

Public Document Pack

Cherwell District Council

Council

Minutes of a meeting of the Council held as a Virtual meeting, on 20 July 2020
at 6.30 pm

Present: Councillor David Hughes (Chairman)
Councillor Hannah Banfield (Vice-Chairman)

Councillor Andrew Beere
Councillor Nathan Bignell
Councillor Maurice Billington
Councillor John Broad
Councillor Hugo Brown
Councillor Phil Chapman
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Conrad Copeland
Councillor Ian Corkin
Councillor Nick Cotter
Councillor Surinder Dhesi
Councillor John Donaldson
Councillor Sean Gaul
Councillor Carmen Griffiths
Councillor Timothy Hallchurch MBE
Councillor Simon Holland
Councillor Shaida Hussain
Councillor Tony Ilott
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Andrew McHugh
Councillor Ian Middleton
Councillor Perran Moon
Councillor Richard Mould
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor George Reynolds
Councillor Barry Richards
Councillor Dan Sames
Councillor Les Sibley
Councillor Jason Slaymaker
Councillor Katherine Tyson
Councillor Tom Wallis
Councillor Douglas Webb
Councillor Fraser Webster
Councillor Bryn Williams
Councillor Lucinda Wing
Councillor Barry Wood
Councillor Sean Woodcock

Apologies for absence: Councillor Mike Bishop
Councillor Chris Heath
Councillor Tony Mepham

Officers: Yvonne Rees, Chief Executive
Steve Jordan, Corporate Director Commercial Development, Assets & Investment & (Interim) Monitoring Officer
Lorna Baxter, Director of Finance & Section 151 Officer
Sukdave Ghuman, Head of Legal Services
Natasha Clark, Governance and Elections Manager

12 **Welcome**

The Chairman welcomed councillors, officers and members of the public and press to the virtual meeting of Full Council.

The Chairman introduced the Vice-Chairman, Councillor Hannah Banfield, and explained that if he had any technical issues and had to drop out of the meeting, Councillor Banfield would take the Chair until he was reconnected.

13 **Declarations of Interest**

14. Capital Programme Virement - Graven Hill.
Councillor Dan Sames, Non Statutory Interest, as a CDC appointed non-Executive Director on Graven Hill Management Company and Graven Hill Development Company.

14. Capital Programme Virement - Graven Hill.
Councillor Ian Corkin, Non Statutory Interest, as a CDC appointed non-Executive Director on Graven Hill Management Company and Graven Hill Development Company.

(The meeting adjourned between 6.45pm and 7.20pm to enable technical issues with the broadcast to be resolved)

14 **Communications**

Housekeeping

The Chairman reminded Members of the protocol and etiquette for virtual meetings.

Chairman's PA - Liz Matthews and Clare Addison

The Chairman explained that normally at the Annual Meeting in May the outgoing Chairman pays tribute to their PA. As an Annual Meeting had not been held in May and he was continuing as Chairman, he would take this opportunity to thank Liz Matthews and Clare Addison for their support as his PAs during the past 15 months.

The Chairman introduced Clare and Liz to the meeting and explained that he had sent them each a bunch of flowers as a token of his gratitude.

Chairman's Engagements

The Chairman reported that a copy of the events attended by himself or the Vice-Chairman had been included in the agenda pack and explained that due to Covid-19 restrictions and in line with Government guidelines, all other events he had been due to attend were cancelled or postponed, including his own Charity Dinner.

The Chairman advised that he hoped to rearrange his Charity Dinner in the future, when restrictions allowed, in order to raise vital funds for my chosen charities: Katharine House Hospice, ROSY (Respite Care for Oxfordshire's Sick Youngsters) and ARCh (Assisted Reading for Children).

All Member Briefing, Tuesday 21 July

The Chairman reminded Councillors that an All Member Briefing on the Budget Strategy would be taking place via MS Teams at 6.30pm on Tuesday 21 July. All Members were encouraged to attend what would be a very important seminar.

