

# Public Document Pack



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Committee:** Executive  
**Date:** Monday 1 February 2021  
**Time:** 6.30 pm  
**Venue:** Virtual meeting

## Membership

**Councillor Barry Wood (Chairman)**  
Councillor Colin Clarke  
Councillor John Donaldson  
Councillor Andrew McHugh  
Councillor Lynn Pratt

**Councillor George Reynolds (Vice-Chairman)**  
Councillor Ian Corkin  
Councillor Tony Ilott  
Councillor Richard Mould  
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 (Pages 5 - 12)

To confirm as a correct record the Minutes of the meeting held on 4 January 2021.

### 5. Chairman's Announcements

To receive communications from the Chairman.

## **6. Budget and Business Plan 2021/2022**

Report of Director of Finance

\*\* Please note this report will follow as it is currently being reviewed and finalised \*\*

## **7. CDC Property Investment Strategy (Pages 13 - 30)**

Report of Assistant Director Property Investment and Contract Management

### **Purpose of report**

To establish a new Property Investment Strategy for the Council in line with the current economic climate and seek Members' approval on the proposed strategy before adoption. The Property Investment Strategy forms part of the Council's overarching Capital and Investment Strategy and therefore this document is intended to supplement that 'master document'.

### **Recommendations**

The Executive are asked:

- 1.1 To approve the high-level strategic approach which sets out a framework and the criteria against which any expansion or substantial capital investment in CDC's property portfolio will be assessed.

## **8. (Draft) Statement of Licensing Policy (Pages 31 - 74)**

Report of Assistant Director – Regulatory Services and Community Safety

### **Purpose of report**

This report introduces a second draft of the revised Statement of Licensing Policy (attached as Appendix 1) following consultation. It explains the reason for the review, provides a summary of the main changes to the current policy, and outlines the consultation process followed. The Executive Committee is requested to provide input to the policy before it is considered by Full Council.

### **Recommendations**

The meeting is recommended:

- 1.1 To provide views on the proposed changes and suggest any additional amendments they consider necessary.
- 1.2 To consider the recommendation from the Oxfordshire Tobacco Control Alliance that where external seating is provided 100% of the seating should be no smoking and not 70% as proposed in the draft policy.

**9. Monthly Performance, Risk and Finance Monitoring Report (Pages 75 - 130)**

Report of Director of 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 December 2020.

**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.

**11. Exclusion of the Press and Public**

The following report contains exempt information as defined in the following paragraphs of Part 1, Schedule 12A of Local Government Act 1972.

3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Members are reminded that whilst the following item has been marked as exempt, it is for the meeting to decide whether or not to consider it in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

No representations have been received from the public requesting that this item be considered in public.

Should Members decide not to make a decision in public, they are recommended to pass the following recommendation:

“That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraph 3 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

**12. Stratfield Brake (Pages 131 - 142)**

Exempt Report of Assistant Director Wellbeing

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.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.

### **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@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk), 01295 221589

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

Published on Friday 22 January 2021

## **Cherwell District Council**

### **Executive**

Minutes of a meeting of the Executive held at Virtual meeting, on 4 January 2021 at 6.30 pm

#### Present:

Councillor Barry Wood (Chairman), Leader of the Council  
Councillor George Reynolds (Vice-Chairman), Deputy Leader of the Council and Lead Member for Leisure and Sport  
Councillor Colin Clarke, Lead Member for Planning  
Councillor Ian Corkin, Lead Member for Customers and Transformation  
Councillor John Donaldson, Lead Member for Housing  
Councillor Tony Ilott, Lead Member for Financial Management and Governance  
Councillor Andrew McHugh, Lead Member for Health and Wellbeing  
Councillor Richard Mould, Lead Member for Performance  
Councillor Lynn Pratt, Lead Member for Economy, Regeneration and Property  
Councillor Dan Sames, Lead Member for Clean and Green

#### Also Present:

Councillor Sean Woodcock, Leader of the Labour Group  
Councillor Lucinda Wing, Chairman of the Overview and Scrutiny Committee - for agenda item 7  
Councillor John Broad, for agenda items 7 and 8

#### Officers:

Yvonne Rees, Chief Executive  
Steve Jorden, Corporate Director Commercial Development, Assets & Investment  
Lorna Baxter, Director of Finance & Section 151 Officer  
Anita Bradley, Director Law and Governance & Monitoring Officer  
Nicola Riley, Assistant Director: Wellbeing  
David Peckford, Assistant Director: Planning and Development  
Sukdave Ghuman, Head of Legal Services  
Louise Tustian, Head of Insight and Corporate Programmes  
Maria Dopazo, Acting Planning Policy, Conservation & Design Manager  
Sue Marchand, Community Nature Officer: Wellbeing  
Chris Thom, Principal Planning Policy Officer  
Yuen Wong, Principal Planning Policy Officer  
Heather Seale, Planning Research and Monitoring Officer  
Natasha Clark, Governance and Elections Manager

80 **Declarations of Interest**

There were no declarations of interest.

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

The Chairman advised there were no petitions.

The Chairman advised that Councillor Wing, Chairman of the Overview and Scrutiny Committee, would address Executive on agenda item 7, Community Nature Plan 2020 – 2022 – A natural environment for people and wildlife, to report the feedback of the Committee which had considered the Community Nature Plan 2020 – 2022 at their 1 December 2020 meeting.

The Chairman further advised that he had agreed to a request from Councillor John Broad to address Executive on agenda item 7, Community Nature Plan 2020 – 2022 – A natural environment for people and wildlife, and agenda item 8, Annual Monitoring Report 2020 and Regulation 10A Review of Local Plan Policies.

82 **Minutes**

The minutes of the meeting held on 7 December 2020 were agreed as a correct record and would be signed by the Chairman in due course.

83 **Chairman's Announcements**

The Chairman welcomed the Director Law of Governance and Monitoring Officer, Anita Bradley, to her first meeting of Executive and first meeting at Cherwell District Council as she had started her role that day. The Chairman explained that the role was a joint position with Oxfordshire County Council.

The Director Law and Governance and Monitoring Officer thanked the Chairman and commented that she was looking forward to working with Members.

84 **Monthly Performance, Risk and Finance Monitoring Report**

The Director of Finance and Head of Insight and Corporate Programmes submitted a report which summarised the council's performance, risk and finance monitoring position as at the end of November 2020.

**Resolved**

- (1) That the monthly performance, finance and risk monitoring report be noted.

## **Reasons**

The Council is committed to performance, risk and budget management and reviews progress against its corporate priorities on a monthly basis.

## **Alternative options**

Option 1: This report illustrates the Council's performance against the 2020-2021 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.

## **85 Community Nature Plan 2020-2022 - A natural environment for people and wildlife**

The Assistant Director – Wellbeing submitted a report to seek approval for the 2020-2022 Community Nature Plan and its approach to addressing the Council's statutory biodiversity duty. The report also highlighted the resource implications of the Environment Bill in terms of nature and biodiversity and sought recognition for the vital role of the Council's key biodiversity partners in delivering the Plan.

In presenting the report, the Lead Member for Health and Wellbeing, Councillor McHugh, thanked the Community Nature Officer: Wellbeing for her hard work drafting the Plan and associated documents.

Councillor Wing, Chairman of the Overview and Scrutiny Committee addressed Executive to present the feedback of the Committee, which had considered the Plan at its 1 December 2020 meeting. Councillor Wing advised that the Committee had supported and endorsed the Plan and suggested that an All Member Seminar be held ahead of the next review and iteration of the Plan to ensure Member engagement in the process at an early stage. The Committee had also requested to receive an annual update on progress against the Action Plan.

The Chairman thanked Councillor Wing and the Overview and Scrutiny Committee for their feedback and commented that he supported earlier Member engagement in the process ahead of the next review of the Plan.

At the discretion of the Chairman, Councillor Broad addressed Executive.

The Chairman thanked Councillor Broad for his comments, and, in response, explained that recommendations acknowledged the need to consider resource implications. In terms of the role of partners to deliver the Plan, the Chairman undertook to work with partners to take forward the establishment of the Local Nature Partnership.

## **Resolved**

- (1) That the 2020-2022 Community Nature Plan (annex to the Minutes as set out in the Minute Book) and its approach to addressing the Council's statutory biodiversity duty be approved.
- (2) That officers be instructed to investigate the resource implications of the provisions of the Environment Bill in terms of nature and biodiversity and develop recommendations.
- (3) That the essential role of key partners in the delivery of the Community Nature Plan be recognised.

### **Reasons**

Restoring and enhancing the natural environment and green spaces for the benefit of people and wildlife is a crucial element of important development and economic decisions. Failure to recognise and assess the multiple benefits of the natural environment will affect community health and wellbeing, important habitats and species and future economic growth. This report presents an updated Community Nature Plan to demonstrate how the Council is addressing its statutory biodiversity duty; and seeks approval for recommendations that support plans, projects and partners that will assist the Council to protect and enhance the District's natural environment and help to contribute to healthy outcomes for people and wildlife

### **Alternative options**

Option 1: To reject the Community Nature Plan 2020-22 and the recommendations in the report.

This is not proposed as, without the Plan, the Council would not be able to clearly demonstrate that it is meeting its NERC Act biodiversity duty and complying with its obligations relating to important wildlife sites, habitats and species under European and national legislation as well as the National Planning Policy Framework (NPPF).

Option 2: To amend the Community Nature Plan 2020-22 and the recommendations in the report

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### **Annual Monitoring Report 2020 and Regulation 10A Review of Local Plan Policies**

The Assistant Director – Planning and Development submitted a report to seek approval of the Annual Monitoring Report (AMR) 2020, and to present the District's current housing land supply position.

The report also sought approval of accompanying updates to the Local Plan's Infrastructure Delivery Plan and the Brownfield Land Register.

To report further sought approval of a review of policies in the Cherwell Local Plan 2011-2031 (Part 1) in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

At the discretion of the Chairman, Councillor Broad addressed Executive.

The Chairman thanked Councillor Broad for his comments. In response to Councillor Broad's address, the Assistant Director Planning and Development gave an overview of the Cherwell Local Plan 2011-2031 (Part 1) policy review process.

### **Resolved**

- (1) That the 2020 Annual Monitoring Report (AMR) (annex to the Minutes as set out in the Minute Book) be approved for publication.
- (2) That the district's housing delivery and five-year housing land supply positions (for conventional housing and for Gypsies and Travellers) as set out in the Annex to the Minutes (as set out in the Minute Book) and the need for updating of the land supply positions should these materially change be noted.
- (3) That the 2020 Infrastructure Delivery Plan (IDP) (annex to the Minutes as set out in the Minute Book) be approved for publication.
- (4) That the 2020 Brownfield Land Register (BLR) (annex to the Minutes as set out in the Minute Book) be approved for publication.
- (5) That the Regulation 10A Review of Local Plan Policies 2020 (annex to the Minutes as set out in the Minute Book) be approved for publication.
- (6) That the Assistant Director for Planning and Development in consultation with the Lead Member for Planning be authorised to make any necessary minor and presentational changes to the Annual Monitoring Report, Infrastructure Delivery Plan update, Brownfield Land Register and Regulation 10A Review of Local Plan Policies 2020 if required prior to publication.

### **Reasons**

The Annual Monitoring Report provides important information to measure the effectiveness of planning policies and to assist policy making and development management decision making. It is the statutory mechanism for monitoring housing delivery. Its most significant conclusion is that although the district is presently unable to demonstrate a five-year housing land supply, the identified supply of 4.8 years is still well in excess of the 3 year ministerial flexibility. The AMR is accompanied by an updated 2020 Infrastructure Delivery Plan and a 2020 Brownfield Land Register which must be reviewed annually.

The Regulation 10A Review of Local Plan policies 2020 in Appendix 4 shows that the 2015 Local Plan does not require updating and continues to provide a sustainable strategy for growth in Cherwell to 2031. Nevertheless, the council has committed in its latest Local Development Scheme to a Cherwell Local

Plan Review and to joint working on the Oxfordshire Plan 2050 in the interest of sustainably planning for future needs. Work on both plans is on-going.

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and it will be up to the decision-maker to decide the weight to give to the policies which have been reviewed.

It is recommended that all four documents presented to Members be approved for publication.

### **Alternative options**

Option 1: Amendment of the 2020 Annual Monitoring Report, Infrastructure Delivery Plan, Brownfield Land Register or Regulation 10A Review of Local Plan Policies 2020 in consultation with the Lead Member for Planning.

This is not recommended as officers consider the documents to be robust, supported by data and research. Delay could lead to uncertainty within the development industry and risks for decision making.

Option 2: Not to approve the documents for publication

This is not recommended as the production of an authorities monitoring report and local plan policy review is a statutory requirement.

The AMR is necessary to monitor implementation of the Local Plan. Updating the Brownfield Land Register is also a statutory requirement. The Infrastructure Delivery Plan is required to monitor and support delivery of the adopted Cherwell Local Plan 2011-2031.

The five-year review of local plans from adoption is a statutory requirement. By not publishing the review in Appendix 4 the Council would not meet its requirements and be open to allegations that the plan needs updating with consequences for decision making through the planning application process.

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### **Council Tax Base 2021-2022**

The Director of Finance submitted a report to provide the Council Tax Base for 2021-2022

#### **Resolved**

- (1) That the report of the Director of Finance for the calculation of the Council's Tax Base for 2021-2022 be agreed and:
  - (a) That pursuant to the Director of Finance's report and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Cherwell District Council as its Council Tax Base for the year 2021-2022 shall be **55,615.9**

- (b) As for the parishes which form part of its area shown in the Annex to the Minutes (as set out in the Minute Book), the amount calculated as the Council Tax Base for the year 2021-2022 in respect of special items shall be as indicated in the column titled Tax Base 2021-2022.
- (c) As for the Flood Defence Areas which form part of its area, the amount calculated as the Council Tax Base for the year 2021-2022 for the purposes of levies on Oxfordshire County Council by River Authorities, shall be:

Thames Flood Defence Area	53,290.8
Anglian (Great Ouse) Flood Defence Area	1,885.1
Severn Region Flood Defence Area	440.0
<b>TOTAL</b>	<b>55,615.9</b>

### Reasons

For the purposes of Section 31B of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the Council is required to calculate the tax base (which will be used for tax setting purposes in February 2021) in respect of:

- (a) the whole of its area and;
- (b) for any parts of its area for the purposes of:
  - (i) Apportioning precepts and levies and;
  - (ii) Calculating the tax base for each area subject to a special item

### Alternative options

None. The Council has to set a tax base in order to set its council tax for 2021-2022.

## 88 **Notification of Decisions taken by the Chief Executive under Urgency Powers**

The Chief Executive submitted a report to inform the Executive of decisions she taken under urgency powers as part of the Council's response to the Covid-19 pandemic.

### Resolved

- (1) That the urgent decisions taken by the Chief Executive be noted.

### Reasons

In line with the Constitution this report is informing Executive of two decisions that were taken by the Chief Executive under urgency powers.

### Alternative options

Option 1: Not to note the report. This is not recommended as the urgent action has been taken and it is a constitutional requirement for it to be reported to Executive.

89 **Urgent Business**

There were no items of urgent business.

The meeting ended at 7.55 pm

Chairman:

Date:

## **Cherwell District Council**

### **Executive**

**1 February 2021**

### **CDC Property Investment Strategy**

### **Report of Assistant Director Property Investment and Contract Management**

This report is public

#### **Purpose of report**

To establish a new Property Investment Strategy for the Council in line with the current economic climate and seek Members' approval on the proposed strategy before adoption. The Property Investment Strategy forms part of the Council's overarching Capital and Investment Strategy and therefore this document is intended to supplement that 'master document'.

#### **1.0 Recommendations**

The Executive are asked:

- 1.1 To approve the high-level strategic approach which sets out a framework and the criteria against which any expansion or substantial capital investment in CDC's property portfolio will be assessed.

#### **2.0 Introduction**

- 2.1 This strategy document in line with the CDC Property Management Strategy sets out the investments the Council holds and the underlying principles supporting those investments and the decision-making process for investing in property to enhance the Council's financial resilience and safeguard services. It places the Council's investments into the context of its overall financial position, outlines the contributions that the different investments will make to service delivery and gives an indication of the performance of those investments.
- 2.2 This report sets out Cherwell District Council (CDC) property acquisition investment objectives for the year 2021/22. It also sets out the criteria that will be applied prior to either recommending an investment purchase or recommending substantial investment in an existing asset to the Investment Committee.
- 2.3 The report draws a distinction between:

- Investment Property where the principal advantage of ownership is the rental return a property generates
- Regeneration Property where the principle objective of investment is to catalyse the regeneration of an area or halt further decline and
- Operational Property where the rationale for ownership / capital investment is CDC's own occupation to facilitate the more effective delivery of council services.

2.4 The report will outline in overview the governance structures that will set the framework for decision making (although each investment is assessed on its merits) and also some high-level background on the current investment climate.

2.5 It is intended that the investment strategy is reviewed annually. For the year 2021/22 there will be a presumption against the acquisition of additional Investment Properties and likewise for Operational Properties save where without the newly acquired asset CDC will be unable to deliver core council services within a three-year timeframe. An example of this would be the acquisition of an alternative depot facility in Bicester to replace Highfield Depot. However, there is no funding allocated neither in the capital budget, nor in the revenue budget for borrowing costs in 2021/22 for such acquisition.

2.6 The embedded strategy within the plan is a Plan-Do-Review approach via annual reviews and analysis of the portfolio performance to generate revised Action Plans, Risk Management Strategies and Performance Targets.

### **3.0 Report Details**

#### **3.1 Overview of Investments**

The Council holds a number of different income-generating investments which can be classified into three main categories:

- Investments held for treasury management purposes (e.g. investment in short-term bank deposits and call accounts, money market funds, and deposits with the UK Government and other Local Authorities)
- Loans to subsidiaries such as Graven Hill Village Development Company Ltd
- Alternative investments: tangible assets such as real estate or asset backed loans.

This document is exclusively focusing on the Council's Alternative / Real Estate investments.

#### **3.2 Alternative Investments**

All commercial property investments the Council holds and makes are categorised as Alternative Investments.

The Council has a portfolio of investment properties. These are properties which are held principally for the rental income they generate. They are not intended to be used to deliver services although at times they are occupied by Council Departments, such as Environmental Services at Thorpe Place, an investment property located close to

CDC's Banbury Depot or the Customer Services' Link Point in Franklins House in Bicester. The income they generate helps fund the Council's service delivery objectives and its Corporate Priorities. The properties in the portfolio can be split into two groups, those that have been

- owned by the Council for many years e.g. district centres; or
- purchased more recently by the Council as part of its continued investment programme and with regeneration objectives e.g. Tramway Industrial Estate, Castle Quay Shopping Centre and Castle Quay Waterside

### 3.3 Contribution to Service Delivery Objectives

All investments the Council holds should contribute in some way to the Council's service delivery objectives and help to achieve the Council's corporate objectives and priorities as defined in its Corporate Plan.

The contribution of the Council's investments to these objectives will not always be immediately evident but the income they generate supports services across the Council. Whilst it is not possible to draw a straight line from commercial rental income to the Council's service outcomes it is clear that their contribution each year towards the Council budget (£5.3m in pre-Covid period) is substantial.

Nor is the contribution of commercial property investment always purely financial. Whilst property returns can generally be described in terms of yield and profit this does not always tell the whole story and targeted investment can support the following Council objectives.

- Thriving local economy

Targeted investment can support the Council's economic development ambitions such as supporting the districts town centres, local businesses and jobs. An example of this is CDC's investment in Castle Quay Shopping Centre.

- Economic benefit or business rate growth

The investment has assisted in creating new opportunities for local businesses or has increased the Council's business rates base. These investments will generally be linked to projects or developments promoted by the Local Plan, such as Castle Quay Waterfront, or historically Pioneer Square and Franklin's House in Bicester. However, the benefit of business rates growth would only be retained for a time limited period.

- Respond to local market failure

There may be instances where the Council needs to step in and invest in a development or other entity within the District where, without Council support, the impact on the local economy would be detrimental. Examples of this include our ongoing capital investment in community assets such as Community Halls or more entrepreneurially, the provision of 52 apartments for rent in Crown House, Banbury.

- Regeneration

The investment will help (or has helped) to drive regeneration. There will generally be a link to the Local Plan when this type of investment occurs. E.g.: Tramway Industrial Estate, Castle Quay Waterfront, or indirect investments such as Crown House or Graven Hill (loans to subsidiaries).

- Better Use of Assets

The Council own land and buildings with embedded (re)development potential and these which include car parks, retained land and council occupied assets have historically been under-appreciated. Value can be realised either through a sale of these assets or it can be maximised by direct development and we have this expertise and can build upon it (Castle Quay Waterfront, Crown House, Build!, Bicester Eco Centre).

It is possible for individual investments to meet more than one objective.

However, whilst the Council would like to invest in all of these categories to drive better outcomes for the residents of Cherwell, in practice suitable opportunities are few and far between. With the probable exception of using Council assets for principally residential development investment in regeneration projects or addressing market failure is risky and carries with it an inherent risk of capital loss.

### 3.4 Investment philosophy

The Property Team have established a set of criteria which are designed to allow the Council to systematically assess risk and consider the likely future performance of the Council's investments. These are summarised in Appendix 1.

Security of capital is the underlying objective of all financial investments made by the Council. This means that the safety of the Council's money is the main criteria considered when deciding whether to make an investment.

The yield (or return on investment) is only considered once the appropriate level of security of capital has been determined and satisfactorily met by the proposed investment. However, it is possible for the relative balance between these principles to differ depending on the nature and objectives of the individual investment being made, particularly where regeneration or social factors are prominent drivers of a particular project. It is imperative that the downside financial risks of any such project are appreciated and balanced against the targeted regeneration or social upsides. This balancing of financial risk and non-financial reward is not an exercise that the Property team can undertake in isolation. Quantifying the value of environmental and social good outcomes, possibly at the prejudice of income security / risk and returns, is an exercise that the Property Team can only undertake by working closely with other service teams.

### 3.5 Market Outlook

The impact the Covid crisis is having on the UK economy is significant and there is little to be gained from rehearsing its evolving consequences in this report. We are however clearly living through a period of tremendous social and economic turbulence and whilst attempts to quantify Covid-19's long term effects remain

uncertain; few would argue that national prosperity and confidence have been severely damaged.

With the exception of one or two important sub-sectors (distribution, for example) this has translated in property terms into declining capital values, a drop in transaction volumes and a fall in both occupier and investor confidence.

### 3.6 Public Works Loan Board (PWLB) limitations

PWLB is the principle source of borrowing for local authorities but there have been increasing calls from CIPFA and other industry leaders for central government to address what has been seen by many as local authorities taking on disproportionate levels of debt in order to buy investment properties.

Following extensive consultation with local government HM Treasury has issued a summary document titled 'Public Works Loan Board: Future lending terms', whose recommendations became effective 26 November 2020. In the context of this report to CEDR its two key impacts are:

#### 1. Interest rates

Interest rates on PWLB lending will be decreased by 100 basis points (bps) (1%). This is essentially a reversal of the 100 bps increase in rates announced in October 2019 and, for example, 40-year annuity rates are at the time of writing this report set at 1.92%. CDC is a qualifying authority which means that this rate can be reduced by 20 basis points (0.2%) if certain reporting requirements are met.

#### 2. Ban on cash-flow acquisition

On all new lending the PWLB will ask a local authority's finance director to confirm that there is no intention to buy investment assets primarily for yield at any point in the next three years. This in effect prevents local authorities accessing PWLB funds for any purpose if it is their intention to acquire properties purely to generate income, either with or without debt.

As short extract from the guidance is pasted below:

1.10 The main features of the new lending terms are:

- a) As a condition of accessing the PWLB, LAs will be asked to submit a high-level description of their capital spending and financing plans for the following three years, including their expected use of the PWLB. In order to minimise the administrative burden for LAs, this process is closely modelled on the existing application process that most large LAs follow to access the Certainty Rate (a discounted rate offered by the PWLB).
- b) As part of this, the PWLB will ask the finance director of the LA to confirm that there is no intention to buy investment assets primarily for yield at any point in the next three years. This assessment is based on the finance director's professional interpretation of guidance issued alongside these lending terms.
- c) It isn't possible to reliably link particular loans to specific spending, so this restriction applies on a 'whole plan' basis – meaning that the PWLB will not lend to an LA that plans to buy investment assets primarily for yield anywhere in their capital plans, regardless of whether the transaction would notionally be financed from a source other than the PWLB.

In simple terms the application of these provisions in a CDC context is to make borrowing costs to finance the purchase of operational property (and probably to fund regeneration projects) more competitive, whilst simultaneously making the use of PWLB funds to acquire conventional commercial property investments virtually impossible.

As a public body CDC's finances are a matter of public record and it is clear that if CDC in the future wish to access PWLB funds as part of its day to day operation, the purchase of income producing assets is effectively no longer currently possible.

However, subject to the principles of prudential borrowing and Minimum Revenue Provision applying, borrowing to acquire property for operational or regeneration reasons remains an option.

### 3.7 Governance

The Investment Advisory Board, a non-decision-making Working Group, was created in part to facilitate the further growth of the investment portfolio. The Board and its role are noted in the constitution of the council and its powers and constitution is outlined in Appendix 2.

### 3.8 Strategic approach

The Property Investment Strategy aims to provide a clear set of objectives and a framework, compliant with HM Treasury and CIPFA guidance and legislation, by which new projects are evaluated. In doing so it will deliver the Council Objectives/Corporate Priorities with a focus on commercialism – projects that generate a revenue surplus – but which also deliver wider economic or service objectives e.g. regeneration / job growth.

### 3.9 Real Estate Investment and Disinvestment

#### 3.9.1 Investment

In a commercial property investment market currently characterised by falling capital values and Covid uncertainty local authorities will have a general presumption against making new investments. This decision is reinforced by what is in effect a moratorium on investing in lower risk assets which is a consequence of the new PWLB lending regime.

Therefore, the focus will instead be on maximising the embedded development potential of the Council's existing portfolio and for the 2021/22 financial year this will principally be on its retained land assets where residential value can be released. This approach is explored in the Strategic Property and Asset Management Plan where the land portfolio is examined on a site by site basis.

### 3.9.2 Disinvestment

The ongoing suitability of CDC's operational properties for continued occupation is under constant review and this too has been discussed in the Strategic Property and Asset Management Plan. Given the current market uncertainty it is not envisaged that the Council would divest in any of its current property assets.

## 4.0 Conclusion and Reasons for Recommendations

Subject to the above the following principles will underpin the CDC Property Investment Strategy:

- There should be a general presumption against investing purely for yield in the year 2021/22 as the property market and the economy is too volatile to confidently predict the direction of capital values. Furthermore, these types of investments would limit the Council's ability to borrow from the PWLB.
- Wherever possible investment for regeneration or social good should be directed to land and buildings currently owned by the Council. This will optimise profits and reduce capital risk.
- Investments that relate to regeneration should be pursued only when through vigorous stress testing the risk of capital loss is judged to be extremely low, and the social benefits are tangible.
- All acquisitions that have planning risk will only be acquired on a subject to planning basis.
- Whilst there should be a general presumption against the disposal of income producing assets in line with the Strategic Property and Asset Management Plan this presumption will be reviewed on an asset by asset basis at the start of each quarter. This reflects the uncertainty of the occupational property market due to Covid and at present the retail and leisure focused investments are thought to be particularly vulnerable to further movement which may precipitate a review of this presumption.

### Next Steps

- Members' comments to be incorporated into final strategy

- Strategy to be presented to Full Council on 22 February 2021.

## 5.0 Consultation

Marketing agencies and Investment Consultants:

The Property Team are in regular contact with commercial investment and letting agents in order to have the most up-to-date market intel. Retaining agents, planning consultants and on occasion architects is however recognised as essential to refining and implementing the recommendations made herein and securing their input will follow usual procurement rules.

## 6.0 Alternative Options and Reasons for Rejection

The sale of the investment portfolio as a whole has been considered but rejected because the portfolio currently produces income which supports the provision of statutory council services and any money raised through a programme of disposals could not be reinvested to generate a higher return.

## 7.0 Implications

### 7.1 Financial and Resource Implications

CDC must have regard to its legal duty under the Local Government Act 1999 and guidance thereunder to secure best value when reviewing service provision, requiring the council to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. Officers must also follow both internal procurement policies and external procurement law and practice in pursuit of the recommendations set out in this report.

Comments checked by:

Steve Jorden, Corporate Director of Property Investments,  
[steve.jorden@oxfordshire.gov.uk](mailto:steve.jorden@oxfordshire.gov.uk)

The service has confirmed that there is no extra budget required for the preparation of this strategic review. It should also be considered that low yielding assets could be sold and capital receipts to be used to reduce the Council's overall levels of debt, thus reducing MRP and interest costs and generate a financial benefit to the Council.

It is important to note paragraph 3.6 and the PWLB's expectation that any borrowing taken out will not be used for investment in assets primarily for yield.

