	<b>36</b>	<b>22</b>	<b>33</b>	
Dominic Oakeshott	Financial System Upgrade	0		0	0	0	-	-	
	Antelope garage	0							
Belinda Green	Academy Harmonisation	144		144	144	0	-	-	The capital pot was established to support the project to transfer the CDC Revs and Bens data from the legacy software system, Northgate, to the Academy system. Although the data migration took place in 2017 there are a number of modules (which came as part of the original system contract) that are still to be implemented including OD customer portal, automation of new claims for benefits and CT discounts/exemptions, templating. These are all in the work plan for 19/20. £57k reprofiled from 18/19
Dominic Oakeshott	New E-Tenderings Portal for Procurement	30		30	0	0	(30)	(30)	Budget for project is no longer required, an additional module to the existing e-tendering portal was purchased.
Dominic Oakeshott	Finance Replacement System	210		210	210	0	-	-	Predicted costs still to come from Entec for Q4 = 7 x 3 - 21 (less recharge to SNC)
	<b>Finance Total</b>	<b>384</b>	<b>-</b>	<b>384</b>	<b>354</b>	<b>-</b>	<b>(30)</b>	<b>(30)</b>	
Stuart Parkhurst	Condition Survey Works	2		2	0	0	(2)	(2)	Works completed
Stuart Parkhurst	Bradley Arcade Roof Repairs	30		30	22	8	-	-	Works partially completed, further investigation required to complete works scope to be created. On target for spend of £30K - waiting for permission from Sanctuary
	Bicester Town Centre Redevelopment	0		0		0	-	-	
Stuart Parkhurst	Community Buildings - Remedial Works	0		0	0	0	-	-	Works completed, PO to be closed
Chris Hipkiss	Spiceball Riverbank Reinstatement	50		50	50	0	-	-	Full spend anticipated in 19/20

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Stuart Parkhurst	Banbury Health Centre - Refurbishment of Ventilation, Heating & Cooling Systems	253		253	0	253	-	-	In design stage, works progressing. Discussions between CDC and tenant regarding extension of the lease. The result of which may affect scope of the project. Project currently paused until resolved.
Stuart Parkhurst	Thorpe Way Industrial estate - Roof & Roof Lights	0		0	0	0	-	(2)	Works complete and project signed off.
Chris Hipkiss	Castle Quay 2	46,134		46,134	20,336	25,798	0	-	Programme ongoing, reprofile £45,798K into 19/20 and reprofile £24,667K beyond
Chris Hipkiss	Castle Quay 1	7,300		7,300	4,000	3,300	-	-	Programme ongoing, forecast spend in 19/20 of £4m. Reprofile remaining budget beyond 19/20
Shelagh Larard	Franklins House - Travelodge	75		75	50	0	(25)	(25)	Retention payment c£25k payable to the contractor in Aug 19. There will also be some professional fees payable. Expect £50k spend in 19/20 (see SL email 13/5/19 & 06/8/19))
Robert Fuzesi	Housing & IT Asset System joint CDC/SNC	50		50	50	0	-	-	Possible harmonisation project will overtake and therefore this budget/project will move over. Project on hold until decision made.
Stuart Parkhurst	Orchard Way - external decorations	95		95	95	0	-	-	Tender received, to be ordered August 19. On target for full spend in 19/20
Stuart Parkhurst	Retained Land	165		165	122	0	(43)	(27)	Works complete pending final account
Stuart Parkhurst	Thorpe Place Industrial Units	162		162	157	0	(5)	-	On site, 30 week programme. Project anticipated to be delivered within budget, works to be completed end of Aug 19. Defects identified. Risk identified (time) Withholding £100k which the council may be required to use to repair the defects. Completed
Stuart Parkhurst	Thorpe Way Industrial Units	135		135	129	0	(6)	(2)	On site, 30 week programme. Project anticipated to be delivered within budget, works to be completed end of Aug 19. Defects identified. Risk identified (time) Withholding £100k which the council may be required to use to repair the defects. Completed
Stuart Parkhurst	Horsefair, Banbury	100		100	45	55	-	-	Project under review. Previously tendered over budget. Review at Q4. Most likely re-profiled



