



Meeting of Council

Monday 18 December 2023

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA on Monday 18 December 2023 at 6.30 pm, and you are hereby summoned to attend.

**Yvonne Rees
Chief Executive**

Friday 8 December 2023

AGENDA

1 Apologies for Absence

2 Declarations of Interest

Members are asked to declare any interest and the nature of that interest which 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.

Addresses may be presented by:

- A Local Government elector for the area,
- A person who is wholly or mainly resident in the area,
- A Council Taxpayer or National Non-Domestic Ratepayer for the area

Addresses must be on an item on the Agenda before the meeting and not exceed 5 minutes. No person may address more than one meeting on any particular issue.

Requests to address the meeting (including the agenda item and reason for the address) should be submitted to democracy@cherwell-dc.gov.uk The deadline for requests to address this meeting is noon on Friday 15 December 2023.

The deadline to present a petition to this meeting has passed.

Full details of public participation at meetings is available in the Constitution.

4 Communications (Pages 11 - 12)

To receive communications from the Chairman and/or the Leader of the Council.

5 Minutes of Council (Pages 13 - 22)

To confirm as a correct record the Minutes of Council held on 16 October 2023.

6 Minutes

- a) Minutes of Executive, Portfolio Holder Decisions and Executive Decisions not included in the 28 day notice

The Leader of the Council to formally propose that the minutes of the meetings of the Executive and Portfolio Holder Decisions as set out in the Minute Book (circulated separately) be received and to report that since the last meeting of Council held on 16 October 2023, no key or exempt decisions have been taken by the Executive which were not included in the 28 day notice.

- b) Minutes of Committees

The Leader of the Council to formally propose that the minutes of committees as set out in the Minute Book (circulated separately) be received.

7 Questions (Pages 23 - 24)

- a) Written Questions

Two written questions have been submitted with advance notice in accordance with the Constitution. These are attached to the agenda.

Question from:	Question topic:
Councillor Ian Middleton	Draft Local Plan 2024 – affordable housing
Councillor Ian Middleton	Long term empty homes

A written response to the questions will be published on the working day before the meeting.

The Member who submitted the written question may ask a supplementary question provided it is relevant to the reply and does not introduce any new matter. The Member to whom the question was addressed may reply to such supplementary question or undertake to reply in writing.

b) Questions to the Leader of the Council

The Chairman to invite questions to the Leader of the Council (including any matters arising from the minutes).

Following a response to their question being provided Members will be entitled to a follow up or supplementary question.

c) Questions to Committee Chairmen on the Minutes

The Chairman to invite questions to Chairmen of Committees on any matter arising from the minutes of their committee (if any).

Council Business Reports

8 Appointment of Chief Executive, Head of Paid Service, Returning Officer and Electoral Registration Officer (Pages 25 - 32)

Report of Assistant Director Human Resources

Purpose of report

To seek Council approval of the recommendations of the Personnel Committee that Gordon Stewart be appointed to the posts of Chief Executive, Head of Paid Service, Returning Officer and Electoral Registration Officer with effect 8 January 2024.

Recommendations

The meeting is recommended:

- 1.1 To agree the recommendation of the Personnel Committee that Gordon Stewart be appointed Chief Executive from 8 January 2024.
- 1.2 To agree the recommendation of the Personnel Committee that Gordon Stewart be appointed the Council's Head of Paid Service for the purposes of Section 4 of the Local Government and Housing Act 1989 with effect from 8 January 2024.
- 1.3 To agree that, in accordance with Section 8 of the Representation of the People Act 1983 and all related legislation, Gordon Stewart be appointed as Electoral Registration Officer for Cherwell District Council from 8 January 2024.