Comments checked by:

Michael Furness, Assistant Director Finance, 01295 227943,  
[michael.furness@cherwell-dc.gov.uk](mailto:michael.furness@cherwell-dc.gov.uk)

### 7.2 Legal Implications

In addition to endorsing the Financial and Resource Implications, officers will also need to be mindful of the council's duty, when purchasing or disposing of any property assets, to secure the best value reasonably obtainable pursuant to s122 and s123 of the Local Government Act 1972 and government guidance issued in relation thereto.

Comments checked by:

Chris Mace, Solicitor; 01295 221808; [christopher.mace@cherwell-dc.gov.uk](mailto:christopher.mace@cherwell-dc.gov.uk)

### 7.3 Risk Implications

The risks identified throughout the implementation of the proposed strategy will be managed as part of the Place Programme Board risk register and escalated to the Leadership risk register as and when necessary.

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)

## 8.0 Decision Information

<b>Key Decision</b>	No
<b>Financial Threshold Met:</b>	N/A
<b>Community Impact Threshold Met:</b>	N/A

### Wards Affected

Cherwell District

### Links to Corporate Plan and Policy Framework

Efficiencies

### Lead Councillor

Cllr Lynn Pratt, Portfolio Holder for Property

## Document Information

### Appendix number and title

- Appendix 1 – Investment Decision Factors
- Appendix 2 – The Investment advisory Board and Governance

### Background papers

None

**Report Author and contact details:**

Robert Fuzesi, Assistant Director Property Investment and Contract Management  
Direct dial: 01295 227015 [robert.fuzesi@cherwell-dc.gov.uk](mailto:robert.fuzesi@cherwell-dc.gov.uk)

## **APPENDIX 1 – Investment Decision Factors**

- Compatibility and ability to balance the existing portfolio

Compared with cash investments, property is relatively difficult to sell and convert to cash at short notice and market conditions can impact on how long a sale can take. In order to mitigate against this, the diversity of the portfolio will be maintained to ensure that if there is a need to sell an asset to release cash, the Council can take advantage of the different market conditions for the different sectors.

Generally new investments will add diversity and balance to the existing portfolio as well as providing yield.

- Market value

External advice is sought to gain assurance over the market value of a potential purchase to ensure that the price sought by the vendor is not inflated. The advice will include an analysis of current value, lettability in the event of tenant failure and what possible alternative uses are available for the property or site if the current tenant vacates. This enables the Council to take a view on future values in the event of a change in circumstances.

External advice will usually take the form of a Purchase Report from a retained agent and a third party wholly independent valuation.

- Credit rating of the tenant

The strength of the existing tenant(s) within a proposed acquisition is assessed. A strong tenant is important as there is less chance of them defaulting on lease payments and thereby putting the Council's income stream at risk. Credit reference agencies along with Companies House searches are used to carry out this area of due diligence.

- Length and terms of the lease

In order to minimise the risk of rental values going down following the renewal of a lease, the Council will prefer to invest in properties which have long term leases in place and strong tenants. The Council also ensures that leases place the onus for insurance, repairs and maintenance on the tenant so that the Council does not incur any additional or unforeseen costs.

The reality is that these characteristics will not be available in assets bought for regeneration purposes and that lease length can be less important in multi-let assets and in asset classes where vacancy rates are low.

- Location

The Council's present and future commercial investments will all be within the District. When future investments are evaluated social good and regeneration potential will always be considered.

- Diversity of the commercial property portfolio

To minimise the risk of changes in the performance of particular sectors of the commercial property market (i.e. the retail, office and industrial sectors) impacting on the Council's income, investment decisions are taken in the context of the existing nature of the portfolio and whether or not the property to be acquired complements the existing mix of portfolios. The Council will seek to maximise the diversity of its overall portfolio and not concentrate new investments in any one sector or area.

- Yield

The Council will consider the return it will get on its investment (the yield). The Council has a minimum yield expectation that covers the costs of borrowing and will only invest in a property below this level if it fulfils other strategic interests. The yield calculation takes into account any costs incurred if the investment is to be funded by borrowing.

- Investment cover ratio

This ratio compares the total net income from property investments to any interest costs associated with borrowing to make those investments. This demonstrates the Council's ability to meet borrowing costs. The Council's assets are unencumbered but adopting a notional level of gearing can a useful indicator of the robustness of an investment.

- Loan to value ratio

This is the amount of debt the Council currently has compared to the total asset value. In this instance, the asset value is the total value of the Council's commercial property portfolio. This illustrates whether or not the Council has assets of sufficient value to repay debt if required. Again, the Council's assets are unencumbered but adopting a notional level of gearing can a useful indicator of the robustness of an investment.

- Target income returns

This is net revenue income from commercial properties compared to the value of the property or stapled to it's price on acquisition when it is known as the running yield. The target will be set by the Investment Advisory Board.

- Gross and net operating income (NOI)

The income received from the Council's investment portfolio at a gross level and a net level (after the deduction of costs) over time.

- Operating costs

This is the trend in operating costs of the property portfolio over time. It gives an overview of the impact of commercial property investments on the costs of running the portfolio.

- Property vacancy levels

The lower the level of vacant properties (voids) the better the property portfolio is being managed to ensure that rental income is maximised as much as possible.



## APPENDIX 2 – The Investment Advisory Board and Governance

The Investment Advisory Board is made up of:

Investment Advisory Board	
Members	Officers
<ul style="list-style-type: none"> <li>• Leader of the Council</li> <li>• Portfolio Holder for Finance</li> <li>• Portfolio Holder for Property, Economic Development, Regeneration</li> <li>• Chair of the Audit Committee</li> <li>• Leader of the Opposition</li> </ul>	<ul style="list-style-type: none"> <li>• Chief Executive (CEX)</li> <li>• Director of Finance (S151)</li> <li>• Corporate Director of Assets and Investments (CDAI)</li> <li>• Assistant Director Property Investment and Contract Management (AD PICM)</li> <li>• Investment Consultant</li> <li>• Director of Law and Governance (Monitoring Officer)</li> </ul>

The primary purposes of the Investment Advisory Board are twofold:

- To consider recommendations from officers regarding the potential purchase of a property asset, prior to submission of a bid. The Investment Advisory Board review the officers' investment valuation, sanction expenditure on further due diligence and ultimately whether to submit a bid or not, and at what value.
- To consider the results of pre-acquisition due diligence following acceptance of an offer from CDC to purchase an asset, and ultimately to consider whether to endorse the purchase and proceed to exchange of contracts.

The Investment Advisory Board is authorised to sanction all offers. All recommendations relating to offers to purchase are reported to the next available meeting of the Council and their consent is required prior to any exchange of contracts.

Given the short notice that could often be inevitable in convening meetings of the Investment Advisory Board, all members would be able to nominate substitutes if they are unable to attend, or meetings could be held on a 'virtual' basis. For similar reasons, a quorum is not recommended, (particularly as the Investment Advisory Board is not decision making), although a meeting should include:

- at least two of the Officers: CEX, S151, MO, CDAI and AD PICM.
- at least two of the Members: Leader of the Council, Portfolio Holder for Finance, Portfolio Holder for Property, Economic Development

Other directors and assistant directors will be invited to participate when they have distinct operational needs that can only be addressed through the acquisition of additional premises.

As well as considering investment recommendations the Investment Advisory Board responsibilities also include:

1. Setting the threshold target return that investment properties should reach before they can be considered for investment.

2. Setting target volume of investments, expressed in capital and income terms, and subject to an investment timeline.

For the avoidance of doubt CDC Property are well placed to identify, evaluate and rank assets that might meet the two criteria identified above, but the criteria themselves are not necessarily property dependent; they will be a function, inter alia, of the Council's need for income, appetite for risk, quantum of reserves, Minimum Revenue Provision and capacity to take on additional debt, and the interplay of property with other treasury investments.

3. Managing the progress of an investment decision through the governance process including interaction with the wider Council.
4. The extent of interaction and co-investment between CDC and OCC.
5. The extent to which regeneration and the climate crisis, for example, should play a part in investment decisions.
6. The use of external suppliers, particularly lawyers and external valuers.
7. Retaining agents on acquisition and how this might impact on procurement protocols.
8. Geographic investment boundaries i.e. is there an area of economic influence that extends beyond the council's boundaries?
9. Preferred sectors and investment characteristics (lease length, covenant strength etc vs lettability).
10. Cashflow horizons.

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3. Managing the progress of an investment decision through the governance process including interaction with the wider Council.
4. The extent of interaction and co-investment between CDC and OCC.
5. The extent to which regeneration and the climate crisis, for example, should play a part in investment decisions.
6. The use of external suppliers, particularly lawyers and external valuers.
7. Retaining agents on acquisition and how this might impact on procurement protocols.
8. Geographic investment boundaries i.e. is there an area of economic influence that extends beyond the council's boundaries?
9. Preferred sectors and investment characteristics (lease length, covenant strength etc vs lettability).
10. Cashflow horizons.

## **Cherwell District Council**

### **Executive**

**1 February 2021**

### **(Draft) Statement of Licensing Policy**

### **Report of Assistant Director – Regulatory Services and Community Safety**

This report is public

### **Purpose of report**

This report introduces a second draft of the revised Statement of Licensing Policy (attached as Appendix 1) following consultation. It explains the reason for the review, provides a summary of the main changes to the current policy, and outlines the consultation process followed. The Executive Committee is requested to provide input to the policy before it is considered by Full Council.

### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To provide views on the proposed changes and suggest any additional amendments they consider necessary.
- 1.2 To consider the recommendation from the Oxfordshire Tobacco Control Alliance that where external seating is provided 100% of the seating should be no smoking and not 70% as proposed in the draft policy.

### **2.0 Introduction**

- 2.1 Section 5 of the Licensing Act 2003 requires all licensing authorities to prepare and publish a Statement of Licensing Policy outlining the principles they propose to apply in exercising their functions under the Act.
- 2.2 The policy covers licensable activities such as the sale and supply of alcohol, regulated entertainment and late-night refreshment.
- 2.3 It is a requirement that the policy is reviewed at least every five years to ensure it reflects current legislation and guidance, although the Licensing Authority can review it at any time. The last review and revision occurred in 2015 when the policy was adopted by Council at its meeting on 14 December 2015 and published in January 2016.

### **3.0 Report Details**

- 3.1 The revised draft policy is attached at Appendix 1 and a summary of the changes is attached at Appendix 2.
- 3.2 The main changes are additional requirements regarding child exploitation and safeguarding (paragraphs 16.9 and 16.10), and additional requirements regarding the provision of no smoking seating to external seating areas (section 27). The requirement for 70% of the seating to be no smoking is in line with the requirements introduced under the Business and Planning Act 2020 in relation to pavement licence conditions.
- 3.3 The Act requires a consultation to be carried out with the persons/groups detailed in section 5 below. This was carried out between the 8 December 2020 and 5 January 2021.

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

- 4.1 To consider the proposed changes and suggest any additional amendments prior to the draft policy being considered by Full Council on 22 February 2021.

### **5.0 Consultation**

- 5.1 We consulted with the following responsible authorities:

- Thames Valley Police (Licensing)
- Oxfordshire County Council Fire and Rescue (as the Fire Authority for the area)
- Trading Standards
- Environmental Health
- Cherwell District Council's Planning Department (as the Planning Authority)
- Oxfordshire County Council Public Health

- 5.2 We also consulted:

- Holders of premises licences
- Holders of club premises certificates
- Holders of personal licences
- Parish Councils

- 5.3 The document was also circulated to Councillor Douglas Webb, Chairman of the Licensing Committee, and Councillor Andrew McHugh, Portfolio Holder for Health and Wellbeing.

- 5.4 Oxfordshire County Council Public Health responded to the consultation. Under the section on the prevention of crime and disorder they have recommended additional information be included on Pubwatch, CCTV, alcohol consumption, dispersal policies, illegal drugs and modern slavery. Under public safety they have recommended additional information be included on alcohol harm reduction and

occupancy limits. Under the prevention of public nuisance, they have recommended additional information be included on odour, waste, the use of outside areas and unregulated entertainment. And under the section on the protection of children from harm have recommended that additional information be included on age verification, proxy sales, and child exploitation. Their recommendations have been included in the policy.

- 5.5 A response to the consultation was received from The Oxfordshire Tobacco Control Alliance. They support and commend the inclusion of the section on Smokefree. They have recommended that where external seating is provided 100% of the seating should be no smoking and not 70% as proposed in the draft policy. They have also questioned the requirement of a minimum distance of two metres between smoking and non-smoking areas. There is no safe level of second hand smoke, and any non-smoker situated two metres from a smoker would be able to identify the odour of burning tobacco and therefore be exposed to harm.
- 5.6 The Licensing Team received fifteen enquiries from licensees asking how the revisions in the policy would affect them and if there was any action they would need to take, and these were all responded to.
- 5.7 The draft policy was considered by the Overview and Scrutiny Committee at its meeting on Tuesday 12 January 2021 and no amendments were recommended.

## **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 review the policy. It is a statutory requirement that the policy is reviewed at least every five years, so this option is rejected.

- 6.2 Option 2: Re-issue the policy with no changes. This option was rejected since revisions of the policy were considered necessary to take into account changes in safeguarding practice and commitments provided by the council to support smoking reduction in Oxfordshire.

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 There are no financial implications arising directly from this report.

Comments checked by:

Kelly Wheeler, Finance Business Partner 01295 221570  
kelly.wheeler@cherwell-dc.gov.uk

### **Legal Implications**

- 7.2 There are no legal implications arising directly from this report.

Comments checked by:  
Colin Evans, Solicitor, 01295 753701, colin.evans@cherwell-dc.gov.uk

### **Risk Implications**

7.3 There are no risks arising directly from this report

Comments checked by:  
Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786  
louise.tustian@Cherwell-DC.gov.uk

7.4 An Equality and Climate Impact Assessment was completed. The changes to the Licencing Statement are going to have a positive impact for children (against the 'age' protected characteristic) because the change will improve the safeguarding of children.

Comments checked by:  
Sam Shepherd, Policy Team Leader, Communications, Strategy and Insight  
07789 088173, samantha.shepherd@Oxfordshire.gov.uk

## **8.0 Decision Information**

**Key Decision:** Yes

**Financial Threshold Met:** Yes

**Community Impact Threshold Met:** Yes

### **Wards Affected**

All

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

The work contributes to the following strategic priorities within the Council's 2020-21 Business Plan:

- An enterprising economy with strong and vibrant local centres
- Healthy, resilient and engaged communities

### **Lead Councillor**

N/A

## **Document Information**

### **Appendix number and title**

- Appendix 1 draft Statement of Licensing Policy
- Appendix 2 Summary of changes

**Background papers**

None

**Report Author and contact details**

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*Cherwell*

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# **Draft Statement of Licensing**

## **Policy**

### **Licensing Act 2003**

February 2021

Cherwell District Council Licensing Act 2003  
Statement of Licensing Policy for  
Regulated Entertainment, Late Night Refreshment and the Sale of Alcohol

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## **1. Executive Summary**

- 1.1 The Licensing Act 2003 introduced a revised licensing system for alcohol, entertainment and late-night refreshment.
- 1.2 Section 5 of the Licensing Act 2003 has imposed a statutory duty on the Licensing Authority to produce a statement of licensing policy for a five years period, beginning with such day as the Secretary of State may by order appoint.
- 1.3 This document sets out the Licensing Authority's policy, which will guide the Council when considering applications under the Act. The policy provides guidance on the general approach the Council, as the Licensing Authority within the meaning of the Act, will take in terms of licensing. However, each licence application will be considered separately on its individual merits.
- 1.4 The Licensing Authority in adopting this policy recognises both the needs of residents for a safe and healthy environment to live and work and the importance of safe and well run entertainment premises to the local economy and vibrancy of the area. However, the Council also recognises that balancing these interests will not always be straightforward and it will be guided by the four licensing objectives as set out in this policy.
- 1.5 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and as stated above each application will be considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, this Council in adopting the policy is indicating that a wide range of considerations will be taken into account.
- 1.6 The Licensing Authority will use its powers to promote best practice in relation to the operation of licensed premises and is committed to partnership working with responsible authorities, local businesses, licensed trade, residents and others to ensure that they have a clear understanding of the legislation.
- 1.7 The Licensing Authority has had regard to the guidance issued by the Secretary of State under Section 182 of the Act when developing this statement of Licensing Policy. It is not possible to anticipate every scenario that may arise and there may be occasions when the guidance and policy may be departed from, and in such circumstances the Licensing Authority will give full reasons for doing so.
- 1.8 The scope of this policy covers new applications, renewal of personal licences, transfers and variations of licences and certificates including temporary event licences. This includes the review of licences and certificates which could lead to a range of sanctions including the revocation of a licence or a certificate.

## **2. Purpose and Scope of the Licensing Policy**

- 2.1 The Licensing Act 2003 makes it a duty for the local authority to carry out its functions under the Act with a view to promoting the four licensing objectives:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance, and

- The protection of children from harm
- 2.2 The purpose of this policy is to detail how the Licensing Authority will comply with that duty.
- 2.3 The Act regulates the following activities:
- retail sales of alcohol;
  - the supply of alcohol by or on behalf of a club
  - the provision of regulated entertainment
  - the provision of late night refreshment.
- 2.4 In determining its statement of licensing policy, the Licensing Authority will have regard to the guidance issued by central government and other regulatory bodies to ensure that its actions are consistent with those nationally. To further ensure consistency the licensing authorities of Oxfordshire will meet as necessary to ensure that a consistent approach is being achieved.
- 2.5 Licensing decisions will be made in accordance with the current legislation, case law, relevant guidance and in accordance with this policy.
- 2.6 No decision will be made which undermines the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.
- 2.7 Authorised persons, interested parties and responsible authorities, as defined in the Act, will have the right to make representations to the Licensing Authority on any application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. The Licensing Authority recognises that in the absence of relevant representations it will grant licenses on the terms sought.
- 2.8 Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions will be focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises and on members of the public living, working or engaged in normal activity in the area concerned. However, the Licensing Authority recognises that licensing legislation is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 2.9 The Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti- social behaviour by individuals once they are away from licensed premises and, therefore, beyond the control of the licence holder. Nonetheless, it is a key aspect of such control and licensing laws will always be part of the holistic approach to the management of the evening and night-time economy.
- 2.10 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. The Licensing Authority wishes to

facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

- 2.11 The Licensing Authority recognises that the provision of entertainment is a major contributor to the economy of the area attracting tourists and visitors and is a source of employment.
- 2.12 The Licensing Authority will also have regard to wider considerations affecting the residential population and the amenity of any area. These include littering, fouling, noise and street crime.
- 2.13 In determining a licence application, the overriding principle adopted by the Licensing Authority will be that each application will be determined on its merits. Only mandatory conditions and conditions offered or agreed with by the applicant will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added provided they are appropriate, proportionate, and reasonable and deal with the issues raised. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation.
- 2.14 In considering licensing hours The Licensing Authority will place significant emphasis on the individual merits of an application. In addition, the views of the Police and other Responsible Authorities will be important in this consideration.
- 2.15 Licensing hours will not inhibit the development of a thriving and safe evening and night-time local economy which is important for investment and employment locally and beneficial to tourism without compromising the ability to resource local services associated with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration.
- 2.16 Shops and public houses will generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers will be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the community. Individual applicants should address the licensing objectives in their operating schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.
- 2.17 The purpose of this policy document is to assist the Licensing Authority in reaching a decision on an application, setting out those matters which will normally be taken into account. In addition, this policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move, to remain or invest in the area with some measure of certainty.
- 2.18 Before determining its policy for any five-year period, the Licensing Authority will undertake full consultation as prescribed by the 2003 Act.
- 2.19 The views of all of those consulted will be given appropriate weight when the policy is determined together with those of any other persons or bodies which the Licensing Authority considers appropriate to consult with. When undertaking consultation exercises, the Licensing Authority will also have regard to cost and time.

### **3. Duplication**

- 3.1 The enforcement of licensing legislation will at all times be distinct from other regulatory regimes such as fire safety and health and safety so far as is practicable.
- 3.2 Conditions will only be attached to premises licences and club premises certificates that are necessary for the promotion of the licensing objectives detailed in the introduction to this policy, be they mandatory conditions, conditions made against the operating schedule and/or following relevant representations. Under normal circumstances where matters are already provided for in other legislation, they cannot be considered necessary in the context of licensing law.
- 3.3 To ensure clarity of enforcement roles appropriate liaison with other enforcing authorities will take place and, where considered appropriate, joint inspections by enforcement agencies will be arranged.

### **4. Strategies**

- 4.1 Where relevant representations are received, the Licensing Authority will attach conditions to premises licences and club premises certificates where appropriate to reflect local crime prevention strategies, for example, the provision of closed-circuit television cameras in certain premises. The need for such conditions will be considered specifically as part of the application consultation process with Thames Valley Police and more generally through Crime and Disorder Partnerships.
- 4.2 The Licensing Committee will be advised of any relevant information received either reactively or proactively indicating that this policy is having a detrimental impact on live music and dancing and other regulated activities, to ensure that broader cultural activities and entertainment are not being affected. Where indications are that there is a negative effect on such events then this policy will be reviewed in order to identify how the issues may be remedied. Advice will be sought from other relevant bodies as appropriate where such issues are identified. Every care will be taken to ensure that only necessary, proportionate and reasonable licensing conditions are applied.

### **5. Live Music Act**

- 5.1 The Live Music Act came into force on 1<sup>st</sup> October 2012 and is designed to encourage more performances of 'live' music.
- 5.2 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended between 08:00 hours and 23:00 hours, but it will be possible to impose new, or reinstate existing conditions following a review. When considering whether an activity constitutes 'the provision of regulated entertainment' each case will be treated on its own merits.

### **6. Operating Schedules**

- 6.1 Under the Licensing Act 2003 applicants are required to complete an 'operating schedule' as part of their application. This is a key document and, if prepared comprehensively, will significantly reduce the likelihood of the application attracting representations.
- 6.2 Applicants need to be aware of the expectations of the Licensing Authority and the responsible authorities as to the steps that are appropriate for the promotion of the

four licensing objectives and to demonstrate knowledge of their local area when describing the steps they propose to take to promote them.

- 6.3 Each objective is of equal importance, and the four objectives will be paramount considerations for the Licensing Authority at all times.
- 6.4 It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence.
- 6.5 The Licensing Authority recommends early consultation with responsible authorities. In addition, many responsible authorities would be prepared to discuss matters on site with an applicant with a view to reaching agreement on measures to be proposed. Contact details for the responsible authorities can be found in Appendix 2.
- 6.6 The following sections are intended to assist applicants by setting out criteria and considerations relating to each of the four licensing objectives that they should bear in mind when drawing up an operating schedule. They alert applicants to any matters that responsible authorities are likely to consider when deciding whether to make representations on an application or whether to call for a review of the premises licence.

## **7. Prevention of Crime and Disorder**

- 7.1 The Licensing Authority has a duty to act solely or with its partners to reduce crime and disorder throughout the district, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998. The council as a member of the Community Safety Partnership will work with partners to utilise legislation as required to prevent crime and disorder issues and promote public safety. In addition, the council will work in partnership with the Home Office in relation to illegal working on licensed premises.
- 7.2 The essential purpose of the licence or certificate is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and his staff or agents. They can however directly impact on the behaviour of those under the licensee's direction when on their premises or in the immediate vicinity of the premises as they seek entry or leave.
- 7.3 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises having regard to the location, character and condition of the premises, the nature and extent of the proposed use and the persons likely to be attracted to the premises or event.
- 7.4 There are a number of offences both within the Licensing Act 2003 and other legislation that relate to crime and disorder that a licensee should be familiar with. These offences stand and will not be duplicated as conditions on any licence or certificate.

## **Local Alcohol Profile**

- 7.5 Before completing an operating schedule, applicants should have regard to the latest data set on alcohol related hospital admissions and alcohol related crimes for the district, which can be found on the council's website at the following link: (insert link). The data aims to increase awareness of local risks and inform applicants of the specific risks that need to be considered prior to submitting an application.

## **Pubwatch**

- 7.6 The Licensing Authority recognises the value of Pubwatch schemes and will play a supportive role and attend meetings whenever possible. Where such a scheme is active in the locality of a premises, the applicant is strongly encouraged to become an active member. As well as traditional pubs and entertainment venues, this includes premises that are licensed solely for the sale of alcohol for consumption off the premises.
- 7.7 Pubwatch provides a forum for sharing information, disseminating best practice and meeting with representatives of the Licensing Authority, the police and other responsible authorities. The Licensing Authority encourages all licensees to actively participate in their local Pubwatch scheme and will support the development of schemes where there is a demand but does not consider it appropriate to make it a condition of licence to be a member.

## **Information sharing and reporting incidents**

- 7.8 As well as sharing information through formalised Pubwatch schemes, licensees are encouraged to share and report incidents to relevant agencies as and when appropriate, rather than waiting for a next meeting. Any issues of crime and disorder should be reported as soon as possible to Thames Valley Police. If persons or property are in danger then this should be done through calling '999', alternatively the '101' number should be used. Incidents that occur on licensed premises should be recorded and made available to Thames Valley Police and other agencies.
- 7.9 The police and the council work in partnership to target those individuals who cause crime and disorder. Powers under the Anti-social Behaviour, Crime and Policing Act 2014 such as Criminal Behaviour Orders (S22), Community Protection Notices (S43), Public Spaces Protection Orders (S59) and Closure Orders (S76) and any replacement powers will be utilised to assist in the prevention of crime and disorder. Information about relevant orders against persons will be shared with premises. Licence holders are also expected to assist in preventing crime and disorder by notifying the police of any persons who breach orders relevant to their premises.

## **Closed Circuit Television (CCTV)**

- 7.10 CCTV has a key role to play in stopping and deterring crime and anti-social behaviour in town centres and is also used as an evidence and detection tool. Applicants are expected to consider the installation of CCTV covering both inside and outside of the premises and if they do not believe it to be appropriate, to detail why this is the case in their application.
- 7.11 Surveillance cameras should only be used if necessary and proportionate, in addition:
- when considering the use of CCTV systems, either as part of the conditions attached to a licence or certificate, or within an operating schedule the

Licensing Authority or applicant must in particular have regard to the Code of Practice on CCTV published by the Information Commissioner's Office.

- The Licensing Authority supports the use of CCTV systems in premises. Where a licence or certificate is granted subject to the installation of a CCTV system, it is the responsibility of the licensee to comply with any data protection considerations that may arise from the use of such a system.
- the public must have confidence that surveillance is necessary and proportionate, and that those who operate the camera systems, or use the images and information they capture, demonstrate integrity in doing so and can be held to account.
- Recordings should be retained for a minimum of 31 days and staff must be trained to operate the CCTV equipment and able to provide recordings within 24 hours to any of the responsible authorities on request.

### **Consumption of alcohol**

- 7.12 The Licensing Authority expects all licence holders to take steps to control excessive consumption and drunkenness in licensed premises. This will reduce the risk of anti-social behaviour and violent crime occurring both on and away from the premises after customers have departed. Premises licence holders are expected to be able to demonstrate a general duty of care to customers using their premises and others affected by their activities, and this is supported by responsible retail sales of alcohol and appropriate staff training.
- 7.13 Premises should complete a specific risk assessment in respect of any alcohol promotions and should follow any industry codes of practice such as the Portman Group Code of Practice of the Naming, Packaging and Promotion of Alcoholic Drinks. A copy of the Code can be found at [www.portman-group.org.uk](http://www.portman-group.org.uk). Promotions that encourage irresponsible consumption of alcohol should be avoided, including drinking games, as these would likely breach the relevant mandatory licence conditions and pose a risk to public safety. Consideration should be given to the promotion of smaller measures.
- 7.14 Where any of the following alcoholic drink is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a secured closed container) it must be available to customers in the following measures:
- - Beer or cider ½ pint;
  - - Gin, rum, vodka or whisky: 25 ml or 35 ml;
  - - Still wine in a glass: 125 ml;
- 7.15 These small measures must be displayed on menus, price lists or other printed material, and be available to customers on the premises. Where a customer does not specify the alcohol measure, the customer should be made aware that these small measures are available.
- 7.16 No alcohol should be sold or supplied for consumption on or off the premises for a price which is less than the alcohol minimum permitted price.

### **Door supervisors/stewards**

- 7.17 Any person engaged at licensed premises to carry out security activities including

the prevention of access to, or the physical ejection of, a person from the same premises on behalf of the licensee must hold and display a valid current licence issued by the Security Industry Authority (SIA) or any successor system.

