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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Executive

Date: Monday 1 November 2021

Time: 6.30 pm

Venue Bodicote House, Bodicote, Banbury, Oxon OX15 4AA

Membership

Councillor Barry Wood (Chairman)

Councillor Phil Chapman
Councillor Tony Ilott
Councillor Richard Mould
Councillor Dan Sames

Councillor Ian Corkin (Vice-Chairman)

Councillor Colin Clarke
Councillor Andrew McHugh
Councillor Lynn Pratt
Councillor Lucinda Wing

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 7 - 14)

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

5. Chairman's Announcements

To receive communications from the Chairman.

6. Monthly Performance, Risk and Finance Monitoring Report (Pages 15 - 96)

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 positions as at the end of September 2021/Quarter 2.

Recommendations

The meeting is recommended:

- 1.1 To note the monthly Performance, Risk and Finance Monitoring Report.
- 1.2 To note the Quarter 2 Climate Action Plan and Equalities, Diversity and Inclusion Action plan progress updates.
- 1.3 To approve of the transfers to and from reserves on Appendix 7.

7. Climate Action Programme Update (Pages 97 - 112)

Report of Director for Environment and Place

Purpose of report

To update Executive on the progress in delivering the Climate Action Programme and the reduction in the council's greenhouse gas emissions in 2020/21.

Recommendations

The meeting is recommended:

- 1.1 To note the progress and next steps in the Climate Action Programme.
- 1.2 To approve the Greenhouse Gas Emissions Report for 2020/21 (Appendix 1) for publication on the Council's website.
- 1.3 To approve sending this report to the Overview and Scrutiny Committee.

8. Final Draft Tenancy Strategy and Affordability Statement 2021 (Cherwell District Council) (Pages 113 - 174)

Report of Interim Assistant Director, Housing and Social Care Commissioning

Purpose of Report

To set out the key points from the public consultation on the draft Tenancy Strategy and Affordability Statement (2021) and the main changes to the strategy document in response to the feedback received. In addition, this report seeks Executive approval of the final draft Tenancy Strategy and Affordability Statement.

Recommendations

The Executive is recommended to:

- 1.1 Note the changes to the draft Tenancy Strategy and Affordability Statement (Appendix 1) in response to the feedback and officer response set out in the Consultation Report (Appendix 3)
- 1.2 Approve the final draft Tenancy Strategy and Affordability Statement to ensure that the council meets statutory requirements and complies with good practice.
- 1.3 Delegate authority to the Assistant Director, Housing and Social Care Commissioning in consultation with the Lead Member for Housing, to:
 - make any minor editorial amendments to the strategy as needed prior to publication; and
 - approve annual updates to the Tenancy Strategy appendices to ensure the data remains relevant.

9. Changes to Cherwell District Council's Housing Allocation Scheme (Pages 175 - 262)

Report of Interim Assistant Director, Housing and Social Care Commissioning

Purpose of report

To advise Executive of proposed changes to the Housing Allocation Scheme.

Recommendations

The meeting is recommended:

- 1.1 To approve the proposed changes to the Housing Allocation Scheme (Appendix 1) and adopt the scheme (Appendix 2).
- 1.2 To delegate authority to the Interim Assistant Director, Housing and Social Care Commissioning in consultation with the Lead Member for Housing, to make any minor editorial amendments to the Scheme as needed prior to publication.

10. The Council's Housing Assets Portfolio, Annual Rent Increases - new procedure (Pages 263 - 268)

Report of Assistant Director - Growth and Economy

Purpose of report

To recommend adoption of a new procedure for annual rent increases for affordable rent and shared ownership properties in the Council's housing assets portfolio (consisting of both *affordable rental* and *shared ownership*). The report sets out the way in which increases are determined by Central Government and the measures taken by the Council to ensure the proposed increase maintains affordability for tenants and owners.

Recommendations

The meeting is recommended:

- 1.1 To agree that rent increases are applied annually to both *affordable rental* and *shared ownership properties* in line with government guidance considering the need to ensure that rents remain affordable, using the two measures of Local Housing Allowance and comparable rental data for the District.
- 1.2 To delegate responsibility to the Corporate Director – Environment and Place, in consultation with the relevant Portfolio Holder, to produce and subsequently implement an annual rent increase procedure which will commence 1 April 2022.

11. Civil Parking Enforcement (Pages 269 - 340)

Report of Assistant Director Environment Services

Purpose of report

The purpose of this report is to seek approval for the Council to enter into arrangements for the adjudication of Civil Parking Enforcement via a joint committee established for the purpose pursuant to sections 101(5) and 102(1)(b) of the Local Government Act 1972, and to delegate authority to the Corporate Director Environment and Place to negotiate and agree the terms of that participation under a Memorandum of Agreement with Parking and Traffic Regulations Outside London (PATROL)

Recommendations

The meeting is recommended:

- 1.1 To note the progress on the implementation of Civil Parking Enforcement (CPE).
- 1.2 To approve the Council entering into arrangements for the adjudication of Civil Parking Enforcement via a joint committee to be known as the Parking and Traffic Regulations Outside London Adjudication Joint Committee ("PATROLAJC") pursuant to section 101(5) of the Local Government Act 1972, section 20 of the Local Government Act 2000, sections 9EA and 9EB of the Local Government Act 2000 and associated regulations.
- 1.3 To delegate to the Corporate Director Environment and Place the power to agree the terms of participation in PATROLAJC under a Memorandum of Agreement with PATROL.

12. Urgent Business

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

13. 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.”

14. Castle Quay

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

Exempt report of Corporate Director Commercial Development, Assets and Investment

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to 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.

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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.

Watching Meetings

Please note that Council meetings are currently taking place in person (not virtually) with social distancing at the meeting. Meetings will continue to be webcast and individuals who wish to view meetings are strongly encouraged to watch the webcast to minimise the risk of COVID-19 infection.

Places to watch meetings in person are very limited due to social distancing requirements. If you wish to attend the meeting in person, you must contact the Democratic and Elections Team democracy@cherwell-dc.gov.uk who will advise if your request can be accommodated and of the detailed COVID-19 safety requirements for all attendees.

Please note that in line with Government guidance, all meeting attendees are strongly encouraged to take a lateral flow test in advance of 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, 01295 221589

Yvonne Rees
Chief Executive

Published on Friday 22 October 2021

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 4 October 2021 at 6.30 pm

Present:

Councillor Barry Wood (Chairman), Leader of the Council
Councillor Ian Corkin (Vice-Chairman), Deputy Leader and Lead Member for Customers and Transformation
Councillor Phil Chapman, Lead Member for Leisure and Sport
Councillor Colin Clarke, Lead Member for Planning
Councillor Tony Ilott, Lead Member for Finance and Governance
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

Apologies for absence:

Councillor Andrew McHugh, Lead Member for Health and Wellbeing
Councillor Lucinda Wing, Lead Member for Housing

Officers:

Yvonne Rees, Chief Executive
Bill Cotton, Corporate Director Environment and Place
Steve Jordan, Corporate Director Commercial Development, Assets & Investment
Claire Taylor, Corporate Director Customers and Organisational Development
Lorna Baxter, Director of Finance & Section 151 Officer
Anita Bradley, Director Law and Governance & Monitoring Officer
Robert Jolley, Assistant Director: Growth & Economy
David Peckford, Assistant Director: Planning and Development
Ed Potter, Assistant Director: Environmental Services
Louise Tustian, Head of Insight and Corporate Programmes
Jenny Figueiredo, EV Charging Projects OCC/CDC Liaison
Natasha Clark, Governance and Elections Manager

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Declarations of Interest

12. Graven Hill Development Company (Dev Co) - Request for s38 agreement (Highways Act 1980) works bonds relating to highway infrastructure delivered by Dev Co.

Councillor Dan Sames, Non Statutory Interest, as a CDC appointed non-Executive Director on Graven Hill Management Company and Graven Hill Development Company and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a CDC appointed non-Executive Director on Graven Hill Management Company and Graven Hill Development Company and would leave the meeting for the duration of the item.

15. Graven Hill Development Company (Dev Co) - Request for s38 agreement (Highways Act 1980) works bonds relating to highway infrastructure delivered by Dev Co. - Exempt Appendix.

Councillor Dan Sames, Non Statutory Interest, as a CDC appointed non-Executive Director on Graven Hill Management Company and Graven Hill Development Company and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a CDC appointed non-Executive Director on Graven Hill Management Company and Graven Hill Development Company and would leave the meeting for the duration of the item.

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

There were no petitions or requests to address the meeting.

49 **Minutes**

The minutes of the meeting held on 6 September 2021 were agreed as a correct record and signed by the Chairman.

50 **Chairman's Announcements**

There were no Chairman's announcements.

51 **Urgent Business**

There were no items of urgent business.

52 **Monthly Finance, Performance and Risk 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 positions as at the end of August 2021.

Resolved

- (1) That the monthly Performance, Risk and Finance Monitoring Report be noted.
- (2) That the transfers to and from reserves detailed at the Annex to the Minutes (as set out in the Minute Book) be approved.

Reasons

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

This report provides an update on progress made during August 2021, to deliver the Council's priorities through reporting on Performance, the Leadership Risk Register and providing an update on the financial position.

Alternative options

Option 1: This report illustrates the Council's performance against the 2021-22 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.

53

Budget and Business Planning Process 2022/23 - 2026/27

The Director of Finance submitted a report to inform Executive of the proposed approach to the 2022/23 Budget and Business Planning Process and provides context and background information on the existing Medium-Term Financial Strategy and information on latest government announcements relevant to the Strategy.

Resolved

- (1) That the Budget and Business Planning Process for 2022/23 be approved.
- (2) That a five-year period for the Medium-Term Financial Strategy to 2026/27 and five-year period for the Capital Programme to 2026/27 be approved.

Reasons

The Council has a legal obligation to set a balanced budget and ensure it maintains a suitable level of reserves each year. The process laid out in this report will allow CDC to develop budget proposals that will allow it to meet these legal obligations.

Alternative options

The Council has a legal obligation to set a balanced budget and evaluate its level of reserves to ensure they are held at a suitable level. Therefore, there are no alternative options other than to carry out a budget process that reviews the levels of reserves and identifies a budget proposal that can be delivered within the overall level of resources available to the Council.

54 **Park and Charge Update**

The Assistant Director Environmental Services submitted a report which updated Members on material changes to the way in which the Park and Charge Oxfordshire (electric vehicle charging) project would henceforth be delivered following discussion with the preferred charge point operator. The report sought approval of the terms for rolling out charge point services within designated council car parks in the Cherwell district and requested approval for the re-alignment of the charge point contract relating to the pilot Bicester Cattlemarket Car Park with the revised and agreed heads of terms for the remaining in-scope car parks.

Resolved

- (1) That the current progress on, and changes made to, the delivery process on the park and charge project since the last report to the Executive on 2 November 2020 be noted.
- (2) That the terms for rolling out charge point services within designated council car parks in the Cherwell district as set out in the exempt Annex to the Minutes (as set out in the Minute Book) be approved.
- (3) That the re-alignment of the charge point contract relating to the pilot Bicester Cattlemarket Car Park with the terms as set out in the exempt Annex to the Minutes (as set out in the Minute Book) be approved.

Reasons

The Park and Charge project offers the Council an investment via private capital to develop needed EV charging infrastructure within the Council's car parks for predominantly residents who have no off-road parking, but also for visitors and commuters. The pilot car park in Bicester is already showing usage above initial forecasts, highlighting the underlying needs.

Alternative options

Option 1: To not proceed with the revised terms across the remainder of the council's in-scope car parks. This option has been rejected on the grounds that it would defeat the original ambitions underpinning the project as described in section 2 of this report.

Option 2: To roll the legal structure agreed for the pilot project across the remainder of the council's in-scope car parks. This has been rejected on the

grounds that the terms for the pilot project were predicated on SSE participation, which is no longer viable, and also because of the incompatibility between the pilot terms and the terms EZ-Charge have now agreed with the various participating councils for roll out across the county (including officers from Cherwell District Council for the remainder of the council's car parks).

55

Revised Statement of Community Involvement (Planning)

The Assistant Director – Planning and Development submitted a report to consider a proposed Statement of Community Involvement (SCI) following publication consultation and to decide whether to recommend to Council that the SCI be adopted.

On behalf of Executive, the Chairman thanked the Planning Policy Team for their hard work on the SCI.

Resolved

- (1) That the proposed Statement of Community Involvement (SCI) (Annex to the Minutes as set out in the Minute Book) be approved for submission to Council.
- (2) That Council be recommended to adopt the SCI (Annex to the Minutes as set out in the Minute Book) as a replacement for the current statement of community involvement (CSCI) adopted on 18 July 2016 and delegates the adoption of future Statements of Community Involvement and the approval of amendments to the Executive.
- (3) That Council be recommended to agree delegation to the Assistant Director – Planning and Development to modify the SCI in exceptional circumstances with the agreement of the Lead Member for Planning.
- (4) That the Assistant Director - Planning and Development be delegated to correct any minor spelling corrections, grammatical or typographical errors and any minor presentational improvements prior to the consideration of the SCI by Council.

Reasons

The recommendation of this report is to approve the new Statement of Community Involvement, to replace the existing document adopted in 2016 and its 2020 addendum. The proposed SCI updates the Council's approach to engagement and consultation in providing its planning services. The SCI incorporates more flexibility for the use of information and communication technology and seeks to achieve some efficiencies. However, it maintains a clear commitment to ensure those without internet access remain participants in the planning process and that engagement and consultation is effective for all. The SCI conforms to national planning guidance and has been through a formal six-week public consultation (13 July – 23 August 2021). Comments

received during this period have been considered by officers and appropriate changes are recommended to form the final version of the SCI.

Alternative options

Option 1: To continue to use the existing 2016 SCI.

The existing document does not address all requirements introduced since 2016 and does not provide the necessary flexibility for community engagement in the future. The 2016 SCI will become increasingly out-of-date.

Option 2: To reconsider the content of the revised SCI

The revised SCI has been produced having regard to statutory and policy requirements for plan making and development management and to associated guidance. It is considered by officers to be appropriate for adoption.

56 Creating a vision for the Oxford-Cambridge Arc - Consultation Response

The Assistant Director – Planning and Development and Assistant Director – Growth and Economy submitted a report for Executive to consider the proposed response to the “creating a vision for the Oxford-Cambridge Arc” public consultation.

At the discretion of the Chairman, Councillor Woodcock, Leader of the Labour Group, addressed Executive and reported that the Future Oxfordshire Partnership Scrutiny Panel, of which he was Vice-Chair, had raised concerns that integration and joint strategies might result in a loss of independence at all levels of planning decision making.

In response to Councillor Woodcock’s comments, the Chairman explained that a key driver of local government involvement in the process was to ensure that there was understanding at a national level that local planning authorities know their areas best and their responsibilities should not be removed or cut across.

On behalf of Executive, the Leader commended officers for their work on the response which officer a constructive approach to the Government’s project.

Resolved

- (1) That the proposed response to the consultation for submission to the Department for Levelling Up, Housing and Communities (DLUHC) - formerly the Ministry of Housing, Communities and Local Government be approved.

Reasons

A response has been prepared to the public consultation which seeks to reflect the Council’s priorities and those of the Oxfordshire Strategic Vision for approval for submission to DLUHC.

Alternative options

Option 1: Not to submit a consultation response

There is no obligation on the Council to submit a response but one is recommended in the interest of influencing the Framework's development at an early stage.

Option 2: To reconsider the content of the proposed response.

The proposed response has been prepared to best reflect the Council's priorities but can be amended if required by Members.

57

Graven Hill Development Company (Dev Co) - Request for s38 agreement (Highways Act 1980) works bonds relating to highway infrastructure delivered by Dev Co.

The Shareholder Representative submitted a report to bring to the attention of the Executive the request from Graven Hill Village Development Company Ltd (Dev Co) for the Council to act as surety in three performance bonds for roadway infrastructure works to be undertaken by Dev Co under section 38 of the Highways Act 1980.

Resolved

- (1) That it be approved in principle that the Council act as surety for Graven Hill Development Company (Dev Co) in respect of three performance bonds (up to the sum referred to the exempt Annex to the Minutes, as set out in the Minute Book) relating to the construction of highway works by Dev Co pursuant to agreements between Dev Co and Oxfordshire County Council (as local highway authority) to be made under section 38 of the Highways Act 1980.
- (2) That authority be delegated to the Shareholder Representative to agree the formal documentation in relation to the bonds, in consultation with the s.151 Officer and the Monitoring Officer.
- (3) That it be agreed that Dev Co be requested to pay to the council 1% of the value of the agreed bonds for use of the facility.

Reasons

Through agreeing with the recommendations in this report the council is ensuring that Dev Co can act swiftly to meet its aims and delivery objectives in relation to the highway works and in doing so safeguard the council's investment and return on investment.

Alternative options

Option 1: Not to give a performance bond. This has been dismissed by officers on the grounds that performance bonds are prerequisites for entering

section 38 adoption agreements with the county council, and that, by giving a performance bond to a company in which the council has a stake, the council is acting in no less a manner than a parent company would in relation to a subsidiary.

58 **Exclusion of the Press and Public**

There being no questions on the exempt appendices, it was not necessary to exclude the press and public.

59 **Park and Charge Update - Exempt Appendix**

Resolved

(1) That the exempt appendix be noted.

60 **Graven Hill Development Company (Dev Co) - Request for s38 agreement (Highways Act 1980) works bonds relating to highway infrastructure delivered by Dev Co. - Exempt Appendix**

Resolved

(1) That the exempt appendix be noted.

The meeting ended at 7.10 pm

Chairman:

Date:

Cherwell District Council

Executive

1 November 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 positions as at the end of September 2021/Quarter 2.

1.0 Recommendations

The meeting is recommended:




- 1.1 To note the monthly Performance, Risk and Finance Monitoring Report
- 2.2 To note the Quarter 2 Climate Action Plan and Equalities, Diversity and Inclusion Action plan progress updates
- 3.3 To approve of the transfers to and from reserves on Appendix 7.

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 September 2021, to deliver the Council's priorities through reporting on Performance, the Leadership Risk Register and providing an update on the financial position. The quarter two updates for the Climate Action and Equalities, Diversity and Inclusion action plan updates are also included in this report.
- 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 2021-22 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 closely monitored and analysed. The mandatory lessons learned data continues to be implemented 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. The Leadership Risk Register and strategy are reviewed on an annual basis as part of the budget and business planning process, reflecting on the priorities of the council for the forthcoming year. The Leadership Risks reflected in this report have been thoroughly reviewed by CEDR and will continue to be updated on a monthly basis.
- 2.6 The main report details section is split into three parts:
- Performance Update
 - Leadership Risk Register Update
 - Finance Update
- 2.7 There are nine appendices to this report:
- Appendix 1 – 2021/22 Business Plan
 - Appendix 2 – Monthly Performance Report - September
 - Appendix 3 – Leadership Risk Register
 - Appendix 4 – Finance
 - Appendix 5 – Virement and Aged Debt Sep
 - Appendix 6 – COVID funding
 - Appendix 7 – Use of reserves and grant funding
 - Appendix 8 – Climate Action Plan Quarter 2 update
 - Appendix 9 – Equalities, Diversity and Inclusion Action Plan Quarter 2 update
- 3.0 **Report Details**
- 3.1 The Council's performance management framework sets out key actions, projects and programmes of work that contribute to deliver the refreshed 2021-22 business plan (see Appendix 1) and the priorities of the Council.
- 3.2 The 2021-22 business plan sets out four strategic priorities:
- Housing that meets your needs
 - Leading on 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.

3.4 As part of our commitment to tackle climate change the Quarter two update is included (Appendix 8 – Climate Change Action Plan). Also, the Quarter two Equalities, Diversity and Inclusion Action Plan update is attached (Appendix 9 – Equalities, Diversity and Inclusion Action Plan) to show progress towards our commitment to inclusion and equality, and the agreed Equalities, Diversity and Inclusion Framework, Including Everyone.

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

Priority: 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:

Homeless Prevention reported Amber for September and for year to date due to demands on the Housing Team; those presenting in crisis have hampered our ability to focus on 'upstream' prevention work. Resources are being assessed to create more work capacity with households, at an earlier stage, to improve prevention outcomes.



Homes improved through enforcement action reported Green for September and year to date (25 against target of 9 homes). A tremendous improvement from the previous month, achieved through interventions.

Maintain 5-year Land Supply reported Amber for September and year to date, There is no change to the previous quarter's position (4.7 years against target of 5 years).

Net Additional Housing completions reported Green for September and Amber for year to date (311 against target of 285). The provisional housing completions expected for Quarter two exceeded the quarterly target.



Average time taken to process Housing Benefit New Claims reported Green for September and year to date (14.04 against target of 15 days). Another improvement from the previous month.

Major applications overturned at appeal reported Red for September and for year to date (16.67% against a target of 10%). One Major Planning Appeal was overturned by the Planning Inspectorate during September 2021.

Priority: Leading on environmental sustainability

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

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



Reduction of fuel consumption used by fleet reported Amber for September and year to date (41,932 against target of 39,878). Slight increase, from last year, however, as per previous months, more vehicles are being used compared to the same period last year.

% of Waste Recycled & Composted reported Green for September and year to date (59.01% against a target of 56%). The dry recycling is still performing at record levels with the contamination rate starting to fall.



Development of Country Parks to support life choices reported Amber for September and year to date. The project is running behind schedule, but with expectations to get back on track as a new Project Manager is to be recruited imminently.

Work with partners to deliver initiatives to improve air quality in the District reported green for September with two portable monitors loaned by Oxfordshire County Council. The monitors, which measure nitrogen dioxide, particulate matter (PM10 and PM2.5), sulphur dioxide and ozone and have been set up to provide live data for these pollutants. Also, we were awarded a grant of £17,300 from the Department for Environment, Food and Rural Affairs (Defra) towards projects for raising awareness of air quality. The grant money will be used for promotional material and to purchase two portable air



quality monitors that can be moved around schools in the district to show the changes in air pollution levels at peak times (drop off and pick up times).

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:

Council Tax collected, increase Council Tax Base Reported Green for September and Amber for year to date (9.11% against target of 8.50%), due to the amount of Council Tax to be collected, which has risen by nearly £1.6m, since the 01st April 2021, to just over £116.9m. Whilst the in-month collection & year-to-date figures are both slightly short of target, recovery action remains ongoing. Reminder notices continue to be issued, and those in arrears are being pursued through court action.



Business Rates collected, increasing NNDR reported Green for September and Red for year to date (11.01% against a target of 9.50%). The amount of business rates to be collected in 2021/22, stands at £80.8m, reduced collection due to multiple assessments of rateable value reductions. The team continues to formally recover arrears by issuing reminder notices and taking court action, where appropriate.

Promote the district as a visitor destination reported Green for September and year to date. The district's hospitality venues and visitor attractions have been welcoming domestic visitors since the lifting of social restrictions. International visitor numbers remain low due to travel restrictions. Still, Experience Oxfordshire launched a new digital countywide Hospitality Guide with significant Cherwell content.



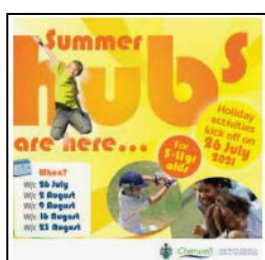
Establish new Building Regulations partnership reported Amber for September and year to date. A draft report has been prepared to consider the options for providing Building Control services in the future, particularly a potential partnership with another local authority. The aim is to achieve a resilient service for the future that benefits from economies of scale and maximises opportunities for income generation.

Priority: Healthy, resilient and engaged communities

3.10 The Council is committed to enabling all residents to lead an active life, improving and developing the quality of local sports and leisure facilities and 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:

Number of visits / usages of District Leisure Centres reported Red for September and Green for year to date (110,527 against target of 150,000). The usage figures for three of the main Leisure Centres showed an increase against the August figures. However, one centre showed a decrease on the previous month, which was not unexpected, due to the change in seasonal programming for the outdoor swimming pool.



Promote Health and Wellbeing is Reporting Green for September and year to date, with Youth Activators restarting school sessions and, the adherence of 55 people to the Move Together pathway - a specific programme for residents who had been asked to shield during the first phases of the pandemic, encouraging them to become more socially and physically active.

Summary of Performance

3.12 The Council reports monthly on performance against 38 (27 monthly / 38 quarterly) Business Plan Measures, with 21 Programme Measures and 17 Key Performance Indicators. Full details, including commentary against each measure and key performance indicator can be found in Appendix 2.

Programme Measures and Key Performance Indicators (38)

Status	Description	Q2/ September	%	YTD	%
Green	On target	31	82%	29	77%
Amber	Slightly off target	5	13%	7	18%
Red	Off target	2	5%	2	5%

3.13 Climate Action Programme – Quarter two update

This report updates Executive on the delivery of the 21 Cherwell District Council and joint (with Oxfordshire County Council) priority actions set by the Climate Action Programme Board for 2021/22 (for details please see Appendix 8). By the end of Quarter two, actions were rated:

Status	Description	Quarter 2	Quarter 2%	YTD	YTD %
Green	On target	13	62%	14	66%
Amber	Slightly off target	7	33%	6	29%
Red	Off target	1	5%	1	5%

Performance highlights:

- Delivery of heat decarbonisation and energy efficiency projects funded by £6m grant from Public Sector Decarbonisation Scheme proceeding in leisure centres and corporate buildings. Deadline extended to March 2022 to accommodate nationwide supply chain issues.
- Fleet audits completed to inform a fleet replacement programme and assess charging infrastructure needs.
- £3m bid submitted to the Sustainable Warmth Fund to increase the energy efficiency of homes in fuel poverty.
- Cherwell Local Plan Review Options Paper under consultation.
- Local businesses engaged in COP26 Zero Carbon Tour, part of the council's COP26 comms campaign.

Additionally, delivery of the council's climate action commitments is being supported by the following initiatives:

- Three teams have now requested to take part in the Carbon Literacy peer-to-peer training course, after a successful pilot with the Leisure Services in July.
- Staff joined a Climate Café in September to learn about the new requirement to include Equalities and Climate Impact Assessments in reports to CEDR and Exec proposing a new policy, procedure, service change, service planning or programme.



3.14 Equality, Diversity and Inclusion Action Plan – Quarter two update

This is the second quarter summary report of the Including Everyone action plan. There are 32 actions in total, spread across the three areas of activity: Inclusive Workforce, Inclusive Communities and Inclusive Service Delivery.

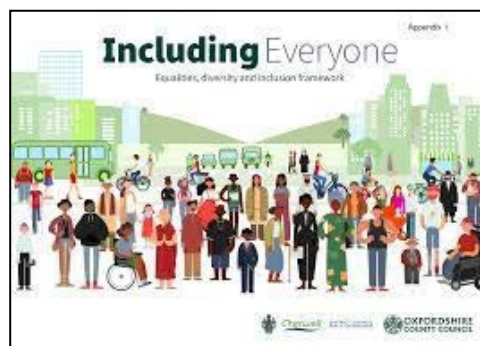
Status	Description	Quarter 2	Quarter 2 %	YTD	YTD %
Green	On target	21	66%	22	67%
Amber	Slightly off target	11	34%	10	33%
Red	Off target	0	0%	0	0%

Performance highlights:

- Stakeholder engagement workshops have helped to shape our first draft of the Recovery and Prosperity Strategy for Cherwell and further consultation will be held during October and November.
- The 'Mentoring for Diversity' programme has been extended for an additional three months as feedback continues to be positive. All of the mentors involved in the scheme have said that it has been beneficial both for the organisation and on an individual basis.
- A final draft of the Social Value Policy has been developed which will embed both climate action and equalities considerations into our procurement practices.

It has become clear that a number of actions will need to be re-designed as part of developing the new action plan in January 2022. This will include:

- Developing more detailed actions that link to a project to re-design our digital presence
- Understanding how we can improve the links between addressing climate change and tackling health inequalities
- Ensuring that we embed key learning from Covid into actions to address inequality



3.15 Service in Focus - Place and Growth /Growth and Economy

The work of the Growth and Economy section falls into four areas: the Bicester Delivery Team; Strategic Transport; Economic Growth and the Build! Team.

The Bicester Delivery Team has continued to progress the Bicester Garden Town Programme infrastructure projects which are needed to facilitate the new housing growth, including in April the construction of the rail under bridges to the north west of the town. The work undertaken by the Bicester Town Centre Task Group has also been further developed with a project progressing to procure a Business Plan for the revitalisation of the town centre.

Cherwell's Strategic Transport interests have been represented at a number of significant groups, including the Oxford-Cambridge Arc Collaboration Forum; the A34 Improvements Steering Group; East West Rail; and the Oxfordshire Strategic Transport Forum.

The Economic Growth team has worked with colleagues in Finance and CSN Resources on the disbursement of HM Government's COVID-19 business grants. The Council has successfully participated in a number of the Government-funded COVID-19 recovery schemes, including the 'Meanwhile in Oxfordshire' project which brings vacant retail units back into use. To promote investment in the district, the team exhibited with partners at the September OxProp Fest event at Bicester Motion,

liaising directly with commercial property agents and business leaders. A new ten-year economic strategy, the Recovery and Prosperity Strategy for Cherwell, is under preparation.

The Build! Team completed the construction of three two-bedroomed accessible bungalows in Middleton Stoney at the start of May, with two being let for affordable rent and the third being a shared ownership sale. Two of the team’s projects have been selected as finalists for housing awards – the best development under £5 million, for the Admiral Holland development in Banbury; and a community regeneration award for Banbury’s Bretch Hill development.

Risk Update

- 3.16 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.
- 3.17 The heat map below shows the overall position of all risks contained within the Leadership Risk Register.

Risk Scorecard – Residual Risks

		Probability				
		1 - Remote	2 - Unlikely	3 - Possible	4 - Probable	5 - Highly Probable
Impact	5 - Catastrophic					
	4 - Major		L06- L08 - L15	L03 - L04 - L05 - L10	L01 - L16	
	3 - Moderate		L09 -	L02 - L11 - L13 - L17- L18	L14	L12
	2 - Minor					
	1 - Insignificant					

3.18 The table below provides an overview of the Leadership Risk Register 21/22

Leadership Risk	Score	Direction of travel	Latest Update
L01 Financial Resilience	16 High Risk	↔	Risk reviewed - 04/10/21 Mitigations and Comments updated
L02 Statutory functions	9 Low Risk	↔	Risk reviewed - 13/10/21 Mitigating actions and comments updated
L03 CDC Local Plan	12 Medium Risk	↔	Risk reviewed - 14/10/21 - Comments updated
L04 Business Continuity	12 Medium Risk	↔	Risk Reviewed 11/10/21 - Comments and mitigating actions updated
L05 Emergency Planning	12 Medium Risk	↔	Risk Reviewed 11/10/21 - Mitigating actions updated
L06 Health & Safety	8 Medium Risk	↔	Risk reviewed 01/10/21 - No changes
L07 Cyber Security	15 Medium Risk	↔	Risk Reviewed 11/10/21 - No changes
L08 Safeguarding the Vulnerable	8 Medium Risk	↔	Risk reviewed 04/10/21 - Mitigations updated
L09 Sustainability of Council owned companies and delivery of planned financial and other objectives.	6 Low Risk	↔	Risk reviewed 13/10/21 - No changes
L10 Financial sustainability of third-party suppliers and contractors	12 Medium Risk	↔	Risk reviewed 04/10/2021 - No changes
L11 Corporate Governance	9 Low Risk	↔	Risk reviewed 13/10/2021 - Comments updated
L12 Oxfordshire Growth Deal	15 Medium Risk	↔	Risk reviewed 08/10/21 - No changes.
L13 Joint Working	9 Low Risk	↔	Risk reviewed 14/10/2021 - Comments updated
L14 Legacy Shared Services Partnership – West Northamptonshire Council	12 Medium Risk	↔	Risk reviewed 14/10/2021 - Comments updated
L15 Workforce Strategy	8 Medium Risk	↔	Risk reviewed 20/10/21 - Mitigating actions and comments updated
L16 COVID-19 Community and Customers	16 High Risk	↔	Risk reviewed 01/10/2021 - No changes
L17 COVID-19 Business Continuity	9 Low Risk	↔	Risk reviewed 13/10/2021 – Mitigating actions updated
L18 Post COVID-19 Recovery	9 Low Risk	↔	Risk reviewed 13/10/2021 - Controls, mitigating actions and comments updated

There were no score changes to the Leadership Risk Register during September.

Finance Update

3.19 The Council's forecast position for 2021/22 at the end of September shows a £0.810m overspend as shown in Table 1. This is made up of potential non-delivery of savings targets of £0.666m and an overspend of £0.144m on business-as-usual costs as shown in Table 2.

3.20 Report Details

Table 1: Forecast Year End Position

Forecast overview - September 2021	Original Budget £m	Current Budget £m	Year End Position at September £m	September Variance (Under) / Over £m	% Variance to current budget	August Forecast Over / (Under) £m	Change since August (better) / worse £m
Environment and Place	6.699	10.018	11.176	1.158	11.6%	1.171	(0.013)
Customers, Org. Dev. And Resources	5.682	6.399	6.808	0.409	6.4%	0.554	(0.145)
Adults and Housing Services	1.844	2.700	2.690	(0.010)	-0.4%	0.015	(0.025)
Public Health and Wellbeing	1.816	2.969	3.129	0.160	5.4%	0.160	0.000
Comm. Dev. Assets and Inv.	0.076	0.185	1.539	1.354	731.9%	0.987	0.367
Subtotal Directorates	16.117	22.271	25.342	3.071	13.8%	2.887	0.184
Executive Matters	2.769	(3.613)	(4.072)	(0.459)	-12.7%	(0.457)	(0.002)
Policy Contingency	3.487	3.715	1.913	(1.802)	-48.5%	(1.628)	(0.174)
Total	22.373	22.373	23.183	0.810	3.6%	0.802	0.008
FUNDING	(22.373)	(22.373)	(22.373)	0.000	0.0%	0.000	0.000
(Surplus)/Deficit	0.000	0.000	0.810	0.810		0.802	0.008

Table 2: Analysis of Forecast Variance – September

Breakdown of current month forecast	Forecast Variance	Forecast Base Budget Over/ (Under)	Mitigations	Savings Non-Delivery
	£m	£m	£m	£m
Environment and Place	1.158	0.754	0.000	0.404
Customers, Org. Dev. And Resources	0.409	0.316	0.000	0.093
Adults and Housing Services	(0.010)	(0.020)	(0.030)	0.040
Public Health and Wellbeing	0.160	0.131	0.000	0.029
Comm. Dev. Assets and Inv.	1.354	1.302	(0.048)	0.100
Subtotal Directorates	3.071	2.483	(0.078)	0.666
Executive Matters	(0.459)	(0.459)	0	0.000
Policy Contingency	(1.802)	(1.802)	0	0.000
Total	0.810	0.222	(0.078)	0.666
FUNDING	0.000	0.000	0.000	0.000
(Surplus)/Deficit	0.810	0.222	(0.078)	0.666

- 3.21 Of the £0.666m savings not expected to be delivered in 2021/22, £0.507m of this is also not expected to be delivered in future years. The Council is working on ways to address this, including reviewing whether budget is available within Policy Contingency to mitigate some of the non-delivery in year.
- 3.22 The Council has incurred costs and lost income during 2021/22 in relation to Covid-19 across all areas of the Council. As the Covid-19 restrictions have eased additional costs linked to Covid-19 are reducing. However, there are some areas where there may be a prolonged change in behaviour. In particular lost income is forecast until the end of the financial year in car parking.
- 3.23 When the Council set its budget for 2021/22 the likely financial impact of Covid-19 was taken into consideration and budget provisions were made accordingly. The policy contingency budget of £3.715m includes funding for anticipated lost income and additional costs of Covid-19 in the 2021/22 financial year. In addition, the Council received £0.720m in Covid-19 grant and expects to claim £0.095m from the Sales, Fees and Charges compensation scheme which is open until the end of June. The forecast financial costs and loss of income associated with Covid-19 continue to be recorded and are shown in Table 3 as a memorandum item. These impacts are assumed within the overall forecast.

Table 3: Covid Impacts included in the 2021/22 Outturn Forecast

Covid Costs 2021/22	£m
Environment and Place	0.430
Customers, Org. Dev. And Resources	0.004
Adults and Housing Services	0.000
Public Health and Wellbeing	0.199
Comm. Dev. Assets and Inv.	2.006
Subtotal Directorates	2.639
Executive Matters	(0.815)
Policy Contingency	0.000
Total	1.824

Note: Executive Matters holds the General Covid funding received.

3.24 Report Details

Environment and Place

Environment and Place have forecast an overspend of £1.158m against a budget of £10.018m (11.6%). This forecast overspend includes £0.754m expected base budget costs and £0.404m in potential savings non-delivery

Environment and Waste	The forecast variance for Environmental Services for September is due to continued pressure within Car Parks, £0.752m reduction in anticipated car parks income, (of which £0.358m is due to the impact of Covid-19). There is also a £0.107m increase in national non-domestic rates.
Variation £1.016m overspend	
Variance to last month's forecast £0.045m	A new pressure has risen within Waste and Recycling regarding a possible delay to the food and garden waste roll out. The collection start date is uncertain due to supply problems with the vehicles. That issue should be resolved imminently, and a start date confirmed.
	The anticipated income is expected to see a £0.472m reduction, this is part off set by (£0.387m) saving in employee costs due to non-recruitment to posts, refuse disposal charges and reductions in

	gate fees plus other small variances across the service of £0.072m.
Planning & Development Variation £0.037m overspend Variance to last month's forecast £0.022m	Planning and Development are forecasting a £0.037m overspend due to minor variances across the service.
Growth & Economy Variation £0.105m overspend Variance to last month's forecast £0.010m	Growth and Economy are forecasting £0.105m overspend which is made up of £0.025m consultancy costs, £0.025m relocation costs of tenants of Town Centre House and £0.055m corporate costs in relation to Oxford to Cambridge ARC and the annual Growth board contribution

Customers, Organisational Development and Resources

Customers & Organisational Development have forecast an overspend of £0.409m against a budget of £6.399m (6.4%). This forecast overspend includes £0.316m base budget costs and savings of £0.093m at risk of delivery.

HR/IT/Comms/Cultural Services Variation £0.112m overspend Variance to last month's forecast (£0.038m)	<p>There is a forecast overspend of £0.117m within IT due to a pressure on the delivery of savings required of £0.093m and small overspends across the service of £0.024m.</p> <p>A full review is underway to identify in-year mitigations including a review of joint working costs and potential savings through working with OCC, and the legacy costs associated with delivery of service to what was South Northants Council.</p> <p>Customer and Cultural Services are largely on target, apart from a forecast overspend on salaries of £0.020m.</p> <p>HR are forecasting an underspend of (£0.025m) due to having Health & Safety within their service, 0.035m overspend due joint working income no longer being received this is partly offset by an</p>
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	underspend in Computer software. (£0.060m) underspend in due to vacant post
Finance	
Variation £0.297m overspend	There is a forecast overspend for Revenue and Benefits due to £0.174m recovery of overpaid Housing Benefit subsidy by the Department of Works and Pensions.
Variance to last month's forecast (£0.107m)	The one off project and recruitment costs relating to the establishment of the new Revenues and Benefits team has been offset by additional government grants. There is a forecast £0.070m overspend on insurance premiums, a £0.027m forecast overspend on personnel costs in Finance and £0.026m overspend on software support contracts.

Adults and Housing Services

Adults and Housing Services have forecast an underspend of (£0.010m) against a budget of £2.700m, (0.4%). This forecast underspend includes (£0.020m) base budget savings and £0.040m in potential savings non-delivery

Housing & Social Care	The forecast outturn for Housing is expected to be largely on track with (£0.010m) underspends across the service.
Variation (£0.010m) overspend	
Variance to last month's forecast (£0.025m)	

Public Health & Wellbeing

Public Health & Wellbeing forecast an overspend of £0.160m against a budget of £2.969m (5.4%). This forecast overspend includes £0.131m within the base budget and £0.029m in potential savings non-delivery

Wellbeing	Wellbeing is forecasting an overspend of £0.199m which relates to loss of benchmarking income in relation to the leisure contract as a direct impact of Covid and (£0.039m) underspend across the department.
Variation £0.160m overspend	
Variance to last month's forecast (£0.000m)	

Healthy Place Shaping	Healthy Place Shaping are currently projecting to be on target.
Variation £0.000m	
Variance to last month's forecast £0.000m	

Commercial Development, Assets and Investments

The Directorate is forecasting an overspend of £1.354m against a budget of £0.185m (731.9%). This forecast overspend includes £1.302m base budget costs and £0.100m in potential savings non-delivery

Property	Broadly in line with expectations, Castle Quay is anticipating a net reduction in income of £1.700m. This is a deterioration of £0.302m compared to August's forecast.
Variation £1.350m overspend	
Variance to last month's forecast £0.322m	Of the net reduction in income £2.165m is due to reduction in commercial income alongside additional void costs for empty units associated with the impact of Covid-19. Partially mitigating this are potential savings of (£0.465m) on other costs. Income levels for the current year are 64% of pre pandemic levels and are anticipated to rise to 91% of pre-pandemic levels in 2022/23.
	The Council has set aside a contingency of up to £1.603m for these costs, which will be brought into the accounts once the final outturn is known. Taking into account Policy Contingency there is a net overspend of £0.097m forecast for Castle Quay.
	The rest of the Property service area is forecasting an underspend of (£0.350m). This is as a result of improved commercial income of (£0.170m), staff savings of (£0.130m) and (£0.050m) various underspends across the department.
Procurement	Procurement is forecasting on track with budget.
Variation (£0.000m) underspend	
Variance to last month's forecast £0.00m	

<p>Law and Governance</p> <p>Variation £0.102m overspend</p> <p>Variance to last month's forecast £0.050m</p>	<p>There is a pressure within legal of £0.100m due to an under recovery of income - steps are being taken to put into place income generation milestones.</p>
<p>Growth and Commercial</p> <p>Variation (£0.048m) underspend</p> <p>Variance to last month's forecast £0.000m</p>	<p>The underspend forecast is due to savings on a vacant post.</p>
<p>Regulatory Services</p> <p>Variation (£0.050m) underspend</p> <p>Variance to last month's forecast (£0.005m)</p>	<p>The Regulatory Services forecast underspend is due to (£0.115m) underspend on staff costs and vacant posts offset by £0.065m forecast loss of licensing income plus other minor savings across the service.</p>

Executive Matters

Executive Matters forecast is an underspend of (£0.459m) against the budget of (£3.613m) (12.7%).

<p>Interest</p> <p>Variation (£0.434m) underspend</p> <p>Variance to last month's forecast (£0.002m)</p>	<p>There is an underspend forecast against the budget of (£0.434m) for 2021/22 mostly as a result of lower interest rate on borrowings.</p>
<p>Corporate</p>	<p>The council is forecasting receipt of £0.095m Covid-19 funding as 75% compensation for lost</p>

Variation (£0.095m) underspend	Sales Fees and Charges Income from the Government for the period to 30 June 2021
Variance to last month's forecast £0.000m	
External Audit Fees	External Audit fees are anticipated to be £0.070m more than budgeted due to higher-than-expected final 2019/20 audit fees and an increase in forecast for this year's audit.
Variation £0.070m overspend	
Variance to last month's forecast £0.000m	

Policy Contingency

Policy contingency is planned to meet the reduction in commercial income in Commercial Development, Assets and Investments and is forecasting an underspend of (£1.603m), in addition (£0.199m) is forecast for the Leisure Contract benchmarking payments. There remains £0.974m unallocated after these assumptions are taken into account.

3.25 Forecast Earmarked Reserves and General Balances at September 2021

The table below is a summary of the level of reserves the council holds. The proposed changes are set out in appendix 6.

Reserves	Balance 1 April 2021	Original Budgeted use/ (contribution)	Changes agreed since budget setting	Changes proposed September 2021	Forecast Balance 31 March 2022
	£m	£m	£m	£m	£m
General Balance	(£5.087)	£0.000	£0.000	£0.000	(£5.087)
Earmarked	(£21.328)	(£0.577)	£0.984	£0.065	(£20.856)
Ringfenced Grant	(£31.556)	£22.073	£4.934	£0.000	(£4.549)
Subtotal Revenue	(£57.971)	£21.496	£5.918	£0.065	(£30.492)
Capital	(£0.676)	£0.000	£0.020	£0.000	(£0.656)
Total	(£58.647)	£21.496	£5.938	£0.065	(£31.148)

3.26 Government Grants

Grant funding received by the Council this month of £0.025m in relation to Covid Test and Trace.

3.27 Aged Debt

As at 30 September the Council had outstanding debt of £4.167m, of which £0.960m is current and £3.208 is in recovery. Of the £3.208m in recovery, £2.811 is over 120 days old. A review of debt will be carried out within the next quarter. Appendix 5 shows the profile of the Councils aged debt.

3.28 Capital

There is a forecast in-year underspend of £4.062m, of which £3.678m is anticipated to be reprofiled in future years. There is an overall forecast decrease in the total cost of schemes of £0.384m.

Forecast Capital Spend 2021/22

Directorate	Budget £m	Forecast Spend 2021/22 £m	Re-profiled beyond 2021/22 £m	Variance to Budget £m	Prior Month Variance £m
Housing Total	1.244	0.806	0.063	(0.375)	(0.375)
Comm Dev Assets total	28.577	26.417	2.059	(0.101)	(0.054)
Customers, Org Dev & Resources Total	1.269	1.044	0.225	(0.000)	(0.045)
Environment and Place Total	9.308	8.119	1.331	0.142	0.142
Public Health Wellbeing Total	0.561	0.557	0.000	(0.004)	(0.004)
Total	40.959	36.943	3.678	(0.339)	(0.337)

3.29 Forecast Variances

Housing:

Housing is forecasting an underspend of (£0.375m) due to reduced activity in delivering Disabled Facilities Grant works during the pandemic. It is expected that the capital programme will increase by £1.240m due to the 2021/22 Better Care Allocation once approval has been given by Full Council until this has happened, we are only forecasting spend against existing budget.

Commercial Development, Assets & Investments:

Property is forecasting to spend £26.417m across various capital schemes. It is anticipated that there will be a saving of (£0.101m) across a few capital projects but with most schemes still anticipating full utilisation of budget by the end of the year. Although there is the possibility that

some projects may need to be reprofiled to 2022/23 depending on progress made. This is to be reviewed as part of Q3 forecasting.

Regulatory Services are forecasting to spend £0.015m this year to enable agile working.

Customers Organisational Development & Resources:

ICT are currently forecasting a £0.033m overspend against the Land and Property Harmonisation Scheme. However, they will be applying to repurpose some of the budget relating to one of the other schemes. If this is agreed the net effect will be zero. Finance is forecasting as on target. The remaining £0.045k budget has been vired under delegated approvals.

Environment and Place:

Forecasting to spend £5.320m by year end. This is an overspend of £0.142m of which £0.078m relates to retention payments due next year.

Environmental Services are forecasting no variances for 2021/22.

Public Health & Wellbeing:

Wellbeing are forecasting spend of £0.559m which is £0.010m over budget in relation to Community grants. The scheme reported a (£0.025m) underspend in 20-21 as the commitment due to a project being cancelled in error. The works are however going ahead in this financial year, resulting in the reported overspend.

3.30 Re-profile beyond 2021/22

Housing

£0.063m Discretionary grants - This budget supports a number of discretionary grants, all of which are reactive/demand led. Landlords Home Improvement Grants (which secure nomination-rights over improved private rented accommodation for otherwise homeless households) are responsible for the largest spend, but we are currently experiencing lower demand at this stage of the year than expected.

Commercial Development, Assets & Investments:

£1.859m Castle Quay Waterside - reprofiling of the budget beyond 21/22 is necessary because retention payments will be due following the 12 month defect period from September 2021. Also delays to the project have been incurred due to reduced productivity to maintain social distancing.
£0.100m Housing & IT Asset system (joint with OCC) - The IT spend will only happen once the restructure of the joint team comes to that stage that we can start procuring our joint system called 'Single View of Assets'. This is likely to happen next financial year.
£0.100m Feasibility of utilisation of proper space.

Environment and Place:

Growth and Economy

£0.160m BUILD! Essential Repairs & Improvement (Town Centre Affordable Rent roof repairs) - A new structural engineer consultant has been appointed and further survey work is required to establish the specification for the tender documents. It is still anticipated that the insurance or warranty will cover the cost.

£0.017m Phase 2 - Bullmarsh Close formally completed early May 2021 and therefore retention payment is due 12 months later in May 2022.

£0.525m Phase 1b - Admiral Holland formally completed September 2020 and retention payment is due September 2022 (£0.061m). Bicester Library received planning consent at September's Planning Committee, as a result 70% of the budget has been reprofiled beyond 2021/22. This will be continually reviewed in line with the project programme.

Customers, Org Dev & Resources:

£0.075m IT Council Website & Digital Service - the programme of work is currently expected to complete in June 2022

£0.150m IT Shared Services - the programme of work is to extend into 2022/23 Financial Year. The supplier payment will be aligned with timeline.

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 sixth month 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 2021-22 business plan. As this is a monitoring report, no further options have been considered. However, members may wish to request that officers provide additional information.

7.0 Implications

Financial and Resource Implications

7.1 Financial implications are detailed within sections 3.19 to 3.30 of this report.

Comments checked by:

Lorna Baxter, Executive Director Finance, 07393 001218, 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

Risk Implications

7.3 This report contains a full update with regards to the Council's risk position at the end of September 2021. A revised and refreshed risk management strategy is in place and the Leadership risk register has been fully reviewed.

Comments checked by:

Celia Prado-Teeling, Performance Team Leader, 01295 221556, Celia.prado-teeling@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

All

Lead 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 – 2021/22 Business Plan
- Appendix 2 – Monthly Performance Report - September
- Appendix 3 – Leadership Risk Register
- Appendix 4 – Finance
- Appendix 5 – Virement and Aged Debt Sep

- Appendix 6 – COVID funding
- Appendix 7 – Use of reserves and grant funding
- Appendix 8 – Climate Action Plan Quarter 2 update
- Appendix 9 – Equalities, Diversity and Inclusion Action Plan Quarter 2 update

Background papers

None

Report Author and contact details

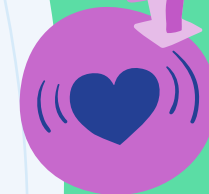
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Cherwell District Business Plan 2021-2022

Appendix 1



As we work to address the challenges of the pandemic and continue our journey to zero carbon, a clear vision of what we want to achieve has never been more important.

In local government, we need to be good at dealing with change in order to excel. That doesn't just mean reacting to external factors, it means being willing to grow as an organisation, and able to transform the way we work to meet our residents' needs.

A lot has happened in the year since our last business plan was published. But our underlying vision for Cherwell has not. This plan underscores our commitment to working with communities to shape a district where it is easier to lead an active, happy lifestyle, and one where it is easier to find professional fulfilment without a long commute.

This year we have seen the impact that COVID-19 has had on local communities and we recognise that this impact has been felt differently. The Black Lives Matter movement was a standout feature of last year, and it was a reminder for public bodies everywhere of the need to renew their commitment to reflecting local communities and celebrating their diversity. Following a listening exercise last year, we are continuing our work to ensure this is reflected in everything we do, for all the communities and residents we serve.

The climate crisis is another issue that will not go away simply because of our focus necessarily being on coronavirus. So, this business plan renews our commitment to becoming carbon

neutral by 2030, which includes an increase in the number of people walking and cycling, protecting, conserving and enhancing carbon capture and storage through our natural environments, and thinking differently about planning for local, renewable generation.

The changing nature of funding for local councils is also an area of activity we have needed to focus closely on. Uncertainties about the future of important funding streams such as New Homes Bonus and Business Rates, and the loss of income caused by the COVID measures, have forced us to make some very difficult decisions, which for the first time will affect some of our frontline services.

We continue to listen to you, our residents, and to prioritise our resources where we know they will have the greatest impact. By making responsible choices now and putting ourselves on a sustainable footing, we can keep supporting the district's recovery from COVID-19 and continue our work to make Cherwell a healthier and more prosperous place to live and work.



Councillor Barry Wood
Leader of Cherwell District Council



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Our priorities:

Housing that meets your needs



- Deliver affordable housing
 Raise standards in rented housing;
 Support our most vulnerable residents;
- Promote innovative housing schemes;
 - Deliver the Local Plan;
 - Support vulnerable people.



Leading on environmental sustainability



- Deliver on our commitment to be carbon neutral by 2030;
- Promote the Green Economy;
- Increase recycling across the district;
- Protect our natural environment and our built heritage;
- Work with partners to improve air quality in the district;
- Reduce environmental crime.

An enterprising economy with strong and vibrant local centres



- Support business retention and growth;
- Develop skills and generate enterprise;
- Secure infrastructure to support growth in the district;
- Secure investment in our town centres;
- Promote the district as a visitor destination;
- Work with businesses to ensure compliance and promote best practice.



Healthy, resilient and engaged communities



- Provide opportunities to support active lifestyles;
- Improve and develop the quality of local sport and leisure facilities;
- Promote health and wellbeing in our communities to help create a more inclusive 'Including Everyone' community and workplace;
- Support community and cultural development;
- Work with partners to address the causes of health inequality and deprivation;
- Work with partners to reduce crime and anti-social behaviour.



Delivery themes:

Customers

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



Healthy Places

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



Climate Action

Transform our organisation to deliver its carbon neutral commitments.



Continuous Improvement

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



Partnerships

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



Covid-19 Recovery

Work with partners in the health and voluntary sectors to help our local business and residents respond to the challenges of the COVID-19 pandemic and support our communities to recover from the longer term social and economic impacts.



Including Everyone

Our Equalities, Diversity and Inclusion framework outlines how we plan to create an inclusive community and workplace in Cherwell, through fair and equitable services.

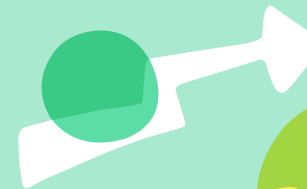


Performance Management Framework

Cherwell District Council's performance management framework sets out the key actions, projects and programmes of work that contribute to the delivery of the 2021 business plan and the priorities of the council. These targets, 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 delay.

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 indicates performance is off target.

The monthly performance cycle also includes the management and reporting of risk and financial information; providing an holistic overview of the councils' progress against it's strategic priorities and delivery themes as set out earlier in this business plan.



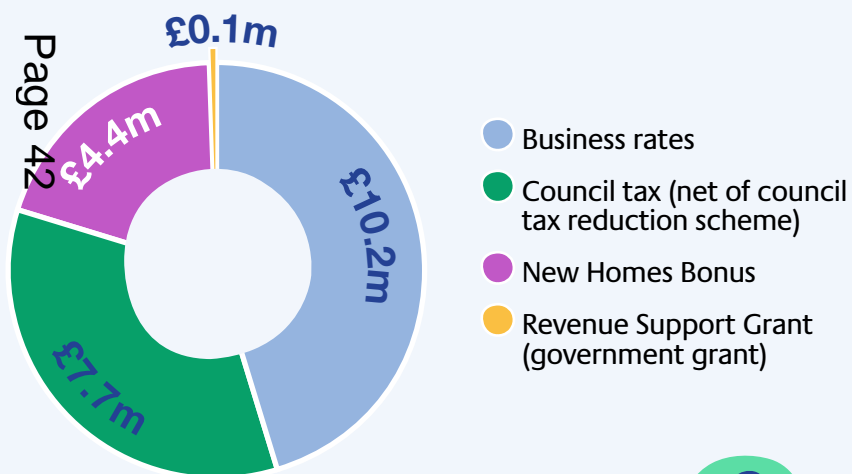
Council funding



Where our money comes from

Thirty-four per cent of our funding for services comes directly from council tax, with the rest coming from, New Homes Bonus Scheme, business rates and government grants.

2021/22 funding sources



How we generate income

We generate income by asking people and organisations to pay fees and charges for some of our services such as for planning, car parking and for licences. We also receive rental income from properties the council owns such as Castle Quay and Pioneer Square.



Contact us



Get in touch

Did you know you can access council information and services around the clock at www.cherwell.gov.uk

Email: customer.services@cherwell-dc.gov.uk

Find and email your ward councillor here: www.cherwell.gov.uk/find-member

Phone: 01295 227001

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Appendix 2 - Performance Report

September 2021

Includes:

- Programme Measures
- Key Performance Measures (KPIs)

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

Housing that meets your needs - KPI's

Measure	Portfolio Holder	Director/Lead Officer	Result	Target	Status	Commentary	YTD Result	YTD Target	YTD
BP1.2.01 Number of Homeless Households living in Temporary Accommodation	Cllr L Wing	<ul style="list-style-type: none"> Stephen Chandler Vicki Jessop 	27	35	★	The number of households in temporary accommodation remains within target this month but, as expected, is rising. The courts have resumed eviction proceedings, more families have approached having lost tenancies. It is expected that the number of placements will go up over the next few months, as pre-COVID rules regarding notices and court action come back into force.	24	35	★
BP1.2.02 Number of people helped to live independently through use of DFG & other grants/loans	Cllr L Wing	<ul style="list-style-type: none"> Stephen Chandler Vicki Jessop 	66.00	45.00	★	We provided help to 66 households, during September. 26 by means of major adaptations and another 40 by means of smaller works including rails, ramps and keysafes.	340.00	270.00	★
BP1.2.03 Homes improved through enforcement action	Cllr L Wing	<ul style="list-style-type: none"> Stephen Chandler Vicki Jessop 	25.00	9.00	★	We have been able to complete the improvement of 25 homes through our interventions, in September.	77.00	54.00	★
BP1.2.05 Number of Housing Standards interventions	Cllr L Wing	<ul style="list-style-type: none"> Stephen Chandler Vicki Jessop 	58.00	55.00	★	We have recorded 58 interventions, again this month, against our target of 55. The total includes responses to 47 service requests, 9 enforcement notices served and 2 proactive investigations commenced.	370.00	330.00	★
BP1.2.06 Average time taken to process Housing Benefit New Claims	Cllr T Ilott	<ul style="list-style-type: none"> Claire Taylor Kerry MacDermott 	14.04	15.00	★	14.04 days, this month, against a target of 15 days - which remains within target.	13.20	15.00	★
BP1.2.07 Average time taken to process Housing Benefit change events	Cllr T Ilott	<ul style="list-style-type: none"> Claire Taylor Kerry MacDermott 	6.06	8.00	★	6.06 days achieved, against a target of 8 days -the target was met.	5.88	8.00	★
BP1.2.08 % of Major planning applications determined to National Indicator	Cllr C Clarke	<ul style="list-style-type: none"> Bill Cotton David Peckford 	100%	60%	★	6 Major Planning Applications were determined during September 2021, 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	<ul style="list-style-type: none"> Bill Cotton David Peckford 	94%	70%	★	107 Non-Major Planning Applications were determined during September 2021, 101 of them within National Indicator target or agreed timeframe.	90%	70%	★
BP1.2.10 % of Major applications overturned at appeal	Cllr C Clarke	<ul style="list-style-type: none"> Bill Cotton David Peckford 	16.67%	10.00%	▲	1 Major Planning Appeal was overturned by the Planning Inspectorate during September 2021. 19/00963/OUT OS Parcel 9100 Adjoining And East Of Last House Adjoining And North Of Berry Hill Road, Adderbury. Resubmission of application 17/02394/OUT – Outline application for permission for up to 40 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road (all matters reserved other than access).	14.17%	10.00%	▲
BP1.2.11 % of Non-Major applications overturned at appeal	Cllr C Clarke	<ul style="list-style-type: none"> Bill Cotton David Peckford 	0.93%	10.00%	★	1 Non-Major Planning Application decision, was overturned at Appeal by the Planning Inspectorate during September 2021.	0.93%	10.00%	★
BP1.2.12 Maintain 5 Year Land Supply	Cllr C Clarke	<ul style="list-style-type: none"> Bill Cotton David Peckford 	4.70	5.00	●	No change to position (4.7 years). The housing land supply position, which takes account of both current and future supply in relation to identified housing requirements, is generally reviewed once a year through the production of an Annual Monitoring Report. The next report is due at the end of 2021.	4.70	5.00	●
BP1.2.13 Net Additional Housing Completions (Quarterly)	Cllr C Clarke	<ul style="list-style-type: none"> Bill Cotton David Peckford 	311	285	★	Provisional housing completions for Q2 are 311 which exceeds the quarterly target of 285.	519	570	●

Housing that meets your needs - Programme Measures


Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP1.1.1 Homelessness Prevention	<ul style="list-style-type: none"> ■ Alison Adkins ■ Stephen Chandler 	Cllr L Wing			The demands on the Housing Team from those presenting in crisis has hampered our ability to focus on 'upstream' prevention work. The resources within the team are being assessed to create more capacity to work with households at an earlier stage to improve prevention outcomes.
Key Actions		Status	Comments		
 6 monthly Registered Provider Forum		The 6 month Providers Forum has been delayed, until November, as we wanted to hold this after the revised Allocations Scheme passed all relevant committees and has been adopted.			
Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP1.1.4 Deliver the Local Plan	<ul style="list-style-type: none"> ■ Bill Cotton ■ David Peckford 	Cllr C Clarke			Consultation on the Local Plan options paper commenced on 29 September 2021.
Key Actions		Status	Comments		
 Approval of Options Paper by Executive		Approved by the Executive by the 6th of October. Consultation commenced by the 29th of September.			