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Stuart Parkhurst	Thorpe Lane Depot - Tarmac / drainage	110		110	106	0	(4)	-	On site, 30 week programme. Project anticipated to be delivered within budget, works to be completed end of Aug 19. Defects identified. Risk identified (time) Withholding £100k which the council may be required to use to repair the defects. Completed
Stuart Parkhurst	EPC certification & compliance works	40		40	40	0	-	-	On site, 30 week programme. Project anticipated to be delivered within budget, works to be completed end of Aug 19.
Chris Hipkiss	Tramway Industrial Estate, Banbury	0		0	15	0	15	15	Site survey works not budgeted for in 19/20
Stuart Parkhurst	The Mill	250		250	0	250	-	-	Robert to provide forecast spend for 19/20 and reprofile for 20/21. A recent condition survey of the property outlined necessary remedial works and approach that would need to be undertaken to bring the building back into good repair.
Stuart Parkhurst	Banbury Museum Upgrade of AHU	110		110	4	106	-	-	Order being raised for investigation stage which will lead to full design. Full spend anticipated in 19/20
Stuart Parkhurst	Bodicote House Fire Compliance Works	154		154	13	141	-	-	Order raised for design. Waiting on FRA then works will begin
Stuart Parkhurst	The Fairway Garage Demolition	52		52	16	55	19	16	Full spend anticipated in 19/20. Review Q3 Forecasting potential overspend of £10k - balances out with savings elsewhere in property - budget review once tenders returned
Stuart Parkhurst	BYHP Separation of Building to two units	17		17	20	0	3	3	Order raised for design. Full spend anticipated in 19/20 (slightly over)
Stuart Parkhurst	Compliance Works with Energy Performanc	169		169	169	0	-	-	Phase one on site, 15 week programme. Project anticipated to be on target, £130k spend for works to be completed end of Aug 19. Design works for Phase two works to commence in September. On target for full spend.
Stuart Parkhurst	Ferriston Roof Covering	142		142	126	16	-	-	Works being tendered anticipated start date of September. Full spend anticipated in 19/20
Stuart Parkhurst	Pioneer Square Fire Panel	20		20	3	17	-	-	Order raised for design. Full spend anticipated in 19/20
Stuart Parkhurst	Corporate Asbestos Surveys	150		150	120	30	-	0	
Stuart Parkhurst	Corporate Fire Risk Assessments	60		60	50	10	-	-	Works are being assessed with the consultant.
Stuart Parkhurst	Corporate Water Hygiene Legionella Asses	35		35	35	0	-	-	Once full scope identified, works will proceed.
Stuart Parkhurst	Corporate Reinstatement Cost Assessments	59		59	47	12	-	-	Potential to reprofile part works in to 20/21

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Stuart Parkhurst	Works From Compliance Surveys	195		195	90	105	-	-	
Stuart Parkhurst	Thorpe Place 18_19	75		75	75	0	-	-	works tendered July. Costs, more than anticipated - altering specification to make efficiencies and then retendered. Forecast start date of December for a 4 week project. Full spend anticipated in 19/20
Robert Fuzesi	CDC Feasibility of utilisation of proper	100		100	0	100	-	-	Reprofiled.
Stuart Parkhurst	Orchard Way Fire Safety Works	0		0	0		-	-	Need to Amend Line
	<b>Property Total</b>	<b>56,289</b>	<b>-</b>	<b>56,289</b>	<b>25,985</b>	<b>30,256</b>	<b>(48)</b>	<b>(24)</b>	
	<b>Finance Services Total</b>	<b>56,673</b>	<b>-</b>	<b>56,673</b>	<b>26,339</b>	<b>30,256</b>	<b>(78)</b>	<b>(54)</b>	