- 1.4 To agree that, in accordance with Section 35 of the Representation of the People Act 1983 and all related legislation Gordon Stewart be appointed as Returning Officer for Cherwell District Council with authority to act in that capacity for elections to the District Council and all parish and town councils within the area of the Cherwell district from 8 January 2024.
- 1.5 To agree that Gordon Stewart also be appointed or authorised to act in respect of all related electoral, polling or referendum duties, including in relation to County Council elections, and for national and regional polls or referendums and be authorised to exercise all delegated powers of the Returning Officer and Electoral Registration Officer as set out in the Constitution from 8 January 2024.
- 1.6 To agree that, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such appointment, the Returning Officer shall be entitled to be remunerated in accordance with the scale of fees approved by Council for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national or regional elections, polls or referendums.
- 1.7 To agree that in all cases where it is a legal requirement or normal practice to do so, the Returning Officer may elect for such fees to be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contributions from central government or other local authorities or agencies where this can be done.
- 1.8 To agree that, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Councils are entitled by law to do so, they shall take out and maintain in force insurance indemnifying the Councils, the Electoral Registration Officer and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council, Electoral Registration Officer or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the inadvertent contravention of the Representation of the People Acts or other legislation governing the electoral process, and provided that, in the case of the Electoral Registration Officer and the Returning Officer, such proceedings or invalidation arise from an act or omission which the Officer reasonably believes is within the Officer's powers).
- 1.9 To agree that, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Councils, through their internal insurance fund or otherwise, will indemnify the Electoral Registration Officer and Returning Officer up to the value of such excess.
- 1.10 To agree that the Council notes its duty to provide support to the Electoral Registration Officer and Returning Officer.

9 Council Tax Reduction Scheme 2024/2024 (Pages 33 - 38)

Report of Assistant Director of Finance

Purpose of report

To enable members to consider the proposed banded scheme for Council Tax Reduction for 2024- 25

The current scheme was introduced from April 2020 following a period of consultation and engagement. In general, it has been well received with limited contact from customers. It is proposed to continue with the current scheme, uprated for inflationary factors.

The scheme assesses the maximum level of Council Tax Reduction based on the net income of the applicant and household members, the main principles of the scheme remain unchanged . Pensioners are protected and continue to be eligible to receive 100% Council Tax Reduction

If the applicant or partner is in receipt of a passported benefit such as Income Support Job Seekers Allowance (JSA) income based and income related Employment and Support Allowance (ESA) or receiving War widows or War disablement pensions they will be placed into the highest band and will receive 100% Council Tax Reduction.

Working age households will receive a discount, depending on their level of income and the band that they fall into.

The current scheme is understood by customers and has enabled them to budget for their council tax payments, and this is reflected in the Council Tax collection rates with Cherwell being the highest performer across the county for 2022 -23.

The current scheme reduces the number of changes that the customer will experience with less bills and notification letters generated and enables better personal budgeting. There is still a lot of financial uncertainty for many customers and in the current financial climate with the ongoing cost of living crisis it is therefore recommended that the existing scheme should be retained for 2024.25.

Recommendations

The meeting is recommended:

- 1.1 To note the contents of this report and the financial implications for the council.
- 1.2 To approve
 - The option of no change to the Council Tax Reduction Income Banded Scheme for Working Age Customers for 2024-2025
 - To amend Working Age Regulations in line with annual uprating and to amend the Council Tax Regulations for pensioner in line with uprating announced by Department for Levelling Up Housing and Communities

10 Treasury Management Mid-Year Review Report 2023/24 (Pages 39 - 54)

Report of Assistant Director of Finance

Purpose of report

To receive information on treasury management performance and compliance with treasury management policy for 2023-24 as required by the Treasury Management Code of Practice.

All treasury management activities undertaken to date during the financial year 2023-24 complied with the CIPFA Code of Practice and the Council's approved Treasury Management Strategy, and all Prudential Indicators were met during the reporting period.

Over the course of the year, there is an overall Treasury Management forecast underspend of £1.214m compared to the approved budget.

Recommendations

The meeting is recommended:

1.1 To note the contents of this Treasury Management Mid-Year Review Report.

11 Dispensation from Attending Meetings (Pages 55 - 58)

Report of Monitoring Officer

Purpose of report

To seek Council approval for a dispensation from attending meetings to a Member who is currently unable to attend any Council meetings due to ill-health.

Recommendations

The meeting is recommended:

1.1 to approve a dispensation for Councillor Maurice Billington from the statutory requirement to attend a meeting of the Council within a six-month period from the last noted attendance.