Leading on environmental sustainability - KPI's

Measure	Portfolio Holder	Director/Lead Officer	Result	Target	Status	Commentary	YTD Result	YTD Target	YTD
BP2.2.1 % Waste Recycled & Composted	Cllr D Sames	<ul style="list-style-type: none"> ■ Bill Cotton ■ Ed Potter 	59.01%	56.00%	★	Dry recycling still at record levels with the contamination rate starting to fall.	57.70%	56.00%	★
BP2.2.2 Reduction of fuel consumption used by fleet	Cllr D Sames	<ul style="list-style-type: none"> ■ Bill Cotton ■ Ed Potter 	41,932	39,878	●	Slight increase, from last year, at this point. Report covers 31st August 21 as it was run early in August. As previously stated, more vehicles are being used than last year.	39,595	37,685	●

Leading on environmental sustainability - Programme Measures

Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP2.1.1 High Quality Waste and recycling service to residents to support a sustainable lifestyle	<ul style="list-style-type: none"> ■ Bill Cotton ■ Ed Potter 	Cllr D Sames	★	★	Waste and recycling tonnages are still 10% above the total pre pandemic. Collection staff are collecting 7,000 tonnes more waste & recycling per year than before the pandemic.
Key Actions	Status	Comments			
<input checked="" type="checkbox"/> Environmental blitz carried out	★	Due to the covid situation we are not carrying out full environmental blitz's in 2021/22. We are instead carrying out smaller contamination projects on highlighted areas.			
<input checked="" type="checkbox"/> High levels of recycling collected	★	Waste and recycling levels still 10% above the totals pre-pandemic. The only levels that have fallen is the amount of glass collected due to hospitality reopening.			
<input checked="" type="checkbox"/> Social media posts	★	Social media campaign for the recruitment of LGV Drivers was very successful with 29 people applying for the roles. Also the business waste adverts are continuing to increase the amount of companies signing up to our service.			
Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP2.1.2 Ensure Clean & Tidy Streets	<ul style="list-style-type: none"> ■ Bill Cotton ■ Ed Potter 	Cllr D Sames	★	★	Streets clean & tidy - entering the autumn period when leaf fall can create some challenges- especially slippery pavements from leaf build up
Key Actions	Status	Comments			
<input checked="" type="checkbox"/> First Environmental blitz	★	All Environmental Blitzes' are postponed due to the pandemic. We support several groups / individuals with litter picking initiatives throughout the district. They will resume when practicable to do so, involving all interested parties. Normally it is about putting extra resources into a defined area for cleaning and, at the same time, doing work in the same area to enhance the quality of the recycling collected (the areas where we carry out blitz events tend to have the lowest quality on recycling - too much contamination). The perspective is of getting the quality of recycling improved as a high priority, although getting areas clean is the highest. There have been no environmental blitzes, the quality of material is quite good at the moment.			
<input checked="" type="checkbox"/> Increase the number of bins for recycling	★				
<input checked="" type="checkbox"/> Third Environmental blitz & Autumn Clean events	★	All Blitz events are postponed at present following the pandemic and staff shortages. They will resume when practicable to do so. We are supporting local litter picking groups with equipment and collections.			
Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP2.1.3 Tackle Environmental Crime	<ul style="list-style-type: none"> ■ Bill Cotton ■ Richard Webb 	Cllr C Clarke	★	★	46 fly tips were investigated, 13 warning letters were sent, 1 formal caution issued, 3 fixed penalty notices were served for duty of care offences, and 4 interview letters under caution were sent.
Key Actions	Status	Comments			
<input checked="" type="checkbox"/> Responding to reports of fly tipping and investigating those fly tips	★	46 fly tips were investigated. 13 warning letters were sent, 1 formal caution was issued, 3 fixed penalty notices were served for a duty of care			
Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP2.1.6 Develop the Country Parks to support good lifestyle choices	<ul style="list-style-type: none"> ■ Bill Cotton ■ Ed Potter 	Cllr D Sames	●	●	Country Parks running behind schedule - new Project Manager to be recruited shortly to get the project back on track.
Key Actions	Status	Comments			
<input checked="" type="checkbox"/> Further installation of infrastructure	●	Installation of infrastructure been delayed by several traveller incursions & actions to better secure the sites. Infrastructure likely to commence after Christmas			
<input checked="" type="checkbox"/> Social media to promote country parks	●	Social media campaign yet to start. Tree planting in Burnehyll Woodland commences in November - social media campaign to commence then			


Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP2.1.7 Work with partners to deliver initiatives to improve air quality in the District	<ul style="list-style-type: none"> ■ Bill Cotton ■ Richard Webb 	Cllr A McHugh	★	★	<p>Two portable monitors have been loaned by Oxfordshire County Council. The monitors which measure nitrogen dioxide, particulate matter (PM10 and PM2.5), sulphur dioxide and ozone and have been set up in the Hennef Way and Bicester Air Quality Management Areas and will provide live data for these pollutants.</p> <p>We were awarded a grant of £17,300 from the Department for Environment, Food and Rural Affairs (Defra). Grants were awarded towards projects for raising awareness of air quality. The grant money will be used for promotional material and to purchase two portable air quality monitors that can be moved around schools in the district to show the changes in air pollution levels at peak times (drop off and pick up times).</p> <p>Discussions are also taking place with the Public Health Team at Oxfordshire County Council to link the project in with the air quality work they are planning to do with some schools.</p> <p>Blenheim Estates (under David Green, Head of Innovation) have been developing their own portable air quality monitors that can be assembled from a kit. It is hoped to also use these so that school children can make and use their own monitor as part of the project to raise awareness of air quality.</p> <p>Oxford City Council, on behalf of the County Air Quality Group, received a Defra air quality grant towards work to improve the county wide air quality web page such as including better mapping, live data and more information to help raise awareness of air quality.</p>
Key Actions	Status	Comments			
 Air quality monitoring continuing	★	As per above			

An enterprising economy with strong & vibrant local centres - KPI's

Measure	Portfolio Holder	Director/Lead Officer	Result	Target	Status	Commentary	YTD Result	YTD Target	YTD
BP3.2.1 % of Council Tax collected, increase Council Tax Base	Cllr T Ilott	<ul style="list-style-type: none"> ■ Claire Taylor ■ Kerry MacDermott 	9.12%	8.50%	★	As at 01.10.2021, the amount of Council Tax due to be collected, in 2021/22, has risen by nearly £1.6m since 1.4.2021 to just over £116.9m, and the figure collected is 56.80% against a target of 57.00%. Whilst the in-month collection & year-to-date figures are both slightly short of target, recovery action remains ongoing. Reminder notices continue to be issued and those customers who have remained in arrears are being pursued through court action.	56.80%	57.00%	●
BP3.2.2 % of Business Rates collected, increasing NNDR Base	Cllr T Ilott	<ul style="list-style-type: none"> ■ Claire Taylor ■ Kerry MacDermott 	11.01%	9.50%	★	As at 01.10.2021, the amount of business rates due to be collected in 2021/22, now, stands at £80.8m, having reduced due to multiple assessments of rateable value reductions. The team have continued to formally recover any arrears by issuing reminder notices and taking court action, where appropriate.	51.41%	58.50%	▲

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

Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP3.1.1 Promote the district as a visitor destination	<ul style="list-style-type: none"> ■ Bill Cotton ■ Robert Jolley 	Cllr L Pratt	★	★	Hospitality venues and visitor attractions have been able to welcome domestic visitors since the lifting of social restrictions in July. International visitor numbers remained low in September due to travel restrictions. Experience Oxfordshire launched a new digital countywide Hospitality Guide with significant Cherwell content.
Key Actions	Status	Comments			
<input checked="" type="checkbox"/> Work with partners to promote the district and support the visitor economy sector	★	Continued to work closely with Experience Oxfordshire (EO) who are, in turn, working with VisitEngland and VisitBritain to promote the district and support the visitor economy sector.			
Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP3.1.2 Develop a Recovery and Prosperity Strategy (RPS) for Cherwell	<ul style="list-style-type: none"> ■ Bill Cotton ■ Robert Jolley 	Cllr L Pratt	★	★	The emerging ten-year Economic Strategy for Cherwell has been reframed and refocused as a ten-year post-COVID Recovery and Prosperity strategy.
Key Actions	Status	Comments			
<input checked="" type="checkbox"/> Consultation on strategy draft, with internal and external stakeholder	★	Socialisation of the draft strategy with key stakeholders has commenced.			
<input checked="" type="checkbox"/> Review and development of draft strategy document	★				
Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP3.1.3 Support Business Enterprise, Retention, Growth and Promote Inward Investment	<ul style="list-style-type: none"> ■ Bill Cotton ■ Robert Jolley 	Cllr L Pratt	★	★	The Council's support to businesses has been maintained through direct contact with enterprises, and in collaboration with other county and district council services, Government departments, OxLEP and neighbouring local authorities.
Key Actions	Status	Comments			
<input checked="" type="checkbox"/> Business Engagement	★	Cherwell businesses have benefited from one-to-one advice and guidance on grants and other business support such as overcoming difficulties with recruitment. Support has been provided to inward investors and property developers. Cherwell District Council hosted a stand, working together with partners, at OxPropFest at Bicester Heritage on 9 September, enabling direct contact with commercial property professionals and business leaders. Active involvement continues with Oxfordshire Digital Infrastructure Partnership to extend connectivity throughout the district.			
Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP3.1.4 Develop Our Urban Centres	<ul style="list-style-type: none"> ■ Bill Cotton ■ Robert Jolley 	Cllr L Pratt	★	★	Supported revitalisation of Cherwell's urban centres through service provision and continued engagement with partners.
Key Actions	Status	Comments			
<input checked="" type="checkbox"/> Supporting revitalisation of Cherwell's urban centres to include	★	Support for Banbury Town centre businesses through liaison and collaboration with Banbury BID; support to Bicester Town Centre Task Group; involvement in 'Meanwhile in Oxfordshire' project to fill empty premises; a focus on reopening high streets safely projects; and support for the continued resilience of businesses.			
Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP3.1.5 Proactively manage the Cherwell workstreams of the Oxfordshire Housing and Growth Deal	<ul style="list-style-type: none"> ■ Bill Cotton ■ Robert Jolley 	Cllr B Wood	★	★	Cherwell District Council continues to be an engaged and active participant within the Oxfordshire Housing and Growth Deal. A local officer Programme Board has been established for Cherwell. The Board reviews, on a monthly basis, the four workstreams of Affordable Housing; Infrastructure and Homes from Infrastructure; the Oxfordshire Plan 2050; and Productivity. This is part of a five year programme and the Council entered Year Four at the start of April 2021.
Key Actions	Status	Comments			
<input checked="" type="checkbox"/> Deliver CDC Year Four Plans of Work	★	Work is continuing to deliver the agreed Year Four Plans of Work.			
Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP3.1.6 Establish new Building regulations Partnership	<ul style="list-style-type: none"> ■ Bill Cotton ■ Tony Brummell 	Cllr R Clarke	●	●	A draft report has been prepared to consider the options for providing Building Control services in the future; particularly a potential partnership with another local authority. The aim is to achieve a resilient service for the future that benefits from economies of scale and maximises opportunities for income generation. The report now needs to be presented to the Council's senior management team.

Key Actions	Status	Comments
<input checked="" type="checkbox"/> Agree in principle new partnership arrangements		Draft CEDR report setting out proposed strategy submitted to Assistant Director on 19 August.

Healthy, resilient & engaged communities - KPI's

Measure	Portfolio Holder	Director/Lead Officer	Result	Target	Status	Commentary	YTD Result	Target (YTD)	YTD
BP4.2.1 Number of visits/usage of District Leisure Centre	Cllr P Chapman	<ul style="list-style-type: none"> ■ Ansaf Azhar ■ Nicola Riley 	110,527.00	150,000.00	▲	Usage figures, for September 2021, for the 3 main Leisure Centres showed an increase against the August 2021 period. Woodgreen Leisure Centre showed a decrease on the previous month, however this was not unexpected, due to the change in seasonal programming for the Outdoor Pool.	614,541.00	270,000.00	★

Healthy, resilient and engaged communities - Programme Measures

Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP4.1.1 Support Community Safety and Reduce Anti-Social Behaviour	<ul style="list-style-type: none"> ■ Richard Webb ■ Rob MacDougall 	Cllr A McHugh	★	★	During September, the Community Safety team continued to provide reassurance patrols across the district, in public spaces, including providing a more regular and routine presence in Kidlington and rural areas, rather than attending those areas only on a reactive basis. This is intended to raise the profile of the council's community safety support in those areas. The team, also, undertook welfare visits to vulnerable residents in the district, and supporting a new 'Community United' programme aiming to raise awareness of the risk of child exploitation in a specific locality, in Banbury, initiated by the local school.
Key Actions	Status	Comments			
<input checked="" type="checkbox"/> Community safety activities undertake in the month	★	In September the Community Safety team continued to respond to reports of anti-social behaviour and carry out reassurance patrols in parks and public areas, where there had been reports of anti-social behaviour. The team started to provide a more regular and routine presence, in Kidlington, where they previously only were on a reactive basis. The team also carried out welfare checks, on vulnerable residents, and supported the planning of the women's cycle tour race.			
Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP4.1.2 Promote Health & Wellbeing	<ul style="list-style-type: none"> ■ Ansaf Azhar ■ Nicola Riley 	Cllr A McHugh	★	★	Youth Activators restarted their school sessions and, by the end of the month, 55 people had signed up to the Move Together pathway - a specific programme for residents who had been asked to shield during the first phases of the pandemic and encourages them to become more socially and physically active.
Key Actions	Status	Comments			
<input checked="" type="checkbox"/> Promote and deliver the Bicester Festival in partnership with local volunteers	★	Delivered successfully over 3 weekends, in September.			
<input checked="" type="checkbox"/> Promote Good Neighbour schemes and encourage more schemes to develop.	★	COMF Funding is now confirmed. Discussions have been held with Community First Oxfordshire. Mapping and contact with groups will begin in October.			
Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP4.1.3 Improve Leisure & Community Facilities	<ul style="list-style-type: none"> ■ Ansaf Azhar ■ Nicola Riley 	Cllr P Chapman	★	★	Plans are in place to progress the decarbonisation of the Leisure Centres within Cherwell. Project Team in place - currently awaiting tender returns and evaluation process to take place. Feasibility study plans are ongoing for future leisure provision
Key Actions	Status	Comments			
<input checked="" type="checkbox"/> Review existing Leisure provision and contracts to reflect growth in the district	★	Plans are in place to progress the decarbonisation of the Leisure Facilities across the District. Feasibility studies into further investment are ongoing			
Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP4.1.4 Support the Voluntary Sector	<ul style="list-style-type: none"> ■ Ansaf Azhar ■ Nicola Riley 	Cllr A McHugh	★	★	Various organisations have benefited from Containing Outbreak Management Fund grants over the last three months. Mainly to support increasing social interactions from previously isolated residents, support growing projects and play days. Cherwell Theatre Company's productions of Pete Stays Home and Myths II were performed in school and park settings. The 4th Bicester Festival was delivered with the theme of Sea Change.
Key Actions	Status	Comments			
<input checked="" type="checkbox"/> Organise the annual District Voluntary organisations forum	★	The Voluntary Organisations Forum will take place in November 2021			
Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP4.1.5 Enhanced Community Resilience	<ul style="list-style-type: none"> ■ Richard Webb ■ Rob MacDougall 	Cllr A McHugh	★	★	Alongside the continuing support for the pandemic response, in September, the main focus for Emergency Planning was the planning for the women's tour cycle race. The Environmental Health team facilitated the Safety Advisory Group meetings for the start and finish and overall route, to ensure all partners could review and comment on the event plans in advance. Over the last quarter, the Emergency Planning team provided input to support the development of community resilience plans, attended a number of parish meetings to promote community resilience, and carried out exercises of key incident management plans, including for the Oxford airport.
Key Actions	Status	Comments			
Report on community resilience activities, local liaison forums attended and any events arising		Engagement with community groups continues to promote the development and review of community resilience plans. Currently, 19 local communities have a community resilience plan and there are 8 further plans are in development.			

Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP4.1.6 Support and Safeguard Vulnerable People	<ul style="list-style-type: none"> ■ Ansaf Azhar ■ Nicola Riley 	Cllr A McHugh	★	★	Closer working with other District Councils and Oxfordshire County Council around the rising prevalence of Domestic Abuse. Preparation for Safeguarding awareness week in October (11th - 15th) also undertaken.
Key Actions		Status	Comments		
<input checked="" type="checkbox"/> Maintain training with staff and members		★	Programme actions complete		
Measures & Action	Measure Director/Lead	Portfolio Holder	Status	YTD	Commentary
BP4.1.7 Promote Healthy Place Shaping	<ul style="list-style-type: none"> ■ Ansaf Azhar ■ Rosie Rowe 	Cllr A McHugh	★	★	Kidlington Local Cycling and Walking Infrastructure Plan (LCWIP) is nearing its completion with it going out for final consultation next month. It will then be sent to OCC (Oxfordshire County Council) to be signed off. Banbury LCWIP first draft created and, currently, is being reviewed with OCC and soon also with CDC Cllrs before going to public consultation. Bicester had upgrades and repairs to their health routes with more engaging games and activities added to them. Kidlington animal routes have been installed with a launch event due in October (half term). Banbury health routes continue to be installed (from the 18th of October weather permitting). Local residents and key partners have been involved in creating routes and design for wayfinding markers. Dr Bike helped to get over 60 bikes back on the road, after being repaired and safety checked. Both K5 Better together and Healthy Bicester delivery plans have been amended, since having feedback events with key stakeholders, to better prioritise those residents in need, post lockdown.
Key Actions		Status	Comments		
<input checked="" type="checkbox"/> Report on the impact of activities to promote active travel		★	Design of signage and route marking agreed, following public engagement, and Four health routes are due to be installed in both Kidlington and Banbury, during October, prior to their launch in half term. In Bicester, 15 organisations took part in the Bicester Volunteers Forum meeting (in September). Wild Bicester project have run one event per month to promote access to nature. Draft Kidlington LCWIP report is being reviewed by OCC for final consultation. Funding secured from Welcome Back fund, for a number of benches, for Kidlington and Banbury health routes and for a new Health Route, at Graven Hill, in Bicester		

Appendix 3 – Leadership Risk Register as at 20/10/2021

Level of risk	How the risk should be managed
High Risk (16-25)	Requires active management to manage down and maintain the exposure at an acceptable level. Escalate upwards.
Medium Risk (10 -15)	Contingency Plans - a robust contingency plan may suffice together with early warning mechanisms to detect any deviation from the profile.
Low Risk (1 – 9)	Good Housekeeping - 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			L07		
	4 - Major		L06- L08 - L15	L03 - L04 - L05 - L10	L01 - L16	
	3 - Moderate		L09 -	L02 - L11 - L13 - L17- L18	L14	L12
	2 - Minor					
	1 - Insignificant					

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

Ref	Name and Description of risk	Potential impact	Inherent (gross) risk level (no Controls)			Controls	Control assessment	Lead Member	Risk owner	Risk manager	Residual risk level (after existing controls)			Direct'n of travel	Mitigating actions (to address control issues)	Comments	Last updated
			Probability	Impact	Rating						Probability	Impact	Rating				
2021/22																	
L01 -	Financial resilience – 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	4	4	16	Medium Term Revenue Plan reported regularly to members.	Fully effective Partially effective Not effective	Councillor Tony Illot	Lorna Baxter	Michael Furness	4	4	16	↔	Review of workload and capacity across the team. Interim Capital Accountant post recruited to. New Corporate Accountant starting in October. Permanent appointment made to support VAT and S106. Job advert placed for permanent support to the corporate accountant. Assessment of national picture undertaken and being reported through senior managers and members highlighting the medium term challenges. Recruited 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. New financial system helping to support the monitoring process. New interim Accountant began in November to bring capacity to assist with anticipated additional test and trace and business grants workload.	Risk reviewed - 04/10/21 - Mitigations and Comments updated
Reduction in services to customers	Balanced medium term and dynamic ability to prioritise resources	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 up and running providing improved management information.	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.											
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 - future work has been placed on hold as part of a capital pipeline of schemes not currently included in the capital programme											
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 as up-to-date as we can be in relation to potential funding changes from 2021/22 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				2021/22 Budget set, a review of the process to be discussed at budget planning committee (13/7/21) and revised process to be developed for 2022/23. Updated budget monitoring for 2021/22 with a greater focus on savings delivery.	2021/22 budget set. Review of the 2021/22 budget setting process being planned.										
Increased inflation in the costs of capital schemes	Regular financial and performance monitoring in place	Fully				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 external advisor 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 for 2021/22 has been agreed with savings proposals identified to address these reductions. Close monitoring of the delivery of the savings programme will take place throughout 2021/22 with mitigations required if slippage is identified. 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. The Council set its 2021/22 budget on 22 April 2021 and now needs to monitor the delivery of the budget and begin preparations for the 2022/23 budget process. The Government has announced that a 3 year Spending Review for 2022/23 - 2024/25 will be announced on 27 October 2021. This will provide the resource envelope for Government Departments to operate in, but is not expected to provide any specific funding allocations for individual local authorities.										
	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 now assumed from 2023/24 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 begin shortly to identify further savings necessary to operate within this level of resources.														
			Where the Government has issued consultations on future approaches to funding local government CDC has responded to ensure its views are considered.														
			New capital bids submitted will be questioned to ensure increases in cost assumptions have been reflected.														

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				
2021/22																	
L02 -	Statutory functions – Failure to meet statutory obligations and policy and legislative changes are not anticipated or planned for.	<p>Legal challenge</p> <p>Loss of opportunity to influence national policy / legislation</p> <p>Financial penalties</p> <p>Reduced service to customers</p> <p>Inability to deliver council's plans</p> <p>Inability to realise commercial opportunities or efficiencies</p> <p>Reduced resilience and business continuity</p> <p>Reduced staff morale, increased workload and uncertainty may lead to loss of good people</p>	3	4	12	<p>Embedded system of legislation and policy tracking in place, with clear accountabilities, reviewed regularly by Directors. Partially</p> <p>Clear accountability for responding to consultations with defined process to ensure Member engagement Fully</p> <p>National guidance interpreting legislation available and used regularly Fully</p> <p>Risks and issues associated with Statutory functions incorporated into Directorate Risk Registers and regularly reviewed. Fully</p> <p>Clear accountability for horizon scanning, risk identification / categorisation / escalation and policy interpretation in place Partially</p> <p>Robust Committee forward plans to allow member oversight of policy issues and risk management, including Scrutiny and Audit Fully</p> <p>Internal Audit Plan risk based to provide necessary assurances Fully</p> <p>Strong networks established locally, regionally and nationally to ensure influence on policy issues. In addition two Directors hold leading national roles. Fully</p> <p>Senior Members aware and briefed regularly in 1:1s by Directors Fully</p> <p>Arrangements in place to source appropriate interim resource if needed Fully</p> <p>Ongoing programme of internal communication Fully</p> <p>Programme Boards in place to oversee key corporate projects and ensure resources are allocated as required. Fully</p> <p>CDC Extended Leadership Team (ELT) Meetings established to oversee and provide assurance on key organisational matters including resourcing. Fully</p> <p>Partnership Working Group established with OCC to oversee joint working opportunities. Fully</p>		Councillor Barry Wood	Anita Bradley	Sukdave Ghuman	3	3	9	↔	<p>Establish corporate repository and accountability for policy/legislative changes taking into consideration all of the Council's functions.</p> <p>Review Directorate/Service risk registers.</p> <p>Ensure Committee forward plans are reviewed regularly by senior officers.</p> <p>Ensure Internal Audit plan focusses on key leadership risks.</p> <p>Allocate specific resource to support new projects/policies or statutory requirements e.g. GDPR.</p> <p>Learning and development opportunities identified and promoted by the Chief Executive and Directors.</p> <p>Regular communications from Chief Executive. Quarterly staff briefings from Assistant Directors.</p> <p>External support secured for key corporate projects including CDC/OCC joint working, Growth Deal and IT Transformation Programme.</p>	<p>Following Brexit and the end of the EU transition period legal advice is provided upon emerging issues. Development in legislation continues to be closely monitored as implemented e.g. subsidy control (formerly state aid regime) being reviewed and government guidance tracked as it is developed and published .</p> <p>This risk is undergoing a review with steps being undertaken to update processes and procedures for internal oversight and control. Steps are being undertaken to track income, recorded hours and expenditure. This is an ongoing process to allow greater oversight and accountability and to ensure that the correct resources are in place.</p>	Risk reviewed - 13/10/2021 Mitigating actions and comments updated

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				
2021/22																	
L03 -	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. 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	Bill Cotton	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. 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 September 2021. It includes the programmes for the Oxfordshire Plan 2050, a Local Plan Review, the Banbury Canalside Supplementary Planning Document and work on a Community Infrastructure Levy (CIL). An Options Consultation for the Oxon Plan was undertaken in Summer 2021. An issues consultation for the Cherwell Local Plan Review was undertaken completed on 14 Sept 2020. An Options consultation commenced on 29 Septemeber 2021. The programmes for work on the Canalside SPD and CIL have been re-aligned to the Local Plan review timetable in the new LDS.	Risk reviewed 14/10/2021 - comments updated
L04-	Business Continuity - Failure to ensure that critical services can be maintained in the event of a short or long term incident affecting the Councils' operations	Inability to deliver critical services to customers/residents Financial loss/ increased costs Loss of important data Inability to recover sufficiently to restore non-critical services before they become critical Loss of reputation Reduced service delivery capacity in medium term due to recovery activity	4	4	16	Business continuity strategy, statement of intent and framework in place and all arrangements overseen by a Business Continuity Steering Group Services prioritised and recovery plans reflect the requirements of critical services ICT disaster recovery arrangements in place with data centre and cloud services reducing likelihood of ICT loss and data loss Incident management team identified in Business Continuity Framework All services undertake annual business impact assessments and update plans Business Continuity Plans tested annually All services maintain business continuity plans	Fully Fully Fully Partially Fully Partially Fully	Councillor Andrew McHugh	Rob MacDougall	Richard Webb	3	4	12	↔	Business Continuity Statement of Intent and Framework reviewed annually Cross-council BC Steering Group meets regularly to identify BC improvements needed ICT transition to data centre and cloud services has reduced likelihood of ICT loss and data loss Corporate ownership and governance sits at senior officer level BC Impact assessments and BCPs to be updated and reviewed by OCC's Emergency Planning team BC exercises to be arranged (on hold due to pandemic response) Updated Incident management framework agreed August 2021	Business continuity status reports continue to be collated and reviewed bi-weekly as part of pandemic response. The Council has continued to provide critical services throughout the lockdown periods. Remote working enables most teams to work effectively from home and sustain services whilst also avoid unnecessary social contacts. A new incident management framework has been adopted for the council and aligns our incident response arrangements with OCCs. Work has started on aligning the council's BC statement of intent and framework support this new incident management framework.	Risk Reviewed 11/10/2021 - Comments and mitigating actions updated

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				
2021/22																	
L05 -	Emergency Planning (EP) - Failure to ensure that the local authority has plans in place to respond appropriately to a civil emergency fulfilling its duty as a category one responder	Inability of council to respond effectively to an emergency Unnecessary hardship to residents and/or communities Risk to human welfare and the environment Legal challenge Potential financial loss through compensation claims Ineffective Cat 1 partnership relationships Reputational damage	4	4	16	Emergency Plan in place and key contact lists updated monthly. Emergency Planning Lead Officer defined with responsibility to review, test and exercise plan and to establish, monitor and ensure all elements are covered Added resilience from Oxfordshire County Council's Emergency Planning Team. Under partnership arrangements. Senior management attend Civil Emergency training Multi agency emergency exercises conducted to ensure readiness On-call rota established for Duty Emergency Response Co-ordinators Active participation in Local Resilience Forum (LRF) activities	Fully Fully Fully Partially Partially Fully Fully	Councillor Andrew McHugh	Rob MacDougall	Richard Webb	3	4	12	↔	Emergency plan contacts list being updated monthly and reissued to all duty managers. OCC Emergency Planning providing expert advice and support under a partnership arrangement. Accountability for both OCC and CDC's arrangements now sit with the Chief Fire Officer who reviews the arrangements with the Assistant Director. Supporting officers for incident response identified in the emergency plan and wallet guide Refreshed incident management plan agreed to align with OCC response arrangements and roll-out being progressed Training being arranged for Duty Directors. All senior managers who provide the Duty Director rota have attended multi-agency exercises and duty manager training with OCC senior managers. On-call rota being maintained and to be updated to reflect recent staffing changes Authority continues to be represented at the Local Resilience Forum	The Emergency Plans which were enacted and command structures established with partner organisations to support the response to the Covid-19 pandemic are now being relaxed as the situation improves. Recovery work continues. Partners continue to liaise with organisers of planned events to ensure they have robust infection management arrangements in place and that there is awareness of all the events being organised. The council is maintaining its duty director rota for any other emergency incidents that might arise. A refresh of the council's emergency plans is being progressed to provide a clearer framework for incident response aligned with the Local Resilience Forum. Senior manager training is being developed following changes in personnel.	Risk Reviewed 11/10/2021 - Mitigating actions updated

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				
2021/22						Fully effective Partially effective Not effective											
L06-	Health and safety Failure to ensure effective arrangements are in place for Health and Safety.	Unsafe services leading to fatality, serious injury & ill health to employees, service users or members of the public	5	4	20	H&S policies (incl. responsibilities) and procedures have been reviewed and adopted	Fully	Councillor Lynn Pratt	Steve Jorden	Martin Green	2	4	8	↔	COVID-Secure arrangements and safe working practices remain effective and are regularly reviewed to ensure they are in line with government guidance. Even though positive outlook some workplace controls are expected to remain in place for longer term e.g. improved ventilation and cleaning.	Risk score remains amber to reflect increasing COVID cases nationally and in Cherwell. H&S Risk Assessments and Procedures remain effective in controlling workplace exposure and reducing transmission alongside vaccination programme. To achieve 'Green' RAG rating a downward trend and low case numbers needed to reduce likelihood of exposure. Currently at Stage 4 of Roadmap. Important to note legal duties under H&S legislation still apply including req to assess risks to our staff and customers and take appropriate mitigations in line with the current gov working safely guidance. H&S/FM developing proposals for return to offices with focus on improving ventilation, regular cleaning and encouraging hand hygiene and wearing of face coverings.	Risk reviewed 01/10/2021 - No changes
Criminal prosecution for failings Breach of legislation and potential for enforcement action.	Fully	Clearly identified accountability and responsibilities for Health and Safety established at all levels throughout the organisation Risk Assessments completed including COVID-19.				Corporate Assurance on effectiveness of H&S controls is monitored by the H&S Assurance Board. Key areas of focus include: - Task and Finish group established to review and recommend improvements for the role of Responsible Premises Manager. This will be delivered as part of the Property function redesign which will look holistically at property management and include system improvement.	Field Monitoring by H&S Team ongoing including high risk activities i.e. Environmental Services and Roadside Waste Collections.										
Financial impact (compensation or improvement actions)	Fully	Provision of PPE is priority area of focus for both standard work issue and additional infection control requirements for COVID-19.				As part of agile working improvements around DSE Assessments, provision of work equipment and prevention of ill health.	Corporate H&S for OCC/CDC now aligned in terms of management support and where possible aligned governance processes.										
Reputational Impact	Fully	Information and training programmes in place for staff and volunteers. Communications channels in place including COVID-19 focussed H&S information.				New project initiated for replacement H&S reporting system (Joint-OCC/CDC)											
	Fully	H&S Governance Board maintains oversight of policy and practice with response to COVID-19 covered within business continuity support structure.															
	Fully	H&S Training provision in place including essential training for all staff and induction.															
	Fully	Consultation arrangements in place with unions.															
	Fully	H&S monitoring will be carried out in selected services to assess compliance.															
	Fully	Reporting of key data and issues to Leadership Teams and through business continuity support structure. This will include any incidents, accidents including RIDDOR.															
	Fully	Home-working arrangements supported by advice, guidance, equipment etc., frequent messages from CEO and Internal Comms. Specific arrangements in place to provide equipment for those with specialist requirements or needs.															

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
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2021/22																	
L07-	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.	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 Fully Fully	Councillor Ian Corkin	Claire Taylor	David Spilsbury	3	5	15	↔	We are cyber-essentials plus certified which is externally accredited. Microsoft Multi-Factor Authentication is embedded to authenticate users providing an enhanced level of cyber security. Accounts, Audit & Risk Committee Members have been given presentations and formal training on Cyber Security. The Regional Police Cyber Security Advisor have given 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. Cyber Security is mandatory e-learning for all staff to be completed annually. Members given a Cyber training session with the Police Cyber Security Advisor. IT implemented an intrusion prevention and detection system which is monitored and regular actions are implemented from the resulting reports. Information Management support is provided to Cherwell as part of a joint working relationship with Oxfordshire County Council. Cyber Awareness e-learning available and is part of new starters induction training. Cyber Security issues regularly highlighted to all staff. External Health Check undertaken in 2021 and Cabinet Office PSN compliance reviewed and certified the infrastructure is secure to connect to the PSN for another year until September 2022. 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.	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. The controls and any further controls will not reduce the potential impact should the risk occur e.g. if we were subject to a ransomware attack the effect on the council could be catastrophic. We do have controls in place to prevent this happening and plans to deal with and recover from such an incident should it occur. The controls in place have reduced the probability from 'probable' to 'possible', we don't believe that this is reduced further to the point of it being 'unlikely' as it is possible we could be subjected to either a cyber incident or data breach within the Council.	Risk Reviewed 11/10/2021 - No changes

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			Probability	Impact	Rating						Probability	Impact	Rating				
2021/22						Fully effective Partially effective Not effective											
L08-	Safeguarding the vulnerable (adults and children) - Failure to follow our policies and procedures in relation to safeguarding vulnerable adults and children or raising concerns about their welfare	Increased harm and distress caused to vulnerable individuals and their families Council could face criminal prosecution Criminal investigations potentially compromised Potential financial liability if council deemed to be negligent	4	4	16	Safeguarding lead in place and clear lines of responsibility established Safeguarding Policy and procedures in place Information on the intranet on how to escalate a concern Mandatory training and awareness raising sessions are now in place for all staff. Safer recruitment practices and DBS checks for staff with direct contact Community Safety Partnership reflect the actions needed to reduce exploitation Data sharing agreement with other partners Attendance at Children and Young People Partnership Board (CYPPB) Annual Section 11 return compiled and submitted as required by legislation. Engagement with Joint Agency Tasking and Co-ordinating Group (JATAC) and relevant Oxfordshire County Council (OCC) safeguarding sub group. Engagement at an operational and tactical level with relevant external agencies and networks	Fully Fully Fully Fully Fully Partially Fully Fully Fully Fully Fully	Councillor Barry Wood	Claire Taylor	Nicola Riley	2	4	8	↔	Web pages up to date Ongoing external awareness campaigns Annual refresher and new training programmes including training for new members Attendance at safeguarding boards and participation in learning events Continue to attend safeguarding board sub groups as necessary to maintain high levels of awareness within the system and compliance with latest practice Continue to support work across the district regarding exploitation through slavery, county lines, domestic violence Partnership working with Community Safety and police colleagues Regular internal cross departmental meetings to discuss safeguarding practice Action plan acted upon and shared with Overview and scrutiny committee once a year Corporate monitoring of all referrals	New information sharing events have been scheduled to encourage staff to broad their understanding. Member training is under consideration.	Risk reviewed 04/10/2021 Mitigations updated
L09-	Sustainability of Council owned companies and delivery of planned financial and other objectives - 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 Failure of council owned companies to achieve their intended outcomes or fail to meet financial objectives Lack of understanding at officer and member level about the different roles of responsibilities required when managing council owned companies Potential impact of local government re-organisation (Northamptonshire) on CSN (see Risk L17)	3	4	12	Annual business planning in place for all companies to include understanding of the link between our objectives being delivered and financial impact for the council Financial planning for the companies undertaken that will then be included within our own Medium term financial plan Ensure strong corporate governance mechanisms are in place Sound monitoring in place of both business and financial aspects of the companies and the impact on overall council performance Training in place for those undertaking roles relating to the companies	Fully Fully Partially Fully Partially	Councillor Tony Illot	Steve Jordan	Robert Fusezi	2	3	6	↔	Changes in the shareholder support side line management been put in place. Additional oversight and capacity from senior managers including performance dashboards at CEDR. Resilience and support being developed across business to support and enhance knowledge around council companies. Skills and experience being enhanced to deliver and support development, challenge and oversight. Work with one company to ensure long term support arrangements are put in place. Ongoing shareholder meetings key to understanding impact of Northamptonshire reorganisation	Council dissolving partnership with SNH so CSN as a company will no longer exist after Nov 2021. Services being brought back in house. Graven Hill – company continues to respond to market changes as a result of Covid and supply chain restrictions, no areas of concern at this stage. Crown House continues to enjoy high occupancy rates but there is some concern over cash flow, which is being looked in to. Management of Crown House now being undertaken by the Property Team. CSN exit strategy being implemented. Service being brought back in house and company to be dissolved. First years trading will identify overall financial impact of pandemic. Governance review completed and accepted by Shareholder committee. Action plan developed to ensure all identified improvements are implemented appropriately.	Risk reviewed 13/10/2021 - No changes

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				
2021/22																	
L10-	Financial sustainability of third-party suppliers and contractors	<p>The financial failure of a third party supplier and contractors results in the inability or reduced ability to deliver a service to customers or provide goods needed. A reduced supply market could also result in increased costs due to the council's loss of competitive advantage.</p> <p>Reduced resilience and business continuity</p> <p>Increased complaints and/or customer dissatisfaction</p> <p>Increased costs and/or financial exposure to the Council due to having to cover costs or provide service due to failure of third party supplier of contractor</p>	3	4	12	<p>Ensure contract management in place review and anticipate problems within key service suppliers and partners</p> <p>Business continuity planning arrangements in place in regards to key suppliers</p> <p>Ensuring that proactive review and monitoring is in place for key suppliers to ensure we are able to anticipate any potential service failures</p> <p>Intelligence unit set up procurement Hub to monitor supplier and contractor market</p> <p>Analysis of third party spend undertaken to identify and risk assess key suppliers/contractors</p>	<p>Partially</p> <p>Partially</p> <p>Partially</p> <p>Fully</p> <p>Fully</p>	Councillor Tony Illot	Steve Jorden	Melissa Sage	3	4	12	↔	<p>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 of COVID-19 lockdown, have on supply.</p> <p>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 Business continuity plans in place</p>	Risk reviewed 04/10/2021 - No changes	

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				
2021/22																	
L11-	Corporate Governance - Failure of corporate governance leads to negative impact on service delivery or the implementation of major projects providing value to customers.	<p>Threat to service delivery and performance if good management practices and controls are not adhered to.</p> <p>Risk of ultra vires activity or lack of legal compliance</p> <p>Risk of fraud or corruption</p> <p>Risk to financial sustainability if lack of governance results in poor investment decisions or budgetary control.</p> <p>Failure of corporate governance in terms of major projects, budgets or council owned companies impacts upon financial sustainability of the council.</p> <p>Inability to support Council's democratic functions / obligations (e.g. return to physical public meetings and public access to meetings).</p> <p>Elements of the COVID-19 response and recovery work may be compromised, delayed or not taken forwards.</p>	4	4	16	<p>Clear and robust control framework including: constitution, scheme of delegation, ethical walls policy etc.</p> <p>Clear accountability and resource for corporate governance (including the shareholder role).</p> <p>Integrated budget, performance and risk reporting framework.</p> <p>Corporate programme office and project management framework. Includes project and programme governance.</p> <p>Internal audit programme aligned to leadership risk register.</p> <p>Training and development resource targeted to address priority issues; examples include GDPR, safeguarding etc.</p> <p>HR policy framework.</p> <p>Annual governance statement process undertaken for 2020/21 under oversight of the Corporate Governance Assurance Group (CGAG) for Cherwell and Oxon. The Group has taken an aligned approach (with Oxon CC) to work up a revised and complementary Annual Governance Statement which also connects more fully and earlier with ELT and CEDR.</p> <p>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</p>	<p>Fully effective</p> <p>Partially effective</p> <p>Not effective</p> <p>Fully</p> <p>Fully</p> <p>Fully</p> <p>Partially</p> <p>Fully</p> <p>Partially</p> <p>Partially</p> <p>Partially</p>	Councillor Barry Wood	Yvonne Rees	Anita Bradley	3	3	9	↔	<p>Standing item at senior officer meetings – regular review of risk and control measures.</p> <p>Post election member induction programme has been delivered, including governance sessions to councillors on the Constitution, data protection and FOI, finance, equalities and code of conduct.</p> <p>Monitoring Officer to attend management team meetings.</p> <p>Annual Governance Statement process was reviewed and strengthened and completed. Corporate Lead Statements which identify potential actions for 2021/22 have been produced and reviewed by the Corporate Governance Assurance Group. Signed off by Audit Accounts and Risk Committee. The Corporate Governance Assurance Group continues to map governance processes to ensure visibility and to refresh them.</p>	<p>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). The Council continues to exit in an orderly manner from its joint working arrangements in respect of the delivery of a Revenues and Benefits Service to the Council.</p> <p>Model Code of Conduct has been published by LGA and all Oxon Council Monitoring Officers have met to give initial consideration. Agreed that Oxon authorities ideally wish to adopt a consistent Code across the county, and across County, District, City, Town and Parish Councils. As such, working plan is for Monitoring Officers to achieve a draft to take through each Council post-election with a view to implementation by May 2022 this is dependent upon each Council being in agreement to the proposed approach.</p> <p>Meetings in physical form have been successfully and safely held since May 2021 and continue to do so, keeping track of public health advice and developments in guidance.</p> <p>Recruitment process has commenced for the appointment of Independent Persons to assist the Monitoring Officer on member code of conduct complaints. The Standards Committee considered the job profile on 11 October 2021. This will now proceed to advert.</p>	Risk reviewed 13/10/2021 - Comments updated

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				
2021/22																	
L12	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>Failure to replace Programme Management Officer could adversely affect delivery and stability of the overall Cherwell programme.</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>Put suitable arrangements in place to deliver the Project Management function.</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 effective</p> <p>Partially effective</p> <p>Not effective</p> <p>Fully</p> <p>Fully, when implemented (not implemented yet).</p> <p>Partially</p> <p>Partially</p> <p>Fully</p> <p>Fully</p> <p>Partially</p>	Councillor Barry Wood	Robert Jolley	TBA	5	3	15	↔	<p>A CDC GD programme and programme board capability.</p> <p>Meetings to take place with key colleagues to implement suitable arrangements to deliver the Project Management function.</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>	Discussions are progressing amongst key officers to address the gaps left by the departure of the former Programme Management Officer. Year Four Plans of Work continue to be delivered and the Cherwell Programme currently remains broadly speaking on track.	Risk reviewed 08/10/21 - no changes.
L13	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	3	3	9	↔	<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>	The Audit plan for 2021/22 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. Additional briefings have taken place with new Members at OCC to ensure the scope and scale of the partnership is understood and embedded.	Risk reviewed 14/10/2021 - Comments updated
L14	Legacy Shared Services Partnership – West Northamptonshire Council: Failure to effectively manage legacy partnership arrangements with WNC results in increased costs or service provision / operational risks.	Services impacted by the legacy partnership are HR (payroll), IT and revenues and benefits.	4	4	16	<ul style="list-style-type: none"> Plan in place to transition IT arrangements. Plan in place to transition revenues and benefits service, recruitment plans in place to plug any provision gaps. Project teams are in place to oversee both transitional projects. HR engaging with WNC regarding payroll provision. All affected services subject to internal audit and performance management regimes. Governance advice sought with regards to CSN (teckal co) 	<p>Partially effective.</p> <p>Full effectiveness requires ongoing engagement from WNC. It is anticipated that this risk will reduce during 2021/22</p>	Councillor Barry Wood	Yvonne Rees	Claire Taylor	4	3	12	↔	<p>Ongoing delivery of transition projects.</p> <p>Ongoing staff communications.</p> <p>Legal advice sought where appropriate. Plans are in place to transition all of the affected services. These are monitored through project governance and bi-lateral discussions between the s151 officers of the two councils.</p>	<p>On-going service delivery arrangements to SNC (now WNC) set out clearly and underpinned by the Collaboration Agreement with protocols in place for dealing with any emerging issues.</p> <p>WNC have now set out a timeframe for or transitional arrangements for revenues and benefits services going into West Northamptonshire Unitary. Legal advice has been sought with regards to governance and technical advice has been sought regarding technology. CEDR level shareholder and governance roles clarified with regards to shared services delivery company CSN.</p> <p>It is expected that this risk will reduce further in the coming months, the insourcing of revenues and benefits is on track and will be completed by 5 November 2021.</p>	Risk reviewed 14/10/2021 - Comments updated

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			Probability	Impact	Rating						Probability	Impact	Rating				
2021/22																	
L15-	Workforce Strategy The lack of effective workforce strategies could impact on our ability to deliver Council priorities and services.	Limit our ability to recruit, retain and develop staff Impact on our ability to deliver high quality services Overreliance on temporary staff Additional training and development costs	3	4	12	Analysis of workforce data and on-going monitoring of issues. Key staff in post to address risks (e.g. strategic HR business partners) Weekly Vacancy Management process in place Ongoing service redesign will set out long term service requirements	Partially effective Fully Fully Partially	Councillor Ian Corkin	Claire Taylor	Karen Edwards	2	4	8	↔	Development of relevant workforce plans. IT has built 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 collected and monitored fortnightly. HR monitors and report sickness absence data on a weekly basis. Development of new L&D strategy, including apprenticeships. Development of specific recruitment and retention strategies. It is planned for CDC to join the Commensura Managed Services contract which is in place at OCC to ensure that the Council has access to a much wider pool of staffing agencies at competitive rates. There are indications that specific service areas are beginning to experience recruitment difficulties for professional roles. HR is working with the relevant directors to consider alternative resourcing methods. 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.	Sickness absence continues to be monitored along with the impact on services across the council. HR is working with areas experiencing recruitment difficulties.	Risk reviewed 20/10/21 - Mitigating actions and comments updated
L16-	Covid-19 Community and Customers Significant spread of the Covid-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. Economic hardship impacting local business and potentially the local workforce. Impact on vulnerable residents who may find it harder to access services. Increased demand on both frontline and enabling services. Prolonged risk of social isolation and the mental and physical consequence thereof.	5	4	20	Business Continuity Plans have been reviewed and tested to ensure the ongoing delivery of priority services. Remote (home based) working in place, to facilitate self isolation and limit impact on service delivery. 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. Partnership communications. Partnership communications enhanced and regular conversations convened. 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. Tactical response to community resilience. Creation of a dedicated telephony helpline to support the most clinically extremely vulnerable (shielded) residents in the county and operating extended hours each day. Provision of additional body storage as temporary place of rest to support the current mortuary provision. Face to face customer events e.g. wedding ceremony, library provision ceased in line with government guidance. Engagement with suppliers to manage impacts across the supply chain.	Fully Partially Fully Partially Fully Fully Fully Fully Partially	Councillor Barry Wood	Yvonne Rees	Rob MacDougall	4	4	16	↔	Ongoing review and implementation of Council and partnership business continuity and emergency planning arrangements. COVID Response Programme is in place and supporting with ongoing response and recovery work. Outbreak planning and Standard Operating Procedures are in place and regularly reviewed.	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. There is continuing monitoring of case numbers and infection rates in population through the Oxfordshire System and Cherwell are involved with these groups to understand any increase in risk	Risk reviewed 01/10/2021 -No changes

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				
2021/22																	
L17-	Covid-19 Business Continuity 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	3	3	9	↔	Ongoing review and implementation of Council and partnership business continuity and emergency planning arrangements. Full health, safety and HR response in place. IT remote working arrangements are sustainable. Review and updating of service level business continuity plans to commence during Quarter 3	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. Plans in place as part of the national government's pathway to open up. Monitoring of impacts is ongoing and there are arrangements in place to stand-up heightened Covid response as required. Agile working and flexibility to continue as the final stages of the covid roadmap are implemented. Hybrid meetings are tested and operational. Staffing absence remains low. Arrangements are in place for council meetings to accommodate greater staff and member presence in the office, hybrid working remains in place to facilitate flexibility, resilience and on-going business continuity.	Risk reviewed 13/10/2021 - Mitigating actions updated

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
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2021/22																	
L18-	Post Covid-19 Recovery challenges associated with adverse impact on customers, our workforce and the budget.	Long term response to the current covid-19 pandemic	4	4	16	Local plans have been revised in line with the national winter plan and revised contain strategy. Most legal restrictions now removed. CDC fully participates in cross county partnerships to plan for the post-pandemic period. Lessons learnt review underway and actions will inform future plans	Partially	Councillor Barry Wood	Yvonne Rees	Claire Taylor	3	3	9	↔	Governance programme reviewed, 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.	
Requirement to review service delivery	Working through a new corporate programme underpinned by policy research and budget planning.	Partially				Programme support arrangements in place and work underway to formally review lessons learnt and next steps. Executive received full update to offer assurance and begin lessons learnt review at committee 5 July 2021	Longer term recovery and renewal strategy is under development for Executive in Jan.										
Budget implications		Partially				In year budget on track.	The COMF (contain outbreak management fund) allocation to Cherwell has been confirmed and plans are under development to ensure effective allocation of this grant to reduce the incidence of COVID in Cherwell and support the community.										

L03 - Local Plan Risk
The latest Local Development Scheme is that approved by the Executive in September 2021. It includes the programmes for the Oxfordshire Plan 2050, a Local Plan Review, the Banbury Canalside Supplementary Planning Document and work on a Community Infrastructure Level (CIL).
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.
An options consultation was undertaken in Summer 2021. The timetable for the Plan (agreed by the Oxfordshire Growth Board on 24 November 2020), provides for a proposed Plan to be consulted upon in Spring 2022, the submission of the Plan for Examination in September 2022 and its 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 Local Plan Review in the Local Development Scheme is as follows: <ul style="list-style-type: none"> - District Wide Issues Consultation (Regulation 18): July - August 2020 - District Wide Options Consultation (Regulation 18): October - November 2021 - Consultation on draft Plan (Regulation 18): June/July 2022 - Consultation on Proposed Submission Plan (Regulation 19): January - February 2023 - Submission (Regulation 22): May 2023
An issues consultation was prepared and completed in 2020. There has been some delay to the original programme. Consultation on an Options Paper commenced on 29 September 2021.
Banbury Canalside Supplementary Planning Document
The timetable for the Banbury Canalside SPD as set out in the Local Development Scheme follows that for the review of the Local Plan. It requires <ul style="list-style-type: none"> - preparation and engagement: May 2023 (onwards) - formal consultation: February-March 2024 - adoption: May 2024
Community Infrastructure Levy (CIL)
The timetable for CIL as set out in the Local Development Scheme is aligned to Local Plan preparation (unless national policy changes). It requires <ul style="list-style-type: none"> - evidence gathering and engagement: June-July 2022 - preparation of draft charging schedule: July-December 2022 - consultation on charging schedule January-February 2023 - potential (if approved) submission of charging schedule: May 2023
Staff resources are presently focused on the Oxfordshire Plan and Local Plan Review. In that context, an SPD is not being prioritised at present.
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: <ul style="list-style-type: none"> - 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 2021-22

CODE	PROJECT MANAGER / SERVICE OWNER	DESCRIPTION	BUDGET TOTAL	YTD ACTUAL	Outturn	RE-PROFILED BEYOND 2021/22	Current Month Variances £000	Prior Month Variances £000	OUTTURN NARRATIVE
40062	Andrew Bowe/Tony Brummell	East West Railways	10	1	10	0	-	-	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.
40206	Robert Jolley	Garden Town Capital Funding	4,550	0	4,550	0	-	-	This is the major infrastructure scheme in Bicester's Banbury Road roundabout.
40106	Jane Norman	Coach House Mews (Phase 1)	0	(94)	(7)	0	(7)	(7)	£87.5k is the disposal proceeds of no. 5 Worcester House (will be moved to Capital Receipts). The £7k credit is the balance of an accrual
40125	Jane Norman	Newton Close (Phase 1)	0	(105)	0	0	-	-	
40121	Jane Norman	Bicester Library (phase 1b)	664	(2)	200	464	-	-	Bicester Library: The first archaeological investigations have been completed and information sent to the County archaeologist for approval to proceed. The demolition contract has been re-tendered as the 3 month time limit had been reached. The project received planning consent in September 2021. Current FY expenditure has been reduced to £200k with the remaining budget reprofiled - this will be continually reviewed against project programme and securing permission to proceed.
40111	Jane Norman	Admiral Holland Redevelopment Project (phase 1b)	0	(275)	6	61	67	67	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. Although 'Budget Total' is noted as 0 the aforementioned retention has been noted as a future liability 'reprofiled beyond FY 2021/22'.
40118	Jane Norman	Creampot Crescent Cropredy (phase 1b)	6	(17)	6	0	-	-	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 co	350	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.
40177	Jane Norman	Bullmarsh Close (Phase 2)	0	66	65	17	82	82	With construction formally completed early May 2021 there is the need to budget for retention which CDC will have to pay in May 2022 - the retention is £17k. Although 'Budget Total' is noted as 0 the aforementioned retention has been noted as a future liability 'reprofiled beyond FY 2021/22'.
40213	Jane Norman	Build Team Essential Repairs & Improve C	160	0	0	160	-	-	In preparation for the tender process further structural surveys have been carried out which have revealed additional work required. We are currently in discussion with the freeholder regarding a possible revised warranty claim.
40224	Jane Norman	Fairway Flats Refurbishment	140	3	140		-	-	The approved budget for the project is deemed to be £384k (CAP2117). The balance £244k funding will be released in FY 22/23.

CHERWELL CAPITAL EXPENDITURE 2021-22

CODE	PROJECT MANAGER / SERVICE OWNER	DESCRIPTION	BUDGET TOTAL	YTD ACTUAL	Outturn	RE-PROFILED BEYOND 2021/22	Current Month Variances £000	Prior Month Variances £000	OUTTURN NARRATIVE
Growth & Economy Total			5,880	(423)	5,320	702	142	142	
40015	Ed Potter	Car Park Refurbishments	79	5	29	50	-	-	£50k slippage required in to 22/23. Remainder of spend to be committed in quarter 3. In conjunction with projects 40026 Off Road Parking & 40217 Car Park Action Plan Delivery.
40026	Ed Potter	Off Road Parking	18	0	0	18	-	-	£18k slippage required in to 22/23. This project is in conjunction with Car Park Refurbishments project CC 40015 and 40217.
40028	Ed Potter	Vehicle Replacement Programme	1,268	653	969	299	-	-	£299k slippage required in to 22/23 to allow for further investigation in to electric vehicles/decarbonisation of fleet and extension of useful life of current fleet. Remaining £65k to be committed in quarter 3.
40031	Ed Potter	Urban City Electricity Installations	15	0	15	0	-	-	This project is for the refurbishment of electric sockets in Bicester town centre. The Full £15k is expected to be spent in quarter 3 of 21/22.
40186	Ed Potter	Commercial Waste Containers	25	9	25	0	0	0	Full spend is expected in quarters 3 and 4 of 21/22.
40187	Ed Potter	On Street Recycling Bins	22	4	10	12	-	-	£12k slippage required in to 22/23 - currently reviewing containers in urban centres and laybys to when refurbishment required. Remaining £6k to be spent in quarter 4.
40188	Ed Potter	Thorpe Lane Depot Capacity Enhancement	174	3	44	130	-	-	£130k slippage required in to 22/23 - requirement of space and infrastructure is still being reviewed. Remaining £41k to be committed in quarter 3.
40216	Ed Potter	Street Scene Fencing Street Furniture &	24	0	24	0	-	-	This project is for repairing/replacing metal steps at Kirtlington Quarry. Issues with the expiring lease, landowner and covid has resulted in delays. Full spend is expected in quarter 4 of 21/22 due to health and safety issues.
40217	Ed Potter	Car Parking Action Plan Delivery	175	0	90	85	-	-	£85k Slippage required in to 22/23. Remaining £10k to be committed in quarter 3. Projects in conjunction with 40015 & 40026.
40218	Ed Potter	Depot Fuel System Renewal	50	7	15	35	-	-	£35k slippage required in to 22/23 due to delays with progression of redevelopment of Bicester depot. Remaining £8k to be committed in quarter 3.
40220	Ed Potter	Horsefair Public Conveniences	150	3	150	0	-	-	Full commitment is currently expected in period 7 of 21/22. Changing places grant applied for - awaiting result of application.
40222	Ed Potter	Burnehyll- Bicester Country Park	175	4	175	0	-	-	Expecting full spend in quarter 4 of 21/22. Review meeting booked for 21st October.
40248	Ed Potter	Solar Panels at Castle Quay	53	0	53	0	-	-	Expecting full spend in 21/22, £6m grant funding PSDS project to be completed by Christmas 2021, if resources are then available, confirmation of anticipated spend or slippage will be identified .
40235	Ed Potter	Chargeable Garden & Food Waste	1,200	121	1,200	0	-	-	Full spend is expected in 21/22. Final spend to be committed in period 12.
Environment and Waste Total			3,428	808	2,799	629	0	0	
Environment and Place total			9,308	385	8,119	1,331	142	142	
40081	Robert Fuzesi	Bicester Town Centre Redevelopment	0	13	0	0	-	-	Works have been charged to revenue.- project closed

CHERWELL CAPITAL EXPENDITURE 2021-22

CODE	PROJECT MANAGER / SERVICE OWNER	DESCRIPTION	BUDGET TOTAL	YTD ACTUAL	Outturn	RE-PROFILED BEYOND 2021/22	Current Month Variances £000	Prior Month Variances £000	OUTTURN NARRATIVE
40092	Chris Hipkiss	Spiceball Riverbank Reinstatement	(50)	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	100	(4)	100		-	-	Tenders now complete and currently engaging with the tenants. Expect full utilisation of the £100k by march 2022
40141	Chris Hipkiss	Castle Quay 2	17,509	6,944	15,600	1,859	(50)	(0)	Includes £1.9m refund of s278 Highways Bond Final construction payment to McLaren scheduled in May23
40144	Chris Hipkiss	Castle Quay 1	3,303	68	3,303	0	(0)	(0)	£3.3m budgeted for works on Castle Quay Shopping centre excluding M&S unit
40162	Robert Fuzesi	Housing & IT Asset System joint CDC/SNC	100	0	0	100	-	-	CDC contribution to new joint IT asset system - uncertainty of timelines and funds may need to be reprofiled into next year
40167	Stuart Parkhurst	Horsefair, Banbury	55	0	55		-	-	The works design is now completed, pending tender. Expect full utilisation of budget by March 2022 but there is the potential that this project may slip to 22/23
40190	Stuart Parkhurst	Banbury Museum Upgrade of AHU	35	8	35		-	-	Works relate to Air Handling unit at Banbury museum. All specialist parts now have arrived from Germany. Pending intallation but expect full utilisation of the £35k by March 2022
40191	Stuart Parkhurst	Bodicote House Fire Compliance Works	71	(13)	71	0	-	-	£141k c/fwd from 20/21. £70k budget held back and will be loaded in to 22/23 Review of scope being carried out to ascertain actual requirements. Possibly reprofile funds into next year.
40197	Stuart Parkhurst	Corporate Asbestos Surveys	160	6	106	0	(54)	(54)	Works are progressing, planned to be completed over 2 years with delays being caused by covid 19. Anticipated saving of £54k
40198	Stuart Parkhurst	Corporate Fire Risk Assessments	80	0	60	0	(20)	-	Fire risk assessments are now completed SP to review reports with supplier to assess works required. Expect a saving of £20k
40200	Stuart Parkhurst	Corporate Reinstatement Cost Assessments	12	(18)	(18)	0	(30)	-	No further costs are expected. The project is complete and closed from a delivery perspective. The accrual of £18k will remain unmatched in this year
40201	Stuart Parkhurst	Works From Compliance Surveys	147	0	147	0	-	-	Works planned over 2 years with additional delays caused by covid 19. Full spend anticipated by June 2022
40203	Robert Fuzesi	CDC Feasibility of utilisation of proper Space	100	0	0	100	-	-	Feasibility study for use of office space
40219	Stuart Parkhurst	Community Centre - Works	209	154	209		-	-	£130k c/fwd from 20/21. Year 2 budget allocation of £190k = £320k total. £110k budget held back and will be loaded in to 22/23. Full spend anticipated by March 2022
40239	Stuart Parkhurst	Bicester East Community Centre	210	0	210	0	-	-	2 year scheme - £210k in yr1 and £1240k in yr 2. Feasibility has been carried out. Designer has been engaged, preparping documents ready for planning in Q4. Full spend anticipated
40240	Stuart Parkhurst	Bicester Dovecote	41	1	41	0	-	-	Tenders now received pending instruction subject to listed building consent approval expected Oct 2021. Full spend anticipated
40241	Stuart Parkhurst	Thorpe Place Roof Works	35	0	35	0	-	-	Currently scoping the works which will be complete by May 2022

CHERWELL CAPITAL EXPENDITURE 2021-22

CODE	PROJECT MANAGER / SERVICE OWNER	DESCRIPTION	BUDGET TOTAL	YTD ACTUAL	Outturn	RE-PROFILED BEYOND 2021/22	Current Month Variances £000	Prior Month Variances £000	OUTTURN NARRATIVE
40242	Stuart Parkhurst	H&S Works to Banbury Shopping Arcade	127	0	127	0	-	-	Currently scoping the works which will be completed by June 2022
40243	Stuart Parkhurst	West Bicester Community Centre Car Park	35	0	35	0	-	-	works completed and agreeing final account
40244	Stuart Parkhurst	Flood Defence Works Hanwell Fields Community Centre	20	0	19	0	(1)	-	works completed and agreeing final account
40246	Stuart Parkhurst	Banbury Museum Pedestrian Bridge	78	0	78	0	-	-	Works have been instructed pending start date, potential delays from British Waterways for licence to deliver works over canal. Full Spend anticipated by March 2022
40247	Stuart Parkhurst	Service Yard at Hart Place Bicester	28	0	32	0	4	-	Works now completed
40249	Stuart Parkhurst	Retained Land	170	0	170	0	-	-	2 year scheme - £170k in yr1 and £130k in yr 2. Retained land surveys now instructed for delivery. Full spend anticipated by February 2023
40225	Stuart Parkhurst	Drayton Pavillion - Decarbonisation Works	86	7	86	0	-	-	Funds are from Salix decarbonisation grant fund. Project has time limit for completion Q4. Works currently in design with tender Aug 21. Full spend anticipated by March'22
40226	Stuart Parkhurst	Thorpe Lane Depot - Decarbonisation Works	595	25	595	0	-	-	Funds are from Salix decarbonisation grant fund. Project has time limit for completion Q4. Works currently in design with tender Aug 21. Full spend anticipated by March'22
40227	Stuart Parkhurst	Banbury Museum - Decarbonisation Works	324	19	324	0	-	-	Funds are from Salix decarbonisation grant fund. Project has time limit for completion Q4. Works currently in design with tender Aug 21. Full spend anticipated by March'22
40228	Stuart Parkhurst	Franklins House - Decarbonisation Works	106	11	106	0	-	-	Funds are from Salix decarbonisation grant fund. Project has time limit for completion Q4. Works currently in design with tender Aug 21. Full spend anticipated by March'22
40229	Stuart Parkhurst	Stratfield Brake Sports Ground - Decarbonisation Works	159	14	159	0	-	-	Funds are from Salix decarbonisation grant fund. Project has time limit for completion Q4. Works currently in design with tender Aug 21. Full spend anticipated by March'22
40230	Stuart Parkhurst	Whitelands - Decarbonisation Works	123	10	123	0	-	-	Funds are from Salix decarbonisation grant fund. Project has time limit for completion Q4. Works currently in design with tender Aug 21. Full spend anticipated by March'22
40231	Stuart Parkhurst	Bicester Leisure Centre - Decarbonisation Works	1,401	39	1,401	0	-	-	Funds are from Salix decarbonisation grant fund. Project has time limit for completion Q4. Works currently in design with tender Aug 21. Full spend anticipated by March'22
40232	Stuart Parkhurst	Kidlington Leisure Centre - Decarbonisation Works	1,087	30	1,087	0	-	-	Funds are from Salix decarbonisation grant fund. Project has time limit for completion Q4. Works currently in design with tender Aug 21. Full spend anticipated by March'22
40233	Stuart Parkhurst	Spiceball Leisure Centre - Decarbonisation Works	1,311	37	1,311	0	-	-	Funds are from Salix decarbonisation grant fund. Project has time limit for completion Q4. Works currently in design with tender Aug 21. Full spend anticipated by March'22
40234	Stuart Parkhurst	Woodgreen Leisure Centre - Decarbonisation Works	795	27	795	0	-	-	Funds are from Salix decarbonisation grant fund. Project has time limit for completion Q4. Works currently in design with tender Aug 21. Full spend anticipated by March'22
40245	Richard Webb	Enable Agile Working	15	0	15	0	-	-	
		Community Development Assets and Investment	28,577	7,379	26,417	2,059	(101)	(54)	
		Comm Dev Assets total	28,577	7,379	26,417	2,059	(101)	(54)	
40204	Michael Furness	Finance Replacement System	215	159	215	0	-	(45)	The last of the funding will be used for the Capital P360 project
		Finance Total	215	159	215	0	-	(45)	

CHERWELL CAPITAL EXPENDITURE 2021-22

CODE	PROJECT MANAGER / SERVICE OWNER	DESCRIPTION	BUDGET TOTAL	YTD ACTUAL	Outturn	RE-PROFILED BEYOND 2021/22	Current Month Variances £000	Prior Month Variances £000	OUTTURN NARRATIVE
40208	Karen Edwards	Project Manager for HR/Payroll system	100	4	100	0	-	-	Remaining 96K to be spent on further implementation of I Trent.
HR Total			100	4	100	0	-	-	
40054	Tim Spiers	Land & Property Harmonisation	0	51	36	0	36	33	PM resource - will be applying for another project to be repurposed. Estimated Completion: Q4 21/22
40056	Tim Spiers	5 Year Rolling HW / SW Replacement Prog	50	0	50	0	-	-	50K needed for Hardware replacement in 2022. Estimated completion: Q4, 21/22
40170	Tim Spiers	Customer Excellence & Digital Transfer	30	0	30	0	-	-	Digital customer Phase 2
40210	Tim Spiers	CDC & OCC Technology Alignment	4	121	4	0	-	-	On target
40211	Tim Spiers	Legacy Iworld System Migration	50	0	14	0	(36)	(33)	Repurpose for new project on members IT
40212	Tim Spiers	Procurement of Joint Performance system	20	(17)	20	0	-	-	20K needed for PM resource
40237	Tim Spiers	Council Website & Digital Service	250	16	175	75	-	-	On target. Estimated completion: Q4,22/23
40238	Tim Spiers	IT Shared Services	550	8	400	150	-	-	On target. Estimated completion: Q4,22/23
ICT and Digital Total			954	178	729	225	(0)	(0)	
Customers, Org Dev & Resources total			1,269	341	1,044	225	(0)	(45)	
40083	Tim Mills	Disabled Facilities Grants	1,031	657	656	0	(375)	(375)	It is expected that the capital programme will increase by £1.240m due to the 2021/22 Better Care Allocation once approval has been given by Full Council until this has happened we are only forecasting spend against existing budget.
40084	Tim Mills	Discretionary Grants Domestic Properties	213	52	150	63	-	-	The 5 year capital scheme for Discretionary grants is £150k pa and runs until 2023-24. Total budget comprises: £150k base budget, £63k reprofiled budget from 20/21
Housing Services Total			1,244	710	806	63	(375)	(375)	
Housing Total			1,244	710	806	63	(375)	(375)	
40006	Nicola Riley	Community Centre Refurbishments	9	0	9	0	-	-	Remaining funds from The Hill capital project. Required for professional fees and external lighting project.
40009	Tom Gubbins	Physical Activity and Inequalities Insight	12	0	12	0	-	-	Insight work and evaluation will be completed by March 2022. Invoice is due in the next 6 weeks.
40010	Liam Didcock	North Oxfordshire Academy Astro turf	183	0	183	0	-	-	
40019	Liam Didcock	Bicester Leisure Centre Extension	34	0	34	0	-	-	£84k budget reprofiled from 20/21. £34k budget allocated to 21/22 and the remaining £50k will be reprofiled in to 22/23

CHERWELL CAPITAL EXPENDITURE 2021-22

CODE	PROJECT MANAGER / SERVICE OWNER	DESCRIPTION	BUDGET TOTAL	YTD ACTUAL	Outturn	RE-PROFILED BEYOND 2021/22	Current Month Variances £000	Prior Month Variances £000	OUTTURN NARRATIVE
40020	Liam Didcock	Spiceball Leis Centre Bridge Resurfacing	30	0	30	0	-	-	Spend will take place 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
40035	Rebecca Dyson	Corporate Booking System	45	0	45	0	-	-	capital to support the development of on-line holiday activity booking process.
40131	Tom Darlington	S106 Capital Costs	221	125	221	0	0	0	funded from S106
40152	Kevin Larnar	Community Capital Grants	15	25	25	0	10	10	Projected overspend of £10k due to P.O. incorrectly cancelled in 2020/21
40215	Liam Didcock	North Oxford Academy Upgrade existing Fa	0	0	0	0	-	-	
		Leisure and Sport Total	549	150	559	0	10	10	
40181	Stuart Parkhurst	Sunshine Centre (new extension to the front of the site)	12	(2)	(2)	0	(14)	(14)	works are now completed and out of the defect period
		Wellbeing Total	12	(2)	(2)	0	(14)	(14)	
		Public Health Wellbeing Total	561	148	557	0	(4)	(4)	
		Capital Total	40,959	8,963	36,943	3,678	(339)	(337)	

Appendix 5 - Virements and Aged Debt Summary

Virement Movement

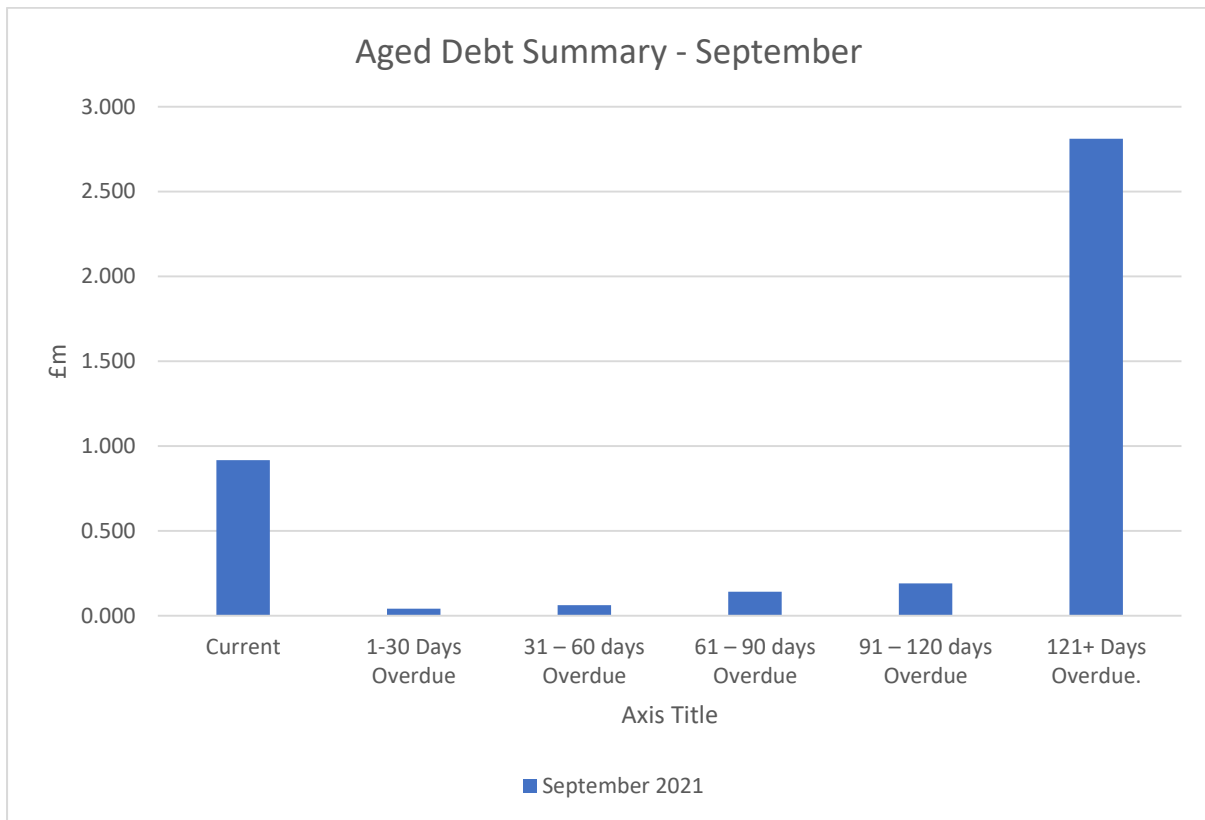
This table shows the movement in Net Budget from August to September 2021

Virements - Movement in Net Budget	£m
Directorate Net Budget - September 2021	22.271
Directorate Net Budget - August 2021	22.125
Movement	0.146

Breakdown of Movements	£m
Allocations from Reserves	
New Projects - PwC's professional services to bring Revenues & Benefits in house	£0.120
Earmarked - Local Plan Charges	£0.048
Ringfenced Grant - Homeless Prevention Grant	(£0.257)
Other	
CF from 2021 - Hardship fund	£0.235
Total	0.146

Aged Debt Summary

Within the above there is £0.187m of unallocated debt this will be investigated as part of the review of debt going forward.