- 7.18 The Licensing Authority will consider representations that indicate that specific premises require door supervision for the purpose of meeting the crime and disorder or public safety licensing objectives. In such cases, the Licensing Authority may impose a condition that an agreed number or ratio of licensed door supervisors must be present at the premises either at all times, or at such times as certain licensable activities are taking place.
- 7.19 In certain circumstances it may be appropriate to use trained stewards to provide a satisfactory level of customer care and safety awareness. These individuals must not carry out security activities and would not be required to hold an SIA licence. If they were employed to undertake duties involving children, then the applicant must consider whether such individuals should undergo a Disclosure and Barring Service check.
- 7.20 The applicant may find it beneficial in developing the operating schedule for a premises licence or certificate to have undertaken a security risk assessment in order to determine the resources necessary to meet the licensing objectives. The application should state if they propose the use of registered door supervisors which is supported by the completion of a risk assessment. Where it is felt that registered door supervisors are not required, the reasons for this should be provided in the application and again supported by the completed risk assessment.

### **Illegal drugs**

- 7.21 The Licensing Authority recognises that the supply and use of illegal drugs by individuals is not relevant to all licensed premises, but it is recognised that conditions may need to be attached to the premises licences if problems arise. The aim will be to reduce the availability, sale, and consumption of illegal drugs and to create a safer environment for those who may have taken them. Any conditions will take into account the relevant guidance and advice from appropriate bodies.
- 7.22 The Licensing Authority expects all premises to fully co-operate with the police including drug swabbing and permitting the access and use of drug dogs within the public and staff areas of the premises. It may also be appropriate to have procedures in place such as regular toilet checks and staff training to recognise the signs of drug taking on premises.

### **Modern Slavery**

- 7.23 The Licensing Authority expects licence holders and applicants for new licences to be aware of the possibility of modern slavery, which can take many forms including the trafficking of people, forced labour, servitude and slavery. Traffickers and unscrupulous recruitment agencies target a range of industries including those involved in hospitality. The vast majority of employees will be recruiting people legitimately, but some firms could find themselves targeted by unscrupulous agencies or individuals.
- 7.24 Anyone can be a victim of modern slavery. However, victims of this crime in the hospitality sector are often Eastern European men and women who are promised a job in the UK and then forced by traffickers to work for little or no money. Through threat, violence or coercion they may be forced to live in squalid accommodation

and have their identity documents taken from them.

- 7.25 All licence holders should make proper background checks on the agencies who supply them labour, including where the agency is operating in a supervisory role. The Association of Labour Providers and the Recruitment and Employment Confederation are the two main recruitment industry associations, and work with the

### **Other matters relating to crime and disorder**

- 7.26 The following should also be considered:

- Measures to prevent the bringing of offensive weapons onto the premises
- Illegal (illicit, counterfeit or non-duty paid) tobacco or alcohol
- Use of toughened glass or plastic (consideration should be given to the use of plastic drinking receptacles in outside areas that are situated in town centres).
- Access and last entry
- Issues relating to staff and their right to work in the UK
- No external advertising of alcohol outside the premises or in the windows.

## **8. Public safety**

- 8.1 The public safety objective is concerned with the physical safety, including fire safety, of the people using the relevant premises and not with public health, which is dealt with in other legislation. Public safety includes the safety of performers appearing at any premises.
- 8.2 From 1st October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation and responsibility for complying with the order rests with the 'responsible person' who has control of premises.
- 8.3 Where applicants consider that the public safety objective could be compromised by their intended activities, they are encouraged to contact the council's Health Protection and Compliance team and/or the Fire Authority as the most relevant responsible authorities for guidance.
- 8.4 The council is a member of the Nightsafe scheme, which seeks to promote public safety in the night-time economy through partnership working with licensed premises and responsible authorities.
- 8.5 The Licensing Authority is familiar with the "Safer Clubbing Guide" and its application to nightclubs and dance events. The guide contains a number of suggestions and safeguards, which appropriate premises should consider and include within their operating schedules as necessary. There are a number of other key publications that relate to public safety at entertainment events, which the Licensing Authority would recommend to applicants (see Appendix 3).
- 8.6 Applicants may also wish to consider the following within their operating schedule with a view to the safety of persons attending the premises.

### **Alcohol harm reduction**

- 8.7 Communities, agencies and businesses are best placed to identify and deal with alcohol-related problems in their area. It is important to maximise the benefits of partnership working, focusing and co-ordinating the efforts of local agencies,

industry and the voluntary sector in tackling alcohol-related problems. Budgets and expertise can be pooled, providing the right services at the right time, making town centres safer and in doing so encourage more people to enjoy a night out, thus promoting economic growth.

- 8.8 Information is a powerful tool in tackling alcohol-related problems. It is vital to strengthen data sharing within local partnerships, in particular between crime and health agencies and licensing authorities. See Local Alcohol Profile section above.
- 8.9 The Licensing Authority will continue to work alongside their partners on a countywide and local level. The licensing team will work pro-actively with the Community Safety Partnership and Thames Valley Police and will support local initiatives to tackle alcohol misuse such as Pubwatch, Nightsafe and Community Alcohol Partnerships.

### **Safeguarding**

- 8.10 It is important that licence holders are aware of their responsibilities relating to safeguarding. Individuals may be vulnerable for a number of reasons such as their age, mental health or intoxication. Premises should have a safeguarding/welfare policy, appropriate to the type of venue or event, available at the request of the Licensing Authority or any other responsible authority. This should cover matters such as proof of age checks, spotting signs of abuse or vulnerability, random toilet checks, how to challenge and report where there are concerns, provision of water and phone charging facilities, first aid and welfare support. This may also link with any dispersal and ejections policy. Staff should be trained so they are clear of the expectations of them in respect of safeguarding and wellbeing.
- 8.11 In addition, it may be worth considering having a dedicated safe space for vulnerable customers, with at least two members of staff present and ideally covered by CCTV.
- 8.12 Some areas have Street Pastor schemes, where trained volunteers patrol the night time economy and take care of vulnerable people that they encounter. Applicants should find out if there are any such schemes operating in their area and make contact with them to encourage regular engagement.

### **Occupancy limits**

- 8.13 It is recommended that the applicant or operating company assess and set occupancy limits following a risk assessment of the planned activities being carried out at the premises, having regard to other relevant legislation such as the Regulatory Reform (Fire Safety) Order 2005.
- 8.14 The Licensing Authority may set an occupant capacity following representations received if it is appropriate and proportionate to do so in order to meet the licensing objectives.

### **Health and Safety**

- 8.15 Where five or more people are employed, the Health and Safety at Work etc Act 1974 requires there to be a written health and safety policy statement which must be brought to the employees' attention. Employers must also record the results of risk assessments and ensure a robust health and safety action plan is in place for both staff and customers. Applicants should have these documents available at the request of the Licensing Authority or any other responsible authority.

## **Other matters relating to public safety**

- 8.16 The following should also be considered:
- Disabled access and evacuation
  - Emergency procedures
  - Special risks such as lasers or fireworks

## **9. The prevention of public nuisance**

- 9.1 The public nuisance objective is designed to deal with the impacts of licensable activities on persons living and working (including doing business) in the vicinity that is disproportionate and unreasonable. The main issues for concern will be the control of noise nuisance, light pollution, noxious smells (odour) and litter.
- 9.2 Public nuisance is not defined within the Act but is given a broad common law definition. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbances affecting the whole community. This may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined) in the vicinity of the licensed premises.
- 9.3 Applicants should carefully consider how they intend to promote the prevention of public nuisance objective in their operating schedule and the following sections provide some guidance:

### **Noise**

- 9.4 Noise can come either directly or indirectly from licensed premises. Direct noise, such as that from entertainment activity, will be under the premises' direct control. Indirect noise, such as that from vehicles and customers coming to and from the premises may not be under direct control, but the premises can strongly influence it. Both types of noise will be of more significance in areas with residential accommodation and will usually, but not exclusively, be of greater importance between 11pm and 7am. However, it must be noted that noise and disturbance can also cause public nuisance outside these times. The operating schedule should identify the control measures that will be taken to minimise the impact of both types of noise on neighbouring residents and businesses.
- 9.5 Noise and disturbance from people outside can cause public nuisance even when those people are not behaving badly. The operating schedule should identify the control measures that will be taken to minimise the impact of use of outside areas. This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of the premises including customers congregating outside premises to smoke or drink, customers arriving, leaving or queuing outside premises.
- 9.6 Amendments to the Act have removed the requirement for licensing of a wide range of entertainment between the hours of 8am and 11pm. This does not reduce the risk of noise nuisance occurring. The risk increases when the entertainment takes place in the open air or within a marquee. Steps should be taken to prevent noise and vibration from entertainment causing nuisance. This may include noise from music, human voices and other forms of entertainment whether amplified or not. Consideration should also be given to ensure noise is not audible at sensitive

locations such as dwellings, hospitals, hotels and other business premises. Any noise should also not cause unreasonable disturbance to the wider public, such as passers-by and people using public facilities. The Environmental Protection team are responsible for dealing with noise complaints arising from unregulated entertainment.

- 9.7 Steps should be taken to prevent noise from any servicing of the premises causing nuisance. This may include noise from deliveries, collections and the onsite disposal of bottles and other waste or recyclable materials.
- 9.8 The Licensing Authority will have regard to the powers available within the Anti-Social Behaviour Crime and Policing Act 2014. This provides that if noise from licensed premises is causing a public nuisance the local authority has powers to issue a closure order for up to 24 hours. This compliments the police powers under Part 8 of the 2003 Act.

### **Light Pollution**

- 9.9 Outdoor artificial lighting is used for a number of reasons, including for work, recreation, security, safety, advertising, display and to create a pleasant atmosphere where people gather socially. As many of the premises operating under the Licensing Act will use outdoor lighting late at night, it is important to ensure that it does not become a nuisance to others. Light 'spilling' onto other property can cause annoyance, distraction and discomfort. The design of larger outdoor lighting installations will need advice from a specialist Lighting Engineer.

### **Odour**

- 9.10 The applicant should consider any odour that maybe emitted from the premises. This can include the generation of odour from food preparation, waste, bottle storage and smoking areas. The operating schedule should identify the control measures that will be taken to minimise the impact of odour from all sources.
- 9.11 When designating a smoking area outside it is important to consider who will be affected by the smoke, the possible number of persons using the area and ensuring a facility to safely dispose of lit cigarettes.
- 9.12 Oxfordshire has also signed up to creating a smoke free County by 2025, see section 30 below on Smokefree.

### **Waste and cleansing**

- 9.13 Licensed premises of all types can potentially cause public nuisance from litter and waste. The Environmental Protection Act 1990 and the Clean Neighbourhoods and Environment Act 2005 impose responsibilities relating to proper waste collection and disposal, not least of which is the 'duty of care' to ensure any waste is properly contained and controlled while in the operator's possession, and that it is collected by a licensed waste carrier. The Act does not duplicate these laws, but licence holders will need to apply good waste management practice in order to prevent public nuisance.
- 9.14 The provision of welfare facilities such as toilets within licensed premises is relevant to the prevention of public nuisance. Adequate welfare provisions may prevent nuisance activities taking place within the street, such as urination. Licensees should therefore ensure that adequate facilities are provided within the premises and include these details within their operating schedule.

## 10. The protection of children from harm

- 10.1 For the purposes of this policy the Licensing Authority considers anyone under 18 years of age to be a child or young person.
- 10.2 The provisions of the Act are that unaccompanied children under 16 years should not be on 'premises being used exclusively or primarily for the supply of alcohol'.
- 10.3 The policy aims to work alongside the principles set out by the Oxfordshire Safeguarding Children Board at [www.oscb.org.uk/](http://www.oscb.org.uk/).
- 10.4 The Licensing Authority expects that, whether alcohol is supplied or proposed to be supplied on or in the vicinity of the premises, operating schedules will identify:
- the extent to which it is proposed that children be admitted to the premises;
  - whether it is proposed that unaccompanied children will be admitted;
  - the type of regulated entertainment provided whilst children are present;
  - the specific steps undertaken to ensure the safety of children and to further ensure that no products or services are sold to children that are not appropriate for their use or consumption.
  - that staff are aware of their responsibility to ensure that an adult should not become over intoxicated if accompanied by a young person or child as to inhibit their ability to safeguard that young person.
- 10.5 Whether or not premises with a mixed use are 'exclusively or primarily used' is a matter of judgment and will depend upon the particular circumstances of the case. The guidance makes it clear that this does not mean that where the supply of alcohol is not the exclusive or primary use then young people should automatically be given access.
- 10.6 Applicants, who propose to admit children, particularly where they would not require them to be accompanied by a responsible adult, should be especially careful in ensuring they meet the requirement that their operating schedule fully and clearly sets out the nature of the activities for which permission is sought. Further, the operating schedule should specify the measures and management controls proposed to protect children from harm.
- 10.7 When deciding where restrictions should be imposed, the Licensing Authority will examine the individual merits of each application and only impose conditions where the circumstances justify them.
- 10.8 Aspects of an application that would be likely to raise concerns in relation to access by children would include:
- Where entertainment or services of an adult or sexual nature are commonly provided;
  - Where entertainment or services include strong or offensive language;
  - Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
  - Where there is a known association with drug taking or dealing;
  - Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and

- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 10.9 Where conditions are required for the prevention of harm to children, a range of alternatives will be considered as methods for limiting access. These could include:
- Limitations on hours when children may be present;
  - Limitations of the presence of children under certain ages when particular specified activities are taking place;
  - Limitations on the parts of the premises to which children might be given access;
  - Age limitations (below 18);
  - Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
  - Full exclusion of those people under 18 from the premises when any licensable activities are taking place.
- 10.10 Where the above restrictions are not considered necessary, access to licensed premises by children will remain a matter for the discretion of the individual licence holder or club. Where the licence holder volunteers prohibitions and restrictions and no other relevant representations are made, the volunteered prohibitions and restrictions will be made into conditions and no other conditions in relation to the presence of children will be applied.
- 10.11 The sale of alcohol to minors (under 18 years of age) is a criminal offence. The Licensing Authority, Oxfordshire County Council Trading Standards Service and Thames Valley Police take a very serious view of the persistent and illegal sale of alcohol and other age-restricted goods to children. Together with Trading Standards, the Licensing Authority will continue to seek to ensure that illegal sales of alcohol and other age-restricted goods are reduced and ultimately eradicated.
- 10.12 The Licensing Authority expects that staff are trained and aware of their responsibility for ensuring that customers are old enough to purchase alcohol. This requirement is particularly relevant for bar staff working at premises where door supervisors control entry to a premise. Particular care and appropriate measures should be in place for venues that, due to the nature of the events, attract both over and under 18-year-old patrons.
- 10.13 Thames Valley Police and Oxfordshire County Council Trading Standards Service are jointly responsible for the enforcement of sections 146, 147, 147(a) and 147(b) of the Licensing Act 2003 (The sale of and allowing the sale of alcohol to children). Trading Standards are mainly responsible for 'off licence' premises and the Police have the main responsibility for 'on licence' premises.
- 10.14 The Licensing Authority will maintain close contact with Thames Valley Police, Oxfordshire Youth Justice Service and Trading Standards officers regarding unlawful activities and share actions and intelligence where appropriate.

### **Age verification and refusals log**

- 10.15 There is a mandatory condition on all premises licensed to sell alcohol requiring them to have adequate age verification systems in place. The Licensing Authority would recommend the use of a Challenge 25 scheme i.e. 'challenging anyone who looks under 25 to prove their age by use of an approved means of identification';

such a scheme to be advertised and enforced on the premises.

10.16 Licensees must demonstrate that their staff receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers and checking identification). The training provided to members of staff to prevent the sale of alcohol to underage people must be properly documented in the training log so that there is an adequate audit trail. Records must be available for inspection.

10.17 The following are examples of identification used:

- Passport
- Photo-card driving licence
- PASS card or other nationally accredited photo ID document
- Official identity card issued by HM forces

10.18 Additionally, when a retailer refuses the sale of alcohol this should be recorded in a 'refusals log'. These documents must be kept available for inspection by a police officer or authorised officer of the Licensing Authority.

### **Proxy sales**

10.19 Adequate procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol, and shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.

10.20 Steps must be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold or delivered to persons under the age of 18.

### **Film classification**

10.21 The Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification (BBFC) or the Licensing Authority itself. The 2003 Act also provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to be restricted in accordance with the recommendations given to films by the BBFC or by the Licensing Authority itself. The Licensing Authority will expect Licensees to demonstrate the controls they have in place for the showing of recordings which have no age classification.

10.22 In the event that the Licensing Authority is asked to stipulate an age category for a film or video that has not been classified by the BBFC, the licensing panel or its delegated officers may view the film or video and use the BBFC published guidelines on classification as a 'bench mark' in reaching their decision.

10.23 All requests for a classification must be accompanied by a synopsis of the film and a full copy of the film in DVD or other appropriate format, and submitted at least 28 days before the proposed screening. Failure to submit a request in time may result in the Licensing Authority being unable to classify the film. Requests shall be

assessed against the BBFC guidelines and the licensing objectives and a fee may be charged to cover the costs associated with this process.

- 10.24 In considering any application, the Licensing Authority will take into account any evidence that age restrictions for exhibitions of film are not being properly observed.

### **Child exploitation**

- 10.25 The Licensing Authority expects licence holders and applicants for new licences to be aware of the possibility of exploitation including child sexual exploitation and child criminal exploitation taking place in or around licensed premises. Licence holders are expected to adopt suitable protective measures to assist in the detection and reporting of incidents of this kind. These may include staff training and management procedures to include monitoring and reporting. Child sexual exploitation is a type of sexual abuse. When a child is exploited, they are given things like gifts, drugs, money and affection in exchange for performing sexual activities. Child criminal exploitation is child abuse where children are manipulated and coerced into committing crimes, for example carrying drugs for gangs.
- 10.26 Premises licence holders and designated premises supervisors have a legal responsibility to ensure that children and young people are protected from harm at their premises. The guidance issued under Section 182 of the Licensing Act requires that children must be protected from ‘moral, psychological and physical harm, which not only includes protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure of certain films or adult entertainment).’ It is important that the risk of child exploitation is managed at premises to both protect children and young people from harm as well as to protect the business, particularly financial and reputational risk if legal action is taken against the premises, which could result in suspension or revocation of the licence.
- 10.27 To minimise the risk to children and young people, premises need to have preventative systems in place. Below are some suggested safeguarding measures:
- Undertake a written children and young person’s risk assessment and use it to inform or complement your staff training and operation of the premises
  - Staff should be trained to recognise indicators of child sexual exploitation and know how to report concerns, with records maintained of this training
  - Activities at the premises should be monitored (by using CCTV or by regular patrols). If patrols are carried out, a record should be kept of who made the patrol, where they patrolled and the times and dates it was carried out
  - Suspicious activities should be reported to the police, including details of vehicle registration numbers and description of any individuals involved and all incidents of this nature should be recorded in the premises incident log.
  - If the designated premises supervisor, licence holder or staff are in a situation involving the supervision of a vulnerable person at the premises, it is important to follow a consistent and auditable protocol.

### **Other matters relating to protection of children from harm**

- 10.28 The following should also be considered:
- Performances by children
  - Alcohol delivery services

## **11. The Licensing Authority as a Responsible Authority**

- 11.1 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention and may do so where the authority considers it appropriate without having to wait for representations from other responsible authorities.
- 11.2 The Licensing Authority will not normally act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, a choice may be made to act in its capacity as responsible authority.
- 11.3 The Licensing Authority expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance.
- 11.4 In cases where the Licensing Authority is also acting as responsible authority in relation to the same process, there will be a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub-committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 11.5 Accordingly, the officer advising the licensing committee will be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority will not be involved in the licensing decision process and will not discuss the merits of the case with those involved in making the determination by the licensing authority. Communication between these officers in relation to the case will remain professional and consistent with communication with other responsible authorities.

## **12. Public Health as a Responsible Authority**

The inclusion of the Oxfordshire County Council Director of Public Health as a responsible authority under the Act enables Public Health to have a say in alcohol licensing. Public Health may have access to information that is unavailable to other responsible authorities, which help the licensing authority exercise its functions.

The role of the Director of Public Health is to help promote the health and wellbeing of the local populations they serve. This wide remit influences a wide range of circumstances, including local licensing arrangements. The licensing regime is concerned with the promotion of the licensing objectives which collectively seeks to protect the quality of life for those who live and work in the vicinity of licenced premises

and those who socialise in licensed premises. The Director of Public Health could make or support representations as well as make observations on licensing applications. The focus on the wellbeing of the wider community via licensing is an important addition to the role of public health in promoting the wellbeing of their localities.

### **13. Responsible Authorities**

- 13.1 Thames Valley Police (Licensing)
- 13.2 Oxfordshire Fire and Rescue Service
- 13.3 Trading Standards
- 13.4 Regulatory Services and Community Safety (Environmental Health)
  - Environmental Protection
  - Health Protection
  - Community Safety
- 13.5 Planning Authority
- 13.6 Oxfordshire County Council Public Health

See Appendix 2 for contact details.

### **14. Planning**

- 14.1 The Licensing Authority acknowledges that there must be proper separation of the planning and licensing regimes to avoid duplication and inefficiency. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the Local Planning Authority, Planning Committee or following appeals against decisions taken by that committee.
- 14.2 The Licensing Committee may provide reports to the Planning Committee on the situation regarding licensed premises in the area to ensure proper integration, including the general impact of alcohol related crime and disorder, to provide background information to any planning applications for potential licensed premises under consideration.
- 14.3 The Planning Authority also has a duty to consider matters of crime and disorder at this stage. This will enable the Planning Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.
- 14.4 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Planning Authority. There is no legal basis for the Licensing Authority to refuse a licence application because it does not have planning permission,
- 14.5 The strength of planning policies is that there is an obligation both on the council, as local planning authority, and the decision maker on any appeal to give considerable weight to them. This helps ensure consistency in the decision making process.

## **15. Licensing Hours**

- 15.1 Consideration will always be given to the individual merits of an application in line with the four licensing objectives and any relevant representations. The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol need to be managed effectively to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which may lead to disorder and disturbance.
- 15.2 However, when issuing a licence with hours beyond 23.00 hours, higher standards may be expected to be included in Operating Schedules to address the Licensing Objectives especially premises which are situated near to residential properties.
- 15.3 In considering licence applications, where relevant representations are made, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.
- 15.4 Where relevant representations are made, the Licensing Authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. The Licensing Authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place.
- 15.5 In general terms, the Licensing Authority supports the view that, with regard to shops, stores and supermarkets, they should be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours. For example, a limitation may be appropriate following police representations in the case of isolated shops known to be a focus of disorder and disturbance.

## **16. Temporary Event Notices**

- 16.1 Temporary event notices (TENs) may be used to authorise licensable activities at premises where there are 499 persons or fewer (including any staff and volunteers) present. TENs are not applications for permission to hold an event; they are notices of intention to hold an event to the Licensing Authority, Environmental Health and Thames Valley Police, subject to fulfilling certain conditions. If there are 500 or more persons present at the event, a premises licence will be required.
- 16.2 As many users giving TEN's will not have commercial backgrounds or ready access to legal advice, the Licensing Authority will ensure that guidance is clear and understandable and will aim to keep arrangements manageable and user friendly for these groups.
- 16.3 Organisers of temporary events are encouraged to submit their TEN as soon as is reasonably practicable in order for the Police and Environmental Health to consider whether or not they have any concerns about the event and, if they have, to enable all parties to try and take steps to resolve those concerns. Persons intending to use premises under a TEN are encouraged to discuss their proposals with the community that may be affected before submission.

- 16.4 Although the legal requirement is 10 clear working days (or 5 clear working days for late TENs) not including the date of receipt or the date of the event, the Licensing Authority recommends that at least 28 days and no more than three months' notice be given to hold such events, to allow sufficient time for organisers to plan their events safely, for appropriate publicity and for consultation with responsible authorities and interested parties. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.
- 16.5 The Licensing Authority will remind notice givers about relevant offences under licensing law, including the sale of alcohol to minors and the sale of alcohol to a person who is drunk,
- 16.6 The Licensing Authority will also advise notice givers of the police powers to close down an event with no notice on grounds of disorder or because of public nuisance caused by noise emanating from the premises. Where the application is not within the parameters described in the legislation, the Licensing Authority will issue a Counter Notice to the person giving the TEN.
- 16.7 In the event of an objection, if the matter cannot be resolved informally the matter will be considered by the Licensing Committee. Objection notices received for late TENs mean that the event cannot go ahead.

## **17. Sexual Entertainment**

- 17.1 The Licensing Authority has adopted a policy in relation sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. With reference to this related policy standard conditions are attached to such licences and where there are similar conditions in the two regimes, the more onerous apply.
- 17.2 The Licensing Authority acknowledges there is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly,

## **18. Cumulative Impact and Special Policies**

- 18.1 Commercial demand for additional licensed premises is not a matter for the Licensing Authority or its Statement of Policy but a matter for planning committees and for the market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Committee.
- 18.2 Conditions may only relate to matters that the licensee can be expected to control. These are likely to relate to the premises themselves and the immediate vicinity. Where the number, type and density of premises selling alcohol are unusual, serious problems of nuisance and disorder can sometimes arise or begin to arise outside or some distance from the licensed premises. This has been described as the cumulative effect of the increasing capacity of all premises taken together and is outside of the control of licence conditions.
- 18.3 There may be circumstances where the Licensing Authority receives relevant representations from a responsible authority or interested party that the cumulative effect of new licences is leading to an area becoming saturated with premises,

making it a focal point for large groups of people to gather and circulate, away from the licensed premises themselves. This might be creating exceptional problems of disorder and nuisance over and above the impact from the individual premises. In such circumstances the Licensing Authority may consider the question of whether the granting of any further premises licences or club premises certificates would undermine one of the licensing objectives. The Licensing Act 2003 allows for this, so long as cumulative impact is addressed in the context of the individual merits of any application.

- 18.4 However, it may be necessary for The Licensing Authority to adopt a special policy of refusing new licences because the area is already saturated with certain types of licensed premises. In such circumstances this policy is not absolute and will still allow for the circumstances of each application to be considered properly and for licences which are unlikely to add significantly to saturation to be approved provided all other requirements are met.
- 18.5 In deciding whether to adopt such a policy, the Licensing Authority will:
- identify evidence of concerns relating to a licensing objective;
  - consider whether the evidence demonstrates that a cumulative impact caused by the customers of multiple licensed premises is adversely affecting a licensing objective;
  - identify the precise area(s) where issues are occurring;
  - undertake consultation with those persons and bodies identified in Section 5(3) of the 2003 Act.
- 18.6 Where this process identifies such a need, the Licensing Authority will consider adoption of a special policy relating to future licence applications from that area. Reference to any such special policy will be made in the Licensing Policy Statement and the special policy will be published as part of the statement of licensing policy.
- 18.7 A special policy cannot be used to set a terminal hour for premises in the identified area.
- 18.8 In considering representations the onus will be on the objector to lay an evidentiary base for the assertion that the addition of the premises in question would produce the cumulative impact claimed. The impact can be expected to be different for premises with different styles and characteristics.
- 18.9 Any special policy adopted by the Licensing Authority will be reviewed regularly to assess whether it has had the effect intended, whether it is needed any longer or whether it needs extending.
- 18.10 A special policy on cumulative impact will not be used as grounds for removing a licence when representations are received about problems with an existing licensed premise. Nor can it justify rejecting variations to a licence except where those variations are directly relevant to the policy (as would be the case with an amendment significantly to increase the capacity limits of a premises).
- 18.11 The Licensing Authority will not adopt quotas which pre-determine the individual merits of any application even in respect of premises selling alcohol for consumption on those premises as they have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all sell alcohol, serve food and provide entertainment but with

contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they will have on the local community.

18.12 The Licensing Authority recognises that once away from these premises, only a minority of consumers will behave badly and unlawfully. The licensing policy is part of a much wider strategy for addressing these problems. Other mechanisms which may be used to deal with such issues which fall outside of the scope of this licensing policy include:

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols; powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- the confiscation of alcohol from adults and children in designated areas;
- Police powers to close instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance;
- the power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

18.13 The Licensing Authority and Thames Valley Police will continue to work closely together to ensure that these other mechanisms are used appropriately to deal with the issues of concern and where possible will supplement these with other local initiatives that similarly address these problems.

## **19. Early Morning Alcohol Restriction Order**

19.1 Under sections 172A to 172E of the 2003 Act as amended by section 119 of the Police Reform and Social Responsibility Act 2011 the Licensing Authority can make an early morning alcohol restriction order (EMRO) if it considers it necessary for the promotion of the licensing objectives.

19.2 An order would mean that any premises licence, club premises certificate or temporary event notice that authorises the sale of alcohol within the location and during the period specified in the order would not have effect. The period specified must begin no earlier than midnight and end no later than 6am.