1.2 to approve that the dispensation last up to and including 6 May 2024.

12 Amendment to Committee Membership

The Progressive Oxfordshire Group Leader, Councillor Hingley, notified the Proper Officer of the following amendment to Progressive Oxfordshire Group committee membership. This was put into effect under the delegation to the Assistant Director Law and Governance and Council is being notified accordingly.

Appeals Panel

Remove – Councillor Rob Pattenden

Add – Seat remains vacant

Recommendations

The meeting is recommended:

- 1.1 To note the Progressive Oxfordshire Group committee membership amendment.

13 Urgent Business

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

14 Exclusion of the Press and Public

The following item of business contains exempt information as defined in the following paragraph 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.

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

“That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

15 Relocation of CDC administrative headquarters from Bodicote House to Castle Quay (Pages 59 - 80)

Exempt report of Corporate Director Resources

16 Readmittance of the Press and Public

The meeting is recommended to resolved to readmit the press and public to the meeting.

17 Motions (Pages 81 - 86)

To debate the following motions which have been submitted with advance notice, in accordance with the Constitution (to be debated in the order submitted).

Topic	Proposer	Seconded
Solar Energy Strategy	Councillor Dorothy Walker	TBC
Right to Grow	Councillor Ian Middleton	TBC
Period Poverty	Councillor Rebecca Biegel	TBC
Section 21 Notices	Councillor Sean Woodcock	TBC
Service Hubs	Councillor Chris Pruden	Councillor Rob Pattenden

Please note that the deadline to submit motions has passed. The deadline for Members to submit amendments to motions is noon on Thursday 14 December 2023. No amendments will be permitted after this deadline.

Any amendments submitted will be published as a supplement to the agenda on the afternoon of Friday 15 December 2023. Amendments for motions will be dealt with in the order submitted.

For information

Please note:

Members are advised that written questions and motions for the next scheduled Council meeting on Monday 26 February 2024 must be submitted to the Assistant Director Law and Governance & Monitoring Officer, democracy@cherwell-dc.gov.uk, by noon on Wednesday 14 February 2024.

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 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.

Evacuation Procedure

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

Access to Meetings

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

Mobile Phones

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

Webcasting and Broadcasting Notice

The meeting will be recorded by the council for live and/or subsequent broadcast on the council's website. The whole of the meeting will be recorded, except when confidential or exempt items are being considered. The webcast will be retained on the website for 6 months.

If you make a representation to the meeting, you will be deemed by the council to have consented to being recorded. By entering the Council Chamber, you are consenting to being recorded and to the possible use of those images for and sound recordings for webcasting and/or training purposes.

The council is obliged, by law, to allow members of the public to take photographs, film, audio-record, and report on proceedings. The council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

Queries Regarding this Agenda

Please contact Natasha Clark, Democratic and Elections democracy@cherwell-dc.gov.uk, 01295 221534

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Chairman's Attendance: 18 October 2023 – 18 December 2023*

18 October 2023 - Banbury Fair Golden Key Ceremony

The Chairman, Cllr Les Sibley, accompanied Mr Wilson the owner of Banbury Fair, at the opening ceremony of the Banbury Fair. As is tradition, the Golden Key was pointed at various rides enabling local children to have free goes.

8 November 2023 - Parish Liaison Meeting

The Chairman, Cllr Les Sibley, chaired a virtual Parish Liaison Meeting attended by representatives from numerous parishes within the district.

9 November 2023 - Lord Lieutenants Oxfordshire Leaders Forum

The Chairman, Cllr Les Sibley attended the Leaders Forum at Ditchley Park to take part in roundtable discussions with other County Leaders to share ideas about what is going well in Oxfordshire.

12 November 2023 - Remembrance Sunday

On Remembrance Sunday, at the invitation of the Royal British Legion, wreaths were laid on behalf of Cherwell District Council at several venues in the district. The Chairman, Cllr Les Sibley attended services and parades in Bicester. Other Members attended services/parades and laid wreaths in Kidlington and Bodicote.