Appendix 6 - COVID Funding for 2021/22

Specific Funding

Dept.	Grant Name	Funding
		£
OCC	District Winter Grant	59,004
DOHSC	COMF	185,742
MHCLG	Welcome Back Fund	133,843
MHCLG	Restart Grant	8,304,156
MHCLG	ARG Top up	1,289,860
MHCLG	Test and Trace + Admin Fee	102,633
		10,075,238

General Funding

Decription	£
Forecast Sales, Fees & Charges compensation	95,000
Covid Grant Funding	720,000
Total Grant Funding	815,000

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Appendix 7 - Reserves and Grant Funding





Use of Reserves

Specific requests

Directorate	Type	Description	Reason	Amount £m
Planning & Development	Earmarked	Transformation Reserve	Redesigned customer processes within Cherwell District Council's Planning function	0.065
			Total Earmarked Reserves	0.065

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Priority	Indicator	Measure	Council	Measure Owner	Status	Climate Action Milestones	Climate Action Updates	Climate Action Next Steps
CA1 Operating at net zero by 2030	CA1.1 Leisure centres	CA1.1.01 Deliver decarbonisation measures at leisure centres (PSDS)	CDC	Nicola Riley	★	Delivered by September 2021	Tender documents have been issued to prospective bidders as part of the decarbonisation proposals with interested parties undertaking site visits of the facilities ahead of submission of tenders. More in depth discussions/proposals around the transfer of utility bill responsibilities have taken place during September	The next steps within the delivery of the decarbonisation proposals for the Leisure Centres will be the assessment of the tenders from prospective Contractors with a view to the appointment of successful bidder. Discussions are continuing between the Council and its Leisure Operator (Parkwood Leisure) around the transference of billing responsibilities
		CA1.1.02 Develop invest-to-save decarbonisation programme for leisure centres	CDC	Nicola Riley	★	<ul style="list-style-type: none"> Monitor energy consumption/evaluation against historic meter readings (monthly, updated in December/January) Assess the financial savings of the decarbonisation scheme (March) Assess Leisure Centres DEC certification against previous years (when due) 	Agreed requirements for decarbonisation roadmap for remaining emissions after completion of Public Sector Decarbonisation Scheme-funded projects.	Produce draft roadmap based on boiler replacement schedule.
	CA1.2 Fleet	CA1.2.01 One Fleet management approach introduced	Joint	Rob MacDougall	★		Operating model is still in the process of being scoped and due to report soon.	Operating model scoping work due to report.
		CA1.2.03 Develop a costed EV fleet and infrastructure transition plan	CDC	Ed Potter	★	Consider EST report by 01/07/21 Approve or develop action plan by September 21		Had a teams meeting with Tom EST where we clarified many points and are he is almost ready to give feedback on the data supplied. They have all the data they need and will feedback their analysis and present their reports via a teams meeting in due course. Still not happened yet.
	CA1.4 Staff Travel	CA1.4.01 Mobilise low carbon staff travel programme	Joint	Karen Edwards	★	Salary sacrifice scheme - Q3 CDC grey fleet review - July	<p>Low carbon business travel</p> <ul style="list-style-type: none"> Karen Edwards presented the project at Climate Action Programme Board. Attended Adult and Children's Services DLT meetings to outline the project and discuss route forward for engaging teams. Mileage data shared with Adult Services and CODR's HR Business Partner for dissemination to relevant Heads of Service & Teams. <p>EV Salary Sacrifice:</p> <ul style="list-style-type: none"> IBC training completed for staff members administering the scheme. Discussions held with CDC payroll and finance regarding implementing the scheme at CDC. 	<p>Low carbon business travel</p> <ul style="list-style-type: none"> Due to attend CDAI DLT and Community Safety SLT on 21 October and CODR at their next meeting in November. Discussions to start with relevant Heads of Services/ Team Manager's within Children's Services, Adult Services and Environment & Place – relevant Pas/HR Business Partners to assist with arranging meetings. <p>EV Salary Sacrifice:</p> <p>Overarching employee benefits</p> <ul style="list-style-type: none"> contract to be signed imminently. Once signed, Tusker system set up and organisation of launch event. Continue discussions with CDC colleagues regarding feasibility of launching the scheme at CDC.

Priority	Indicator	Measure	Council	Measure Owner	Status	Climate Action Milestones	Climate Action Updates	Climate Action Next Steps
	CA1.5 Property	CA1.5.01 Introduce new design standards for new build and refurbishment	Joint	Vic Kurzeja		Stage 1 completed by end Feb 2021 Stage 2 to be completed in June 2021	work progressing	
		CA1.5.04 Deliver decarbonisation measures in corporate buildings (PSDS) at CDC	CDC	Vic Kurzeja		26.07.2021 Design phase complete, 19.08.2021 Installation contractors selected, 4.12.2021 Projects Complete	Funding extension completed. New funding deadline 10 March 2022 in line with proposed programme. Further extension to 31 March 2022 remains possible proving a small contingency. Tender responses awaited.	Evaluate tenders once returned ready for contract initiation
		CA1.5.05 Develop invest-to-save decarbonisation programme for corporate buildings	CDC	Vic Kurzeja		Strategic plan for invest-to-save decarbonisation programme to be developed in co-ordination with OCC Property	Currently developing scope so that the specification can be written. Some of the proposed works in the capital bid are being carried out by the PSDS decarbonisation works ie Franklins House.	Once scope has been developed the specification can be written ready for tendering.
	CA1.7 Supply chain	CA1.7.01 Introduce Social Value policy for new contracts	Joint	Melissa Sage		Contract Signature and Portal Implementation Kick-off (completed) Social Value Policy - Development & Approvals (underway) TOMs Workshop(s); Policy Alignment Phase Portal Creation, Training and Trial Phase Social Value Policy - Launch & Communications Phase Portal Implementation and Delivery Phase	Twelfth and final draft of Social Value Policy has now been reviewed and signed off by management in both Procurement and Climate Action. Procurement's review and sign-off completed w.c. 19 July 2021; Climate Action's review and sign-off completed w.c. 26 July 2021. Business partner review of policy final draft has been completed; Law on 19 August 2021 and Finance on 26 August 2021. Review by Directorate Leadership Team (DLT) completed on 6 September 2021 and the comments arising have been addressed appropriately as of 29 September 2021. Still waiting on a confirmed date for Chief Executive Direct Reports (CEDR) review, to be provided soon by Service Manager – Executive Support. Following this, the project team will submit relevant materials and submission form to be placed on the relevant Forward Plan for Cabinet. Initial consultations with Communications completed on 25 August and 23 September 2021; further preparation work required prior to re-engagement ahead of internal and external communication campaign. Checklist of actions for internal communications provided by Senior Internal Communications Officer and Climate Action Policy Officer (re: Climate Café). Preparation work underway for CEDR review of policy (aiming for October now DLT review has been completed). Draft CEDR report already completed, reviewed and approved by management level in Procurement, as well as Law and Finance as part of BP Review.	Social Value Portal (SVP) to hold TOMs (Themes, Objectives, Measures) Workshop to help Council deliver the policy through the Portal. Relevant approvals for policy to be obtained (management and business partner approvals completed; DLT review completed; Director/Corporate Director, CEDR and Cabinet to follow in due course). Communications Team consultation is underway already and Corporate Training (in HR) to be consulted/engaged on rollout plan for policy. Establish working group for social value to guide policy. SVP to create Portal (based on TOMs workshop outcome) and deliver training in its use.

Priority	Indicator	Measure	Council	Measure Owner	Status	Climate Action Milestones	Climate Action Updates	Climate Action Next Steps
CA2 Enabling a zero-carbon future for Cherwell and Oxfordshire	CA2.1 Industrial and commercial	CA2.1.01 Heat Network feasibility study produced	CDC	Ed Potter	★	Sign GoL and commence work. Further milestones tbc	Agreed PM contract, Tender Spec Drafted	Appoint CDC climate action officer, send out tender docs
		CA2.1.03 Develop, consult on and publish the Recovery and Prosperity Strategy for Cherwell	CDC	Robert Jolley	★	First draft of the strategy completed – July 2021 Consultation on strategy draft, with internal and external stakeholders – September 2021 Strategy published - January 2022	Strategy draft prepared for socialisation and consultation.	Socialisation of strategy draft with officers and Members.

Priority	Indicator	Measure	Council	Measure Owner	Status	Climate Action Milestones	Climate Action Updates	Climate Action Next Steps
	CA2.2 Land use & natural carbon management	CA2.2.01 Publish Oxfordshire Tree planting mapping tool	Joint	Rachel Wileman	★	Define template for online resource - End May 2021 Development and internal testing of online resource - End August 2021 Beta version of online tool available to public - End October 2021 Updates of online resource with NTM tree map data - End Dec 2021	Tree mapping being actively worked on by project exec' team and OCC GIS team. Various late-stage data issues cropping up and being worked through. Likely initial test release date is late October.	
		CA2.2.02 Develop Burnehyll community woodland and support planting of 25,000 trees	CDC	Ed Potter	●	contractor-led woodland planting phase 1 - Oct/Dec community planting Balancing Pond phase 2 - Oct/Dec Public access works - Nov	Grant funding expert has now been commissioned by Environment. It will take up to six months to secure grant funding. Field 4 planting commences on 29.11.2021. The organising group (Friends of Burnehyll Community Woodland) currently organising the number of local people available for the days of planting. TS suggested to the organiser that 2 people from the climate group could attend. TS is considering the appropriate number of people that can be managed effectively on site. TS will also ask the attendees to have negative lateral flow tests before the event on site. CDC comms consulted on the nature of the publicity we will require for this event. At the last BCW working group meeting it was agreed that low level/Bicester-centric publicity would be preferred by stakeholders. TS will carry out a risk assessment and arrange for welfare facilities. 2 first aiders will be in attendance.	To progress as set out previously. All woodland phases are to be grant funded except for Field 4 (balancing pond) (1000 +/- trees) which is to be planted commencing 29.11.2021. It will take up to 6 months to acquire funding for woodland planting, which will mean grant funded planting can only commence in the 2022/2023 planting season, with the final phases planted during the planting season of 2023/2024
		CA2.2.03 Support planting of 3,000 trees at Banbury Country Park	CDC	Ed Potter	▲	new planning application - pending start of project officer community planting - Oct/Dec	Habitat survey submitted. No further progress to report.	Ongoing commitment to appoint project officer - date of appointment yet to be confirmed.

Priority	Indicator	Measure	Council	Measure Owner	Status	Climate Action Milestones	Climate Action Updates	Climate Action Next Steps
Page 87	CA2.3 Domestic	CA2.3.01 Support retrofit of 150 under Green Homes Grant	Joint	Rachel Wileman	●	<p>April -installs commence</p> <p>May - 20% completed; first installs evaluation</p> <p>June - 40% completed; mid-project progress eval</p> <p>July - 60% completed: Customer feedback 6-month review</p> <p>Aug - 80% completed</p> <p>Sept - 100% completed</p>	<p>As of 28th Sept there were:</p> <p>24 completed installations</p> <p>10 currently installing</p> <p>20 agreed and awaiting installation</p> <p>15 quoted</p> <p>201 total enquiries through the system.</p>	Continued delivery of project installations - c. 50 homes targeted to be retrofitted during October.
		CA2.3.02 Local Plan Review to include reviewed policies on biodiversity	CDC	David Peckford	★	<p>1) Oxfordshire Plan Reg 18 Consultation - end July - end Sept 2021</p> <p>2) Sept 2021 - CDC Executive approval of CLPR Options Paper</p> <p>3) Sept - Oct 2021 CLPR Options Paper public consultation</p>	<p>Consultation on Cherwell Local Plan Review Options Paper commenced 29 September 2021 for a period of 6 weeks</p>	Consideration of responses to Options Paper, and continue to gather evidence to inform the Plan. Draft Plan to be published for consultation Summer 2022.
		CA2.3.03 Develop a strategy for net-zero carbon standard affordable housing schemes	CDC	Robert Jolley	●	<p>June 2021: With in- house Quantity Surveyor establish average industry rates for small, medium and large scale sites to zero carbon standard</p> <p>September 2021: Obtain industry updates</p> <p>on experience of applying the various zero carbon standards and agree the most suitable method of applying these to our sites</p> <p>December 2021: Work with Birmingham City to develop a system that can be delivered to the agreed standards for less than the average industry rates</p>	<p>Have held a number of meetings with external developers, manufacturers and other councils to establish overview of current solutions. Started to collate data on costs and building systems to include within report.</p>	Work with in-house QS to create method of identifying relevant information from stakeholders in order to create a meaningful like-for-like comparison of data provided. Continue to hold discussions with industry experts to gather additional responses on costs and possible building systems for report.

Priority	Indicator	Measure	Council	Measure Owner	Status	Climate Action Milestones	Climate Action Updates	Climate Action Next Steps
	CA2.4 Transport and connectivity	CA2.4.02 Install 240 Park and Charge EV charging points in council-owned car parks	Joint	Llewelyn Morgan	●	<p>Pilot Car Park leases – signed Nov'20 All car park leases – Jan'21 to June'21</p> <p>Pilot Car Park Installation - Nov-Feb'21 Car Park Installations – July'21 to Oct'21</p>	<p>Park and Charge project lead, Zeta have continued developing installation plans for the remaining 21 car parks planned for the project. This work which will be funded from the following sources:</p> <ul style="list-style-type: none"> ● A grant from the Office for Zero Emission Vehicles (OZEV) On- street Residential Chargepoint Scheme (ORCS) which will fund 75% of the costs. The grant acceptance has now been signed and the initial funds released to OCC. ● Zeta have issued a bond to fund the remaining 25% - this went live 29/09/21. In the interim they will offer a guarantor for work to commence. <p>Timing for the remaining project is now:</p> <p>OCC grant funding letter for ORCS – Complete Car park legal work complete (leases and CPO contract) – 18 October 2021 Car park installation work start – beg. November 2021 Car Park installation work finish – 28th February 2022 Project completion – 31 March 2022</p>	<p>Complete the grant funding letter to enable OZEV ORCS grant funds to be provided to Zeta – 18 October 2021.</p> <p>Complete negotiations between all district councils in the project and Zeta and sign legal documents for: car park land leases, charge point operator concession contract – 18 October 2021.</p> <p>All of the above need to be completed to allow for installation work to commence start November 2021.</p>
		CA2.4.05 Deliver Cycling and Walking activation programme	Joint	Rosie Rowe	★	<p>Complete 7 School Street trials by 22 July 2021 All Community Activation projects to be completed by 1 October 2021 Deliver Wayfinding support for four schools by 12 October 2022</p>	<ul style="list-style-type: none"> ● Project 1: Community Cycling & Walking Activation – Activities ongoing: Witney - 56 people received training and/or bike for Windrush bike library. Cogges Farm Street Tag loyalty scheme received 59 users. Bicester - 20 people received cycling and maintenance training - 12 women trained as British Cycling Breeze ride instructors Oxford – 15 people received tuition and bike equipment - 5 female mechanics trained ● Project 2: School Streets – 4 schools restarted in September (St Ebbes, Windmill School Headington, St Nicholas School Abingdon and Larkrise in Oxford). ● Project 3: Street Tag – Street Tag comms planning complete for next season. Engaged with district partners for promotion support. ● Project 4: Comms Campaign (2) – FootSteps launched on 20 September ● Project 5: Wayfinding – Confirmed schools: Sandhill, St Josephs, Hanwell fields now live ● Project 6: Kidlington Health Routes – routes nearing completion 	<ul style="list-style-type: none"> ● Project 1: Community Cycling & Walking Activation – further project delivery underway. ● Project 2: School Streets – final report of the first phase of pilot schools due to be provided by Sustrans by the end of September. Currently recruiting a schools engagement officer to take this work forward. Three schools are looking at using signage (St Christophers, Tower Hill and East Oxford). ● Project 3: Street Tag - promotion of season 1. ● Project 4: Comms Campaign (2) – StreetTag promotion support Project ● 5: Wayfinding – Complete last route - Tyndale ● Project 6: Kidlington Health Routes – all routes to launch in October half term

Priority	Indicator	Measure	Council	Measure Owner	Status	Climate Action Milestones	Climate Action Updates	Climate Action Next Steps
		CA2.4.06 Develop Banbury LCWIP	Joint	Rosie Rowe	●	Complete the Banbury LCWIP and have it approved by OCC Members	We have had an initial briefing with Cllrs with one more to go. Hopefully once that has happened we will be ready for public consultation.	A further Cllr briefing at the end of October followed by a public consultation.
		CA2.4.07 OXIS review to prioritise low carbon outcomes	Joint	Rachel Wileman	★	Completion of stage 1 (end of June) Consultation and approval of stage 1 (Autumn – exact date dependent on Growth Board meeting) Completion of overall strategy (end of 2020/21 business year)	Analysis of comments received currently underway.	Updating the Stage 1 report following the public consultation. Reporting to Future Oxfordshire Partnership in January.

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Objectives	Desired Outcome	Measure	Council	Action	Direct/Lead Officer	Status	Equalities Commentary
Inclusive Communities	We are working directly with local underrepresented community groups to tackle inequality, our Council is representative of the community it serves, and everyone understands our commitments to equality, diversity and inclusion	EDI1.01 Engage with, and support, local community groups and organisations	Joint	We will take the time to listen, learn and build strong relationships with community groups. We recognise that we don't fully understand the barriers that underrepresented groups face in the local communities and we want to work together to fix this.	<ul style="list-style-type: none"> ■ Lauren Rushen ■ Susannah Wintersgill 	●	A new consultation platform (Let's Talk Oxfordshire and Let's Talk Cherwell) is due to go live shortly and will offer a greater variety of online consultation methods. At OCC, the administration is due to consult on the new Strategic Plan and Priorities.
		EDI1.02 Promote inclusive behaviour with service users	Joint	We will clearly explain on our website, social media platforms and in our buildings how important equality, diversity and inclusion is to our staff and customers by setting out how you can expect to be treated by us and how we expect customers to respect us in return.	<ul style="list-style-type: none"> ■ Lauren Rushen ■ Susannah Wintersgill ■ Tim Spiers 	●	We have held two scoping meetings for this action with Officers from the web teams, IT and Communications. Through these meetings we have identified that the council will be dealing with different types of customers and different demands. Rather than creating a single customer charter to try and capstate all of these different types of customer, we are now looking at understanding and demonstrating where we do promote inclusive behaviour, giving real life scenarios/ customer stories that we can publish to the customer through social media campaigns and website etc. These stories we have captured will clearly demonstrate the voice of the customer loop, where we have taken learnings from these scenario's and included it in our training or the way we deliver services to include more inclusivity. Where there are gaps identified, we will set up an improvement plan to prioritise this work and create new processes to better capture and utilise this information. This first phase will need to be a discovery piece of work, and we are currently in discussions around how we resource this.
		EDI1.03 Work directly with communities to identify inequality and tackle disadvantage	Joint	Both Councils' recognise the disproportionate impact of COVID on certain marginalised communities. We will listen and work with local community groups to co-produce solutions aimed at tackling racism and discrimination in our society.	<ul style="list-style-type: none"> ■ Lauren Rushen ■ Susannah Wintersgill 	●	No specific update provided for Q2, it is likely that this action will need to be re-profiled for the new action plan.
		EDI1.04 Work directly with communities to identify inequality and tackle disadvantage	Joint	We will analyse the ways in which the public engage with local democracy such as speaking at Council meetings or standing as Councillors and will actively encourage underrepresented groups to consider standing for elections and participate in public meeting debates including those who may digitally excluded.	<ul style="list-style-type: none"> ■ Anita Bradley ■ Steve Jorden 	★	We've given priority to ensuring access for members of the public to council meetings, including speaking, following the return to physical meetings: including COVID safe space within rooms; and virtual engagement where that suited the individual.
		EDI1.05 Work directly with communities to identify inequality and tackle disadvantage	Joint	Work with the Polish community in Banbury to identify inequalities and take action to improve inclusion	Nicola Riley	●	This action will need to be re-designed to fit with current workstreams

Objectives	Desired Outcome	Measure	Council	Action	Direct/Lead Officer	Status	Equalities Commentary
	Our suppliers and organisations working on our behalf understand that to work with us they need to share our commitment to equality, diversity and inclusion. We are working constructively with partner organisations to make sure that we reduce inequality and discrimination in our local communities.	ED11.06 Promote equality, diversity & inclusion through our supply chain & strategic partnerships	Joint	<p>We will improve our commissioning and procurement procedures so that organisations working on our behalf or supplying us understand our equality, diversity and inclusion principles and that we expect them to act in the same way. We will also improve the way we monitor our contracts to make sure that EDI is part of the way we monitor progress.</p> <p>In our standard documentation we will present the Council's revised EDI policy and the expectation that contractors will share our aspirations.</p>	Melissa Sage	★	<p>Twelfth and final draft of Social Value Policy has now been reviewed and signed off by management in both Procurement and Climate Action. Procurement's review and sign-off completed w.c. 19 July 2021; Climate Action's review and sign-off completed w.c. 26 July 2021.</p> <p>Business partner review of policy final draft has been completed; Law on 19 August 2021 and Finance on 26 August 2021. Review by Directorate Leadership Team (DLT) completed on 6 September 2021 and the comments arising have been addressed appropriately as of 29 September 2021. Still waiting on a confirmed date for Chief Executive Direct Reports (CEDR) review, to be provided soon by Service Manager – Executive Support. Following this, the project team will submit relevant materials and submission form to be placed on the relevant Forward Plan for Cabinet.</p> <p>Initial consultations with Communications completed on 25 August and 23 September 2021; further preparation work required prior to re-engagement ahead of internal and external communication campaign. Checklist of actions for internal communications provided by Senior Internal Communications Officer and Climate Action Policy Officer (re: Climate Café).</p> <p>Preparation work underway for CEDR review of policy (aiming for October now DLT review has been completed). Draft CEDR report already completed, reviewed and approved by management level in Procurement, as well as Law and Finance as part of BP Review.</p> <p><i>Next Steps:</i></p> <p>Social Value Portal (SVP) to hold TOMs (Themes, Objectives, Measures) Workshop to help Council deliver the policy through the Portal.</p> <p>Relevant approvals for policy to be obtained (management and business partner approvals completed; DLT review completed; Director/Corporate Director, CEDR and Cabinet to follow in due course).</p> <p>Communications Team consultation is underway already and Corporate Training (in HR) to be consulted/engaged on rollout plan for policy.</p> <p>Establish working group for social value to guide policy.</p> <p>SVP to create Portal (based on TOMs workshop outcome) and deliver training in its use.</p>
		ED11.08 Work with partner organisations to understand diverse needs & create inclusive communities	Joint	<p>We will work collaboratively with our city/district and health colleagues to understand the barriers around the county in relation to housing/homelessness, employment and deprivation and how it disproportionately affects particular groups</p>	Ansaf Azhar	★	
		ED11.09 Work with partner organisations to understand diverse needs and create inclusive communities	Joint	<p>We know that the effects of climate change are more likely to negatively impact on people in living in areas of higher deprivation and we will address this through our Climate Action Framework</p>	Rachel Wileman	★	<p>We are engaging with a variety of community groups through our COP26 events.</p>

Objectives	Desired Outcome	Measure	Council	Action	Direct/Lead Officer	Status	Equalities Commentary
Inclusive Service Delivery	We will have improved the way we present information about our services so that it is accessible to everyone, including those who do not have access to the internet. We have worked with our communities to make sure our buildings are welcoming and accessible to all now and in the future.	ED12.01 Ensure information, website & digital services are accessible to all incl digitally excluded	Joint	We will proudly promote our equality, diversity and inclusion principles on our websites with statements from our senior leaders and clearly set out the steps we are taking to create inclusive communities and services	Susannah Wintersgill	★	We have a page on our websites which includes our framework and statements from our leaders, and we will update this as progress continues with the programme.
		ED12.02 Ensure information, website & digital services are accessible to all incl digitally excluded	Joint	We will ensure that customers know how to contact our services and we take an inclusive approach to designing the most suitable customer experience based on their feedback.	<ul style="list-style-type: none"> ■ Laura Winkworth ■ Mark Haynes 	★	<p>An accessibility review has been undertaken and the council's website complies with the government's new accessibility requirements.</p> <p>A new project called Digital Presence has been established and there is engagement planned with groups who currently use our website on addition to those who may be digitally excluded.</p>
		ED12.03 Ensure information, website & digital services are accessible to all incl digitally excluded	Joint	We will introduce a clear and consistent policy regarding the translation of our information	<ul style="list-style-type: none"> ■ Lauren Rushen ■ Susannah Wintersgill 	●	A new contract with our translation provider is currently being finalised. Once this has been completed we will introduce guidance about how to access translation and interpretation services.
		ED12.04 Ensure information, website & digital services are accessible to all incl digitally excluded	Joint	We will make sure during the current website review that our websites are as accessible as possible for everyone. We recognise that we have a new legal requirement to make them better for everyone who uses them.	Tim Spiers	★	A review of website accessibility in line with new legislation has been completed and we have met the new standards. A new project called Digital Presence has been established and there is engagement planned with groups who currently use our website on addition to those who may be digitally excluded, this is jointly owned by the Director of ICT, Customer Services and Communications, Strategy and Insight.
		ED12.05 Take action to make our buildings accessible to all residents and staff	Joint	As we look to re-open our buildings and develop a new Property Strategy, we will take this opportunity to create more accessible spaces for services to be delivered.	Steve Jorden	●	Corporate Facilities Management are reviewing options for collaborative space and will continue to engage with respective services to assess potential requirements. The development of how we use our office space will be closely linked to the development of our Agile Working Strategy.

Objectives	Desired Outcome	Measure	Council	Action	Direct/Lead Officer	Status	Equalities Commentary
	We gather the right data about people who use our services and we do this consistently across the organisation. We work together with people who use our services so that we can improve them for everyone, particularly the most vulnerable.	ED12.06 Better understand those using services & their needs by collecting information & feedback	Joint	We will improve the ways we collect information about our residents, including the forms we have on our website, customer satisfaction surveys, complaints and equality monitoring information about our residents. We will do this by making our questions consistent across the Council and clearly explaining why we ask for this information. We will then be able to use this information to improve the services we provide to people.	<ul style="list-style-type: none"> ■ Lauren Rushen ■ Mark Haynes 	●	This action is closely linked to action EDI 1.02. This action will need to be redesigned so that it can form part of the Voice of the Customer Project as further work will need to be undertaken to identify what processes services currently have in place to identify and understand customer feedback and how this information is utilised. Where there are gaps we will need to put mechanisms in to capture this data.
		ED12.07 Better understand those using services & their needs by collecting information & feedback	Joint	With our improved ways of collecting data, we will be able to use this information to improve the services we provide for residents. This will include understanding how we can safely share information with other organisations and partners and understand any trends or gaps in service provision for underrepresented groups.	<ul style="list-style-type: none"> ■ Laura Winkworth ■ Mark Haynes 	★	This target is closely linked to action EDI 2.02 where a new project is being developed to understand what our digital presence will need to be in the future which will include engagement with groups who currently use our website and those who are digitally excluded.
		ED12.08 Engage residents, those using services, and community groups, when planning services	Joint	We will continue to improve the quality of our services by co-producing with our residents. We have an ambition for as many services as possible to be co-produced in the future.	<ul style="list-style-type: none"> ■ Lauren Rushen ■ Stephen Chandler 	●	No specific update for Q2
		ED12.09 Engage residents, businesses those using services & community groups, when planning services	CDC	We will engage with businesses and key stakeholders to ensure that inclusive prosperity is a key factor in developing the Recovery and Prosperity Strategy for Cherwell	Robert Jolley	★	Outputs from Stakeholder Engagement workshops have shaped the first draft of the Recovery and Prosperity Strategy for Cherwell. Key stakeholders will be asked to comment on the draft strategy during October and November 2021.
		ED12.10 Plan and deliver services that promote inclusion	Joint	The Council has a legal requirement to understand the impact that decisions will have on people with certain protected characteristics. To ensure that we take this approach from the start of the decision-making process, we will deliver a new holistic equalities impact assessment tool so that we can understand and mitigate against any negative impacts on the decisions we take	<ul style="list-style-type: none"> ■ Lauren Rushen ■ Susannah Wintersgill 	★	The Equalities and Climate Impact Assessment (ECIA) has been adopted and embedded into decision making. A virtual training session with staff was held on 16 September to share information about how to complete the template and where to go to for help and advice.
Inclusive Workforce	We are seen in our community as an employer of choice in our local community. We have increased the diversity of our organisation by recruiting the most talented individuals who share our values and commitments to equality, diversity and inclusion.	ED13.01 Improve diversity of our organisation at all levels to be representative of our communities	Joint	We will closely monitor progress against our action plan and regularly communicate updates to staff and the public using a 'You Said, We Did' approach. We will review and add new actions at least once a year and we will make sure we involve staff networks and union representatives to constructively challenge the progress we think we have made.	<ul style="list-style-type: none"> ■ Lauren Rushen ■ Susannah Wintersgill 	★	Monitoring of the Equalities, Diversity and Inclusion (EDI) action plan has been implemented into the UNITY performance management system and will be reported as part of the Business Management and Monitoring report on a quarterly basis and will include a highlights summary. The development of the next action plan has commenced and is due to be completed in early 2022.
		ED13.02 Improve diversity of our organisation at all levels to be representative of our communities	Joint	We create more opportunities for staff, particularly those in underrepresented groups in our management, to have shadowing and mentoring opportunities so that everyone can reach their full potential.	Karen Edwards	★	

Objectives	Desired Outcome	Measure	Council	Action	Direct/Lead Officer	Status	Equalities Commentary
		EDI3.03 Improve diversity of our organisation at all levels to be representative of our communities	Joint	We will introduce a mentoring for diversity scheme.	Karen Edwards	★	Following feedback from the mentors, the pilot has been extended to the end of October 2021. Feedback continues to be very positive. The final review meeting is being planned for November / December 2021. One to one conversations are taking place with the mentors around how they would like to be involved with the programme going forward. To date 50% of these conversations have taken place with all saying they would like to be involved with the next cohort of mentees. All mentors have reported that the programme has been beneficial both for the organisation and on an individual basis
		EDI3.05 Celebrate and promote diversity in our workforce	Joint	We will celebrate and raise awareness of different inclusion occasions across the year, working with our staff networks to celebrate role models and learn from each other.	Susannah Wintersgill	★	
		EDI3.06 Celebrate and promote diversity in our workforce	Joint	We are proud of the awards we hold that recognise our commitments to equality and inclusion. For OCC: We will work to maintain our Armed Forces Gold Award, improve our position in the Stonewall Workplace Equality Index and work towards achieving level 3 in the Disability Confidence Scheme, moving up from level 2. For CDC: We will maintain our Armed Forces Silver Award and our current level in the Disability Confidence Scheme. For both: We will agree how we can get external verification of our progress around race equality.	<ul style="list-style-type: none"> ■ Karen Edwards ■ Lauren Rushen 	★	Maintaining award statuses remains on track. Armed Forces Covenant awards are assessed every five years. OCC is on track to complete its application to the Stonewall Workplace Equality Index (deadline 5 Oct) results will be known in early 2022.
		EDI3.07 Celebrate and promote diversity in our workforce	Joint	We will start to produce ethnicity pay gap reporting and work to understand and tackle the barriers to accessing career progression and more senior roles for those from diverse backgrounds, including those from a Black, Asian or Minority Ethnic background or those with a disability.	Karen Edwards	★	the ethnicity pay gap report will be produced annually along side the gender pay gap report
		EDI3.08 Provide a supportive environment so all staff can reach their potential	Joint	OCC adapted action: We will deliver the actions in the Equality in Employment 2020 report. CDC and OCC: which includes providing clear and consistent communication to staff about why we collect equalities information and how we will appropriately use this data to improve our services so that they have confidence to disclose information. Our aim will be to increase the numbers of staff who provide this information so we can respond to it.	Karen Edwards	★	

Objectives	Desired Outcome	Measure	Council	Action	Direct/Lead Officer	Status	Equalities Commentary
		EDI3.09 Provide a supportive environment so all staff can reach their potential	Joint	Develop a clear set of expectations for staff and managers that recognises the importance of staff networks, mentors and champions. This will include recognising the time commitments that come with these roles and that staff taking on these additional responsibilities should be supported by their line managers to do so	Karen Edwards	●	A draft paper has been produced to include proposals around protected time for network chairs and committee members plus a proposal for network support. Network chairs have commented on the draft paper. Next steps to discuss with Claire Taylor and then take to ELT for support
		EDI3.10 Provide a supportive environment so all staff can reach their potential	Joint	We will ask an independent organisation to assess our Equality Diversity Inclusion approach, we will set out actions resulting from the assessment in our plans and report on them.	<ul style="list-style-type: none"> ■ Lauren Rushen ■ Susannah Wintersgill 	●	A scope to review our Equality, Diversity and Inclusion (EDI) approach to training and development has been agreed and tendering for the work is currently being undertaken
	Staff at all levels of the organisation have received training about equality, diversity and inclusion and the impact of unconscious bias. We have embedded equality, diversity and inclusion into our organisational values, policy development and staff clearly understand and are delivering work that promotes inclusive services.	EDI3.13 Identify and tackle discrimination in all its forms	Joint	We will provide clear and consistent communication to staff about our approach to tackle bullying and harassment through our Dignity at Work policy. This will include how staff can report any instances and how these will be investigated	Karen Edwards	★	
		EDI3.14 Provide managers with skills to support employees with diff needs & plan inclusive services	Joint	We know that some staff do not currently feel comfortable to have conversations about equality inclusion issues or completing impact assessments so we will write guidance, create tools and deliver training to help address this and make it part of our everyday working life	<ul style="list-style-type: none"> ■ Lauren Rushen ■ Susannah Wintersgill 	★	
		EDI3.15 Train our staff to identify and avoid unconscious bias and deliver inclusive services	Joint	We will deliver unconscious bias training to CEDR, ELT and Councillors in the first instance and then deliver the messages from this training across the Councils	Karen Edwards	●	The external EDI training specialist commissioned to undertake the review did not have the capacity to undertake the work in the timescales required. An alternative provider has been selected with a completion date agreed end October 2021

Cherwell District Council

Executive

1 November 2021

Climate Action Programme Update

Report of Director for Environment and Place

This report is public

Purpose of report

To update Executive on the progress in delivering the Climate Action Programme and the reduction in the council's greenhouse gas emissions in 2020/21.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the progress and next steps in the Climate Action Programme.
- 1.2 To approve the Greenhouse Gas Emissions Report for 2020/21 (Appendix 1) for publication on the Council's website.
- 1.3 To approve sending this report to the Overview and Scrutiny Committee.

2.0 Introduction

- 2.1 Cherwell District Council committed to being carbon neutral by 2030 and to enabling the district's transition to a zero-carbon future. This paper provides an update on the work being done through the joint Climate Action Programme across its three areas:
 - a) Becoming a climate active council
 - b) Operating at net-zero by 2030
 - c) Enabling a zero-carbon future for Cherwell.
- 2.2 Annual Greenhouse Gas (GHG) reporting of the councils own carbon footprint is expected as good practice by the Department for Business, Energy and Industrial Strategy (BEIS). Cherwell District Council (CDC) has produced GHG reports in most years since 2008/09 and will report annually in line with its climate action commitments. The report covering 2020/21 is attached at Appendix 1.

3.0 Report Details

Progress on delivering the Climate Action Programme

3.1 Progress has been made in the delivery of the Climate Action Programme, across its three areas:

3.2 **Becoming a climate active council:** Climate action continued to be embedded into the councils' processes and governance:

- Climate Impact Assessments are now required to accompany reports to the Senior Leadership Team (CEDR) and Executive proposing a new policy, procedure, service change, project or programme.
- 'Carbon Literacy' training is being offered to CDC teams.
- Staff are being engaged through a joint Oxfordshire County Council (OCC) / CDC staff-led climate action group.

3.3 **Operating at net-zero carbon by 2030:** The following initiatives contribute towards CDC's goal of reaching net zero by 2030 across estate and activities:

- £6m grant-funded Public Sector Decarbonisation Scheme measures for heat decarbonisation and energy efficiency projects are being delivered across council buildings and leisure centres.
- Green grid electricity contract for corporate estate started in April.
- Vehicle-to-grid charger being installed at Thorpe Lane depot.
- Social value policy and toolkit for procurement developed as part of our commitment to working with suppliers to minimize carbon emissions impact of our purchasing.

3.4 **Enabling a zero-carbon future for Cherwell:** the following initiatives contribute to a zero-carbon future for Cherwell:

- £1.5m Green Homes Grant being delivered targeting 150 homes in fuel poverty across Oxfordshire including in Cherwell. A further £3m bid submitted to the Sustainable Warmth Fund to be announced in October.
- Heat network feasibility study due to start in Cherwell; funded by the government's Heat Networks Delivery Unit.
- Oxfordshire Electric Vehicle Infrastructure Strategy approved by Executive. Park and Charge project has installed EV chargers in Bicester Cattle Market as a pilot, with remaining car parks scheduled for completion before the end of this financial year.
- OxGUL-e feasibility study started looking at piloting an innovative method of EV charging for on-street residents using gullies, particularly in rural locations.
- Local Cycling and Walking Infrastructure Plans approved for Bicester and under development for Kidlington and Banbury.
- Bicester residents engaged to co-design plans and initiatives to encourage active travel.

Next steps

3.5 The key next steps for the development of the Climate Action Programme are:

- Developing a costed decarbonisation roadmap for council properties, further to the work being currently delivered via Public Sector Decarbonisation Scheme (PSDS).
- Developing a costed EV fleet and charging infrastructure transition plan following work in train with the Energy Saving Trust.
- Working through the Environment Advisory Group on a cross-Oxfordshire 'Pathways to Zero Carbon Oxfordshire' net-zero delivery plan to inform a Cherwell transition roadmap and action plan.

3.6 Work will also continue to equip council staff and managers to integrate climate action into day-to-day activities and decision-making:

- Rolling out 'Carbon Literacy' training for staff, senior leadership and members
- Publishing a 'Carbon Neutrality by 2030' dashboard for corporate emission that will enable month-by-month monitoring of corporate emissions and project data
- Developing guidance to help services with the Climate Impact Assessments.

Greenhouse gas report

3.7 In 2020/21, there was an annual 22.5% reduction in carbon emissions to 3,219 t CO₂e, representing a 52.7% reduction since baseline year of 2008-2009 (Appendix 1).

3.8 5.5% of the 2020-2021 reduction was due to the continued decarbonisation of the electricity grid. The remaining was mostly due to leisure centre closure. The graph below shows the evolution of the emissions included in CDC's carbon neutrality target between 2008/09 and 2020/21.

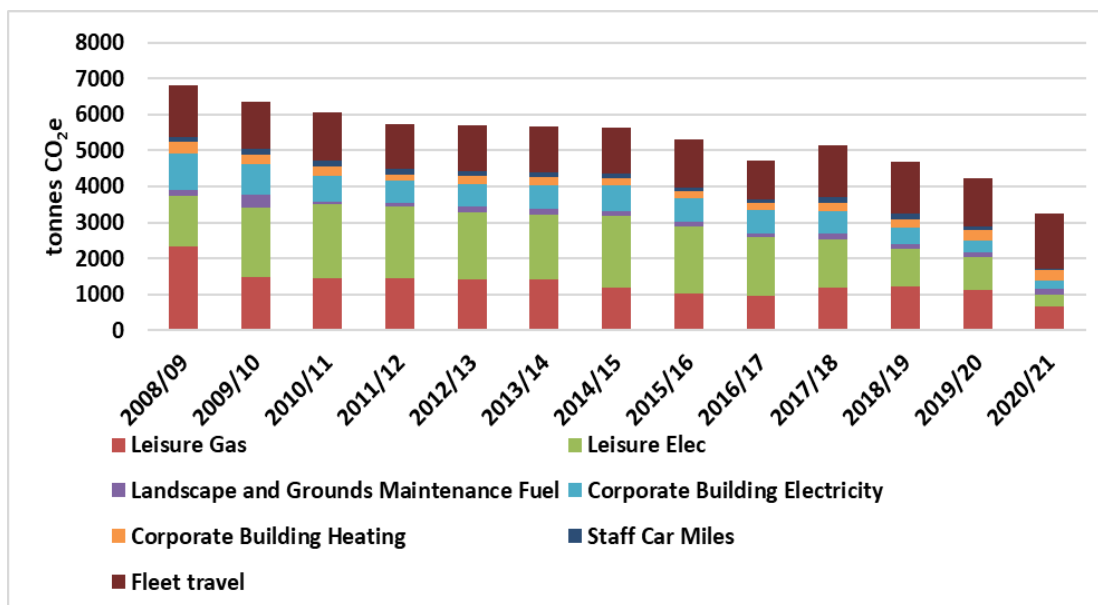


Figure 1 - Evolution of CDC's carbon neutrality target emissions since 2008-2009

4.0 Conclusion and Reasons for Recommendations

4.1 Due to the work being delivered under PSDS, CDC is on track to substantially reduce its own estate emissions. The upcoming decarbonisation plans for estate

and fleet will provide a roadmap to tackling the remaining emissions, as well as an estimate of the level of investment required in the near future.

5.0 Consultation

Not applicable.

6.0 Alternative Options and Reasons for Rejection

- 6.1 An alternative option is Executive do not approve the publication of the Greenhouse Gas reporting on our website. This is not recommended as the council has committed to publish progress on carbon reduction as part of our climate framework.

7.0 Implications

Financial and Resource Implications

- 7.1 The initial decarbonisation measures for council buildings and leisure centres have already been funded by the Public Sector Decarbonisation Scheme (PSDS). Further rounds of PSDS funding are anticipated.
- 7.2 The decarbonisation roadmap for council properties and the EV fleet and charging infrastructure transition plan will provide an understanding of the funding required to meet the council's commitment to be carbon neutral by 2030.
- 7.3 Capital bids have been put forward for 2022/23 for charging infrastructure in anticipation of fleet electrification, however this does not guarantee approval.
- 7.4 Climate Action Programme bids should be considered alongside other requests for funding for the limited resources of the Council to be allocated in the way that maximises the delivery of the Council's priorities.

Comments checked by:

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Legal Implications

- 7.5 The report raises no legal implications.

Comments checked by:

Richard Hawtin (on behalf of Anita Bradley, Director of Law & Governance and Monitoring Officer), 01295 221695, Richard.Hawtin@Cherwell-DC.gov.uk

Risk Implications

- 7.6 After a significant drop in carbon emissions in 2020/21 due to work and service provision changes in response to COVID, there is a risk that emissions may bounce

back in 2021/22. In particular, the reopening of leisure centres, which represent nearly half of the council's emissions, is likely to lead to a year-on-year increase.

- 7.7 The carbon savings delivered by the £6m programme of Public Sector Decarbonisation Scheme-funded measures will offset this increase to some extent, with their impact being felt mostly from 2022/23. Risks will be managed as part of the operational risk register and escalated to the leadership risk register as and when necessary.

Comments checked by:

Celia Prado-Teeling, Performance Team Leader, Celia.Prado-Teeling@Cherwell-DC.gov.uk

Equalities and Inclusion Implications

- 7.8 When developing and implementing the Climate Action Programme, the council must take an inclusive approach, ensuring the costs and benefits of the transition to a low-carbon economy are fairly shared.
- 7.9 While acting on climate change will bring benefits to all, it is most likely to have additional positive impacts on several of the protected and disadvantaged groups considered within the Council's equality framework

Comments checked by:

Emily Schofield, Acting Head of Strategy, emily.schofield@oxfordshire.gov.uk, 07881311707

Sustainability Implications

- 7.10 The Climate Action Programme is at the core of the council's response to the climate emergency. A number of its projects have a direct impact on our corporate emissions e.g., installing heat pumps in our buildings, while others, e.g., Local Plan Review, aim to put in place the strategies, partnerships and initiatives that will help reduce carbon emission and increase climate resiliency across the district.

Comments checked by:

Sandra Fisher-Martins, Programme Manager Climate Action, Sandra.Fisher-Martins@Oxfordshire.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Leading on Environmental Sustainability

Lead Councillor

Councillor Dan Sames, Lead Member for Clean and Green

Document Information

Appendix number and title

- Appendix 1 – CDC Greenhouse gas report 2020/21

Background papers

N/A

Report Author and contact details

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Greenhouse Gas Report

Reporting Year 2020 - 2021

Cherwell District Council

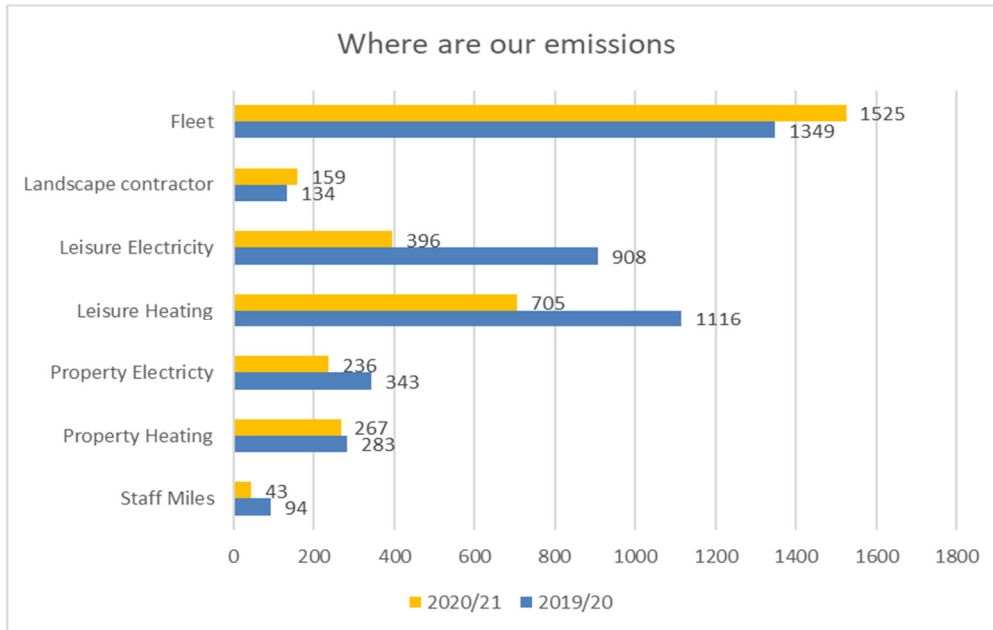
Date: August 2021
Owner: Climate Action Team

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1 Executive Summary

- 1.1. During **2020/21** Cherwell District Council reduced its carbon emissions by **22.5%** (**935 tonnes CO₂e**), from **4154** in **2019/20** tonnes CO₂e to **3219** tonnes CO₂e in **2020/21** This represents a **52.7%** reduction against our baseline of **2008/09**.
- 1.2. In 2020/21 792 tonnes CO₂e of our reduction was due to the electricity grid decarbonisation. The remaining 2223 tonnes CO₂e can mostly be attributed to the COVID lockdown and therefore emission levels may bounce back in the following years.



2 Context

- 2.1. Cherwell District Council provides services to residents, businesses and communities across the whole district. The following are the key service services are provided by the Council (but not an exhaustive list)
 - leisure services
 - housing
 - planning
 - landscape and ground maintenance
 - public convenience
 - waste collection.
- 2.2. The Council either provides these services directly or commissions them from other organisations. Most of these services are statutory – things we are obliged by law to do.

3 Reporting Period

- 3.1. This report covers GHG emissions from **April 2020** to **March 2021** with comparisons to previous years

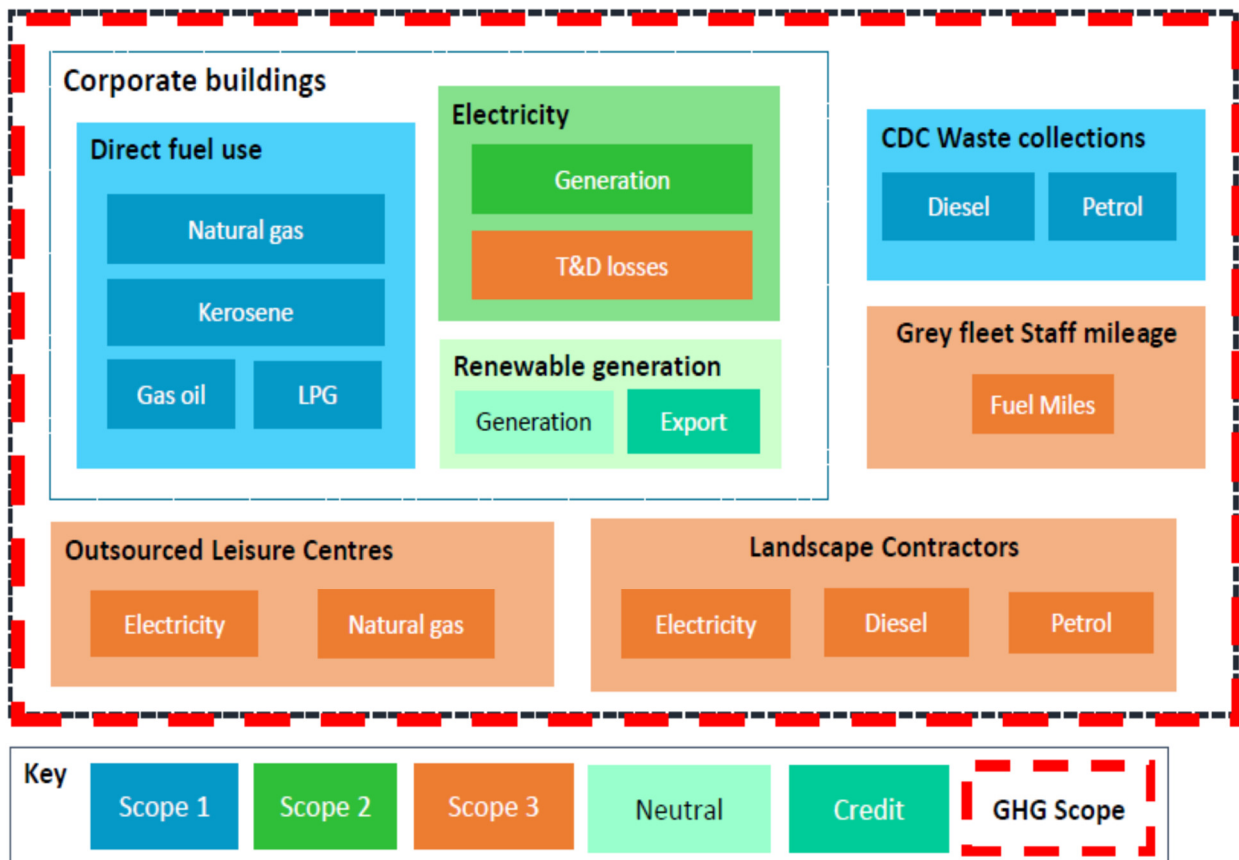
4 Introduction, boundary and conversion factors

- 4.1. Each year, Cherwell District Council publishes details of its greenhouse gas (GHG) emissions in accordance with the guidance published by the Department of Business, Energy and Industrial Strategy (BEIS).
- 4.2. The Council is committed to improving our GHG reporting in line with the latest BEIS guidance. We will be auditing our data in **2020/21**.
- 4.3. **Figure 1** shows the scope of our reported GHG emissions boundary. The council reports on emissions from its:
 - Corporate buildings, public conveniences, waste collection fleet & business mileage
 - Outsourced leisure centres
 - Outsourced landscape service.

These have historically been included in our carbon footprint.

- 4.4. In **July 2019** the council committed to becoming carbon neutral by **2030** for all its reported emission sources, which include corporate and contractor emissions.
- 4.5. The carbon factor methodology applied are the **2020** advanced carbon factors for the emissions generated in the financial year **2020-21**, which can be found at [Greenhouse gas reporting: conversion factors 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2020)

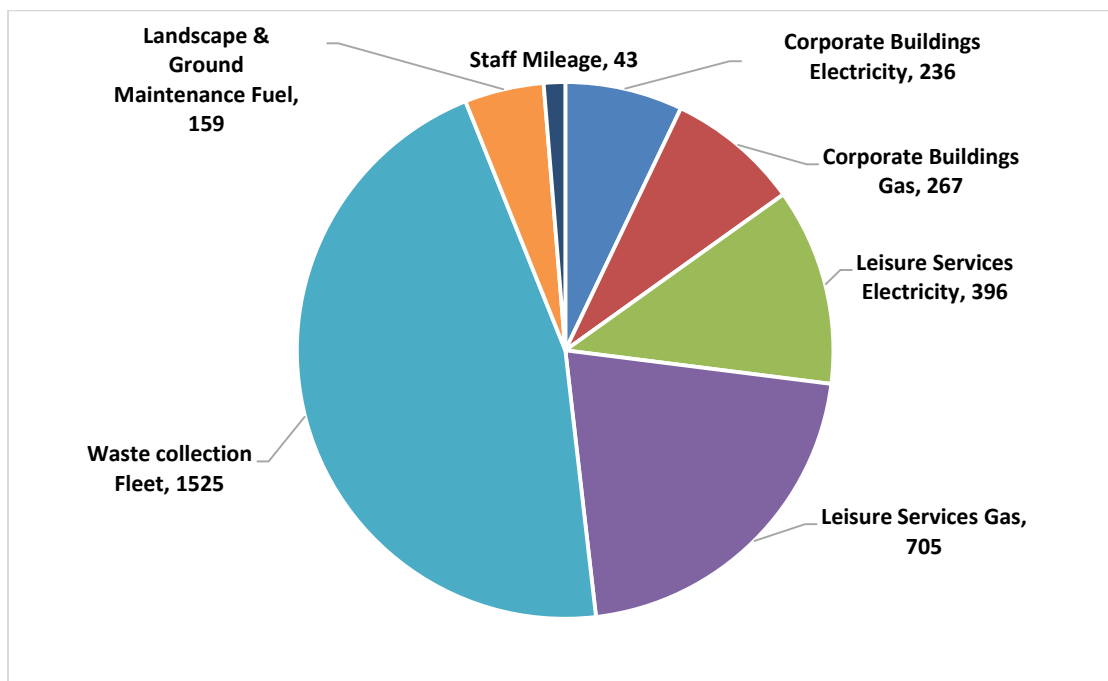
Figure 1: CDC GHG Emissions Boundary



5 Greenhouse Gas (GHG Emissions) 2020/21

- 5.1. **Figure 2** shows that for **2020/21** gross emissions from Cherwell District Council were **3219** tonnes of CO₂ equivalent (CO₂e) split across the six service areas and fuel types. This includes offsetting from solar exports in corporate and leisure centre buildings (as highlighted in Table 1).

Figure 2: Total GHG emissions breakdown per sector and fuel type (tonnes CO₂e)



6 Change from Previous Year

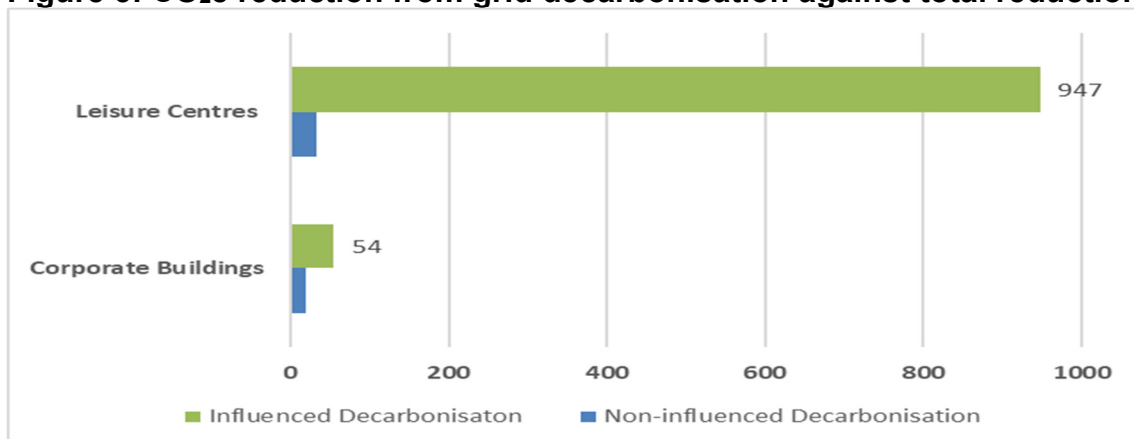
- 6.1. Total emissions in **2020/21** fell from **4,154** tonnes of CO₂e to **3219** tonnes of CO₂e, a reduction of **22.5%** (**935** tonnes of CO₂e).
- Emissions from **corporate buildings, public conveniences, waste collection fleet & business mileage** fell from **2209** tonnes of CO₂e to **1983** tonnes of CO₂e, a reduction of **2.3%**. This includes offsets from Solar PV exports.
 - Emissions from **outsourced leisure centres and outsourced landscape service** fell from **2125** tonnes of CO₂e to **1236** tonnes of CO₂e, a reduction of **41.8%**. This includes offsets from Solar PV exports.
- 6.2. **Table 1** below shows the comparison of emissions in **2020/21** against **2019/20**.