15 Petitions and Requests to Address the Meeting

The Chairman advised the meeting that there were no petitions but there was one request to address the meeting, on agenda item 9 in relation to the Peat-free compost motion. The public speaker would be able to speak for up to 5 minutes and would be called to address the meeting prior to the motion being debated by Council.

16 Urgent Business

There were no items of urgent business.

17 Minutes of Council

The minutes of the meeting held on 20 May 2020 were agreed as a correct record, to be signed by the Chairman in due course.

18 Minutes

a) Minutes of the Executive, Lead Member Decisions and Executive Decisions made under Special Urgency

Resolved

That the minutes of the meeting of the Executive and Lead Member decisions as set out in the Minute Book be received and that it be noted that since the last meeting of Council at which this was reported on 24 February 2020, one

decision had been taken by the Executive which were not included in the 28 day notice, relating to Discretionary Business Grant Fund Policy.

b) Minutes of Committees

Resolved

That the minutes of Committees as set out in the Minute Book be received.

19

Questions

a) Written Questions

The Chairman advised Council that three written questions addressed to the Leader of the Council, Councillor Wood, had been submitted with advance notice in accordance with the Constitution and had been published with the agenda. Responses to each question had been published as a supplement to the agenda (and are an annex to the Minutes as set out in the Minute Book).

The first question was from Councillor Copeland in relation to Castle Quay. By way of a supplementary question, Councillor Copeland asked the Leader if councillors could see the updated risk assessment. The Leader advised that this had been shared with the Castle Quay Management Group.

The second question was from Councillor Middleton in relation to the Climate Emergency Motion. By way of a supplementary question, Councillor Middleton asked the Leader if there was any progress on establishing a Member Working Group, which had been mentioned when the motion was first passed in July 2019. The Leader advised that he would provide a written response to Councillor Middleton.

The third question was from Councillor Moon in relation to Coronavirus. By way of a supplementary question, Councillor Moon referred to the Local Outbreak Plan and the asked the Leader when and through what media the Local Outbreak Plan would be communicated. The Leader advised that he would provide a written response to Councillor Moon.

b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Councillor Wing: CDC markets terms and conditions and signing up to be fur free markets

Councillor Corkin: Cherwell as a prime location for inward investment

Councillor Reynolds: Council owned leisure facilities (as part of his question, Councillor Reynolds thanked all Cherwell District Council staff and legacy leisure staff for their hard work enabling the sports facilities to reopen)

Councillor Middleton: Change to planning policy consultation procedures for the Community Involvement Paper

Councillor Middleton: Local Plan Member Working Group

c) Questions to Committee Chairmen on the Minutes

There were no questions to Committee Chairman on the minutes of meetings.

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Motions

The Chairman advised that five motions had been submitted and would be debated in the order submitted. Amendments to four of the motions had been received and published as a supplement to the agenda.

a) Peat Free Compost

The Chairman advised Council that Councillor Banfield had withdrawn the motion she had submitted on peat free compost to the 24 February 2020 Council meeting, which had been adjourned to allow for consideration of the budgetary implications of the motion, and submitted a revised motion.

The Chairman invited Linda Newbery, a local resident, who had registered to speak on the motion, to address Council.

It was proposed by Councillor Banfield and seconded by Councillor Sames that the following motion be adopted:

“Peatlands located within the UK and The Republic Of Ireland, play a vital role in absorbing and storing large amounts of carbon dioxide and thus help to mitigate climate change. This council agrees that any supplier of our bedding plants at this time and in the future will from this juncture use no more than 50% peat compost within the cultivation of our plants and that the suppliers of our bedding plants now and in the future must make the commitment to be peat-free as soon as practicable and most definitely by 2030. In making this commitment we will conserve this diminishing natural resource and help to safeguard our peatlands.

This Council agrees that officers will investigate sustainable alternatives in relation to the design and planting of our bedding schemes which will include perennial plants that are cost-effective, insect-friendly, and attractive to pollinators.”

Councillor Middleton proposed the following amendments to the motion which were duly seconded by Councillor Cotter:

“Peatlands located within the UK and The Republic Of Ireland, play a vital role in absorbing and storing large amounts of carbon dioxide and thus help to mitigate climate change.