18 November 2023 - Chairman's Charity Dinner, Heyford Hotel

The Chairman, Cllr Les Sibley hosted his Charity Dinner at The Heyford, Oxfordshire. The event was held to raise funds for Alexandra House of Joy (the Chairman's chosen charity for this year) and was a big success. It was a 'sell-out' event, attended by over 70 people. The Chairman would like to thank those Members who attended and those who made donations. We will report on how much was raised at a later date.

24 November 2023 - Bicester Mayor Charity Dinner

The Chairman, Cllr Les Sibley along with Consort Mary Sibley, attended the Mayor of Bicester's Charity Dinner at Chesterton Hotel. The event was held to raise funds for The Bicester Baby Bank.

2 December 2023 - Merry and Bright evening hosted by London US Embassy

The Chairman, Cllr Les Sibley and Consort Mary Sibley, attended the Merry and Bright Holiday Celebration at the Chesterton Hotel. The event was hosted by the London US Embassy.

7 December 2023 - Lights of Love Remembrance by Katharine House Hospice

Vice Chairman, Cllr Dr Chukwudi Okeke, will attend the Lights of Love remembrance evening hosted by Katharine House Hospice. The remembrance event is a chance to come together with others and remember those we have lost.

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Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 16 October 2023 at 6.30 pm

Present:

Councillor Les Sibley (Chairman)
Councillor Dr Chukwudi Okeke (Vice-Chairman)
Councillor Tom Beckett
Councillor Andrew Beere
Councillor Rebecca Biegel
Councillor Besmira Brasha
Councillor John Broad
Councillor Phil Chapman
Councillor Mark Cherry
Councillor Becky Clarke MBE
Councillor Patrick Clarke
Councillor Jean Conway
Councillor Gemma Coton
Councillor Nick Cotter
Councillor Dr Isabel Creed
Councillor Andrew Crichton
Councillor Sandy Dallimore
Councillor John Donaldson
Councillor Donna Ford
Councillor Ian Harwood
Councillor David Hingley
Councillor Matt Hodgson
Councillor Simon Holland
Councillor Harry Knight
Councillor Simon Lytton
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Fiona Mawson
Councillor Andrew McHugh
Councillor Lesley McLean
Councillor Ian Middleton
Councillor Julian Nedelcu
Councillor Adam Nell
Councillor Lynne Parsons
Councillor Rob Pattenden
Councillor Lynn Pratt
Councillor Chris Pruden
Councillor Eddie Reeves
Councillor George Reynolds
Councillor Dan Sames
Councillor Nigel Simpson
Councillor Dorothy Walker

Councillor Amanda Watkins
Councillor Douglas Webb
Councillor Bryn Williams
Councillor Barry Wood
Councillor Sean Woodcock

Apologies for absence:

Councillor Maurice Billington

Officers:

Ian Boll, Corporate Director Communities
Michael Furness, Assistant Director Finance & S151 Officer
Shiraz Sheikh, Assistant Director Law & Governance and Monitoring Officer
Natasha Clark, Governance and Elections Manager

Officers Attending Virtually:

Yvonne Rees, Chief Executive
Stephen Hinds, Corporate Director Resources
Nicola Riley, Assistant Director Wellbeing & Housing
Mona Walsh, Assistant Director - Property

28 **Declarations of Interest**

There were no declarations of interest.

29 **Communications**

Councillor Dr Chukwudi Okeke

On behalf of Council, the Chairman congratulated Councillor Dr Okeke on his recent marriage and wished him and his wife all the best for their future.

Meeting Etiquette

The Chairman asked councillors to be respectful of each other when addressing the meeting and out of courtesy, to remain in their seat during items. If necessary, the Chairman would adjourn the meeting to allow for a comfort break at a suitable point.

Chairman's Engagements

A copy of the events attended by the Chairman was published with the agenda. The Chairman reminded Members that his fundraising dinner to raise money for his charity, Alexandra House of Joy, would be taking place on Saturday 18 November.

Members' Allowance Survey

The Chairman referred to the annual survey on Members' allowances. A paper copy had been given to all councillors and a link to complete the survey online would be emailed.