Table 1: Emissions Comparison 2019/20 and 2020/21 (tonnes CO₂e)

2019/20 and 2020/21 Comparison			
	2019/20	2020/21	Reduction
Corporate Buildings	622	494	-20.5%
Public Conveniences	5	10	105.5%
Waste collection Fleet	1,349	1,525	13.1%
Staff Mileage	94	43	-54.1%
Solar Export Corporate (offset)	- 40	- 89	
conveniences, waste collection fleet & business mileage	2,029	1,983	2.3%
Leisure Services	2,024	1,101	-45.6%
Landscape & Ground Maintenance	134	159	18.8%
Solar Export Leisure Centre (offset)	- 33	24	
Contractors	2,125	1,236	-41.8%
Total Emissions	4,154	3,219	-22.5%

- 6.3. Non-influenced **decarbonisation** (due to electricity grid **decarbonisation** and annual changes to carbon factors) accounted for **51** tonnes CO₂e, **5.5%** of total reduction, with influenced **decarbonisation** (due to changes in consumption) accounting for the remainder.
- 6.4. Impact of **COVID** on ventilation - The **CV19** restrictions to working arrangements and subsequent guidance on ventilation has subsequently meant that realistic comparison with previous years is not appropriate at this stage.
- 6.5. Although emissions are expected to bounce back after the COVID restrictions end; we do expect some emissions to rise and some to continue to fall.
- As buildings reopen fully gas consumption is likely to increase from the pre-COVID levels due to legislative changes in air handling.
 - Electricity from property is likely to remain lower than pre-COVID levels due to a decrease in property occupation by staff.
 - Emissions from electricity will continue to reduce from grid decarbonisation.
 - Staff mileage may remain lower than pre-COVID levels due to the use of Teams meetings.

Figure 3: CO₂e reduction from grid decarbonisation against total reduction.



- 6.6. Gas consumption in **2020/21** increased in line with expectations due to weather differences between **2019/20** and **2020/21** Cherwell District Council will be investigating the option to install automatic meter readers to improve the accuracy of gas consumption data.

7. Comparison against baseline year and reduction target

Cherwell District Council track emissions against the baseline year of **2008/09**.

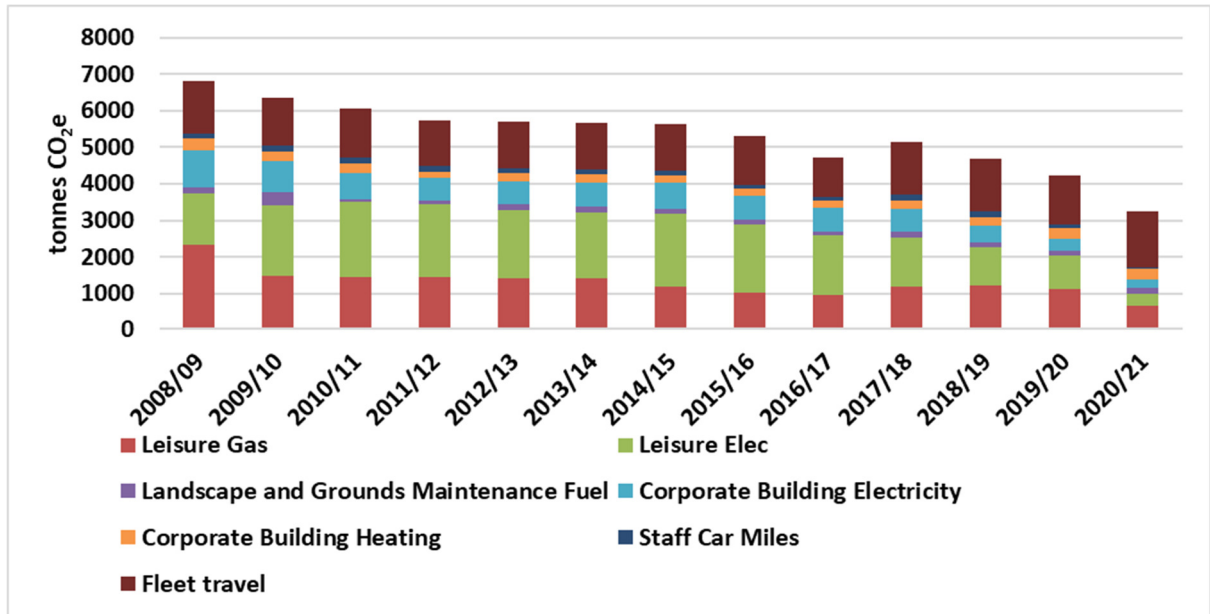
- 7.1. **Total emissions** were **6,804** tonnes of CO₂e in 2008/09 and **3219** tonnes CO₂e in **2020/21**. This represents a decrease of **3585** tonnes of CO₂e or **52.7%** since the baseline year, equivalent to an average reduction of **4.4%** per year.
- Emissions from **corporate buildings, public conveniences, waste collection fleet & business mileage** have reduced by **28.2%** since **2008/09**, an average reduction of **2.4%** per year.
 - Emissions from **outsourced leisure centres and outsourced landscape service** have reduced by **67.8%** since **2008/09**, an average reduction of **5.17%** per year.

Table 2: Emissions Comparison 2008/09 and 2020/21 (tonnes CO₂e)

2008/09 and 2020/21 Comparison			
	2008/09	2020/21	Reduction
Corporate Buildings	1,278	494	-61.4%
Public Conveniences	37	10	-73.3%
Waste collection Fleet	1,419	1,525	7.5%
Staff Mileage	154	43	-72.1%
Solar Export Corporate (offset)	-	89	
conveniences, waste collection fleet & business mileage	2,888	1,983	-31.3%
Leisure Services	3,748	1,101	-70.6%
Landscape & Ground Maintenance	168	159	-5.7%
Solar Export Leisure Centre (offset)	-	24	
Total - Leisure Centres & Landscape Co	3,916	1,236	-68.4%
Total Emissions	6,804	3,219	52.7%

- 7.2. **Figure 4** below shows carbon emissions from the baseline year **2008/09** to **2020/21** with a breakdown of consumption by sector and fuel type.

Figure 4: Annual carbon emissions by sector from baseline year 2008-2009



8 Measurement, data quality, methodology and refinements

- 8.1. Cherwell District Council collects the data from property invoices, staff millage claims and fleet travel records.

Annex A - Operational Scope breakdown

- Central Offices (Scopes 1 and 2)
- Operational Depots (Scope 1 and 2)
- EV Fleet (Scope 2)
- Fleet (Scope 1)
- Business miles (including cycling) - corporate estate and activities (Scope 3)
- Transmission and Distribution (Scope 3)
- Vacant properties - (in Scope 3)
- Outsourced Leisure Centre's (Scope3)
- Landscape Contractors (Scope 3)

Not included in current reporting and reasoning

We do not currently include the following in our reporting for a variety of reasons but will annually review this situation:

- Water - Scope 3 - currently no reliable data available
- Supply Chain - Scope 3 – no data available
- Staff Commuting to work - Scope 3 - no data available
- Business mileage from public transport and walking - Scope 3 - currently no data available.

Cherwell District Council

Executive

1 November 2021

Final Draft Tenancy Strategy and Affordability Statement 2021 (Cherwell District Council)

Report of Interim Assistant Director, Housing and Social Care Commissioning

This report is public

Purpose of Report

To set out the key points from the public consultation on the draft Tenancy Strategy and Affordability Statement (2021) and the main changes to the strategy document in response to the feedback received. In addition, this report seeks Executive approval of the final draft Tenancy Strategy and Affordability Statement.

1.0 Recommendations

The Executive is recommended to:

- 1.1 Note the changes to the draft Tenancy Strategy and Affordability Statement (Appendix 1) in response to the feedback and officer response set out in the Consultation Report (Appendix 3).
- 1.2 Approve the final draft Tenancy Strategy and Affordability Statement to ensure that the council meets statutory requirements and complies with good practice.
- 1.3 Delegate authority to the Assistant Director, Housing and Social Care Commissioning in consultation with the Lead Member for Housing, to:
 - make any minor editorial amendments to the strategy as needed prior to publication; and
 - approve annual updates to the Tenancy Strategy appendices to ensure the data remains relevant.

2.0 Introduction

- 2.1 Section 150 of the Localism Act 2011 requires Local Housing Authorities to publish a Tenancy Strategy that sets out the matters to which registered providers of social housing are to have regard when formulating their policies relating to the types and terms of tenancies they grant. Cherwell District Council's (CDC) Tenancy Strategy, which was adopted in 2017, needs to be updated to reflect CDC's ambition to

deliver more social rented housing tenure to meet local need and our support for offering tenants of social housing long term, secure tenancies.

- 2.2 The draft Tenancy Strategy and Affordability Statement (2021) considers housing legislation published since the last Tenancy Strategy was adopted. It also considers the affordability of social housing stock in the district having regard to local incomes and rising house prices and rent levels. The document sets out the Council's expectations of registered providers of social housing in relation to supporting the development of sustainable and settled communities.
- 2.3 A 6-week public consultation on the draft Tenancy Strategy and Affordability Statement was completed on 14 September 2021 and subsequently the draft strategy has been amended to reflect the feedback received (Appendix 1). The Equality and Climate Impact Assessment (Appendix 2) has been updated and the Consultation Report (Appendix 3) sets out the detail of the consultation methodology, the feedback received from the online survey and workshops with registered providers, and the officer response to the feedback received.

3.0 Report Details

- 3.1 The purpose of the Tenancy Strategy is set out in S.150 of the Localism Act 2011, which requires all local housing authorities to:

“prepare and publish a strategy (a “tenancy strategy”) setting out the matters to which the registered providers of social housing for its district are to have regard in formulating policies relating to—

 - (a) the kinds of tenancies they grant,
 - (b) the circumstances in which they will grant a tenancy of a particular kind,
 - (c) where they grant tenancies for a term certain, the lengths of the terms, and
 - (d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.”
- 3.2 S.150 also goes on to say that a local housing authority ‘must have regard to its Tenancy Strategy in exercising its housing management functions’. As an authority that has transferred its council housing stock, we will expect all Registered Providers of social housing (RPs) in the district to have their own Tenancy Policies in place that reflect the aims of the Council's Tenancy Strategy. Whilst RPs are expected to have due regard to the content of the Council's Tenancy Strategy, there is no legal requirement for RPs to abide by it. Therefore, embedding the principles set out in the strategy will require continued commitment by the Council and its partners to deliver the Strategy in the interests of delivering genuinely affordable housing to meet local needs, and creating and maintaining places where residents can settle and build thriving, cohesive communities.
- 3.3 The current Tenancy Strategy (2017) was developed in the context of the Localism Act 2011, national housing and planning policy, and affordable housing funding regimes at the time. The strategy focussed on Affordable Rent and fixed-term

tenancies. We have seen good levels of new-build affordable housing for rent and shared ownership delivered in the district but in recent years rented affordable housing has been provided as Affordable Rent rather than Social Rent. Affordability of accommodation in the district for households receiving low income is an increasing challenge due to the continued rise in house prices and local market rents.

- 3.4 Since the Tenancy Strategy was adopted, the national climate regarding social housing has changed, with the Social Housing White Paper in November 2020 setting out a new deal for social housing: ‘The charter for social housing residents.’ The Government also acknowledged that security of tenure provides major benefits when it announced that the provisions of the Housing & Planning Act would not be implemented, thereby allowing continued use of lifetime tenancies. In addition, funding announcements by Homes England in 2020/21 have identified opportunities for RPs to attract funding for Social Rent homes, particularly in high value areas such as Oxfordshire.
- 3.5 Given the changes in the national policy position; the introduction of National Planning Policy to provide First Homes as part of the affordable housing offer; and the local concerns about the increasing affordability gap in the local housing market, the Tenancy Strategy and Affordability Statement sets out the Council’s expectations and ambition to secure social rented homes as the default position unless there are issues of development scheme viability, or where the social rent plus the service charges would become cost-prohibitive for the tenants to afford. The draft Strategy also promotes ‘lifetime’ tenancies as the ‘norm’ but recognises that other tenancy terms are appropriate in some circumstances. It makes clear that the aims of the Tenancy Strategy and Affordability Statement should also be considered when securing affordable housing on new development sites. This is not intended as a planning policy document, but as a clear guide to developers in terms of what the Council will expect of RPs to whom the developers transfer affordable housing when completed.

4.0 Consultation and Feedback

- 4.1 In accordance with S.151 of the Localism Act 2011, once the draft strategy, Equality and Climate Impact Assessment and Consultation Document had been prepared, the consultation was launched and the opportunity to take part was proactively promoted via email, website, press release and social media posts to every Registered Provider (RP) who currently owns, lets or manages social housing stock in Cherwell District, as well as the public and statutory, voluntary and community sector stakeholders.
- 4.2 The 6-week consultation period which ran from 3 August to 14 September 2021, provided an opportunity to comment on the proposed details within the Tenancy Strategy and Affordability Statement (2021). Two consultation workshops with RPs were held on 6 and 13 September. The draft strategy was also presented to the Overview and Scrutiny Committee on 7 September 2021. Officers worked with the Communications and Insight Team to promote the consultation and collate the responses.

- 4.3 In total, the council actively engaged with people on 99 occasions (although it's possible that some individuals may have engaged more than once via the survey and the workshops throughout the consultation period). 82 people completed the online survey and 17 Registered Provider representatives attended consultation workshops. Over 50% of online survey responses were from members of the public, including former or current tenants in Cherwell district.
- 4.4 The survey responses highlighted that there is strong overall support for the draft strategy's vision and aims. There is also strong support for housing to be genuinely affordable for local people and provided to a good quality standard. A variety of comments have been provided through the survey and these are highlighted, along with Officer responses and detail of the consultation methodology, within the Consultation Report provided as Appendix 3 to this report.
- 4.5 Whilst it has not been possible, within the scope of the draft Tenancy Strategy and Affordability Statement, to address all comments received during the consultation, it is important to note that the Housing Strategy 2019-2024 and associated Action Plan; the Housing Allocation Scheme and the Local Plan policies can, and in most cases already do, address the issues raised.
- 4.6 In response to the consultation feedback, minor changes have been made to the draft Tenancy Strategy and Affordability Statement. These changes have been made to ensure that the council's expectations of registered providers are clear in terms of the provision of genuinely affordable social rented housing that is delivered and maintained to a good standard. The changes also acknowledge the impact of social rent on scheme viability and how viability issues will be taken into consideration to ensure continued deliverability of affordable housing in the district. Amendments to the strategy document also include text to support that registered providers will have transaction and ancillary costs if/when disposing of a social housing property and therefore will not be able to recycle the full receipt from the sale back into accommodation within Cherwell district as was initially suggested in the strategy document.
- 4.7 The Overview and Scrutiny Committee, at its meeting on 7 September, noted the content of the strategy and recorded the following decision:
- 1) That the draft Tenancy Strategy and Affordability Statement be noted
 - 2) That the following comments be submitted to the Executive:
 - a. For all future consultations, a mechanism for ensuring residents directly affected by a consultation are contacted and encouraged to respond
 - b. A continuous effort to improve quality and standard of housing in the district.

5.0 Conclusion and Reasons for Recommendations

- 5.1 Overall the consultation response has been good and the web-based or online approach to the consultation does not appear to have adversely impacted on the number of responses received from members of the public. The comments from the Overview and Scrutiny Committee are noted and welcomed. In response, the Consultation Report (Appendix 3) helps to set out the full detail of the consultation mechanisms and the public engagement.

- 5.2 The Executive is requested to note the changes to the draft Tenancy Strategy and Affordability Statement (Appendix 1) in response to the feedback and officer response set out in the Consultation Report. In addition, note that the Equality and Climate Impact Assessment has been updated to reflect some comments received during the consultation.
- 5.3 The Executive is requested to approve the final draft Tenancy Strategy and Affordability Statement, to ensure that the council meets statutory requirements and complies with good practice. In addition, delegate authority to the Assistant Director, Housing and Social Care Commissioning in consultation with the Lead Member for Housing, to make any minor editorial amendments to the strategy as needed prior to publication and to approve annual updates to the Tenancy Strategy appendices to ensure the data remains relevant.

6.0 Alternative Options and Reasons for Rejection

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

Option 1: Not to update the Tenancy Strategy 2017. This approach is not recommended, as it is a statutory requirement to review the Strategy periodically and it would leave the Council open to legal challenge if it has not done so. In addition, the Housing Strategy 2019-2024 and the Homelessness and Rough Sleeping Strategy 2021-2026 set out an ambition to deliver more social rent tenure to meet identified needs. It will be difficult to achieve this ambition without an updated Tenancy Strategy as the 2017 version strongly promotes Affordable Rent and fixed-term tenancies.

Option 2: Delay the approval of the amended draft Tenancy Strategy and Affordability Statement until later in the year. This approach is not recommended as the feedback from the consultation and subsequent adoption of the new strategy will contribute towards informing the evidence base in support of the new Local Plan policies to 2040 which are currently being developed.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial risks. No additional funding will be required from the implementation of the new Tenancy Strategy and Affordability Statement.

Comments checked by:

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Leanne.Lock@Cherwell-dc.gov.uk

Legal Implications

- 7.2 The Tenancy Strategy is a statutory requirement and takes account of the relevant legislation regarding housing. Consultation with Registered Providers of Social

Housing and other such persons as the Secretary of State may prescribe by regulations, is a requirement of S151 of the Localism Act 2011.

Comments checked by:

Christopher Mace, Solicitor; 01295 221808; christopher.mace@cherwell-dc.gov.uk

Risk Implications

- 7.3 Failure to review the existing Tenancy Strategy to reflect the changes in legislation and government policy, may result in the Council not meeting its statutory duties and therefore open to legal challenge in respect of administration of its housing function. The amended draft Tenancy Strategy and Affordability Statement promotes social rent tenure and lifetime tenancies and recognises that where this may have some impact on development scheme viability, Affordable Rent and other tenures may be more appropriate in those circumstances to reduce the risk of the strategy being a barrier to future development.

Comments checked by

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Louise.Tustian@Cherwell-DC.gov.uk

Equalities and Climate Implications (Equality, Diversity and Community)

- 7.4 An Equality and Climate Impact assessment was undertaken on the draft strategy prior to consultation. Following consultation, the assessment has been updated to consider the consultation feedback and is provided with this report at **Appendix 2**. The strategy clearly sets out a process to support protected characteristics, and an Equality Impact Assessment as standard for providers will ensure mitigation in any impact on residents, provide a robust mechanism of assurance that needs are met and prevent discrimination.

Comments checked by:

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8.0 Decision Information

Key Decision:

Financial Threshold Met: No

Community Impact Threshold Met: Yes

Wards Affected

All

Links to Corporate Plan and Policy Framework

Cherwell District Council Business Plan 2021-2022 priority: 'Housing that meets your needs'
Housing Strategy 2019-2024
Homelessness and Rough Sleeping Strategy 2021-2026.

Lead Councillor

Councillor Lucinda Wing – Lead Member for Housing

Document Information

Appendix number and title

- Appendix 1: Final Draft Tenancy Strategy and Affordability Statement.
- Appendix 2: Equality and climate change impact assessment.
- Appendix 3: Consultation Report

Background papers

None. The related Housing Strategy 2019-2024; Homelessness and Rough Sleeping Strategy 2021-2026 and associated action plans, plus the approved Allocation Scheme are all published on the Council's website.

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Appendix 1

Final Draft Tenancy Strategy and Affordability Statement

November 2021

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This document can be made available in other accessible formats such as other languages, large print, audio or Braille. Please contact the Housing Strategy and Development team to discuss your requirements. Housing.Strategy@Cherwell-dc.gov.uk

1. Introduction

1.1 This Tenancy Strategy fulfils our obligations under the Localism Act 2011¹, which requires us to publish a Tenancy Strategy that sets out the matters to which Registered Providers of social housing (RPs) within the District should have regard when formulating their own policies relating to:

- the types of tenancies they will grant
- the circumstances under which different types of tenancies will be granted
- where they elect to grant fixed-term tenancies, the length of the fixed term
- the circumstances in which they will grant a further tenancy when the fixed term expires.

This Tenancy Strategy sets out our expectations of RPs and provides guidance on the preferred approach to tenancy type, tenure and setting rent levels for social housing within the Cherwell District Council area.

1.2 Cherwell District Council undertook a large-scale voluntary transfer of its housing stock in 2004. The stock is now owned by Sanctuary Housing. Since the transfer, our key role has been to enable new affordable housing provision and guide RP partners in relation to the letting and management of all social housing stock in the district to meet local housing needs and priorities. In 2012, the council set up Build! which is currently registered with Homes England as a Local Authority Registered Provider. Build! has 260 affordable homes for rent and shared ownership across the district.

1.3 It is a priority for Cherwell District Council, as a local housing authority, to address the long-term housing needs of vulnerable households and those on low income in the district. This aim has become even more urgent as the Covid-19 pandemic has impacted on the lives and incomes of local people. Our Housing Strategy 2019-2024 and our Homelessness and Rough Sleeping Strategy 2021-2026 set out the ways in which we will enable housing supply and deliver services to meet our housing priorities. This Tenancy Strategy and Affordability Statement also aims to support delivery of those priorities by specifically addressing the pressing need for good quality, secure and affordable homes.

1.4 Tenancy types and rent levels must meet the needs of local residents and workers, including the most vulnerable. There is a need to provide permanent or 'lifetime' tenancies at social rent levels that are genuinely affordable for most households who are in housing need. Combining security of tenure with rents that are commensurate with local incomes, helps to facilitate stable and cohesive communities.

1.5 In our previous Tenancy Strategy, we supported the use of fixed term tenancies as the norm. However, through discussions with our RP partners in the district, there is little evidence of the benefits of fixed term tenancies. Going forward, aligning with the aims of our Business Plan 2021-2022 and our strategic vision for Cherwell, we are adopting an approach consistent with providing secure and affordable homes, improving health and wellbeing, and promoting a long-term connection to place. We

¹ Localism Act 2011 s150

will work closely with housing providers and developers in the district to enable this to happen and to seek a consistent approach to delivering quality social housing that meets local needs.

- 1.6 This Tenancy Strategy and Affordability Statement replaces our previous Tenancy Strategy adopted in 2017. It should be read alongside the Housing Strategy, Homelessness and Rough Sleeping Strategy, Housing Allocation Scheme, and should be given due consideration in relation to development, delivery and ongoing use of new and existing affordable housing in Cherwell District. Key legislative changes considered in producing this strategy are listed in Appendix 1.

2. Our Vision

- 2.1 As a progressive, forward-looking district council, we are ambitious to meet the needs of our residents. **It is our vision to create places that thrive; to support mixed tenure, vibrant communities and provide housing that meets identified needs. We want residents to feel settled in their homes and for those homes to be affordable, good quality, safe, secure and able to withstand the challenges we face.** The pandemic has highlighted afresh the serious and urgent problems faced by those on a low income and in insecure housing. Among the first emergency measures to be introduced during the pandemic lockdown were those to address loss of income and loss of home.
- 2.2 The aims of this Tenancy Strategy and Affordability Statement are:
- to set out our expectations and the matters to which all Registered Providers (RPs) within the District should have regard when formulating housing policies;
 - to assist affordable housing developers to understand what the council requires of social housing landlords who own, let and manage stock in Cherwell district;
 - to ensure that the supply of affordable housing in Cherwell is genuinely affordable and provided to a good standard to meet the needs of local residents, specifically of those on low income; and
 - to support communities to thrive through the creation of sustainable social housing offers within our district.

3. Social Housing in Cherwell

- 3.1 Cherwell district, located in north Oxfordshire, is predominantly rural and covers two major towns, Banbury and Bicester, Kidlington (a large village) and 72 smaller villages. Cherwell has a population of around 150,500. Over 50% of residents live in one of the main urban centres.
- 3.2 Cherwell is an attractive place to live. It is a high growth area and demand for housing is high, but it can be an expensive place to live especially in areas of the district where house prices and rents significantly exceed median incomes for the

local area. Generally, the cost of private renting across the district is high. Whilst there are relatively affluent areas across the district, there are also pockets of deprivation. More details and data on the social housing context in Cherwell can be found in Appendix 3.

- 3.3 Over recent years Cherwell has partnered successfully with Registered Provider (RP) partners to develop new accommodation in the district. This has included a significant number of affordable housing units being added to the district's housing portfolio through s.106 requirements (see Appendix 3), and with this, an increase in the number of properties let on Fixed Term Tenancies. Although we have let more accommodation through the housing register in recent years, the historic changes in national policy and social housing funding regimes have meant that new social homes have been developed at Affordable Rents rather than Social Rents.
- 3.4 The Council's Local Plan policy on affordable housing (BSC3) requires that 70% of the affordable housing contributions on new residential developments should be provided as Affordable/Social Rent, however given an 'option', developers have sought to provide Affordable Rent tenure as the default. A new Local Plan should be developed by 2022 and revisions to the policy will enable us to secure more affordable housing that is let at Social Rent levels to meet local need now and in the future. To provide a mixed and balanced community, Social Rent properties will be provided alongside other forms of affordable home ownership, for example First Homes (introduced by Government in June 2021), shared ownership or other intermediate tenure options set out in National Planning Policy.
- 3.5 Affordable Rented housing let on fixed term tenancies provides a less secure and more expensive housing option. The social, economic and environmental impact of the Covid-19 pandemic has resulted in an increase in the number of households seeking housing assistance, a slower delivery of new housing supply, and an increase in unemployment levels. In our experience, for many households on the housing register, Social Rent accommodation that is let with a lifetime tenancy is the only affordable and secure housing option.
- 3.6 Our adopted Housing Strategy includes a priority to deliver more homes for Social Rent wherever this is possible within new developments. We will work with our RP partners and community-led housing developers to maximise the opportunities to deliver Social Rent tenure and will seek to leverage funding through the Oxfordshire Growth deal and Homes England funding regimes to support this where scheme viability is an issue. The priority, driven by the severe affordability issues in areas within our district, is to protect and increase the supply of Social Rent housing in Cherwell alongside the provision of other affordable housing options. Affordability of low-cost social homes and our approach to rent setting is set out Section 6 of this Tenancy Strategy.
- 3.7 There is growing evidence that significant benefits for local people can be achieved by joining up the planning for housing with planning for health and wellbeing. We are committed to ensuring social homes in Cherwell are delivered to the Decent

Homes Standards or higher, and that they will provide stable, genuinely affordable places to live where residents can settle and develop a commitment to their local community. This is in line with the Oxfordshire Health and Wellbeing Board's priority to tackle the broader determinants of health through better housing and homelessness prevention. In most cases this can be achieved by offering more social rent homes with lifetime tenancies. Our expectation is that our RP and public sector partners will support our efforts to ensure this is embedded in the housing supply across the district.

4. Policy Context: Housing Tenure

- 4.1 Our previous Tenancy Strategy 2017 was created in the context of legislation and national policy at the time. Since then the Social Housing Green Paper, published in 2018, proposed a new deal for social housing². In November 2020, the Government published its White Paper, The Charter for Social Housing Residents.³ This affirms social rented homes as places where residents can put down roots and build communities. It also recognises that the COVID-19 pandemic has reinforced the importance of people's homes, communities and neighbourhoods.
- 4.2 Cherwell District Council wants those allocated social housing to see their homes as genuine places to settle, not as temporary welfare provision. Residents should have control over their lives and homes as this can help to build thriving, cohesive communities. Offering lifetime tenancies at social rent levels best supports this in most cases.

5. Tenure Options

- 5.1 Tenants need to be able to make informed choices about their housing options. We will work with our Registered Provider (RP) partners to make the process of offering tenancies through the Choice Based Lettings system as clear and transparent as possible. It is essential that applicants understand what they are being offered. We see this as an important part of the registered providers' pre-tenancy work in explaining tenants' rights and responsibilities.

Lifetime tenancies

- 5.2 Social rented homes support our strategic objective to provide residents with long term, genuinely affordable homes. Lifetime tenancies are the preferred tenancy type in most circumstances and in our view, this should be the default offer made by RPs to their tenants.

²A New Deal for Social Housing www.gov.uk/government/consultations/a-new-deal-for-social-housing

³www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper

- 5.3 RP landlords are encouraged to provide the maximum security of tenure available through offers of assured (non-shorthold) tenancies (as defined by the Housing Act 1988). Assured (non-shorthold) tenancies can only be ended if the tenant breaches the tenancy conditions or if one of the other grounds for possession applies.
- 5.4 Existing social housing tenants with lifetime tenancies that were issued before 01 April 2012, and who have remained social housing tenants, have their security of tenure protected by law. The Localism Act 2011 s.154 and regulatory framework for social housing require all RPs to offer lifetime tenancies when these tenants move to another social rented home. This includes mutual exchanges, transfers, or moves as a result of major works or regeneration. Where a social housing tenant has been given a lifetime tenancy on or after 01 April 2012, and they swap their home with a social housing tenant who has a fixed term tenancy, they may lose their lifetime tenancy unless they are granted another one. In these circumstances, we expect RPs to grant another lifetime tenancy.
- 5.5 The Domestic Abuse Act 2021 requires in cases of domestic abuse, that RPs issue new lifetime tenancies, where a tenant previously had a lifetime tenancy.
- 5.6 In addition, we expect lifetime tenancies always to be used for vulnerable tenants with long term support or care needs. This would include, but is not limited to, the following:
- those with enduring mental health needs
 - those with a learning disability
 - some types of physical disability
 - older people in supported accommodation (but not adapted properties)
 - older people moving into specialist, sheltered or extra care housing, particularly those giving up a larger home and a lifetime tenancy
 - those needing specialist care
- 5.7 We expect that those who have been involved in self-building or self-finishing their rented homes should always be offered assured lifetime tenancies.

Fixed term tenancies

- 5.8 Notwithstanding our strong preference for lifetime tenancies in most circumstances, we recognise that some RPs may, having had regard to this strategy, continue to offer fixed term tenancies, particularly when letting at Affordable Rent. The Regulator of Social Housing expects that fixed term tenancies should be for a minimum of five years or exceptionally, for a minimum of two years, in addition to any probationary tenancy period.
- 5.9 Where fixed term tenancies are used and the household contains children, we encourage RPs to set a fixed term which ends on the 19th birthday of the youngest child. RPs should aim to re-house the tenant and their household where a move is necessary and appropriate following a Tenancy Review.

- 5.10 Where tenancies are for less than five years, RPs must publish in their Tenancy Policies their justification for doing so and this should be supported by an Equality Impact Assessment. We consider that there are a limited number of circumstances in which offering fixed term tenancies of less than five years might be appropriate:
- for short term supported housing designated as move-on;
 - where it is linked to employment or educational opportunities (if the property is allocated as Key Worker accommodation then tenancies should be automatically renewed where the employment contract continues – subject to suitability of the accommodation to meet ongoing needs).
- 5.11 Fixed term tenancies should never be used as a way of dealing with issues that could otherwise be resolved by appropriate housing management and tenancy support.
- 5.12 We support the use of fixed term tenancies in properties that have been purpose built or substantially adapted for disabled occupants. Adaptations make it easier for those with physical disabilities to occupy their homes. Such adaptations can be expensive, and it is important that adapted homes are made available and let to those who need them. We would expect that the tenancy is automatically renewed if there have been no changes in the household circumstances. However, if there has been a change, and the adaptations are no longer needed the household should, where a move is appropriate, be re-housed by the RP landlord. Fixed-term tenancies can help landlords to facilitate a move at the most appropriate time.

Introductory or Starter tenancies

- 5.13 Many RP landlords offer introductory or starter tenancies to households who have never held a social housing tenancy before or where the housing offer is under the Housing First⁴ initiative. Where such starter tenancies are issued, RPs should identify during the initial term any issues which might prevent the tenancy being sustained and work with the tenant to resolve these. This should include any additional support provided through tenancy management or tenancy sustainment teams. We expect RPs to maximise the support by also signposting the tenant to other external support available for example, the support provided through money advice services or ‘tenancy ready’ training. This is in line with the council’s Homelessness and Rough Sleeping Strategy.
- 5.14 These starter tenancies should then be converted to lifetime tenancies unless there has been a serious tenancy breach that cannot be managed using other tools or through an extension of the starter period for 6 months.
- 5.15 Where RP landlords use starter tenancies, these should be for a maximum of 12 months, or a maximum of 18 months where reasons for extending the probationary

⁴ Crisis.org.uk/ending homelessness – explains that ‘the Housing First model prioritises getting people quickly into stable homes and from that point forward, any other support needs they might have i.e. alcohol and/or drug dependency, physical and/or mental health problems, can be addressed through intensive and coordinated support.’

period have been given and where the tenant has the opportunity to request a review.

Tenancy Review

- 5.16 The end of the tenancy period should be accompanied by a tenancy review, conducted ideally between six and nine months before the date the tenancy is due to end. We would expect tenancies to be renewed other than in exceptional circumstances and have a preference that new tenancies are fully assured with no fixed term.
- 5.17 The criteria for review must be made clear to the tenant at the outset of the tenancy. RPs should avoid situations where issues of concern are raised late in the day, giving the tenant little time to address any problems.
- 5.18 If a RP landlord decides not to renew, the reasons must be fully explained. The way in which such a decision may be challenged must be clearly set out in the review policy.
- 5.19 Exceptional circumstances where a tenancy is not renewed may include:
- where tenant wishes to end the tenancy;
 - where the home has been adapted but those adaptations are no longer required, and the home would meet the needs of another household on the housing register.
- 5.20 Where the decision is made to not extend a tenancy, RPs should be confident that tenants have received all the advice and support necessary to provide a new housing solution which better meets their needs and prevents homelessness.
- 5.21 Where tenants who are over working age do not have their tenancy renewed, we expect that the RP will make an offer of alternative accommodation that meets the needs of the tenants, using the stock allocation over which they have nomination rights. Reasonable efforts should be made to secure suitable alternative accommodation and consideration given to extending the tenancy until alternative suitable accommodation can be found.
- 5.22 The Homelessness Reduction Act 2017 introduced a new requirement on certain public bodies to notify councils of service users who may be homeless or threatened with homelessness. Many RPs have shown support for this approach by also agreeing to refer.⁵ RPs should inform the Council if a decision has been taken to end a tenancy and to work with us to find a suitable housing solution.

⁵ See www.housing.org.uk/our-work/homelessness/commitment-to-refer/

6. Rent Levels and Affordability Statement

- 6.1 As a local authority, we are committed to addressing the severe problem of affordability facing those on low incomes across our district. The government promotes work to reduce levels of benefit dependency, so it is important that rent levels in social housing across the district do not deter tenants from entering employment. For details of the affordability challenges in Cherwell, see Appendix 2. With this in mind, our Tenancy Strategy and Affordability Statement sets out the measures that we and our RP partners will take to ensure the affordability and sustainability of rented affordable homes in our district. Whilst this is not a planning policy, we expect housing developers and RPs to give due regard to the aims of this strategy and the expectation that genuinely affordable housing will be delivered on qualifying sites across Cherwell District.
- 6.2 The following statements outline the approach to which RPs should have regard when letting and managing their social housing properties and setting rents:
- 6.3 Social housing rents should be set as low as possible and should be affordable having regard to tenant incomes. To be genuinely affordable for tenants, social rent should be provided as the preferred rent level across the district. This should be calculated in line with the Ministry for Housing and Local Government (MHCLG) directions and policy statement on rents for social housing and the Regulator of Social Housing's Rent Standard.
- 6.4 However, although Social Rent is the preferred rent level, where it is necessary for the rented affordable housing to be set at Affordable Rents i.e. due to scheme viability or where social rent in addition to necessary service charges would be cost prohibitive to the resident, the rent (for the relevant property size/type) inclusive of service charges should be set at a level up to 80% of the market rent or capped at Local Housing Allowance levels⁶ whichever is the lower.
- 6.5 As many housing register applicants, particularly those who are homeless or setting up home for the first time, are unlikely to have sufficient savings to pay a deposit or rent several weeks in advance to secure a tenancy, RPs are expected to be reasonable and flexible in their requests for advance rent payments. Where appropriate and necessary, they should seek to agree an affordable payment plan with the tenant to allow them to build a level of rent credit over some weeks as an alternative to 'up front' rent payments.
- 6.6 To help tenants set up home for the first time, it is expected that RPs will either provide financial support to enable appropriate decoration and procurement of

⁶ The Valuation Office Agency Rent Officer determines Local Housing Allowance (LHA) rates used to calculate housing benefit for tenants renting from private landlords. LHA rates are based on private market rents being paid by tenants in the broad rental market area. For LHA rates in Cherwell, see: <https://lha-direct.voa.gov.uk/Secure/SearchResults.aspx?LocalAuthorityId=346&LHACategory=999&Month=6&Year=2021&SearchPageParameters=true>

essential furniture, floor coverings and white goods, or will work with local voluntary and community sector organisations to help the tenant to access practical help, funding/personalisation grants, or essential goods that will help them to set up their home.

- 6.7 RPs should provide high standards of housing management and continue to invest in tenancy support provided via their housing officers and support projects that enable tenant engagement and focus on preventing homelessness.
- 6.8 The aim is to:
- reduce welfare dependency and employment disincentives
 - enable residents to weather times of economic difficulty and fluctuations in income
 - support strong and stable communities where residents can put down roots, sustain their tenancies and thrive.

7. Disposals

- 7.1 Cherwell District Council is not generally in favour of the disposal of social housing stock but it is understood that at times the best solution may be for a Registered Provider (RP) to dispose of stock that has become surplus to requirements or is too costly to bring up to the required Decent Housing Standards. We expect that where disposal of a social housing property is necessary, particularly where a property has been given in trust to a RP, or where Cherwell District Council or Homes England has invested in the property, the full gain (less any transaction and ancillary costs) from disposal should be reinvested back into Cherwell district.
- 7.2 We will maintain a close relationship with RPs through annual collective Registered Provider Development and Management meetings which are held to promote shared understanding of housing and development issues across Cherwell, and through individual site or project specific meetings, and the annual individual RP performance review meetings. We expect that part of the asset management decision-making process by the owning RP will involve a meaningful dialogue with the local authority. This dialogue is to ensure that adequate notice is given to the Council of a proposal to dispose of a property in good time before any disposal occurs, to which the Council will consider the variety of options available to it.
- 7.3 To avoid property disposals as a result of poor property standards, we expect all RP landlords to maintain their property portfolios to the Decent Homes Standard or equivalent or higher standard. This will also promote the benefits of better health and wellbeing.

8. Mobility

Moving for employment/social and welfare reasons

- 8.1 It is important for tenants who wish to move for employment, or for support and welfare reasons, to be able to do so easily. We expect that RPs will offer assistance to their residents in these circumstances from the stock available to them through nominations agreements. RPs should enable suitable moves to support the recruitment and retention of essential key workers, health and support workers in the Cherwell area. Consideration and support should be given to other Reasonable Preference Groups set out in the councils adopted Allocation Scheme.

Downsizing

- 8.2 We expect all RPs to assist tenants who want to downsize. The Spare Room Subsidy can impact negatively on Housing Benefit and Universal Credit claimants who under-occupy social housing properties. Offering opportunities for tenants to downsize to a smaller, more accessible and energy efficient home, can also help to free up much needed family accommodation for those that require it. RPs should actively identify tenants who are under occupying their properties and wish to move. Discussions with those tenants should include options to move to a smaller property within the landlord's available stock, and an offer of support and/or an incentive where necessary to facilitate the move. We will continue to work with RPs to aid in this activity and promote the available funding options to facilitate small works or adaptations to meet identified needs.

9. Discharge of Homelessness Duty via Private Rented Sector

- 9.1 Since the introduction of the Localism Act 2011, local authorities can discharge their homelessness duties through an offer of suitable accommodation in the private rented sector. Where properties of a suitable standard can be found at the right cost, Cherwell District Council will make offers of private sector accommodation to homeless households in line with the Homelessness Code of Guidance for Local Authorities and the Homelessness (Suitability of Accommodation) (England) Order 2012.
- 9.2 Cherwell District Council is working with private sector landlords to secure a supply of good quality properties. Where budgets allow, we offer incentives and grants to private sector landlords to help them improve their properties and maintain them to safe standards appropriate for letting. The Cherwell Bond Scheme also provides a route for housing applicants to access private sector accommodation. We aim to develop good relationships with effective private landlords through our Landlords' Forum and through education work. We continue to promote the use of private sector tenancies as a valuable housing option where applicants can exercise choice and control their own housing solutions.

10. Succession

- 10.1 Legislation sets out the circumstances in which succession to secure and assured tenancies can take place⁷. There is only one statutory right to succeed. The law does not grant a further succession right if the successor then dies.
- 10.2 Historically, there were significant differences between the succession rights of assured and secure tenants. The Localism Act 2011 introduced changes to make succession rights of different tenancy types more similar to each other. There remain however some significant differences. The Localism Act changes affect tenancies granted from April 2012 onwards, but not those granted before that date.
- 10.3 Some RPs issue tenancy agreements which contain contractual terms offering more generous succession rights than the statutory legal minimum, allowing tenancy rights to be passed on a second time. They may also have policies on the discretionary policies relating to succession.
- 10.4 The Regulator of Social Housing requires RPs to publish clear and accessible policies on the succession rights of their tenants. (Tenancy Standard)

11. Voluntary Right to Buy

- 11.1 As a local authority, we are supportive of creating new opportunities for those who wish to get onto the property ladder and own their own home. However, we are also acutely aware that the need to maintain the availability of genuinely affordable rented accommodation, specifically social rented accommodation in Cherwell District is also paramount, with demand increasing.
- 11.2 We understand that RPs may offer the opportunity for tenants to purchase their homes where eligibility and availability avail themselves, or where it is a condition of grant funding that this offer is made available. However, we ask that the following criteria be considered for creating an exemption for specific properties:
- properties in rural locations, which have less than 3000 population
 - designated elderly person accommodation where there is a shortfall of such accommodation
 - specialist or supported housing
 - disabled adapted properties secured through planning obligations
 - shared accommodation
- 11.3 We also request that the Council be kept informed of any proposed Right to Buy purchases, similar to how the Council is currently informed of any disposals which

⁷ Secure tenants: Housing Act 1985 ss86A-89; assured tenants (including fixed term): Housing Act 1988 s.17

are proposed by RPs. This is to ensure that the Council maintains a robust and up to date understanding of the affordable housing stock in the district.

12. Monitoring and Review

- 12.1 There is no statutory time period for reviewing this strategy, but we propose renewing it every 3 years.
- 12.2 We will monitor and review the Tenancy Strategy in co-operation with individual RPs. This includes the opportunity to review records of tenancy sustainment held by them. Data collated as part of the annual performance review meetings with RPs will enable the council to assess the effectiveness of the strategy by analysing trends in housing need and homelessness. In addition, opportunities to review the effectiveness of this strategy will be sought through the Registered Provider Development and Management meetings to be held at least annually.
- 12.3 Every RP will be expected by the Regulator of Social Housing to have its own Tenancy Policy. Cherwell District Council will support providers in monitoring and reviewing the success of their policies through the annual performance review and appraisal process.
- 12.4 We will continue to monitor changes in legislation and update the Tenancy Strategy and Affordability Statement and/or appendices as necessary.

13. Risk

- 13.1 Cherwell District Council has a strong, preventative approach to homelessness, which is covered by our Housing Strategy, Homelessness and Rough Sleeping Strategy and Housing Allocation Scheme. We want to create an environment which enables people to be part of their own housing solutions and see support offered during a social housing tenancy and at the end of the tenancy as a contributory factor.
- 13.2 We aim to mitigate risk through discussion and negotiation with RPs about rent levels, tenancies and affordability on new and existing properties; through partnership working to improve tenants' financial circumstances and by continuing our successful prevention work offered through the Housing Options team's Early Intervention Protocol.

14. Equalities

- 14.1 This document is subject to an Equality Impact Assessment.
- 14.2 Cherwell District Council expects RPs to carry out Equality Impact Assessments when devising their own tenancy policies.

Appendix 1: Key legislative changes since the 2017 Tenancy Strategy

The Homelessness Reduction Act 2017

The National Planning Policy Framework, July 2018 and revised February 2019

Social Housing Green Paper 2018

Planning for the Future – Planning White Paper 2020

The Social Housing White Paper 2020

The Domestic Abuse Act 2021

Housing-related measures introduced in relation to the Covid-19 Pandemic

- March 2020 'Everyone In' scheme launched to support rough sleepers
- March 2020 Stay on possession proceedings introduced
- April 2020 Coronavirus Job Retention Scheme (furlough) launched
- June 2020 Stay on possession proceedings extended
- Aug 2020 Increased notice periods introduced
- Sept 2020 Stay on possession proceedings lifted
- Nov 2020 Ban on bailiff enforcement of possession orders
- May 2021 Ban on bailiff action lifted

Appendix 2: Affordability in Cherwell District

- A2.1 The high private market sale and rental values in the area is fuelled in part by Cherwell being well placed with good transport links to London, Oxford and Birmingham, all accessible within an hour by train. Oxford is recognised to be one of the most expensive places to live when comparing median earnings to property prices. In response, households will consider slightly more affordable but accessible locations outside of the city and Cherwell is a reasonable option in those circumstances.
- A2.2 In Cherwell, the median house price in September 2020 was £300,000. This is 9.3 times the median gross annual workplace-based earnings of £32,259. The lower quartile house price (£242,000) is 10.61 times the median gross lower quartile workplace-based earnings of £22,831. Therefore, the cost of buying a property in the district is limited to those who have higher incomes and/or capital savings, unless the properties can be provided as shared ownership (part rent/part buy) or are offered at a discount of around 50% of median market price to enable the estimated mortgage lending rates of around 4.5 times income to be achieved.
- A2.3 In 2020/21 we have seen an increase in the number of households applying to join the council's housing register; many of whom are single person households and single parent families. More households are seeking housing as a result of their Assured Shorthold Tenancy coming to an end, or due to friends/family no longer being able to accommodate them. Despite the increase in Local Housing Allowance levels, we have seen an increase in the number of households being awarded Discretionary Housing Payments to mitigate the accumulation of rent arrears or to cover payments of rent in advance. Some of these trends along with changes in local levels of unemployment, are in response to the impact of the Covid-19 pandemic. Housing affordability remains an ongoing concern in Cherwell district.
- A2.4 It is estimated that in order to keep household costs affordable, around one third of gross annual income is spent on rent or mortgage, however many households spend in excess of that. It is important to note that using a gross earnings base, does not take into account the deductions from salaries to cover Income Tax, National Insurance and possibly a pension contribution, therefore net income can be much lower. This means that realistically 40 to 50% of net (take home) monthly pay could be spent on paying rent. For households in receipt of full or part Local Housing Allowance (LHA) in Cherwell, there is likely to be a shortfall between LHA rates and local rents, resulting in an ongoing (and increasing) demand for Discretionary Housing Payments. We are aware that affordability issues are not limited to those claiming out of work benefits, and that households where one or two members are in paid employment, can still find it difficult to afford local rent levels.
- A2.5 The tables A1, A2 and A3 show the estimated annual gross income/salary that would be required to sustain full rent payments for each tenure type and property size in Cherwell district, if 40% of net (take home) income was used to pay rent (not including service charges, council tax, pensions, media or utility bills). The

highlighted cells show which property type and tenure would be unaffordable for households receiving the gross median annual income for Cherwell of £32,259.

Table A1 Private market rent (PMR) tenure

Property Type	Median PMR £ pcm ⁸	Est. Annual gross income required.
Room	£525.00	£18,445.00
Studio	£580.00	£21,070.00
1-bedroom	£700.00	£26,695.00
2-bedroom	£890.00	£35,695.00
3-bedroom	£1,090.00	£45,070.00
4 or more bedrooms	£1,575.00	£69,566.00

Table A2 Affordable Rent tenure (at 80% of median PMR)

Property Type	Median Affordable Rent £ pcm	Est. Annual gross income required
Room	£420.00	£13,570.00
Studio	£464.00	£15,632.00
1-bedroom	£560.00	£20,132.00
2-bedroom	£712.00	£27,257.00
3-bedroom	£872.00	£34,757.00
4 or more bedrooms	£1,260.00	£53,222.00

Table A3 Social Rent tenure

Property Type	Median Social rent £ pcm	Est. Annual gross income required
Room	£315.00	£9,620.00
Studio	£348.00	£10,763.00
1-bedroom	£420.00	£13,570.00
2-bedroom	£534.00	£19,007.00
3-bedroom	£654.00	£24,632.00
4 or more bedrooms	£945.00	£38,132.00

A2.6 If we compare the above gross annual income levels to the Royal College of Nursing's estimate of the average annual salary for a Nurse, which is somewhere between £33,00 and £35,000; or a health care worker's annual salary of between £19,000 and £24,000, this helps to provide a clear benchmark of how housing needs to be more

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<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/bulletins/privaterentalmarketsummarystatisticsinengland/october2019toseptember2020#rent-prices-by-region>

affordable, particularly for essential workers in the district who are key to maintaining health and wellbeing for residents. In addition, to encourage a diverse and vibrant economy, rents in Cherwell district should not be set at levels which would result in a barriers or disincentives for your people to take up apprenticeships and others to take up employment in key growth industries, increase their working hours or progress careers. Therefore, rents for social housing should be based on social rent levels and ideally should be no more than 30% of a household 'take home' pay where this is viable and achievable.

Appendix 3 Social Housing data in Cherwell

- A3.1 We undertook a review of Homelessness Services in 2020 to inform the development of our Homelessness and Rough Sleeping Strategy 2021-2026. The review with relevant details and supporting data is published on the Council's Homelessness Strategy web pages. In addition, we update and publish the State of the District Report annually. This is the detailed evidence base that supports our Housing Strategy and is published on the Council's Housing Strategy web pages.
- A3.2 Cherwell district, located in north Oxfordshire, is predominantly rural and covers two major towns, Banbury and Bicester, Kidlington (a large village) and 72 smaller villages. Cherwell has a population of around 150,500. Over 50% of residents live in one of the main urban centres.
- A3.3 Cherwell is an attractive place to live. It is a high growth area and demand for housing is high. Most homes are either privately owned or privately rented. Together private dwellings make up 87% of the housing stock.⁹ Median house prices and income levels (see statistics in para A2.2) mean that access to home ownership is limited to those with higher incomes and savings.
- A3.4 Private renting is expensive. Median monthly rents across Cherwell (all property categories) stand at £900 per month (£208 per week) compared to £725 per month for England¹⁰; median net weekly income in Cherwell is approximately £448¹¹ meaning that broadly around 50% of weekly net income is used to pay private sector rents.
- A3.5 Alongside the relative affluence, our district is also home to over 9500 people living in the most deprived 20% of areas in England.¹²

⁹ MHCLG Live Tables: Dwellings by Tenure and District, England, 2019 www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants

¹⁰ ONS, Oct 2019 to Sept2020

www.ons.gov.uk/peoplepopulationandcommunity/housing/bulletins/privaterentalmarketsummarystatisticsinengland/october2019toseptember2020#rent-prices-by-region

¹¹ Based on Median gross annual workplace-based earnings for full time workers in 2020 of £32,529 using www.thesalarycalculator.co.uk to establish the net salary.

¹² See www.oxford.gov.uk/districtdata/downloads/file/1718/2021_cherwell p16

- A3.6 Social housing accounts for 13% of all dwellings in Cherwell, well below the national average of 19%.¹³ There are a total of 8335 social homes, managed by more than 20 registered providers. The largest stockholder, Sanctuary Housing, was the recipient of Cherwell’s large-scale voluntary transfer (LSVT) of homes in 2004.
- A3.7 As of July 2021, there are over 1680 active applications on the housing register, an increase from the 1300 housing register applicants in April 2020.
- A3.8 Most of the social homes in Cherwell are let at Social Rent (77%) mainly due to the LSVT of the Council’s housing stock, with the remainder let at Affordable Rents (23%).¹⁴

Table A3.1: Affordable Housing Completions 2016 to 2021 by tenure/rent level

Year	Social Rent	Affordable Rent	Shared Ownership	Total
2015/16	39	193	90	322
2016/17	0	184	128	312
2017/18	0	298	145	443
2018/19	0	335	175	510
2019/20	0	259	141	400
2020/21	0	192	103	295

- A3.9 In 2019/20, over half of the total 655 social housing lets in the district were Affordable Rent. The number of new lets at Affordable Rent now outstrips those at Social Rent (See Table 2).

Table 2: 2019/20 Cherwell DC General Needs lets by rent type (CORE Lettings data)

Rent Type	% total lets	Median weekly rent
283 Social Rent	43%	£99.70
372 Affordable Rent	57%	£157.99

- A3.10 Cherwell is named as an area of high affordability pressure¹⁵. Funding for the development of homes at Social Rent has been carried forward into the Affordable Homes Programme 2021-2026.

¹³ See footnote 2 and also English Housing Survey 2019-20
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945013/2019-20_EHS_Headline_Report.pdf

¹⁴ Core Lettings Data

¹⁵ Shared Ownership and Affordable Homes Programme 2016 to 2021 Addendum to the Prospectus June 2018

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE



Appendix 2

Equality and Community Impact Assessment

Cherwell District Council

Tenancy Strategy and Affordability Statement

September 2021

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Section 1: Summary details

Directorate and Service Area	Housing Services – Cherwell District Council Directorate: Adults and Housing Services
What is being assessed (e.g. name of policy, procedure, project, service or proposed service change).	Cherwell District Council Tenancy Strategy and Affordability Statement (2021)
Is this a new or existing function or policy?	New (replacing the existing Tenancy Strategy (2017))
Summary of assessment Briefly summarise the policy or proposed service change. Summarise possible impacts. Does the proposal bias, discriminate or unfairly disadvantage individuals or groups within the community? (following completion of the assessment).	<p>The Tenancy Strategy is a statutory requirement. S.150 of the Localism Act 2011 requires Local Housing Authorities to publish a Tenancy Strategy that sets out the matters to which registered providers of social housing are to have regard when formulating their policies relating to the types and terms of tenancies they grant. The strategy includes all these requirements and has been developed following a review of the existing Tenancy Strategy 2017 and discussions with social housing providers in the district.</p> <p>The strategy is aligned to the principles set out in the adopted Housing Strategy 2019-2024, the Homelessness and Rough Sleeping Strategy 2021-2026 and the Housing Allocation Scheme. The Council will work in partnership with social housing providers and developers to ensure that housing is provided at genuinely affordable rents having regard to local incomes. By doing this, the Council will ensure that that the housing needs of vulnerable people and those receiving a low income can be met. This in turn helps to reduce the risk of homelessness, create sustainable thriving communities, improve health and wellbeing and support the local economy.</p>
Completed By	Frances Evans
Authorised By	Vicki Jessop (Interim Assistant Director Housing and Social Care Commissioning)
Date of Assessment	23/09/21

Section 2: Detail of proposal

<p>Context / Background</p> <p>Briefly summarise the background to the policy or proposed service change, including reasons for any changes from previous versions.</p>	<p>The Tenancy Strategy is a statutory requirement under S.150 of the Localism Act 2011. Cherwell District Council's Tenancy Strategy, adopted in 2017, was out of date and did not reflect the need to provide longer-term or 'lifetime' tenancies and more properties to be let at Social Rent levels. The strategy was approved at a time when Fixed Term Tenancies were intended as 'the norm' after they were introduced as an alternative to lifetime tenancies and rented affordable housing in Cherwell has since been delivered as Affordable Rent rather than Social Rent tenure. Housing affordability in Cherwell is an issue with high rents and house prices being 9.3 times the median workplace-based income. Affordable Rent tenure is also becoming increasingly unaffordable for those receiving low income. Since the adoption of the Tenancy Strategy in 2017, legislation and national policies have changed, and this has allowed us to re-focus on the provision of lifetime tenancies and social rent tenure in the district to meet the needs of vulnerable people and those receiving low income.</p>
<p>Proposals</p> <p>Explain the detail of the proposals, including why this has been decided as the best course of action.</p>	<p>See above for rationale.</p> <p>Given the changes in the national policy and the local concerns about the increasing affordability gap in the local housing market, the Tenancy Strategy and Affordability Statement sets out our expectations and ambition to secure social rented homes as the default position unless there are issues of development scheme viability or the social rent plus service charges would become cost-prohibitive for the tenants to sustain. The strategy also promotes 'lifetime' tenancies as the 'norm'. It makes clear that the Tenancy Strategy and Affordability Statement should be given due regard when considering affordable housing provision on new development sites. This is not intended as a planning policy, but as a guide to developers in terms of what the Council will expect of registered providers of social housing to whom the developers may need transfer affordable housing once it has been built.</p> <p>The Council undertook consultation with the public, and with statutory, voluntary and community sector stakeholders and registered providers on the draft Tenancy Strategy and Affordability Statement. The consultation, which ran over a 6-week period from 3 August 2021 to 14 September 2021 (inclusive), sought views on the strategy and the Equality and Climate Impact Assessment. The feedback helped us to identify any additional equality or climate impacts to those already considered in this assessment. Whilst there was nothing significant highlighted in the consultation feedback, this assessment has been reviewed to make sure it is robust.</p>

<p>Evidence / Intelligence</p> <p>List and explain any data, consultation outcomes, research findings, feedback from service users and stakeholders etc, that supports your proposals and can help to inform the judgements you make about potential impact on different individuals, communities or groups and our ability to deliver our climate commitments.</p>	<p>Data, evidence, and findings from early discussions with registered providers of social housing, are all explained in more detail in the Tenancy Strategy and Affordability Statement. This can be found throughout the document but mainly through sections 3, 4, 5, 6, and Appendix 2 and Appendix 3.</p> <p>The Tenancy Strategy should be read alongside the Homelessness and Rough Sleeping Strategy 2021-2026, the Housing Strategy 2019 - 2024 and the Housing Allocation Scheme. All of which are evidence-based and are supported by their own Equality and Climate Impact Assessment. The monitoring and implementation of these strategies and policies, plus the monitoring and implementation of this Tenancy Strategy, will help to develop further intelligence and evidence over time. This will include any issues relating to positive or negative impact on equalities and climate.</p>
<p>Alternatives considered / rejected</p> <p>Summarise any other approaches that have been considered in developing the policy or proposed service change, and the reasons why these were not adopted. This could include reasons why doing nothing is not an option.</p>	<p>The following alternative options have been rejected:</p> <p>Option 1: Do nothing. This approach is not recommended, as it is a statutory requirement to review the Tenancy Strategy periodically and it would leave the Council open to legal challenge if it has not done so where national policies have influence. In addition, the adopted Housing Strategy 2019-2024 and the Homelessness and Rough Sleeping Strategy 2021-2026 set out an ambition to deliver more social rent tenure to meet identified needs. It will be difficult to achieve this ambition without an updated Tenancy Strategy as the 2017 version strongly promotes Affordable Rent and fixed-term tenancies.</p> <p>Option 2: Delay the approval of the amended Tenancy Strategy and Affordability Statement (2021) until later in the year. This approach is not recommended as the outcome of the consultation is largely positive and subsequent adoption of the new strategy will contribute towards informing the evidence base in support of the new Local Plan policies to 2040 which are currently being developed.</p> <p>We recognise the need to update the Tenancy Strategy 2017 and to provide our social housing provider partners and stakeholders with a robust and transparent approach to achieving our ambitions and expectations in regard to meeting the housing needs of vulnerable people and those receiving local incomes in the District.</p>

Section 3: Impact Assessment - Protected Characteristics

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Implementation of the strategy will help people of all age ranges who are eligible for social housing. Provision of secure tenancies at genuinely affordable rents to young adults, parents of children, older people and people with disabilities will help them to sustain their home, building opportunities to improve health and wellbeing, and a thriving community and economy.	Monitoring of the strategy implementation will help to identify any future shortfalls in outputs. The affordability data can be updated annually. Note: The Tenancy Strategy and Affordability Statement will be implemented alongside the aims and objectives set out in other housing-related strategies and policies, all of which have their own Equality and Climate Impact Assessment.	CDC Housing Strategy Team	Annual monitoring
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As above. Whilst section 11 of the document suggests that disabled adapted properties should be exempt from the list of properties available within a Voluntary Right To Buy (VRTB) scheme, this has	As above. The strategy document can be made available in other formats upon request. The Government is yet to agree a date when the	CDC Housing Strategy Team	Annual monitoring

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
				been suggested in order to protect the already limited availability of such properties within social housing stock especially as they are difficult to secure with developer contributions in the first place and therefore expensive and difficult to replace if they were to be sold via VRTB.	VRTB scheme is rolled out nationally. The pilot scheme was operational in the Midlands, therefore no imminent risk to the loss of properties in the Cherwell area through this scheme. If a tenant can afford to buy a home on the market, a Disabled Facilities Grant could be made available to adapt the property to meet specific needs.		
Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	CDC Housing Strategy Team	Annual monitoring
Marriage & Civil Partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	CDC Housing Strategy Team	Annual monitoring
Pregnancy & Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	CDC Housing Strategy Team	Annual monitoring
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	CDC Housing Strategy Team	Annual monitoring of this and other housing-related strategies and

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
							policies will include ethnicity data)
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Many single parent households with children who apply to join our housing register are women with limited income. Secure tenancies at social rent would support them (and their children) to settle in their homes and communities. The same benefit applies to single male households on the housing register.	Monitoring of the strategy implementation and that of other housing-related strategies and policies will help to identify any gaps in service or support.	CDC Housing Strategy Team	Annual monitoring
Sexual Orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Research by the Albert Kennedy Trust has found that LGBT young people are more likely to find themselves homeless than their non-LGBT peers, comprising up to 24% of the youth homeless population. The proposals in the Tenancy Strategy to enable the	It will be important in measuring performance against the strategy outputs, how tenure type and security of tenancy has helped to reduce any inequalities in service delivery due to sexual orientation of the customer. This will need to be	CDC Housing Strategy Team	Annual monitoring

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
				provision of more social rent properties may help to address the housing and affordability issues experienced by people LGBTQ+	captured via personal housing plans/support plans and customer input.		
Religion or Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	CDC Housing Strategy Team	Annual monitoring

Section 3: Impact Assessment - Additional Community Impacts

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Rural communities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The strategy aims to enable and promote the delivery of more social rent homes with lifetime tenancies. This more affordable tenure option may help to bridge the affordability gap in rural areas where house prices and private rents tend to be higher – sometimes pricing out those households who would like to remain in the community where they live or work.	Annual monitoring	CDC Housing Strategy Team	Annual monitoring
Armed Forces	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The council's Allocations Scheme for affordable housing already recognises Armed Forces personnel as a priority for housing as they are one of the identified reasonable preference groups. Armed Forces personnel will have access to the social rent and affordable rent housing	No negative impact as a result of this new strategy due to the provisions within the Allocations Scheme and the Council's commitment to the Armed Forces Covenant arrangements.	CDC Housing Strategy Team	Annual monitoring

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
				delivered in the district.			
Carers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Areas of deprivation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The Tenancy Strategy promotes the delivery of more social rent housing which is the most affordable tenure and should provide opportunities for those households living in areas of deprivation across the district to access suitable and affordable accommodation to meet needs.	N/A	N/A	N/A

Section 3: Impact Assessment - Additional Wider Impacts

Additional Wider Impacts	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Staff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Other Council Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Providers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Monitoring of the Tenancy Strategy will enable us to understand any impact on social housing providers. Potentially the main impact would be the cost of delivery of new social housing at Social Rent levels. This would be assessed on a scheme by scheme basis. The Strategy identifies that where there are viability issues or the social rent tenure would not be suitable for a particular scheme, then Affordable Rent or alternative tenure can be considered.	Annual monitoring This has been identified and discussed with Registered Providers as part of the strategy consultation.	CDC Housing Strategy Team	Annual monitoring

Additional Wider Impacts	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Social Value ¹	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The strategy sets out how the provision of more lifetime tenancies and affordable housing at social rent levels will contribute to households being able to settle and create sustainable, thriving communities and economy. Good quality, suitable and affordable housing can contribute towards improved health and wellbeing and educational attainment.	Annual monitoring could be undertaken in partnership with the Communities and Place Making Teams.	CDC Housing Strategy Team	Annual monitoring

¹ If the Public Services (Social Value) Act 2012 applies to this proposal, please summarise here how you have considered how the contract might improve the economic, social, and environmental well-being of the relevant area

Section 3: Impact Assessment - Climate Change Impacts

OCC and CDC aim to be carbon neutral by 2030. How will your proposal affect our ability to reduce carbon emissions related to:

Climate change impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (* Job Title, Organisation)	Timescale and monitoring arrangements
Energy use in our buildings or highways	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A – this strategy does not impact on CDC or OCC buildings. New social housing is developed to high energy efficiency standards with renewable energy sources where possible.	N/A	N/A	N/A
Our fleet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Staff travel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Purchased services and products (including construction)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Maintained schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	NA	N/A	N/A

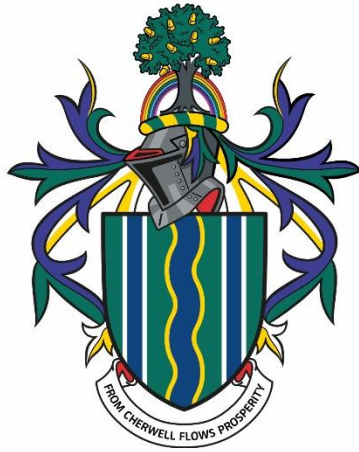
We are also committed to enable Cherwell to become carbon neutral by 2030 and Oxfordshire by 2050. How will your proposal affect our ability to:

Climate change impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Enable carbon emissions reduction at district/county level?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A – this strategy does not impact on CDC or OCC buildings. New social housing is developed to high energy efficiency standards with renewable energy sources where possible. Consideration is given at planning stage regarding sustainable travel. In addition, registered providers have a cyclical programme of maintenance and retrofit energy efficiency measures to ensure properties retain a suitable EPC rating.	N/A	N/A	N/A

Section 4: Review

Where bias, negative impact or disadvantage is identified, the proposal and/or implementation can be adapted or changed; meaning there is a need for regular review. This review may also be needed to reflect additional data and evidence for a fuller assessment (proportionate to the decision in question). Please state the agreed review timescale for the identified impacts of the policy implementation or service change.