This council agrees that ~~the current any~~-supplier of our bedding plants ~~at this time and in the future~~ will from this juncture use no more than 50% peat compost within the cultivation of our plants and that ~~the suppliers of our bedding plants now and in the future must make the commitment to be peat-free as soon as practicable and most definitely by 2030 by the end of their contract in 2022 they should commit to supply us with peat free plants without significant cost increases. If they are unable or unwilling to do so, officers should investigate alternative procurement options to achieve that~~

goal. The use of peat based products will be banned from all future landscaping and supply contracts.

In making this commitment we will conserve this diminishing natural resource and help to safeguard our peatlands.

This Council agrees that officers will investigate and adopt sustainable peat free alternatives in relation to the design and planting of our bedding schemes which will include perennial plants that are drought resistant, cost-effective, insect-friendly, and attractive to pollinators.

Alternative landscaping practices such as rewilding should also be applied where possible."

The amendment was debated and on being put to the vote was lost and therefore fell.

Council debated the motion as submitted, which on being put to the vote was carried and therefore approved.

b) Brighter Futures

It was proposed by Councillor Woodcock and seconded by Councillor Dhesi that the following motion be adopted:

"This council notes with alarm that in the last three years this district recorded the biggest increase in child poverty in the whole of Oxfordshire.

This council agrees that 1 in 8 children living below the poverty line in Cherwell is completely unacceptable.

Further, with the economic impact of the COVID-19 pandemic anticipated to be extremely negative, this council understands that unless urgent remedial action is taken the Cherwell child poverty crisis is only likely to get worse.

Thus, this council commits to the following in order to help tackle our child poverty crisis:-

- Restarting the 'Brighter Futures' programme at the earliest possible opportunity with the appointment of a dedicated Lead Member and regular reporting to this council's committees and Executive.
- Carrying out an urgent study across the district on the causes and impact of child poverty locally. This study will be completed within 6 months.
- Drawing up an action plan to tackle child poverty, working with other authorities and agencies to understand best practices and how to implement them, within 6 months of the completion of this study."

Councillor McHugh proposed the following amendments to the motion which were duly seconded by Councillor Wood:

"This council notes with alarm concern that in the last three years this district recorded the biggest increase in child poverty in the whole of Oxfordshire.

This council agrees that 1 in 8 children living below the poverty line in Cherwell is completely unacceptable. ~~Reducing child poverty is and has been a long term objective for this council. The council notes the great work of 'Brighter Futures in Banbury' in addressing child poverty since it was set up in over 10 years ago. Further, with~~ The economic impact of the COVID-19 pandemic anticipated to be extremely negative, ~~this council understands that unless urgent remedial action is taken the Cherwell child poverty crisis is only likely to get worse.~~ and likely to exacerbate the situation.

~~Thus,~~ This council commits to the following in order to ~~continue to help~~ tackle our child poverty ~~crisis:~~ within the district

-
~~Restarting Continuing the 'Brighter Futures' programme which has continued to run throughout the pandemic. at the earliest possible opportunity with the appointment of a dedicated Lead Member and regular reporting to this council's committees and Executive.~~

~~Carrying out an urgent study across the district on the causes and impact of child poverty locally. This study will be completed within 6 months. Receive annual reports to this council's committees from the chairman of Brighter Futures, beginning Autumn 2020.~~

~~Drawing up an action plan to tackle child poverty, working with other authorities and agencies to understand best practices and how to implement them, within 6 months of the completion of this study." Build on the work from the Brighter Futures workstream 'Addressing Childhood Poverty'.~~

- ~~Use the Cherwell Industrial Strategy to attract high skilled, well paid jobs to the district as part of a green revolution.~~
- ~~Work with stakeholders to take actions that improve educational attainment, reduce exploitation and provide positive activities for young people~~
- ~~Support families to reduce inactivity and health inequalities~~

The amendment was debated and on being put to the vote was carried and therefore became the substantive motion for debate.