All councillors were encouraged to complete the survey as the feedback was valued by the Independent Remuneration Panel when considering its recommendations on Members' Allowances. The Panel's recommendations for the 2024/25 Allowance Scheme would be submitted to the 26 February 2024 Council meeting.

Members' Pigeon Holes

Members were reminded to check their pigeon hole and take any post.

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

There were no petitions or requests to address the meeting.

31 **Urgent Business**

There were no items of urgent business.

32 **Minutes of Council**

Subject to the correction of her/she to his/her against Councillor Middleton under Minute 19, Declarations of Interest, the spelling correction of Councillor McClean, under Minutes 25, Appointment of Representative to the Oxfordshire Joint Health Overview and Scrutiny Committee and the spelling correction of Councillor Hingley under Minute 26, Motions, the minutes of the meeting held on 17 July 2023 were agreed as a correct record and signed by the Chairman.

33 **Minutes**

a) Minutes of the Executive, Portfolio Holder Decisions and Executive Decisions made under Special Urgency

Resolved

That the minutes of the meeting of the Executive and Portfolio Holder decisions as set out in the Minute Book be received and that it be noted that since the last meeting of Council at which this was report, on 17 July 2023, no key or exempt decisions have been taken by the Executive which were not included in the 28 day notice.

b) Minutes of Committees

Resolved

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

34 **Questions**

a) Written Questions

There were no written questions.

b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Councillor Okeke: Empty properties in Banbury Town Centre

Councillor Biegel: E-scooter safety in Cherwell

Councillor Watkins: Working with Parish Councils to reduce food waste and distribute surplus food

Councillor Cherry: CCTV on Bretch Hill update

Councillor Mallon: Banbury Food for Charities

Councillor Mawer: Israel – Gaza war

Councillor Creed: Charging benches in Princess Diana Park

Councillor Middleton: Affordable housing threshold on sites within the draft Cherwell Local Plan

Councillor Hingley: Concerns from rural parishes regarding suspected drug dealing

c) Questions to Committee Chairmen on the Minutes

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

35 **Calendar of Meetings 2024/2025**

The Assistant Director Law and Governance and Monitoring Officer submitted a report for Council is asked to consider and agree the proposed calendar of meetings for the municipal year 2024/2025.

In response to a Member comment regarding an incorrect date, the Monitoring Officer suggested Council agree to delegate authority to the Monitoring Officer to make any necessary amendments to the meeting calendar.

Resolved

- (1) That the calendar of meetings for Cherwell District Council for the municipal year 2024/2025 be agreed.
- (2) That authority be delegated to the Assistant Director Law and Governance & Monitoring Officer to made any necessary amendments to the calendar.

36 **Amendment to Committee Membership**

The Chairman referred to the agenda which set out that the Labour Group Leader, Councillor Woodcock, had notified the Proper Officer of a Labour Group committee membership change.

Resolved

- (1) That the following Labour Group committee membership amendment be noted:

Appeals Panel
Remove – Councillor Sean Woodcock
Add – Councillor Dr Chukwudi Okeke

Personnel Committee
Remove – Councillor Dr Chukwudi Okeke
Add – Councillor Sean Woodcock

37 **Exclusion of the Press and Public**

Resolved

That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

38 **Town Centre House**

The Corporate Director Resources submitted an exempt report in relation to Town Centre House.

Resolved

- (1) As set out in the exempt Minutes.

39 **Readmittance of the Press and Public**

Resolved

That the press and public be readmitted to the meeting.

Motions

The Chairman advised that three motions had been submitted. No amendments to any of the motions had been submitted. In line with the Constitution, no amendments were now permitted.

Motion One: Cherwell Community Climate Forum

It was proposed by Councillor Cherry and seconded by Councillor Hodgson that the following motion be adopted:

“The council notes Cherwell District Council declared a climate emergency in 2019.

Since that declaration, every month brings news of another extreme weather event and associated loss of life and habitat. Anthropogenic global heating is a reality and we are now catching a glimpse of its devastating consequences. Worse is certainly yet to come.