Review Date	On or around the anniversary of adoption of the strategy from November 2021.
Person Responsible for Review	Housing Strategy & Development Team Leader (Cherwell DC)
Authorised By	Assistant Director, Housing and Social Care Commissioning. Oxfordshire County Council and Cherwell District Council.



Appendix 3 Tenancy Strategy and Affordability Statement Consultation Report

September 2021

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1. Introduction

This report sets out the key findings from Cherwell District Council's draft Tenancy Strategy and Affordability Statement 2021 consultation, which was carried out between 3 August 2021 and 14 September 2021.

The purpose of the consultation was:

- i. To inform the defined audience of the draft Tenancy Strategy and Affordability Statement – the reason for it being produced, the context and the rationale for the content supported by research.
- ii. To gather feedback on the draft strategy (its identified vision, aims and principles) and to use this to inform decision-making.

Consultation was targeted at Registered Providers of social housing, social housing tenants, key stakeholders, service users and providers, as well as Cherwell residents and other interested parties.

Feedback and comments received during the consultation have been considered and used to influence the final strategy which is due for adoption by Cherwell District Council in November 2021.

2. Executive Summary

In total, the council actively engaged with people on 99 occasions (it's possible that some individuals may have engaged more than once via the survey and the workshops throughout the consultation period). Eighty-two people completed the online survey (the main focus of this report) and 17 Registered Provider representatives attended consultation workshops. In addition, details of the consultation were proactively sent by officers to a range of statutory, voluntary and community sector organisations and faith groups within the Homeless Network as well as 54 Registered Provider contacts. The consultation and online survey were also promoted to the general public via press releases and social media posts, and to housing register applicants via the council's Cherwell HomeChoice website.

The survey responses highlighted that there is strong overall support for the draft strategy's vision and aims. There is also strong support for housing to be genuinely affordable for local people and provided to a good quality standard. A variety of comments have been provided through the survey and these are highlighted in this report, along with officer responses. Officer responses also highlight how corresponding amendments to the strategy will be made where needed.

Whilst it has not been possible, within the scope of the draft Tenancy Strategy and Affordability Statement, to address all comments received, it is important to note that the Housing Strategy 2019-2024 and associated Action Plan; the Housing Allocation Scheme and the Local Plan policies can, and in most cases already do, address the issues raised during this consultation.

In response to the consultation feedback, minor changes have been made to the draft Tenancy Strategy and Affordability Statement to make sure that the council's

expectations of registered providers are clear in terms of the provision of genuinely affordable social rented housing that is delivered and maintained to a good standard. The changes also acknowledge the impact of social rent on scheme viability and how viability issues will be taken into consideration to ensure continued deliverability of affordable housing in the district. Amendments to the strategy document include text to support that registered providers will have transaction and ancillary costs when disposing of a social housing property and therefore will not be able to recycle the full receipt from the sale back into accommodation within Cherwell district as was initially suggested in the strategy document.

3. Methodology

Between 3 August 2021 and 14 September 2021, Cherwell District Council invited comments on its draft Tenancy Strategy and Affordability Statement (2021).

Feedback was primarily sought using an online survey hosted on Cherwell District Council's website alongside copies of the draft strategy and equality and climate impact assessment for background information.

The consultation was actively promoted to a wide range of audiences using multiple channels, including email, website, media press releases and social media posts on LinkedIn, Facebook and Twitter. The social media 'reach' was to a total of 16,361 people. 158 people clicked on the link to visit the online survey from the Facebook post. Website analytics has helped to identify that most activity on this consultation has occurred around the time of the launch of the consultation and during periods when: emails have been sent; when press releases have been published; or when social media messages have been posted, thereby acting as a 'nudge' to people to take part. A link to the consultation pages on the council's website was also highlighted on the Cherwell HomeChoice website in order to raise awareness to housing register applicants.

In line with legislative requirements, at the launch of the consultation an email and a copy of the draft strategy and suite of consultation documents was sent to registered providers in Cherwell District. The information was also posted on the council's website on the Housing pages and also on the consultations page 'Have Your Say'.

Press releases, social media posts and emails were sent between 26 August 2021 and 13 September 2021 to further promote the consultation opportunity as the August holiday period was coming to an end. An email was sent to the Homeless Network which includes representatives of statutory, voluntary and community sector organisations, service providers, councils, Health, Police and Social Care, asking for their feedback on the strategy and to support service users to take part in the consultation wherever possible.

On request, hard copies of the documents (and copies in other accessible formats) would have been made available to anyone requiring them however no requests were received during the consultation period.

A consultation workshop was held on 6 September, attended by three Registered Provider representatives and another workshop was held on 13 September, attended by 14 Registered Provider representatives. The feedback has been incorporated in this report.

The Covid-19 pandemic has impacted how we deliver public engagement and consultation. Whilst it would be usual practice to run a public consultation event or attend service-user group meetings, the continued social distancing measures and potential risk of increasing Covid cases, has required a more web-based presence and form of consultation. This methodology does not appear to have adversely impacted the volume or quality of responses received as over 50% of survey responses were received from members of the public and from current or former Cherwell tenants.

4. Responses and feedback

In total, 82 people completed the online survey. Whilst 26 respondents declined to comment, a further 23 identified themselves as being a member of the public and 25 respondents identified themselves as a current or former tenant in Cherwell District Council. Other respondents to the survey (5) were professionals representing a service provider, voluntary or community sector view. A further three respondents identified themselves as an employee or elected member of a council.

Not everyone answered each question (as was permitted) and this report focuses on the total number of people who answered each question on the survey. As is good practice, we have reported in numbers.

This report will be used as a background document to inform decision-making. Some of the qualitative feedback is quite nuanced, which has made thematic reporting challenging. Where commonality in responses has been identified this has been noted.

The feedback from the consultation workshops with Registered Providers has been captured separately in this report. The following paragraphs focus on the responses from those who completed the online consultation survey.

Views on Our Vision

Our Vision is: To create places that thrive; to support mixed, vibrant communities and provide housing that meets identified needs. We want residents to feel settled in their homes and for those homes to be good quality, safe, secure and able to withstand the challenges we face.

Sixty-seven (approximately 82%) of the 82 respondents agreed or strongly agreed with the vision as set out. However, comments from some of those respondents and others who either disagreed/strongly disagreed (8) or did not state a preference (7), identified that homes needed to be affordable as well as being maintained to good standards. Another respondent raised that the vision was good but impractical. Other

comments provided conflicting views i.e. there were not enough houses being built or there were too many estates being built in the town and it was growing too big. The scale and number of new developments in the area is not within the scope of this strategy, however it is covered in the Housing Strategy 2019-2024. In response to the feedback from survey respondents, a minor amendment has been made to paragraph 1.3 in respect of quality standards and also an amendment to the vision set out in the Tenancy Strategy at paragraph 2.1 to include that homes should be affordable as well as good quality, safe, secure and able to withstand challenges.

Views on the strategy aims

When respondents were asked to consider if the strategy adequately met the four aims set out in the document, 48 of the seventy responses received to this question agreed or strongly agreed. Just 13 respondents disagreed or strongly disagreed and seven respondents neither agreed nor disagreed. There were 22 comments provided, the majority of which (14) raised that housing rents/costs in Cherwell are not affordable, especially for low or middle-income earners. Others raised the issue of housing quality standards. Individual comments also raised that homes should have their own garden and no shared areas; sustainable social housing offers are not always met; need to build more 2-bed bungalows; people want to live near to where they grew up but there are no new houses being built; Council housing should be reinstated.

In response, to the feedback received, amendments have been made to the draft Tenancy Strategy (paragraph 1.3 and 2.2) to emphasise the need to deliver quality standards. The affordability issue has already been addressed throughout the document with emphasis on delivery of more social rent homes. The delivery of housing, property types and sizes has been addressed within the Housing Strategy and the Homelessness and Rough Sleeping Strategy. It is also part of planning policy which will be reviewed as part of the development of policies in the new Local Plan for Cherwell.

Views on the priority to protect and increase the supply of social rent housing in the district.

43 out of the 63 people who responded to the question agreed or strongly agreed that the priority is to protect and increase the supply of social rented housing. A total of 16 respondents disagreed (9) or strongly disagreed (7) with this position. Four people neither agreed nor disagreed. There were 19 comments provided of which half commented on the affordability of housing in the district, particularly the high cost of rents on new-build developments. There were also other comments more specifically:

- This is an affluent area. There's only so much you can do to force the market.
- More should be done to shift the affordability of market rents which has largely been caused by historic undersupply of housing. Need to look at planning policy to facilitate increased supply of housing to tackle the market rent issue

rather than ignoring the market rent issue and simply "handcuffing" with social rents.

- Too many houses in Banbury as it is time to stop
- House pricing is going up for everyone why should everyone else have to scrimp and save yet people on benefits don't have to.
- Developers are profiting from their development and they impact on the local area, not all positive.
- There are over 5000 empty properties - they should be offered to people even if they need modernisation.
- Are people in my age bracket and financial circumstances ever going to get an opportunity to rent one of these properties? This policy is discriminatory. People of my age don't get a look in and never have. You have always had a housing policy that discriminates against people like me.
- I think if people had the option to be able to buy affordable housing, they would rather do this than rent properties. The prices are too high for low-income earners and those that work as keyworkers.

In response, the Tenancy Strategy and Affordability Statement aims to meet the needs of those households who cannot afford to rent or buy on the open market. Housing supply, empty homes, influencing market rents and access/allocation of affordable homes for rent are not within the scope of this strategy and indeed are addressed within other documents such as the Allocation Scheme, Housing Strategy and Local Plan. The focus on provision of more social rent homes remains unchanged within the new Tenancy Strategy as it contributes towards addressing the local affordability concerns.

Views on lifetime tenancies as the default tenancy offered by Registered Providers.

46 (75%) of the 61 respondents to this survey question either agreed (17) or strongly agreed (29) with lifetime tenancies being the default tenancy. 11 respondents disagreed (6) or strongly disagreed (5) to this position. There were 19 additional comments provided, the majority of which support that lifetime tenancies will provide security and stability. However, other comments in disagreement with the provision of lifetime tenancies, set out that:

- The length of tenancy should be dependent upon the behaviour and conduct of the tenant. There are some lovely new properties handed to social housing tenants that very quickly become an eyesore to the estate and community where they are sited, with no sanction or incentive to discourage this.
- Lifetime tenancies are rarely the best option for people in today's fast-moving world. People rarely have jobs for life or even relationships for life. Medium/long term (e.g. 6 years) ASTs I feel better responds to this need and ensures people do not feel "locked into" a lifetime tenancy.
- Social housing should be there to help those in need, not as a home for life any more than private renting is. People who earn more than a set amount should pay full market value to remain or move to private rented so other families that need help can receive it.
- Landlords shouldn't be put in a position to have occupants they cannot easily remove, especially if they are [challenging] tenants. There should be a tier

system for tenancy agreements, with a full review of the tenant after 6 months, then extend the agreement to a year, then 2 years, then 5 years. It protects the landlord and their property but also gives an incentive to the tenant to live appropriately and look after the property.

- Social housing should be a temporary solution for an immediate problem. Not long term. There are obviously exceptions to this but for the majority this should be the case.
- You should not penalise tenants for having a spare room. HA's and councils should be doing more to help tenants move to larger properties or smaller properties based on need.
- Lifetime tenancies must come with the caveat that if the number in household reduces then the tenant must move to a smaller property.
- If a single elderly person needs care to stay in a 3-bedroom house and a family of 5 is stuck in a 2-bed flat, there should be a mechanism to ensure a move happens. Young people (not just those with children but all, including those working but not able to afford private rent) also need to be able to rent small 1 or 2-bedroom flats and be able to move easily into larger accommodation if needed.
- People are now having to save hard for retirement now and if they are able to buy a property that is affordable, then they will be better off when they retire.

In response, Section 5 of the Tenancy Strategy and Affordability Statement already provides for circumstances where a Registered Provider may want or need to offer a fixed term or introductory tenancy. The expectation is that wherever possible, lifetime tenancies will be offered as the default position. If more lifetime tenancies are offered, this should facilitate moves through social housing as tenants will be offered a 'like for like' tenancy regardless of the property they need to move from/to. No changes are proposed to the draft strategy document as a result of this feedback.

Views on the expectation of Registered Providers to offer social rent as the default rent.

46 (74%) of the 62 people who responded to this consultation survey question, either agreed (21) or strongly agreed (25) with the council's expectation of registered providers to offer social rent as the default rent level. Five disagreed and a further seven strongly disagreed. The remainder of respondents replied to say they neither agreed nor disagreed or were unsure.

A total of 20 additional comments were received from respondents, of which 14 mentioned the issue of unaffordability of local rent (including market rent and Affordable Rent). Social rent would allow people on low income to afford accommodation and save should they aspire to purchase in the future. Other comments raised that there should be some consideration of incomes when allocating accommodation at social rent levels i.e. people earning more but paying less rent in social rent homes than tenants earning less and paying more rent in Affordable Rent homes. Three of the comments specifically raised the issue of securing social rent homes when this may negatively impact on scheme viability. This was also an issue raised by some Registered Providers in the consultation workshops.

In response to the feedback received, the issue of financial assessment of tenants prior to allocation of a social housing dwelling is part of the suitability of accommodation test within the Allocation Scheme. However, a minor amendment has been made to paragraph 6.3 of the draft Tenancy Strategy and Affordability Statement to make clear that consideration should be given to tenant incomes. On the final point about scheme viability, this is covered to some degree in paragraph 3.6, but additional wording has been added to strengthen the point of the financial and other support that can be enabled in recognition of scheme viability issues.

Views on the council's expectation of registered providers to enable the full receipt from sale of stock in the district to be reinvested back into Cherwell district.

49 (79%) of the 62 people who responded to this question agreed (15) or strongly agreed (34) that the full gain from stock disposals should be reinvested back into the district. 10 other people responded to say they neither agreed nor disagreed. Only one respondent disagreed. Most of the respondents commented that social housing should not be sold off. Others commented that the sale promoted an opportunity for people to buy a home they have lived in for some time. A concern raised by registered provider landlords in the workshops and also picked up in the online survey responses, is that the ability to reinvest partial receipts would enable the registered provider to cover transaction costs, promote home ownership and promote additional housing supply through partial re-investment.

Whilst the draft strategy sets out that the council does not generally support the disposal of stock, given that there have been practical issues raised by registered providers to this consultation question, a minor amendment has been made to paragraph 7.1 to account for transaction and ancillary costs where stock disposal is necessary.

Views on the council's expectation of registered providers to enable suitable moves in social housing stock to support the recruitment and retention of essential key workers, health and support workers in the Cherwell area, and other Reasonable Preference Groups, as set out in the council's Allocation Scheme.

56 out of the 62 survey respondents agreed in full or in part that this was a reasonable expectation. Just 6 respondents did not agree.

There were 10 additional comments from respondents. Three of which raised that they did not think this was happening in practice. Other comments raised concerns that some people would be given priority over others. Support was expressed for those households who genuinely needed to move to receive support to do so.

In response, no changes have been made to the draft Tenancy Strategy and Affordability Statement as the stated Reasonable Preference Groups and priority for key workers is already recognised within the council's Allocation Scheme. Further monitoring with registered providers through the performance review meetings will enable us to check if the ambition to enable mobility is being implemented.

Views on the council's expectations that all registered providers will identify and assist tenants who are under-occupying their homes to downsize should they wish to do so.

59 out of the 62 survey respondents expressed agreement that this was a reasonable expectation. Just three respondents disagreed. There were 15 additional comments provided, most of which emphasised that agreement was on the basis that this was with the agreement of the tenant who wished to move and who would not be 'forced out' of their home. The draft Tenancy Strategy already sets out in paragraph 8.2 that this would be the case for those wanting to downsize. Registered providers should be proactive in those conversations to help the tenant explore housing options without any pressure placed on them to move if they don't want to and can afford to remain living in their home.

No change required to the draft Tenancy Strategy.

Views on suggested exempt properties from Voluntary Right to Buy

The draft Strategy sets out that where Registered Providers must offer the opportunity for tenants to purchase their homes, the following criteria should be considered to create an exemption for specific properties:

- Properties in rural locations, which have less than 3000 population
- Designated elderly person accommodation where there is a shortfall of such accommodation
- Specialist or supported housing
- Disabled adapted properties secured through planning obligations
- Shared accommodation

When asked to what extent survey respondents agreed or disagreed that the suggested exemptions are the right ones for Cherwell district, 36 (61%) of the 59 people who responded strongly agreed (15) or agreed (31). However, nine people strongly disagreed, and five people disagreed. There were a further nine people who neither agreed nor disagreed or were not sure. Given the mixed response it is important to consider the 13 additional comments that were provided. These included:

- Some registered providers don't offer voluntary right to buy.
- Many homes are in rural areas, perhaps the threshold for exemption should be lower at circa 1000 population.

- Disabled adapted specialist housing for those who have longevity, it may be helpful to the individual having access to private ownership.
- I don't believe social housing should be sold at a reduced rate. The tenants have benefitted from reduced rent, they should pay full market value for the property. This discriminates against private renters on low income.
- As with other members of society, purchasing of homes should be done privately and not off the government. Social housing should be provided to those that need it. When someone is in a position to buy, they should move out of social housing and look at renting elsewhere or purchasing non-social housing.
- Don't allow the right to buy for tenants as often social housing ends up in private landlord ownership and rented out for extortionate rent way above social housing tariffs. Maybe encourage tenants' incentives like deposit schemes to buy a private property elsewhere instead of giving huge discounts based on length of their tenancies.
- Why shouldn't a disabled person be able to buy their bungalow if they can? If I can buy mine, so should someone with additional needs. Providers should have to invest in more.
- This is unfair to e.g. shared ownership buyers who aren't eligible for social rent but can't afford to buy on the open market either, discriminated against by having to buy shared ownership mortgages at higher levels than the open market and then disadvantaged as they don't get the chance to buy cheaply from the council
- Social housing should no longer be part of "right to buy". If a tenant is in a position to get a mortgage and purchase a property, they should go on to open market. Social housing should only be for those who are unable to rent privately. Right to buy has decimated Social housing and put tax papers cash into the pockets of landlords and developers. That has to stop.
- No housing stock should be sold off.

In response, section 11 of the Tenancy Strategy and Affordability Statement sets out that the criteria should be given consideration. There is no intention to discriminate i.e. the exemption to dispose of disabled adapted properties secured through planning conditions. Such disabled adapted properties are difficult to secure through developer contributions, they are more costly to develop and not easily replaced with the same value for future tenants if sold through Voluntary Right to Buy (VRTB). In practice, the pilot scheme for VRTB was run in the Midlands and a date has not yet been agreed for roll-out of VRTB in wider areas. The issue of VRTB is included in the draft Tenancy Strategy and Affordability Statement in the event that an announcement is made to extend a pilot scheme or roll out the scheme nationally. Therefore, no changes have been made to Section 11 of the draft strategy on the basis that these are 'considerations' for the registered provider when setting their own policies and procedures. Government guidance with any national roll out of the scheme may identify which units should be exempt. It will be a registered provider's decision to operate a VRTB scheme and which properties would be exempt or not from the scheme.

Views on whether it is reasonable to use 40% of net (take home) income as a measure of affordability to pay rent costs.

The survey responses evidenced a split view on this point. Whilst 19 (33%) of the 58 responses received did think it was reasonable to expect 40% of net income to be spent on rent costs, and 14 (24%) were partially in agreement with this position, there were 20 respondents (34%) who did not agree and five respondents who were unsure.

Fourteen additional comments were provided in response to this survey question. Some respondents who agreed that 40% of income was a reasonable expectation, also expressed opinion that a lower proportion of 30% or 33% would be better. Overall, the responses revealed that 40% was too high, with 30% being more reasonable and one respondent suggesting that "25% seems more appropriate especially in light of the condition of some of these properties". Respondents' concerns included that 40% of income did not account for household bills, service charges, travel costs to employment or consider the "spiralling utility costs which generally take over 10% of income". Other comments raised that the average 40% of income did not take account of those households earning lower than average incomes in the district.

Other comments included:

- There is pressure on the upcoming generations to pay more towards their personal pensions to fund their own retirement, bringing rents down will facilitate a possible increase in disposable income which would enable this.
- Should not use average income, as those on higher end can easily afford, but most jobs in Cherwell are minimum wage and 40% is a huge chunk.
- Many house buyers would love to be in a position of only paying 40% of their take home pay as mortgage payments. Within reason, rents should reflect the costs involved.
- This should be increased to 50-60% to ensure that bills can be paid off too as often tenants may be able to pay rent, but default on bills, and then end up defaulting on rent.
- Do you really think its fair rents are almost half of your weekly income? Does it give quality of life to residents beyond working, paying bills and dying. How much impact do you think the financial burden of rent places on mental health and best outcomes? What impact on social prescribing and the NHS because of stress related conditions? How does it effect homelessness and child poverty?
- I think there should be a minimum threshold below which you agree a fixed value as some on very low incomes could be left with very little after paying their rent.

In response, Appendix 2 has been reviewed. Paragraph A2.4 explains that in order to keep household costs affordable, it is estimated that around one third of gross annual income is spent on rent or mortgage however realistically this is around 40-50% of net 'take home' monthly pay. The tables A1, A2 and A3 set out how, using

40% of net income, the rent charges are unaffordable for various property types across the private and social housing sector. If the threshold was lowered to 30% of net 'take home' pay, clearly this would mean fewer properties would be affordable based on current rents and it supports the position set out in the strategy that social rent is the most affordable rent for most property types in the district if a household income is around the median for the area. It is not necessary to change the tables or calculations in the document but for clarity, additional text has been added to paragraph A2.6.

Views on other impacts we should consider in addition to those set out in the Social and Community Impact Assessment.

There were 18 responses to this question of which, four stated 'none'. Other responses included:

- Would the prospective new tenant be respectful of the area? Are they willing to give to the community in some way, even if just by litter-picking or looking after a communal space etc?
- Banbury is getting too overloaded. Stop building and stop bringing people into the town.
- People who are private renting who aren't entitled to social housing and can't afford the rent should get more help.
- Consider the increased rate of relationship breakdown, blended families, joint custody arrangement which require flexibility in housing use.
- This may not be right document, but I see nothing for travelling communities whether on land or water. Think about giving tenancies applicable to sites for these communities whilst you may not be providing the bricks and mortar so to speak. You could provide designated areas where people use the land or water as their tenancy. This would allow people to live their life with proper access to services.
- Tenants made aware of their responsibilities in maintaining a pleasant environment for themselves and their neighbours.
- Social housing tenants should be integrated within society with regular check-ups to ensure they are not littering or creating unnecessary noise for surrounding neighbours. With regard to climate change, all new developments should be fitted with solar panels to reduce carbon emissions through non-renewable energy.
- Help people in Banbury not outside first.
- There is no equality when it comes to the local environment. Very poor access for disabled people on these housing estates no pavements, having to walk on the roads.
- Housing shouldn't be about profit.
- Public transport access. New houses being built in small villages with social housing but no or limited transport causes other economic issues, such as access to cheaper food.
- Try providing homes, rather than profit for investors.
- I would like to see some consideration for those people who are working and paying private landlords who won't be able to afford to continue in the private rented property when they retire. I believe there will be a wave of these

people approaching social housing providers in the coming years and yet this group are not identified as a needing to be accommodated.

Many of the issues raised are already addressed in the Housing Strategy 2019-2024 and Local Plan planning policies i.e. large scale development in Banbury, transport, housing in rural areas, accessibility of housing, energy efficiency in new-development, and provision of sites/pitches with tenancies for Travellers.

Issues such as the allocation of housing and consideration of who is eligible or flexibility of use of social housing (i.e. relationship breakdown, blended families, joint custody etc.) is generally addressed within the council's adopted Housing Allocation Scheme which has its own Equality and Climate Impact Assessment and is monitored separately. Tenant responsibilities and behaviour are part of the registered provider's responsibility to undertake good housing management and provide the necessary support for tenants to thrive in their homes. This is addressed within the draft Tenancy Strategy and Affordability Statement in paragraph 5.1 and in section six (paragraphs 6.2 to 6.8). However, for clarity of purpose minor amendments have been made to paragraph 6.7. Given this, no further change is required to the Equality and Climate Change Impact assessment for this Tenancy Strategy and Affordability Statement.

Other comments on the draft Tenancy Strategy and Affordability Statement.

47 out of the 54 people who responded to this question in the survey declined to offer any other comments on the draft Tenancy Strategy and Affordability Statement. Seven people provided comments as follows:

- As in the old days of social housing (i.e. council houses), tenants should be required to maintain their property and gardens in an appropriate manner or face sanctions if they don't.
- Sell Castle Quay Projects and focus budgets on Housing, Emergency Services and High Street development.
- In general, a good document. Like the focus on longer tenancies Feel this should not be an option but a necessity and if providers cannot meet that then look for other providers. I would also like to see rent control in there. Rent costs not based on average in area but what a person actually earns.
- Yes, start providing homes for young people who cannot afford to buy.
- If you have to leave a property for health reasons, then you should be able to re-register.
- I would like a secured tenancy. Never likely to get one though. I don't feel part of this community, and I'm never likely to until I have some where I can actually call home.
- Mobility in Social Housing – I'm not sure about including the word "social" in employment, social or welfare reasons. Does this mean I can expect to be moved because I want to live closer to my friend?

It is not possible to address some of these comments within the scope of the draft Tenancy Strategy and Affordability Statement. Many are already addressed within other published strategies or Schemes. However, to address the issue raised

regarding rent control based on incomes, an amendment has been made to paragraph 6.3, and to clarify the last bullet point above, paragraph 8.1 has been amended.

Data on survey respondents

An average of 57 people responded to customer profile questions in the online consultation survey. Of these:

- 41 were female and 15 were male, others preferred not to say.
- Age: Four people were aged 18-24; 13 people were aged 25-34; 11 people were aged 35-44; 13 people were aged 45-54; Nine people were aged 55-64; Five people were aged 65-74 and one person was aged 75-84. Two people preferred not to say.
- Ethnicity – 49 people were White British, Irish, Scottish or other white background. 2 people were Asian or Asian British; one person was of Mixed ethnicity and others preferred not to say.
- The majority (37) had no long-standing illness or disability; 11 people had some form of long-term illness or disability; others preferred not to say.

Consultation Workshops with Registered Providers

During the consultation period, registered providers who own, let, or manage social housing stock in Cherwell District were invited to attend consultation workshops. Three registered providers attended the workshop on 6 September and fourteen attended the workshop on 13 September 2021. The workshops included a presentation on the strategy which set out the reasons for the strategy being refreshed, the legislative requirements, the local context and key issues for Cherwell district. The presentation was followed by group discussions guided by four key questions. The questions and feedback are set out below:

What are your opinions of the Vision and Strategy aims?

- Vision - is mutually/widely agreed. One concern raised was that setting secure tenancies as the default could result in difficulties managing problematic tenants.
- Aims – There are good points around the tenancy reviews.
- Fixed Term Tenancies – tenancy reviews are now part of everyday arrangements for registered providers (RPs). Most RPs are offering secure tenancies as the general rule, but some circumstances require fixed term tenancies or licenses, therefore RPs will continue to issue those in the right circumstances.
- Agreed that fixed terms tenancies are undesirable because of administrative impact.

Have we considered all necessary and important housing factors in formulating this strategy?

- Demographic changes have resulted in changing housing circumstances and increased demands for different housing types/tenures etc. We now need to take account of the need of these changing households i.e. newly forming single households as a result of relationship breakdown or people needing independent accommodation from families, single homeless, people needing to downsize or move to a larger home, blended households etc. We need to think about how we facilitate flexibility within social housing to accommodate changing household needs. If we offer lifetime tenancies, will that facilitate circulation in housing stock as a result of re-lets and voids?
- Increased supply of housing generally and the right kind of housing to meet identified needs will support flexibility within social housing stock to happen.
- Management transfers – If RPs are to make best use of existing stock to help tenants to downsize then there should be further guidance on when management transfers can be used. This is a matter dealt with in the Housing Allocation Scheme.
- Impact of housing market – information on the local housing market helps RPs set out a clear case for investment when reporting to their Boards.
- Succession – RPs get a lot of challenges and queries about succession rights to tenancies. This may be something for the Allocations Scheme to focus on.
- RPs do not have a large amount of fluid stock so it is often easier to advise people to reapply for housing in order to have access to a wider pool of properties however, it is acknowledged that this practice could create false demand.

What barriers might Cherwell DC face in delivering the new Tenancy Strategy?

- There should be no issues with provision of long-term tenancies. It is in the interest of the tenants to deliver more genuinely affordable, sustainable housing.
- Not sure that provision of social rents would reduce the number of voids in social housing stock. There would still be a 'take-up' if delivered at affordable rent levels.
- 4-bed houses – larger households may need 'top-ups' if affected by benefit cap and paying Affordable Rents. Whilst social rent may be more affordable for tenants in 4-bed homes, the commercial viability of delivering 4-bed at social rent is an issue for RPs and possibly developers.
- In negotiating S.106 planning obligations it is possible to secure social rent but in doing this there may be other compromises in terms of the developer obligations.
- There may be issues of aligning expectations that are not planning policy.
- Getting developers to agree to Social Rent and securing this in S.106 Agreements.

What barriers might RPs face in working to deliver the expectations set out in this new Tenancy Strategy?

- Issues of scheme viability if rents are at social rent. Developers need RPs to take on the affordable homes, but RPs need to make it work financially. This would be easier if grant funding could support social rent delivery and plug the financial gap on S.106 units.
- Small sites – some RPs are developing on small former garage sites but this does not present an opportunity to achieve economies of scale. Social rent may not be financially achievable on smaller or complex sites.
- Viability – may also impact on housing supply. Can the market rent issue be tackled? If planning policy allowed more housing development, this would increase supply and possibly lower market rents.
- Some RPs are national organisations – ability to flex processes to meet local issues/needs can be challenging when the organisation works at a national level.
- Affordable housing development – the cost of delivering social rent is an issue and viability is a consideration. CDC need to consider the practicality of implementation through S.106 Agreements.
- Although there is a willingness by RPs to deliver social rents, the finance and planning issues may not make social rent viable.

During the consultation workshops, registered providers were encouraged to also respond individually to the online consultation survey and to encourage tenants wherever possible to take part in the consultation.

In the discussions with RPs, officers acknowledged that some of these issues could only be dealt with via changes to planning policy, testing of viability on development sites and support for grant funding. Housing Strategy officers will work with and support the planning team to deliver policies and developments that can secure social rent tenure wherever viable (see paragraph 3.4). In addition, officers will enable discussions with Homes England and RPs around the funding for more social rent accommodation in Cherwell, particularly for larger family homes where benefit caps are likely to impact on household affordability (see paragraphs 3.6; 6.1; 6.3 and 6.4).

Frances Evans
Housing Strategy and Development Team Leader

Housing Strategy & Development Team
23 September 2021

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Cherwell District Council

Executive

1 November 2021

Changes to Cherwell District Council's Housing Allocation Scheme

Report of Interim Assistant Director, Housing and Social Care Commissioning

This report is public

Purpose of report

To advise Executive of proposed changes to the Housing Allocation Scheme.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the proposed changes to the Housing Allocation Scheme (Appendix 1) and adopt the scheme (Appendix 2).
- 1.2 To delegate authority to the Interim Assistant Director, Housing and Social Care Commissioning in consultation with the Lead Member for Housing, to make any minor editorial amendments to the Scheme as needed prior to publication.

2.0 Introduction

- 2.1 The Housing Allocation Scheme sets out how the council processes and prioritises applications for social housing. It sets out the criteria for determining whether a household is eligible for social housing and what level of priority the household will be given based on housing need.
- 2.2 The allocation of social rented housing is the responsibility of the District Council as the housing authority. Applications for other affordable housing options (e.g. shared ownership) go through the help to buy agent, not the local authority.
- 2.3 CDC's Housing Allocation Scheme was last amended in November 2018 with the changes being approved by the Executive. It is important to review the Scheme regularly in order to make sure that it aligns with current housing needs in the District and that the council can respond to changing patterns of need. We must also take account of updated statutory guidance and regulatory changes.

3.0 Background

- 3.1 There are currently around 1,800 households on the housing register that are eligible for and seeking social housing. This is a significant increase since early 2020 (when active applications were at 1,150) and the number continues to rise. This is due to both an increase in the number of applicants applying to join the housing register and a decrease in the number of properties becoming available to let.
- 3.2 Eligible households are placed in one of four bands with band 1 being the highest priority and band 4 the lowest. Processing times have been reduced from an average of 20 working days to assess new applications in 2019 to 3 working days in October 2021.
- 3.3 50-60 new applications to the housing register are currently received each week and the reduction in assessment times are the result of renewed focus and continual review of the assessment process.
- 3.4 Efficiencies in working practices have been introduced in stages over the last 18 months, with a LEAN review of the process also being carried out at the start of 2021.
- 3.5 Households bid for properties on a weekly cycle through the 'HomeChoice' website (choice-based lettings). The software is supplied under contract by Civica Abritas. For the minority of households that cannot bid themselves the Housing Allocations Team can set up auto-bidding on the system or place manual bids on behalf of the applicant.
- 3.6 The number of available properties to let through the housing register has reduced over the 18 months, in part impacted by the pandemic and a subsequent reduction or delay in new build social housing being delivered.
- 3.7 The number of properties let through the housing register in 2019/20 was 739. This reduced to 666 in 2020/21 and has reduced further to 214 during the first 6 months of 2021/22. As a result of increased demand and this reduction in supply, waiting times to secure social housing have increased over the last 18 months.

4.0 Drivers for Change

- 4.1 Appendix 1 summarises the key changes that are proposed. Appendix 2 is the revised Allocation Scheme that incorporates these changes.
- 4.2 A feasibility study conducted by Crisis in Oxfordshire and published in November 2020 recommended that Oxfordshire councils review their allocation schemes in order to improve access to social housing for single homeless people including rough sleepers. Data reviewed by Crisis showed that on average only 13% of people in the Adult Homeless Pathway move on from their supported accommodation in any given year. People in the pathway with a connection to Cherwell should be able to join the housing register and receive a band 2 priority as per other homeless households. However, people can be excluded from the register

as a result of past rent arrears or anti-social behaviour. We therefore intend to relax these barriers and will need to work with registered providers to avoid nominations being rejected. This will involve putting in place tenancy sustainment support so that individuals are 'tenancy supported' rather than having to be 'tenancy ready' before being offered a home. This is essential to moving towards a housing-led approach to preventing and resolving homelessness.

- 4.3 Homeless households that are in priority need are placed in band 2. Households with dependent children are automatically in priority need. Single people and couples who are homeless but not deemed to be in priority need receive band 3 status. We propose raising their priority to band 2 in order to help resolve the homelessness more quickly and treat all homeless households as high priority for social housing.
- 4.4. Some of the proposed changes are for clarification purposes i.e. to assist applicants and Housing staff to understand how criteria are applied and why a given band has been awarded.
- 4.5 Changes need to be made to give additional priority to members of the armed forces and their families, in line with statutory guidance. The new Scheme addresses this.
- 4.6 Foster carers and adopters will be given band 1 status. This will apply to 'kinship' carers who are already caring for children and those at the latter stages of the registration process with confirmation being provided by Children's Social Care. Band 1 status will enable carers to secure a suitable property as quickly as possible in order to sustain or take up their caring role for the benefit of the child(ren) concerned.
- 4.7 A new section has been added that acknowledges that some social housing in the district will be built to meet Oxford's unmet housing needs and will not be allocated through Cherwell District Council's housing register but by transfer of the allocations function to Oxford City Council (this is work in progress).
- 4.8 Currently, we consider any key worker in Oxfordshire for a Band 2 if they need to move to take up or continue with their key worker employment. However, for key workers in Oxfordshire that are not already based in Cherwell they currently need another connection to Cherwell to qualify (e.g. through residence, family members or other work). We propose changing this to allow Oxfordshire key workers in health, care and other public service roles where there is a demonstrable shortage of labour (i.e. a significant recruitment challenge) to join the register. The rationale is that their role benefits the whole county, including residents in Cherwell, whether they are employed or have another connection to Cherwell or not.

5.0 Consultation

- 5.1 A 4-week public consultation was carried out during June/July 2021 on the revised Housing Allocation Scheme, supported by the corporate Consultation Team.
- 5.2 In order to help ensure the consultation was appropriately worded and relevant to respondents, two separate surveys were undertaken; one completed by members

of the general public and another for housing organisations including registered providers of social housing.

- 5.3 16 responses were received from housing organisations and housing providers with the vast majority of feedback on the proposed changes being positive.
- 5.4 46 responses were received from members of the general public. Responses were also mostly in support of the proposed changes although some responses were more neutral.
- 5.5 Following public consultation a report to the Overview and Scrutiny Committee was presented last month (September 2021). The committee supported the proposed changes.
- 5.6 No changes have been made to the revised Housing Allocation Scheme as a result of the feedback from the public consultation or as a result of feedback from the Overview and Scrutiny Committee.

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: Do nothing. Rejected on the basis that the current scheme does need to change in response to customer and staff feedback, developments in statutory guidance and to support the shift to a housing led approach.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no direct financial implications arising from this report. There is an ongoing annual maintenance contract for Civica Abtias software which has been included in the 21/22 budget.

Comments checked by:

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

Legal Implications

- 7.2 There are several legal implications arising from the content of this report, each has therefore been addressed separately below:

The Allocation Scheme

- 7.3 The Council's Housing Allocation Scheme is governed by Part VI of the Housing Act 1996 and must comply with the statutory requirements in the Act, as well as subsequent codes of guidance issued by MHCLG. Officers are satisfied that the

revised Housing Allocation Scheme complies with the Act and the associated codes of guidance.

The New IT System – Abritas

- 7.4 The new Abritas system has been through a procurement process, assisted by the Council's legal service and the shared procurement service. The contract is therefore compliant with the Public Contract Regulations and has been procured in accordance with the Council's Contract Procedure Rules.

Consultation

- 7.5 As the report makes clear, there was a need, given the scale of changes to the Housing Allocations Scheme, to undertake a full public consultation on those changes. The consultation was assisted by the shared consultation service in order to ensure best practice was achieved.

Comments checked by:

Richard Hawtin, Team Leader: Non-contentious, Email: richard.hawtin@cherwell-dc.gov.uk, Telephone: 01295 221695

Risk Implications

- 7.6 Changes required to IT software in order to allow for the proposed changes are already in place should the proposed changes be agreed and so this does not present a risk.
- 7.7 Implementation of the changes, including changes to any applicant's housing register application (including priority band) can be made swiftly following approval of the changes.
- 7.8 These risks will be managed as part of the operational 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

Equality and Inclusion Implications

- 7.9 An equalities and climate impact assessment has been produced and is attached as Appendix 5. The allocation of social housing must be carried out in line with the Equality Act 2010 and plays a key role in addressing inequalities in housing.

Comments checked by:

Emily Schofield, Acting Head of Strategy, 07881 311707, Emily.schofield@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision:

Financial Threshold Met: No

Community Impact Threshold Met: Yes

Wards Affected

All

Links to Corporate Plan and Policy Framework

[Housing Strategy 2019-2024](#) and Action Plan
[Homelessness Strategy 2021-2026](#) and Action Plan

Lead Councillor

Councillor Lucinda Wing, Lead Member for Housing

Document Information

Appendix number and title

- Appendix 1 - Summary of Changes to Housing Allocation Scheme
- Appendix 2 – Revised Housing Allocation Scheme
- Appendix 3 – Equalities and Climate Impact Assessment

Background papers

None

Report Author and contact details

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Appendix 1 - Summary of proposed changes to the Cherwell District Council Housing Allocation Scheme 2021

Section	Summary of changes	Rationale
3.6.2.1 Unacceptable behaviour	Section re-worded with reference to “ <i>grounds 1-7, Schedule 2 of the Housing Act 1985</i> ” removed as a means of determining what factors will be considered as unacceptable. Instead the section can now be more easily understood and clearly sets out what forms of fraud, convictions, ASB and breaches of tenancy may be classed as “unacceptable behaviour” and lead to disqualification.	Previous wording was both difficult to understand and lacking in detail. The intention of the new wording is not to result in different outcomes but to allow both staff and applicants to more easily understand what behaviour may be classed as unacceptable and therefore lead to disqualification.
3.6.2.1 Unacceptable behaviour (rent arrears)	Previously applicants would be disqualified if they had past or present rent arrears equivalent to 8 weeks’ rent or more. This restriction has been removed. Applicants will no longer be disqualified from joining the housing register if they have rent arrears, however, they will need to have cleared these arrears or made ‘substantial efforts’ to do so, before an offer of housing can be made. ‘Substantial efforts’ would typically include a sustained repayment pattern over a period of at least 12 months and with any housing related debts outstanding being no more than the equivalent of 8 weeks’ rent.	The previous wording resulted in an “all or nothing” approach whereby applicants with less than 8 weeks’ arrears were able to join the housing register whilst those with more were disqualified. By allowing applicants with higher levels of rent arrears to join the housing register they can build waiting time whilst working to clear their arrears and this can be an incentive to address their debt.
3.6.2.2 Duration of disqualification	The duration of disqualification from the housing register has been clearly outlined as well as how this will be determined. Typically the duration of a disqualification will be between 1 and 5 years. This will be determined by taking into account the culpability of the applicant and harm of his/her actions.	The previous wording lacked clarity as to how the duration of any disqualification would be determined. The wording allows staff to have a consistent approach to determine a duration of a disqualification for unacceptable behaviour. The wording also allows applicants to better understand the decision making that has led to their disqualification for a set time period.
3.6.2.3 Local connection	The exemptions to local connection criteria for members of the Armed Forces and their family members have been clearly outlined in accordance with the statutory guidance “ <i>Improving Access to Social Housing for Members of the Armed Forces</i> ” MHCLG, July 2020.	Rather than reference to statutory guidance, the new wording clearly outlines the categories of Armed Forces personnel and their family members that will qualify to join the housing register, whether or not they meet another measure of local connection as per the housing allocation scheme.

	<p>This includes exempting from any local connection criteria current or former members of the regular armed forces who served at any time in the 5 years preceding their application; bereaved spouses or civil partners; divorced or separated spouses or civil partners and members of the reserved armed forces who are suffering from injury attributable to their service.</p>	
<p>3.6.2.5 Sufficient financial resources</p>	<p>Wording has been reviewed to ensure it is easy to understand for both staff and applicants. An assessment of financial resources will continue to jointly consider both annual gross income of applicant/s and any savings and the threshold will remain at £60,000. Applicants with over this amount of annual income/savings combined will not qualify to join.</p> <p>Additional wording had been added to make clear that special consideration and exception may be given to applicants that require larger or more specialist accommodation in cases where it can be evidenced that the typical accommodation required cannot be obtained in the private sector based on the level of income and financial assets they have.</p> <p>An exception has been added for under-occupiers of social housing who will not be subject to a cap on financial resources.</p>	<p>Any combination of annual gross income and savings of over £60,000 has been reviewed as sufficient to secure accommodation in the private rented sector in the district. In some cases 4 bed accommodation may be difficult to secure, depending on factors such as the location of preference. Special consideration therefore can be given where appropriate to those applicants that require larger accommodation or more specialist accommodation, such as disabled adapted accommodation, which may be more difficult to secure in the private sector.</p> <p>Under-occupiers of social housing should be encouraged to downsize whether or not they have sufficient financial resources to obtain housing in the private sector.</p>
<p>3.6.2.6 Refusal of offers</p>	<p>Applicants in the higher priority bands will no longer be disqualified for refusing one offer of accommodation. Applicants in Bands 1 and 2 can benefit from 3 offers of accommodation like those in other Bands.</p>	<p>Applicants can sometimes be surprised to be offered accommodation and may not always put as much consideration into placing bids as they could. Imposing a disqualification for refusing only one offer of housing can therefore be seen as too strict and counter-productive if offers are imposed that do not fully meet an applicant's need or aspirations.</p> <p>Reverting to 3 offers before disqualification is considered should help ensure that the housing provides sustainable, long</p>

		term solutions whilst balancing the need for applicants to be realistic and to only place appropriate bids
5.1.1 Band 1 reason Adopters and Foster Carers	A new Band 1 reason has been added to give priority to approved adopters or foster carers that need to move to a property with an extra bedroom in order to commence or continue with the arrangement.	Joint working between OCC and CDC has identified the need to facilitate access to suitable housing for foster carers and adopters. Otherwise housing can be a barrier to carers being able to take up, sustain or expand their role. Numbers are likely to be low and this is seen to be a positive move for the benefit of vulnerable children.
5.1.2 Band 2 Non-priority homeless	Currently a Band 3 is applied to the applications of non-priority homeless persons. These are applicants that are verified as being homeless but are not considered vulnerable to the point they are 'priority-need'. This priority will be increased to Band 2 to sit alongside applicants that are statutory homeless.	Whilst alternative housing options will remain in place for applicants that are homeless, such as the adult homeless pathway and Housing First programme, this raised priority puts non-priority homeless households on an equal footing with statutory homeless households. The rationale being that whether priority need or not the person/couple is still homeless and needs access to housing.
8.9 Direct matches	Additional wording to give indicative examples of when a direct match may be carried out and a statement that these will typically account for less than 5% of all lettings per year.	The allocation scheme current lacks transparency and detail for both applicants and staff to understand in what circumstances a direct match may be carried out.
14.5 Oxford's unmet housing needs	New section that acknowledges that some social housing in the district may be built to meet Oxford's unmet housing needs and may not be allocated through Cherwell District Council's housing register.	Applicants will need to be aware that some social housing in Cherwell may not be allocated through Cherwell District Council's housing allocation scheme and for housing built to meet Oxford's unmet housing needs they may need to register with Oxford City Council's housing register.
Appendix 3: Space Standard	New introduction of a space standard that determines adequate bedroom sizes in addition to the existing bedroom standard that determines the number of bedrooms a household requires.	The space standard as outlined by Section 326 of the Housing Act 1985 is proposed to be adopted to determine if bedrooms are of an adequate size to accommodate household members according to their ages. The standard is already used by the council's Housing Standards Team to determine statutory overcrowding. The space standard can then be used when considering priority under the category of social, welfare and hardship grounds – see Appendix 5 changes below.

Appendix 4: Health and Disability assessments	<p>A Band 3 reason has been introduced under the Mental Health section so that applicants receiving short-term, time-limited secondary care intervention may have a Band 3 applied in cases where housing is the cause or a significant aggravating factor in the mental health issue.</p>	<p>Currently only applicants with sustained secondary care input will receive any form of priority for housing (Band 2) and there is no Band 3 reason to apply to those with mental health issues where housing is the cause or an aggravating factor. As a result, only a Band 4 or Band 2 can be applied to those with mental health problems where a Band 3 may be more appropriate.</p>
Appendix 5: Social, Welfare and Hardship assessments	<p>New Band 3 reasons under social, welfare or hardship grounds:</p> <ul style="list-style-type: none"> • Inadequate bedroom sizes. If the household has an adequate number of bedrooms but bedroom sizes are inadequate, as per the space standard. • Split households with insufficient bedrooms. If a property has a sufficient number of bedrooms to accommodate all occupiers as per the bedroom standard but two or more households are sharing and the applicant's household is left short of a bedroom due to genuine and justifiable bedroom allocation. • No Fixed Abode. Cases where the applicant has no principal, settled address but is not deemed to be homeless. <p>New Band 1 reason:</p> <ul style="list-style-type: none"> • Family member of social tenant in the district with at least 12 months verified prior residence with the family member and no right of succession following the death of the tenant in cases where a move would prevent homelessness or exceptional hardship. 	<p>These are scenarios which are not currently covered by the allocations scheme. This means that discretion must be used by senior offers to apply any level of priority or a Band 4 will apply when this may be inappropriate. For applicants with inadequate bedrooms or split households with insufficient bedrooms, the Band 3 acknowledges that these scenarios are not as urgent as overcrowding which is a reason for a Band 2.</p> <p>The proposal for a Band 1 for family members of social housing tenants with no rights of succession would help avoid homelessness of those applicants who have lost a family member as well as allow negotiations to take place between the council and registered providers of social housing to allow the applicant to remain whilst they secure alternative housing without having to commence legal proceedings to regain possession.</p>
Key worker amendments: 3.6.2.3 local connection and 7.11 quota arrangements	<p>The local connection criteria has been expanded to include the following categories of key workers working in any district within Oxfordshire: National Health Service staff (all clinical staff), Support workers in health roles, Adult social care roles, local authority and government agency workers.</p>	<p>Certain key workers working in Oxfordshire benefit the whole county, including residents in Cherwell, whether they are employed within Cherwell or not. They can also face significant recruitment and retention difficulties with housing being a contributing factor in those difficulties. As such it makes sense</p>

	<p>The quota guide that states 1% of all property adverts should give preference to key workers has been raised to 3% of all adverts.</p>	<p>to acknowledge the benefit they bring by allowing them to join CDC's housing register, whether or not they have another connection to Cherwell (e.g. through residence, family members or other work).</p> <p>Currently 1% of property adverts (around 7 adverts per year) give additional priority to key workers over all other applicants. Increasing this quota to 3% (around 21 adverts per year) would help ensure that more social housing is allocated to key workers as they would be prioritised over all other applicants for these properties. If additional preference is not given, those in lower levels of housing need will have little chance of securing social housing or will experience long waiting times.</p>
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Housing Allocation Scheme 2021

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1. Introduction and Overview

1.1 Introduction

Cherwell District Council (CDC) transferred its housing stock, which is now owned by Sanctuary Housing Group, through a Large Scale Voluntary Transfer (LSVT). Over 95% of all social housing in Cherwell is owned by partner Registered Providers (RPs). Therefore, it is important to note that with the exception of a small number of units this allocation scheme relates primarily to housing owned by partner RPs.

In Cherwell, the demand for social housing is greater than the number of homes available. This allocation scheme describes how CDC prioritises housing applicants and ensures that those in greatest housing need, as described by the legal definition of Reasonable Preference in the Housing Act 1996 (as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017) (the Act), are given appropriate priority to access available social housing. Whilst CDC will nominate applicants to housing that is owned by RPs, in accordance with this allocation scheme, RPs will also have due regard to their own lettings policies when letting their properties.

This allocation scheme applies to:

- new applicants
- current applicants
- existing tenants of a RP who want to transfer either with their current landlord or to another RP

This allocation scheme sets out in detail who is eligible and who will qualify to join the housing register as well as how this assessment is made. It also sets out how applicants can apply for and access housing and what service standards an applicant can expect from CDC.

The vast majority of the housing that CDC allocates under this allocation scheme is through a Choice Based Lettings (CBL) system (www.cherwell-homechoice.org.uk) which allows applicants to view available properties and express interest by making bids.

1.2 Aims and objectives

The key objectives of this allocation scheme are to:

- provide housing applicants in Cherwell with a fair and transparent system by which they are prioritised for affordable housing
- help applicants most in housing need
- promote the development of sustainable mixed communities and neighbourhoods of choice
- encourage residents to access employment, education and training
- make efficient use of CDC's resources and those of its partner RPs

This Scheme is part of Cherwell's Housing Strategy 2019-2024, which has three strategic priorities, these are:

- Increase the supply and diversity of affordable housing to ensure the right types of housing are available in the right places

- Improve the quality and sustainability of our homes and build thriving, healthy communities.
- Enhance opportunities for people to access suitable homes and have housing choices

CDC designed this allocation scheme to meet all legal requirements and to support and contribute towards the objectives of its Housing Strategy. CDC's Housing Strategy, and the ways in which it provides advice and assistance to home seekers on a whole range of housing options, including access to the private rented sector and low cost homeownership, can be found on CDC's website at www.cherwell.gov.uk.

1.3 The legal context

This allocation scheme sits within a tight and complex legal framework of Part VI of the Act. This section describes this legal framework.

The Act requires local authorities to make all allocations and nominations in accordance with an allocation scheme. A summary of the allocation scheme must be published and made available free of charge to any person who asks for a copy. A summary of this allocation scheme and the general principles behind it are available at CDC's offices and on CDC's website. This document is the full version of the allocation scheme and is available for inspection at CDC's main office at Bodicote House.

The Act requires local authorities to give Reasonable Preference in their allocation scheme to people with high levels of assessed housing need. This includes homeless people, those who need to move on welfare or medical grounds, people living in unsatisfactory housing and those who would face hardship unless they moved to a particular locality within the local authority's area.

The Act also requires local authorities to state within their allocation scheme what its position is on offering applicants a choice of housing or offering them the opportunity to express preference about the housing to be allocated to them.

This allocation scheme complies with the requirements of the Act and takes into account the various codes of guidance issued by the Ministry for Housing, Communities and Local Government including:

- Providing social housing for local people (December 2013)
- Right to Move and social housing allocations (March 2015)
- Improving access to social housing for victims of domestic abuse (November 2018)
- Improving access to social housing for members of the Armed Forces (June 2020)
- Allocation of Accommodation: guidance for local housing authorities in England (Jan 2021)

The allocation scheme is drafted to ensure that it is compatible with CDC's equality duties, under the Equality Act 2010, including the duty to eliminate unlawful discrimination and to promote good relations between persons who share a relevant protected characteristic and those who do not. The 9 protected characteristics are age, race (including ethnic or national origins, colour or

nationality), disability, sex, pregnancy and maternity, sexual orientation, religion or belief, marriage and civil partnership, and gender reassignment.

Further, this allocation scheme has taken into account all other relevant legislation and case law, CDC's Homelessness Strategy and Tenancy Strategy and CDC's duties under the Care Act 2014. This allocation scheme has also taken into account the changes brought into effect by the Homelessness Reduction Act 2017.

In summary this allocation scheme has considered:

- CDC's statutory obligations and discretion as to who is eligible for housing allocation
- CDC's statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law
- CDC's statutory discretion to grant 'additional preference' and/or to determine priority between applicants with Reasonable Preference
- the general and specific statutory discretions CDC can exercise when allocating housing in support of its Housing Strategy
- the local flexibility offered through the Localism Act (2011)

This allocation scheme, or the manner in which CDC allocates housing under this allocation scheme, may be amended and updated from time to time to take account of any new guidance, regulations and legislation which is adopted by the Government. CDC will always act in accordance with the most up to date guidance, regulations and legislation which are relevant to this allocation scheme and will endeavour to reflect those changes in formal written updates as soon as possible.

1.4 Advice and assistance

CDC acknowledges that this allocation scheme requires the active participation of housing applicants and to reflect this, CDC aims to provide advice and assistance to ensure that no person is disadvantaged by the way the scheme operates.

General information about the scheme will be made available as follows:

- the procedures for applying to the allocation scheme and for bidding for advertised vacancies
- how applicants are prioritised under this allocation scheme
- how successful applicants will be selected by CDC
- rules on how properties will be advertised including bidding cycles and restrictive labelling
- review procedures
- RPs that have vacancies advertised through CBL

Applicants will also be provided with information regarding their own application which will include:

- what band is applied to their application under this allocation scheme
- what size properties they are eligible for
- what information and documentation they need to provide for CDC to verify their circumstances and when this information will need to be provided
- the reasons for a disqualification and the period of time the applicant will be disqualified for.

Properties are advertised through the CBL scheme. In partnership with RPs, CDC endeavours for all advertisements to be as comprehensive as possible. The CBL scheme promotes informed choices and expects to guide applicants to bid only for properties they can realistically expect to secure. Advertisements will include as many of the following as possible:

- location
- property type, size and floor level
- nature of tenancy on offer
- type of heating
- whether the property has a garden
- whether parking is available
- the amount of rent and any other charges that are payable
- photos of the property
- the Energy Performance Certificate rating

Applicants who have any difficulty reading or understanding this allocation scheme will be offered the following services:

- an interpretation service if their first language is not English
- signing if speech or hearing is impaired
- provision of documents in large print if an applicant is visually impaired
- an interview to explain the content of this document and information about where independent advice can be obtained about this allocation scheme

As there are likely to be many more applicants than properties available, CDC will also provide information about other housing options. This will include:

- advice on RPs
- advice and help on renting in the private sector, if there are few affordable homes available in the areas where any applicant wishes to live
- advice on available low cost home ownership options
- advice on how welfare benefits, employment, education and training that may improve the housing options available
- Enhanced Housing Options Service – self-help tool via the website at www.cherwell.gov.uk

2. Choice and constraints

2.1 Policy on expressing choice of rehousing area

The amount of choice that CDC can offer is limited by the housing pressures it faces and responsibilities it has to some groups in housing need, such as those found to be statutorily homeless. CDC believes that any applicant considered to be eligible under this allocation scheme should be able to express a preference over the type of property and the area in which they would like to live. However, applicants should be aware that CDC's ability to satisfy their expressed preference may be limited.

Most applicants will be able to bid using Choice Based Lettings (CBL) to apply for properties they have been assessed as eligible for across Cherwell. There are some circumstances in which this will not apply.

CDC requests that applicants state those areas where they believe they cannot live due to fear of violence, harassment or domestic abuse. CDC must be satisfied such factors exist and that it is necessary to allocate accordingly. Consideration must also be given as to how an allocation in Cherwell would provide a place of safety. This is to assist CDC in making more informed decisions and will also help support workers who may be assisting an applicant.

2.2 Statutory Homeless Applicants

All statutory homeless households as defined in Part VII of the Act and owed a statutory duty by CDC under section 188, 192, or 193 of the Act will be placed on automatic bidding at the point a duty is accepted.

To discharge a statutory homeless duty the local authority will only make 1 final offer. To be deemed a final offer the accommodation must be reasonable and suitable for the needs of the household. This may be social housing, private rented or supported accommodation. An application to the Housing Register will be suspended until the outcome of the final offer is decided. Refusal of a final offer will result in Housing Register applications being closed for a period of 6 months.

Whilst we consider each applicant's personal circumstances, given the good transport links and access to employment, education, health and support services throughout our district it is likely an offer anywhere within Cherwell will be considered suitable as a final offer.

Applicants owed a duty under s195 who are deemed to be at risk of homelessness and who qualify to join the Housing Register will be able to apply for up to 3 properties per lettings cycle.

2.3 Move-on from Supported Accommodation

CDC has protocols in place with providers of supported accommodation to assist clients who are ready to move-on to independent living. Those who qualify to be on the Housing Register are awarded a priority banding to acknowledge that supported accommodation is a scarce resource and should be vacated as soon as possible, so a household which requires support can be placed.

Those with Move-on Priority will be placed on automatic bidding at the point their referral is accepted.

The council will make 1 final offer to facilitate a move-on. To be deemed a final offer the accommodation must be reasonable and suitable for the needs of the household. This may be social housing, private rented or further supported accommodation. An application to the Housing Register will be suspended until the outcome of the final offer is decided. Refusal of a final offer will result in Housing Register applications being closed for a period of 6 months.

Whilst we consider each applicant's personal circumstances, given the good transport links and access to employment, education, health and support services throughout our district it is likely an offer anywhere within Cherwell will be considered suitable as a final offer.

3. Eligibility and qualification criteria

This section provides detail on how CDC determines whether any applicant is eligible and qualifies to join the housing register.

3.1 Who can apply to the Housing Register

Anyone can apply to join the housing register. On receipt of an application to join the housing register, CDC will consider:

- whether the applicant/s are eligible for an allocation of social housing
- whether the applicant/s qualify under the allocation scheme rules

3.2 Young person under 18 years

In order to be nominated for supported accommodation, any applicants aged 16 or 17 years old must meet one or more of the following conditions as being:

- accepted as homeless under Part VII of the Housing Act 1996
- over the age of 16 where a referral for assistance has been made by Social Services authorities under Section 27 of the Children Act 1989
- a young person who is deemed a relevant or eligible child under the Children (Leaving Care) Act 2000 as amended.

In each case, CDC will undertake a joint assessment with Social Services of the applicant's housing, care and support needs to ensure that adequate support is available.

In order to secure accommodation any person under 18 years of age must provide details of a suitable guarantor who will sign the applicant's tenancy agreement. Applicants under the age of 18 who are eligible can only be considered for supported accommodation provided by CDC's RP partners unless accepted as statutory homeless or in exceptional circumstances.

3.3 Care leavers

Any person over the age of 18 who has duties as a care leaver, having been looked after by Oxfordshire Children's Services under Section 20 of the Care Act 2014, and has been accommodated anywhere within the county of Oxfordshire, or outside the district, will be treated as if they have a local connection to Cherwell District and therefore be eligible to apply for housing accommodation under this allocation scheme. Care leavers who have been placed in the district by another local authority for a considerable period will also be given consideration.

3.4 Councillors, employees and their close relatives

This allocation scheme is designed to ensure that CDC (and any relevant organisation) is transparent and equitable when letting homes to staff, its Councillors or any of their relatives. This allocation scheme is open to any eligible applicant. Council staff, Councillors and their relatives are treated as any other applicant and will not gain any advantage or any preferential treatment in the course of their application, nor shall they be disadvantaged. For further information see Appendix 2.

3.5 Who can and cannot be included on a housing register application

The persons who can be included on a housing application must be members of the applicant's immediate family who normally live with the applicant. Any other person will only be included on an application if CDC is satisfied that it is reasonable for that person to live with the applicant. This will exclude lodgers or anyone subletting from the applicant. Anyone over 16 years included on an application as part of a household will also be included in the full assessment of the application including income, capital and assets.

For the purposes of this allocation scheme a child is defined as someone who is either under the age of 16 or who is still dependant on the applicant e.g. due to continuing education.

3.6 Who cannot be accepted onto the Housing Register

CDC will refuse an application to join the housing register in the following circumstances:

3.6.1 Those not eligible

Persons from abroad

A person may not be allocated accommodation under Part VI of the Act 1996 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA.

There are two categories for the purposes of s.160ZA:

- (i) a person subject to immigration control - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)), and
- (ii) a person from abroad other than a person subject to immigration control - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4)).

The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations').

Persons who are able to produce evidence of an in-time appeal of their leave to remain will be treated as though they continue to have leave to remain.

3.6.2 Those who are disqualified

3.6.2.1 Unacceptable behaviour

CDC will disqualify an applicant from the housing register if the applicant, or any member of their household, has behaved in an unacceptable way as described in this allocation scheme and at the time of their application to the housing register, they are still considered by CDC to be unsuitable to be a tenant by reason of that behaviour.

CDC considers that unacceptable behaviour includes the following circumstances:

Fraud or deception

Applicants will not qualify to join the housing register in cases where they have:

- Obtained a tenancy by deception, including by making false, misleading or omissive statement(s).
- Payed money or money's worth to obtain a social tenancy including by exchanging properties with another social tenant.
- Made false, misleading or omissive statement(s) in connection with a housing register application, homelessness application or benefit claim or award.

Convictions, anti-social behaviour and breaches of tenancy

Applicants will not qualify to join the housing register in cases where they have:

- Been evicted from private or social rented housing for any form of anti-social behaviour or illegal subletting, or where there has been formal action taken by the landlord in relation to the applicant, the applicant's household or his/her visitors for causing a nuisance, annoyance or otherwise anti-social behaviour to others including, but not limited to neighbours, visitors, the landlord or a person employed in connection with the exercise of the landlord's management functions.
- Used their property for an immoral or illegal purpose.
- Been convicted of a criminal offence that makes the tenant unsuitable to be a tenant, including in relation to domestic violence.
- Been subject to an injunction or order in relation to their anti-social behaviour inside or outside of the home.
- Assaulted or threatened the landlord, a person employed in connection with the exercise of the landlord's management functions, CDC or one of the CDC's partner agencies including, but not limited to, providers of housing and housing related support services.
- Been responsible for the deterioration of a property, its fixtures, fittings or furniture provided for use under the tenancy and the deterioration was due to neglectful or deliberate acts by applicant, the applicant's household or his/her visitors.