Council debated the substantive motion (the motion as amended), which on being put to the vote was carried and therefore approved.

c) Black Lives Matter

It was proposed by Councillor Wood and seconded by Councillor Hussain that the following motion be adopted:

"This Council notes recent national awareness around the Black Lives Matter Movement.

This Council believes that of course all lives matter but knows that the evidence points to BAME communities being particularly vulnerable to deprivation, poorer life chances and racism. This is reflected in, among other indicators, disproportionate deaths from Covid 19.

The Council has a good record with things like help for the Sunshine Centre, the Bretch Hill Centre, the FAST programme and Banbury Brighter Futures, but a good Council always refreshes and updates its work.

To that end the Council resolves to request Officers to consider an engagement exercise with BAME communities and individuals to effectively listen to their experience of life in our District and to bring back recommendations to Scrutiny and the Executive for consideration by Members.”

No amendments to the motion having been proposed, the motion was debated as submitted and on being put to the vote was carried.

d) Government Covid-19 Recovery Plan

It was proposed by Councillor Middleton and seconded by Councillor Broad that the following motion be adopted:

“Boris Johnson recently announced his plan for recovery from the COVID-19 crisis is to Build! Build! Build!

This blunt aspiration carries the potential to override local democracy on planning, damage the environment, destroy wildlife habitats and harm both our rural and urban communities with more roads and cars, and yet more unnecessary development on green field sites. Our eco-systems and our health are going to be sacrificed on the altar of growth in the pursuit of inward investment at all costs.

This is surely not in the best interests of the people we represent. We have an opportunity now to learn the lessons of the past. A socially just and green recovery will create a better future for our planet and everyone on it. Let’s build back better!

This council calls on government to :

- Work towards ensuring everyone has access to wholesome food, free healthcare, income and job security, affordable zero carbon housing, renewable energy, superfast broadband, public transport, clean air and green spaces.
- Acknowledge the value of our carers and educators by protecting and investing in our NHS, social care, schools, colleges and early years care
- Protect genuine local democracy on planning matters.
- Restructure public and private finance to give power to local communities and guarantee sufficient funding to councils to provide high quality local services for everyone.
- Decarbonise the economy and create thousands of new, well-paid, secure jobs in green industries.
- Ensure that the longer-term recovery will guarantee human rights and prevent environmental damage, injustice and conflict.”

Councillor Sames proposed the following amendments to the motion which were duly seconded by Councillor Wood:

“Boris Johnson recently announced his plan for recovery from the COVID-19 crisis is to “Build!, Bbuild!, Bbuild!, **build back greener, build back better, and build back faster.**”

This ~~blunt~~ aspiration ~~carries the potential to override local democracy on planning, damage the environment, destroy wildlife habitats and harm both our rural and urban communities with more roads and cars, and yet more unnecessary development on green field sites. Our eco-systems and our health are going to be sacrificed on the altar of growth in the pursuit of inward investment at all costs. This is surely not in the best interests of the people we represent. We have an opportunity now to learn the lessons of the past.~~ **is to tackle this country’s great unresolved challenges of the last three decades: to build the homes, to fix the NHS, to solve social care, to tackle the skills crisis, to mend the indefensible gap in opportunity and productivity and connectivity between the regions of the UK, to unite and level up.** A socially just and green recovery will create a better future for our planet and everyone on it. Let’s build back better **and build back bolder!**

This council ~~calls on~~ **expects** government to:

- Work towards ensuring everyone has access to wholesome food, free healthcare, income and job security, affordable zero carbon housing, renewable energy, superfast broadband, public transport, clean air and green spaces.
- **Promote building homes on brownfield sites.**
- **Build residential provision above stations and retail spaces.**
- **Create new woodlands and invest in conservation.**
- Acknowledge the value of our carers and educators by protecting and investing in our NHS, social care, schools, colleges and early years care
- Protect genuine local democracy on planning matters.
- Restructure public and private finance to give power to local communities and ~~guarantee provide sufficient~~ funding to councils to provide high quality local services for everyone.
- Decarbonise the economy and create thousands of new, well-paid, secure jobs in green industries.
- Ensure that the longer-term recovery will promote human rights, ~~prevent environmental damage,~~ **protect the environment and tackle** injustice. ~~and conflict.”~~

The amendment was debated and on being put to the vote was carried and therefore became the substantive motion for debate.