19.3 The only exemptions relating an EMRO are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.

19.4 The decision to implement an EMRO will be evidence based and will be considered by Full Council.

## 20. Conditions

- 20.1 A key concept underscoring the Licensing Act 2003 is for conditions to be attached to licences and certificates that are tailored to the individual style and characteristics of the premises and events concerned. Conditions may only be applied following the receipt of relevant representations where they have been agreed by all parties concerned or have been applied by the Licensing Committee. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.
- 20.2 Conditions shall be appropriate and proportionate to achieve the promotion of the licensing objectives and shall be tailored to suit the circumstances and premises. Conditions will not be attached where adequate legislative control exists.
- 20.3 If no representations are received, there is no provision for a Licensing Authority to impose conditions on a licence other than the mandatory conditions and those proposed by the applicant within the operating schedule which will be translated into clear, enforceable conditions by the Licensing Authority.
- 20.4 The mandatory conditions that will apply to all licences for the promotion of the licensing objectives are specified in the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 which can be found at the following link <https://www.legislation.gov.uk/ukdsi/2014/9780111116906>
- 20.5 The Licensing authority will therefore avoid the general application of standardised conditions to licences and certificates. However, to ensure consistency, when it is necessary to apply conditions, the Licensing Authority will draw from pools of model conditions where available, from which appropriate and proportionate conditions may be drawn in particular circumstances to suit individual cases. The model conditions will cover the four licensing objectives.

## 21. Reviews

- 21.1 The Licensing Act 2003 makes provision for the Review of premises licenses where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.
- 21.2 At any stage following the grant of a premises licence or club premises certificate, a responsible authority or an interested party (such as a resident living in the vicinity of the premises), may request the Licensing Authority review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 21.3 A review of a premises licence will follow any action by Thames Valley Police exercising powers to close licensed premises under Section 161 of the Licensing Act 2003 on grounds of disorder or noise nuisance as a result of a Magistrates' Courts' determination sent to the Licensing Authority.
- 21.4 In all cases, the representation must relate to a premise for which a licence is in force and must be relevant to the promotion of the licensing objectives. Representations must be made in writing and may be amplified at the subsequent review or may stand in their own right. Additional representations, which do not amount to an amplification of the original representation, may not be heard at the hearing.
- 21.5 Where the request for a review originates from an interested party e.g. a local resident

or residents' association, the Licensing Authority will first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

- 21.6 A repetitious complaint is one that is identical or substantially similar to:
- a ground for review made in respect of the same premises licence which has already been determined; or
  - representations considered by the Licensing Authority when the premises licence was granted; or
  - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
  - in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of a licence.
- 21.7 The Licensing Authority recognises the need to prevent attempts to review licences, following the failure of representations on earlier occasions. The Licensing Authority will judge what is to be regarded as a reasonable interval in these circumstances. The Licensing Authority has regard to the recommendation in the guidance that more than one review originating from an interested party should not be permitted within a period of 12 months on similar grounds except in compelling circumstances or where it arises following a Closure Order.
- 21.8 The Licensing Authority also recognises that the promotion of the licensing objectives relies heavily on a partnership approach. The Council would encourage authorised persons and responsible authorities to give licence holders warning of their concerns about problems identified at premises and of the need for improvement. The Licensing Authority will advise licence holders that a failure to respond to such a warning may lead to a responsible authority requesting a Review.
- 21.9 The Licensing Authority will hold a hearing following a request for a Review from a responsible authority, interested party or after closure procedures described earlier. The Licensing Authority will make the licence holder fully aware of the representations received together with supporting evidence in order for the licence holder or his legal representatives to be able to prepare a response.
- 21.10 In determining a Review, this authority has a range of powers it may exercise where it considers them necessary for the promotion of the licensing objectives:
- no action necessary as no steps required to promote the licensing objectives;
  - issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. The Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted, and any warning issued will be in writing to the licence holder.
  - to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
  - excluding a licensable activity from the licence;
  - remove the designated premises supervisor,
  - suspend the licence for a period of three months;
  - to revoke the licence.
- 21.11 The Licensing Authority in determining what action to take will seek to establish the

causes of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be necessary and proportionate.

## **22. Minor Variations**

- 22.1 The purpose of the minor variation process is to save time, money and regulatory resources by allowing small variations that could not impair the promotion of the licensing objectives to be made to premises licences and club premises certificates through a simplified and less costly procedure. Under this process, the applicant is not required to advertise the variation in a newspaper or copy it to Responsible Authorities. However, they must display it on a white notice at the premises. The notice must be displayed for a period of 10 working days starting on the working day after the minor variation application was given to the Licensing Authority.
- 22.2 The holder of a premises licence or a club premises certificate can apply to the licensing authority for a minor variation to the licence or the certificate using the prescribed form. In determining an application The Licensing Authority will consult such of the Responsible Authorities as it considers appropriate.
- 22.3 The Licensing Authority will take into account any relevant representations made concerning the application by Responsible Authorities or by an interested party, Relevant representations must be about the likely effect of the grant of the application on the promotion of the licensing objectives. The Licensing Authority will grant an application only if it considers that none of the variations proposed in the application could have an adverse effect on the promotion of any of the licensing objectives. In any other case the authority must reject the application. There is no right to a hearing in this process.
- 22.4 An application may not be made under the minor variation provision if the effect of the variations proposed in it would be to:
- extend the period for which a premises licence has effect;
  - to vary substantially the premises to which a premises licence/club premises certificate relates;
  - to specify (in a premises licence) an individual as the Designated Premises Supervisor (DPS);
  - to authorise the sale or supply of alcohol or to authorise the sale by retail or supply of alcohol at any time between 11pm and 7am or increase in the amount of time on any day during which alcohol may be sold by retail or otherwise supplied; or
  - to disapply the mandatory conditions concerning the supervision of alcohol sales by a personal licence holder and the need for a Designated Premises Supervisor who holds a personal licence at a community premises.
- 22.5 If an application is refused, the Authority must notify the applicant in writing, giving its reasons for the refusal. The Authority is required to reach its determination within a period of fifteen (15) working days starting on the first working day after the authority receives the application, otherwise the application is rejected, and the Authority must return the application fee.
- 22.6 Minor variations will generally fall into four categories:
- minor changes to the structure or layout of a premises;
  - small adjustments to licensing hours;

- the removal of out of date, irrelevant or unenforceable conditions or volunteered conditions;
- the addition of certain licensable activities.

## **23. Enforcement**

- 23.1 The Licensing Authority will establish protocols and have regular liaison with the local police, fire & rescue service, trading standards, other County local authorities and other agencies on enforcement issues. This will provide for a more efficient deployment of local authority staff and police officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises. There will also be regular liaison with other enforcement authorities.
- 23.2 In particular, these protocols will provide for the targeting of agreed problem and high-risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run. The limited validity of public entertainment, theatre, cinema and late-night refreshment house licences has in the past led to a culture of annual inspections regardless of whether such inspections are necessary. The Licensing Act 2003 does not require inspections to take place save at the discretion of those charged with this role. The principle of risk assessment and targeting will prevail, and inspections will not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises.

## **24. Licence Suspensions**

- 24.1 This is a power brought as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. The Licensing Authority must suspend premises licences and club premises certificates on the non-payment of annual fees. The Licensing Authority will follow the relevant guidance in issuing suspensions for non-payment.

## **25. Administration, Exercise and Delegation of Functions**

- 25.1 The Powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more Officers acting under delegated authority.
- 25.2 Many of the licensing procedures will be largely administrative with no perceived areas of contention. In the interests of efficiency and effectiveness officers will generally carry out these duties.
- 25.3 On applications where there are relevant representations these will be dealt with by a Committee or sub-committee of the Licensing Authority, as will any application for review of a licence.
- 25.4 The Licensing Authority will expect applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 25.5 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating

their Operating Schedule.

- 25.6 The 2003 Act provides that decisions and functions may be taken or carried out by licensing committees or delegated to sub-committees or in appropriate cases, to officials supporting the Licensing Authority. In the interests of speed, efficiency and cost-effectiveness, as many of the decisions and functions will be purely administrative in nature, functions will be delegated to the appropriate level within the organisation where possible. See Annex 1.
- 25.7 Where applications are non-contentious, for example, no representations to the grant of a premises licence are received, applications will be delegated to officers in order to speed matters through the system. Any such matters passed in this way will then be listed for comment at the next Committee meeting. The Committee will not have the opportunity to reverse officers' decisions

## **26. Advice and Guidance**

- 26.1 Advice can be obtained by contacting the Licensing Team at Cherwell District Council. We will advise on the types of licence needed and can be contacted in the following ways: -

Website <http://www.cherwell.gov.uk/licensing.htm>

Email: [licensing@cherwell-dc.gov.uk](mailto:licensing@cherwell-dc.gov.uk)

Telephone: 01295 753744

In person or writing to:

Licensing Team,  
Cherwell District  
Council Bodicote  
House Bodicote  
Banbury  
Oxfordshire OX15 4AA

## **27. Equal Opportunities**

- 27.1 Over the last four decades, discrimination legislation has played an important role in helping to make Britain a more equal society. However, the legislation was complex and, despite the progress that has been made, inequality and discrimination persist and progress on some issues has been stubbornly slow.
- 27.2 The Equality Act 2010 provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.
- 27.3 In implementing the Licensing Act 2003, associated legislation and guidance, The Licensing Authority is committed to ensuring that the obligations and duties within this legislation are met.

## **28. Review of the Policy**

- 28.1 This licensing policy will be formally reviewed and published every five years (section 5 Licensing Act 2003). This review of the policy will be subject to the consultation process. Section 5(4) of the Act provides that the licensing authority must keep its policy under review during each five year period and make appropriate revisions. Again, any revisions must be subject to consultation.
- 28.2 Where a special policy relating to cumulative impact or early morning restriction orders is being adopted this will be reviewed regularly at least every five years, to assess whether it is needed any longer, or indeed needs expanding. Any cumulative impact policy will also be reviewed to ensure that it has had the intended effect. There will be on-going dialogue and consultation with local residents to consider whether any area is nearing the point where the concentration of premises has a cumulative impact.
- 28.3 The Licensing Authority will consider the most appropriate time to refresh policies, with a view to balancing businesses' need to be kept advised of changes with the additional burden that responding to frequent consultations can bring.

## **29. Late night levy**

- 29.1 The legislative provisions relating to the late-night levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31<sup>st</sup> October 2012.
- 29.2 Regulations have been brought into force setting out the way in which the levy must be applied and administered, and arrangements for expenses, exemptions and reductions. Guidance has also been introduced in relation to:
- implementing the levy and the consultation process
  - the design of the levy
  - exemptions from the levy
  - reductions in levy charges
  - how revenue raised from the levy may be spent the levy charges
  - the levy collection process
- 29.3 Regarding exemptions, The Licensing Authority retains discretion whether to exempt certain premises or not but only for those types of premises set out in paragraphs 1.24 to 1.31 of the guidance on the Late-Night Levy.
- 29.4 The Licensing Authority also has the discretion whether to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes.
- 29.5 Any revenue from a levy will be split between The Licensing Authority and Thames Valley Police, with at least 70% of the 'net' levy (after expenses) paid to the Police. A formal service level agreement will be established to ensure that The Licensing Authority and Northamptonshire Police are aware of responsibilities and undertakings, and to ensure that the use of levy funds can be clearly communicated to those businesses contributing to it.
- 29.6 These powers enable licensing authorities to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution

towards the costs of policing the night-time economy. Any decision to introduce, vary or cease the requirement for a levy will be made by the Full Council. Other decisions in relation to how the levy is administered may be subject to delegation.

### **30. Smokefree**

- 30.1 Oxfordshire is committed to creating a smoke free County by 2025, this is defined as when adult smoking rates reach  $\leq 5\%$ . Steps should be taken towards supporting the proposed Oxfordshire Tobacco Control Strategy (provide link) through its four Pillars:
- Prevention
  - Local Regulation and Enforcement
  - Creating Smoke Free Environments
  - Supporting Smokers to Quit
- 30.2 When designating a smoking area outside it is important to consider who will be affected by the smoke, the possible number of persons using the area and ensuring a facility to safely dispose of lit cigarettes. Wherever possible designated smoking areas should be out of site and not on the pavement at the front of the premises.
- 30.3 Where external seating is provided at least 70% of the seating must be no smoking with clear 'no smoking' signage displayed in the designated area. Applicants should aim for a minimum 2 metre distance between non-smoking and smoking areas, wherever possible.

## Appendix 1 - Delegation of functions

Matter to be dealt with	Full Committee	Sub Committee or Panel	Officers
Application for personal Licence	-	If a police objection made	If no objection made
Application for personal licence with unspent convictions	-	All cases	-
Application for premises licence/club premises certificate	-	If a relevant representation made	If no relevant representation made
Application for provisional statement	-	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	-	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	-	If a police objection	All other cases
Request to be removed as designated premises supervisor	-	-	All cases
Application for transfer of premises licence	-	If a police objection	All other cases
Applications for interim Authorities	-	If a police objection	All other cases
Application to review premises licence/club premises certificate	-	All cases	-
Decision on whether a complaint is irrelevant frivolous vexatious etc	-	-	All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	-	All cases	-
Determination of a police objection to a temporary event notice	-	All cases	-

## Appendix 2 – Responsible Authority Contacts

<p><b>Thames Valley Police Licensing Department</b>          Thames Valley Police          E Block HQ South          165 Oxford Road          KIDLINGTON          Oxfordshire OX5 2NX</p> <p>TEL: 0845 8505505</p> <p><a href="mailto:Licensing@thamesvally.pnn.police.uk">Licensing@thamesvally.pnn.police.uk</a></p>	<p><b>Oxfordshire Fire and Rescue Service</b>          Oxfordshire Fire and Rescue Service Headquarters          Sterling Road          Kidlington          Oxfordshire OX2 2DU</p> <p>TEL: 01865 897789</p> <p><a href="mailto:Fire.service@oxfordshire.gov.uk">Fire.service@oxfordshire.gov.uk</a></p>
<p><b>Trading Standards</b>          Oxfordshire County Council Trading Standards Service          Electric Avenue          Ferry Hinksey Road          Off Botley Road          Oxford OX2 0BY</p> <p>TEL: 0845 0510845</p> <p><a href="mailto:Trading.standards@oxfordshire.gov.uk">Trading.standards@oxfordshire.gov.uk</a></p>	<p><b>Regulatory Services and Community Safety</b>          Cherwell District Council          Bodicote House          Bodicote          Banbury OX15 4AA</p> <p>TEL: 01295 227990</p> <p><a href="mailto:HPandCompliance@cherwell-dc.gov.uk">HPandCompliance@cherwell-dc.gov.uk</a></p>
<p><b>The Planning Authority</b>          Planning and Development Services          Cherwell District Council          Bodicote House          Bodicote          Banbury OX15 4AA</p> <p>TEL: 01295221883</p> <p><a href="mailto:planning@cherwell-dc.gov.uk">planning@cherwell-dc.gov.uk</a></p>	<p><b>Public Health</b>          Oxfordshire County Council          County Hall          New Road          Oxford          OX1 1ND</p> <p><a href="mailto:publichealthlicensing@oxfordshire.gov.uk">publichealthlicensing@oxfordshire.gov.uk</a></p>

## Appendix 3 Other policies, legislation, and guidance sources

There are a number of other local and national policies, strategies, responsibilities, and guidance documents which should be taken into account in order to complement this authority's licensing policy. In particular the policy should provide a clear indication of how the licensing authority will secure the proper integration of the licensing policy and other local policies such as the local crime prevention, planning, transport, tourism, cultural strategies and the local alcohol policy.

### (i) Legislation

- Policing and Crime Act 2009
- Crime and Disorder Act 1998
- Crime and Security Act 2010
- Human Rights Act 1998
- Criminal Justice and Police Act 2001
- Private Security Industry Act 2001
- Equality Act 2010
- Anti-Social Behaviour Crime and Policing Act 2014
- Violent Crime Reduction Act 2006
- The Health Act 2006
- The Clean Neighbourhoods and Environment Act 2005
- Live Music Act 2012
- Gambling Act 2005
- Business and Planning Act 2020

*Note: These and other relevant pieces of legislation can be found at [www.opsi.gov.uk](http://www.opsi.gov.uk)*

### (ii) Strategies and Policies

- Alcohol Strategy
- Best Bar None
- British Beer and Pub Association Partnerships Initiative
- Community Alcohol Strategy
- Community Safety Strategy
- Compliance Code
- Crime & Disorder Reduction Strategy
- Council's Enforcement Policy
- Cultural and Tourism Strategies including promotion of live music and community events
- Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries
- Local Development Framework
- Local Transport Plan
- National and local PubWatch schemes
- Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.
- Purple Flag (ATCM)
- Safer Socialising
- The Final Push – A Tobacco Control Strategy for a smokefree society in Oxfordshire 2020-2025

### **(iii) Guidance Documents**

- Home Office 'Practical Guide for Preventing and Dealing with Alcohol Related Problems
- Home Office Safer Clubbing Guide
- Home Office Designated Public Place Order (DPPO) Guidance
- Home Office s182 Guidance
- LACORS/TSI Code of Practice on Test Purchasing
- The Event Safety Guide
- Licensing large scale events (music festivals etc)
- Managing Crowds Safely
- 5 Steps to Risk Assessment
- The Guide to Safety at Sports Grounds
- Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Performances
- UK BIDS: Business Improvement Districts(national BIDS advisory service)
- BIS Code of Practice on Consultation
- The Plain English Campaign

### **(iv) Relevant case law regarding policy statements**

- Limits of licensing policy:  
*BBPA & Others v Canterbury City Council* [2005] EWHC 1318 (Admin)
- "Strict" licensing policies and exceptions to policy:  
*R (Westminster City Council) v Middlesex Crown Court and Chorion plc* [2002] LLR 538
- Cumulative impact policies and hours  
*R (JD Wetherspoon plc) v Guildford Borough Council* [2006] EWHC 815 (Admin)
- Duplication and conditions:  
*R (on the application of Bristol Council) v Bristol Magistrates' Court* [2009] EWHC 625 (Admin)
- Extra-statutory notification by the licensing authority:  
*R (on the application of Albert Court Residents Association and others) v Westminster City Council* [2010] EWHC 393 (Admin)
- The prevention of crime and disorder: ambit of the objective  
*Blackpool Council, R (on the application of) v Howitt* [2008]
- Crime and disorder: sanctions on review: deterrence  
*Bassetlaw District Council, R (on the application of) v Workshop Magistrates Court* [2008]

**Note: This list is not exhaustive**

## **Appendix 4 Useful References (organisations)**

### **Local Government Association:**

<http://www.local.gov.uk/regulatory-services-and-licensing>

Association of Convenience Stores (ACS)

<http://www.acs.org.uk/>

Association of Licensed Multiple Retailers (ALMR)

**Now incorporating Bar, Entertainment and Dance Association (BEDA)**

<http://www.almr.org.uk/>

Association of Town Centre Managers (ACTM and Purple Flag)

<http://www.atcm.org/>

Banbury BID

<https://www.banburybid.com/>

Better Regulation Delivery Office (BRDO)

<http://www.bis.gov.uk/brdo>

British Beer and Pub Association (BBPA)

<http://www.beerandpub.com/>

British Board of Film Classification (BBFC)

<http://www.bbfc.co.uk/>

British Institute of Innkeeping (BII)

<http://www.bii.org/home>

British Retail Consortium (BRC)

[http://www.brc.org.uk/brc\\_home.asp](http://www.brc.org.uk/brc_home.asp)

Cinema Exhibitors' Association (CEA)

<http://www.cinemauk.org.uk/>

Department for Culture, Media and Sport

[www.culture.gov.uk](http://www.culture.gov.uk)

Home Office

[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

Institute of Licensing (IoL)

<http://www.instituteoflicensing.org/>

Licensed Victuallers Associations (LVAs)

<http://www.flva.co.uk/>

National Association of Licensing and Enforcement Officers (NALEO)

<http://www.naleo.org.uk/>

The Portman Group

<http://www.portmangroup.org.uk/>

## Cherwell District Council

### Statement of Licensing Policy – Summary of Proposed Changes

Section	Change	Notes
Contents	Table of contents updated.	To reflect the changes in the document.
2.3	New paragraph on regulated activities.	Lists the activities regulated under the Licensing Act 2003
6	New section on operating schedules.	Some of this information was present previously but has been given a separate section to provide more information to applicant about the requirement to complete an operating schedule.
7	New section on the prevention of crime and disorder licensing objective.	Some of this information was present previously under section 6 Objectives. It has been given a separate section to expand on the information applicants need to consider in their operating schedule to demonstrate the promotion of this objective. Additional information has been included on CCTV, consumption of alcohol, door supervisors, illegal drugs and modern slavery.
8	New section on the public safety licensing objective.	Some of this information was present previously under section 6 Objectives. It has been given a separate section to expand on the information applicants need to consider in their operating schedule to demonstrate the promotion of this objective. Additional information has been included on alcohol harm reduction, safeguarding, occupancy limits, and health and safety.
9	New section on the prevention of public nuisance licensing objective.	Some of this information was present previously under section 6 Objectives. It has been given a separate section to expand on the information applicants need to consider in their operating schedule to demonstrate the promotion of this objective. Additional information has been included on noise, light pollution, odour, and waste and cleansing.
10	New section on the protection of children from harm licensing objective.	Some of this information was present previously under section 6 Objectives and section 16 Children. It has been given a separate section to both amalgamate the previous information as there was some duplication, and also to expand on the information applicants need to consider in their operating schedule to demonstrate the

		promotion of this objective. Additional information has been included on age verification logs, proxy sales, and child exploitation.
12	Previously section 8.	Information updated by OCC Public Health.
13	Previously section 9	Includes a list of the responsible authorities but the contact details for each moved to Appendix 2.
30	New section on Smokefree	Information added on smokefree requirements.
Appendix 2	Updated	Now includes the contact details for the Responsible Authorities.
Appendix 3	Updated	To reflect changes to legislation, policies and guidance.

## **Cherwell District Council**

### **Executive**

**1 February 2021**

### **Monthly Performance, Risk and Finance Monitoring Report**

### **Report of Director of 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 December 2020.

### **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 during December 2020 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 2020-21 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 As part of monthly reporting the Insight Team provides the Senior Management Team with a corporate complaints report, complaints received during the month are monitored and analysed. The mandatory lessons learned data have been implemented for more than a year now and we are starting to see a decrease in the number of upheld complaints. Lessons learned are reported to CEDR (Chief Executive Direct Reports) and progress is monitored to ensure actions are implemented to avoid the same complaint being reported.

2.5 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.

2.6 The report details section is split into three parts:

- Performance Update
- Leadership Risk Register Update
- Finance Update

2.7 There are four appendices to this report:

- Appendix 1 - 2020/21 Business Plan
- Appendix 2 - Monthly Performance Report
- Appendix 3 - Leadership Risk Register
- Appendix 4 - Finance

### 3.0 Report Details

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 2020-21 business plan (see Appendix 1) and the priorities of the Council.

3.2 The 2020-21 business plan sets out four strategic priorities:

- Housing that meets your needs.
- Leading in environmental sustainability.
- An enterprising economy with strong and vibrant local centres.
- Healthy, resilient and engaged communities.

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

### **Priority: Housing that meets your needs**

3.4 The Council is committed to deliver affordable housing, raising the standard of rented housing and find new and innovative ways to prevent homelessness. Also, to promote innovative housing schemes, deliver the local plan and supporting the most vulnerable people in the District.

### **3.5 Overview of our performance against this strategic priority:**

**Homes improved through enforcement action** is reporting Red for December and Amber for Year to Date (5 against a target of 9). The team's interventions have resulted in 5 homes being improved through works completed this month. The reduced number during November reflects the continuing restrictions on inspections, as a result from COVID-19 and drawing to an end essentially desk based enforcement, associated with Minimum Energy Efficiency Standards.



**Homelessness Prevention** – During December the work of the team is still being dominated by single households presenting in crisis, but officers are still focused on ongoing prevention cases and numbers in temporary accommodation remain relatively low.

**Maintain 5 Year Land Supply** - is reporting Red for December and Year to Date. The 2019 Annual Monitoring Report (AMR) reports a dip below 5 years (to 4.4 years). However, confirmed housing delivery in 2019/20 (1,159) was higher than our annualised plan requirement (1,142) and the Government has provided the Oxfordshire authorities with a 3-year flexibility, while the Oxfordshire Plan is produced. The draft Annual Monitoring Report, presented to Executive on 4 January, shows 4.8 years for 2020-2025.

**Average time taken to process Housing Benefit change events** is reporting Green for December for Year to Date. The average time taken to assess change events for the month of December 2020 is 5.11 days against a target of 8 days. This strong performance helps to ensure that residents are receiving the correct amount of benefit.



### **Priority: Leading in environmental sustainability**

3.6 The Council is committed to deliver on our commitment to be carbon neutral by 2030, to promote the Green Economy and increase recycling across the district. This priority includes the protection of our natural environment and our built heritage, working in partnership to improve air quality in the district and the reduction of environmental crime.

### **3.7 Overview of our performance against this strategic priority:**

**Reduce Environmental Crime** - Environmental Enforcement investigated 40 fly tipping incidents and issued 9 warning letters. Work will continue on investigating fly tips, waste accumulations and dog fouling complaints, however, the effectiveness of

investigations will be limited by an inability to conduct interviews under caution during this latest lockdown.



**% Waste Recycled & Composted** is reporting Red for December and Green for Year to Date. Recycling rate up by 0.6% on the previous year (the amount of waste and recycling up by 5789 tonnes). The lower results for the month of December are due to the seasonality in the collection rates, during the winter months the percentage of garden waste is considerably smaller than the rest of the

year.

**Reduction of fuel consumption used by fleet** is reporting Red for December and Amber for Year to Date (37,848 against a target of 35,978). More vehicles are being used and greater tonnages being collected from last year. Extra rounds due to growth in the district. Also, we have more commercial and bulky waste customers than last year, meaning more fuel usage.

**Protect the Built Heritage** is reporting Amber for December and Year to Date. The Team continues to work on Conservation Area Appraisals (Bloxham and Grimsbury). A number of officer reports on completed Conservation Area Appraisals require finalisation Heritage advice continues to be provided to inform Development Management decision making.

### **Priority: An enterprising economy with strong and vibrant local centres**

3.8 The Council is committed to support business retention and growth, developing skills and generating enterprise; also, securing infrastructure to support growth in the district and securing investment in our town centres. This priority also contributes towards making communities thrive and businesses grow promoting the district as a visitor destination, committing to work with businesses to ensure compliance and promote best practice.

#### 3.9 **Overview of our performance against this strategic priority:**

**% of Business Rates collected, increasing NNDR Base** - is reporting Red for December and Amber for Year to Date. The team have achieved a collection rate of 82.89% as at end of December against a target of 86%. The collection rates have dropped slightly as reminder notices were not issued in December due to a system conversion however accounts with an overdue balance were issued with reminder notices week commencing 18 January 2021. Outbound calls to these customers will follow to chase payment again before issuing summonses. Recovery through the courts is continuing and we are proactively chasing balances to reduce the outstanding balances.

**Discretionary grant scheme available to local businesses** - Businesses in need of financial support following the national lockdown were invited to apply to the council as a discretionary grant scheme is launched. Cherwell District Council is taking applications for the Additional Restrictions Grant (ARG) from today, Monday 7 December. This further tranche of government grant support is there to help businesses adversely impacted by the lockdown between 5 November and 2 December 2020 and which are not eligible for the previously announced Local

Restrictions Support Grants. Subject to the number of applications received and the remaining funding, the grants are expected to range in value from £1,334 to £3,000.



**Support Business Enterprise, Retention, Growth and Promote Inward Investment -**

One-to-one advice and detailed support provided to Cherwell businesses during December 2020, as well as guidance on the available grants. Also, the Council's business

webpages were updated, and support provided to businesses in the run up to the Brexit Transition phase ending on 31st December 2020. Cherwell continues to liaise closely with colleagues at local authorities in Oxfordshire, Oxfordshire Local Enterprise Partnership (OxLEP) and Government departments, to provide support to businesses during the COVID-19 pandemic and post EU Transition.

**Priority: Healthy, resilient and engaged communities**

3.10 The Council is committed to enable all residents to lead an active life, improving and developing the quality of local sports and leisure facilities, promoting health and wellbeing in our communities. Also, supporting community and cultural development; working with our partners to address the causes of health inequalities and deprivation, and to reduce crime and anti-social behaviour.

3.11 **Overview of our performance against this strategic priority:**

**Record numbers booked in to see Dr Bike during 2020** – A bicycle maintenance scheme, offering free repairs to encourage more people onto two wheels, has fixed more than three hundred bikes during 2020.

Funded by Cherwell District Council, Dr Bike has serviced 343 bicycles at venues throughout Cherwell, including 64 which have been donated to NHS staff under the Bikes for Key Workers scheme. Dr Bike was initially piloted in Bicester last year through the council-funded Healthy Bicester partnership. Delivered by community action group Bicester Green, the scheme proved so successful that it was rolled out to the entire district in 2020. Bicester Green continued to support the programme, alongside Banbury Star Cyclists, independent mechanics and volunteers, repairing three times as many bikes than in the previous 12 months. Funding has already been secured by Cherwell and Bicester Green from Cycling UK to continue the programme into 2021, with feedback now being sought from Dr Bike users to help shape the service for next year.