Rent arrears and other housing related debts

Applicants will not be disqualified from the housing register for having housing related debt including rent arrears, service charges, chargeable repairs (including Cherwell Bond Scheme debt) or associated court costs and fees.

However, applicants must ensure that a repayment plan is in place to reduce any housing related debt as this must be cleared or substantially reduced before an offer of accommodation can be made by a provider of social housing.

Applicants will not be nominated to an RP for a potential offer of accommodation unless outstanding housing related debt is cleared in full or the applicant can evidence that substantial efforts have been made to address their housing related debt.

Substantial efforts would typically include a sustained repayment pattern over a period of at least 12 months and with any housing related debts outstanding being no more than the equivalent of 8 weeks' rent.

CDC will be sympathetic toward former service personnel or former partners of service personnel who have accrued mesne profit debt. Occupants of Service Families Accommodation who remain in residence following the expiry of a notice to vacate and have become irregular occupants can be charged mesne profit charges for trespass. This may occur after service personnel leave the Armed Forces, or estranged partners remain in occupation after a relationship breakdown. CDC understands that housing costs support for mesne profit charges is not available within Universal Credit, nor is Housing Benefit available to those living in a Crown Property. As a result, occupants may accrue mesne profit debt. Occupants may provide a copy of their notice to vacate or Certificate of cessation of Entitlement to Service Families Accommodation as evidence that they are no longer able to occupy their home.

3.6.2.2 Duration of disqualification

Other than in exceptional circumstances, the maximum period of disqualification will be 5 years from the date of the last incident of, or conviction for, unacceptable behaviour as defined by this allocation scheme. The minimum period of disqualification will be 12 months.

CDC will use the following matrix as a guide for officers to determine the appropriate period of disqualification for unacceptable behaviour:

	Low culpability	Medium culpability	High culpability
Low harm	12 months	24 months	36 months
Medium harm	24 months	36 months	48 months
High harm	36 months	48 months	60 months

The following examples may be used by officers to determine the levels of culpability and harm in applying the above matrix, however, the list is not exhaustive and other matters can be taken into account at the officers' discretion. Any reference to an applicant also includes the joint applicant and any member of his or her household:

Example of factors indicating higher culpability:

- Applicant has a previous history or pattern of unacceptable behaviour or convictions

- Failure to respond to warnings in relation to unacceptable behaviour
- Applicant knowingly and purposefully provided false, misleading or omissive information
- Abuse of power or position of trust
- Gratuitous violence or wilful damage or vandalism caused
- Use of weapons, or involvement in gangs

Examples of factors indicating lower culpability:

- First or only one incident of unacceptable behaviour
- Applicant has carelessly but inadvertently provided inaccurate information
- Actions were as a result of a negative environment or circumstances and evidence demonstrates that this has now positively changed.

Examples of factors indicating a higher degree of harm:

- Multiple or vulnerable people were directly affected or targeted including minority groups or those with protected characteristics.
- A person has been physically, psychological or emotionally harmed or threatened by the applicant or his/her actions
- Sustained behaviour or incident
- The offence or incident was directed at public sector workers or workers acting in connection with the landlord's management functions.
- High value of damage to property

Examples of factors indicating lower degree of harm

- No act of violence or lasting psychological harm on another person
- A high degree of provocation was directed at the applicant
- Mental illness or disability affected the decisions made
- The direct role taken in carrying out the action/s was minimal
- Full cooperation and remorse following the incidents
- Accidental or low value of damage to property

If further unacceptable behaviour occurs during the period where the applicants are disqualified, further periods of disqualification from the housing register may be applied in relation to that behaviour.

After the relevant period of disqualification from the housing register has elapsed, the applicants must re-apply to the housing register for an up to date assessment of their eligibility, qualification and housing circumstances to be completed.

If the applicant has a change in their circumstances during a period of disqualification from the housing register, they may submit a new application for this to be assessed and considered. Any further application will be assessed in accordance with this allocation scheme.

3.6.2.3 No local / district connection to Cherwell

Applicants without a local connection to Cherwell will not qualify to join CDC's housing register. In order to be considered to have a local connection to Cherwell applicants will need to either:

1. have resided in Cherwell for a period of at least 6 out of the last 12 months continuously prior to an application to join the housing register
2. have previously resided in Cherwell for 3 out of the past 5 years
3. have a contract of employment to work within Cherwell for a minimum of 16 hours per week excluding short-term, marginal, temporary and voluntary work. Employees on 'zero hour' contracts must demonstrate a consistent previous record of, or clear expectation to work for a minimum of 16 hours per week.
4. Have a contract of employment as a Category 1, 2, 3 or 4 key worker (as defined by section 7.4 of this scheme) to work in Oxfordshire for a minimum of 16 hours per week excluding short-term, marginal, temporary and voluntary work. Employees on 'zero hour' contracts must demonstrate a consistent previous record of, or clear expectation to work for a minimum of 16 hours per week.
5. have immediate family members, who have lived in Cherwell for at least 5 years, where there has been frequent contact, and there is a clear commitment to, and / or dependency on, those family members immediately prior to the date of application
6. be a household with a Right to Move
7. be leaving the care of Oxfordshire Children's Services; or
8. have a special reason for needing to live in the area

Exceptions to the above local connection requirements are:

- Those who are currently serving in the Regular Armed Forces or who were serving in the Regular Forces at any time in the 5 years preceding their application to join the housing register.
- Bereaved spouses or civil partners of those serving in the Regular Forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.
- Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- Divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence.
- Existing social housing tenants, who need to move into CDC's district, either from another local authority area in England, or from one location to another within Cherwell, for work related reasons to avoid hardship (Right to Move Applicants)

Close relatives are defined by CDC as parents, children, siblings, grandparents or grandchildren (in each case including step relatives and fostered or adopted children), where there is evidence of frequent contact, commitment to, and/or dependency on, those family members.

In order to establish a local connection to Cherwell through a period of residence as above this must be normal residence of the applicants own choice. As such a period of residence will not contribute towards establishing a local connection for the purpose of this allocation scheme when the applicants reside in Cherwell because they are:

- in prison
- resident in a bail hostel or other such accommodation
- detained under the Mental Health Act
- receiving hospital treatment
- in occupation of a mobile home, caravan or motor caravan which is not placed on a registered residential site
- in occupation of a holiday letting, this includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday
- placed in temporary or private sector accommodation by another housing authority

Applicants should note that the above list is illustrative only and not exhaustive. CDC retains discretion to determine whether any individual applicant can establish a local/district connection or not based on each applicant's individual circumstances.

3.6.2.4 Homeowners

Regardless of the level of equity held, applicants who already own their own home (either freehold, leasehold, under mortgage or shared ownership) will not, subject to the exceptions below, qualify to join the housing register.

- People aged 55 and over who cannot stay in their own home as it does not meet their medical or mobility needs, require sheltered or extra-care housing and do not have sufficient financial resources to meet their housing needs in the private sector or elsewhere. These applicants will qualify for sheltered or extra care accommodation only.
- Other owner occupiers who can demonstrate that their specific circumstances mean that they need to apply for social housing as detailed in a medical and/or social/welfare need assessment which stipulates the nature of the accommodation that is required.
- Owner occupiers who are experiencing financial hardship and are unable to sustain their accommodation and have been assessed by the Housing Options or Allocations Team who have confirmed this to be the case based on the evidence presented.

CDC will also take into consideration any previous disposal of assets which will include disposals for nil (for example, transfer of ownership) or below market rate value.

Applicants will be asked to provide evidence of their income, savings and assets if an affordability assessment is required. If applicants fail to provide sufficient evidence, then their application cannot be assessed and will not progress further.

If an assessment has to be made, for example on medical grounds, consideration will be given to the following:

- whether the applicant can sell their current home
- the expected equity after the proposed sale of the property
- the applicant's current financial circumstances and commitments
- whether the applicant is eligible for a mortgage

- the supply and affordability of private rented or other forms of accommodation suitable for the applicant's specific needs
- whether the applicant's housing need can be met in the private sector, taking into consideration the cost of housing in Cherwell

3.6.2.5 Sufficient financial resources

Applicants with financial assets (including capital, savings, stocks, bonds, shares and unit trusts) that when combined with their annual gross income exceeds £60,000 will not qualify to join the housing register. This calculation will take into account the income and financial assets of the main applicant, joint applicant and their spouse, civil partner and/or partner where they are to reside in the accommodation together. A combination of income and financial assets in excess of £60,000 is considered sufficient to enable the applicants to secure accommodation in the private sector.

This assessment does not apply to existing social housing tenants in Cherwell who are seeking to down-size.

Special consideration and exception may be given to applicants that require larger or more specialist accommodation in cases where it can be evidenced that the typical accommodation required cannot be obtained in the private sector based on the level of income and financial assets they have.

Any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service will be disregarded for the purpose of this assessment.

Where appropriate CDC will take into account any previous disposals of financial assets which will include disposals for nil (for example, transfer of ownership) or below market rate value.

Applicants will be asked to provide evidence of their income and financial assets and if this is not provided an application cannot be assessed and will not progress further.

3.6.2.6 Refusal of offers from the Housing Register

Applications will be disqualified from the housing register for six months in cases where an offer of accommodation which the council considers to be suitable has been refused in the following circumstances:

- All Statutorily Homeless households who have refused one suitable offer of accommodation and to whom the homelessness duty has been discharged by CDC under Part VII of the Act 1996.
- Applicants awarded a Move-on Priority from supported accommodation who have refused one suitable offer of accommodation.
- All other applicants who have refused three suitable offers of accommodation

In these cases, applicants will be advised of their right to request a review of the suitability of the accommodation offered.

3.6.3 How serious offenders are dealt with under this scheme

At the time an application is made, an applicant must declare if they or anyone who will be residing with them has a conviction of a criminal offence or anti-social behaviour order. These will be taken into consideration when assessing if an applicant qualifies to join the housing register.

CDC will take advice and guidance from other agencies, including the police and probation services, in order to assess the risk to the community of any applicant who has been convicted of an offence and who may present a risk to potential neighbours and/or communities.

CDC's housing department has to cooperate with the Multi-Agency Public Protection Arrangements (MAPPA) in Oxfordshire. Applicants subject to MAPPA arrangements can apply for properties in the normal way. If successful, the Responsible Authority will decide if the property is a suitable allocation for the individual.

Applicants have the right to request a review of any decision made by CDC regardless of whether they are subject to MAPPA. For more information on reviews see section 11.

4. The Banding Scheme

CDC determines the relative priority that is applied to each application to the housing register. CDC is required to give Reasonable Preference in this allocation scheme to certain categories of applicant. These Reasonable Preference categories cover:

- People who are homeless as defined by Part VII of the Act
 - People who are owed a duty by CDC under section 190(2), 193(2) or 195(2) of the Act.
- People occupying unsanitary, overcrowded or otherwise unsatisfactory housing
- People who need to move on medical or welfare grounds (including grounds relating to a disability) (for further information see Appendix 4 and 5)
- People who need to move to a particular locality within Cherwell to avoid hardship to themselves or others

4.1 The Structure of the Banding Scheme

The banding scheme consists of four bands as summarised in this section.

Band 1 – **Urgent** need to move

Band 2 – **Significant** need to move

Band 3 – **Moderate** need to move

Band 4 – **Low** need to move

In cases where a Band 1 or 2 has been applied, the Band will be subject to a review every 3 months. A Band 1 or 2 applied to an application may be withdrawn if very few bids or no bids have been placed without good reason which indicates that the need for alternative housing is not significant or urgent.

4.1.1 Band 1 summary – Urgent need to move

Hospital discharge

Those who have somewhere to live on leaving hospital, but it is unsuitable for their medical needs and cannot be made suitable through adaptations due to cost, structural difficulties or the property cannot be adapted within a reasonable amount of time. Where the impact is assessed as being urgent a Band 1 may be applied.

Those who have nowhere at all to live when they leave hospital may qualify for Band 1 if the need to move is urgent and all other reasonable housing options have been explored.

Urgent Health or disability

See health and disability table Appendix 4.

Urgent Social, Welfare and Hardship

See social, welfare and hardship table Appendix 5.

Abuse, Violence or Harassment

Band 1 may be applied to the applications of high risk victims of domestic abuse, subject to a Multi-Agency Risk Assessment Conference (MARAC) when this is part of an agreed safety plan.

Overcrowded by 3 or more bedrooms

Band 1 is applied to applications in cases where the household occupies accommodation which is 3 or more bedrooms smaller than required in accordance with the Bedroom Standard (see Appendix 3). Note: if an applicant has moved themselves into an overcrowded situation CDC may not apply a Band 1.

Under-occupation of social tenancies in Cherwell

RP tenants who under-occupy social housing and who wish to move to a property with fewer bedrooms than they already occupy are placed in Band 1.

Ex Armed Forces personnel who have sustained serious injury, medical condition or disability during service

Existing or former members of the armed forces or reserve forces who are suffering from a serious injury, illness or disability which is wholly or partly attributed to their service. Any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the UK Armed Forces. This award only applies where the applicant's current accommodation does not have the adaptations or facilities required in relation to the injury and cannot reasonably be adapted to meet the required needs.

Private sector properties subject to Prohibition Order, Demolition Order or Overcrowded Notice

Prohibition or Demolition Order served, preventing the applicant from occupying the whole dwelling or let room. Or Overcrowding Notice served, requiring the applicant(s) to cease occupation of their sleeping accommodation.

Safeguarding Children / Vulnerable Adults

Serious threat to the well-being of a child or vulnerable adult and their accommodation is a contributory factor to the risk. These are cases where a move is required to mitigate the risk to the child or vulnerable adult as confirmed by a Senior Manager in Children's Services / Adult Service or equivalent subject to a Child / Adult Protection Conference and agreed by the Housing Options and Allocations Manager.

Elderly social housing tenants in Cherwell who wish to move to sheltered accommodation

Elderly applicants who will be releasing general needs social housing.

Release of adapted social housing

Where a tenant does not require the adaptations in their current social housing property and will therefore be releasing an adapted property by moving and there is a suitable applicant on the housing register for the adapted property which will be released through a move. Band 1 may be applied if the applicant still requires adaptations provided the adaptations required are different from those in their current home.

Approved move-on from Care

Band 1 will be applied in accordance with protocols between CDC's Housing service and Oxfordshire County Council's Children's service department. The applicant must be a former relevant child as defined by the Children's Leaving Care Act 2002 and be a young person at risk.

Approved or adopter or foster carer lacking adequate bedrooms

Approved or current long-term foster carer or adopter lacking one or more bedrooms in order to commence or continue with the arrangement. Long-term fostering is a fostering arrangement for a period of 3 years or more. Adopters or long-term foster carers must provide supporting documentation from social care that confirms they have been approved to adopt/foster and alternative accommodation is required or that they will be approved to adopt/foster once satisfactory accommodation is obtained. Short-term foster arrangements and 'kinship' arrangements will be considered on a case-by-case basis if a letter of support is provided by the Service Manager of Fostering Services outlining an urgent need for alternative accommodation.

4.1.2 Band 2 summary – Significant need to move

Statutory Homeless Households

All accepted statutory homeless households as defined by Part VII of the Act and are owed a Relief or main Housing duty under section 189b or 193(2).

Homeless households found not to be in priority need

A verified homeless applicant that has approached CDC for assistance under homelessness relief duties or the relief duty has expired and CDC is satisfied that the applicant is homeless, not in priority need and not homeless intentionally (section 192 of the Act).

People at risk of homelessness

Those owed a Prevention Duty under section 192 of the Act, as at risk of homelessness within 56 days as determined by the council's Housing Options Team. This will be reviewed as part of on-going case work at least every 28 days.

Significant Health or Disability

See health and disability matrix Appendix 4.

Significant Social, Welfare and Hardship

See social, welfare and hardship matrix Appendix 5.

Overcrowded by 1 or 2 bedrooms

Applicants overcrowded by 1 or 2 bedrooms calculated in accordance with the bedroom standard (see Appendix 3)

Armed Forces with discharge date

Those who are currently serving in the regular forces or who were serving in the regular forces at any time in the 5 years preceding their application for an allocation of social housing OR

Bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled to reside in Ministry of Defence accommodation following the death of their spouse or civil partner, and (ii) the death was wholly or partly attributable to their service. Armed Forces applicants are awarded Band 2, 12 months prior to their official discharge date – documentary evidence will be required.

Unsatisfactory Housing

A suitably qualified officer of CDC (typically an Environmental Health Officer (EHO) or Environmental Health Technical Officer (EHTO)) has either:

- Assessed the property using the Housing Health and Safety Rating System (HHSRS) and identified one or more Category 1 or Category 2 hazards and has confirmed that the occupant(s) cannot be reasonably expected to remain in the property whilst the required works are carried out or the works cannot be carried out within a reasonable timescale.
- Identified breaches of Management Regulations in a House of Multiple Occupation (HMO) and has confirmed that the occupant(s) cannot be reasonably expected to remain in the property whilst the required works are carried out or the works cannot be carried out within a reasonable timescale.

Households with a Right to Move

An existing social housing tenant that needs to move to Cherwell to avoid hardship and a move to Cherwell would resolve the hardship because the tenant works or has been offered work in Cherwell and has a genuine intention and expectation to take up the work. Work of a short-term, marginal, ancillary or voluntary nature is excluded for this purpose but apprenticeships are included.

Approved Move-On from Supported Housing

An applicant who is considered ready to move to independent accommodation on the recommendation of the allocated support worker and in agreement with CDC's Housing Options Team. Information will need to be provided by the support worker to demonstrate that the applicant has acquired the necessary skills to live independently and have this approved by the Housing Options Team. Ongoing support needs must also be assessed and, where appropriate, a support plan must be in place. Auto-bidding will be applied to applications with a Move-on Priority.

4.1.3 Band 3 Summary– Moderate need to move

Tied Accommodation

Applicants living in tied accommodation relating to their employment, and who have received formal notice of termination of their employment and tenancy through no fault of their own. Band 3 will only be applied where there is clear documentary evidence that the employer is terminating the employment and the use of the accommodation within 12 months.

Agricultural workers

CDC will apply Band 3 to displaced agricultural workers in accordance with the requirements of the Rent (Agriculture) Act 1976. In reaching a decision on whether an applicant is to be prioritised for housing on these grounds, CDC will need to be satisfied that:

- the dwelling from which the agricultural worker is being displaced is needed to accommodate another agricultural worker and the farmer cannot provide suitable alternative accommodation for the displaced worker
- the displaced worker needs re-housing in the interests of efficient agriculture
- the farm is sold and the property will no longer be available

CDC will take advice from the Agricultural Dwelling-House Advisory Committee (ADHAC) in all these respects.

Intentionally homeless

Applicants who qualify to be on the Housing Register but have been deemed to have made themselves intentionally homeless as defined by the Act. If an applicant is still on the housing register 12 months after the decision that they are intentionally homeless, their application will be reviewed and re-assessed with the appropriate Band then applied to reflect their current housing circumstances.

Moderate Health or Disability

See health and disability matrix Appendix 4.

Moderate Social, Welfare and Hardship

See social, welfare and hardship matrix Appendix 5.

4.1.4 Band 4 Summary – Low need to move

Applicants who are eligible and qualify to join the housing register but do not meet the criteria for any further priority to be applied under the terms of this allocation scheme.

5. Types and sizes of properties that applicants will be considered for

When deciding the size and type of property that applicants will be eligible for, CDC will normally allocate accommodation in accordance with bedroom standard outlined in Appendix 3. There are, however, circumstances in which CDC may deviate from this and these circumstances are detailed in this section.

5.1 Social and welfare

Applicants with a need to move on social and welfare grounds will be required to provide supporting information and be assessed in line with the social and welfare table. For further information see Appendix 5. Applicants that are considered to have a need to move based on requirements for specific adaptations, property sizes or types due to assessed social or welfare issues will only be considered for properties that will meet those requirements and therefore resolve the need to move.

5.2 Medical assessment and adapted homes

Applicants who have a medical need will be asked to complete an online medical form, which will be assessed by CDC. For further details see Appendix 4. Applicants that are considered to have a need to move based on requirements for specific adaptations, property sizes or types due to assessed medical reasons will only be considered for properties that will meet those requirements and therefore resolve the need to move.

5.3 Pregnant applicants

CDC will take an expected child into account in determining the minimum/maximum bedroom need of an applicant, subject to evidence of the pregnancy at 25 weeks. CDC will treat the expected child as the same sex as a sibling until born.

5.4 Extra room allowed for non-resident, overnight carers

Applicants with a disability or a long-term health condition who have a non-resident, overnight carer may be entitled to an extra bedroom

To qualify for an extra bedroom they will need to show:

- they reasonably require overnight care and that this care is provided
- a support plan has been formulated by adult social care that evidences overnight care is required.
- one or more persons regularly stay overnight to provide care there is a need for an extra bedroom that is used by a carer or carers for overnight stays as part of caring for the applicant or the applicant's partner
- that they receive Personal Independence Payments or Attendance Allowance which highlight the need for care tasks during the night.

If an applicant does not receive Personal Independence Payments or Attendance Allowance they must provide CDC with sufficient evidence, as requested on a case by case basis, to show that overnight care is required.

Note: Although applicants can choose to apply for a property larger than their needs so they can accommodate carers, carers may not always be taken into account for housing benefit or universal credit payments for extra bedrooms unless the carer is actually in residence at the property.

5.5 Children / access to children

For the purposes of this allocation scheme, a child is defined as someone who is either under the age of 16 or who is still dependant on the applicant e.g. due to continuing education.

Where parents do not live together the children will be treated as living with the parent who provides their main home and is in receipt of Child Benefit. In the instance of parents who have shared care arrangements in place, these will be considered on a case by case basis taking into account any formal arrangement, court order and/or social service involvement.

5.6 Fostering and adoption

Families undertaking long term fostering may be able to include foster children as part of their application to ensure that they are eligible for the appropriate sized property. Long term fostering is fostering for a period in excess of three years (not necessarily involving the same child or children). It is essential that written confirmation of the fostering arrangement is obtained from Social Services. Consideration will be given to this in assessing the application. Short term fostering will normally be discounted but will be considered on a case by case basis.

Families who are in the process of adopting a child may be able to include adopted children as part of their application to ensure that they are eligible for the appropriate sized property. In order to have an adopted child included in the household, applicants will be required to have applied to an appropriate adoption agency and be able to provide proof and supporting documentation that the applicant has been approved as a prospective adopter or is in the final stages of obtaining approval.

Note: Although applicants can choose to apply for property larger than their needs so they can foster, foster children may not always be taken into account for housing benefit or universal credit payments for extra bedrooms unless the foster child is actually in residence at the property.

6. Allocations and how to apply

6.1 How to make an application

To apply to join the housing register applicants must complete a housing register application form. This can be complete online at www.Cherwell-HomeChoice.org.uk.

Assisted completion of an application form over the phone is available for those who do not have internet access or those that require additional help to complete the online form.

CDC aims to assess applications and notify applicants of the outcome of their housing register application within 20 working days of the application being submitted. If further information or documentation is required, CDC aims to notify applicants of the outcome within 20 working days of all required information or documentation being submitted.

If the required supporting information or documentation is not provided by the applicants, the application cannot be made active. If the information is not received within 20 working days of the application being submitted the application will be closed.

More information about how to apply for social housing in Cherwell is available on CDC's website.

An applicant who requires assistance should call CDC's Customer Service Team on 01295 227004 or email housingregister@cherwell-dc.gov.uk.

6.2 Bidding for available properties

Once applicants are accepted onto the housing register they can start bidding for properties. CDC advertises all properties through its nomination agreements with partner RPs through its Choice Based Letting (CBL) scheme. The eligibility of applicant's bids received will be checked against the labelling used in the advertisement. Any ineligible bids will be skipped. Where multiple bids are received for the same property, the allocation of that property will be based on the priority of bids received, with Band 1 applicants having the highest priority.

6.3 What are 'Allocations' under this scheme?

An 'allocation' of accommodation under this allocations scheme is the nomination by CDC of a person to be an Assured or an Assured Shorthold tenant of a RP's housing accommodation. Often the tenancy offered by the RP will be a 'Starter Tenant' meaning that the RP will grant an Assured Shorthold Tenancy for a set 'probationary' period (usually 12 months). Provided that the tenant successfully completes the 'probationary' period the RP will grant an Assured Tenancy.

6.4 Exempt Allocations – Accommodation provided for lettings that is not covered by this scheme

The following are not 'allocations' under this scheme:

- a. an introductory / starter tenancy becoming a secure / assured tenancy
- b. provision of non-secure temporary accommodation in discharge of any homelessness duty or power

6.5 Joint tenancies

This allocation scheme supports adult applicants wishing to sign as joint tenants should they choose to do so as long as both parties are eligible and qualify.

7. Choice Based Lettings (CBL) Scheme

7.1 Statement on choice

Applicants to the housing register are able to play an active role in choosing which available properties they want to be considered for by being in control of placing 'bids' through the CBL website cherwell-homechoice.org.uk.

The allocation scheme:

- allows a range of applicants to be considered for accommodation
- gives applicants a choice of locations within Cherwell
- allows applicants to consider a range of property types
- applies auto bidding (see section 9.1 for further details) and time limited priority to certain applicants - for further details see section 9.

7.2 Overview

CDC's CBL scheme process is as follows:

- a. available properties are advertised weekly (over a six day period)
- b. applicants apply for properties that meet their housing need
- c. applicants can apply for up to three properties in any advertising cycle
- d. when the advertising cycle is complete shortlists are created from those who have applied and sorted into priority order (as defined in the allocation scheme – see section 7.3 and 7.5)
- e. the applicant (normally the one at the top of the list) is selected to be nominated by CDC to the landlord for a provisional offer to be made
- f. the landlord accepts or rejects the nomination
- g. the landlord offers the property to the successful applicant
- h. the applicant accepts or rejects the offer
- i. the results of shortlisting are published on CDC's website

If the landlord rejects the nomination or the applicant rejects the offer,

- a. the property will either be offered to the next eligible applicant on the shortlist in which case the process outlined above will be followed until either:
 - i. the landlord accepts a nomination and an eligible applicant accepts an offer in which case a tenancy will be entered into; or
 - ii. there are no further eligible applicants on the shortlist; then
- b. the property will be advertised in the next lettings cycle. Landlords are only required to advertise a property on 2 cycles and if the property remains not let after 2 cycles can let the property through other means.

7.3 Priority order

Once the advertising period has closed the system will automatically create a shortlist of applicants for each property into priority order (as determined in accordance with this allocations scheme – see below in this section 7.3 for more information). The successful applicant for each property will normally be the one

who is eligible for the size and type of property being offered and who is in the highest band. Where there is more than one applicant in that band, priority will be decided by the date the band was effective.

However, CDC reserves the right not to nominate the property to the person highest on the shortlist, if the property offers a better housing solution to meet the needs of another high priority applicant and CDC will determine whether to apply its discretion on a case by case basis.

Shortlists can be created with the following priority order:

- a. Applicant type - but only if an applicant type preference is specified in the advert (See section 7.9 for applicant types)
- b. Parish or village connection – but only if a parish or village connection preference is specified in the advert
- c. Ground floor accommodation – but only if ground floor preference is specified in the advert
- d. Adapted Accommodation – will always be used where a property is specifically adapted for the disabled with preference being given to those applicants who require the adaptations within the property.
- e. Keyworker – but only if keyworker preference is specified in the advert.
- f. Right to Move applicant – but only if a social tenant moving for work preference is specified in the advert
- g. Band – will always be used. The band order is: 1, 2, 3 and 4
- h. District Connection – will always be used
- i. Size of household - but only if a preference to larger families is specified in the advert
- j. Effective date of Band - to order applicants within the same band
- k. Employment, education and training – but only as specified in the advert or local lettings plan

7.4 Key workers

For the purpose of this allocation scheme a key worker is defined as: An employee in a role that provides a vital local service that is essential to the wellbeing of society and for which there is a demonstrable shortage of local labour. This includes the following categories of key workers:

Category 1	National Health Service	All clinical staff.
Category 2	Support workers in health roles	Including care assistants, healthcare support workers, maternity support workers, nursing assistants, occupational therapy assistants, physiotherapy assistants, assistant practitioners, radiography assistants, speech and language therapy assistants, senior care assistants.
Category 3	Adult social care roles	Including day care assistants, day care officers, domiciliary care workers, activities workers, home care workers, nursing assistants in nursing homes or hospices, personal assistants, reablement assistants, residential care workers, senior home care workers, support workers.

Category 4	Local authority and Government agency workers	Including social workers, occupational therapists, educational psychologists, rehabilitation officers, planning officers, environmental health officers, Connexions personal advisors, clinical staff.
Category 5	Fire and rescue staff	Uniformed fire and rescue staff below principal level.
Category 6	Teachers and nursery nurses	Qualified teachers in any Local Education Authority school or sixth form college, or any state-funded Academy or Free School; qualified nursery nurses in any Oxfordshire County Council nursery or pre-school.
Category 7	Universities and colleges	Lecturers at further education colleges; lecturers, academic research staff and laboratory technicians at Oxford Brookes University or any college or faculty within the University of Oxford.
Category 8	Police and probation officers	Police officers and community support officers; probation service officers and other operational staff who work directly with offenders; prison officers including operational support.
Category 9	Ministry of Defence staff:	Servicemen and servicewomen in the Navy, Army or Air Force; clinical staff.

A person in a role that is not included on the above list may apply to be given key worker status under this allocation scheme. Such applications must be made in writing and will be considered by the Housing Options and Allocations Manager or Senior Officer, taking into account the definition stated and evidence provided from the person's employer.

7.5 Date order

There are two dates used to determine the order of priority when deciding which applicant to nominate for a property. These are:

the Registration date – the date the application is received by CDC

the Effective date - the date that the information, or where necessary all supporting documentation is received by the council to enable CDC to determine the application and the application is assessed for band 1, 2, 3 or 4. (This will be the same as your registration date if your application goes straight into bands 1, 2, 3 or 4)

This will help ensure that if applicants with the same Band bid on the same property, the applicant with the longest waiting time will receive an offer of accommodation first.

Where two applicants with the same effective date in the same band apply for the same property the applicant with the earliest registration date will be given priority for an offer of accommodation. If both applicants also have the same registration date then a Senior Housing Officer will determine which applicant is given priority on a case-by-case basis.

7.6 Moving between Bands

If applicants move down from a higher Band (e.g. 1 or 2) to a lower Band (e.g. 2 or 3), the effective date that the earlier higher Band was applied will be retained as the effective date of the new, lower Band.

If applicants move from a lower Band to a higher Band then the effective date of the higher Band will be the date on which the higher Band is applied or, if sooner, the date on which the information was provided that resulted in a higher Band being applied.

Regardless of any previous changes in Band, the effective date of a Band 4 will be the date on which the most recent application was submitted.

7.7 Direct match

It may be necessary to nominate a particular applicant directly to a particular property in order to make best use of housing stock and to resolve cases involving significant or uncommon housing needs. In these circumstances the property will be advertised on the choice-based lettings website (HomeChoice) as having been subject to a direct match.

Direct matches will typically account for less than 5% of all lettings each year and must be authorised by a Senior Housing Officer or the Housing Options and Allocations Manager. Indicative examples of when a direct match may be carried out include:

- A low demand property that has been advertised on one letting cycle and has not been successfully let but would resolve the housing need of a person that is homeless or at risk of homelessness.
- A property that is immediately ready to let and would meet the needs of a person who is homeless or at risk of homelessness and is able to move immediately.
- A disabled adapted property that would meet the specific, uncommon disabled housing needs of an applicant, such as a family with a disabled household member that requires a ground floor room with a level access shower.
- A property that has been adapted with disabled facilities to meet the needs of a specific applicant or his/her household.
- A property that is let through the Housing First scheme, or similar schemes introduced from time-to-time, in order to accommodate applicants with a history of rough sleeping.

Note: Allocation of Extra-Care Housing is subject to separate allocations arrangements (see Appendix 6) and whilst direct matches of applicants are carried out these will not be advertised as having been let on the choice-based lettings website.

7.8 Nominations

Subject to the exceptions set out in section 7.5 of the allocation scheme CDC would normally nominate the applicant at the top of the shortlist, providing they meet the criteria specified in the advert, still qualify and are eligible to be on CDC's housing register.

If an applicant is next on the shortlist for more than one property they will be contacted and asked to express a preference for the property they would like to be considered for. Nominated applicant's details will be made available to the RP of the property. Applicants will be unable to place further bids once they have been nominated until an offer is rejected or accepted.

Applicants should note that the RP which owns the property that they are nominated to will consider their own policy and eligibility criteria when making the decision as to whether an offer of the accommodation can be made.

7.9 Quota arrangements

CDC groups applications into the following three categories:

- a. General Needs
- b. Transfers
- c. Statutorily Homeless

CDC uses these categories to determine how to apply quotas for allocations of affordable housing.

The three categories can be broken down into:

Transfer applicant

A transfer applicant is a secure tenant or an assured tenant of CDC or CDC's RP partners who lives in Cherwell and whose application has been accepted onto CDC's housing register.

Statutorily Homeless applicant

This will include those who have been accepted for the Homeless Relief Duty, Main Housing Duty or those without a priority need once the 56 day Relief Duty has expired, if verified to be homeless and who did not become homeless intentionally.

General needs applicant

General register applicants are all other applicants who have been accepted onto CDC's housing register.

When advertising available housing, preference can be given to different categories of applicant including, for example:

- a. transfer applicants
- b. homeless applicants
- c. applicants in particular Bands
- d. applicants in employment, education or training

As a guide, CDC uses the following quotas when advertising available housing:

General needs	40% including 3% to key workers and 1% to social tenants needing to move for work
Transfers	30%
Statutorily Homeless	30%

CDC is keen to encourage applicants to seek employment, education or training and to achieve this, adopts a guide quota of 30% of all advertisements each year to give preference to applicants in employment, education or training.

Property adverts will clearly identify when preference is being given in this way.

7.10 What is restrictive labelling and how is it applied under this scheme?

Restrictive labelling means that greater preference will be given to those who fulfil the criteria of the restrictive label.

CDC may apply restrictive labelling to adverts in order to identify particular types of applicants, giving them preference to meet local needs and targets and make best use of social housing stock. Examples where restrictive labelling will be applied include:

- a. transfer applicants
- b. homeless applicants
- c. ground floor need
- d. larger households
- e. nature of tenure being offered
- f. Local Lettings Plan is in place
- g. Sensitive Lettings Plan is in place
- h. disabled adapted properties
- i. employment, education and training
- j. social tenant moving to area
- k. key workers
- l. sheltered accommodation
- m. extra care accommodation

7.11 Local Lettings and Sensitive Lettings Plans

CDC may from time to time agree a Local Lettings or Sensitive Lettings Plan for specific properties, areas or developments to reflect local circumstances. Any Local Letting Plan will have regard to housing management considerations such as the social mix of tenants, density, age range, community stability and specific housing management issues being experienced in the local area.

Where a property is advertised in accordance with a Local Lettings or Sensitive Lettings Plan, the letting will be made to the applicant with the highest band and who meets the eligibility criteria of the Local Lettings or Sensitive Lettings Plan.

8. Statutorily Homeless Households

For the purpose of this allocation scheme, where a formal decision is made that an applicant is eligible, at risk of homelessness, or is homeless and did not become homeless intentionally, they will be treated as 'Statutorily Homeless' as defined by the Housing Act 1996 (s189b, s192, s193 and s195).

This includes households found to be:

- (s195) Households at risk of homelessness where a 'Prevention Duty' is owed.
- (s192) Households who are homeless, not deemed to be in Priority Need but not intentionally homeless.
- (s189) Households who are homeless and deemed to be in Priority Need – owed a Relief Duty
- (s193) Households who are homeless and deemed to be Priority Need and not intentionally homeless, Main Housing Duty.

8.1 How the council allocates to Statutorily Homeless households under the scheme (s195, s192, s189, s193)

CDC will inform applicants in writing when making an offer of accommodation in discharge of a homelessness duty. If the applicant accepts the offer of accommodation then their application will be marked as housed and closed accordingly. CDC will only make a direct offer of accommodation if it is satisfied that it is suitable. If the applicant disagrees with this decision they can request a review of that decision in accordance with their statutory rights.

A refusal of one suitable offer of accommodation, will result in the homeless Prevention Duty, Relief Duty or Main Duty being discharged and removal of the priority applied to the application on these grounds (Band 2).

A suitable offer may be private rented, social housing or supported accommodation. Refusal of a suitable offer under Relief of the Main Housing Duty, will result in the applicant being disqualified from the housing register for a period of 6 months. The applicant will be informed of this decision in writing and of the rights to review that decision.

8.2 Households owed a homelessness prevention duty (s.195 (2))

Where an applicant has approached CDC for assistance and CDC is satisfied that they meet the criteria to be owed the Prevention Duty, their housing application may be placed in Band 2 'At Risk of Homelessness' providing other qualification criteria is met.

The applicant will be able to place up to three bids on available properties they are eligible for via the CBL system. Refusal of ONE offer of housing considered to be reasonable and suitable by the council, will result in the Prevention Duty being discharged. This could be a private rented property, social housing or supported accommodation. If the Prevention Duty is discharged any priority awarded to the application based on being 'At Risk of Homelessness' will be removed.

Any decision to discharge a Prevention Duty is subject to a review under S202 of the Act.

8.3 Households who are believed to be homeless, eligible and in priority need, owed the Relief Duty and Interim Accommodation Duty which the authority is discharging (s.188)

Where an applicant has approached CDC for assistance and the council is satisfied that they are homeless, eligible and have reason to believe are in priority need and as a result have provided interim accommodation, under the Relief Duties, their application may be placed in Band 2 providing other qualification criteria is met in accordance with this scheme. They will be classed as a 'homeless household'.

The applicant will be placed on auto-bidding and will be eligible for ONE offer of housing considered to be reasonable and suitable by the council.

8.4 Households who are homeless, in priority need and not homeless intentionally, accepted for the Main Housing Duty (s.193 duty)

Where an applicant has approached CDC for assistance and the Relief Duty has expired; if CDC is satisfied that they are homeless, in priority need and not homeless intentionally, their housing application may be placed in band 2 (s193 duty), providing other qualification criteria is met in accordance with this scheme. If accepted for the Main Duty by CDC, local connection will be approved via 'special reason' if no other qualification applies and the duty is not to be referred to another local authority under (s198). They will be classed as a 'homeless household'.

The applicant will be placed on auto-bidding and will be eligible for ONE offer of housing considered to be reasonable and suitable by the council.

8.5 Households who are homeless and found not to be in priority need (s.192)

Where an applicant has approached the council for assistance under Relief Duties or once the Relief Duty has expired, if the council is satisfied that they are homeless, not in priority need and not homeless intentionally, and have a local connection their housing application may be placed in Band 2 as Statutory Homeless (s.192 duty), providing other qualification criteria is met in accordance with this scheme. They will be classed as a 'homeless household'.

The applicant will be placed on auto-bidding and will be eligible for ONE offer of housing considered to be reasonable and suitable by the council.

8.6 Households who are homeless and have been found to be homeless intentionally (s.190)

Where an applicant has approached the council for assistance and the Relief Duty has expired; if the council is satisfied that they are homeless, in priority need but homeless intentionally, and have a local connection (s190 duty) their housing

application may be placed in Band 3, providing other qualification criteria is met in accordance with this scheme. The applicant will be eligible for three offers of housing from the council. The applicant will retain a choice of housing and location.

If an applicant is still on the housing register 12 months following this decision, then their application will be reassessed and they will be placed in the band which meets their circumstances at that time.

9. Applicants with an urgent or significant housing need

Applicants who are considered to have an urgent or significant housing need will be monitored for a three-month period from the date Band 1 or 2 is applied to their application. During this time applicants are reasonably expected to place bids for suitable properties which are advertised.

After three months, if the applicant has not received an offer of accommodation CDC will review the application. In conducting the review CDC will take into consideration the following factors:

- a. Has the applicant placed any bids for advertised properties?
- b. Have there been any properties advertised that would have met the applicant's needs?
If so, CDC will consider the reasons why they chose not to bid or investigate why they were unsuccessful.
- c. Does the applicant have a specific need for property that has not been available in the time period?
- d. Have they received appropriate support and help in accessing the Choice Based Letting scheme?
- e. Do the person's circumstances remain the same or has the need for alternative housing reduced?

Having considered the above factors, CDC may re-assess the Band applied to the application or extend the priority for a further three months. The Band applied to an application can be reviewed and changed at any time if the applicant's circumstances change.

9.1 Automatic bidding for statutory homeless and move-on applicants

When an application is placed on automatic bidding, the applicant is still able to place three bids on available properties of their choice. However, if there are suitable properties available and the applicant has not used their three bids, CDC's computer system will place up to three bids per letting cycle on properties the applicant is eligible for on that applicant's behalf. Properties that the computer system bids on may be outside of the areas of choice that an applicant wishes to live in. There may be areas that are excluded by agreement that are unsuitable for an applicant and a nomination to properties in those areas will not be made.

Auto bidding will be applied to statutorily homeless households of CDC from the date the homelessness duty is accepted and to those awarded Move-on priority.

Vulnerable applicants who do not have an advocate to bid on their behalf can also request that automatic bidding is applied to their application to ensure that bids are placed.

10 Rural housing

10.1 Rural lettings schemes

To help sustain rural communities, CDC will typically set a target for the proportion of lettings in villages to be let to applicants with a local connection to the village where the property is located.

On the initial letting of properties on new affordable housing developments in rural areas which are not rural exception sites, a target of 50% of all lettings will be advertised with additional priority given to applicants who have a connection with the village in-line with the terms of the Section 106 agreement or Section 10.3 below and have been accepted onto CDC's housing register. If there are no eligible applicants with a connection to the village, priority may then be given to applicants from surrounding villages if this is stipulated in the Section 106 agreement for the housing development.

On the re-letting of existing affordable housing properties in rural areas at least one in three properties will be advertised with additional priority given to applicants who have a village connection in line with the Section 106 agreement or Section 10.3 below and accepted onto CDC's housing register. If there are no eligible applicants with a connection to the village, priority may then be given to applicants from surrounding villages if this is stipulated in the Section 106 agreement for the housing development. If there are no eligible applicants in those surrounding villages, the property will be available to all other eligible applicants as normal. Should there be no local connection parameters detailed within a S106 the default assessment of local connection will be that as expressed within this allocations scheme detailed below in section 10.3.

10.2 Rural exception sites

Rural exception sites are developments which are outside the village boundary, which would not normally be given planning permission but CDC has determined to grant planning permission as an exception because of a specific need for affordable housing, for local people who cannot afford market priced housing in that area. The housing is granted planning permission on the basis that it must remain affordable in perpetuity.

When affordable housing is built on rural exception sites, or planning obligations are attached to other affordable housing developments, there may be restrictions on the occupancy of these homes. These restrictions are intended to ensure that applicants with a village connection and in housing need as defined in the allocation scheme have first priority for nomination to any social or affordable rented properties.

This means that applicants must not only meet the eligibility / qualification criteria for joining the housing register but also the requirements negotiated with the original S106 agreement or nominations agreement for each individual site.

Should there be no local connection parameters detailed within the S106 or Nominations Agreement then the default assessment of local connection will be that expressed within the allocations scheme as detailed in section 10.3 below.

10.3 Village or parish connection for rural lettings

In order to establish a qualifying village or parish connections the applicant (or joint applicant) must meet at least one of the following criteria:

- have lived in the village for the last five years
- be employed in the village for a minimum of sixteen hours per week and the employment is not of a short-term nature
- have ten years previous residence in the village if not currently residing there
- be over 55 or with a disability requiring support on health grounds from close relatives currently living in the village
- have close relatives (as defined at section 3.6.2.3) living in the village for a period of at least the last five years.

Where applicants have a strong connection with a village, CDC will ask them to detail this on their application. This will enable the connection to be verified and for the applicant to be given additional priority where applicable, for any housing development that takes place in areas where they hold such a connection. If an applicant is successful, they will have to provide proof of their connection before they can be approved for the nomination.

11. Refusal of offers, reviews and complaints

11.1 Refusal of offers

In circumstances where an applicant has successfully bid but has refused three suitable offers of accommodation their application will be closed and they will be disqualified from re-applying to join the housing register for 6 months from the date of the third refusal.

If an applicant successfully bids for a property but the RP is unable to contact the applicant using the telephone and email contact details recorded on the application within 2 working days of the first attempted contact, this will be considered as a refusal of an offer. The applicant who is uncontactable will be skipped and the next eligible applicant on the shortlist will be nominated.

The exception to this rule is for statutory homeless households or those with Move-on priority, who are eligible for one offer of accommodation only and refusal of their offer will result in the discharge of the council's homelessness duty or removal on the Move-on priority. Homeless applicants will have a right of review under sections 202 and 204 of the Act. Those with a Move-on priority also have a right to have the decision reviewed.

11.2 Reviews procedure

A request for review must be made in writing within 21 days of the applicant being notified of CDC's decision. CDC will determine the review within 8 weeks of the request or such longer period as may be agreed with the applicant.

The review must be considered on the basis of policy, law and known fact at the date of review. When conducting the review, CDC will consider any representations, written or otherwise, made by the applicant or on the applicant's behalf.

If further information is required, the review period within which the decision should be made may be extended by agreement with the applicant. Reviews will be carried out by a senior member of staff at CDC or delegated to an appropriate organisation or officer who was not involved in the original decision.

If the applicant is still dissatisfied, a report can be prepared for consideration by the Housing Options and Allocations Manager.

In the event of an applicant still remaining aggrieved, the next step to be considered is a complaint via CDC's Corporate Complaints Procedure or to Local Government and Social Care Ombudsman. Where it is decided to confirm the original decision on any issue against the interests of the applicant, CDC must also give its reasons.

Applicants may also have a right to challenge CDC's decisions via the courts and should seek independent legal advice in the event that they are aggrieved with any decision made by CDC.

(Note: CDC's allocation scheme does not remove preference for 'unacceptable behaviour' (see Section 3.6.2.1.) but instead renders such applicants to be disqualified from the housing register. As such the right to information pursuant to section 167(4A)(b) and related right to request a review under section 167(4A)(d) of the Act are not applicable in this allocation scheme and no applicant is prejudiced in relation to those statutory rights not being included herein.)

11.3 Review of suitability / discharge of duty for homeless applicants

Whether or not a Homeless applicant accepts an offer of accommodation to discharge a homeless duty, they have the right to request a review of the suitability of the accommodation they have been offered, under section 202 and section 204 of the Act.

11.4 Annual review of applications

In order to keep the housing register up to date all applications are subject to an annual review. The review is intended to ensure the applicant still wishes to be considered for accommodation and that the most up to date information about their housing circumstances is held. Applicants who fail to respond to either the review or reminder letter within 28 days will have their application closed.

11.5 Complaints

An applicant who is not satisfied with the service that they receive may register a complaint with CDC's complaint procedure by telephone, e-mail or in person. All complaints will be acknowledged and investigated in accordance with CDC's complaints procedure.

If you have a complaint, please use one of the following methods to contact CDC:

- Complete the compliment/comment/complaint form available from the website
- Visit one of CDC's offices in Bicester, Kidlington, Bodicote, Banbury
- Write to Complaints, Customer Service Centre, Cherwell District Council, Bodicote House, Bodicote, Banbury OX15 4AA
- e-mail complaints@cherwell-dc.gov.uk

An applicant's complaint should include their details, information about what went wrong and what the applicant wants CDC to do about it.

12 Fraud and deliberately worsening circumstances

12.1 Misleading or fraudulent Information

Under Section 171 of the Act, it is a criminal offence for an applicant to knowingly or recklessly give false information or knowingly withhold information which a local authority has reasonably required her/him to provide. Where there is suspicion or an allegation that an applicant, or any person acting on behalf of an applicant, has either provided false information or has withheld information, the application will be suspended whilst an investigation into that application is conducted.

If the outcome of any investigation is that the applicant, or any person acting on behalf of an applicant, did not provide false information or there was no withholding of information or such was not found to be withheld knowingly, then the application suspension will be lifted and reinstated to its previous position within the allocation scheme meaning that the applicant should not be disadvantaged as a result of the investigation.

If CDC discovers an applicant directly, or through a person acting on his or her behalf, has given false information or deliberately withheld required information CDC will consider legal action. In the event that CDC does take legal action and an applicant is found to be guilty of an offence under this section, the applicant will be liable on summary conviction to a fine not exceeding level 5 on the standard scale (£5,000). CDC will disqualify the applicant from the housing register for a period of up to five years.

In addition to the potential for legal action and disqualification from the housing register ground 5 in Schedule 2 of the Housing Act 1985 (as amended by Section 146 of the Act) enables a landlord to seek possession of a tenancy which it has granted as a result of a false statement by the tenant or a person acting at the tenant's instigation.

12.2 Deliberately worsening housing circumstances

In cases where an applicant or members of their household acted in good faith by moving from more suitable housing circumstance to less suitable housing circumstances this will not affect the Band applied to the application.

In cases where a deliberate act or omission is identified that was carried out with the intention to receive greater priority for alternative housing, the change to less suitable circumstances will be disregarded by CDC. The Band applied to the application will instead be determined by the applicant's previous housing circumstances, before the deliberate act or omission was carried out

13. Allocations outside of the allocation scheme and non-general needs housing

13.1 Sheltered and extra care housing

Only applicants that meet the minimum age criteria can be considered by CDC for nomination to sheltered accommodation. Applicants will also need to meet any additional eligibility criteria specified by the landlord. For further details see Appendix 6.

13.2 Supported Accommodation

Supported housing will be available only for applicants who are eligible for that particular type of accommodation and the related support. For example, some supported housing is provided exclusively for people with learning difficulties, or for young people leaving care. Where accommodation is available only for applicants who satisfy such special criteria, this will be clearly labelled on advertisements placed on the CBL website (HomeChoice).

13.3 Shared ownership and low-cost home ownership

Allocation of shared ownership properties available in Cherwell is primarily administered by Help to Buy South.

Telephone: 0800 456 1188

Email: info@helptobuysouth.co.uk

Website: helptobuyagent3.org.uk

Address: Collins House, Bishopstoke Road, Eastleigh, Hants, SO50 6AD

Note: It is no longer a requirement join the housing register to be considered for shared ownership, applicants can apply directly to Help to Buy South.

13.4 Mutual exchange

CDC encourages partner RPs to participate in Homeswapper (www.homeswapper.co.uk), a national mutual exchange website. Most do so already and where a RP does participate there is no cost to their tenants. It has the advantage of having substantial coverage across Cherwell and elsewhere.

Anyone finding a tenant to swap with must gain the approval of their landlord to proceed to do so.

13.5 Oxford City Council's unmet housing needs

Some social housing in the Cherwell has been built, or will be built in future, on specific sites to meet Oxford City's unmet housing needs. When these properties are allocated, priority will be given to housing applicants who have a local connection to Oxford. Cherwell housing register applicants who wish to be considered for these properties, must have a local connection to Oxford and be registered for housing with Oxford City Council.

14. Confidentiality, data protection and information sharing

Any information provided as part of the application process is handled sensitively and subject to appropriate confidentiality in accordance with the General Data Protection Regulations.

CDC shall comply with the requirements of the Data Protection Legislation and any equivalent or associated legislation in relation to the storing, processing and sharing of Personal Data in connection with this allocation scheme and will not knowingly do anything or permit anything to be done which might lead to a breach of the Data Protection Legislation.

Applicants have the right to request a copy of any personal information held by CDC. This is known as a Subject Access Request.

14.1 Sharing personal information

Personal information obtained from or about an applicant that applies to the housing register will only be used in ways that the applicant reasonably expects in order to process their application.

Applicants are made aware at point of application to the housing register that by submitting a housing register application their data will be stored, processed and shared as expected in order for CDC to provide the services requested, to assess their eligibility and qualification for housing in accordance with this allocation scheme.

The details provided by the applicant in relation to each housing register application and documents provided, either directly or via other professionals, will primarily be used in the following ways:

- to assess the application for social housing and determine the level of housing need in accordance with this scheme
- shared with other statutory and voluntary agencies including other housing providers, health trusts, support providers, police, probation, social services and other local authorities as appropriate in order to assess the housing register application
- shared with Private RP of social housing (e.g. Housing Associations) prior to an offer of social housing being made
- shared with private rental landlord(s), past or present as necessary to request tenancy references in relation to the applicant/s or members of his/her household.
- Shared with other CDC departments.
- For statistical recording and reporting including to government departments such as the Ministry of Housing, Communities and Local Government

15. Monitoring and evaluation

To help ensure that the allocation scheme meets its aims and objectives it will be monitored and evaluated on an annual basis. Any major amendments to the allocations scheme in response to evaluation will only be made following consultation with all relevant stakeholders in accordance with s.168 (3) of the Act.

15.1 Publication of results

The results of shortlisting are published on the choice-based lettings website (HomeChoice). The information provided can be used to help applicants decide which properties to apply for, by giving them a better idea how popular a particular property or area is and how long they would normally have to wait. The results which are published will not contain any personal details relating to the applicant. The results of the shortlist which are published are not in any order and will not reveal which applicant was successful.

Applicants who have expressed an interest in the particular property but are unsuccessful may request more personalised feedback on why they were unsuccessful.

15.2 Equality and diversity

CDC is committed to promoting and facilitating equality of access to social and affordable housing regardless of a person or household's age; disability; gender reassignment; marriage and civil partnership status; pregnancy and maternity; race including ethnic or national origins, colour or nationality; religion or belief; sex; and sexual orientation. CDC can provide performance data to evidence how they meet these requirements. Where concerns arise on individual cases, the monitoring will include a review of the data or issue of concern, and an action plan agreed. Any concerns should be raised with Assistant Director: Housing and Social Care Commissioning, stating the grounds for their concern.

15.3 What discretion is built into the scheme?

From time to time a situation may arise that is not predicted by this housing allocation scheme but the needs or circumstances are exceptional or significant.

Where a case is considered exceptional or significant by the Housing Options and Allocations Manager or Assistant Director: Housing and Social Care Commissioning and a higher or lower priority should therefore be justifiably applied rather than the band which the housing allocation scheme would typically apply, the Housing Options and Allocations Manager or Assistant Director: Housing and Social Care Commissioning retain discretion to apply a different level of priority.

The Housing Options and Allocations Manager or Assistant Director: Housing and Social Care Commissioning can also withdraw adverts/properties from being advertised in justifiable circumstances not predicted by this allocation scheme, including where a letting/advertisement cycle has already ended. Such cases are expected to be exceptional and therefore few in number.

Appendix 1: Definition of Terms

Affordable housing	Housing that you rent or part rent / buy from a council or registered provider
Allocation	<ul style="list-style-type: none"> • The selection process by which a person becomes a secure or introductory tenant of housing accommodation held by a housing authority <i>or</i> • The nomination process by which a person becomes an assured or assured shorthold tenant of housing accommodation held by a registered provider.
Children	Are defined as dependents, in a household, under the age of 16 or who are still dependant on the applicant e.g. due to continuing education
Choice Based Lettings	The advert-based system that CDC uses so that applicants on the housing register can apply for properties. Applicants are assessed, properties are advertised and applicants apply for them
Disabled adapted properties	Disabled adapted properties are properties that have been specially built or adapted for people with disabilities
Effective date	Date used to prioritise applications in a band based on the date that CDC assess which band an applicant should be placed in
General needs properties	General needs properties are suitable for applicants who do not have a need for sheltered accommodation or specially built or adapted properties. They include bedsitters and house, flats and maisonettes of any size
General register applicant	Applicants who have been accepted onto our housing register as being eligible to apply for social housing
Homeless applicant	Applicants found to be homeless, in a priority need group and where a duty to offer housing has been accepted under sections 193 or 195 of Part VII of the Act
Housing Register	The housing register is the waiting list administered by the council to identify applicants who it will nominate for housing from its partner RPs.
Joint Applicants	<p>Joint applicants may be:</p> <ul style="list-style-type: none"> • married couples • partners living together • others who wish to set up home together
Approved Move-on	Applicants who have been assessed by a support worker as ready to move-on from supported accommodation where the council have an agreed move-on protocol
Nomination agreement	A legal agreement between CDC and the RP which states how applicants will be nominated for vacancies by CDC, the number of vacancies that must be offered to CDC for nomination and any special priorities such as village or local connection

Registration date	The date the applicant's Housing application was received
Registered Provider (RP)	The official name for housing associations, housing co-operatives and housing companies that are registered with Homes England
Right to Move Applicant	Social housing tenants who have a reasonable preference because of a need to move to Cherwell to avoid hardship, and need to move because the tenant works in the district or they need to move to take up an offer of work
Section 106 Agreement	An agreement between CDC and a property developer governing the development of residential housing within the district
Secure tenancy	Tenancies granted by local authorities whenever granted and tenancies granted by registered providers before 15 January 1989
Sheltered housing	Sheltered housing is housing with visiting or residential staff
Social housing	Affordable housing that you rent or part rent / buy from a council or RP
Tied accommodation	Accommodation provided for and subject to employment
Transfer applicant	A transfer applicant is a secure tenant or an assured tenant of one of our partner RPs who lives in Cherwell and whose application has been accepted onto CDC's housing register

Appendix 2: Councillors, board members, employees and their close relatives

Staff, board members, councillors and their relatives are treated as any other applicant and will not gain any advantage or any preferential treatment during the application process, nor shall they be disadvantaged.

The following procedure will be undertaken to ensure that any nomination will be subject to a high level of scrutiny:

- The staff member who is applying to the housing register must have no direct input into any decisions regarding their application. This includes not inputting or assessing any information in relation to their application onto the housing allocations system or changing or amending any details at any time.
- Staff members must also have no involvement in the inputting of the application or awarding of priority for any of their relatives
- Applications should be clearly marked on the housing allocation system that the application is that of a staff member, board member, councillor or any of their relatives
- When such an applicant has bid for a property and is next in line to be nominated to an available property, the details of the nomination must be scrutinised and signed off by CDC's Housing Options and Allocations Manager or Assistant Director: Housing and Social Care Commissioning.

If an offer of a property is to be made to an officer at Assistant Director level or above then the offer must be countersigned by the Assistant Director: Housing and Social Care Commissioning.

Appendix 3: Bedroom and Space Standard

1. Bedroom Standard

For the purpose of allocating accommodation in accordance with this housing allocation scheme, the council will allocate a separate bedroom to each:

Adult couple
Any other single adult aged 16 years or more
Pair of children aged 10-15 of the same gender
Pair of children aged under 10 regardless of gender
Carer

The table below gives examples of the bedroom entitlement for adults and children:

Household size	Number of bedrooms to be allocated (if any eligibility criteria is met)
Single person under 35	Studio or 1 bedroom flat
Single person over 35	Studio or 1 bedroom flat
Adult Couple	1 bedroom
2 applicants not couple	2 bedrooms
Household with 1 child	2 bedrooms
Household with 2 children	2 or 3 bedrooms depending on age/sex of children
Household with 3 children	3 bedrooms

Applicants with a need for an additional bedroom due to the medical needs of the household will be assessed on a case-by-case basis taking into account the supporting documents provided. An offer of a larger property than the bedroom standard in these cases will be subject to an affordability assessment before an offer can be made. Applicants should also ensure that the property will be affordable for themselves.

Please note: people in receipt of benefits to pay their rent will only receive payment for property up to a maximum of 4 bedrooms.

2. Space standard

The space standard below is used as a guide to determine if bedroom sizes are inadequate:

Room's floor space in square metres	Number of people able to occupy
4.6 - 6.4	0.5
6.5 - 8.3	1
8.4 - 10.1	1.5
10.2	2

Anyone aged 10 or over counts as 1 person

Children aged 1 to 9 count as 0.5

Children under 1 year count as 0

3. Discretion for low demand properties

CDC may on occasion relax bedroom standard restrictions for low demand properties that have not been successfully let on an initial letting cycle. This may include allowing under-occupation of properties and may include giving priority to certain categories of applicant such as applicants who are already under-occupying social housing who are moving to downsize. For example, a single applicant moving from a 3 bed to a 2 bed property.

4. Definition of Household types

Single person under 55	One person household with no resident children A woman who is less than 25 weeks pregnant
Couple	Married, Cohabiting, Civil Partnership & same sex couples without resident children or with a woman who is less than 25 weeks pregnant
Family	Single parent or couple (as defined above) with minimum of one dependent child, who lives with parent(s) as the main or principal home. A woman who is 25 weeks or more pregnant
Insecure Households	Separate households sharing accommodation with no formal rights to occupy
Older Persons	One person household and couples over 55 years
Other	Any other household group including friends, siblings and families with non-dependent children

Appendix 4: Health and disability assessments

Applicants should complete CDC’s medical form in order to allow for a thorough assessment of medical needs. The below table will be used by CDC as a guide to determine the level of priority that should be applied to an application based on medical needs and gives illustrative rather than exhaustive guidance. In line with the guidance in the table, CDC will consider the severity and impact of the housing situation on the medical condition rather than only the severity of the medical condition itself.

Any supporting information that is provided alongside the application and medical form, including information from medical professionals, will also be considered and given appropriate importance when considering which band may apply in accordance with the table below.

	No medical priority	Band 3	Band 2	Band 1
Mental Health	CDC does not apply a priority band to any applicant on the basis of mental health that does not meet at least the band 3 criteria.	Prescribed medication alongside short-term, time-limited secondary care intervention. For example, talking space. Or referred to, or previous intervention received from a secondary care service with medication ongoing. In all cases housing must be the cause or significant aggravating factor in the mental health issue.	<p>Anti-depressant or anti-psychotic medication with sustained secondary care input. The care that is provided is vital to maintain community living and the housing situation is a significant factor in the illness and mental health is likely to deteriorate if housing need is not addressed. Secondary care input to be considered when no medication prescribed due to other factors e.g. pregnancy, conflict with other medication.</p> <p>Alternatively a mental health specialist planned treatment programme where housing is a significant factor in the plan and some support is needed to prevent admission into a psychiatric unit, or immediate deterioration in their health where housing issues are directly related to illness and relationships within the household are seriously affected by mental health issues.</p>	Immediate discharge from a psychiatric hospital following treatment where housing is a significant factor in the treatment plan or cannot be discharged to previous accommodation due to high risk. High support needs required to prevent re-admission.

Mobility	CDC does not apply a priority band to any applicant on the basis of mobility, if the property itself is suitable for the needs of the household, or if adaptations to make the property suitable could easily be carried out.	Home slightly unsuitable to meet their needs with low risk of harm e.g. some difficulty accessing essential facilities such as the toilet, bathroom, bedroom. Adaptations would be feasible.	Home is increasingly unsuitable to meet their needs with moderate risk of harm e.g. increased difficulties accessing essential facilities e.g. toilet, bathroom, bedroom – or are unable to access essential facilities. Care or severely modified living is required and housing is a significant factor in maintaining community living. Adaptations are not an option or have been refused by the landlord.	Home not suitable following discharge from hospital in relation to a permanent medical condition where no adaptations are possible and applicant is at risk of serious harm. Or unsuitability of home is preventing discharge.
Children – Physical disability	CDC does not apply a priority band to any applicant on the basis of physical disability to children if there is no difficulty accessing essential facilities e.g. bathroom, toilet bedroom, or if the property could be easily adapted to meet the needs of the children.	Children who have difficulty accessing essential facilities e.g. bathroom, toilet bedroom or a child's disability restricts use of the house by other family members e.g. increased bathroom usage. Health and safety not affected. Adaptations would be feasible.	A child who has increasing difficulty or already cannot access essential facilities e.g. toilet, bathroom, bedroom without assistance and health and safety is affected. The Occupational Therapy Service or Physiotherapist has made recommendations that adaptations are required but are not possible or practicable.	Home not suitable following discharge from hospital in relation to a permanent medical condition where no adaptations are possible, and child is at risk of serious harm. Or unsuitability of home is preventing discharge.
Children / Vulnerable Adult – Behavioural	CDC does not apply a priority band to any applicant on the basis of behaviour of children / vulnerable adults if no external agencies or organisations are involved with any aspect of formal care/support.	Behavioural problems which affect the household and are made worse by the housing situation. Health care professional, health visitor and/or family support worker involvement to provide some individual care to child/vulnerable adult and/or parents/carers/family.	Behavioural problems which affect the household and are made worse by the housing situation – and which could potentially cause moderate harm to self and household. Involvement from community paediatrician, consultant, social services, education or health services.	Children / vulnerable adult with behavioural problems have caused, or is continuing to cause, serious harm to the child or the household. Involvement from community paediatrician, psychologist, social services, education or health services.