Council debated the substantive motion (the motion as amended), which on being put to the vote was carried and therefore approved.

e) Motion to Guarantee Democratic Accountability in 2021

The Chairman advised that Councillor Copeland had submitted an amended version to the motion he had originally submitted, which was supported by his seconder.

It was proposed by Councillor Copeland and seconded by Councillor Tyson that the following motion be adopted:

“Government has undertaken to present a White Paper on Devolution this year. Regardless of any proposed changes or reorganisation of local authorities, democratic accountability remains fundamental to local representation and government. Electoral input is important in the consultation process on any proposals contained in the White Paper.

In order to preserve the democratic integrity of the council, elections should be held to fill vacant and expiring seats. It is democratically deficient to go years without filling empty seats. Cherwell must endeavour to make sure that our residents are democratically empowered by holding elections.

Coronavirus Act 2020, section 61 gives the Secretary of State power to delay elections taking place before 5 May 2021; subsection (5) states that the date for postponed elections cannot fall after 6 May 2021.

The schedule for local elections conforms to these rules within the legislation. Further, current District Council elections are scheduled for 6 May 2021, outside of the window for further delay.

Therefore, Cherwell District Council opposes any further delay to local elections.

Council asks the Leader of the Council to write to the Secretary of State to request that local elections at all levels of local government proceed as planned in May 2021 or as soon thereafter as it is safe to do so.

Council guarantees that seats scheduled for election will take place on 6 May 2021, or as soon thereafter as it is safe to do so, through byelection or other means, notwithstanding any delay of formal elections.”

No amendments to the motion having been proposed, the motion was debated as submitted and on being put to the vote was lost and therefore fell.

Resolved

(1) That the following motion be adopted:

“Peatlands located within the UK and The Republic Of Ireland, play a vital role in absorbing and storing large amounts of carbon dioxide and thus help to mitigate climate change. This council agrees that any supplier of our bedding plants at this time and in the future will from this juncture use no more than 50% peat compost within the cultivation of our plants and that the suppliers of our bedding plants now and in the future must make the commitment to be peat-free as soon as practicable and most definitely by 2030. In making this commitment we

will conserve this diminishing natural resource and help to safeguard our peatlands.

This Council agrees that officers will investigate sustainable alternatives in relation to the design and planting of our bedding schemes which will include perennial plants that are cost-effective, insect-friendly, and attractive to pollinators.”

(for information: On being put to the vote the proposed amendment to the motion was lost and subsequently fell)

- (2) That the following motion, as amended, be adopted:

"This council notes with concern that in the last three years this district recorded the biggest increase in child poverty in the whole of Oxfordshire.

This council agrees that 1 in 8 children living below the poverty line in Cherwell is completely unacceptable. Reducing child poverty is and has been a long term objective for this council. The council notes the great work of 'Brighter Futures in Banbury' in addressing child poverty since it was set up in over 10 years ago. The economic impact of the COVID-19 pandemic anticipated to be extremely negative, and likely to exacerbate the situation.

This council commits to the following in order to continue to tackle child poverty-within the district:

- Continuing the 'Brighter Futures' programme which has continued to run throughout the pandemic.
- Receive annual reports to this council's committees from the Chairman of Brighter Futures, beginning Autumn 2020.
- Build on the work from the Brighter Futures workstream 'Addressing Childhood Poverty'.
- Use the Cherwell Industrial Strategy to attract high skilled, well paid jobs to the district as part of a green revolution.
- Work with stakeholders to take actions that improve educational attainment, reduce exploitation and provide positive activities for young people
- Support families to reduce inactivity and health inequalities”

- (3) That the following motion be adopted:

“This Council notes recent national awareness around the Black Lives Matter Movement.