**Support Community Safety and Reduce Anti-Social Behaviour** - In December a training day was held as part of the Intensive Engagement Project so that our team members and partners could undertake community problem solving. The Council's Community Safety Team is also supporting local contact tracing through carrying out visits to people who contact tracers cannot reach by telephone. During December, the Council also restarted the multi-agency operations group meetings, helping to coordinate work between Council departments, the Police, the County Council and Housing Associations; these coordination meetings had been suspended during 2020.



**Promote Health & Wellbeing** – During December 5,000 Clinically Extremely vulnerable residents were identified by the government and received a 'shielding letter'. The Shielding support line is operated by Cherwell District Council's Wellbeing team staff to support members of this cohort who need assistance obtaining food shopping & basic necessities.

## Summary of Performance

- 3.12 The Council reports monthly on performance against 39 Business Plan Measures (41 reported quarterly), with 22 Programme Measures and 19 Key Performance Indicators (17 monthly / 19 quarterly). The full details, including commentary against each measure and key performance indicator can be found in Appendix 2.

## Programme Measures and Key Performance Indicators (41)

Status	Description	December	%	DoT	YTD
Green	On target	34	83%	↑	29
Amber	Slightly off target	1	2%	↓	10
Red	Off target	5	13%	↑	1
	No data	1	2%	NA	1

Please note that the KPI measure “High risk food businesses inspected” will no longer be relevant this year due to the Food Standards Agency changing the national food law enforcement programme as a consequence of COVID-19. Food safety will be assured through alternative, targeted measures.

## Risk Update

- 3.13 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.
- 3.14 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
<b>IMPACT</b>	5 - Catastrophic		L09		
	4 - Major		L04, L07, L11, L12 & L21	L01, L17, L19 & L20	
	3 - Moderate		L02, L05, L14, L15 & L18	L08	
	2 - Minor			L10	
	1 - Insignificant				

3.15 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.

<b>Leadership Risk</b>	<b>Score</b>	<b>Direction</b>	<b>Latest Update</b>
<b>L01</b> Financial Resilience	16 High risk	↔	Risk reviewed 13/01 – Mitigating actions and comments updated
<b>L02</b> Statutory functions	9 Low risk	↔	Risk Reviewed 15/01 – No changes
<b>L04</b> CDC Local Plan	12 Medium risk	↔	Risk Reviewed 13/01 – Comments updated
<b>L05</b> Business Continuity	9 Low risk	↔	Risk Reviewed 11/01 – Comments updated
<b>L07</b> Emergency Planning	12 Medium risk	↔	Risk Reviewed 11/01 – Comments updated
<b>L08</b> Health & Safety	12 Medium risk	↔	Risk Reviewed 13/01 – Mitigating Actions updated
<b>L09</b> Cyber Security	15 Medium risk	↔	Risk Reviewed 13/01 – No changes
<b>L10</b> Safeguarding the Vulnerable	8 Low risk	↔	Risk Reviewed 14/01 – No changes
<b>L11</b> Sustainability of Council owned companies and delivery of planned financial and other objectives.	12 Medium risk	↔	Risk Reviewed 11/01 – Comments updated
<b>L12</b> Financial sustainability of third-party suppliers including contractors and other partners	12 Medium risk	↔	Risk Reviewed 14/01 – No changes
<b>L14</b> Corporate Governance	9 Low risk	↔	Risk reviewed 07/01- Risk Manager, Mitigating Actions and Comments updated
<b>L15</b> Oxfordshire Growth Deal	9 Low risk	↔	Risk Reviewed 11/01 – Controls updated
<b>L16</b> Joint Working	6 Low risk	↔	Risk Reviewed 12/01 – Mitigating actions and Comments updated
<b>L17</b> Separation	16 High risk	↔	Risk Reviewed 12/01 – No changes
<b>L18</b> Workforce Strategy	9 Low risk	↔	Risk reviewed 12/01 – Mitigating actions updated.
<b>L19</b> Covid19 Community and Customers	16 High risk	↔	Risk reviewed 15/01 – Comments updated.
<b>L20</b> Covid19 Business Continuity	16 High risk	↔	Risk reviewed 12/01 – Comments updated
<b>L21</b> Post Covid19 Recovery	12 Medium Risk	↔	Risk reviewed 12/01 – Comments updated

During December the leadership risk had no score changes (see Appendix 3 for details).

## Finance Update

3.16 The Council's forecast financial position up to the end of December shows a forecast overspend of £0.403m. This is made up of a £3.703m overspend related to Covid-19 costs (para 3.19), offset by a (£3.300m) underspend on business as usual costs (para 3.17).

3.17 Before taking into account funding held for Covid costs, the directorate revised budgets have forecast a net overspend of £1.800m. This is mainly driven by a £1.469m forecast overspend in Wellbeing. There is £1.163m budget available within Executive Matters to offset costs when they are incurred. Taking this and the latest assessment of interest costs into account, there is an overall overspend of £0.725m across the services.

3.18 The following assumptions have been made in assessing the costs of Covid-19 to the Council:

- The national lockdowns and subsequent business restrictions have a significant effect until the end of the financial year
- Car parking income will be significantly impacted
- Support for leisure services will continue until the end of the financial year

3.19 Applying these assumptions gives a forecast cost of Covid-19 of £7.201m for 2020/21. This is a combination of additional costs and loss of income arising from the impact of the Covid-19 pandemic on Council services. This is partially met by Covid-19 support grant funding of £2.073m and an estimated grant of £1.425m to partially meet income losses. This reduces the net in-year Covid-19 pressure to £3.703m.

3.20 For more detail on the movements across all budgets please see Table 1 showing the forecast variances by Directorate in 2020/21.

3.21 On 7<sup>th</sup> September 2020, Council approved a revised 2020/21 budget to help it meet an expected funding shortfall for this financial year after government funding is taken into consideration.

3.22 The Council introduced a new structure in December 2020. This report has been prepared on the basis of the new permanent structure that has been put in place.

### 3.23 Report Details

Table 1: Forecast Revenue Outturn

<b>Revenue Monitoring</b>	<b>Revised Budget £m</b>	<b>BAU £m</b>	<b>Covid £m</b>	<b>Total Forecast Outturn £m</b>	<b>Variance to Budget £m</b>	<b>Prior Month Forecast £m</b>	<b>Change in Forecast £m</b>
Environment and Place	10.548	8.829	2.209	11.038	0.490	10.788	0.250
Customers and Org. Dev. And Resources	6.966	6.487	0.496	6.983	0.017	7.059	-0.076
Adults and Housing Services	3.025	2.627	0.348	2.975	-0.050	2.960	0.015
Public Health and Wellbeing	2.896	2.564	1.801	4.365	1.469	4.364	0.001
Comm. Dev. Assets and Inv.	2.284	-0.190	2.347	2.157	-0.127	1.834	0.323
<b>Total Directorates</b>	<b>25.718</b>	<b>20.317</b>	<b>7.201</b>	<b>27.518</b>	<b>1.800</b>	<b>27.005</b>	<b>0.513</b>
Executive Matters	3.062	1.987	0.000	1.987	-1.075	1.911	0.076
<b>Total Cost of Services</b>	<b>28.780</b>	<b>22.304</b>	<b>7.201</b>	<b>29.505</b>	<b>0.725</b>	<b>28.916</b>	<b>0.589</b>
<b>Total Income</b>	<b>-28.780</b>	<b>-25.604</b>	<b>-3.498</b>	<b>-29.102</b>	<b>-0.322</b>	<b>-28.952</b>	<b>-0.150</b>
<b>(Surplus)/Deficit</b>	<b>0.000</b>	<b>-3.300</b>	<b>3.703</b>	<b>0.403</b>	<b>0.403</b>	<b>-0.036</b>	<b>0.439</b>

**Please note:**

1. This assumes the Government will compensate partially for losses of sales, fees and charges income for the full year.
2. Some numbers may not agree to paragraphs 3.16 and 3.19 due to rounding.
3. The figures for last month have been restated to reflect the new structure

## **Environment and Place**

Communities predicts an overspend of £0.490m against a revised budget of £10.548m (4.6%).

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Environmental Services	The £0.399m overspend is mainly due to pressures in employment costs due to sickness and the requirement of agency staff cover and salary review £0.377m. Offsetting this (£0.080m) reduction in transport/contractor costs for gate & transfer fees and a reduction in tonnage of waste recycling/disposal costs. Car park, premises and supplies and services costs are expected to be higher by £0.102m.
Variation £0.399m overspend	The movement this month is mostly due to the impact of Covid £0.221m with losses of car park and market income and additional agency staff to cover self-isolation
Variance to last month's forecast £0.255m	

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Planning & Development	There is a forecast £0.041m overspend which has reduced by £0.022m from last month. The savings this month are due to vacancies that will not be filled this financial year. Development Management are forecasting an overspend of £0.104m of which £0.011m is due to unbudgeted costs of GIS Spatial licences and £0.116m spent on Agency staff. This has been offset in part by salary savings due to delays in recruiting to vacant posts. Planning Policy's underspend of £0.035m and Building Control including Flood risk's forecast underspend of £0.031m are mostly due to salary savings. The remaining £0.003m overspend is spread over the rest of the service area
Variation £0.041m overspend	
Variance to last month's forecast -£0.022m	

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Growth & Economy	As of December, Build are forecasting £0.060m overspend on consultancy fees relating to the Build review taking place. All other departments within this service area are on largely on budget with £0.010 savings offsetting the overspend across the service.
Variation £0.050m overspend	
Variance to last month's forecast £0.017m	

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## **Customers and Organisational Development**

Customers & Organisational Development predict an overspend of £0.017m against a revised budget of £6.966m (0.2%).

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HR/IT/Comms/Cultural Services	All are on target with the exception of Land Charges which is showing a £0.092m underspend as income appears to be recovering faster than expected.
Variation -£0.092m underspend	
Variance to last month's forecast £0.016m	

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Finance	The December forecast for Finance predicts an overspend of £0.109m. This is mainly due to finance staffing and agency costs linked to developing capacity for the closure of accounts and anticipated additional work linked to the national lockdown. There is also a £0.072m reduction in court income and recovery of overpayments of Rent allowances from last month and other minor variations. Partially offsetting these additional costs is income for DHP receipts that was received at £0.094m more than forecast.
Variation £0.109m overspend	
Variance to last month's forecast -£0.092m	

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### **Adults and Housing Services**

Adults and Housing Services predict an underspend of £-0.050m against a revised budget of £3.025m, (-1.7%).

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Housing & Social Care	December's underspend of £0.050m is due £0.030m saving on consultancy budget relating to the Growth Deal, £0.010m saving on a new Debt & Money advice service contract, £0.010m saving on for the Arbritas (Storage) contract
Variation -£0.050m underspend	
Variance to last month's forecast £0.015m	

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### **Public Health & Wellbeing**

Public Health & Wellbeing predict an overspend of £1.469m against a budget of £2.896m (50.7%).

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Wellbeing	The forecast overspend of £1.469m is a direct result of Covid-19. The main cost is the contractual
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Variation £1.469m overspend	relief payments made to support the survival of the leisure operator during the pandemic and a loss of income from holiday hubs and hiring of sports facilities. Budget to cover £1.163m of this cost is held in Executive matters and will be transferred when costs are realised.
Variance to last month's forecast £0.013m	
Healthy Place Shaping	Healthy Place Shaping is forecasting to be on budget taking in to account a request to carry forward £50k unspent budget to a reserve to continue the funding of the Wayfinding scheme in 21/22 due to Covid delays
Variation £0.000m overspend	
Variance to last month's forecast -£0.012m	

## **Commercial Development, Assets and Investments**

Comm. Dev. Assets and Invests. predicts an underspend of £0.127m against a revised budget of £2.284m (-5.6%).

Property	Property are forecasting a (£0.140m) underspend against the revised budget. This is made up of Castle Quay shopping centre forecasting an under recovery of commercial income of c £0.300m (in addition to the £1.475m adjusted for in the revised budget) as a result of the current economic climate. This overspend is however offset by an expected increase of other commercial income (£0.135m) than previously anticipated, as well as forecast savings of (£0.160m) as a result of reduced occupancy of Council premises and remote working, staff savings due to vacancies of (£0.040m), underspends of (£0.085m) on service operational budgets which mainly includes savings on equipment purchasing and finally a (£0.020m) saving on Professional fees. The movement of £0.374m from last month is predominately down to Castle Quay's change in forecast which accounts for £0.362m of this figure.
Variation -£0.140m underspend	
Variance to last month's forecast £0.374m	
	£0.261m of budget for 'cost of dilapidations work if cannot recharge to outgoing tenants' is proposed to be transferred to reserves at year end to offset anticipated pressures in 2021/22

Procurement	The overspend relates to consultant costs.
Variation £0.090m overspend	
Variance to last month's forecast £0.023m	
Law and Governance	£0.018m overspend is due to use of agency staff covering vacant posts
Variation £0.018m overspend	
Variance to last month's forecast £0.001m	
Growth and Commercial	The £0.020m underspend is due to a vacant post.
Variation -£0.020m underspend	
Variance to last month's forecast £0.000m	
Regulatory Services	Regulatory Services and Community Safety are forecasting an underspend of £75k due to vacant posts, higher than forecast income and reduced spending on contractor costs.
Variation -£0.075m underspend	
Variance to last month's forecast -£0.075m	

## **Executive Matters**

Executive Matters predicts an underspend of £1.075m against the budget of £3.062m (-35.1%).

Corporate	£1.163m budget is being held to cover Leisure Management and will be drawn upon when required to meet the costs surrounding Covid-19
Interest	There is an adverse variance of £88k due to a further delay in drawing down £4m loan funds, originally expected in October and includes a potential of £50k additional interest.

### 3.23 Capital

There is a forecast in-year underspend of £32.737m, of which £21.632m is anticipated to be reprofiled in future years. There is an overall forecast reduction in the total cost of schemes of £11.105m. A review of the capital programme will be undertaken as part of the budget process to consider what schemes the Council will progress in the future.

**Table 2: Forecast Capital Outturn**

Directorate	Budget £000	Outturn £000	Re- profiled beyond 2020/21 £000	Variance to Budget £000	Prior Month Variance £000
Housing Total	2,252	1,383	490	(379)	(379)
Comm Dev Assets total	62,745	46,990	15,028	(727)	(732)
Customers, Org Dev & Resources Total	4,255	4,146	0	(109)	(103)
Environment and Place Total	35,987	20,341	5,774	(9,872)	(2,207)
Public Health Wellbeing Total	717	359	340	(18)	(18)
<b>Total</b>	<b>105,956</b>	<b>73,218</b>	<b>21,632</b>	<b>(11,105)</b>	<b>(3,440)</b>

**Please note:** The figures for last month have been restated to reflect the new structure

### **3.24 Current Period Variances**

#### **Housing:**

Housing are forecasting (£0.379m) underspend due to reduced activity in delivering Disabled Facilities Grant works during the pandemic (£0.375m), plus a small projected underspend (£0.004m) against the Civica Arbritas upgrade project.

#### **Comm Dev Assets:**

Property are forecasting (£0.727m) underspend. The largest savings are against the refurbishment of Banbury Health Centre (£0.153m) due to ongoing discussions with the tenant regarding the extension of the lease which may affect the scope of the project. A £0.250m refurbishment budget may no longer be required. The Joint Housing & Asset IT system (£0.100m) has been put on hold as a possible harmonisation project may supersede and therefore the budget be required to fund the new scheme. General savings of (£0.224m) across the remaining capital schemes.

#### **Customers Org, Dev & Resources:**

Human Resources: are forecasting £0.001m overspend for the HR/Payroll system with no more costs expected

ICT: are forecasting £0.110m underspend £0.100m no longer required for Legacy iworld system migration, £0.010 no longer required for Bodicote House meeting room Audio Visual.

#### **Environment and Place:**

Growth and Economy: Build Phase 1 is reporting unbudgeted spend of £0.063m. Build Phase 1b is forecasting to spend £1.241m in this financial year (an overspend of £0.144m) and reprofiling the remaining budget into 21/22 to complete the programme. Build Phase 2 programme is forecasting to spend £0.674m in this financial year. However, as a result of certain schemes no longer progressing or have been pipelined an underspend of (£9.894m) is forecast. The Hill Community centre project is now complete with only retention payments owing to Edgar Taylor of £0.045m. This is an underspend of (£0.184m).

Environmental Services: are forecasting (£0.001m) underspend as a result of energy efficiency projects which were committed in late 19/20.

#### **Public Health & Wellbeing:**

Wellbeing are forecasting a small saving of (£0.018m), (£0.008m) against Physical Activities programme and (£0.008m) against the Sunshine Centre programme for extension to the front of the site as the projects have reached completion. There is also a small saving of (£0.002m) against Community Grants with £0.126m forecast spend.

## **3.25 Re-profile beyond 2020/21**

### **Adult Housing**

£0.490m Disabled Facilities Grant capital - Covid significantly reduced activity in the first 6 months of the year but activity has begun to increase. As a result, not all of the Better Care Fund will be spent in this financial year and will be reprofiled into 2021/22

### **Comm Dev Assets**

£0.050m Spiceball Riverbank Reinstatement - works are now part of CQ2 which will take place in 21/22

£1.949m Castle Quay Shopping Centre - delayed works due to COVID-19

£12.465m Castle Quay Waterside - ongoing scheme over several years

£0.141m Bodicote House Fire Compliance Works - on hold due to project viability

£0.003m Ferriston Roof Covering - project complete but retention payment due in 21/22

£0.100m Corporate Asbestos Survey - Works progressing and will carry on into 21/22.

Anticipated spend of £0.160m in total releasing a (£0.050m) saving

£0.060m Corporate Fire Risk Assessments - Works progressing but will carry on in to 21/22. Full spend anticipated

£0.160m Works from Compliance Surveys - Works progressing but will carry on in to 21/22. Full spend anticipated.

£0.100m CDC Feasibility of Utilisation of Proper Space - Project on hold

### **Environment and Place:**

#### **Environmental Services**

£0.100m Thorpe Lane Depot Capacity Enhancement - anticipating slippage in to 2021/22 as a result of awaiting approval of other capital schemes.

£0.055m Bicester Country Park - Covid delayed the purchasing and progression of the country park, remaining spend to be reprofiled into 2021/22.

£0.304m Vehicle replacement Programme - currently under review, further investigation needed into larger electric vehicles before committing to diesel equivalents. Remaining spend to be reprofiled into 2021/22.

£0.035m Car Park Refurbishments - Covid significantly delayed progression on the installation of pay on exit barriers. Remaining spend will take place in 2021/22.

£0.012m On Street Recycling Bins - purchases are expected in 20/21 but delivery and installation is anticipated in early 2021/22.

£0.125m Car Park Action Plan - there are no costs anticipated in this financial year but spend is anticipated in 2021/22.

£0.050m Depot Fuel System Renewal - commitments are expected in 2020/21 but installation is anticipated in early 2021/22.

### **Growth and Economy**

£1.701m EWR2 - comprises the introduction of direct passenger and freight services between Oxford/Aylesbury and Milton Keynes/Bedford by reconstructing and upgrading the railway between Bicester-Bletchley-Bedford and Aylesbury-Claydon Junction routes, approval for which was originally agreed in October 2013 of a contribution of £4.35m towards the scheme. It was agreed that this could be paid over a 15 year period.

£0.892m Phase 1b - Bicester Library is in the early stages of development. Actual site work is due to commence in January 2021 with likely completion by the end of 2021. Admiral Holland works formally completed end of September 2020, but CDC will have to budget for retention payments due in September 2021 of £0.065m

£2.500m Garden Town Capital Funding - The funding is for feasibility and design work on three major infrastructure schemes in Bicester. OCC and Graven Hill Development Company are incurring costs on the initial feasibility work. Once the financial agreements are signed, they will begin invoicing Cherwell for the costs incurred. The majority of the spend will therefore take place in 21/22 and for a further 2 -3 years.

### **Public Health & Wellbeing:**

£0.183m North Oxfordshire Academy Astroturf capital scheme - currently under discussion with United learning Trust regarding the outstanding planning application and their contribution.

£0.043m Energy Efficiency schemes at leisure centres - there are no costs anticipated in this financial year but spend is anticipated in 2021/22 on Energy Efficiency schemes.

£0.084m Bicester Leisure Centre extension capital scheme - spend to date on a feasibility study but no other spend anticipated this year. Remaining spend will take place in 2021/22.

£0.030m Spiceball Leisure Centre bridge resurfacing capital scheme - No spend is expected this financial year but will take place in 2021/22 on completion of Castle Quay Waterside and reinstatement of the bridge.

## Annex

### COVID Funding

#### Specific Funding

Date	Dept.	Grant Name	Schemes	Funding
				£
March	MHCLG	Business Grants	Main scheme & discretionary scheme - Forecast	27,655,250
March	MHCLG	Hardship Fund	To provide £150 reduction to Council Tax bills for those in receipt of Council Tax Support.	818,000
March		Emergency Response for Rough Sleeper		8,250
July	DEFRA	Emergency Assistance Grant for Food and Essential Supplies	Allocation from OCC	116,326
September		Next Steps Accommodation Programme		120,400
September	DHSC	Test & Trace Isolation Payments	Main scheme	59,500
			Discretionary Scheme	81,500
October	MHCLG	Compliance & Enforcement Fund	£60m national fund of which £30m allocated to district & unitary authorities to spend on C-19 compliance & enforcement activity	65,251
November	MHCLG	Business Support (Additional Restrictions Grant)	£20 per head of population for discretionary business grant scheme – funding for 2020/21 and 2021/22	3,010,060

November	MHCLG	Local Restrictions Support Grant (Closed) Addendum - Lockdown 2	Mandatory business grants scheme distributed to business premises forced to close due to lockdown restrictions <ul style="list-style-type: none"> <li>• rateable value £15k or under, grants to be £1,334 per four weeks;</li> <li>• rateable value between £15k-£51k grants to be £2,000 per four weeks;</li> <li>• rateable value £51k or over grants to be £3,000 per four weeks.</li> </ul>	2,691,061
	BEIS	Local Restrictions Support Grant (Closed) Addendum - Lockdown 3	TBC	-
December	MHCLG	New Burdens Grant	Business Rate	11,700
			Council Tax	11,788
December	MHCLG	New Burdens Grant 2	To support making grant payments	58,500
	BEIS	Christmas Support Payment	Wet Led Pubs	89,600
	BEIS	Local Restrictions (Open)	Discretionary Grant for period 2-18 December 2020	340,906
	BEIS	Local Restrictions (Closed)	Mandatory business grants scheme for period 2-18 December 2020 distributed to business premises forced to close Tiers 2 - 4 <ul style="list-style-type: none"> <li>• rateable value £15k or under, grants to be £667 per 2 weeks;</li> <li>• rateable value between £15k-£51k grants to be £1,000 per 2 weeks;</li> <li>• rateable value £51k or over</li> </ul>	26,557

			grants to be £1,500 per 2 weeks.	
	BEIS	Closed Business Lockdown - Mandatory Lockdown 3	Funding received TBC One off grants awarded to be RV below £15k: £4,000 RV £15k - £51k: £6,000 RV above £51k: £9,000	-
		Closed Business Lockdown - Discretionary Lockdown 3	Funding TBC	-
	OCC	Winter Support	From OCC	59,004
	OCC	COMF (Control Outbreak Management Fund)	To fund ongoing public health and outbreak management costs	912,000
<b>TOTAL</b>				<b>36,135,653</b>

### General Funding

Decription	£
Tranche 1	67,257
Tranche 2	1,459,014
Tranche 3	229,391
Tranche 4	316,992
	2,072,654
Forecast Sales, Fees & Charges compensation	1,425,000
<b>Total Grant Funding</b>	<b>3,497,654</b>

## **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 for the first quarter of this financial year 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 2020-21 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**

### **7.1 Financial and Resource Implications**

Financial implications are detailed within section 3.16 to 3.25 of this report.

Comments checked by:

Lorna Baxter, Executive Director Finance, 07393 001218, [Lorna.Baxter@cherwell-dc.gov.uk](mailto:Lorna.Baxter@cherwell-dc.gov.uk)

### **Legal Implications**

7.2 There are no legal implications from this report.

Comments checked by:

Sukdave Ghuman, Head of Legal and Deputy Monitoring Officer, [Sukdave.Ghuman@cherwell-dc.gov.uk](mailto:Sukdave.Ghuman@cherwell-dc.gov.uk)

### **Risk Implications**

7.3 This report contains a full update with regards to the Council's risk position at the end of September 2020. A risk management strategy is in place and the risk register has been fully reviewed.

Comments checked by:

Celia Prado-Teeling, Performance 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** No

Financial Threshold Met: No

Community Impact Threshold Met: No

### **Wards Affected**

All

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

All

### **Lead Councillor**

Councillor Richard Mould – Lead member for Performance Management

Councillor Tony Ilott – Lead member for Finance and Governance

### **Document Information**

#### **Appendix number and title**

Appendix 1 2020/21 Business Plan

Appendix 2 Monthly Performance Report

Appendix 3 Leadership Risk Register

Appendix 4 Capital Budget Monitoring

### **Background papers**

None

### **Report Author and contact details**

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# Cherwell District Council Business Plan 2020-2021

*Where communities thrive, and businesses grow*



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

## Strategic Priorities:



## Themes:

### • Customers

To deliver high quality, accessible and convenient services that are right first time.

### • Healthy Places

Working collaboratively to create sustainable, thriving communities that support good lifestyle choices.

### • Partnerships

Working with partners to improve the services we provide for our residents and communities.

### • Continuous Improvement

Making the best use of our resources and focusing on improvement, innovation and staff development to maintain and enhance services.