Independence (relates to giving or receiving care)	CDC does not apply a priority band to any applicant on the basis of independence if it is not affected by the property and would not be improved by moving home.	Independence is affected by inability to access essential facilities. Need occasional informal care / support from family or home carer.	Independence is affected by inability to access essential facilities without a high level of care / support from family or home carer. Qualifies for County Council care provision, but the County Council are unable to provide the care due to the applicant's accommodation.	A high level of formal medical care / support is needed and cannot be sustained in the medium term due to current accommodation.
Carer	CDC does not apply a priority band to any applicant on the basis that no improvement to quality of life would occur even after moving home.	Currently living arrangements for carer have a negative impact on quality of life and would be improved by a move to more suitable accommodation.	Carer's health deteriorating due to currently living arrangements/ housing making it difficult to continue with care arrangements. Supported by medical evidence.	Carer's health is deteriorating due to currently living arrangements/ housing and there is an imminent breakdown of care arrangements. Supported by medical evidence.
Sensory environmental	CDC does not apply a priority band to any applicant on the basis that there are minimal environmental issues which exasperate a sensory medical issue.	There are some concerns that the accommodation is affecting sensory medical issues. Adaptations would be feasible.	There are serious and sustained concerns with sensory medical issues that can be mitigated by moving home. Adaptions may be possible but not practicable. Health services are involved and support a move.	There is an urgent need to prevent serious harm from occurring, due to sensory medical issues. Adaptions are not possible. Health services are involved and support a move.

Appendix 5: Social, Welfare and Hardship assessments

The below table will be used by CDC as a guide to determine the level of priority that should be applied to an application based on social, welfare or hardship issues and gives illustrative rather than exhaustive guidance.

Band 1 - urgent	Band 2 - significant	Band 3 - moderate
<ul style="list-style-type: none"> ▪ Threat to life ▪ Emergency cases due to fire, flood or other disaster ▪ Exceptional need not covered elsewhere in the scheme ▪ Exceptional circumstances as directed by Assistant Director ▪ Family member of social tenant in the district with at least 12 months verified prior residence with the family member and no right of succession following the death of the tenant in cases where a move would prevent homelessness or exceptional hardship. 	<ul style="list-style-type: none"> ▪ There is a significant need to move in order to receive / give essential care and support ▪ The applicant or a member of their household has a physical or learning disability which is significantly impacted by their current housing ▪ Need for sheltered housing only ▪ Need to move to take up employment, education or training within the district. Or, in the case of key workers, need to move to take up or continue with an existing permanent position within Oxfordshire.* ▪ Significant need to move not covered elsewhere in the scheme. <p>*The local connection criteria outlined in section 3.6.4 still applies to this category. For key worker roles outside of Cherwell, another local connection to Cherwell will be needed in order to qualify for the housing register. Sufficient documentary evidence will be required.</p>	<ul style="list-style-type: none"> ▪ The existing home moderately limits the care and support that can be provided to the applicant or someone in their household ▪ The environment around the home has moderate detrimental effect on the quality of life of the household ▪ Inadequate room sizes. The household has an adequate number of bedrooms as per the bedroom standard, but the bedroom sizes are inadequate by at least 1 person, as per the space standard taking into account all bedroom sizes the applicant's household has access to. See appendix 3 ▪ Split households with insufficient bedrooms. The property has a sufficient number of bedrooms to accommodate all occupiers as per the bedroom standard, but two or more households are sharing, and the applicant's household is left short of a bedroom due to genuine and justifiable bedroom allocation. ▪ Financial hardship: current accommodation is financially unsustainable, and a long-term resolution is unlikely. More affordable accommodation is a key factor in resolving the financial situation. ▪ No Fixed Abode. Cases where the applicant has no principal, settled address but is not deemed to be homeless.

Appendix 6: How sheltered and extra care housing is allocated

1. Sheltered housing

Applicants with evidenced support needs that meet the minimum age criteria can be considered for sheltered accommodation. They will also need to meet the eligibility criteria specified by the landlord which may on occasion state that no support needs are required. Applicants also need to be eligible and qualify for social housing as per this housing allocation scheme.

Therefore restrictive labelling (see section 7.10) will be applied to vacancies advertised. In all other respects sheltered housing vacancies are allocated in the same way as general needs housing, with adverts placed on CDC's CBL website (www.cherwell-homechoice.org.uk) for available sheltered housing.

Some sheltered housing in Cherwell is allocated directly by RPs of social housing who will maintain their own waiting list for each sheltered housing scheme. Applicants who are seeking sheltered housing are therefore encouraged to register with social housing providers that have sheltered schemes in the district. CDC's website (www.cherwell.gov.uk) contains information about the sheltered schemes in the district including contact details.

It is sometimes a condition of sheltered housing schemes that tenants agree to take the Care Line or Warden Services. Separate charges are made for these services on top of the rent.

2. Extra Care Housing

Extra care housing provides older people that have care needs with their own home and tenancy within a support and care environment. This helps ensure that appropriate personal and housing support are available as required. CDC has nomination rights to some extra-care schemes in Cherwell. A tenant may move into a scheme with no or low needs but can access further care as and when the need arises as they get older or more frail. Extra care housing can remove the need for residential care for older people in some cases.

People who have assessed care needs will have them provided for by either a Personal Care Support Team, who are based on site 24 hours a day, and will be able to give care to tenants when this is required, or a support team of their choice. The team will be able to adapt a person's care plan to suit their changing needs. An Extra Care Scheme should contain a balance of needs – it is not a residential care home. Any Extra Care Scheme needs to have a vibrant and active feel to it and therefore the balance of care and support needs is key to a successful Extra Care environment. The allocations panel will have to take a number of things into consideration when allocating a property. These factors include, but are not limited to, the nominations agreement for each scheme, individual circumstances, available care hours, existing needs and numbers of tenants with dementia in the Extra Care Scheme.

All applicants will be registered and assessed for housing in line with CDC's housing allocation scheme and must be eligible to access social housing.

To be eligible for Extra Care Schemes applicants must:

- Be over 55 years of age or meet the eligibility criteria specified by the landlord
- Be eligible for social housing as per this allocation scheme
- Be assessed by the Extra Care Scheme Manager for support that is provided. Applicants must be deemed suitable for the Extra Care Scheme and that they do not have support needs that are unable to be met or would be detrimental to the scheme itself or other tenants
- Be prepared to agree to the Extra Care Scheme tenancy agreement
- Be made aware of the costs of moving into the Extra Care Scheme before a letting is carried out. This is especially in regard to care costs where these will not be covered by Housing Benefit.

Residents in the Extra Care Scheme will be offered the opportunity to have their care provided by the contracted care provider

It should be noted that for couples where one partner is below 55 years of age the couple may be granted a tenancy but it will be a sole tenancy only in the name of the person who is over 55 and therefore meets the criteria above. The younger partner would not be granted succession to the tenancy unless the partner meets the criteria detailed above, at the point at which an application for succession is made.

3. Extra Care Housing Allocations Panel

The Extra Care Housing Allocations Panel (the Panel) will require an up to date social care assessment in an agreed format outlining the prospective tenant's housing and social care needs and a medical/social history to enable the Panel to arrive at an informed decision as regards whether their needs can be met within the scheme.

The Allocations Panel comprises:

- a. A Scheme Manager
- b. A CDC Housing Officer
- c. A representative of Adult Social Care

When considering a referral for an applicant with care needs the panel will take into account as a minimum:

- a. the housing and support need of the applicant
- b. care hours required and the balance of needs within the Extra Care Scheme
- c. which property size is most appropriate for the applicant, taking into account the size of property in which the applicant has expressed as a preference
- d. whether the applicant has a local connection to the area
- e. the nominations agreement that applies to the extra-care scheme

An allocation to an extra-care scheme will only be made via this Panel and will be completed via a direct match as opposed to being advertised on the CBL website (www.cherwell-homechoice.org.uk). This panel will convene, either in person or using any form of information communication technology whenever a vacancy arises.

A potential tenant must also undertake a pre-offer interview with the Extra Care Scheme Manager and be shown the facilities at the Extra Care Scheme to ensure

that all parties are comfortable with the responsibilities and expectations of a tenancy within an Extra Care Scheme. This also gives the prospective tenants an opportunity to find out more about the Extra Care Scheme and to make an informed decision about moving. On completion of a successful Extra Care Scheme visit a tenancy is offered and paperwork completed by the Extra Care Scheme Manager.

If this visit raises issues as to the suitability of a tenancy, every step will be taken to resolve the situation in discussion with all parties. A further assessment or Panel discussion may be convened, or further housing related support may be necessary. If identified issues cannot be resolved (or resolved within an agreed timescale with the provider), the tenancy will be offered to the next suitable person identified by the Panel or Rehousing Officer – again subject to a successful home or Extra Care Scheme visit.

The Extra Care Scheme Manager will inform all applicants refused an offer of a tenancy and will give reasons for the decision. An appeals process can be invoked where any party wishes to dispute the decision reached by the Panel.

4. Property type and size

All applicants are eligible for a one or two bedroom property and are invited to express their preference. However, the final decision on the size of property allocated to the applicant will be made by the Panel, taking into account the applicant's preference, affordability and the government's guidance on bedroom allowance.



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE



**OXFORDSHIRE
COUNTY COUNCIL**

Appendix 3

Cherwell District Council
Equality and Climate Impact Assessment

May 2021

Revised Housing Allocation Scheme

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Section 1: Summary details

Directorate and Service Area	Housing Services – Cherwell District Council Directorate: Adults and Housing Services
What is being assessed (e.g. name of policy, procedure, project, service or proposed service change).	Cherwell District Council Housing Allocation Scheme (2021)
Is this a new or existing function or policy?	New (replacing the existing Housing Allocation Scheme)
Summary of assessment Briefly summarise the policy or proposed service change. Summarise possible impacts. Does the proposal bias, discriminate or unfairly disadvantage individuals or groups within the community? (following completion of the assessment).	<p>The Housing Allocation Scheme sets out how the council processes and prioritises applications for social housing. It sets out the criteria for determining whether a household is eligible for social housing and what level of priority the household will be given based on housing need.</p> <p>The allocation of social rented housing is the responsibility of the District Council as the housing authority. Applications for other affordable housing options (e.g. shared ownership) go through the help to buy agent, not the local authority.</p> <p>Revisions are proposed to the Housing Allocation Scheme in order to take account of updated statutory guidance, regulatory changes and evolving local housing needs in the District.</p> <p>The proposed revisions have both direct and indirect impacts on groups within the community but the proposals do not bias, discriminate or unfairly disadvantage these groups or individuals.</p> <p>The proposed revisions will have several positive impacts on those individuals or groups that are directly affected as set out in this impact assessment. However, due to the finite number of homes available to be allocated, each individual or group that may have an increased chance of securing housing through the housing register will have a knock-on effect for others.</p>
Completed By	Paul France, Senior Housing Officer

Authorised By	Vicki Jessop (Interim Assistant Director Housing and Social Care Commissioning)
Date of Assessment	Updated 23/08/2021

Section 2: Detail of proposal

<p>Context / Background</p> <p>Briefly summarise the background to the policy or proposed service change, including reasons for any changes from previous versions.</p>	<p>CDC's Housing Allocation Scheme was last amended in November 2018 with the changes being approved by the Executive. It is important to review the Scheme regularly in order to make sure that it aligns with current housing needs in the District and that the council can respond to changing patterns of need.</p> <p>A feasibility study conducted by Crisis in Oxfordshire and published in November 2020 recommended that Oxfordshire councils review their allocation schemes in order to improve access to social housing for single homeless people including rough sleepers. Data reviewed by Crisis showed that on average only 13% of people in the Adult Homeless Pathway move on from their supported accommodation in any given year. People in the pathway with a connection to Cherwell should be able to join the housing register and receive a band 2 priority as per other homeless households. However, people can be excluded from the register as a result of past rent arrears or anti-social behaviour. We therefore intend to relax these barriers and will need to work with registered providers of social housing to avoid nominations being rejected. This will involve putting in place tenancy sustainment support so that individuals are 'tenancy supported' rather than having to be 'tenancy ready' before being offered a home. This is essential to moving towards a housing-led approach to preventing and resolving homelessness.</p>
<p>Proposals</p> <p>Explain the detail of the proposals, including why this has been decided as the best course of action.</p>	<p>A summary table outlining the proposed changes to the Housing Allocation Scheme and the rationale for those changes is contained in Appendix 1.</p>
<p>Evidence / Intelligence</p> <p>List and explain any data, consultation outcomes, research findings, feedback from service users and stakeholders etc, that supports your proposals and can help to inform the judgements you make about potential impact on different individuals,</p>	<p>A 4-week public consultation was carried out during June/July 2021 to gather feedback on the proposed revised Housing Allocation Scheme. This process was supported by the corporate Consultation Team.</p> <p>In order to help ensure the consultation was appropriately worded and relevant to respondents, two separate surveys were carried out; one for completion by members of the general public and another for housing organisations including registered providers of social housing.</p> <p>16 responses were received from housing organisations and housing providers with the vast majority of feedback on the proposed changes being positive. This includes feedback from homelessness organisations</p>

<p>communities or groups and our ability to deliver our climate commitments.</p>	<p>such as Crisis who were positive about the proposed changes likely positive effects on individuals that have experienced homelessness.</p> <p>46 responses were received from members of the general public. Responses were also mostly in support of the proposed changes although some responses were more neutral.</p>
<p>Alternatives considered / rejected</p> <p>Summarise any other approaches that have been considered in developing the policy or proposed service change, and the reasons why these were not adopted. This could include reasons why doing nothing is not an option.</p>	<p>The following alternative options have been identified and rejected for the reasons as set out below.</p> <p>Option 1: Do nothing. Rejected on the basis that the current scheme does need to change in response to customer and staff feedback, developments in statutory guidance and to support the shift to a housing led approach.</p>

Section 3: Impact Assessment - Protected Characteristics

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The changes to the qualification criteria in relation to financial resources (section 3.6.2.5) mean that under-occupiers of social housing (often older households) will be qualify to downsize, whether or not they have sufficient financial resources to obtain housing in the private sector.		CDC Housing Options and Allocations Team	Annual monitoring

Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The changes to the qualification criteria in relation to financial resources (section 3.6.2.5) make clear that special consideration can be given where appropriate to those applicants that require larger accommodation or more specialist accommodation, such as disabled adapted accommodation, which may be more difficult to secure in the private sector.</p> <p>A Band 3 reason has been introduced under the Mental Health section so that applicants receiving short-term, time-limited secondary care intervention may have a Band 3 applied in cases where housing is the cause or a significant aggravating factor in the mental health issue.</p>		CDC Housing Options and Allocations Team	
Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Marriage & Civil Partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A

<p>Pregnancy & Maternity</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed changes include the introduction of a space standard that determines adequacy of bedroom sizes. This is in addition to the existing bedroom standard that determines the number of bedrooms a household requires.</p> <p>This means that households expecting a further baby may be given additional priority if the baby will need to share a bedroom with another child and that bedroom is determined to be too small.</p> <p>A Band 1 reason is proposed to be introduced for families that are approved to foster or adopt but do not have sufficient bedrooms to commence or continue with the arrangement.</p>		<p>CDC Housing Options and Allocations Team</p>	<p>Annual monitoring</p>
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<p>Race</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The data on ethnicity of those on the housing register appears to show that the proportion of white applicants is lower than the proportion of the Cherwell and Oxfordshire population. The proportion of Black/African/Caribbean/Black British also appears to be higher. This is when compared to 2011 Census data.</p> <p>Any changes to the housing allocation scheme may therefore affect those in ethnic minority groups, both positively and negatively, more so than a change affecting the whole of the population of Cherwell or Oxfordshire.</p>	<p>Annual monitoring and comparisons of housing register ethnicity data to monitor impacts</p>	<p>CDC Housing Options and Allocations Team</p>	<p>Annual monitoring</p>
<p>Sex</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

Sexual Orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Research by the Albert Kennedy Trust has found that LGBT young people are more likely to find themselves homeless than their non-LGBT peers, comprising up to 24% of the youth homeless population. There should therefore be some positive impacts on the LGBT community by the increased priority given to homeless households.	N/A	CDC Housing Options and Allocations Team	Annual monitoring
Religion or Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A

Section 3: Impact Assessment - Additional Community Impacts

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Rural communities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Armed Forces	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The requirements and recommendations contained within the statutory guidance – <i>“Improving Access to Social Housing for Members of the Armed Forces”</i> MHCLG, July 2020 are proposed to be adopted in full.</p> <p>This includes exempting from any local connection criteria current or former members of the regular armed forces who served at any time in the 5 years preceding their application; and bereaved spouses or civil partners; divorced or separated spouses or civil partners and members of the reserved armed forces who are suffering from injury attributable to their service.</p>	Rather than reference to statutory guidance, the new wording clearly outlines the categories of Armed Forces personnel and their family members that will qualify to join the housing register, whether or not they meet another measure of local connection as per the housing allocation scheme.	CDC Housing Options and Allocations Team	Annual monitoring

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Carers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A Band 1 reason is proposed to be introduced for families that are approved to foster or adopt but do not have sufficient bedrooms to commence or continue with the arrangement.		CDC Housing Options and Allocations Team	Annual monitoring
Areas of deprivation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A

Section 3: Impact Assessment - Additional Wider Impacts

Additional Wider Impacts	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Staff	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Some of the proposed wording changes, such as to the disqualification criteria, will make the allocation scheme easier to understand for staff, and help improve clarity and consistency of decision making	Annual monitoring	CDC Housing Options and Allocations Team	Annual monitoring
Other Council Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Providers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Some of the proposed wording changes, notably to the disqualification criteria, will positively affect social housing providers as it is easier for them to understand what factors may result in an applicant being disqualified from the housing register and therefore qualifying for an offer of housing with the social	Annual monitoring	CDC Housing Options and Allocations Team	Annual monitoring

Additional Wider Impacts	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
				housing provider, or not.			
Social Value ¹	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Overall the proposed changes to the housing allocation scheme have a positive impact as the allocation scheme should be more easily understood by residents and seeks to prioritise those applicants that need or warrant social housing most. With each individual or group given additional priority or eligibility to join the housing register there will be another that is negatively affected as a result.	Annual monitoring of the housing allocation scheme and number successfully securing housing, or not, following an application. Housing Options and Allocations Teams will continue to promote alternative housing options such as private rented and low cost home ownership and deliver initiative and incentives such as those currently delivered through the Cherwell Bond Scheme.	CDC Housing Options and Allocations Team	Annual monitoring

¹ If the Public Services (Social Value) Act 2012 applies to this proposal, please summarise here how you have considered how the contract might improve the economic, social, and environmental well-being of the relevant area

Section 3: Impact Assessment - Climate Change Impacts

OCC and CDC aim to be carbon neutral by 2030. How will your proposal affect our ability to reduce carbon emissions related to

Climate change impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Energy use in our buildings or highways	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Our fleet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Staff travel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Purchased services and products (including construction)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Maintained schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A

We are also committed to enable Cherwell to become carbon neutral by 2030 and Oxfordshire by 2050. How will your proposal affect our ability to:

Climate change impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Enable carbon emissions reduction at district/county level?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A

Section 4: Review

Where bias, negative impact or disadvantage is identified, the proposal and/or implementation can be adapted or changed; meaning there is a need for regular review. This review may also be needed to reflect additional data and evidence for a fuller assessment (proportionate to the decision in question). Please state the agreed review timescale for the identified impacts of the policy implementation or service change.

Review Date	On or around the anniversary of adoption of the revised scheme from November 2021.
Person Responsible for Review	Senior Housing Officer (Allocations Team) (Cherwell DC)
Authorised By	Interim Assistant Director, Housing and Social Care Commissioning. Oxfordshire County Council and Cherwell District Council.

Cherwell District Council

Executive

1 November 2021

The Council's Housing Assets Portfolio, Annual Rent Increases - new procedure

Report of Assistant Director - Growth and Economy

This report is public.

Purpose of report

To recommend adoption of a new procedure for annual rent increases for affordable rent and shared ownership properties in the Council's housing assets portfolio (consisting of both *affordable rental* and *shared ownership*). The report sets out the way in which increases are determined by Central Government and the measures taken by the Council to ensure the proposed increase maintains affordability for tenants and owners.

1.0 Recommendations

The meeting is recommended:

- 1.1 To agree that rent increases are applied annually to both *affordable rental* and *shared ownership properties* in line with government guidance considering the need to ensure that rents remain affordable, using the two measures of Local Housing Allowance and comparable rental data for the District.
- 1.2 To delegate responsibility to the Corporate Director – Environment and Place, in consultation with the relevant Portfolio Holder, to produce and subsequently implement an annual rent increase procedure which will commence 1 April 2022.

2.0 Introduction

- 2.1 The Council's Build! team currently operate as a Local Authority Registered Provider and are therefore required to follow Central Government Guidance when assessing and applying annual rent increases. This guidance is laid out in The Rent Standard which is monitored by the Regulator of Social Housing. The process and guidance are outlined in the following section.
- 2.2 The annual increase will contribute towards increasing the value of the Council's housing assets portfolio and will also increase the revenue income for the Council which is required for capital loan payments; rentals; conversions/improvements; housing/leasehold management and repairs.

3.0 Report Details

Rent Increase Process

- 3.1 Annual rent increases are determined by Central Government through agreed formulas that can be applied by the landlord. At present *affordable rents* can be increased by the Consumer Price Index (CPI), plus 1% each year (CPI is the figure from September of the current financial year). *Shared ownership* rents can be increased by the Retail Price Index (RPI), plus 1% (RPI is the figure from January of the current financial year).
- 3.2 The tenancy agreements used for all tenants and owners include a clause confirming the landlord's right to change the annual rent.
- 3.3 Each year rent increases are measured against two affordability markers:
- the Local Housing Allowance which is set independently and takes account of local circumstances, and,
 - through internal analysis of local rents charged by other Registered Providers (RPs) and private sector landlords in the District.
- 3.4 Increases are only applied if these two measures confirm that rents are affordable and that eligible tenants are still able to have their housing costs covered. (For the purposes of this calculation, affordable represents "up to 80% of local market rent" – source: HM Government.)
- 3.5 Rents for all new properties are set by an independent valuer. The valuation is undertaken by a RICS qualified valuer. It is based on a site visit which includes a measured survey and general inspection of the property. The valuer will then compare the property with others in the area, as well as speaking to local estate agents who will provide information about the local rental market. The valuer provides a market rent which is then reduced by 20% in line with the government guidance for setting affordable rents.

Government Guidance/Advice on Rent Increase - The Rent Standard.

- 3.6 The Rent Standard is one of three economic standards that the Regulator of Social Housing expects RPs to comply with (the other two standards being *value for money* and *Governance and financial viability*). It sets the requirements around how RPs set and increase rents for all their social housing stock in line with government policy as set out in their *Guidance on Rents for Social Housing*.

4.0 Conclusion and Reasons for Recommendations

- 4.1 All rent increases applied follow Government guidance, currently The Rent Standard. This specifies the increase that social landlords can apply each year. Within the Council these potential increases are measured against two affordability markers, the Local Housing Allowance (as outlined under paragraph 3.1 above) and an internal analysis of comparable local rents for both social housing providers and

the private rented sector to ensure the increased rents remain affordable for residents.

- 4.2 The annual increase adds to the asset value of the portfolio as well as increasing revenue income which is required for capital loan payments; rentals; conversions/improvements; housing/leasehold management and repairs.

5.0 Consultation

It is up to the relevant local authority to decide if they increase rents and, if they choose to, they must follow the guidance issued by the Regulator of Social Housing outlined in this report. There is no requirement to consult with tenants.

6.0 Alternative Options and Reasons for Rejection

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

Option One: Annual rent increases are determined without an approved procedure in place.

Rejected: Having a procedure in place gives clear guidance regarding how increases are determined by the Regulator of Social Housing and the measures in place within the Council to ensure rents remain affordable for the Council's tenants and shared owners.

Option Two: Do not increase rents on the Council's Housing Assets.

Rejected: The annual increase will contribute towards increasing the value of the Council's housing assets portfolio and will also increase the revenue income for the Council which is required for capital loan payments; rentals; conversions/improvements; housing/leasehold management and repairs. These costs are subject to upward cost pressure and if not covered by prudent rent increases will become a revenue pressure on the Council.

7.0 Implications

Financial and Resource Implications

- 7.1 Introducing a procedure for annual rent increases will generate increased clarity in forecasting levels of income that will be generated.

Comments checked by:

Michael Furness, Assistant Director – Finance

01295 221845 michael.furness@cherwell-dc.gov.uk

Legal Implications

- 7.2 The new rent increase procedure recommended is in accordance with Central Government Guidance, as laid out in The Rent Standard which is monitored by the Regulator of Social Housing.

- 7.3 The tenancy agreements used for all tenants and owners include a clause confirming the landlord's right to change the annual rent.

Comments checked by:

Richard Hawtin, Team Leader – Non-contentious
01295 221695 richard.hawtin@cherwell-dcv.gov.uk

Risk Implications

- 7.4 It is considered that where risks have been identified, that they are manageable, principally because there are measures in place to ensure that rents remain affordable for the Council's tenants and shared owners.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes
01295 221786 louise.tustian@cherwell-dc.gov.uk

Equalities and Inclusion Implications

- 7.5 An Equality Impact Assessment has previously been completed which determined there is no direct negative impact on any of the protected characteristics.
- 7.6 Consideration has been made for those living with social deprivation, and processes are in place to ensure that tenants who are eligible to have their housing costs paid either through Housing Benefit or Universal Credit can continue to have the whole amount covered, therefore will not be adversely impacted by the new rent increase procedure.

Comments checked by: Emily Schofield, Acting Head of Strategy
07881 311707 Emily.Schofield@oxfordshire.gov.uk

Sustainability Implications

- 7.7 It is considered that there are no sustainability implications.

Comments checked by:

Sarah Gilbert, Team Leader Climate Action
07867 467797 sarah.gilbert@oxfordshire.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected:

All

Links to Corporate Plan and Policy Framework

Housing that meets your needs

Lead Councillor

Councillor Lynn Pratt – Lead Member for Economy, Regeneration and Property.

Document Information**Appendix number and title**

- None

Background papers

None

Report Author and contact details

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Cherwell District Council

Executive

1 November 2021

Civil Parking Enforcement

Report of Assistant Director Environment Services

This report is public

Purpose of report

The purpose of this report is to seek approval for the Council to enter into arrangements for the adjudication of Civil Parking Enforcement via a joint committee established for the purpose pursuant to sections 101(5) and 102(1)(b) of the Local Government Act 1972, and to delegate authority to the Corporate Director Environment and Place to negotiate and agree the terms of that participation under a Memorandum of Agreement with Parking and Traffic Regulations Outside London (PATROL)

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the progress on the implementation of Civil Parking Enforcement (CPE).
- 1.2 To approve the Council entering into arrangements for the adjudication of Civil Parking Enforcement via a joint committee to be known as the Parking and Traffic Regulations Outside London Adjudication Joint Committee ("PATROLAJC") pursuant to section 101(5) of the Local Government Act 1972, section 20 of the Local Government Act 2000, sections 9EA and 9EB of the Local Government Act 2000 and associated regulations.
- 1.3 To delegate to the Corporate Director Environment and Place the power to agree the terms of participation in PATROLAJC under a Memorandum of Agreement with PATROL.

2.0 Introduction

- 2.1 In December 2020 this Council approved the plan to move to Civil Parking Enforcement (CPE) with the implementation planned in November 2021.
- 2.2 The introduction of Civil Parking Enforcement (CPE) is a joint project with Oxfordshire County Council, South Oxfordshire District Council and Vale of White Horse District Council.

- 2.3 Before November 2021 the only body who could carry out enforcement of on street parking offences is the Police. However, this is an area of low priority for Thames Valley Police and in all three urban centres vehicles regularly ignore parking restrictions as enforcement levels have been low.
- 2.4 Introducing CPE moves car parking offences (both on street and off street) to being a civil offence. As part of the Civil Parking Enforcement process appeals by motorists appealing against a parking ticket ultimately can end up at a Traffic Parking Tribunal. This is a tribunal of independent and impartial people to consider appeals against Penalty Charge Notices (PCN). By moving to CPE this Council needs to join the Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROLAJC) and to sign up by accepting the Memorandum of Participation. The PATROLAJC agreement is set out in Appendix 1 and the Memorandum of Participation is set out in Appendix 2

3.0 Report Details

- 3.1 This Council approved the plan to move to CPE in December 2020.
- 3.2 CPE is a joint project with Oxfordshire County Council (OCC), South Oxfordshire District Council (SODC) and Vale of White Horse District Council (VoWH). This Council area along with SODC & VoWH were the last areas in the Thames Valley Police area where Civil Parking Enforcement hadn't been implemented.
- 3.3 CPE implementation commences in November 2021. To help implementation an elected member group with representatives from each authority commenced meeting, the first meeting was on 04 October 2021, with further monthly planned meetings.
- 3.4 For enforcement in this Council's car parks a number of changes have had to be made including a different uniform for APCOA staff, new handheld equipment and a need to change from Excess Charge Notices (ECN) to Penalty Charge Notices (PCN).
- 3.5 The process for appeals against Penalty Charge Notices (PCN) is different to the current process. Motorists who wish to appeal against a PCN issued in the Council's car parks will be considered by Apcoa in conjunction with our Car Parking Manager. However, motorists will not always be satisfied with the response so it is likely that a very small number of appeals can eventually end up with the Traffic Parking Tribunal (TPT).
- 3.6 The Traffic Parking Tribunal has been set up by PATROLAJC and is made up of independent and impartial members to consider any appeals. The document to join PATROLAJC is set out in Appendix 1, the Memorandum of Participation is attached in Appendix 2.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The Council has agreed to the implementation of CPE and there is a requirement to become a member of PATROLAJC and to participate in a Traffic Parking Tribunal as part of the appeals process.

5.0 Consultation

Public Consultation took place regarding the Parking Strategy in 2019

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: To adopt the recommendations.

Option 2: To reject the recommendations and not adopt Civil Parking Enforcement

7.0 Implications

7.1 Financial and Resource Implications

There are no direct financial implications. There is a very small element of each Penalty Charge Notice (£0.30) to cover the costs of PATROL. These costs will be managed within the overall budget of the service

Comments checked by:

Michael Furness, Assistant Director of Finance 01295 221845
michael.furness@cherwell-dc.gov.uk

Legal Implications

7.2 Local authorities who undertake Civil Parking Enforcement are required by the Traffic Management Act 2004 and Regulations under it to make provision for independent adjudication. PATROLAJC has accordingly been established by local authorities outside London to fulfil this function.

7.3 Section 101(5) of the Local Government Act 1972 and other enabling powers permit 2 or more local authorities to discharge any of their functions by a joint committee where arrangements are in force for them to do so.

7.4 The council is accordingly authorised to discharge the adjudication of parking appeals via PATROLAJC as the Traffic Management Act 2004 and associated Regulations demand.

Comments checked by:

Richard Hawtin, Team Leader: Non-contentious, Email: richard.hawtin@cherwell-dc.gov.uk, Telephone: 01295 221695

Risk Implications

7.5 Car Parking can be an area of significant comment from users and businesses. It is important a balance exists between the different stakeholders. The risks are managed as part of the services operational 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

Equalities & Climate Implications

- 7.6 An equalities and climate impact assessment has previously been carried out on the CPE changes. The changes have no negative impacts but positively supports those with mobility disabilities by reducing the number of cars parked in areas where they may block footways

Comments checked by:
Emily Schofield Acting Head of Strategy
07881 311707 emily.schofield@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

An enterprising economy with strong & vibrant local centres

Lead Councillor

Councillor Dan Sames Lead Member for Clean & Green

Document Information

Appendix number and title

- Appendix 1 - Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROLAJC) agreement
- Appendix 2 - Memorandum of Participation in Traffic Parking Tribunal (TPT)

Background papers

None

Report Author and contact details

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DATED 3 December 2014

DEED

relating to a parking and traffic regulations outside
London adjudication joint committee



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DEED

DATE

3 December

2014

PARTIES

The Local Authorities listed in **Schedule 1** of this deed in pursuance of arrangements made under Part 6 of the Traffic Management Act 2004 (the "**2004 Act**"), sections 101(5), 102(1)(b) and 101(5B) of the Local Government Act 1972, section 20 of the Local Government Act 2000, the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, the Local Authorities (Executive Arrangements) (Discharge of Functions and Responsibilities) (Wales) Regulations 2007, sections 9EA and 9EB of the Local Government Act 2000, the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012, Local Authorities (Goods and Services) Act 1970, section 1 of the Localism Act 2011 and all other enabling powers.

RECITALS

- (A) The Local Authorities listed in **Schedule 1** to this deed are enforcement authorities for the purposes of Part 6 of the 2004 Act in relation to road traffic contraventions.
- (B) Regulations made under Part 6 of the 2004 Act provide (inter alia) that the functions relating to adjudication and adjudicators conferred on Local Authorities under section 81 of the 2004 Act and regulations made under the 2004 Act shall be discharged by them through a joint committee set up under sections 101(5) and 102(1)(b) of the Local Government Act 1972 in respect of the exercise of non-executive functions and under sections 9EA and 9EB of the Local Government Act 2000 in respect of the exercise of functions which under executive arrangements are the responsibility of the executive of such Local Authorities.
- (C) PATROL has been established to enable councils undertaking civil parking enforcement in England and Wales and civil bus lane and moving traffic enforcement in Wales to exercise their functions under:
- a) section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and 18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (the English General Regulations);
 - b) section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);
 - a) Regulations 12 and 13 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations).

These functions are exercised through PATROL in accordance with Regulation 16 of the English General Regulations and Regulation 15 of the Welsh General Provisions Regulations.

- (D) It is expedient that provision should be made to enable other Local Authorities on whom such functions are conferred to become parties to this deed.
- (E) The agreed primary objectives of the joint committee are the provision of:
- (i) a fair adjudication service for appellants including visible independence of adjudicators from the Local Authorities in whose areas they are working;
 - (ii) consistency of adjudication across the service;
 - (iii) a cost effective and equitable adjudication service for all Local Authorities party to the arrangements established pursuant to this deed;
 - (iv) flexibility to deal with a wide range of Local Authorities with varying levels of demand for adjudication; and
 - (v) such other functions as may be conferred on the joint committee by statute from time to time (which include, at the date of this deed, the arrangements made under the Memorandum of Understanding regarding the Provision of Adjudication Services between (1) the Secretary of State for Transport and (2) PATROLAJC dated 27 August 2014).
- (F) It is expedient that the arrangements established pursuant to this deed should replace those previously in place contained in:
- (i) a deed dated 12 October 2001 and/or memoranda of participation entered into pursuant and annexed to that deed;
 - (ii) a deed dated 1 May 2008 and/or memoranda of participation entered into pursuant to and annexed to that deed;
 - (iii) an indemnity agreement from the joint committee to Cheshire East Council in relation to a lease of part of the Second Floor, Springfield House, Water Lane, Wilmslow dated 15 February 2013, and
 - (iv) an indemnity agreement from the joint committee to Cheshire East Council in relation to Cheshire East Council becoming the Lead Authority dated 28 March 2013;
- with effect from 1 April 2013 notwithstanding that this deed has not been entered into until the date written above.
- (G) This deed is adopted by the Parties as a variation to the deed referred to in Recital (F) (ii) above by means of a resolution of the PATROLAJC dated 25 June 2013 and the consent in writing by at least 75% of the Participating Authorities.

IT IS AGREED AS FOLLOWS:

1. DEFINITIONS AND INTERPRETATIONS

1.1 In this deed:

"Adjudicators"

means those persons engaged by the PATROLAJC as adjudicators for the purpose of the independent and impartial tribunal for the determination of appeals made to them;

"Appropriate National Authority"

means the Secretary of State for Transport in respect of matters concerning those Participating Authorities situated in England and the Welsh Ministers in respect of those Participating Authorities situated in Wales;

"Financial Regulations"

means the financial standing orders and rules and the financial regulations in **Schedule 5** to this deed as may be amended from time to time by the PATROLAJC;

"Head of Service"

means such person appointed by the PATROLAJC from time to time as the head of service of the PATROLAJC;

"Lead Authority"

means Cheshire East Council or such replacement Participating Authority as the Participating Authorities may from time to time appoint to inter alia provide goods and services under the arrangements established pursuant to this deed;

"Lead Officer"

means the officer of the Lead Authority to whom functions are delegated by the PATROLAJC pursuant to this deed and to the Standing Orders;

"Local Authorities"

means those local authorities who are enforcement authorities for the purpose of Part 6 of the 2004 Act in relation to road traffic contraventions (of any description) or who are performing the functions of such an enforcement authority;

"Memorandum of Participation"

means a memorandum in the form set out in **Schedule 7** to this deed;

"Participating Authority"

means a Local Authority which is or becomes party to the arrangements established pursuant to this deed or under **clause 13** of this deed and by virtue of a Memorandum of Participation and who are party to the arrangements established pursuant to this deed at the relevant time;

"PATROLAJC"

means the joint committee established by the Participating Authorities on the terms contained in this deed for the purpose of jointly exercising the functions referred to in this deed including those in set out in Schedule 3 (Functions), and the expression PATROL shall be construed accordingly;

"PATROLAJC Reserve Fund"

means the fund established by PATROLAJC named the "General Reserve" fund in the PATROLAJC's annual Reserves Policy Statement whose funds would indemnify the Lead Authority where required in accordance with paragraph 8 of

Schedule 6 where insurance is unavailable, and whose level of reserves is maintained at the level recommended annually by the PATROLAJC's Reserves Policy Statement.

"Representative"

means the person who has been appointed by each Participating Authority in accordance with law and their own constitutional arrangements to serve as the representative of that Participating Authority on the PATROLAJC;

"Standing Orders"

means the standing orders set out in **Schedule 4** to this deed or such replacement or amended standing orders as are adopted by the PATROLAJC at its annual meeting or as otherwise amended from time to time by the PATROLAJC.

- 1.2 References to any enactment include references to that enactment as for the time being amended, applied consolidated re-enacted by or having effect by virtue of any subsequent enactment and for this purpose **"enactment"** means any Act whether public general or local and includes any order rule regulations scheme or any instrument having effect by virtue of an enactment.
- 1.3 References to the discharge of any function includes references to the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the functions specified in Schedule 3 to this deed.

2. COMMENCEMENT

- 2.1 Subject to **clause 2.3** of this deed, this deed shall have effect from 1 April 2013 (the **"Commencement Date"**) notwithstanding that this deed has not been entered into until the date written above.
- 2.2 In respect of any Local Authority who joins the arrangements established pursuant to this deed after the Commencement Date, the deed shall come into effect on the date that Local Authority signs or executes a Memorandum of Participation.
- 2.3 With effect from the Commencement Date, the arrangements in this deed replace those previously in place contained in:
 - 2.3.1 a deed dated 12 October 2001 and/or memoranda of participation entered into pursuant and annexed to that deed;
 - 2.3.2 a deed dated 1 May 2008 and/or memoranda of participation entered into pursuant to and annexed to that deed;
 - 2.3.3 an indemnity agreement from the PATROLAJC to Cheshire East Council in relation to a lease of part of the Second Floor, Springfield House, Water Lane, Wilmslow dated 15 February 2013; and
 - 2.3.4 an indemnity agreement from the joint committee to Cheshire East Council in relation to Cheshire East Council becoming the Lead Authority dated 28 March 2013.

- 2.4 It is acknowledged that the PATROLAJC has entered into a memorandum of understanding with the Adjudicators dated 21 November 2012, a copy of which is set out in **Schedule 8** of this deed.

3. THE PATROLAJC

- 3.1 The Participating Authorities acknowledge that the PATROLAJC has been established as a joint committee for the purpose of exercising the functions conferred upon it.
- 3.2 The composition of the PATROLAJC shall be one Representative from each Participating Authority appointed in accordance with **Schedule 2** of this deed.
- 3.3 The PATROLAJC in exercising the functions conferred upon it shall have regard to the primary objectives set out in **recital (E)** of this deed.
- 3.4 The PATROLAJC shall comply with the Standing Orders.
- 3.5 The PATROLAJC shall comply with the Financial Regulations.
- 3.6 The PATROLAJC may arrange for the discharge of any of the functions conferred on it by a subcommittee of it or by an officer of any of the Participating Authorities or by the Head of Service.
- 3.7 The PATROLAJC may in the exercise of its functions be advised by an official nominated by the Appropriate National Authority and such official(s) shall be entitled to attend and speak (but not to vote) at meetings of the PATROLAJC for this purpose.

4. LEAD AUTHORITY

- 4.1 The PATROLAJC appoints Cheshire East Council ("**CEC**") to act as Lead Authority as successor Lead Authority to the Council of the City of Manchester for the purpose of the arrangements established by this deed and on the terms set out in **Schedule 6** to this deed and CEC agrees to the appointment on these terms, with effect from the Commencement Date.
- 4.2 The terms of appointment of the Lead Authority are as set out in **Schedule 6** to this deed, provided that such terms of appointment may be varied from time to time by written agreement between the PATROLAJC and the Lead Authority.
- 4.3 The Lead Authority may resign as Lead Authority by giving not less than 12 months written notice (or such other period as may be agreed between the Lead Authority and the PATROLAJC) to the PATROLAJC, such resignation to take effect on 1 April the following year or on such other date as may be agreed between the Lead Authority and the PATROLAJC ("**Date of Resignation**"), and the PATROLAJC shall appoint a new Lead Authority with effect from the date immediately following the Date of Resignation.
- 4.4 The appointment of the Lead Authority may be terminated by the PATROLAJC by the giving of not less than 12 months written notice (or such other period as may be agreed between the Lead Authority and the PATROLAJC) to the Lead Authority, such termination to take effect on 1 April the following year or on such other date as may be agreed between the Lead Authority and the PATROLAJC ("**Date of Termination**") and the PATROLAJC shall

appoint a new Lead Authority with effect from the date immediately following the Date of Termination.

- 4.5 Following the giving of notice of resignation or termination of the appointment of the Lead Authority, the outgoing Lead Authority and any Participating Authority which has been nominated as the new Lead Authority shall take such measures as are necessary to ensure the efficient and expeditious transition of responsibility (including transfer of staff) between them.

5. FINANCIAL MATTERS

- 5.1 The Participating Authorities shall contribute such sums in relation to the establishment and operation of arrangements pursuant to this deed (including but not limited to the costs and expenses properly incurred by the Lead Authority and those of the PATROLAJC) in such proportions as may be determined from time to time by the PATROLAJC.
- 5.2 The PATROLAJC shall not later than 31 January in each year adopt a budget of estimated expenditure by it for the ensuing year commencing on the 1 April and shall in accordance with such budget determine the amount of contributions from each of the Participating Authorities in that year, the date or dates on or before which a payment or payments in respect of the contributions are required to be made and the amount of that payment or each of those payments.
- 5.3 The PATROLAJC may require Participating Authorities to pay such contribution by means of such periodic payments as it may deem appropriate.
- 5.4 Any liabilities arising, incurred or entered into prior to the Commencement Date under the terms of the arrangements referred to in **recital (F)** of this deed shall be carried forward into the arrangements under this deed and the Participating Authorities shall be so liable as if the liabilities had arisen, been incurred or entered into under the terms of the arrangements set out in this deed.

6. CONFIDENTIALITY

Except where disclosure is required by law (including but not limited to pursuant to the Freedom of Information Act 2000 or the Environmental Information Regulations 2004) or to professional advisers and subject to the provisions of the Standing Orders and **clause 7** of this deed each Participating Authority shall in respect of this deed and all information that may be derived from or in connection with the PATROLAJC or from this deed (the "**Information**"):

- 6.1 treat the Information as confidential and not disclose the Information to persons or entities not being Participating Authorities without the prior written consent of the PATROLAJC; and
- 6.2 take all necessary precautions to ensure that the Information is treated as confidential and not disclosed in accordance with **clause 6.1**.

7. DATA PROTECTION

- 7.1 Each Participating Authority shall not (except as required by law) disclose or allow access to personal data provided or acquired by the PATROLAJC (other than data supplied to the

PATROLAJC by the Participating Authority concerned) for the purposes of this deed other than to another Participating Authority for the purpose of this deed.

- 7.2 Any disclosure of or access to personal data permitted by **clause 7.1** shall be made in confidence and shall extend only so far as that which is specifically necessary for the purposes of the performance of the functions of the PATROLAJC.

8. PUBLICITY

Subject to the Standing Orders, no Participating Authority shall arrange a press release or other forms of publicity regarding the functions of the PATROLAJC without the prior written consent of the PATROLAJC.

9. WITHDRAWAL OF A PARTICIPATING AUTHORITY FROM THE ARRANGEMENT

- 9.1 A Participating Authority may by notice given in writing to the Lead Officer not later than the 31 March in any year withdraw from the arrangements established pursuant to this deed with effect from 1 April the following year.
- 9.2 Withdrawal of a Participating Authority pursuant to **clause 9.1** shall not affect any liabilities of that Participating Authority arising incurred or entered into prior to the effective date of withdrawal nor unless otherwise agreed by the PATROLAJC shall the withdrawal entitle that Participating Authority to any repayment of contributions made to the budget of the PATROLAJC.
- 9.3 Subject to **clause 9.2**, the withdrawal of a Participating Authority from the arrangements established pursuant to this deed shall not affect the validity or the continuation of those arrangements between the remaining Participating Authorities.

10. NOT USED

11. TERMINATION

- 11.1 The arrangements contained in this deed may be terminated:
- 11.1.1 by a decision of a simple majority of those voting at a duly convened meeting of the PATROLAJC; or
- 11.1.2 where there is no Lead Authority and no Participating Authority is willing to become the Lead Authority on expiry of the notice given by or to the outgoing Lead Authority pursuant to **clause 4.3** or **clause 4.4** (as the case may be).
- 11.2 If the arrangements established pursuant to this deed come to an end an account shall be taken of such assets, proceeds and liabilities of the PATROLAJC and the assets of the PATROLAJC shall then be realised and the proceeds of the PATROLAJC shall be applied in discharge of the liabilities of the PATROLAJC and paying the expenses of winding up of the arrangements and:
- 11.2.1 any surplus shall be distributed (after first repaying any special advances or contributions made by any Participating Authority to the assets of the PATROLAJC) in accordance with

the proportion in which the Participating Authority concerned contributed towards the acquisition of the asset in question or such other proportions as may be agreed between the Participating Authorities; and

- 11.2.2 any deficit shall be met by each of the Participating Authorities in accordance with such proportions as may be agreed between the Participating Authorities.

12. VARIATION

This deed may be varied with the consent of a simple majority of those voting at a duly convened meeting of the PATROLAJC.

13. ADDITIONAL LOCAL AUTHORITIES

Any Local Authority who is or becomes an enforcement authority for the purposes of Part 6 of the 2004 Act in relation to road traffic contraventions or performs the functions of such an enforcement authority shall on the date agreed between that Local Authority and the Lead Officer and evidenced by a Memorandum of Participation executed or signed on behalf of the relevant Local Authority become party to the arrangements established pursuant to this deed and from that date shall be bound by the terms of this deed and shall (without prejudice to the generality of the foregoing) contribute to the costs of the arrangements established pursuant to this deed in such proportion as may be agreed by the PATROLAJC.

14. NOTICES

- 14.1 Any notice to be given to the PATROLAJC or to any Participating Authority shall be sufficiently given if sent by first class letter, facsimile transmission or email to the Town Clerk, Secretary or Head of Service of the Participating Authority concerned or the Lead Officer of the PATROLAJC (as appropriate);
- 14.2 If any notice is sent in accordance with 1.1, it shall, subject to proof to the contrary, be deemed to have been received by the Participating Authority or the PATROLAJC (as the case may be) on:
- 14.2.1 the second business day after the date of posting;
- 14.2.2 on successful transmission of a facsimile if transmitted before 4pm on a business day and otherwise at 9am on the next business day;
- 14.2.3 on the sending of an email if sent before 4pm on a business day and otherwise at 9am on the next business day.
- 14.3 To be effective, such notice or communication must be sent to the most recent address, facsimile number or email address notified to the other party.

15. ARBITRATION

Any dispute which may arise between the Participating Authorities about this deed and/or the arrangements established pursuant to this deed unless otherwise stipulated shall be referred to

and determined by a single arbitrator nominated by the Chartered Institute of Arbitrators on the application of the PATROLAJC.

The Parties have, pursuant to recital (F), executed and delivered this deed on the date written above.

Schedule 1

Participating Authorities

1. Adur District Council
2. Allerdale Borough Council
3. Amber Valley Borough Council
4. Arun District Council
5. Ashfield District Council
6. Ashford Borough Council
7. Aylesbury Vale District Council
8. Barnsley Metropolitan Borough Council
9. Barrow Borough Council
10. Basildon District Council
11. Basingstoke and Deane Borough Council
12. Bassetlaw District Council
13. Bath and North East Somerset
14. Bedford Borough Council
15. Birmingham City Council
16. Blaby District Council
17. Blackburn with Darwen Borough Council
18. Blackpool Borough Council
19. Bolsover District Council
20. Bolton MBC
21. Borough Council of Kings Lynn and West Norfolk
22. Borough of Poole
23. Boston Borough Council
24. Bournemouth Borough Council
25. Bracknell Forest Borough Council
26. Braintree District Council
27. Brentwood Borough Council

28. Bridgend County Borough Council
29. Brighton & Hove City Council
30. Bristol City Council
31. Bromsgrove District Council
32. Broxbourne Borough Council
33. Broxtowe Borough Council
34. Buckinghamshire County Council
35. Burnley Borough Council
36. Bury MBC
37. Calderdale
38. Cambridge City Council
39. Cambridgeshire County Council
40. Cannock Chase District Council
41. Canterbury City Council
42. Cardiff City Council
43. Carlisle City Council
44. Carmarthenshire County Council
45. Castle Point Borough Council
46. Central Bedfordshire Council
47. Ceredigion County Council
48. Charnwood Council
49. Chelmsford Borough Council
50. Cheltenham Council
51. Cheshire East Council
52. Cheshire West and Chester Council
53. Chesterfield Borough Council
54. Chichester District Council
55. Chiltern District Council
56. Chorley Borough Council

57. Christchurch Borough Council
58. City of Bradford Metropolitan Borough Council
59. City of Lincoln Council
60. City of York Council
61. Colchester Borough Council
62. Conwy County Borough Council
63. Copeland Borough Council
64. Cornwall Council
65. Cotswold District Council
66. Coventry City Council
67. Craven District Council
68. Crawley Borough Council
69. Cumbria County Council
70. Dacorum Borough Council
71. Darlington Council
72. Dartford Borough Council
73. Daventry District Council
74. Denbighshire County Council
75. Derby City Council
76. Derbyshire County Council
77. Derbyshire Dales District Council
78. Devon County Council
79. Doncaster Metropolitan Borough Council
80. Dorset County Council
81. Dover Council
82. Dudley Metropolitan Borough Council
83. County Durham Council
84. Eastbourne Borough Council
85. East Devon District Council

86. East Dorset District Council
87. East Hampshire District Council
88. East Hertfordshire District Council
89. East Lindsey District Council
90. East Riding of Yorkshire
91. East Staffordshire Borough Council
92. East Sussex County Council
93. Eastleigh Borough Council
94. Eden District Council
95. Elmbridge Borough Council
96. Epping Forest District Council
97. Epsom and Ewell Borough Council
98. Erewash Borough Council
99. Essex County Council
100. Exeter City Council
101. Fareham Borough Council
102. Flintshire County Council
103. Fylde Borough Council
104. Forest of Deane District Council
105. Gateshead Metropolitan Borough Council
106. Gedling Borough Council
107. Gloucester City Council
108. Gloucestershire County Council
109. Great Yarmouth Borough Council
110. Gravesham Borough Council
111. Guildford Borough Council
112. Gwynedd Council
113. Hambleton District Council
114. Hampshire County Council

115. Harborough District Council
116. Harlow Borough Council
117. Harrogate Borough Council
118. Hart District Council
119. Hartlepool Borough Council
120. Hastings Borough Council
121. Havant Borough Council
122. Herefordshire District Council
123. Hertfordshire County Council
124. Hertsmere Borough Council
125. High Peak Borough Council
126. Hinckley and Bosworth
127. Horsham District Council
128. Hyndburn Borough Council
129. Ipswich Borough Council
130. Isle of Anglesey County Council
131. Isle of Wight Council
132. Kent County Council
133. Kingston upon Hull City Council
134. Kirklees Metropolitan Council
135. Lancashire County Council
136. Lancaster City Council
137. Leeds City Council
138. Leicester City Council
139. Leicestershire County Council
140. Lewes District Council
141. Lincolnshire County Council
142. Litchfield District Council
143. Liverpool City Council

144. Luton Borough Council
145. Maidstone Borough Council
146. Maldon District Council
147. Malvern Hills District Council
148. Manchester City Council
149. Mansfield District Council
150. Medway Council
151. Melton Borough Council
152. Merthyr Tydfil Council
153. Mid Devon District Council
154. Mid Sussex District Council
155. Middlesbrough Council
156. Milton Keynes Council
157. Mole Valley District Council
158. Neath Port Talbot County Borough Council
159. New Forest District Council
160. Newark and Sherwood District Council
161. Newcastle City Council
162. Newcastle-under-Lyme Borough Council
163. Norfolk County Council
164. North Devon District Council
165. North Dorset District Council
166. North East Derbyshire District Council
167. North East Lincolnshire
168. North Hertfordshire District Council
169. North Kesteven District Council
170. North Lincolnshire Council
171. North Norfolk District Council
172. North Tyneside Council

173. North West Leicestershire District Council
174. North Yorkshire County Council
175. Northampton Borough Council
176. Northamptonshire County Council
177. Northumberland County Council
178. Norwich City Council
179. Nottingham City Council
180. Nottinghamshire County Council
181. Nuneaton and Bedworth Borough Council
182. Oadby and Wigston Borough Council
183. Oldham Metropolitan Borough Council
184. Oxfordshire County Council
185. Pembrokeshire County Council
186. Pendle Borough Council
187. Peterborough City Council
188. Plymouth City Council
189. Portsmouth City Council
190. Powys Council
191. Preston City Council
192. Purbeck District Council
193. Reading Borough Council
194. Redcar and Cleveland Borough Council
195. Redditch Council
196. Reigate and Banstead Borough Council
197. Rhondda Cynon Taf
198. Ribble Valley Borough Council
199. Rochdale MBC
200. Rochford District Council
201. Rossendale Borough Council

202. Rotherham Metropolitan Borough Council
203. Royal Borough of Windsor and Maidenhead
204. Rugby Borough Council
205. Runnymede Borough Council
206. Rushcliffe Borough Council
207. Rushmoor Borough Council
208. Rutland County Council
209. Salford City Council
210. Sandwell MBC
211. Scarborough Borough Council
212. Sefton Council
213. Selby District Council
214. Sevenoaks District Council
215. Sheffield City Council
216. Shepway District Council
217. Shropshire Council
218. Slough Borough Council
219. Solihull Metropolitan Borough Council
220. Somerset County Council
221. Mendip District Council
222. Sedgemoor District Council
223. South Derbyshire District Council
224. South Gloucestershire Council
225. South Hams District Council
226. South Holland District Council
227. South Kesteven District Council
228. South Lakeland District Council
229. South Norfolk District Council
230. South Somerset District Council

231. South Staffordshire Council
232. South Ribble Borough Council
233. South Tyneside Metropolitan Borough Council
234. Southampton City Council
235. Southend-on-Sea Borough Council
236. Spelthorne Borough Council
237. St Albans City and District Council
238. Stafford Borough Council
239. Staffordshire County Council
240. Staffordshire Moorlands District Council
241. Stevenage Borough Council
242. Stockport MBC
243. Stockton on Tees Borough Council
244. Stoke-on-Trent City Council
245. Stratford District Council
246. Stroud District Council
247. St Helens Borough Council
248. Suffolk County Council
249. Sunderland City Council
250. Surrey County Council
251. Surrey Heath Borough Council
252. Swale Borough Council
253. Swansea City and County
254. Swindon Borough Council
255. Tamworth Borough Council
256. Tameside Metropolitan Borough Council
257. Tandridge District Council
258. Taunton Deane Borough Council
259. Teignbridge District Council

260. Tendring District Council
261. Test Valley Borough Council
262. Tewkesbury Borough Council
263. Thanet District Council
264. Three Rivers District Council
265. Thurrock Borough Council
266. Tonbridge & Malling Borough Council
267. Torbay Council
268. Torridge District Council
269. Trafford MBC
270. Tunbridge Wells Borough Council
271. Uttlesford District Council
272. Vale of Glamorgan Council
273. Walsall MBC
274. Wareham Town Council
275. Warrington Borough Council
276. Warwick District Council
277. Warwickshire County Council
278. Watford Borough Council
279. Waverley Borough Council
280. Welwyn Hatfield Council
281. West Berkshire Council
282. West Devon Borough Council
283. West Dorset District Council
284. West Oxfordshire Council
285. West Lancashire District Council
286. West Lindsey District Council
287. West Somerset Council
288. West Sussex County Council

289. Weymouth and Portland Borough Council
290. Wigan MBC
291. Wiltshire Council
292. Winchester City Council
293. Wirral Metropolitan Borough Council
294. Woking Borough Council
295. Wolverhampton City Council
296. Worcester City Council
297. Worcestershire County Council
298. Worthing Borough Council
299. Wrexham County Borough Council
300. Wycombe District Council
301. Wychavon District Council
302. Wyre Borough Council
303. Wyre Forest District Council

Schedule 2

Composition of membership of the PATROLAJC

1. The PATROLAJC shall comprise one Representative from each of the Participating Authorities appointed from time to time by the relevant Participating Authority in accordance with law and the appointing Participating Authority's constitutional arrangements.
2. Each Participating Authority shall as soon as practicable after joining the arrangements established pursuant to this deed notify the Lead Officer of the identity of the Representative appointed by it to be its Representative of the PATROLAJC and the identity of any substitute representative.
3. The appointment of a Representative may be terminated at any time by the appointing Participating Authority by providing written notice of the termination to the PATROLAJC.
4. The term of office of a Representative shall be from the date of the first meeting of the PATROLAJC held after the notification by the appointing Participating Authority of the appointment of the Representative until the earlier of:
 - 4.1 termination of the appointment of the Representative by the appointing Participating Authority; or
 - 4.2 the Representative ceasing to be a member of the Participating Authority or ceasing to be entitled to be a Representative of the appointing Participating Authority on a joint committee under the constitutional arrangements applicable to the appointing Participating Authority.
5. On termination of the appointment of a Representative, the appointing Participating Authority shall as soon as practicable notify the Lead Officer of termination of the appointment and of the identity of the replacement Representative appointed by it and the provisions of this **Schedule 2** shall apply to the replacement Representative.

Schedule 3

Functions of the PATROLAJC

The functions of the PATROLAJC shall be:

1. to appoint (re-appoint and dismiss) subject to the Lord Chancellor's consent (and that of the Lord Chief Justice as required) Adjudicators for the purposes of Part 6 of the 2004 Act;
2. to appoint a proper officer and deputy of PATROLAJC;
3. pursuant to the terms of this deed to appoint (and terminate and accept the resignation of) a Lead Authority for the purpose of the arrangements established by this deed;
4. to provide or make arrangements for the provision of accommodation and administrative staff and facilities for the Adjudicators;
5. to determine after consultation with the relevant Participating Authority where the Adjudicators are to sit;
6. to commission and receive an annual report upon the Adjudication Service from the Adjudicators;
7. to make and publish an annual report to the Appropriate National Authority as appropriate on the discharge by the Adjudicators of their functions;
8. to defray all the expenses of the adjudication process and in particular expenses in relation to the remuneration of Adjudicators;
9. to establish and approve annual budgets and receive annual accounts and regular monitoring reports on associated expenditure;
10. to undertake such other functions as are reasonably incidental to the efficient operation of the adjudication process;
11. such other associated functions as Participating Authorities may lawfully arrange for the PATROLAJC to perform as they from time to time consider appropriate, provided that the PATROLAJC agrees to such associated functions.

Schedule 4

Standing Orders

THE PARKING AND TRAFFIC REGULATIONS OUTSIDE LONDON ADJUDICATION JOINT

COMMITTEE'S STANDING ORDERS 2014-15

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1. Chair, Vice-Chair and Assistant Vice- Chair

The PATROLAJC at its first meeting and subsequently on an annual basis shall (a) elect from one of its representatives a Chair and Vice-Chair and Assistant Vice- Chair and (b) appoint Auditors.

2. Duration of Appointments

(i) Each representative on the PATROLAJC shall hold office from the date of the first meeting of the PATROLAJC following his appointment to the date of the next annual meeting of the PATROLAJC or until his appointment is terminated by the appointing Participating Authority which may be done at any time or until he ceases to be entitled to be a representative of that Participating Authority on a Joint Committee under the constitutional arrangements applicable to that appointing Participating Authority.

(ii) The Chair, Vice-Chair and Assistant Vice-Chair shall hold office until the following Annual meeting but such office shall be deemed to be vacated if the appointment as a representative on the Joint Committee is terminated by their Participating Authority or if they cease to be entitled to be a representative on a Joint Committee under the constitutional arrangements applicable to that appointing Authority.

3. Servicing and Advice

(i) It shall be the responsibility of the Lead Officer to convene all meetings of the PATROLAJC;

(ii) An Advisory Board may be appointed by the PATROLAJC comprising the Lead Officer, such other officers of the Participating Authorities and other persons appointed by the PATROLAJC and a representative nominated by the Department for Transport (DFT) as set out in the MOU between the Joint Committee and the Secretary of State. The Advisory Board shall be entitled to depute one or more of their number to attend and advise at meetings of the PATROLAJC.

4. Meetings and Agenda

- (i) A meeting of the PATROLAJC may be called at such date, time and place:
 - a) at the instance of the Chair; or
 - b) as may be determined by the PATROLAJC; or
 - c) by a requisition, signed by not less than one half of the representatives of the PATROLAJC delivered to the Lead Officer at least ten working days before the date of the meeting.
 - d) At the instance of the Lead Officer

Provided that the PATROLAJC shall meet at least once every year (the Annual Meeting).

The summons to any meeting shall set out the business to be transacted thereat, and no business other than that set out in the summons shall be considered at the meeting unless by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

- (ii) At every meeting of the PATROLAJC the Chair, if present, shall preside. If the Chair is absent the Vice-Chair, if present, shall preside. If both the Chair and Vice Chair are absent the Assistant Vice-Chair shall preside. If the Chair, Vice Chair and Assistant Vice-Chair are all absent the meeting shall elect a Chair from one of its representatives. For the purposes of these Standing Orders references to the Chair, in the context of the conduct of business at meetings, shall mean the person presiding under the Standing Orders.
- (iii) Any Participating Authority acting through its representative on the Joint Committee or through an Advisory Board Representative may give written notice of an item within the remit of PATROL to be placed on the Agenda of the PATROLAJC. All notices of items for agendas must be received by the Lead Officer not less than fifteen working days prior to the meeting to which the agenda relates.
- (iv) Each of the Participating Authorities and every Advisory Board representative shall be entitled to have access to a copy of the Agenda, papers and minutes of the proceedings of the PATROLAJC.