This Council believes that of course all lives matter but knows that the evidence points to BAME communities being particularly vulnerable to deprivation, poorer life chances and racism. This is reflected in, among other indicators, disproportionate deaths from Covid 19.

The Council has a good record with things like help for the Sunshine Centre, the Bretch Hill Centre, the FAST programme and Banbury

Brighter Futures, but a good Council always refreshes and updates its work.

To that end the Council resolves to request Officers to consider an engagement exercise with BAME communities and individuals to effectively listen to their experience of life in our District and to bring back recommendations to Scrutiny and the Executive for consideration by Members.”

(4) That the following motion, as amended, be adopted:

“Boris Johnson recently announced his plan for recovery from the COVID-19 crisis is to “Build, build, build, build back greener, build back better, and build back faster.”

This aspiration is to tackle this country’s great unresolved challenges of the last three decades: to build the homes, to fix the NHS, to solve social care, to tackle the skills crisis, to mend the indefensible gap in opportunity and productivity and connectivity between the regions of the UK, to unite and level up. A socially just and green recovery will create a better future for our planet and everyone on it. Let’s build back better and build back bolder!

This council expects government to:

- Work towards ensuring everyone has access to wholesome food, free healthcare, income and job security, affordable zero carbon housing, renewable energy, superfast broadband, public transport, clean air and green spaces.
- Promote building homes on brownfield sites.
- Build residential provision above stations and retail spaces.
- Create new woodlands and invest in conservation.
- Acknowledge the value of our carers and educators by protecting and investing in our NHS, social care, schools, colleges and early years care
- Protect genuine local democracy on planning matters.
- Restructure public and private finance to give power to local communities and provide funding to councils to provide high quality local services for everyone.
- Decarbonise the economy and create thousands of new, well-paid, secure jobs in green industries.
- Ensure that the longer-term recovery will promote human rights, protect the environment and tackle injustice.”

Amendments to Proportionality Calculations and Committee Membership and Outside Body Representative

The Chief Executive submitted a report for Council to note the amendments to the constitution of political groups and amendments to the proportionality calculations and committee membership arising from a change to political Group membership. The report also sought appointment to a new Cherwell

District Council representative to the Oxfordshire Joint Health Overview and Scrutiny Committee.

Resolved

- (1) That the amended constitution of Political Groups: 31 Conservative (65%); 9 Labour (19%); 5 Progressive Oxfordshire (10%); 2 Independent (4%) and 1 vacant seat (2%) be noted.
- (2) That the amended allocation of seats on committees that are subject to the political balance requirements be noted.
- (3) That the amended allocation of seats on committees that are not subject to political balance requirements be noted.
- (4) That the following amendments to committee membership, as advised by the respective Leaders of the Independent Group, Progressive Oxfordshire Group and Conservative Group be noted:

Appeals Panel

Remove: Councillor John Broad (was previously appointed as an Independent Group Member)

Add: Councillor John Broad (appointed as Progressive Oxfordshire Group member)

Licensing Committee

Add: Councillor Tim Hallchurch (Conservative Member)

(NB. No member is removed as there was previously an Independent Group vacant seat on the Committee)

Planning Committee

Remove: Cllr John Broad (was previously named substitute for the Independent Group)

Remove: Councillor Conrad Copeland (as Full Member for the Progressive Oxfordshire Group)

Remove: Cllr Nick Cotter (as named substitute for the Progressive Oxfordshire Group)

Add: Cllr Fraser Webster as named substitute for the Independent Group

Add: Cllr John Broad as Full Member for the Progressive Oxfordshire Group

Add: Cllr Conrad Copeland as names substitute for the Progressive Oxfordshire Group

Standards Committee

Remove: Councillor Tim Hallchurch (Conservative Group Member)

Add: Councillor Ian Middleton (Progressive Oxfordshire Group member)

- (5) That Councillor Kieron Mallon be appointed as the council's representative to the Oxfordshire Joint Health Overview and Scrutiny Committee.