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# Appendix 2 – Performance Report

## December 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.

## Housing that meets your needs - KPIs

Housing that meets your needs - KPIs									
Measure	Portfolio Holder	Director/Lead Officer	Result	Target	Status	Commentary	YTD Result	YTD Target	YTD
<b>BP1.2.01 Number of Homeless Households living in Temporary Accommodation</b>	Cllr J Donaldson	Gillian Douglas Stephen Chandler	25.00	35.00	★	The housing team are managing numbers in temporary accommodation well, with a clear focus on prevention work with families and finding solutions as quickly as possible for those who are presented in crisis. There is likely to be an increase in demand for placements in severe weather and as a result of tighter COVID-19 restrictions. To manage this, additional support services have been commissioned and further units of accommodation will shortly be available, from Next Steps Accommodation Planning.	37	35.00	●
<b>BP1.2.02 Number of people helped to live independently through use of DFG &amp; other grants/loans</b>	Cllr J Donaldson	Gillian Douglas Stephen Chandler	48.00	45.00	★	We have provided help to 48 households this month. 21 by means of major adaptations and 27 by means of smaller works.	377.00	405.00	●
<b>BP1.2.03 Homes improved through enforcement action</b>	Cllr J Donaldson	Gillian Douglas Stephen Chandler	5.00	9.00	▲	Our interventions have resulted in 5 homes being improved through works completed this month. The reduced number, this month, reflects the continuing restrictions on inspections, as a result from COVID-19 and drawing to an end essentially desk based enforcement, associated with Minimum Energy Efficiency Standards. We have been able to undertake work in their place.	74.00	81.00	●
<b>BP1.2.04 Number of affordable homes delivered including CDC and Growth Deal targets</b>	Cllr J Donaldson	Gillian Douglas Stephen Chandler	56.00	25.00	★	There were 56 affordable homes completed in December 2020 of which 45 were Affordable Rent tenure and 11 were shared ownership tenure. There were no units completed as part of the Oxfordshire Growth Deal.	253.00	225.00	★
<b>BP1.2.05 Number of Housing Standards interventions</b>	Cllr J Donaldson	Gillian Douglas Stephen Chandler	60.00	55.00	★	We have recorded 60 interventions this month, which include, 11 enforcement notices served, and 48 service requests received and responded to. Our ability to carry out both responsive and proactive visits, to rented properties continues to be restricted by COVID-19 and by lockdown which reduces our ability to implement formal enforcement activity.	493.00	495.00	●
<b>BP1.2.06 Average time taken to process Housing Benefit New Claims</b>	Cllr T Ilott	Belinda Green Claire Taylor	14.66	15.00	★	The average time taken to assess new claims in December was 14.66 days against our local target of 15 days and the national performance of 20 days. This is a reduction in performance compared to November's figure of 10 days. This fluctuation in performance is due to a combination of the bedding in of a new document management system and a software issue following a recent upgrade that means we are unable to assess some claims. This is a national software issue and we are working closely with Capita to resolve.	13.06	15.00	★

## Housing that meets your needs - KPIs

Measure	Portfolio Holder	Director/Lead Officer	Result	Target	Status	Commentary	YTD Result	YTD Target	YTD
BP1.2.07 Average time taken to process Housing Benefit change events	Cllr T Illott	Belinda Green Claire Taylor	5.11	8.00	★	The average time taken to assess change events for the month of December 2020 is 5.11 days against a target of 8 days. This strong performance helps to ensure that residents are receiving the correct amount of benefit.	5.01	8.00	★
BP1.2.08 % of Major planning applications determined to National Indicator	Cllr C Clarke	David Peckford Jane Portman	100%	60%	★	4 Major Planning Applications were determined during December 2020, all of them within National Indicator target or agreed timeframe.	100%	60%	★
BP1.2.09% of Non-Major planning applications determined to National Indicator	Cllr C Clarke	David Peckford Jane Portman	73%	70%	★	86 Non-Major Planning Applications were determined during December 2020, 63 of them within National Indicator target or agreed timeframe.	81%	70%	★
BP1.2.10 % of Major applications overturned at appeal	Cllr C Clarke	David Peckford Jane Portman	0.00%	10.00%	★	No Major Planning Appeals were determined by the Planning Inspectorate during December 2020.	4.61%	10.00%	★
BP1.2.11 % of Non-Major applications overturned at appeal	Cllr C Clarke	David Peckford Jane Portman	0.00%	10.00%	★	No Non-Major Planning Application Appeals were overturned by the Planning Inspectorate during December 2020.	0.00%	10.00%	★
BP1.2.12 Maintain 5 Year Land Supply	Cllr C Clarke	David Peckford Jane Portman	4.40	5.00	▲	The 2019 Annual Monitoring Report (AMR) reports a dip below 5 years (to 4.4 years). However, confirmed housing delivery in 2019/20 (1,159) was higher than our annualised plan requirement (1,142) and the Government has provided the Oxfordshire authorities with a 3-year flexibility, while the Oxfordshire Plan is produced. A review of land supply is due to be presented to the Executive on 4 January within the 2020 Annual Monitoring Report. The draft AMR shows 4.8 years for 2020-2025.	4.40	5.00	▲
BP1.2.13 Net Additional Housing Completions (Quarterly)	Cllr C Clarke	David Peckford Jane Portman	337	286	★	Construction picked up during Q3 with <b>337</b> completions. For the same period for last year there were 223 completions.	257	285	●

## Housing that meets your needs – Programme measures

Housing that meets your needs - Programme Measures							
Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
<p><b>BP1.1.1 Homelessness Prevention</b></p> <p style="text-align: center; font-size: 24pt; font-weight: bold;">Page 102</p>	Cllr J Donaldson	Gillian Douglas Stephen Chandler	<p>The contact to deliver 8 further units, of Housing First, has been granted and 1 placement is now being organized. A specification for grant to deliver additional Cold Weather services is out for expressions of interest. This will support 4 winter beds and provide intensive support to anyone we place, due to severe weather or COVID-19. Our focus is to ensure those we accommodate achieve positive move-on and do not return to rough sleeping. There has been some movement in the courts and possession orders have been granted. We are monitoring how many approaches we get and how this will impact caseloads. Warrants for evictions are still delayed, until the 11th of January, at the earliest.</p>	<p>The funding secured, under the Next Steps Accommodation Planning grant, is being used to secure up to 17 new units of accommodation in Cherwell, for those with a history of rough sleeping or homelessness. A Cold Weather service has also been procured to provide emergency winter beds and additional support for anyone placed as a result of Severe Weather or COVID-19. It is anticipated that this additional resource will greatly assist the Housing Team in assessing the needs of those who are presented in crisis and find a suitable, move-on, accommodation as quickly as possible.</p>	★	<p>There has not been any new guidance on court evictions, which are due to resume on 11/1/21; this may see a rise in presentations from families and may increase demand for temporary accommodation, as a result. The work of the team is still dominated by single households presenting in crisis, but officers are still focused on ongoing prevention cases and numbers in temporary accommodation remain relatively low.</p>	★

## Housing that meets your needs - Programme Measures

Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
<b>BP1.1.2 Impact of Universal Credit on residents and Council</b>	Cllr T Ilott	Belinda Green Claire Taylor	During the month of December, we continued to work with colleagues in the DWP Universal Credit team to support residents including on the new government test and trace payments. This included individual case conferences as required.	DWP Universal Credit Partnership Manager has arranged engagement events for partners including Cherwell Council during January/February 2021.	★	This continues to be on track and we are reacting to all the COVID-19 related changes as they happen	★
<b>BP1.1.3 Deliver Innovative and Effective Housing Schemes</b>	Cllr J Donaldson	Gillian Douglas Stephen Chandler	The remaining 5 shared ownership flats at Admiral Holland Close (Hood Court) are still marketed with some viewings taking place.	Marketing for the five remaining Admiral Holland shared ownership flats will continue. Two sales are due to complete in February 2021.	★	The three bungalows for rent and shared ownership at Bullmarsh Close, Middleton Stoney, are on target to complete in May 2021.	★
<b>BP1.1.4 Deliver the Local Plan</b>	Cllr C Clarke	David Peckford Jane Portman	Continued preparatory work for the next stage of the district wide Local Plan Review (Options stage). Continued to provide input into the preparation of the Oxfordshire Plan. Completed the Annual Monitoring Report 2020.	Continue preparatory work for the next stage of the district wide Local Plan Review (Options stage). Continue to provide input into the Oxfordshire Plan process.	★	An application for a statutory review of the adoption of the Local Plan Partial Review (a legal challenge) has been lodged with the Planning Court and served on the Council. The Council's case has been submitted to the Court and a decision is awaited.  On 4 January 2021 the Executive approved the latest Annual Monitoring Report and a review of adopted Local Plan policies which confirmed that those policies do not need updating.	★

## Leading on environmental sustainability - KPIs

### Leading on environmental sustainability - KPI Report

Measure	Portfolio Holder	Director/Lead Officer	Result	Target	Status	Commentary	YTD Result	YTD Target	YTD
<b>BP2.2.1 % Waste Recycled &amp; Composted</b>	Cllr D Sames	Ed Potter Jason Russell	49.84%	56.00%	▲	Recycling rate up by 0.6% on the previous year (Amount of waste and recycling up by 5789 tonnes). The lower results for the month of December are due to the seasonality in the collection rates, during the winter months the percentage of garden waste is considerably smaller than the rest of the year.	57.23%	56.00%	★
<b>BP2.2.2 Reduction of fuel consumption used by fleet</b>	Cllr D Sames	Ed Potter Jason Russell	39,856	35,200	▲	More vehicles being used, and more tonnages being collected from last year.	37,848	35,978	●

## Leading on environmental sustainability – Programme measures

### Leading on environmental sustainability - Programme Measures Report

Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD	
Page 104	<b>BP2.1.1 Delivery of a High Quality Waste &amp; Collection Service to all Properties</b>	Cllr D Sames	Ed Potter Jason Russell	Waste Collection carried out over the Christmas period with no problems. Tonnages high	Clearing high tonnages following the Christmas period will be a challenge. High incidence of COVID -19 in the community is likely to impact the collection service.	★	Service running well - high tonnages of dry recycling, glass at the glass banks and refuse due to Christmas period & the lockdown	★
	<b>BP2.1.2 Ensure Clean &amp; Tidy Streets</b>	Cllr D Sames	Ed Potter Jason Russell	All areas covered as per rotas with no issues to report.	We are actively liaising with groups and individuals who want to undertake litter picking, providing equipment, etc.	★	We are intending to litter-pick the A34 verges, in the near future, with the necessary traffic management in place.	★
	<b>BP2.1.3 Reduce Environmental Crime</b>	Cllr D Sames	Jason Russell Richard Webb	Environmental Enforcement continued to provide advice to businesses and residents to address waste management problems and to investigate dog fouling complaints.	Environment Enforcement will continue to investigate fly tipping reports and advise businesses on how to dispose of their waste legally. With the current lockdown interviews under caution will have to revert back to being conducted by letter, which is less effective for fly tipping investigations.	★	Environmental Enforcement investigated 40 fly tipping incidents and issued 9 warning letters. Work will continue on investigating fly tips, waste accumulations and dog fouling complaints, however, the effectiveness of investigations will be limited by an inability to conduct interviews under caution during this latest lockdown.	★

**Leading on environmental sustainability - Programme Measures Report**

Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
<b>BP2.1.4 Protect Our Natural Environment and Promote Environmental Sustainability</b>	Cllr A McHugh	Jason Russell Richard Webb	Air quality monitoring continued at 42 locations across the district.	Air quality impacts for all new development proposals in the district will continue to be assessed through the planning process.	★	Air quality monitoring continues at 42 locations across the district. Work, on the review of taxi licensing policy to include climate change objectives, is progressing.	★
<b>BP2.1.5 Protect the Built Heritage</b>	Cllr C Clarke	David Peckford Jane Portman	No change to last reported position; Draft reports have been prepared for completed Conservation Area Appraisals; Conservation advice continues to be provided for Development Management decision making.	No change to last reported position. Finalisation and submission of lead member reports for completed Conservation Area Appraisals (pending).	●	No change to last reported position; Work continues on Conservation Area Appraisals (Bloxham and Grimsbury).  A number of officer reports on completed Conservation Area Appraisals require finalization.  Heritage advice continues to be provided to inform Development Management decision making.	●
<b>BP2.1.6 Develop the Country Parks to support good lifestyle choices</b>	Cllr D Sames	Ed Potter Jason Russell	Land issues on both Country Parks largely over with land successfully transferred	Initial development & opening may be a little behind due to weather conditions & the lockdown	★	The country parks in Banbury (behind M&S at the Gateway) and Bicester (between Kingsmere and the village of Chesterton) should be initially open in the late Spring with development in 21/22	★

## An enterprising economy with strong & vibrant local centres - KPIs

An enterprising economy with strong & vibrant local centres -KPI Report									
Measure	Portfolio Holder	Director/Lead	Result	Target	Status	Commentary	YTD Result	YTD Target	YTD
BP 3.2.1 % of Council Tax collected, increase Council Tax Base	Cllr T Ilott	Belinda Green Claire Taylor	9.04%	9.00%	★	We have achieved a cumulative collection rate of 82.53% against a target of 85%. The shortfall equates to approx. £2.7m. Whilst previously we have only issued smaller batches of reminder notices due to the limitations of the court and the pandemic, we will be issuing more than 2,000 reminders week commencing 18 January 2021 to try to prompt payment and thus increase collection. We will signpost customers to relevant organisations should they have been adversely affected by the pandemic.	82.53%	85.00%	●
BP 3.2.2 % of Business Rates collected, increasing NNDR Base	Cllr T Ilott	Belinda Green Claire Taylor	8.04%	9.00%	▲	We have achieved a collection rate of 82.89% as at end of December against a target of 86%. The collection rates have dropped slightly as reminder notices were not issued in December due to a system conversion however accounts with an overdue balance will be issued with reminder notices week commencing 18 January 2021. Outbound calls to these customers will follow to chase payment again before issuing summonses. Recovery through the courts is continuing and we are proactively chasing balances to reduce the outstanding balances.	82.89%	86.00%	●

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## An enterprising economy with strong & vibrant local centres – Programme measures

An enterprising economy with strong & vibrant local centres - Programme Measures Report							
Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
BP3.1.1 Promote the district as a visitor destination	Cllr L Pratt	Jane Portman Robert Jolley	Reviewed impact of COVID-19 pandemic on this sector. Continued to work with partners regarding promotion of the district as appropriate during the local COVID-19 Tier restrictions which prevailed in December.	Continue to monitor COVID-19 impact. Continue to work with partners regarding promotion of the district as is appropriate in the context of National Lockdown restrictions.	★	Hospitality venues and visitor attractions continued to face significant challenges because of the local COVID- 19 Tier restrictions prevailing in December. Officers are working closely with Experience Oxfordshire (EO) who are, in turn, working with VisitEngland and VisitBritain to help the local visitor economy sectors meet the challenges involved.	★

An enterprising economy with strong & vibrant local centres - Programme Measures Report

Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
<b>BP3.1.2 Develop a Cherwell Industrial Strategy</b>	Cllr L Pratt	Jane Portman Robert Jolley	Continued drafting of the foundation modules of the refocused Cherwell Industrial Strategy document.	Review those foundation modules of the refocused Cherwell Industrial Strategy which have been completed.	★	The draft ten-year Cherwell Industrial Strategy (CIS) was planned to go to consultation by Summer 2020. However, this was temporarily paused because of the need to redeploy staff in response to support business communities during the ongoing COVID-19 pandemic emergency. This has triggered the most severe economic recession in nearly a century and there will be further significant consequences. The CIS focus and timeline has been reviewed. The CIS draft will take account of the impact on the Oxfordshire and Cherwell economies. CIS links to the OxLEP Local Industrial Strategy (LIS), a key component of the Oxfordshire Housing and Growth Deal (Productivity workstream).	●
<b>BP3.1.3 Support Business Enterprise, Retention, Growth and Promote Inward Investment</b>	Cllr L Pratt	Jane Portman Robert Jolley	One-to-one advice and detailed support provided to Cherwell businesses during December 2020, as well as guidance on grants. Provided information and support to potential inward investors and property developers. Supported the Council's administration of the COVID-19 Government business and discretionary grant schemes. Assistance provided to businesses preparing for the UK leaving the EU.	Support the Council's administration of the COVID-19 Government business and discretionary grant schemes. Provide information and advice to local businesses during the COVID-19 pandemic. Provide guidance on new overseas trading arrangements for businesses, directly and through Oxfordshire Local Enterprise Partnership (OxLEP). Continue to provide support to potential new business investors.	★	The Council's business webpages were updated, and support provided to businesses in the run up to the Brexit Transition phase ending on 31st December 2020. CDC continues to liaise closely with colleagues at local authorities in Oxfordshire, at OxLEP and at Government departments, to provide support to businesses during the COVID-19 pandemic and post EU Transition. Continued cooperation with Oxfordshire County Council and partners, to enhance digital infrastructure throughout the district. 98% of premises in the district are now able to access Superfast Broadband services.	★
<b>BP3.1.4 Develop Our Town Centres</b>	Cllr L Pratt	Jane Portman Robert Jolley	Reviewed the impact of COVID-19 on the district's urban centres.	Continue to review impact of COVID-19 on the district's urban centres. Await decisions from MHCLG as to which projects, submitted for the Reopening High Streets Safely funding, are eligible for delivery.	★	Cherwell progressed with early work on the 'Meanwhile in Oxfordshire' countywide partnership project, a Government-funded scheme for the refurbishment and reoccupation of vacant retail units in urban centres. Continued support provided to Banbury BID (Business Improvement District) in the delivery of projects to support town centre vitality. Maintained close working with officer groups and external partners during the COVID-19 pandemic, to ensure continued safety on the high streets within the district.	★
<b>BP3.1.5 Deliver the Growth Deal</b>	Cllr B Wood	Jane Portman Robert Jolley	Year Four Plans of Work timescales agreed at Cherwell District Council's Growth Deal Board meeting in December 2020.	Draft Year Four Plans of Work to be submitted by end February 2021 for internal review by Senior Responsible Officer.	★	On-site construction was unaffected by the Tier Two restrictions prevailing from 2nd to 26th December 2020.	★

## Healthy, resilient and engaged communities - KPIs

Healthy, resilient and engaged communities - KPIs									
Measure	Portfolio Holder	Director/Lead Officer	Result	Target	Status	Commentary	YTD Result	YTD Target	YTD
BP4.2.1 Number of visits/usage of District Leisure Centre	Cllr G Reynolds	Ansaf Azhar Nicola Riley	55,847.00	33,333.00	★	Usage figures across all of the Leisure Facilities, for December, was 55,847. Compared to December 2019; this equates to a reduction of circa 55,000 visitors in comparison with the same period last year. With the Centres usage affected by COVID-19, restrictions and closures, from the 1st to 4th December and later in the month, are expected.	224,792.00	159,999.00	★
BP4.2.2 High risk food businesses inspected	Cllr A McHugh	Jason Russell Richard Webb	-	100.00%	-		-	100.00%	-

## Healthy, resilient and engaged communities – Programme measures

Healthy, resilient and engaged communities - Programme Measures									
Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD		
BP4.1.1 Support Community Safety and Reduce Anti-Social Behaviour	Cllr A McHugh	Richard Webb Rob MacDougall	In December the council's work on community safety included both activities to promote public safety and supporting the COVID-19 security monitoring across the area. Visits to businesses near Schools to help those businesses ensure their premises were COVID-19 secure. Undertaking evening ASB patrols leading up to Christmas. A day of proactive work, with Thames Valley Police and Trading Standards, focusing on fly tipping and doorstep crime, particularly in the Rural areas. Supporting Thames Valley Police during a proactive anti-burglary week. Monitoring COVID-19 Security at the Banbury Town Centre 'Light Show'	In January the Community Safety Team will continue to focus on supporting COVID Security and Compliance activities, whilst also undertaking more traditional activities aimed at promoting public safety.  Supporting an operation aimed at reducing anti-social behaviour and crime in Kidlington. Starting a review to determine whether there are grounds to consider a Public Spaces Protection Order for Bicester.	★	In December a training day was held as part of the Intensive Engagement Project so that our team members and partners could undertake community problem solving. The Council's Community Safety Team is also supporting local contact tracing through carrying out visits to people who contact tracers cannot reach by telephone. The Council also restarted the multi-agency operations group meetings in December, helping to coordinate work between Council departments, the Police, the County Council and Housing Associations. These coordination meetings had been suspended during 2020.	★		

Healthy, resilient and engaged communities - Programme Measures

Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
BP4.1.2 Promote Health & Wellbeing	Cllr A McHugh Cllr C Clarke	Ansaf Azhar Nicola Riley	'Winter Pressures' grant scheme designed and agreed with OCC & district partners. Delivery via Citizens Advice from 04 January 2021.	Operate and promote the CDC Shielding support line for Clinically Extremely Vulnerable residents. Monitor and promote the 'Winter Pressures' grant scheme for residents in financial difficulty.	★	5,000 Clinically Extremely vulnerable residents were identified by the government and received a 'shielding letter'. The Shielding support line is operated by CDC Wellbeing team staff to support members of this cohort who need assistance obtaining food shopping & basic necessities.	★
BP4.1.3 Improve Leisure & Community Facilities	Cllr G Reynolds	Ansaf Azhar Nicola Riley	In the last milestone period, internal officers have been presented with options around feasibility studies into leisure provision, across the District. Quotations have been received into the provision of pool covers, to the Outdoor Pool at Woodgreen, as part of Climate Change actions. Some further options to be considered in January. Energy audits of all of leisure buildings have been carried out in December and are awaiting reports.	As part of the next milestone, the feasibility studies into leisure provision will be brought to the Lead Member. There is an expectation that the Energy Audits will identify a number of actions/options for improved energy efficiency in line with the Climate Change Action Plan and these will need to be considered and planned.	★	During December the focus has been around reviewing the leisure provision feasibility studies and presenting this to internal officers. In addition, the Leisure Buildings have been subject to independent energy audits as part of the Climate Change actions required. It is expected that more work areas will come from this.	★

Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
<p><b>BP4.1.4 Support the Voluntary Sector</b></p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 110</p>	Cllr A McHugh	Ansaf Azhar Nicola Riley	<p>Cherwell Lottery Good Cause Community Grant had 10 grants awarded totaling £9,130. Winter Wishes engagement &amp; consultation activities delivered in Neithrop &amp; Ruscote. Cherwell Young People Play &amp; Wellbeing forum delivered. North Banbury voluntary organisations network meeting delivered. Grimsbury voluntary organisations network meeting delivered. Community Link publication - December edition Delivered. The Hill Christmas Tree festival - Delivered in December.</p>	<p>Hold the January meeting of Cherwell Local Strategic Partnership, focusing on Healthy Place-shaping. New Year wishes engagement &amp; consultation activities in Grimsbury; Community Link publication - January edition; Activity &amp; Information packs for vulnerable older people to be distributed in January.</p>	★	<p>Community Link publication supports voluntary organisations with advice, guidance and good practice when working within communities. The publication is currently monthly for support during the crisis. Winter Wishes engagement &amp; consultation activities delivered in Neithrop &amp; Ruscote to create an action plan for voluntary organisations &amp; residents to work together on initiatives in 2021. The Hill Christmas Tree festival – Bringing together local voluntary organisations and groups, to display a tree and promote to local residents' opportunities, information and celebrate the festive period. Partner projects funded by Cherwell Lottery Good Cause Community Grant included Interactive theatre. Mental Health First Aid training; Tennis court refurbishment; COVID-19 safe school reading assistance; Benefits advice; Activity group for dementia sufferers.</p>	★
<p><b>BP4.1.5 Enhanced Community Resilience</b></p>	Cllr A McHugh	Richard Webb Rob MacDougall	<p>The Council continued to work with partners in the response to the COVID-19 second wave. This included adapting to the changes in tiers and implications for local residents and communities requiring support.</p> <p>The EU Exit transition period has ended without any impacts on the Council. Localised flooding occurred around the Christmas period as a result of heavy rainfall.</p>	<p>The council will continue to work with partners in the COVID-19 response, including supporting vulnerable local residents who have now been asked to shield again.</p>	★	<p>Preparations continued throughout December for any potential impacts arising from the end of the transition period for EU Exit. The agreement of a trade deal meant that there were no impacts on the council from the end of this transition period.</p> <p>Heavy rainfall in late December caused localised flooding incidents in various locations in the district. The Council's duty director attended relevant teleconferences to ensure Cherwell DC could provide support if required, but the response to the flooding was led and managed by partners.</p>	★

Measure	Portfolio Holder	Director/Lead Officer	Last Milestone	Next Milestone	Status	Commentary	YTD
<p>BP4.1.6 Support and Safeguard Vulnerable People</p> <p style="text-align: center;">Page 111</p>	Cllr A McHugh	Ansaf Azhar Nicola Riley	<p>Winter pressures grant fund being administered through Citizens advice in conjunction with other Oxfordshire District Councils. Additional support for individuals in temporary accommodation, was agreed alongside the continuing provision of free school meals, for school children in holiday periods. Test and Trace payment are being administered by the Benefits team and to date 197 payments totaling £98k have been made to those residents who have been asked to self-isolate and whose income has suffered as a result. Also, Council Tax hardship payments have been made to 2,739 payers with grants paid totaling £412k.</p>	Continue to provide support for residents shielding and take proactive measures to promote the winter Grant scheme	★	<p>Annual Safeguarding return has been submitted and Cherwell District Council continues to actively support vulnerable residents and promote their welfare. Additional services are being designed to meet the needs of residents impacted by COVID-19, through grants, signposting to voluntary services and supporting local organisations to reach out to individuals and families who need additional support currently.</p>	★

**BP4.1.7 Promote Healthy Place Making**

<p>Cllr A McHugh</p>	<p>Ansaf Azhar Rosie Rowe</p>	<p>Funding secured, from Cycling UK, to offer free bike repairs in Banbury (4 sessions) and Kidlington (2 sessions). Plan developed to promote cycling and walking across Cherwell, for 2021; A shortlist of 7 possible way- finding routes have been created for Kidlington; 'Welcome packs' encouraging new residents, in Bicester, to walk, cycle and access green spaces have been distributed, in electronic or hard copy, to estate agents in town; Ongoing input for OCC's plans and proposed improvements for the cycling infrastructure, in Bicester. Community House, at Graven Hill, now open and community planters in place.</p>	<p>Launch of public consultation regarding wayfinding routes in Kidlington; Run of Dr Bike sessions in Banbury and Kidlington; Hold of virtual stakeholder workshop with K5 Better Together partners; Use of social media to signpost local support and to address mental health problems.</p>	<p>★</p>	<p>Dr Bike sessions will be held in Brighter Future areas, in Banbury, to ensure people on low incomes can access free bike repairs; K5 stakeholder partnership includes a range of partners which are based in Kidlington and surrounding villages and interested in promoting health and wellbeing to local residents. This will be the second workshop with our K5 partners.</p>	<p>★</p>
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Appendix 3 – Leadership Risk Register as at 15/01/2021

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			L04, L07, L11, L12& L21	L01,L17, L19 & L20	
	3 - Moderate		L16	L02, L05, L14,L15 & L18	L08	
	2 - Minor				L10	
	1 - Insignificant					

Risk Definition	
<b>Leadership</b>	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
<b>Operational</b>	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				
2020/21																	
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				Medium Term Revenue Plan reported regularly to members.	Fully effective Partially effective Not effective								Review of workload and capacity across the team. Interim Capital Accountant post recruited to. Interim Accountant recruited and beginning process of permanent recruitment. 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. Looking to recruit to a further interim accountant post to support with the new business grant schemes that have been introduced as a result of lockdown restrictions.	Maintaining focus in this area with ongoing review, staff and member training and awareness raising. Moving to a risk based approach to budget monitoring in order to address workload issues and vacancies in the team, as well as exploring joint working opportunities with OCC New interim capital accountant started phased introduction in November and begins full time in December. New interim Accountant began in November to bring capacity to assist with anticipated additional test and trace and business grants workload	Risk reviewed - 13/01/2021 - Mitigating actions and Comments updated
		Reduction in services to customers				Balanced medium term and dynamic ability to prioritise resources	Fully Fully							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.	Investment options considered as and when they arise, MTFs and budget setting being developed to enhance the scrutiny and quality of investments.		
		Increased volatility and inability to manage and respond to changes in funding levels				Highly professional, competent, qualified staff	Partially							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.	Financial System Solution Project continuing to consider future finance system options, incorporating budget management via Lean, extension of Civica and new procurement.		
		Reduced financial returns (or losses) on investments/assets				Good networks established locally, regionally and nationally	Fully							Asset Management Strategy being reviewed and refreshed.	Review underway		
		Inability to deliver financial efficiencies				National guidance interpreting legislation available and used regularly	Fully							Review of BUILD! to ensure procurement and capital monitoring arrangements are in place and development of forward programme work still underway.	Review in hand.		
		Inability to deliver commercial objectives (increased income)				Members aware and are briefed regularly	Fully							Finance support and engagement with programme management processes continuing.	Finance business partners involved with reflection locally on outcomes.		
		Poor customer service and satisfaction				Participate in Oxfordshire Treasurers' Association's work streams	Fully							Further integration and development of Performance, Finance and Risk reporting.	Integrated reporting has been embedded		
		Increased complexity in governance arrangements				Review of best practice guidance from bodies such as CIPFA, LGA and NAO	Fully							Regular involvement and engagement with senior management across County as well as involvement in Regional and National finance forums.	Engagement with a number of national and regional networks to ensure we are up-to-date as we can be in relation to potential funding changes from 2020/21 and impact on our MTFs.		
		Lack of officer capacity to meet service demand				Treasury management and capital strategies in place	Fully							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.	Regular training will be undertaken.		
		Lack of financial awareness and understanding throughout the council				Investment strategies in place	Fully							New approach to budget setting introduced linked to service planning. Additional challenge added into the process to ensure robustness of estimates. 2021/22 Budget Consultation will begin on 8 December. BPC will consider the revenue budget pressures and savings proposals on 15 December 2020.	Budget setting for 2020/21 underway-Budget and Business Planning Process Report considered by BPC on 29 September and Executive on 5 October.		
			4	4	16	Regular financial and performance monitoring in place	Fully	Councillor Tony Illot	Lorna Baxter	Michael Furness	4	4	16	Regular utilisation of advisors as appropriate.	Review of borrowing approach being considered alongside our financial advisors.		
						Independent third party advisers in place	Fully							Internal Audits being undertaken for core financial activity and capital as well as service activity.	Regular reporting of progress on internal audits considered by the committee.		
						Regular bulletins and advice received from advisers	Fully							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.	Medium/long term position assessed as significantly worse, increasing risk alongside the capacity needed to work on activity to reduce spending levels. The ongoing impact of Covid on business rates and council tax income will be carefully monitored. When the Spending Review is announced this will be analysed to assess what implications this may have for the Council.		
						Property portfolio income monitored through financial management arrangements on a regular basis	Partially							Financial forecasts of resources for 2021/22 have assumed a reduction in resources that will be available from business rates compared to February 2020 assumptions. The budget consultation identifies possible savings proposals to mitigate this. If resources fell significantly below the 2021/22 forecast level then a review of which reserves could be made available to mitigate this would be required (e.g. due to greater ongoing impact of Covid-19 or due to further economic shocks in the short-term). A similar approach to reviewing reserve availability could be adopted if the cost of goods we purchase were to increase.	The impact of Covid19 has changed the financial outlook for the Council, with regular updates helping to outline the impact on the Council both in the short, medium and longer term. The Council currently anticipates a significant, short, medium and long term funding shortfall in overall terms. Set alongside the anticipated funding reductions due to start from 2021-22 the financial resilience of the Council could be severely impacted. The Council agreed a revised budget for 2020/21 to address the short term impacts of Covid-19 and provided its Budget and Business Planning Process 2021/22 - 2025/26 report to Executive on 5 October 2020. Chancellor's Spending Review confirmed the delay of the business rates reset. Only a 1 year SR so no additional certainty of funding and any additional Covid related funding is likely to be for one year only. Provisional local government finance settlement has announced some one-off funding to support local government in 2021/22.		
						Asset Management Strategy in place and embedded. Transformation Programme in place to deliver efficiencies and increased income in the future	Partially Fully							A business rates reset is assumed from 2022/23 which will significantly reduce the resources available to the Council. Should resources from business rates fall much below this (e.g. due to any further ongoing impacts to the economy) then resources would be supplemented by a "safety net" payment from the Government under the current regime. The budget process for 2022/23 will need to begin shortly after setting the 2021/22 budget to identify further savings necessary to operate within this level of resources.			