- (v) The Lead Officer shall not less than seven clear days before the intended meeting of the PATROLAJC: -
 - (a) Circulate a notice thereof to each Participating Authority representative on the PATROLAJC and to the nominated officer of each Participating Authority, accompanied by a notice of the business to be transacted. Provided that the failure of any such notice to be delivered shall not affect the validity of the meeting or of the business transacted thereat.
 - (b) Publish notice thereof in the London Gazette or such other daily national publication as may be specified by the Lead Officer. Provided always if not published in the London Gazette the Lead Officer shall give 14 days notice in writing to the Participating Authorities of the name of newspapers in which the notice of meetings is to be published.
- (vi) Deputations shall be entitled, upon prior notification being given to the Lead Officer and at the discretion of the Chair, to attend and address the meeting for not more than ten minutes and to answer questions from representatives on the PATROLAJC for a further ten minutes.
- (vii) A representative of the DFT may attend the meetings of the PATROLAJC and may participate fully on all items of business but not vote.

4A. Cancellation of Meetings

The Lead Officer may cancel or postpone any meeting in consultation with the Chair or Vice Chair or Assistant Vice Chair prior to the issue of the agenda or subsequently if there is no business to be transacted, or in other exceptional circumstances.

5. Substitute Members

If a representative of the PATROLAJC is unable to be present at a meeting of the PATROLAJC, that Participating Authority may be represented by a substitute duly appointed by that Participating Authority for the purpose in accordance with their own constitutional arrangements and whose name has been duly notified in writing to the Lead Officer of the PATROLAJC by the nominated Officer of the Participating Authority concerned at least 24 hours prior to the Committee meeting. A substitute attending a meeting of the PATROLAJC

shall declare and vote as the Participating Authority representative on the PATROLAJC. No substitute representative may attend any meeting at which the representative for which he is substitute is present.

6. Attendance Record

At every meeting each representative attending shall record such presence on the attendance sheet or other form of record provided by the Lead Officer.

7. Order of Business

- (i) The order of business at every meeting shall be:
 - (a) to approve as a correct record the minutes of the last meeting;
 - (b) to dispose of business (if any) remaining from the last meeting;
 - (c) to receive and consider reports prepared for the PATROLAJC
- (ii) The Chair shall have discretion to alter the order in which business is taken at the meeting.

8. Minutes

- (i) Minutes of every meeting of the PATROLAJC or any Subcommittee shall be submitted to and signed at the next following meeting of the body concerned.
- (ii) The Chair shall put the question that the minutes submitted be approved as a correct record of the meeting in question.
- (iii) No other motion or discussion shall take place upon the Minutes except upon their accuracy. If no such question is raised or if it is raised, then as soon as it has been disposed of, the Chair shall sign the Minutes.

9. Sub-Committees

- (i) The PATROLAJC shall be entitled to appoint such Sub-committees as it thinks fit.

10. Voting

- (i) Each representative (or if absent the named substitute) shall be entitled to one vote on each question to be decided. Subject to paragraph 10 (iii), every question shall be determined by a show of hands and shall be determined by a simple majority.
- (ii) In the case of an equality of votes, the Chair shall have a second or casting vote.
- (iii) On the requisition of any representative, provided it is supported by at least two others, made before any vote is taken on a motion or an amendment, the voting shall

be recorded so as to show how each representative present and voting voted. The name of any representative present and not voting shall also be recorded.

11. Quorum

- (i) The quorum of the PATROLAJC shall be one twentieth of the number of the Participating Authority representatives but in any event not less than three, and the quorum of a Sub-committee shall be one quarter of the number of members of the Sub-Committee but in any event not less than three.
- (ii) For the avoidance of doubt non-attendance of the representative appointed by the DFT shall not render the meeting inquorate nor shall he be counted in deciding whether a quorum has been established.
- (iii) No business can be transacted at any meeting unless a quorum is present. Any matters of urgency will be considered under Standing Order 16.

12. Rules of Debate

- (i) A motion or amendment shall not be discussed unless it has been proposed and seconded.
- (ii) A representative shall address the Chair and direct any speech to the question under discussion. If two or more representatives indicate they wish to speak the Chair shall call on one to speak first.
- (iii) An amendment shall be:
 - (a) to leave out words
 - (b) to leave out words and insert or add others
 - (c) to insert or add words

but any such amendment must not have the effect of introducing a new proposal into or of negating the original motion

- (iv) A representative shall not speak for longer than 5 minutes on any matter without the consent of the PATROLAJC.
- (v) No representative shall address the PATROLAJC more than once on any issue, but the mover of an original motion may reply, in which reply no new matter shall be introduced, but the reply shall be confined strictly to answering the previous observations.

- (vi) A representative may claim to speak on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a specified statutory provision or a specified standing order and the way in which the representative raising it considers that it has been broken. A personal explanation shall be confined to some material part of a former speech by them in the current debate, which may appear to have been misunderstood. The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- (vii) If an amendment is rejected other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any other amendment may be moved.
- (viii) A further amendment shall not be moved until the PATROLAJC has disposed of every amendment previously moved, provided that the Chair shall have discretion to allow debate to take place on two or more amendments.
- (ix) A representative at the conclusion of a speech of another representative may move without comment:-
 - (a) that the question be now put
 - (b) that the debate be now adjourned
 - (c) that the PATROLAJC proceed to the next business
 - (d) that the PATROLAJC do now adjourn

If such a motion is seconded, the Chair, shall, subject to the mover's right to reply, put the motion to the vote, and if it is carried: –

In case (a) – the motion then before the meeting shall, subject to

The right of reply, be put to the vote; or

In case (b) – the debate on the motion then before the PATROLAJC shall stand deferred until the next meeting of the PATROLAJC unless requested to be dealt with as an urgent matter; or

In case (c) – the motion then before the PATROLAJC shall be regarded as lost and the PATROLAJC shall proceed to the next item on the Agenda, if any; or

In case (d) – the meeting shall stand adjourned.

- (x) If the Chair is of the opinion that the matter before the PATROLAJC has been sufficiently discussed they may put the motion that the question now be put.
- (xi) The Chair shall decide all questions of order and any ruling by the Chair upon such questions and the interpretations of these Standing Orders, and upon matters arising in debate shall be final and shall not be open to discussion.

13. Admission of Public to Meetings

All meetings of the PATROLAJC shall be open to the public (including the Press) except to the extent that they are excluded whether during the whole or part of the proceedings either:-

- (i) In accordance with Section 100A(2) of the Local Government Act 1972; or
- (ii) By resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings that if members of the public were present there would be disclosure to them of exempt information as defined in Section 100I of the Local Government Act 1972. Any such Resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

Exempt information means information falling with the following categories (subject to any condition):

Category

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Condition

- Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

“financial or business affairs” includes contemplated, as well as past or current, activities

Information within paragraph 3 is not exempt if it must be registered under:

- (a) the Companies Act 1985;
- (b) the Friendly Societies Act 1974;

- (c) the Friendly Societies Act 1992;
- (d) the Industrial and Provident Societies Acts 1965 to 1978;
- (e) the Building Societies Act 1986; or
- (f) the Charities Act 1993.

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under the authority.

Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

“labour relations matter” are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute within the meaning of that Act or any dispute about any such matter.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

6. Information which reveals that the authority proposes:

Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

(b) to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

14. Disorderly Conduct

- (i) If the Chair is of the opinion that a representative has misconducted, or is misconducting himself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the PATROLAJC they may notify the meeting of that opinion and may take any of the following action either separately or in sequence:-

- (a) they may direct the representative to refrain from speaking during all, or part of the remainder of the meeting

- (b) they may direct the representative to withdraw from all or part of the remainder of the meeting
 - (c) they may order the representative to be removed from the meeting
 - (d) they may adjourn the meeting for such period as shall seem expedient to him
- (ii) In the event of general disturbance which, in the opinion of the Chair, renders the due and orderly dispatch of business impossible, the Chair, in addition to any other power invested in the Chair, may without question, adjourn the meeting for such periods as in the Chair's discretion shall be considered expedient.

15. Disturbance by Members of the Public

If any member of the public interrupts the proceedings at a meeting of the PATROLAJC, the Chair may warn that person to stop. If the person continues the interruption, the Chair may order that person's removal from the meeting. In the event of general disturbance in the part of the room provided for the public, the Chair may order that part to be cleared.

16. Urgent Business

- (i) If at any time the Lead Officer considers any matter is urgent and should be decided upon prior to the next meeting of the PATROLAJC then he shall consult the PATROLAJC's Chair. If the Chair or in the absence of the Chair, the Vice Chair or Assistant Vice Chair agrees the matter is urgent, then the Lead Officer shall be empowered to make the decision in accordance with such recommendation, subject to the decision being recorded in writing and signed by the Lead Officer to the PATROLAJC.
- (ii) All decisions taken under this Standing Order shall be reported to the next meeting of the PATROLAJC.

17. Rescission of Preceding Resolution

No motion to rescind any resolution passed at the meeting and no motion or amendment to the same effect shall be proposed at that meeting.

18. Delegation of Functions

The PATROLAJC may delegate to officers such of their functions as are permissible under statute and may, in relation to any of those functions, require that the exercise of those functions be subject to such conditions as the PATROLAJC deems fit to impose.

19. Variations and Revocation of Standing Orders

Any motion to vary or revoke these Standing Orders shall require confirmation at the next ordinary meeting of the PATROLAJC before the proposed variation or revocation shall be considered to be effective Provided that nothing in this Standing Order shall operate to prevent the PATROLAJC adopting new Standing Orders at its annual meeting.

20. Interests of Participating Authority representatives in Contracts and Other Matters

If any Participating Authority adopts a Code of Conduct pursuant to the provisions Part 1 – Local Government – Chapter 7 – Standards of the Localism Act 2011 then that Code shall apply with respect to the representative of that Participating Authority save in so far as it is incompatible with the following provisions which shall apply to all representatives irrespective of any other code of conduct that they may be subject to: -

- (i) Where any Participating Authority representative has given a general notice of a pecuniary interest of his or of his spouse they shall nevertheless orally declare it at any meeting where the matter is discussed. Any such reminder shall be recorded in the minutes of the meeting.
- (ii) Where any Participating Authority representative has declared a pecuniary interest in a contract, grant, proposed contract or other matter by making an oral declaration at a meeting, they shall withdraw from the room in which the meeting is being held while the matter is under consideration unless:
 - (a) the disability to discuss, or vote upon any matter arising from the contract or other matter has been removed under Chapter 7 Section 33 of the Localism Act 2011; or
 - (b) the contract, grant, proposed contract or other matter is under consideration by the meeting as part of the report or minutes of a subcommittee (in the case of a meeting of the PATROLAJC) and is not itself the subject of debate.
- (iii) Any person, other than an officer of the PATROLAJC, who is appointed to do anything in connection with the PATROLAJC or subcommittee which enables him to speak at

meetings of the PATROLAJC or subcommittee shall make the same disclosures of pecuniary interests, and shall withdraw from the room in which the meeting is being held on the same occasions, as he would have to do if he were a representative of the PATROLAJC or subcommittee.

21. Interests of Officers in Contracts and Other Matters

- (i) In addition to their duty under Section 117 of the Local Government Act 1972 if it comes to the knowledge of any officer that they have a pecuniary interest either direct or indirect (not being a contract to which he is himself a party) in any contract which has been or is proposed to be, entered into by the PATROLAJC, or in some other matters which is to be considered by PATROLAJC or one of its subcommittees, they shall as soon as practicable, give notice in writing to the Lead Officer of the fact that they are interested therein.
- (ii) For the purpose of this standing order, a disclosable pecuniary interest is an interest that, if the officer were a representative of the PATROLAJC and if the contract or other matter were to be considered at a meeting of the PATROLAJC at which he were present, he would have to disclose it under Chapter 7 Section 31 of the Localism Act 2011.
- (iii) The Lead Officer shall record in a book to be kept for the purpose particulars of any notice of a pecuniary interest given by an officer under Section 117 of the Local Government Act 1972 or paragraph (i). The book shall, during the ordinary office hours of the Lead Authority be open for inspection by any representative of the PATROLAJC.
- (iv) Where an officer submits a report to a meeting on a matter in which they have declared an interest under Section 117 of the Local Government Act 1972 or paragraph (i) they shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report.
- (v) Where any officer advises orally a meeting of the PATROLAJC or a subcommittee on a contract, grant, proposed contract or other matter and has declared a pecuniary interest in that matter, whether under the requirements of Section 117 of the Local

Government Act 1972, or of paragraph (i) they shall remind the meeting orally of that interest.

22. Access to Documents, Information and Land

- (i) In addition to the rights of representatives of the PATROLAJC under Section 100F of the Local Government Act 1972, but subject to paragraph (ii) below, any member of the Participating Authorities shall be entitled on application to the Lead Officer to inspect any document or recorded information in the possession, or under the control, of the PATROLAJC access to which is necessary for the proper discharge of their functions as a member of that Participating Authority;

Provided that: -

- (a) no person shall be entitled to inspect any document or have access to any information relating to a matter in which they have a pecuniary interest;
- (b) access to information not in the form of a document need not be given where the cost of providing the access is unreasonably high, or during such period as the giving of access would unreasonably disrupt the work of the PATROLAJC.
- (ii) In the case of any document other than a document to which the rights under Section 100F of the Local Government Act 1972 apply, and if the Lead Officer considers that access to any document or other information is not necessary for the proper discharge of the functions (as a member of the Participating Authority or as a representative of the PATROLAJC, as the case may be) of the person requesting such access, and there is good reason why access should be refused, they may refuse the person concerned access to the document or information in question.
- (iii) Where a person inspects a document under the rights conferred by Section 100F of the Local Government Act 1972 or this standing order, and the PATROLAJC may lawfully make a copy of that document, they shall be entitled, on request, to be given a copy of that document provided that:
- (a) a reasonable charge shall be made for the copy unless the Lead Officer otherwise directs;

- (b) a copy may be refused if the Lead Officer considers that it is impracticable to make a copy.
- (iv) If a representative on the PATROLAJC or an elected member or officer of the Participating Authorities wishes to have access to land or buildings in the occupation of the PATROLAJC to which the public do not have access and to which such representative, member or officer does not regularly have access, he shall apply to the Lead Officer. Unless the Lead Officer considers that there are good reasons why such access should not be given, they shall give permission but may attach conditions to that permission including particularly a condition that a specified officer of the PATROLAJC shall accompany the representative, member or officer.
- (v) If any member of the Participating Authorities or any other representative of the PATROLAJC is dissatisfied with any determination of the Lead Officer under Section 100F of the Local Government Act 1972 or under this standing order, he may refer the question to the PATROLAJC which shall, after considering any representations that person or the Lead Officer may wish to make, determine whether or not to uphold the Lead Officer's determination.
- (vi) No elected members or officer of the Participating Authorities and no representative of the PATROLAJC shall have any claim by virtue of his position:
 - (a) to enter any land or buildings occupied by the PATROLAJC to which the public do not have access or to which such members, officer or representative do not regularly have access except with the permission of the Lead Officer;
 - (b) to exercise any power of the PATROLAJC to enter or inspect other land or buildings, except where specifically authorised to do so by the PATROLAJC ;
 - (c) to exercise any other power of the PATROLAJC;
 - (d) to issue any order with respect to any works which are being carried out by, or on behalf of, the PATROLAJC, or with respect to any goods or services which are being, or might be, purchased by the PATROLAJC
- (vii) The Proper Officer for the Purpose of Section 100F(2) of the Local Government Act 1972 and for the purposes of this standing order is the Lead Officer.

- (viii) For the purposes of this standing order a person has a pecuniary interest in a matter if, on the assumptions that he were a representative on the PATROLAJC, and that the matter were to be considered by the PATROLAJC, he would have to declare the interest under Section 94 of the Local Government Act 1972.
- (ix) Where any information is given to any person (including a member of the Participating Authorities, or any representative of the PATROLAJC) by the PATROLAJC or by one of the employees of the Lead Authority in the course of transacting any business of the PATROLAJC, and it is made clear (in whatever way) that the information is given in confidence, that person is not entitled to make that information public without the consent of the PATROLAJC.

23. Suspension of Standing Orders

Any of the preceding Standing Orders may be suspended at any meeting so far as regards any business on the Agenda for such a meeting, providing that the majority of the representatives present and voting so decide.

24. Interpretation and Definitions

In these Standing Orders the following terms shall have the following meanings assigned to them:-

“Local Authority” means a local authority which is an enforcement authority for the purpose of Part 6 of the Traffic Management Act 2004 in relation to road traffic contraventions (of any description) or performing the functions of such an enforcement authority.

“The Agreement” means an agreement for Parking and Traffic Regulations Outside London Adjudication Joint Committee made between The Council of the City of Manchester, Hampshire County Council, Oxfordshire County Council and Denbighshire County Council dated 1 May 2008, or its successor Agreement that is due to be completed in 2014.

“Participating Authority” means any Local Authority then party to the joint arrangements contained in the Agreement

“Lead Authority” means such Participating Authority appointed as such pursuant to the Agreement

“Lead Officer” means the Chief Executive of the Council of Cheshire East Council or such other officer of the Lead Authority nominated by them

“The Advisory Board” means the Board comprising the Lead Officer and other officers and other persons appointed by the PATROLAJC and may include sitting in an ex-officio capacity an official nominated by the PATROLAJC and may include sitting in an ex-officio capacity an official nominated by the DFT.

Schedule 5

Financial Regulations

PATROL ADJUDICATION JOINT COMMITTEE

FINANCIAL REGULATIONS

2014/15

1. General

- 1.1 These Regulations should be read in conjunction with the Joint Committee's Financial Standing Orders and Rules of Financial Management contained within the Joint Committee's Agreement and the Scheme of Delegation to the Head of Service.
- 1.2 Where the Joint Committee has established a sub committee whose terms of reference include delegated financial functions, or where there is a specific delegation to such a sub committee, the reference to Joint Committee within the Regulations will include the sub committee.
- 1.3 These Regulations lay down for the guidance of members and officers, principles to be followed in securing the proper administration of the Joint Committee's financial affairs and shall be reviewed by the Joint Committee on an annual basis.
- 1.4 The Head of Service, as the officer responsible for the administration of the Joint Committee's affairs, shall report to the Joint Committee any significant failure to comply with these regulations which comes to his/her attention.
- 1.5 The Head of Service shall be responsible for the accountability and control of all resources managed by him/her on behalf of the Joint Committee and will maintain a written record where decision making has been delegated to others.
- 1.6 The Head of Service will ensure the organizational structure provides an appropriate segregation of duties to provide adequate internal controls to minimize fraud or malpractice.
- 1.7 The Head of Service can allow exceptions to these Regulations if it is believed that the best interests of the Joint Committee would be served if the Regulations were not applied. A written record of these decisions must be kept and reported to the Joint Committee at the earliest opportunity.
- 1.8 Whenever any matter arises which may involve financial irregularity, the Head of Service shall be notified immediately, and if an irregularity is disclosed the matter shall, at the discretion of the Head of Service, and after consultation with the Joint Committee's Treasurer (the Lead Authority's S151 Officer), be referred by them to the Joint Committee. The Head of Service and the Joint Committee Treasurer will determine whether the matter should be referred to Internal Audit. Further in a case where the Head of Service advises that there is prima facie evidence of a criminal offence having been committed, the matter shall be reported to the Police forthwith.

2. Accounting Arrangements

- 2.1 The Statement of Responsibilities for the Statement of Accounts sets out the role of the Head of Service and the Treasurer.
- 2.2 The Treasurer to the Joint Committee is the responsible Financial Officer for the purposes of the Annual Return.

- 2.3 The Head of Service shall ensure that appropriate financial arrangements and procedures are in place on behalf of the Joint Committee in order that the Treasurer can be provided with the necessary accounting records.
- 2.4 The draft Annual Return must be approved by the Joint Committee at its June meeting.
- 2.5 The Head of Service will publish and make available a final accounts/audit timetable to member authorities following the June meeting of the Joint Committee.
- 2.6 The Head of Service, where applicable, shall be responsible for the submission of all claims for grant to Government Departments, or to the EU.

3. Banking Arrangements, Cheques and Purchase Cards

- 3.1 All arrangements with the Joint Committee's bankers, including the procedures for the ordering and safe custody of cheques and purchase cards, shall be made under arrangements approved by the Head of Service.
- 3.2 All cheques drawn on behalf of the Joint Committee shall be signed by the Head of Service and Finance Manager, except in their absence or in the case of personal expenses incurred by these post holders, in which circumstances, named signatories as approved by the Head of Service will provide signatures.
- 3.3 Purchase cards can be used to a pre-set limit of £50,000 per month and £15,000 per single transaction and will be used in accordance with agreed procedures including storage, authorized users and record keeping requirements.
- 3.4 Bank reconciliation will be undertaken on a monthly basis (within 30 days) and signed by two members of staff in accordance with the Bank Reconciliation Procedure with one signature being that of the Finance Manager.
- 3.5 The Head of Service will sign a summary sheet to ensure that bank reconciliations are completed in accordance with the financial regulations.

4. Revenue and Capital Budgets

- 4.1 The Head of Service, in consultation with appropriate Officers, shall prepare annual estimates of expenditure and income, including the proposals for the basis for defraying that expenditure through member authorities. The budget and the basis for defraying expenditure through member authorities must be approved by the Joint Committee by the end of January each year.
- 4.2 The Head of Service will provide a copy of the Joint Committee's approved budget to the Treasurer.
- 4.3 The Head of Service will monitor income and expenditure against the budget and will report to meetings of the Joint Committee showing budgeted, actual and where appropriate, projected expenditure.
- 4.4 The Head of Service shall be authorized to approve transfers between expenditure heads up to a maximum of £25,000. These transfers will be reported to the Joint Committee at the next available meeting as part of the budget monitoring arrangements.
- 4.5 Where it is anticipated that total expenditure will exceed the approved revenue budget by more than 2.5%, the Chair and Vice Chair of the Joint Committee should be notified by the Head of Service at the earliest opportunity following consultation with the Chair of the Advisory Board.

5. Income

- 5.1 The collection of all money due to the Joint Committee shall be under the supervision of the Head of Service.
- 5.2 All money received shall be without delay passed for payment to the Joint Committee's bank account.
- 5.3 The Head of Service shall be furnished with information to ensure the prompt rendering of accounts for the collection of income.
- 5.4 Following year-end, the Head of Service shall request a self-certification of penalty charge notices issued by member authorities.
- 5.5 The Head of Service shall report all bad debts to the Joint Committee for these to be written off. This report will include the cause of the bad debt and the recovering measures taken in accordance with the Debt Recovery Procedure.
- 5.6 Through regular budget monitoring reports, the Head of Service will apprise the Joint Committee of variations in achieved income in order that the Joint Committee can take appropriate actions in a timely manner.

6. Borrowing and Investments

- 6.1 The Joint Committee approves on an annual basis a Treasury Management Statement prepared with advice from the Treasurer. Where applicable, this will take into account any Joint Committee policies in relation to reserves.

7. Orders and Contracts

- 7.1 The Order Procedure includes the required procedures, record keeping and procurement thresholds. These procurement thresholds are set out below together with the responsibilities of the Head of Service and budget holders in procurement.

Up to £2,000, a written quotation submitted by the requisitioner and authorized by the Budget Holder.

Between £2,000 and £30,000 – three written quotations submitted by the Budget Holder.

£30,000 to EU threshold – formal tender process to at least three candidates authorised by the Head of Service.

EU threshold to £250,000 follow EU tender rules initiated by the Head of Service.

In evaluating quotations or tenders, the aim will be to achieve the most economically advantageous outcome, taking into account quality, cost and delivery experience. Such decisions will be documented. Where the lowest price option is not chosen, the Head of Service must approve prior to goods/services being commissioned.

Only budget holders and staff who have received training in the order procedure may order goods or services.

The Head of Service will ensure that staff involved in procurement are aware of financial thresholds and the need for aggregation with single suppliers in respect of purchasing thresholds. Market testing will be undertaken on a three year cycle.

The Head of Service is required to obtain approval from the Joint Committee in respect of the supply of goods, services, materials, equipment, building and civil engineering works in excess of £250,000 per contract.

The Head of Service is required to obtain approval from the Joint Committee in respect of tenders of a sub contractor or supplier for specialist work or material in excess of £100,000 for which a prime cost sum is included in the main contract sum for services, building and civil engineering works.

- 7.2 The Head of Service has the authority to waive these rules (excluding those falling within the EU threshold) where the interests of the Joint Committee would be best served. Such circumstances would include where there is only one contractor that is able to provide goods and services or where the need for such goods and services was urgent and the above procedure would be detrimental to the Joint Committee. Forward planning and market testing will be deployed to ensure that cases of waiver are minimised. The Head of Service shall maintain a record of such decisions and report to the Joint Committee at the earliest opportunity.

8. VAT

- 8.1 The Head of Service will make arrangements for VAT to be reclaimed from the Joint Committee's Lead Authority on a quarterly basis.

9. Reserves

- 9.1 Where applicable, the Joint Committee will approve a Reserves Policy Statement on an annual basis. The Joint Committee will be asked to approve arrangements for placing elements of the reserve on deposit, with regard to ensuring sufficient cash flow and minimising risk.

10.0 Equipment

- 10.1 The Head of Service will ensure that all staff are aware of their responsibility for the security and proper recording of equipment under their control including their personal responsibility with regard to the protection and confidentiality of information whether held in manual or computerized records in accordance with the Information Security Policy. All equipment over £1,000 in value must be recorded in the Equipment Inventory in accordance with the Asset Management Policy. The Head of Service will all ensure that no Joint Committee equipment is subject to personal use by an employee without proper authorisation.

11.0 Insurance

- 11.1 The Head of Service shall in consultation with the Joint Committee's Treasurer, arrange such insurances as he/she considers necessary.
- 11.2 Officers shall give prompt notification to the Head of Service of all new risk or any alterations which may affect existing insurances.
- 11.3 Officers shall inform the Head of Service promptly in writing of any events which may involve the Joint Committee in a claim.

12. Risk

- 12.1 The Head of Service will present a Risk Register for review by the Joint Committee at each meeting in accordance with the Joint Committee's Risk Management Strategy. In addition the Head of Service will ensure that effective Business Continuity Planning arrangements are in place in accordance with the Joint Committee's Business Continuity Management Policy.

13. Internal Audit

- 13.1 The Joint Committee shall approve an annual plan.
- 13.2 The Head of Service will, in accordance with the above plan, arrange for the internal audit of accounts and internal assurance framework of the Joint Committee. Internal audit is currently undertaken by the Lead Authority's Internal Audit Department.
- 13.3 The Head of Service will ensure that Internal Auditors have right of access to such records and explanations as they require to complete the work undertaken.
- 13.4 Audit Reports will be presented to the Joint Committee.

14. External Audit

- 14.1 The Joint Committee will be asked to approve the appointment of auditors.
- 14.2 The Head of Service will make such arrangements as are necessary to facilitate this audit.
- 14.3 The Head of Service will ensure that External Auditors have right of access to such records and explanation as they require to complete the work undertaken.
- 14.4 Audit Reports will be presented to the Joint Committee.

15. Petty Cash

- 15.1 The Head of Service shall make such arrangements as he/she considers necessary for defraying petty cash and other expenses by means of an imprest system in accordance with a procedure to be agreed with the Treasurer, should a petty cash imprest system be introduced.

16. Expenses

- 16.1 The Head of Service shall ensure that expense claims are underpinned by guidelines approved by the Joint Committee's Advisory Board.

17. Gifts and Hospitality Register

- 17.1 The Head of Service will ensure that a register is held for the purposes of recording gifts and hospitality and that staff are made aware of its existence.

18. Declaration of Interest

- 18.1 All staff with financial responsibilities will be required to complete a Declaration of Interest form on an annual basis at the end of each financial year. Members at each meeting will be provided with the opportunity to declare a pecuniary or non-pecuniary interest. The Head of Service will ensure that a register is held for the purposes of recording gifts and hospitality and that staff are made aware of its existence.

19. Anti-fraud, anti-corruption and whistleblowing

19.1 Compliance with these financial regulations is supported by policies and procedures in respect of anti-fraud, anti-corruption and whistleblowing. Where staff have concerns in this respect, they should approach their Line Manager, the Head of Service or if they wish to speak to someone external to the organization, they can contact the Audit Commission Whistleblowing Hotline on 0845 052 2646. The Head of Service will ensure that staff are aware of whom they contact both within and external to the organisation in these circumstances.

20. Document Retention

20.1 All financial documents will be retained for a period of six years in addition to the current year in accordance with the Document Retention Policy.

21. Review

21.1 These Financial Regulations will be reviewed by the Joint Committee on an annual basis.

20 Financial Regulations – related documentation

- (i) Financial Standing Orders and Rules of Financial Management contained within the Joint Committee Agreement
- (ii) The Scheme of Delegation to the Head of Service
- (iii) Code of Corporate Governance
- (iv) Treasury Management Statement (where applicable)
- (v) Reserves Policy Statement (where applicable)
- (vi) Responsibilities of the Joint Committee are set out in the Joint Committee Agreement.
- (vii) Terms of reference for the Executive Sub Committee (where applicable)
- (viii) Terms of reference for the Advisory Board
- (ix) Financial Regulations – Operational Procedures Manual containing all policies, procedures and guidelines to staff referenced within these Regulations.

22. Review and approvals

21 September 2010
28 September 2011
26 June 2012
25 June 2013

Schedule 6

Terms of appointment of the Lead Authority

1. The PATROLAJC agrees that the Lead Authority shall provide to the PATROLAJC such goods and services as the PATROLAJC may from time to time determine.
2. Without prejudice to the generality of **paragraph 1** of this **Schedule 6**, the Lead Authority shall provide staff for the performance on behalf of the PATROLAJC of the functions which are the subject of the arrangements established pursuant to this deed and may in particular:
 - 2.1 appoint, dismiss and discipline staff;
 - 2.2 meet the expenses of the PATROLAJC which relate to the provision of goods and/or services to the PATROLAJC;
 - 2.3 negotiate and execute contracts including but not limited to contracts for works;
 - 2.4 negotiate and enter into property transactions including but not limited to leases, licenses and wayleaves;
 - 2.5 give and procure administration support and professional advice including but not limited to legal, financial, surveying and personnel matters (including, for the avoidance of doubt, the procurement of external advisers to provide such administration support and/or professional advice); and
 - 2.6 such other goods and services as may be agreed with the Lead Authority and authorised by the PATROLAJC.
3. The PATROLAJC and the Lead Authority will enter into a non-binding service level agreement which, thereafter, will be reviewed on an annual basis and which will include:
 - 3.1 shared aims and principles;
 - 3.2 without prejudice to the generality of paragraph 2 of this Schedule 6, the services that the Lead Authority will provide to the PATROLAJC;
 - 3.3 the functions which the Lead Authority may at its discretion from time to time delegate to the Head of Service;
 - 3.4 the estimated costs of the services on an annual basis; and
 - 3.5 service reporting and review procedures.
4. The PATROLAJC and the Lead Authority shall jointly review the Lead Authority's role as such at the end of each five year period calculated from the Commencement Date until the Date of Resignation or the Date of Termination (whichever occurs first).
5. The PATROLAJC shall reimburse the Lead Authority all costs and charges incurred (including, for the avoidance of doubt, costs and charges of appointing external advisers) including value added tax charged at the current standard rate in the provision of goods and/or services to the PATROLAJC as Lead Authority within 30 days of receipt of an invoice submitted by the Lead Authority to the PATROLAJC.

6. The consideration payable to the Lead Authority pursuant to **paragraph 5** of this **Schedule 6** shall be subject to audit by the PATROLAJC and the Lead Authority shall upon request make available all accounts records and other documents reasonably required for such purpose.
7. The Lead Authority shall take all reasonable steps to protect the interests of the PATROLAJC and to keep the PATROLAJC fully informed of all acts or decisions undertaken by the Lead Authority in its role as Lead Authority.
8. The PATROLAJC shall fully and effectively indemnify and keep indemnified the Lead Authority on demand from and against all claims, demands, liabilities, damages, losses, costs and expenses, save for instances where the Lead Authority has acted negligently and/or fraudulently and/or illegally, arising out of:
 - 8.1 the giving of professional advice or its actions as Lead Authority. For the avoidance of doubt, such indemnity applies to the actions or omissions of the Lead Authority in relation to its management of employees, workers, officers and agents carrying out work for or under the direction of the Lead Authority specifically and solely in relation to the functions which are the subject of the arrangements established pursuant to this deed for the benefit of the PATROLAJC and to the termination of the employment or engagement of any such employees, workers, officers and/or agents;
 - 8.2 the bringing and/ or defending (including settling) any claims, counterclaims, causes or rights of action or proceedings of whatsoever nature and howsoever arising (whether, at the date hereof, known or unknown, suspected or unsuspected, actual or contingent) which relate to the acts or omissions of any previous Lead Authority (including, but not limited to, any advice given by that previous Lead Authority to PATROL and/ or the Participating Authorities and whether or not such advice was procured from a third party);
 - 8.3 the actions or omissions of any previous Lead Authority in respect of any:
 - 8.3.1 employee or former employee employed specifically and solely in relation to the functions which are the subject of the arrangements established pursuant to this deed for the benefit of PATROL of any previous Lead Authority;
 - 8.3.2 trade union or elected employee representative of any employee or former employee employed specifically and solely in relation to the functions which are the subject of the arrangements established pursuant to this deed for the benefit of PATROL of any previous Lead Authority;
 - 8.3.3 worker or former worker employed specifically and solely in relation to the functions which are the subject of the arrangements established pursuant to this deed for the benefit of PATROL of any previous Lead Authority;
 - 8.3.4 officer or agent employed specifically and solely in relation to the functions which are the subject of the arrangements established pursuant to this deed for the benefit of PATROL of any previous Lead Authority;

where such claims demands costs and/or expenses relate to any claim or allegation that liability for such actions or omissions of any previous Lead Authority has transferred, transfers or will transfer to the Lead Authority by operation of the Transfer of Employment (Protection of Employment) Regulations 2006; any provision of European Community Legislation and/or any other provision whose purpose or effect is to transfer liability for such claims demands costs and/or expenses;

- 8.4 in respect of any claim brought by any staff employed specifically and solely in relation to the functions which are the subject of the arrangements established pursuant to this deed for the benefit of PATROL by the Lead Authority in its capacity as Lead Authority and/ or any claim brought by any adjudicator relating to the provision of (or failure to provide) pension benefits and premature retirement rights to any such person; and/or
- 8.5 any Losses arising out of or in connection with any lease (including related refurbishment activities) entered into on behalf of PATROL save where such Losses arise from the fraud or wilful default of the Lead Authority (but excluding, for the avoidance of doubt, any wilful default of PATROL staff);

and this indemnity shall continue to apply notwithstanding termination of the arrangements established pursuant to this deed and/or the termination of this deed.

- 8A Subject to paragraph 8B, the PATROLAJC shall, take out and maintain insurances, to the extent that they are available in the market, at commercially reasonable rates, to meet its potential obligation towards the Lead Authority under the indemnity provided in **paragraph 8**, for and on behalf of the Participating Authorities. Neither the Lead Authority nor the Participating Authorities shall take any action (or fail to take any action) which would entitle any insurer to refuse to pay any claim under any insurance policy taken out under this paragraph 8A.
- 8B. In the event that PATROLAJC are unable to take out or maintain the insurances required for the purposes of Paragraph 8 or, in the event that the insurance proceeds do not fully cover the indemnity demanded by the Lead Authority under Clause 8, PATROLAJC shall indemnify the Lead Authority from the PATROLAJC Reserve Fund to the extent not provided for by the insurances. In the event the PATROLAJC Reserve Fund does not contain sufficient funds to provide the indemnity as set out in paragraph 8, the Participating Authorities shall indemnify the Lead Authority in accordance with paragraph 8, provided that the Lead Authority has not acted negligently and/or fraudulently and/or illegally.
- 8C For the purposes of **paragraph 8.5** of this **Schedule 6, "Losses"** shall mean all claims, demands, costs, liabilities and expenses including but not limited to:
 - 8C.1 the properly incurred costs of legal or professional services;
 - 8C.2 any costs incurred by the Lead Authority as a result of PATROLAJC failing to successfully enforce the terms of any appointment, collateral warranty or guarantee relating to all refurbishment activities; and
 - 8C.3 the rent, service charge and other payments due to be made by the Lead Authority, pursuant to the terms of any lease whether arising under statute, contract or at common law.
- 9. Upon the Lead Authority becoming aware of, or aware of the prospect of, any such claims, demands, liabilities, damages, losses, costs or expenses under this paragraph 8 the Lead Authority shall contact the Participating Authorities in writing within 30 days of becoming aware of the same, providing all necessary information for the Participating Authorities to properly evaluate and consider any such claims, demands, liabilities, damages, losses, costs or expenses. For the avoidance of doubt, any failure on the part of the Lead Authority to comply with the provisions of this paragraph 9 shall in no way invalidate, lessen, diminish or otherwise have an adverse impact on the indemnities given by the PATROLAJC in favour of the Lead Authority pursuant to this Schedule 6.

10. The Lead Authority may in pursuance of the arrangements established pursuant to this deed and Section 120(4) of the Local Government Act 1972 acquire and dispose of land on behalf of the Participating Authorities.
11. Subject to **paragraph 11** of this **Schedule 6**, no property belonging to the Lead Authority including staff and premises provided by the Lead Authority for the use of the PATROLAJC shall become part of the assets of the PATROLAJC and for the avoidance of doubt neither the PATROLAJC nor any of the Participating Authorities shall acquire or be entitled to claim or seek to enforce any rights as to possession or otherwise in respect of such premises and possession of such premises shall be delivered when required by the Lead Authority.
12. Without prejudice to any other assets of the PATROLAJC, the following agreements shall be treated as assets of the PATROLAJC:
 - 12.1 the lease in respect of part of the Second Floor, Springfield House, Water Lane, Wilmslow, Cheshire between (1) Cheshire East Council and (2) Orbit Developments (Manchester) Limited dated 15 February 2013 and any lease entered into by the Lead Authority in its capacity as Lead Authority for the purpose of the provision of accommodation for the PATROLAJC; and
 - 12.2 contracts of employment of staff employed by the Lead Authority in its capacity as Lead Authority for the purpose of the provision of staff for the PATROLAJC.

Schedule 7

Memorandum of Participation in the PATROLAJC

MEMORANDUM OF PARTICIPATION

[Council]

RECITALS

- (A) Whereas [] Council is an enforcement authority for the purposes of Part 6 of the Traffic Management Act 2004 (the "**2004 Act**") or is performing the functions of such an enforcement authority.
- (B) And whereas Regulations made under the 2004 Act (the "**Regulations**") provide that the functions conferred on each Local Authority relating to adjudication and adjudicators shall be discharged by it through a joint committee set up in pursuance of arrangements entered into by it under sections 101(5) and 102(1)(b) of the Local Government Act 1972.
- (C) And whereas a number of Local Authorities have entered into an agreement for the establishment of a joint committee known as the Parking and Traffic Regulations Outside London Adjudication Joint Committee ("**PATROLAJC**").
- (D) And whereas it is expedient that other Local Authorities should have the opportunity of making similar arrangements to exercise their functions through the joint committee and the said agreement makes provision for such Local Authorities to join in the said arrangements by means of this Memorandum.
- (E) And whereas the said Local Authority wishes to enter into the same arrangements as govern the setting up of the PATROLAJC with those Local Authorities which are currently parties to the said arrangements and to that end wishes to become a party to those arrangements.
- (F) And whereas the said Local Authority is hereby acting in accordance with its own constitutional arrangements and under the provisions of section 101(5) of the Local Government Act 1972, section 20 of the Local Government Act 2000, sections 9EA and 9EB of the Local Government Act 2000 and any regulations made thereunder.

IT IS AGREED AS FOLLOWS:

1. In the signing of this Memorandum the [Council] (the "**Joining Local Authority**") shall become a party to the joint arrangements set out in the agreement annexed at **Schedule 1** to this Memorandum as if the Joining Local Authority had been named as a party in the said agreement but subject only to the modifications contained in this Memorandum.
2. By signing this Memorandum the Joining Local Authority hereby agrees to be bound by the terms set out in the said agreement subject only to the following modifications:

- 2.1 the agreement shall come into effect insofar as the Joining Local Authority is concerned only on the date the Joining Local Authority signs this Memorandum;
- 2.2 the Joining Local Authority shall be liable to contribute under clause 5.1 of the agreement and in accordance with the terms of contribution currently in effect at the date of joining which have been agreed by PATROLAJC which have been notified to the Joining Local Authority by the Lead Officer in the letter which forms **Schedule 2** to this Memorandum.

Signed.....

Authorised Signatory.....

Name and Position (please print)

Dated

[Council Name]

[Council Address]

Schedule 8

PATROLAJC Agreement

Schedule 9

Contribution letter

[Date]

[Letterhead]

[Council]

Dear [Legal Officer]

**Civil Enforcement of Parking
Defraying the expenses of the PATROL Adjudication Joint Committee
[Council]**

I note your intention to introduce civil parking enforcement on [date].

The Lead Authority, Cheshire East Council, will be writing to you shortly to make arrangements for [Council] to become a party to the PATROL Adjudication Joint Committee agreement

The Joint Committee has determined the proportion in which expenses will be defrayed by member authorities for the period as follows.

Charge Type	Charge applicable 01/04/14 to 31/03/15
Annual Fee	£nil
PCN Fee	£0.55
Appeal Case Fee	£nil

I trust this is satisfactory however if you have any queries, please do not hesitate to contact me.

Yours sincerely,

**Louise Hutchinson
[Head of Service]
Joint Committee Services**

Direct Line: 01625 445566
Email: lhutchinson@patrol-uk.info

Schedule 10

Memorandum of Understanding between adjudicators of the Traffic Penalty Tribunal And The Patrol
Adjudication Joint Committee and The Bus Lane Adjudication Service Joint Committee

MEMORANDUM OF UNDERSTANDING

Between

Adjudicators of the Traffic Penalty Tribunal

And

The PATROL ADJUDICATION JOINT COMMITTEE and

THE BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

November 2012 (day reviewed June 2014)

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MEMORANDUM OF UNDERSTANDING

1. Introduction

This Memorandum of Understanding (MOU) is between:

- a) The Adjudicators
- b) The Parking and Traffic Regulations Outside London Joint Committee (PATROL) and the Bus Lane Adjudication Service Joint Committee (BLASJC)

The jurisdiction is England (outside London) and Wales. Legislation is devolved to Wales.

The purpose of this MOU is to clarify the relationship between the adjudicators and the joint committees and promote mutual understanding of the duties and obligations to preserve judicial independence.

The MOU seeks to provide an instrument to support our understanding of how the Parking and Traffic Regulations Outside London Joint Committee and Bus Lane Adjudication Service Joint Committee Agreements will be delivered.

Not only must each party to the MOU perform their functions with a view to protecting the independence of the tribunal but must recognise that the public perception of independence is as important as de facto independence.

2. Shared Aims

The adjudicators and joint committees are committed to a fair adjudication service for appellants including visible independence of adjudicators from the authorities in whose area they are working.

3. Overriding Principles

- 3.1 The overriding principle of this memorandum is that the adjudicators are independent judicial office holders exercising a judicial function.
- 3.2 The adjudicators are not employees of the Joint Committees. Together they constitute the independent and impartial tribunal for the determination of appeals made to them, as required by Article 6 of the European Convention on Human Rights. The adjudicators and their administrative staff are, for convenience, described collectively as the Traffic Penalty Tribunal.
- 3.3 Neither the Chief Adjudicator (see paragraph 5 below) nor any other adjudicator is answerable to the Joint Committees in any way as regards the performance of their judicial functions.
- 3.4 The Joint Committees has no remit to consider or influence decisions of adjudicators and the function of the adjudication service as an independent tribunal.

4. The Statutory Framework

- 4.1 The relationship between the adjudicators and the joint committees is derived from and governed by the Traffic Management Act 2004 (TMA) and Transport Act 2000 (TA) and the regulations made under those two Acts which:
 - b) establish the office of adjudicator for parking, bus lane, moving traffic and road user charging appeals.
 - c) prescribes the roles and responsibilities of the adjudicators and the Joint Committees

4.2 PATROL has been established to enable councils undertaking civil parking enforcement in England and Wales and civil bus lane and moving traffic enforcement in Wales to exercise their functions under:

- a) section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and 18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (the English General Regulations);
- b) section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);
- d) Regulations 12 and 13 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations).

These functions are exercised through PATROL in accordance with Regulation 16 of the English General Regulations and Regulation 15 of the Welsh General Provisions Regulations.

4.3 BLASJC has been established to enable councils in England undertaking civil enforcement of bus lanes to exercise their function under Regulation 11 of The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 (the Bus Lane Regulations).”

These functions are exercised through BLASJC in accordance with Regulation 12 of the Bus Lane Regulations.

4.4 The functions of PATROL and BLASJC are:

So far as the adjudicators are concerned, the functions of the Joint Committees are as follows:

- a) With consent of the Lord Chancellor, appoint and reappoint adjudicators
- b) Remove adjudicators from office with the agreement of the Lord Chancellor and Lord Chief Justice
- c) Determine the place at which adjudicators are to sit

The Joint Committees have formally delegated the above functions to the Chief Adjudicator (see Section 5 below).

The Joint Committees’ functions also include:

- Providing or making arrangements for accommodation, administrative staff (and facilities) for the adjudicators
- Defraying expenses incurred in the adjudicators performing their function.
- Appointing persons to fulfill the function of the proper officer under the relevant regulations.

4.5 The Regulations also provide that:

- In accordance with such requirements as may be imposed by the Joint Committee, each adjudicator shall make an annual report to the Joint Committees on the discharge of his/her function. The Joint Committees have agreed that this requirement will be fulfilled by the Chief Adjudicator.
- The Joint Committees shall make and publish annual reports in writing to the Secretary of State or Welsh Ministers as appropriate on the discharge of the adjudicators and their functions.

5. Chief Adjudicator

- 5.1 In order to create and preserve the actual and transparent independence of the adjudicators, the Joint Committees shall designate one of the adjudicators to take the role of Chief Adjudicator, thus acting as the judicial head of the tribunal. Like all adjudicators, the Chief Adjudicator enjoys judicial independence.
- 5.2 There is no statutory provision for a President or Chief Adjudicator. Nevertheless, the Joint Committees and the adjudicators have agreed:
- a) There is a need for a de-facto Chief Adjudicator
 - b) The Joint Committees shall designate one of the adjudicators to be the Chief Adjudicator
 - c) The role and responsibilities of the Chief Adjudicator are set out at Appendix A and shall include all aspects of judicial leadership and management including the following functions that the Joint Committee have delegated to the Chief Adjudicator:
 - i) With the consent of the Lord Chancellor, the making of and reappointment of the part-time Adjudicator appointments, for a period not exceeding 5 years. Such appointments to be sufficient to meet the needs of the service, as appropriate.
 - ii) The determination of the terms and conditions applying to Adjudicators having regard to principles established for such judicial appointments and conduct by the Lord Chief Justice and Lord Chancellor.
 - iii) The determination of where Adjudicators shall sit.

It is also for the Chief Adjudicator:

- iv) To obtain such legal advice and representation necessarily required for the Adjudicators to perform their functions and to arrange for defense of any legal proceedings arising from the exercise of those functions, including the instruction of Counsel.
- v) To conduct and approve press and media relations relating to the Traffic Penalty Tribunal, including press conferences, publicity and public relations and tribunal information and publications
- vi) To oversee promotion of the Traffic Penalty Tribunal

6. Salaried Adjudicators

- 6.1 The Chief Adjudicator and salaried Adjudicators have a contract of employment with the Lead Authority for employment rights such as salary and pensions however they are not accountable to the Chief Executive of the Lead Authority for the performance of their functions.

7. Judicial Leadership, Management and Discipline Functions

- 7.1 Neither the Joint Committees nor the Lead Authority are liable for Judicial Leadership, Management and Discipline functions.

8. Removal of Adjudicators

- 8.1 An Adjudicator may only be removed from office for misconduct or if unable or unfit to discharge his or her functions (s 81 (2) (d) Traffic Management Act 2004).

- 8.2 The procedure for removal is specified in the Adjudicators' terms of appointment and has been delegated by the Joint Committees to the Chief Adjudicator.

9. Appeals and Judicial Matters

- 9.1 Appeals are made to the Adjudicators and are their responsibility. They have a duty to ensure that appeals are dealt with in accordance with the requirements of Article 6 of the European Convention on Human Rights for a fair and public hearing within a reasonable time.

- 9.2 Judicial matters are entirely the responsibility of the Chief Adjudicator to determine.

These include:

- a) Monitoring and appraisal of adjudicators' competencies
- b) Adjudicator Training
- c) Dealing with judicial complaints and discipline
- d) Allocation of cases

- 9.3 The following are also matters for the Chief Adjudicator to determine:

- a) Administrative procedures
- b) Training requirements for Adjudicators
- c) Communications strategy

- 9.4 The Joint Committees would expect to be consulted to the extent that 9.2 have budgetary implications.

- 9.5 The Chief Adjudicator may delegate functions for the expeditious operation of the tribunal.

10. Lead Officer

- 10.1 The PATROLAJC and BLASJC Agreements make provision for the appointment of a Lead Officer to whom functions are delegated pursuant to that Deed of Arrangement and the Standing Orders of the Joint Committees.

- 10.2 In view of the nature of the relationship between the Adjudicators, Joint Committees and the Lead Authority, the expectation is that the Joint Committees will request the Chief Executive of the Lead Authority to nominate the Head of Service as Lead Officer who amongst the functions delegated to the role will be expected to:

- (a) Be responsible for the administration of the Joint Committees and the Traffic Penalty Tribunal and provide for the Adjudicators on behalf of the Joint Committees, the accommodation, administrative staff and facilities. The Lead Officer has no remit to influence the decisions of the Adjudicators.
- (b) Be responsible for ensuring that the Adjudicators' requirements as set out in the Memorandum of Understanding with the Joint Committees are met within the Financial Regulations of the Joint Committee.
- (c) Work in partnership with the Chief Adjudicator to ensure the vision, aims and objectives of the tribunal are achieved.

- (d) Provide strong and strategic leadership to manage the support function for the Adjudicators to deliver an efficient service that ensures all appeals are held within legal requirements and performance criteria.
- (e) Manage the Service Level Agreement with the Lead Authority on behalf of the Joint Committees.

11. Accommodation, administrative staff and facilities

- 11.1 The Joint Committees have a statutory duty to provide accommodation, administrative staff and facilities for the Adjudicators sufficient to enable them to perform their functions in accordance with their duty as set out in Section 4 above.
- 11.2 The nature of administrative support (including staff, facilities and accommodation) are for agreement between the Adjudicators and the Joint Committees, having regard to the Joint Committees' duty to the Adjudicators set out in Section 4 above.
- 11.3 The accommodation and administrative staff provided for the Adjudicators by the Joint Committees in accordance with their statutory duties are, for convenience, along with the body of the Adjudicators whom they support, described collectively as the Traffic Penalty Tribunal. The Traffic Penalty Tribunal is not a legal entity.
- 11.4 The Joint Committees are responsible for the management of the accommodation and facilities including health and safety procedures for all users of the accommodation.
- 11.5 In accordance with the regulations made under the TMA and the TA, the Joint Committees are each required to appoint one member of staff to fulfill the duties of the "Proper Officer" for the purposes of those regulations. It is anticipated that the Joint Committees will consult with the Chief Adjudicator on the appointment of the Proper Officer.
- 11.6 The function of the staff, including the Proper Officer, is to support the Adjudicators in the performance of their function and to carry out such administrative tasks as the Adjudicators require in that connection. They act under the direction of the Adjudicators.
- 11.7 The Lead Authority will provide contracts of employment for the staff provided by the Joint Committees to ensure their employment rights and obligations.
- 11.8 For the purposes of employment rights and obligations, whilst employment policies may stem from the Lead Authority, it must be recognised that when staff are performing duties stemming from the procedural regulations that govern the Tribunal or under the delegation of Adjudicators, the latter takes precedence.
- 11.9 The independence of the Tribunal requires that staff are engaged solely on the work of the Tribunal.
- 11.10 The Joint Committees will ensure that staff provided for the Adjudicators carry out their functions effectively and efficiently and are responsible for their:
 - a) Recruitment
 - b) Training
 - c) Line Management
 - d) Appraisal
 - e) Disciplinary procedures, including considering complaints, grievances etc.

The staff will be selected by open recruitment (except where specifically agreed by the Chief Adjudicator) for skills, experience and aptitude to administer the tribunal in accordance with the regulation governing the tribunal procedure. The Chief Adjudicator will be consulted on the appointment of senior posts and staffing structures.

When the tribunal staff are performing these functions, management instructions will support and underpin the directions of the adjudicator.

These functions are delegated to the Joint Committees' Lead Officer in consultation with the Chief Adjudicator.

- 11.11 There is an expectation that tribunal HR policies should be formulated in consultation with the Lead Authority but there is not an expectation that the policies of the Lead Authority will automatically be adopted. Policies need to be fit for purpose for a national tribunal, with particular regard to Wales, and its procedural regulations.

12.0 Defraying the expenses of the Tribunal

- 12.1 The Joint Committees are responsible for defraying the expenses incurred in the Adjudicators performing their functions.

- 12.2 Consequent upon the duty specified in paragraph 12.1, the Joint Committees are responsible for:

- a) approving the budget for the tribunal and determining the contribution for member authorities.
- b) financial control, management and monitoring

The Joint Committees will consult the Adjudicators in approving the budget and will otherwise consult with them as may be appropriate for the proper discharge of these functions.

13. Advisory Board

- 13.1 The Joint Committees' Standing Orders provide for the Joint Committees to establish and appoint an Advisory Board comprising such officers and persons appointed by the Joint Committees to advise them on their functions.

- 13.2 The purpose of the Advisory Board is to assist and advise the Joint Committees on the overall policies and strategies for administering the adjudication service and on their responsibilities under the TMA, the English General Regulations, the Welsh General Provisions Regulations, the Bus Lane Regulations and the Road User Charging Regulations.

- 13.3 The Advisory Board has no remit to consider or influence decisions of adjudicators and the function of the adjudication service as an Independent Tribunal.

- 13.4 The diversity of membership of the Advisory Board including judicial expertise and consumer representation strengthens the scrutiny function it performs which is of mutual benefit to the Adjudicators, the Joint Committees and Lead Authority.

14.0 Lead/Host Authority

- 14.1 The Joint Committees are not made body corporate by statute however the Joint Committees are entities recognized in law as ones distinct from their members. The Joint Committees themselves may enter into contracts and also commissions services as required from time to time from one of its member councils referred to as the Host or Lead Authority.

- 14.2 The expectation is that the relationship between the Lead Authority and both the Joint Committees and the tribunal will replicate that of an arm's length body, with the Lead Authority providing services and advice as required.

- 14.3 The services provided by the Lead Authority, enabling the Joint Committees to provide the resources to the Adjudicators as identified in this Memorandum of Understanding, will be supported by a Service Level Agreement with the Joint Committees.

- 14.4 The period of tenure for the Lead Authority is five years.

15. Review Mechanism

- 15.1 The MOU will be reviewed by the Adjudicators and the Joint Committees on an annual basis. This review will inform the annual review of the service level agreement between the Joint Committees and the Lead Authority.
- 15.2 Should the Chief Adjudicator have any concerns about matters impacting upon the independence of the Adjudicators, this will be brought to the immediate attention of the Chairs of the Joint Committees and/or their Advisory Board.

APPENDIX A

CHIEF ADJUDICATOR ROLE

Introduction

The Chief Adjudicator's role is to recruit, lead and manage the Adjudicators with the aim of delivering a fair, timely and efficient adjudication service. In so doing, the responsibility of the Chief Adjudicator shall include the following:

1. Arrange the recruitment of an appropriate number of Adjudicators
2. Advise the Joint Committees on the removal of Adjudicators where necessary
3. Advise the Joint Committees on the reappointment of Adjudicators
4. Arrange appropriate induction and continuing training for Adjudicators, supplemented by appropriate guidance materials
5. Ensure the independence of Adjudicators
6. Monitoring, mentoring and appraisal of Adjudicators
7. Represent the Adjudicators in dealing with others, including:
 - i) The Joint Committees
 - ii) Government
 - iii) The press
8. Ensure proper rules of procedure and practices and promote consistency in their application.
9. Establish appropriate delegation in respect of the Chief Adjudicator and Adjudicator functions for the expeditious operation of the tribunal.
10. Ensure that administrative provision for Adjudicators is adequate and appropriate.
11. Deal with complaints against Adjudicators in accordance with the Adjudicators' Judicial Complaints Protocol, and other disciplinary matters
12. Provide guidance and support to individual Adjudicators
13. Deal with representation of Adjudicators in the event of a judicial review of their decision or other legal proceedings arising from the performance of their function.
14. Allocation of cases
15. On behalf of the Adjudicators, and in fulfillment of their obligation to the Joint Committees to report annually, author and present an annual report to the Joint Committees on the discharge by the Adjudicators of their functions with a view to its subsequent publication to the Secretary of State.
16. Keep the Joint Committees informed of all legal matters affective implementation and maintenance of the adjudication system.

APPENDIX B

FIGURATIVE REPRESENTATION OF THE ROLES REFERRED TO IN THE MEMORANDUM OF UNDERSTANDING

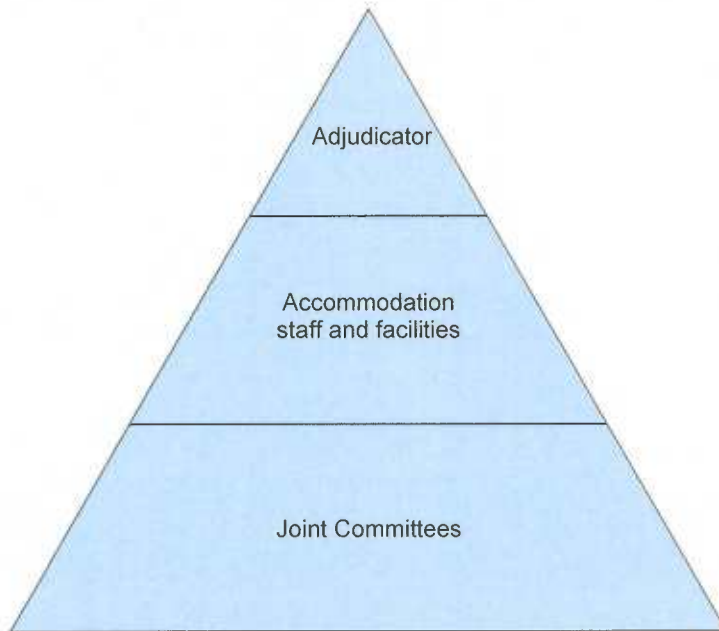


Fig 1. Provision of Services to Adjudicators

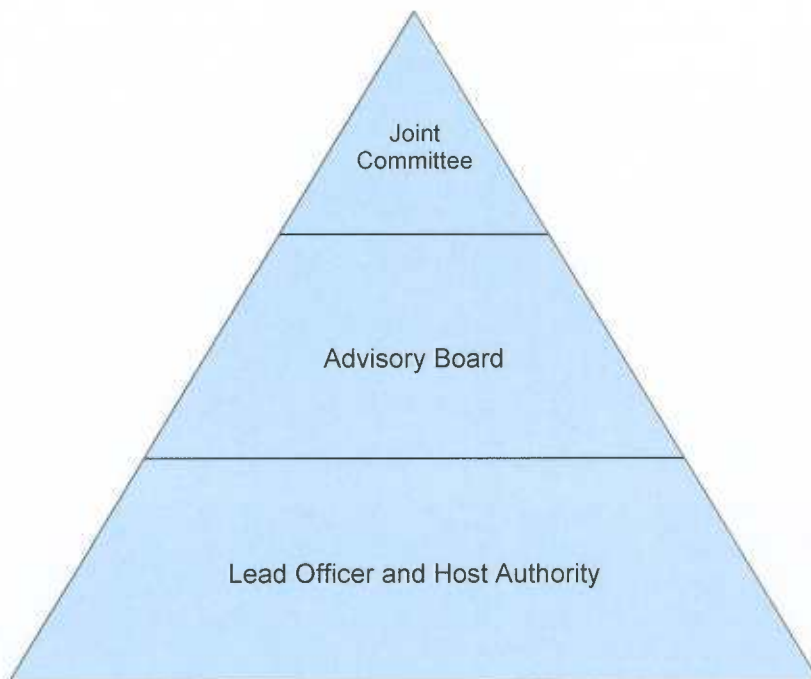


Fig 2. Governance Structure

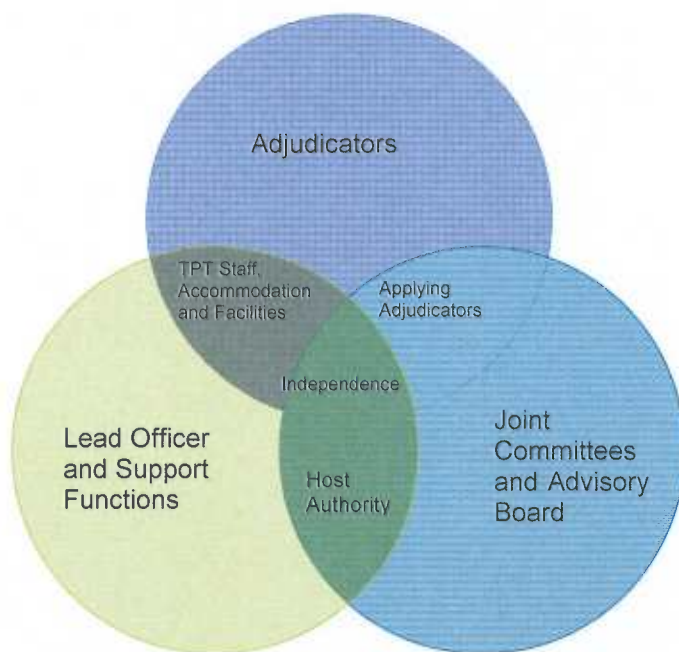


Fig 3. Overview of Joint Committee Relationships

APPENDIX 2

MEMORANDUM OF PARTICIPATION IN THE PATROL ADJUDICATION JOINT COMMITTEE

NAME OF COUNCIL

RECITALS

- (A) Whereas **NAME OF COUNCIL** is an enforcement authority for the purposes of Part 6 of the Traffic Management Act 2004 (the "**2004 Act**") or is performing the functions of such an enforcement authority.
- (B) And whereas Regulations made under the 2004 Act (the "**Regulations**") provide that the functions conferred on each Local Authority relating to adjudication and adjudicators shall be discharged by it through a joint committee set up in pursuance of arrangements entered into by it under sections 101(5) and 102(1)(b) of the Local Government Act 1972.
- (C) And whereas a number of Local Authorities have entered into an agreement for the establishment of a joint committee known as the Parking and Traffic Regulations Outside London Adjudication Joint Committee ("**PATROLAJC**").
- (D) And whereas it is expedient that other Local Authorities should have the opportunity of making similar arrangements to exercise their functions through the joint committee and the said agreement makes provision for such Local Authorities to join in the said arrangements by means of this Memorandum.
- (E) And whereas the said Local Authority wishes to enter into the same arrangements as govern the setting up of the PATROLAJC with those Local Authorities which are currently parties to the said arrangements and to that end wishes to become a party to those arrangements.
- (F) And whereas the said Local Authority is hereby acting in accordance with its own constitutional arrangements and under the provisions of section 101(5) of the Local Government Act 1972, section 20 of the Local Government Act 2000, sections 9EA and 9EB of the Local Government Act 2000 and any regulations made thereunder.

IT IS AGREED AS FOLLOWS:

1. In the signing of this Memorandum the **NAME OF COUNCIL** (the "**Joining Local Authority**") shall become a party to the joint arrangements set out in the agreement annexed at **Schedule 1** to this Memorandum as if the Joining Local Authority had been named as a party in the said agreement but subject only to the modifications contained in this Memorandum.
2. By signing this Memorandum the Joining Local Authority hereby agrees to be bound by the terms set out in the said agreement subject only to the following modifications:
 - 2.1 the agreement shall come into effect insofar as the Joining Local Authority is concerned only on the date the Joining Local Authority signs this Memorandum;

2.2 the Joining Local Authority shall be liable to contribute under clause 5.1 of the agreement and in accordance with the terms of contribution currently in effect at the date of joining which have been agreed by PATROLAJC which have been notified to the Joining Local Authority by the Lead Officer in the letter which forms **Schedule 2** to this Memorandum.

Signed.....

Authorised Signatory.....

Name and Position (please print)

Dated

Name of Council

Address