22 **Move-on Plans for Homeless People Accommodated During the Pandemic**

The Assistant Director, Housing and Social Care Commissioning submitted a report to outline the council's plans for helping people accommodated in hotels during the pandemic to move on to settled or interim accommodation and to seek agreement that budget provision be made to cover these costs.

Resolved

- (1) That budget provision of £150,000 in 2020/21 be agreed to cover the cost of supporting homeless people to move-on from emergency accommodation post-pandemic, should alternative funding be unavailable.

23 **Overview and Scrutiny Committee Annual Report 2019/2020**

The Monitoring Officer (Interim) submitted a report which presented the Overview and Scrutiny Annual Report for 2019/2020.

Resolved

- (1) That the Overview and Scrutiny Committee Annual Report 2019/2020 be noted.

24 **Amendments to the Officer Scheme of Delegation**

The Monitoring Officer (interim) submitted a report to request specific amendments to the Officer Scheme of Delegation and clarify the extent to which the Monitoring Officer can make changes to the Officer Scheme from time to time pending update to Council.

Resolved

- (1) That the revised scheme of officer delegations as set out in the annex to the Minutes (as set out in the Minute Book) be amended with immediate effect.
- (2) That authority be delegated to the Monitoring Officer, in consultation with the Chief Executive, to determine any amendments to the Officer Scheme of Delegations that are necessary to address (i) post titles changing (ii) current service responsibilities being revised (iii) new service responsibilities being introduced and/or (iv) new or existing powers being identified for or demanding allocation by the Monitoring Officer, pending update to Council at the first practicable opportunity.

25 **Capital Programme Virement - Graven Hill**

The Director of Finance submitted a report to approve the virement of capital programme funding to support a Graven Hill development pilot part exchange scheme, recently approved by the Shareholder Committee.

Resolved

- (1) That the virement of £2m from the existing ceased Bespoke Mortgage Scheme capital programme to finance a loan arrangement with Graven Hill Village Development Limited to support the offering of pilot part exchange scheme be approved.

The meeting ended at 11.55 pm

Chairman:

Date:

Changes to the Officer Scheme of Delegation

The following additional powers are requested:

Assistant Director Housing and Social Care Commissioning

- Service and enforcement of community protection notices and fixed penalty notices under the Antisocial Behaviour, Crime and Policing Act 2014 in relation to residential premises

Reason	<p>Community Protection Notices (CPNs) are an additional tool which will help the Housing Standards Team address problems of unacceptable behaviour associated with residential premises.</p> <p>Currently the Housing Standards Team do not have an effective enforcement tool for tackling lower-level unacceptable conduct, such as threatened illegal eviction or harassment. Currently the only formal recourse for such acts is prosecution once an eviction has taken place. Prosecutions for such offences can be difficult to prove evidentially, and often rely heavily on witness testimony. CPNs offer a versatile solution which can be used to prevent such issues from occurring or escalating, for example a Community Protection Warning (which must be served before a CPN can be issued) can be used to effectively set a ‘line in the sand’ for what is acceptable or unacceptable conduct. If the conduct persists, the breach of a CPN is an offence which is easier for an officer to witness, and can be discharged either by fixed penalty notice or prosecution, and ultimately post-conviction orders can be sought. This gives a wide range of enforcement options which can be used independently, or in parallel with existing powers.</p>
Lead Member Support	<p>Gillian Douglas and Cllr John Donaldson have been consulted and are content with the proposal which they regard as a useful addition to the Housing Standards Team’s range of enforcement powers.</p>
Financial Implications	<p>No particular increased risk over and above existing similar enforcement powers.</p> <p>Low risks of non-payment of Fixed Penalty Notices as maximum penalty £100.</p> <p>Comments checked by: Dominic Oakeshott, Assistant Director – Finance (Interim), 01295 227943, dominic.oakeshott@cherwell-dc.gov.uk</p>