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				
2020/21																	
L02 -	Statutory functions – 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 Inability to deliver council's plans Inability to realise commercial opportunities or efficiencies Reduced resilience and business continuity Reduced staff morale, increased workload and uncertainty may lead to loss of good people	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 National guidance interpreting legislation available and used regularly Risks and issues associated with Statutory functions incorporated into Directorate Risk Registers and regularly reviewed. Clear accountability for horizon scanning, risk identification / categorisation / escalation and policy interpretation in place Robust Committee forward plans to allow member oversight of policy issues and risk management, including Scrutiny and Audit Internal Audit Plan risk based to provide necessary assurances Strong networks established locally, regionally and nationally to ensure influence on policy issues. Senior Members aware and briefed regularly in 1:1s by Directors Arrangements in place to source appropriate interim resource if needed Ongoing programme of internal communication Programme Boards in place to oversee key corporate projects and ensure resources are allocated as required. CDC Extended Leadership Team (ELT) Meetings established to oversee and provide assurance on key organisational matters including resourcing. Partnership Working Group established with OCC to oversee joint working opportunities.	Partially Fully Fully Partially Partially Fully Partially Fully Fully Partially Partially	Councillor Barry Wood	Steve Jordan	Sukdave Ghuman	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. 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 legislation and Government guidance in response to COVID19 will assist service adjustment. Allocate specific resource to support new projects/policies or statutory requirements e.g. GDPR. Learning and development opportunities identified and promoted by the Chief Executive. Regular communications from Chief Executive. Quarterly staff briefings from Assistant Directors. External support secured for key corporate projects including CDC/OCC joint working, Growth Deal and IT Transformation Programme.	Service plans for 2019-20 received and currently being reviewed. Performance framework for 2020-21 to be agreed. Review of Leadership Risk Register and Risk Strategy for 2020-21 in progress. Planning for statutory changes resulting from EU transition is ongoing Opportunities for joint working with OCC being explored for Legal, Finance and Strategic Capability (corporate services).	Risk reviewed 15/01/20 - No changes
L04 -	CDC Local Plan - 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. Some additional resource budgeted for 20/21. 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 Fully Partially	Councillor Colin Clarke	Jane Portman	David Peckford	3	4	12	↔	Regular review meetings on progress and critical path review. Regular Corporate Director and Lead Member briefings. 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. Regular Corporate Director and Lead Member briefings 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 Local Development Scheme (LDS) was updated in March 2020. 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 Levy (CIL). The Partial Review of the Local Plan was adopted by Council on 7 Sept. An issues consultation for the Local Plan Review was completed on 14 Sept in accordance with the LDS timetable. Re-starting work on the Canalside SPD has been delayed and the timetable for the Oxon Plan process is outside the Council's direct control. Work on the Local Plan Review is continuing but the precise timetable is under review. Potential national changes to the planning system may affect how plans are prepared. They may also influence a decision on whether or not to proceed with work on CIL. The 2020 Annual Monitoring Report has been published.	Risk reviewed 13/01/2020 - Risk owner and Comments updated.

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			Probability	Impact	Rating						Probability	Impact	Rating				
2020/21																	
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	4	4	16	Business continuity strategy in place	Fully	Councillor Andrew McHugh	Rob MacDougall	Richard Webb	3	3	9	↔	Business Continuity Statement of Intent and Framework agreed by CEDR	Business continuity status reports being collated and reviewed weekly in view of increased infection rates and new national restrictions. Staff reassignment process reestablished to provide rapid response where demands or absences may result in critical service failure. Previous reporting demonstrated that the council could continue to provide critical services throughout the first lockdown period. Remote working enables most teams to work effectively from home and sustain services whilst also avoid unnecessary social contacts. The EU Exit deal reduced potential impacts of EU Exit on service delivery and no impacts have been identified.	Risk Reviewed 11/01/2021 - Comments updated
Financial loss	Services prioritised and recovery plans reflect the requirements of critical services	Fully				Cross-council BC Steering Group meets regularly to identify BC improvements needed											
Loss of important data	ICT disaster recovery arrangements in place	Fully				ICT transition to data centre and cloud services have reduced likelihood of ICT loss and data loss											
Inability to recover sufficiently to restore non-critical services before they become critical	Incident management team identified in Business Continuity Strategy	Partially				Corporate ownership and governance sits at senior officer level											
Loss of reputation	All services undertake annual business impact assessments and update plans	Fully				BC Impact assessments and BCPs in place for all teams and peer reviewed by OCC's Emergency Planning team											
	Business Continuity Plans tested	Partially				Progress report was provided to CEDR in March 2019 BC assurance framework under development											
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	4	4	16	Key contact lists updated monthly.	Fully	Councillor Andrew McHugh	Rob MacDougall	Richard Webb	3	4	12	↔	Emergency plan contacts list being updated monthly and reissued to all duty managers.	The Emergency Plans which were enacted and command structures established with partner organisations to support the response to the Covid-19 pandemic are still in place and operating now new national restrictions have been implemented. Recovery work continues. Partners are liaising with organisers of events to ensure they have robust infection management arrangements in place and that there is awareness of all the events being planned. The council is maintaining its duty director rota for any other emergency incidents that might arise and the emergency contact numbers have been tested. Contact arrangements for out of hours incidents have been reviewed following recent isolated flooding as a result of high levels of rainfall. The end of EU Exit transition did not result in any new emergency incidents locally.	Risk Reviewed 11/11/2021 - Comments amended.
Unnecessary hardship to residents and/or communities	Emergency Planning Lead Officer defined with responsibility to review, test and exercise plan and to establish, monitor and ensure all elements are covered	Partially				OCC Emergency Planning providing expert advice and support under a partnership arrangement. Accountability for both OCC and CDC's arrangements now sit with the Chief Fire Officer who reviews the arrangements with the Assistant Director.											
Risk to human welfare and the environment	Added resilience from cover between shared Environmental Health and Community Safety Teams as officers with appropriate Senior management attend Civil Emergency training	Fully				Supporting officers for incident response identified in the emergency plan and wallet guide											
Legal challenge	Multi agency emergency exercises conducted to ensure readiness	Fully				Drop in training session now taking place monthly (from June) covering a range of topics.											
Potential financial loss through compensation claims	On-call rota established for Duty Emergency Response Co-ordinators	Fully				Senior managers have attended multi-agency exercises and duty manager training with OCC senior managers.											
Ineffective Cat 1 partnership relationships	Active participation in Local Resilience Forum (LRF) activities	Fully				On-call rota being maintained											
						Authority represented at the Local Resilience Forum											

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2020/21																	
L08 -	<b>Health and safety</b> - 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	Health & Safety Corporate HS&W Policy and Corporate Arrangements & guidance in place as part of the HSE's recommended Management System HSG 65. Organisations have a legal duty to put in place suitable arrangements to manage health & safety.	Partially	Councillor Lynn Pratt	Yvonne Rees	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. These are now being uploaded onto the intranet.	The Executive Leadership Team (ELT) receives a quarterly report from the Corporate H&S Manager.	Risk reviewed 13/01/2020 - Mitigating actions 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. So far 9 departments have responded. Following the departure of the Interim Director of Finance/ Health and Safety Champion and the appointment of Corporate Director – Commercial Development, Assets and Investment who has become the Corporate Health and Safety Champion, the Corporate Health and Safety Policy has now been reviewed and updated and is awaiting ratification by CEDR.								Corporate Health and Safety Team to ensure all departments to responds 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.		
	Financial loss due to compensation claims	Corporate H&S Manager and H&S Officer in post to formalise the H&S Management System & provide competent H&S advice and				Fully	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.		
	Enforcement action – cost of regulator (HSE) time	Proactive monitoring of Health & Safety performance management internally				Fully	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. The full programme of audits was temporarily on hold due to the Coronavirus Lockdown, however health and safety checks on the front line operations of Environmental Services and workplace inspections have now recommenced.								The H&S team are conducting health and safety inspections internally across all services and teams. To date a total of 8 audits have been carried out across the Council however, the audits are currently on hold due to Corona Virus. The audit reports have been provided to the relevant service managers, including recommendations, advise and timescales for remediation.		
	Increased agency costs	Effective induction and training regime in place for all staff				Partially	Final sign off from the HR/Training Manager for training procurement and implementation due. Final tweaks being made prior to launch of eLearning package.										
	Reduction in capacity impacts service delivery	Positive Health & Safety risk aware culture				Partially	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.										
	Reputational Impact	Corporate Health & Safety meeting structure in place for co-ordination and consultation				Partially	A proposal for the formation of a Health and Safety Committee to report to the ELT will be submitted to ELT once stability has been achieved following COVID 19. 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.										
		Corporate body & Member overview of Health & Safety performance				Fully	Currently the Council has no formal committee structure in place for the consultation of health safety with staff.								Reporting dates have been agreed and adhered to.		
		Assurance that third party organisations subscribe to and follow Council Health & Safety guidelines and are performance managed where required	Fully	Quarterly reporting to ELT and to the Portfolio Holder by the Corporate Health and Safety Manager	Corporate Health and Safety has scheduled to undertake a review of Procurement process to ensure compliance.												

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2020/21						Fully effective Partially effective Not effective											
L09 -	Cyber Security - 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  Increased threat to security during Covid-19 period in part due to most staff working from home.	Fully  Fully  Fully  Fully  Fully  Fully  Fully  Fully  Fully	Councillor Ian Corkin	Claire Taylor	David Spilsbury	3	5	15	↔	The cyber-essentials plus certification has now been passed. The Microsoft Multi-Factor Authentication system has been introduced to provide a enhanced level of cyber security.  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 and table top DR exercise) followed by a series of all-Council staff awareness sessions in 2019. 2020 Cyber Security now included in mandatory e-learning for all staff to be completed by 31.12.2020. Members given a Cyber training session with the Police Cyber Security Advisor.  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.  Internal Audit completed a cyber audit in June 2020 with no major issues or significant risks identified. The findings have an agreed action plan in place.  Cookiebot live on website for users to confirm cookie preferences.  Joint OCC/CDC Cyber Security Officer started work August 2020  Additional IT security advice provided for all staff during the Covid-19 working at home period including online coronavirus related scams. Update provided to Accounts, Audit & Risk Committee Members July 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 13/01/21 - No changes

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2020/21																	
L10 -	<b>Safeguarding the vulnerable (adults and children)</b> - Failure to follow our policies and procedures in relation to and service delivery that safeguarding vulnerable adults and children or raising concerns about their welfare	Increased harm and distress caused to vulnerable individuals and their families	4	4	16	Safeguarding lead in place and clear lines of responsibility established	Fully	Councillor Barry Wood	Ansaf Azhar	Nicola Riley	2	4	8	↔	Ongoing internal awareness campaigns	The new Safeguarding Officer is working closely with HR colleagues to ensure that training and recording are up to date and generally processes are understood and being applied. Higher levels of exploitation concerns have been recorded through the pandemic to date and multi agency work continues in order to contain impacts.	Risk Reviewed 14/10/2021 - No changes
	Council could face criminal prosecution	Safeguarding Policy and procedures in place				Fully	Ongoing external awareness campaigns										
	Criminal investigations potentially compromised	Information on the intranet on how to escalate a concern				Fully	Annual refresher and new training programmes including training for new members										
	Potential financial liability if council deemed to be negligent	Mandatory training and awareness raising sessions are now in place for all staff.				Fully	Attendance at safeguarding boards and participation in learning events										
		Safer recruitment practices and DBS checks for staff with direct contact				Fully	Continue to attend groups focused on tackling child exploitation										
		Action plan developed by CSE Prevention group as part of the Community Safety Partnership				Partially	Continue to support work across the district regarding exploitation through slavery, county lines, domestic violence										
		Data sharing agreement with other partners				Fully											
		Attendance at Children and Young People Partnership Board (CYPBB)				Fully	regular internal cross departmental meetings to discuss safeguarding practice										
		Annual Section 11 return compiled and submitted as required by legislation.				Fully											
		Engagement with Joint Agency Tasking and Co-ordinating Group (JATAC) and relevant Oxfordshire County Council (OCC) safeguarding sub group.				Fully											
		Engagement at an operational and tactical level with relevant external agencies and networks	Fully														
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	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	Fully	Councillor Tony Illot	Steve Jordan	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.	COVID-19 impact and resulting operational environment impacting all three companies .	Risk reviewed 11/01/2021 Comments updated
	Non achievement of business and finance outcomes directly or indirectly impacting on other council services	Financial planning for the companies undertaken that will then be included within our own Medium term financial plan				Fully	Resilience and support being developed across business to support and enhance knowledge around council companies.										
	Lack of understanding at officer and member level about the different roles of responsibilities required when managing council owned companies	Ensure strong corporate governance mechanisms are in place				Partially	Skills and experience being enhanced to deliver and support development, challenge and oversight.										
		Sound monitoring in place of both business and financial aspects of the companies and the impact on overall council performance				Fully	Work with one company to ensure long term support arrangements are put in place.										
		Training in place for those undertaking roles relating to the companies				Partially											
															Governance review completed and accepted by Shareholder committee. Action plan being developed to ensure all identified improvements are implemented appropriately.		

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2020/21																	
L12 -	<b>Financial sustainability of third-party suppliers including contractors and other partners</b> Supply chain management ensuring effective delivery through the supply chain	The financial failure of a third party supplier or partner results in the inability or reduced ability to deliver a service to customers. A reduced supply market could also result in increased costs due to the council's; loss of competitive advantage.  Reduced resilience and business continuity  Reduced staff morale, increased workload and uncertainty may lead to loss of good people  Opportunities for joint working with OCC take longer to develop than planned delaying potential service improvements for residents and communities.  Northamptonshire re-organisation impacts on services being delivered to SNC from CDC, impacting on the quality of services delivered to residents and communities.	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  Programme Board and Project Team established to deliver separation.  S113 agreement in place with Oxfordshire County Council  Partnership Working Group established with OCC to oversee the development of joint working proposals.  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.  Regular review and sharing of partnership activity / engagement at senior officer meetings.	Partially  Partially  Partially  Fully  Fully  Fully  Partially  Partially	Councillor Tony Illot	Steve Jordan	Jeremy Richards	3	4	12	↔	Service areas to hold meetings as required with suppliers to review higher risk areas and ensure risks are being managed. Reminders to be sent to all who have Procurement/Contract Management responsibility to regularly meet with key suppliers and partners to gain early understanding of the effects a second wave of COVID-19, and lockdown, would have on supply.  The Procurement Team is now providing ELT members and identified Contract Mangers a monthly update of all suppliers with spend above £25k c/w a credit risk rating score to enable contract managers to manage any identified risks, with support from the Procurement Team. Furthermore, as a result of Covid-19 the likelihood of this risk is deemed to have increased and thus the procurement and finance team now hold a weekly joint meeting to consider funding solutions to support At Risk Suppliers in accordance with the national guidance note PPN04/20.  Legal advice sought with regards to the employment implications of re-organisation and separation proposals.  Separation tracker and risk register to be circulated at all senior management meetings.  Collaboration Agreement to underpin joint working with SNC following the end of the s113 in place.	Council departments monitor suppliers financial stability as part of their contract management responsibilities. In addition, through collaboration with Oxfordshire CC, a joint Provision Hub will be established in 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.  Reviews of service delivery arrangements with SNC to take place between October-December 2019.  Strategic Capability proposal considered by Partnership Working Group in August.  Proposals for two Joint Corporate Directors between CDC and OCC approved in July.	Risk reviewed 14/01/2021 - No changes
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  Failure of corporate governance in terms of major projects, budgets or council owned companies impacts upon financial sustainability of the councils.  Inability to support Council's democratic functions / obligations (e.g. remote public meetings, remote voting).  Elements of the COVID-19 response may be compromised, delayed or not taken forwards.	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 statement process under way for 2020/21 under oversight of the Corporate Governance Assurance Group (CGAG) for Cherwell and Oxon. The Group is taking an aligned approach (with Oxon CC) to working up a revised and complementary Annual Governance Statement which also connects more fully and earlier with ELT and CEDR.  Joint Corporate Governance Assurance Group (CGAG) for Cherwell and Oxon is working up a revised and complementary Annual Governance Statement process for 2020/21, which also connects more fully and earlier with ELT and CEDR.  CGAG also mapping respective (CDC/Oxon CC) governance processes to achieve alignment and efficiency where appropriate. Annual Review of the Constitution will take place each Autumn led by the Overview & Scrutiny Committee and approved by Full Council	Partially  Partially  Partially  Partially  Partially  Partially  Partially  Partially	Councillor Barry Wood	Yvonne Rees	Anita Bradley	3	3	9	↔	Standing item at senior officer meetings – regular review of risk and control measures.  Monitoring Officer to attend management team meetings.  Annual Governance Statement process under review (reviewing previous actions and identifying new) and draft Corporate Lead Statements which identify potential actions for 2020/21 are being produced for review by the Corporate Governance Assurance Group on schedule. Corporate Governance Assurance Group mapping governance processes to ensure visibility and refresh.	In January 2019, Council agreed to enter into a Compromise Agreement with South Northants DC to ensure the continuation of key aspects of service delivery that required ongoing joint working (following the ending of the partnership S113 Agreement).  Monitoring Officer undertaking a focused Constitution review during Autumn, closely with members, scrutiny involvement with any recommendations for change presented to Full Council.  Review of Constitution underway: Scrutiny Committee has formulated recommendations to Full Council following work by the Cross-party member working group. To be considered by Full Council on 14 December.  Mode Code of Conduct has been published by LGA and all Oxon Council Monitoring Officers will consider together the scope for achieving a county-wide Code (also applicable to parishes). Likely to come to Standards Committee early in the New Year.	Risk reviewed 07/01/21- Risk Manager, Controls, Mitigating Actions and Comments updated

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L15 -	L15 Oxfordshire Growth Deal - (contract with HMG)	<p>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.</p> <p>Infrastructure milestone delivery late (for infrastructure linked to accelerated housing)</p> <p>Accelerated housing numbers delivered late, outside of the programme time scale</p> <p>Delivery of Infrastructure projects fail to accelerate housing delivery as commercial pressures impact house builders</p> <p>Delivery of affordable houses below programme targets as GD contributions insufficient to attract sufficient builders/ registered providers</p> <p>Oxfordshire Plan delivered late</p>	4	5	20	<p>Established programme structure and partnership ethos to support effective programme delivery.</p> <p>Engagement with housing developers to understand their commercial constraints.</p> <p>Engage with developers to ascertain which sites would benefit most from infrastructure delivery.</p> <p>Identify potential "top up" schemes to supplement GD affordable housing scheme.</p> <p>Utilise effective Programme controls to facilitate prompt escalation of issues to enable appropriate decision making and delivery timescale review.</p> <p>Develop Year 4 Plans of Work to detail the expected delivery by CDC for Year 4 of the Growth Deal Programme; building on the experiences and knowledge gained during previous years.</p>	<p>Fully</p> <p>Partially</p> <p>Partially</p> <p>Fully</p> <p>Fully</p> <p>Partially</p>	Councillor Barry Wood	Robert Jolley	Jonathan MacWilliam	3	3	9	↔	<p>A CDC GD programme and programme board capability.</p> <p>Work stream plans of work (work stream brief, schedule, RAID log) .</p> <p>Structured engagement with developers to better understand their needs.</p> <p>Appropriate escalation of issues to agree programme flexibilities where required.</p> <p>Improved collaboration working with partners.</p> <p>Ongoing work with partners to realistically reflect deliverable schemes within programme time frame.</p>	Overall and residual probability reduced to reflect both the Homes from Infrastructure and Affordable Housing workstreams actively addressing those sites with potential to slip either by identifying alternative sites as replacements or by re-prioritising the schemes to ensure those most likely are actioned earliest.	Risk reviewed 11/01/21 - Update to control to reflect work on new financial year
L16 -	Joint Working That the challenges and risks associated with joint working between Cherwell and OCC, outweigh the benefits and impacts on the provision of services to residents and communities.	<p>Opportunities for joint working take longer to develop than planned delaying potential service improvements for residents and communities.</p> <p>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.</p> <p>Uncertainty around joint working could lead to reduced staff morale and potentially increase staff turnover.</p> <p>Benefits to be realised from joint working business cases do not materialise or take longer to deliver than planned.</p>	3	3	9	<p>S113 agreement in place with Oxfordshire County Council Partnership working group meets quarterly programme management in place.</p> <p>Partnership Working Group established with OCC to oversee the development of joint working proposals.</p> <p>Robust programme and project management methodologies in place.</p> <p>Regular meetings of the OCC Cabinet and CDC Executive in place to oversee development of partnership.</p>	<p>Fully</p> <p>Fully</p> <p>Fully</p> <p>Fully</p>	Councillor Ian Corkin	Yvonne Rees	Claire Taylor	2	3	6	↔	<p>Regular reporting on joint working proposals to the senior management team.</p> <p>HR policies in place to enable joint working proposals to be delivered</p>	<p>The appointment process for the joint Corporate Director Environment and Place has been completed with the post holder starting in March 2021.</p> <p>The Audit plan for 2021 will ensure joint working arrangements are included. Plans are in place to consider further opportunities for joint working and these are reported to the Partnership Working Group. The Joint MO and Director for Law and Governance has commenced in role.</p>	Risk reviewed – 12/01/21 Mitigating actions and comments updated, risk rating remains unchanged.
L17 -	Separation That the separation of joint working arrangements with South Northamptonshire Council impacts on the provision of services to residents and communities.	<p>Separation of joint working arrangements result in reduced capacity and resilience to deliver services. Specific impacts on Revenues &amp; Benefits and IT services which are the only remaining shared services.</p> <p>Services being delivered to SNC are impacted by re-organisation in Northamptonshire, impacting on the quality of services delivered to residents and communities.</p>	4	4	16	<p>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. Currently SNC are not able to confirm end date or transitional arrangements for these shared services going into West Northamptonshire Unitary. This created a level of uncertainty for Cherwell, plans are being prepared for separation on the assumption that West Northants will seek to deliver their own IT, Revs and benefits services. Legal advice is being sort with regards to governance and technical advice is being sort regarding technology.</p> <p>Robust programme and project management frameworks in place.</p>	<p>Partially</p> <p>Fully</p>	Councillor Ian Corkin	Yvonne Rees	Claire Taylor	4	4	16	↔	<p>Regular reporting on joint working proposals to the senior management team.</p>	<p>The majority of services have now separated or been moved into a service delivery arrangement. Although Customer Services has now been separated, there is a lack of clarity of CSN and IT in the transition into the unitary. Plans are being prepared to ensure both areas are ready to separate in line with unitary deadlines.</p> <p>Work has begun to explore the impact of local government reorganisation on the jointly owned arm's length company that delivers revenues and benefits services. This will require additional resource and oversight if a decision to separate is taken. A proposal to separate IT as SNC transitions into West Northants has been agreed by SNC but West Northants has not yet engaged. There is a risk that prolonged delay will prevent CDC working with OCC on future proposals. Work is ongoing to ensure the proposal is progressed.</p> <p>West Northants Council have still not yet set out any long term vision for the delivery of revenues and benefits and therefore their aspirations for CSN. Whilst we have governance arrangements and contracts in place to oversee the delivery of the service the uncertainty associated with the current situation can only be partially managed, hence the unmitigated score of 16.</p> <p>With regards to IT a fully worked up proposal has been developed to ensure SNC ICT can be migrated to the new unitary. This approach has been externally validated. CDC remains a positive partner to SNC with regards to ICT and is pressing for a clear timeframe to ensure separation is smooth and delivered during 2021. Without a clear agreement as to timeframes there remains a risk that CDC will be required to support SNC's ICT migration which could prevent closer joint working with OCC. However, there is not a greater risk posed to business continuity, security or operational delivery associated with this risk.</p>	Risk reviewed – 12/01/21 risk rating remains heightened and unchanged.

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				
2020/21																	
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	3	4	12	Analysis of workforce data and on-going monitoring of issues.	Partially effective	Councillor Ian Corkin	Claire Taylor	Karen Edwards	3	3	9	↔	Development of relevant workforce plans. IT has build a new reporting system with a RAG rating to update each area indicating and/or forecasting significant staff pressures when they happen due to COVID-19. This data is monitored weekly at Silver. HR monitors and report sickness absence data on a weekly basis.	Training on workforce planning for the HR team planned to start across both CDC and OCC during Quarter 4.	Risk reviewed 12/01/2020 - Mitigating actions updated.
Impact on our ability to deliver high quality services	Key staff in post to address risks (e.g. strategic HR business partners)	Fully				Development of new L&D strategy, including apprenticeships.											
Overreliance on temporary staff	Weekly Vacancy Management process in place	Fully				Development of specific recruitment and retention strategies.											
Additional training and development costs	Ongoing service redesign will set out long term service requirements	Partially				New IT system is being implemented to improve our workforce data. The ability to interrogate and access key data (ongoing) in order to inform workforce strategies.											
L19 -	<b>Covid-19 Community and Customers</b> Significant spread of the Covid-19 19 virus results in potential impacts in terms of customers and communities. Including community resilience, ability to access services, consequences of prolonged social distancing or isolation, economic impacts to business, including but not limited to the visitor economy.	Possible reductions in frontline service delivery, events, meetings and customer contact.	5	4	20	Business Continuity Plans have been reviewed and tested to ensure the ongoing delivery of priority services.	Fully	Councillor Barry Wood	Yvonne Rees	Rob MacDougall	4	4	16	↔	Ongoing review and implementation of Council and partnership business continuity and emergency planning arrangements. COVID19 security on building in place to support the restart of services and this is being coordinated by the Organisational Recovery Steering Group and CEDR	The nature of the risk is such that national public health guidelines will determine the councils' response. The councils will enact any support schemes as set out by national government as they emerge. Oxfordshire Health Protection Board is operating effectively and the Council has set up Command and Control structures to response to the 2nd wave of the pandemic. National and local rise in cases linked to new variant, critical services will continue to be delivered.	Risk reviewed 15/01/20 - no change in risk, comments updated
Economic hardship impacting local business and potentially the local workforce.	Remote (home based) working in place, to facilitate self isolation and limit impact on service delivery.	Partially				An urgent review of business continuity plans has taken place to adjust for COVID19 disruption and impacts of the 2nd wave of infection.											
Impact on vulnerable residents who may find it harder to access services.	Communications stepped up, to support remote working, reinforce national guidelines and set out the current organisational response.	Fully				Outbreak planning and Standard Operating Procedures completed and table top exercising has been completed and the learning has been incorporated into plans.											
Increased demand on both frontline and enabling services.	Regular updates from Director of Public Health, shared internally and externally. Partnership communications. Partnership communications enhanced and regular conversations convened.	Partially															
Prolonged risk of social isolation and the mental and physical consequence thereof.	Regular teleconference with local councils and emergency services discussing updates, concerns and best practice. (in-line with usual business continuity and emergency planning protocols). Mutual aid where appropriate with regional Thames Valley partners enable a tactical response to community resilience.	Fully															
	Tactical response to community resilience.	Fully															
	Creation of a dedicated telephony helpline to support the most clinically extremely vulnerable (shielded) residents in the county and operating extended hours each day.	Fully															
	Provision of additional body storage as temporary place of rest to support the current mortuary provision.	Fully															
	Face to face customer events e.g. wedding ceremony, library provision ceased in line with government guidance.	Fully															
	Engagement with suppliers to manage impacts across the supply chain.	Partially															

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				
2020/21																	
L20 -	<b>Covid-19 Business Continuity</b> Significant staff absence due to the Covid-19 virus results in potential impacts on frontline service delivery and the ability to run the councils' business on a day to day basis.	Possible reductions in frontline service delivery, events, meetings and customer contact.  Potential confusion amongst staff with regards to how to plan and respond to reduced service availability, professional support and maintain business as usual.  Requirement to reprioritise service delivery.  Requirement to offer mutual aid to partner organisations.  Potential impact in the medium to long term resilience of staff may result in wider wellbeing issues.	5	4	20	Business Continuity Plans have been reviewed and tested.  Guidance has been prepared for managers to support agile working. A survey is taking place to ensure we are meeting remote working needs, facilities management are working to create covid compliant work spaces.  Remote working in place.  Staff communications stepped up, to support remote working, reinforce national guidelines and set out the current organisational response.  Regular updates from Director of Public Health, shared internally and externally.  Regular teleconference with local councils and emergency services discussing updates, concerns and best practice. (in-line with usual business continuity and emergency planning protocols).  Regular communication messages following Public Health advice.  Sanitisers in washrooms.  Agile working being tested further across services, ensuring equipment and access is in place.  Posters around the offices encouraging regular hand washing. Hand sanitisers available in washrooms and shared spaces.	Fully  Partially  Fully  Fully  Fully  Fully  Fully	Councillor Barry Wood	Yvonne Rees	Claire Taylor	4	4	16	↔	Ongoing review and implementation of Council and partnership business continuity and emergency planning arrangements.	The nature of the risk is such that national public health guidelines will determine the councils' response. Progress establishing the local outbreak plans and the Health Protection Board support mitigation of risk. Requirements of national lockdown arrangements are in place. Staffing absence is monitored weekly. Risk heightened due to increased incidence of Covid-19 in the district	Risk reviewed – 12/01/21 risk heightened due to rising rates of Covid infection locally. Whilst workforce incidence remains low, the impact of lockdown and home schooling requires flexibility within the workforce and with regards to service operations.
L21-	<b>Post Covid-19 Recovery</b> - challenges associated with adverse impact on customers, our workforce and the budget.	Long term response to the current covid-19 pandemic  Requirement to review service delivery	4	4	16	Work underway, a governance programme is currently under development. Executive has agreed a recovery strategy working is underway to transition from an emergency planning environment to recovering environment.  Working through a new corporate programme underpinned by policy research.	Partially  Partially	Councillor Barry Wood	Yvonne Rees	Claire Taylor	4	3	12	↔  CEDR and ELT working towards new corporate programme liaising with Insight and policy support.	Governance programme to be shared and implemented.	Work is ongoing to support recovery from Covid, necessarily focused on support for voluntary groups and implementing the various grants and support arrangements available.  Moving into a national lockdown and increased incidence of Covid-19 locally means that post Covid recovery is concurrent with newly re-up-stood response arrangements, this requires ongoing flexibility with regards service delivery and recovery plans.	12/01/21 risk reviewed and comments updated

#### L04 - Local Plan Risk

The latest Local Development Scheme is that approved by the Executive in March 2020. 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).