Risk Implications	<p>Without CPN provisions, the Housing Standards Team have to rely on existing powers which do not adequately cover the range of conducts encountered, rely on prosecution as the only recourse, or have higher thresholds for action, for example statutory nuisance.</p> <p>These will be managed as part of the services operational risk register and escalated as and when necessary to the leadership risk register.</p> <p>Comments checked by: Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786, louise.tustian@cherwell-dc.gov.uk,</p>
Legal Implications	<p>Monitoring of CPWs and CPNs for compliance by Housing Standards Team.</p> <p>Non-compliance with CPN can be discharged via Fixed Penalty Notice or prosecution in Magistrate’s Court.</p> <p>Post-conviction orders can be requested, including seizure and forfeiture of equipment.</p> <p>Limited provision for works-in-default (but it is expected existing powers would be used in most cases).</p> <p>Comments checked by: Richard Hawtin, Team Leader – Non-contentious, 01295 221695, richard.hawtin@cherwell-dc.gov.uk</p>

**Assistant Director Planning and Economy (now Planning and Development)
Building Control**

- To consider and respond to any applications in respect of structures on ordinary watercourses
- To undertake, or arrange the undertaking of, any works on ordinary watercourses
- To undertake any enforcement action in relation to any matter or thing affecting ordinary watercourses which may give rise to flood risk
- To liaise with and provide any information necessary to any other public authority, statutory body or other entity in respect of flood risk, including the Lead Local Flood Authority (as identified in the Flood and Water Management Act 2010)
- To exercise any power which is relevant to ordinary watercourses contained in either the Land Drainage Act 1991, the Land Drainage Act 1994 and the Public Health Act 1936 as the same may be amended, replaced or superseded from time to time

Reason	The Council has resolved to resume from April 2020 using its powers under the various Land Drainage Acts to ensure that the maintenance of and works to “ordinary watercourses” are done so that flood risk is minimised. These delegations will enable these powers to be used in an efficient and timely manner.
Lead Member Support	Councillor Colin Clarke and Councillor Daniel Sames
Financial Implications	There are no financial implications arising directly from this change. Comments checked by: Dominic Oakeshott, Assistant Director – Finance (Interim), 01295 227943, dominic.oakeshott@cherwell-dc.gov.uk
Risk Implications	Flood risk to our community will be reduced by the effective use of these delegated powers. Comments checked by: Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786, louise.tustian@cherwell-dc.gov.uk ,
Legal Implications	The legal implications arising from this addition to the officer scheme of delegation are covered in the reasons given for the change. Comments checked by: Richard Hawtin, Team Leader, Non-contentious, 01295 221695, richard.hawtin@cherwell-dc.gov.uk

Assistant Director Environmental Health and Licensing (now Assistant Director Regulatory Services and Community Safety)

- To deal with all matters, and exercise the Council’s powers, including enforcement, under legislation relating to pavement licences

Reason	To delegate authority by function rather than reference to specific legislation. This will avoid the need for the scheme of delegation to be amended every time there is a change/amendment to the legislation.
Lead Member Support	Councillor McHugh
Financial Implications	There are no financial implications arising directly from

	<p>this change.</p> <p>Comments checked by: Dominic Oakeshott, Assistant Director – Finance (Interim), 01295 227943, dominic.oakeshott@cherwell-dc.gov.uk</p>
<p>Risk Implications</p>	<p>Officers are currently only authorised to enforce the specific statutory power (section 115 of the Highways Act 1980) and not the wider function around regulation of pavement licences.</p> <p>Comments checked by: Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786, louise.tustian@cherwell-dc.gov.uk,</p>
<p>Legal Implications</p>	<p>The current delegation states ‘To exercise powers to permit third parties to place objects over or on the public highway, under section 115 of the Highways Act 1980’. For information section 115 of the Highways Act 1980 falls in Part VII of the Act and relates to the parking of heavy goods vehicles. Pavement licences come under Part VIIA and sections 115A onwards so the change will additionally rectify this potential anomaly.</p> <p>Comments checked by: Richard Hawtin, Team Leader, Non-contentious, 01295 221695, richard.hawtin@cherwell-dc.gov.uk</p>