#### Partial Review

The Partial Review of the Cherwell Local Plan was adopted by Council on 7 September 2020. It is now part of the statutory development plan.

#### 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 2019. The central Plan team is evidence gathering and preparing 'spatial options' for Plan development. On 24 November 2020, the Oxfordshire Growth Board agreed a further revision to the timetable for completion of the Plan. This allows for public consultation on a formal Options Paper in Summer 2021, consultation on a proposed Plan in Spring 2022, submission for Examination in September 2022 and adoption in 2023. The Plan covers five Local Planning Authority areas, is not under the immediate control of Cherwell officers and can be affected by wider regional influences. There is therefore continuing risk of some delay.

#### Local Plan Review

The timetable for the district-wide Local Plan review in the new Local Development Scheme requires:

- commencement in April 2020
- Consultation on Issues: July-August 2020
- Consultation on Options: February-March 2021
- Consultation on a draft Plan: October-November 2021
- Consultation of a Proposed Submission Plan: July-August 2022
- Submission for Examination: November 2022

An issues consultation was prepared and completed in accordance with the LDS. Work has continued in considering the representations received. However, in view of the delay to the Oxfordshire Plan process, and in light of a necessary internal review of resources and service demands, the precise timetable for the Local Plan is having to be reconsidered. Expected national changes to the planning system could also affect how the plan is completed.

#### Banbury Canalside Supplementary Planning Document

The timetable for the Banbury Canalside SPD as set out in the new Local Development Scheme requires:

- preparation: March-September 2020
- formal consultation: September-October 2020
- adoption: December 2020

Staff resources have been focused on Local Plan work which has led to delay in re-commencing work on the SPD. A corporate review of the work needed for Canalside is also taking place which could affect whether/how the SPD is taken forward.

#### Community Infrastructure Levy (CIL)

The timetable for CIL as set out in the new Local Development Scheme is aligned to Local Plan preparation. It requires:

- re-commencement: March 2021
- focused consultation on a draft charging schedule: October-November 2021
- formal consultation on a draft charging schedule: July-August 2022
- potential (if approved) submission of charging schedule: November 2022

Work on CIL has not yet recommenced due to other priorities. Expected changes to the planning system may affect the decision whether or not to proceed.

CHERWELL CAPITAL EXPENDITURE 2020-21

£000's										
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40062	Andrew Bowe/Tony Brummell	East West Railways	1,731	13	0	30	1,701	-	-	Cherwell's involvement is now principally regulatory in the form of considering, inter alia, planning land drainage and environmental applications with a view to issuing consents for both temporary works (covering the construction phase only) and the permanent works. The times spent on the project are largely reactive to its progress and requirements.
40107	Jane Norman	The Hill Community Centre	229	(37)	26	45	0	(184)	(184)	Project now complete. Retention payments still due to Edgar Taylor of £45k
40093	Dean Fischer	Bicester Community Building	0	0	4	0	-	-	-	£4k commitment relates to a very old PO raised in November 2016 - have requested the PO be closed.
40094	Joanne Kaye	Graven Hill - Loans and Equity	16,500	0	0	16,500	0	-	-	
40206	Dean Fischer	Garden Town Capital Funding	2,946	0	0	446	2,500	-	-	This is for feasibility and design work for three major infrastructure schemes in Bicester (Ploughley Lane, Banbury Road and Pioneer roundabout). The schemes are active and progressing. Spend will be mainly on feasibility, tech support and appointment of contractors to bring the schemes forward. OCC and Graven Hill Dev't Co. (delivering the infrastructure on behalf of Garden Town) are incurring costs on initial feasibility work - the finance agreements are being finalised now and signed before year end and at that point both OCC and Graven Hill will begin invoicing CDC. The schemes will roll on for a further 2-3 years, so reprofiling of budget will be necessary.
40100	Jane Norman	Orchard Lodge (Phase 1)	0	0	1	0	0	-	1	<b>Old Place Yard:</b> In the last month the final main contract payment of retention was made, £70k (which was accrued for). There should be no further capital expenditure.
40103	Jane Norman	Old Place Yard (Phase 1)	0	(7)	0	(7)	0	(7)	(7)	
40106	Jane Norman	Coach House Mews (Phase 1)	0	(34)	34	0	0	-	-	<b>Spring Gardens:</b> The project lead has confirmed that there is a final balance outstanding to the main contractor Engie (Keepmoat), which is approximately £13k. They are not yet entitled but are likely to be this financial year (this has been accrued)
40108	Jane Norman	Banbury Ambulance Station (Phase 1)	0	0	6	6	0	6	6	
40109	Jane Norman	Fairway Methodist Church (Phase 1) Hope House	0	52	0	52	0	52	52	<b>Fairway Methodist Church (Hope Close)</b> - This payment was to Oxford & District Building Services (ODBS), a contractor working on The Fairway, Hope Close development. Their scope of work was related to the construction of 11 new dwellings together with associated external works; typically including house foundations, provision of water, electricity and drainage to homes as well as estate road and car park for adjacent church (car park owned by CDC and leased to the church). ODBS completed their works late 2019 (the dwellings were not marketed for sale until Sept 2019) which was followed by an extremely contentious period of about 6 months of claims and counter claims between ODBS and CDC. ODBS were seeking a payment closer to £90k which we negotiated down to £49k
40114	Jane Norman	Cher Com Led Prog Banbury Supported Hsg	0	(1)	0	(1)	-	(1)	(1)	
40124	Jane Norman	Spring Gardens (Phase 1)	0	(0)	0	13	0	13	60	
40121	Jane Norman	Bicester Library (phase 1b)	970	44	40	84	886	0	(213)	Bicester Library intent was for demolition / site works to commence January 2021 with construction completing late 2021 - previous expenditure considered this intent. Recently received feedback from Planning means we think that we have 3-4 months negotiation with Oxfordshire County Council Archaeology before we will get a Planning Permission, so we will not be able to carry out demolition until April 2021 at the earliest, with the main contract following on in June / July 2021, again, at earliest. Forecast Outturn is limited to Acrual + Commitments with the majority of the budget reprofiled due to Planning delay.
40111	Jane Norman	Admiral Holland Redevelopment Project (phase 1b)	669	786	21	807	0	138	199	With construction formally completed end of September 2020 there is the need to budget for retention which CDC will have to pay in September 2022 – the retention is £60.5k.
40118	Jane Norman	Creampot Crescent Cropredy (phase 1b)	0	(17)	11	0	6	6	6	Creampot Crescent - Although the home is complete, sold under shared ownership basis CDC are still holding retention money. The amount is £5,750 which will not be due for payment until October 2021
40214	Jane Norman	Creampot Crescent Cropredy Repurchase	350	0	0	350	0	-	-	This budget will only be required if CDC buy back the property if the current owner can no longer afford the property
40172	Jane Norman	Bretch Hill Reservoir (Thames Water Site) (Phase 2)	6,958	3	0	18	0	(6,940)	(0)	We are still working on the land assembly for Bretch Hill and the pre-application was submitted to planning in October 2020. The Trades and Labour Club, Nizewell Head, Park Road and Wykham Lane are unlikely to be developed so will need to be removed from the capital budget. The Trades and Labour Club was under discussion as they wanted to replace their current club house with a new, smaller facility which would have then released land for housing. They have decided not to go ahead due to club members opposition. Park Road is a small site that has a covenant attached for recreational use and is currently leased to the adjacent owner for garden space. The covenant would need to be removed by the owners to allow housing development of the single unit. Wykham Lane is currently being used for the village hall parking. It is a difficult site to develop due to this, the small amount of space
40173	Jane Norman	Trades & Labour Club (Phase 2)	1,542	0	0	0	0	(1,542)	(1,542)	
40174	Jane Norman	Angus Close (Phase 2)	344	0	0	12	0	(332)	(0)	
40175	Jane Norman	Nizewell Head (Phase 2)	198	0	0	0	0	(198)	(198)	
40176	Jane Norman	Leys Close (Phase 2)	261	0	0	12	0	(249)	(0)	
40177	Jane Norman	Bullmarsh Close (Phase 2)	592	227	473	620	0	28	28	
40178	Jane Norman	Buchanan Road/Woodpiece Road (Phase 2)	163	0	0	12	0	(151)	0	
40179	Jane Norman	Park Road (Phase 2)	196	0	0	0	0	(196)	(196)	
40180	Jane Norman	Wykham Lane (Phase 2)	189	0	0	0	0	(189)	(189)	

CHERWELL CAPITAL EXPENDITURE 2020-21

£000's										
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40155	Jane Norman	Build Programme (Phase 2)	124	0	0	0	0	(124)	(28)	for the village hall parking. It is a difficult site to develop due to this, the small amount of space suitable for housing and access that needs to be maintained for existing garages. Buchanan Road and Angus Close are owned by Sanctuary HA with discussion about the purchase underway. Leys Close is also under discussion with the planners as they have issues relating to parking.
40213	Jane Norman	Build Team Essential Repairs & Improve C	160	0	0	160	0	-	-	We are waiting for a loss adjustor to assess our claim (delayed due to covid) so please include the whole amount for the rest of the year.
<b>Growth &amp; Economy Total</b>			<b>34,123</b>	<b>1,029</b>	<b>616</b>	<b>19,159</b>	<b>5,093</b>	<b>(9,871)</b>	<b>(2,207)</b>	
40015	Ed Potter	Car Park Refurbishments	145	41	63	110	35	-	0	This project is concentrating on installing pay on exit barriers at the car park at Compton Road. Due to covid the works have been delayed and may be a requirement to slip £35k in to 21/22 to complete works. Confirmation expected in period 10.
40021	Ed Potter	Energy Efficiency Projects	4	0	3	3	0	(1)	(1)	
40026	Ed Potter	Off Road Parking	18	0	0	18	0	-	-	This project is in conjunction with Car Park Refurbishments project CC 40015 and is expecting to be fully spent in 20/21.
40028	Ed Potter	Vehicle Replacement Programme	1,175	605	266	871	304	-	-	2 x sweepers and 1 x electric vehicle still now committed and delivery expected by March 2021. Slippage required of £304k in to 21/22 as further investigation wanted on larger electric vehicles before committing to diesel equivalents.
40031	Ed Potter	Urban City Electricity Installations	15	0	0	15	0	-	-	This project is for the refurbishment of electric sockets in Bicester centre, awaiting quotes but expecting full spend in 20/21.
40156	Ed Potter	Container Bin Replacement	5	13	0	5	0	-	-	Fully committed in 20/21. Overspend to be journalled to revenue CC 25802.
40186	Ed Potter	Commercial Waste Containers	26	26	0	26	0	-	-	Fully committed in 20/21.
40187	Ed Potter	On Street Recycling Bins	34	12	0	22	12	-	-	£10k to be utilised/committed for urban centre recycling bins in 20/21, the remainder £12k to slip in to 21/22 to replenish on street recycling bins stock.
40188	Ed Potter	Thorpe Lane Depot Capacity Enhancement	175	7	12	75	100	-	-	Anticipating commitments in quarter 3, £100k to be slipped in to 21/22 for preparation if separate food and garden waste implemented.
40216	Ed Potter	Street Scene Fencing Street Furniture &	12	0	0	12	0	-	-	This project is for metal steps at Kirtlington Quarry. The lease runs out in March 2021. Awaiting to hear if lease extended by Christmas 2020 to whether purchases are required. Confirmation expected in period 10.
40217	Ed Potter	Car Parking Action Plan Delivery	125	0	0	0	125	-	-	Member sign off on action plan was not signed off until 2nd November, delays due to covid now require slippage in to 21/22.
40218	Ed Potter	Depot Fuel System Renewal	50	0	0	0	50	-	-	Awaiting specification and liasing with procurement requirement, installation unlikely before April 2021 but commitments expected in 20/21.
40222	Ed Potter	Barnhill - Bicester Country Park	80	0	0	25	55	-	-	£25k outturn is for bridges, signage, bins etc - this will be received by March 2021, delays due to covid now require slippage of £55k in to 21/22. Confirmation expected in period 10.
<b>Environment and Waste Total</b>			<b>1,864</b>	<b>704</b>	<b>344</b>	<b>1,182</b>	<b>681</b>	<b>(1)</b>	<b>(1)</b>	
<b>Environment and Place total</b>			<b>35,987</b>	<b>1,733</b>	<b>960</b>	<b>20,341</b>	<b>5,774</b>	<b>(9,872)</b>	<b>(2,208)</b>	
40067	Stuart Parkhurst	Bradley Arcade Roof Repairs	8	0	0	8	0	-	-	Works partially completed in prior years, further site investigation to be carried out in order to spend the full £8k
40081	Robert Fuzesi	Bicester Town Centre Redevelopment	0	33	2	35	0	35	31	This amount is continuously growing. This is not a direct rechargeable cost but it forms part of the financial claim against Sainsbury's. So we expect recovery of these costs in principle dependent on the outcome of the court case. This will definitely not happen in 2020/21 and have a good potential to extend until 2021/22 or even beyond.
40092	Chris Hipkiss	Spiceball Riverbank Reinstatement	50	0	0	0	50	-	-	The budget was prepared some time ago and got delayed due to the commencement of CQ2. The works are now part of the CQ2 and also includes the bridge too. It will than likely be absorbed into the main CQ2 budget cost and will be spent during
40139	Stuart Parkhurst	Banbury Health Centre - Refurbishment of Ventilation, Heating & Cooling Systems	253	(10)	10	100	0	(153)	(153)	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. The £100k outturn is for works on the roof. The remaining £153k has been offered up as a saving

CHERWELL CAPITAL EXPENDITURE 2020-21

£000's										
CODE	PROJECT MANAGER / SERVICE OWNER	DESCRIPTION	BUDGET TOTAL	YTD ACTUAL	YTD COMMITMENTS	Forecast Outturn	RE-PROFILED BEYOND 2020/21	Current Month Variances £000	Prior Month Variances £000	OUTTURN NARRATIVE
40141	Chris Hipkiss	Castle Quay 2	55,513	26,889	300	43,048	12,465	-	-	Balance to be re-profiled for delayed project works due to COVID-19. Works programmed, but not engaged
40144	Chris Hipkiss	Castle Quay 1	5,041	1,727	365	3,092	1,949	(0)	-	Balance to be re-profiled for delayed project works due to COVID-19. Works programmed, but not engaged.
40159	Chris Hipkiss	Wildmere Industrial Estate	0	31	0	31	0	31	31	This relates to an investment purchase we backed out. We spent this money on DD work leading up to Mid March 2020. When Covid 19 hit, Yvonne / Steve together with Members decided to pull the purchase.
40162	Stuart Parkhurst	Housing & IT Asset System joint CDC/SNC	100	0	0	0	0	(100)	(100)	Possible harmonisation project will overtake and therefore this budget/project will move over. Project on hold until decision made.
40163	Stuart Parkhurst	Orchard Way - external decorations	0	(9)	9	0	0	-	-	Project completed
40183	Stuart Parkhurst	The Mill	250	0	0	0	0	(250)	(250)	A refurbishment budget may no longer be required
40167	Stuart Parkhurst	Horsefair, Banbury	55	0	0	55	0	-	-	Currently scoping ready for tender
40190	Stuart Parkhurst	Banbury Museum Upgrade of AHU	106	(3)	19	36	0	(70)	(70)	Works have been ordered and outturn of £36k expected. £70k is a saving against this particular scheme
40191	Stuart Parkhurst	Bodicote House Fire Compliance Works	141	(6)	13	0	141	-	-	Order raised for design however project is on hold due to viability of project.
40192	Stuart Parkhurst	The Fairway Garage Demolition	49	67	8	69	0	20	20	Forecasting overspend of £21k - balances out with savings elsewhere in property. Scheme now complete awaiting retention
40194	Stuart Parkhurst	Compliance Works with Energy Performance	39	13	0	39	0	-	-	In the final phase of compliance works that have been instructed over the past 2 years. Full spend anticipated
40195	Stuart Parkhurst	Ferriston Roof Covering	93	3	0	0	3	(90)	(90)	Works approaching completion. £90k saving anticipated.
40196	Stuart Parkhurst	Pioneer Square Fire Panel	17	(3)	0	0	0	(17)	(17)	£3k required to be reprofiled into 21/22 for retention payment due next year Project on hold.
40197	Stuart Parkhurst	Corporate Asbestos Surveys	210	17	49	60	100	(50)	(50)	Works are progressing, planned to be completed over 2 years with delays being caused by covid 19. outturn of £160k of which £100k will need to be reprofiled into 21/22 to cover cost of works. Anticipated saving of £50k
40198	Stuart Parkhurst	Corporate Fire Risk Assessments	80	20	24	20	60	-	-	Full spend anticipated however £60k to be reprofiled into 21/22.
40199	Stuart Parkhurst	Corporate Water Hygiene Legionella Asses	35	0	0	0	0	(35)	(35)	Works have been charged to revenue therefore this is a saving of £35k
40200	Stuart Parkhurst	Corporate Reinstatement Cost Assessments	12	(18)	15	12	0	-	-	Full spend anticipated in this financial year
40201	Stuart Parkhurst	Works From Compliance Surveys	260	113	10	100	160	-	-	Works planned over 2 years with additional delays caused by covid 19. Full spend anticipated however £160k to be reprofiled into 21/22.
40202	Stuart Parkhurst	Thorpe Place 18_19	68	38	0	38	0	(30)	(30)	Works completed no further costs expected
40203	Robert Fuzesi	CDC Feasibility of utilisation of proper Space	100	0	0	0	100	-	-	project slipped until 21/22
40205	Stuart Parkhurst	Orchard Way Fire Safety Works	25	12	0	12	0	(13)	(13)	£13k saving against this project
40207	Stuart Parkhurst	Bridge Street Toilets Demolition	45	40	0	40	0	(5)	(5)	Works completed no further costs expected
40219	Stuart Parkhurst	Community Centre - Works	195	48	55	195	0	-	-	2 year scheme - £195k in yr1 and £190k in yr 2.
<b>Property Investment Total</b>			<b>62,745</b>	<b>29,002</b>	<b>880</b>	<b>46,990</b>	<b>15,028</b>	<b>(727)</b>	<b>(732)</b>	
<b>Comm Dev Assets total</b>			<b>62,745</b>	<b>29,002</b>	<b>880</b>	<b>46,990</b>	<b>15,028</b>	<b>(727)</b>	<b>(732)</b>	
40142	Belinda Green	Academy Harmonisation	79	63	0	79	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
40204	Michael Furness	Finance Replacement System	980	373	75	980	0	-	-	
40223		Bespoke/Custom Build Bridge Loan Schem	2,500	0	0	2,500		-	-	
<b>Finance Total</b>			<b>3,559</b>	<b>435</b>	<b>75</b>	<b>3,559</b>	<b>-</b>	<b>-</b>	<b>-</b>	
40060	Karen Edwards	HR / Payroll System replacement	43	44	0	44	0	1	1	No more costs expected
40208	Karen Edwards	Project Manager for HR/Payroll system	50	41	0	50	0	-	7	
<b>HR Total</b>			<b>93</b>	<b>85</b>	<b>-</b>	<b>94</b>	<b>0</b>	<b>1</b>	<b>8</b>	
40054	Tim Spiers	Land & Property Harmonisation	146	141	67	198	0	52	46	Potentially 20K coming in from OCC

CHERWELL CAPITAL EXPENDITURE 2020-21

£000's										
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40056	Tim Spiers	5 Year Rolling HW / SW Replacement Prog	71	1	0	46	0	(25)	(20)	offsetting 46K above
40057	Tim Spiers	Business Systems Harmonisation Programme	52	0	0	25	0	(27)	(27)	offsetting 46K above
40170	Tim Spiers	Customer Excellence & Digital Transfer	59	20	7	59	0	-	-	Spacecraft and Jadu
40209	Tim Spiers	Bodicote House Meeting Room Audio Visual	10	0	0	0	0	(10)	(10)	No longer required as per PN email dated 8/10/20
40210	Tim Spiers	CDC & OCC Technology Alignment	100	54	94	100	0	-	-	
40211	Tim Spiers	Legacy World System Migration	100	0	0	0	0	(100)	(100)	No longer required
40212	Tim Spiers	Procurement of Joint Performance system	65	6	6	65	0	-	-	
<b>ICT and Digital Total</b>			<b>603</b>	<b>220</b>	<b>174</b>	<b>493</b>	<b>0</b>	<b>(110)</b>	<b>(111)</b>	
<b>Customers, Org Dev &amp; Resources total</b>			<b>4,255</b>	<b>741</b>	<b>249</b>	<b>4,146</b>	<b>0</b>	<b>(109)</b>	<b>(103)</b>	
40083	Tim Mills	Disabled Facilities Grants	1,965	638	10	1,100	490	(375)	(375)	Total budget comprises: £375k base budget, £497k reprofiled budget from 19/20 and £1,093k BFC contribution from County. Anticipated full year spend is £1,100k. As previously acknowledged, the inclusion of the base budget was an error. The effective budget is therefore £1,590k. Covid significantly reduced activity in the first quarter and although delivery is now picking up, contractors are heavily booked and delivery is still constrained. We are not expecting to be able to recover the lost ground.
40158	Tim Mills	Abritas Upgrade	12	8	0	8	0	(4)	(4)	Of the £12k budget, £8k has been spent to date. There are no plans in place currently to spend the remaining £4k by March 2021.
40160	Tim Mills	Growth Deal grant - Heyford Regeneration	75	68	0	75	0	-	-	A purchase order has been raised on the finance system some time ago. We are waiting for the developer to invoice us for 90% of this funding against the PO raised (i.e. £67,500). The final 10% (£7,500) can be claimed on practical completion of the affordable homes. We are not sure if this will be before 31/3/2021 or after, but will confirm as soon as practical completion date is known. I spoke with the developer on 27/11/20 to request that he invoice us for the initial tranche £67,500.
40084	Tim Mills	Discretionary Grants Domestic Properties	200	89	0	200	0	-	-	The 5 year capital scheme for Discretionary grants is £150k pa and runs until 2023-24. Total budget comprises: £150k base budget, £50k reprofiled budget from 19/20. Anticipated full year spend is £200k. Progress has been made with a number of reactive landlords' grants and as of 28/10/20 we are now able to forecast commitment and spend of the budget.
<b>Housing Services Total</b>			<b>2,252</b>	<b>802</b>	<b>10</b>	<b>1,383</b>	<b>490</b>	<b>(379)</b>	<b>(379)</b>	
<b>Housing Total</b>			<b>2,252</b>	<b>802</b>	<b>10</b>	<b>1,383</b>	<b>490</b>	<b>(379)</b>	<b>(379)</b>	
40005	Tom Darlington	Whitelands Farm Sports ground	0	2	0	0	0	-	-	Funded from S106 held for scheme completion.
40006	Nicola Riley	Community Centre Refurbishments	11	0	0	11	0	-	-	Remaining funds from The Hill capital project. Required for professional fees and external lighting project.
40007	Liam Didcock	Solar Photovoltaics at Sports Centres	43	0	0	0	43	-	-	No spend anticipated in 20/21 but budget to be utilised on energy efficiency schemes in 2021/22. Project being developed to deliver new pool covers at Woodgreen Outdoor Pool and any support to Climate Change Action Plan projects
40009	Tom Gubbins	Physical Activity and Inequalities Insight	20	8	0	12	0	(8)	(8)	£12k spend on Story Map insight work. Remaining funds identified as partnership funding for Active reach project which has paused due to Covid and introduction of Tier 4 and National restrictions.
40010	Liam Didcock	North Oxfordshire Academy Astro turf	183	0	0	0	183	-	-	Currently in discussions with United Learning Trust regarding outstanding planning application and their contribution. Spend likely to be delayed until 21/22. Report due to outline the options to CEDR/Members on the approach to any failure to adhere to the aforementioned planning application
40019	Liam Didcock	Bicester Leisure Centre Extension	122	0	38	38	84	-	-	FMG Consulting fee of £38k for leisure centre feasibility works. Remaining spend likely to take place in 21/22. Feasibility studies have been taken to Place Programme Board prior to Member workshops. Remaining funds needed for professional fees to progress recommendations of the studies. Further Capital bids will be required for work in 22/23 to forward fund the works alongside S106 funds already held.
40020	Liam Didcock	Spiceball Leis Centre Bridge Resurfacing	30	0	0	0	30	-	-	Spend will not take place until 21/22 when Castle Quay Waterside is completed and bridge reinstated. Potential for this budget to be utilised to resurface remainder of bridge/redecoration and inspection works

CHERWELL CAPITAL EXPENDITURE 2020-21

£000's										
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40035	Rebecca Dyson	Corporate Booking System	60	2	0	60	0	-	-	Delay due to corporate pressure on IT service. Not expected to require all Capital however seeking to Capitalise the 'contract' with the 3rd party platform currently delivering the online service
40131	Tom Darlington	S106 Capital Costs	0	178	88	0		-	-	Adderbury PC Milton Rd Project - Expecting to pay the remaining amount of the existing PO for the completion of drainage works (£28,465); Bloxham PC Jubilee Hall Project - Expecting to pay the remaining amount of the existing PO for the completion of the project. Awaiting news of possible request for further s106 funds to address the rectification of the roof (£44,126.33); Cooper School Project - Contribution towards the refurbishment of the changing rooms (£12,050). Bloxham Ex-Servicemen's Hall Project - Expecting to pay the outstanding amount of the existing PO (£20,530.87). NOA Athletics Track Improvements - Awaiting invoices (£5,340); Bicester Festival - Website build (£1,232).
40152	Kevin Larnar	Community Capital Grants	128	86	18	126	0	(2)	(2)	Funds claimed to date £86k leaving a balance of £41k to claim including £25k B/F from last Financial year. Project has been delayed due to COVID. The scheme is now closed and any underspends from the CICG funded projects will go back into the CDC capital pot. No further grant applications will be invited or considered.
40215	Liam Didcock	North Oxford Academy Upgrade existing Fa	60	0	0	60	0	-	-	Forward funded by S106 as TrackMark was required before this financial year. Spend is likely to be circa £45k - awaiting transference of funds which is being dealt with by Capital Accountants
40221	Liam Didcock	Cooper School Re-Development/Refurb work	40	43	0	40	0	-	-	Works fully completed
<b>Leisure and Sport Total</b>			<b>697</b>	<b>319</b>	<b>144</b>	<b>347</b>	<b>340</b>	<b>(10)</b>	<b>(10)</b>	
40181	Stuart Parkhurst	Sunshine Centre (new extension to the front of the site)	20	(12)	12	12	0	(8)	(8)	<i>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.</i>
<b>Wellbeing Total</b>			<b>20</b>	<b>(12)</b>	<b>12</b>	<b>12</b>	<b>0</b>	<b>(8)</b>	<b>(8)</b>	
<b>Public Health Wellbeing Total</b>			<b>717</b>	<b>307</b>	<b>155</b>	<b>359</b>	<b>340</b>	<b>(18)</b>	<b>(18)</b>	
<b>Capital Total</b>			<b>105,956</b>	<b>32,585</b>	<b>2,253</b>	<b>73,218</b>	<b>21,632</b>	<b>(11,105)</b>	<b>(3,440)</b>	

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