It is paramount, therefore, that communities work together to attempt to mitigate the worst effects of this very great threat to all life on this planet, and that residents are provided with opportunities to have positive, meaningful and actionable input into Cherwell District Council’s necessarily evolving and adapting climate action plan.

This Council asks the Executive to:

- Initially undertake a one-off community forum, inviting local residents and representatives from local climate-action groups, with the aim to best map out the future agenda of Cherwell’s climate response.
- Action by January 2024.
- Consider how best to continue community engagement regularly thereafter.”

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

Motion Two: Retrofitting

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

“In the Oxfordshire Net Zero Route Map & Action Plan presented to the Overview and Scrutiny Committee on the 14th of March 2023, CDC commits Net Zero Target for the District by 2030 which includes the Domestic Energy Sector. It was noted in the original Tenant Charter presented in the Full Council meeting on the 19th of December 2022 that 50% of properties in Cherwell do not meet basic energy efficiency standards. It is most likely that without retrofitting, the CDC’s commitments to Net Zero will not be met.

Retrofitting properties not only ensures that CDC meets its Net Zero Target commitments and makes the Council-adopted Tenant Charter more beneficial to the residents, but it will also create jobs in the district.

This Council calls on the Executive to:

- Develop a retrofitting action plan for council-owned housing, showing how it will become carbon neutral by 2030.
- Engage with relevant partners to investigate retrofitting prospects across the district, spanning retrofitting properties in social housing, privately rented and owner-occupied.
- Acknowledge the benefit of retrofitting to the economy
- Seek relevant possible funding sources to advance this work.
- With the consent of the Overview & Scrutiny Committee, this work is included within the Climate Action group.”

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

Motion Three: Facilitating Sport and Leisure in our District

It was proposed by Councillor Simpson and seconded by Councillor Chapman that the following motion be adopted:

“This Council has always believed with cross Party support, that the provision of quality and affordable Sport and Leisure facilities are integral to the quality of life enjoyed by our residents. There is a strong connection between health, wellbeing and fitness. Healthy bodies, healthy minds.

This Council further believes that proactive forward planning for either refurbished or new additional projects is essential and that this requires active engagement with Members, Parish and Town Councils, and the Sports and Leisure stakeholders both local and national as appropriate.

The Council notes the current Leisure facilities forward plan that includes:

- * modernisation of the Fitness changing rooms at Kidlington Leisure Centre.
- * remedial works to cure roof leaks at Spiceball Leisure Centre.
- * replacement of gym equipment at all the Leisure Centres in December.
- * work for a new swimming pool at Bicester - the first phase feasibility study is now completed.
- * Pre application planning advice now underway for the North Oxfordshire Academy 3G Pitch.
- * redevelopment of the swimming pool changing facilities at Woodgreen.

* work on the provision of a new seated spectator area at NOA.

* work on the design proposals for pitches and pavilion at Graven Hill.

The Council requests that the Leader and Officers consider allocating an all Member briefing to this topic and also making it an agenda item for the next Parish Liaison Meeting.”

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

Resolved

(1) That the following motion be adopted:

“The council notes Cherwell District Council declared a climate emergency in 2019.

Since that declaration, every month brings news of another extreme weather event and associated loss of life and habitat. Anthropogenic global heating is a reality and we are now catching a glimpse of its devastating consequences. Worse is certainly yet to come.

It is paramount, therefore, that communities work together to attempt to mitigate the worst effects of this very great threat to all life on this planet, and that residents are provided with opportunities to have positive, meaningful and actionable input into Cherwell District Council’s necessarily evolving and adapting climate action plan.

This Council asks the Executive to:

- Initially undertake a one-off community forum, inviting local residents and representatives from local climate-action groups, with the aim to best map out the future agenda of Cherwell’s climate response.
- Action by January 2024.
- Consider how best to continue community engagement regularly thereafter.”

(2) That the following motion be adopted:

“In the Oxfordshire Net Zero Route Map & Action Plan presented to the Overview and Scrutiny Committee on the 14th of March 2023, CDC commits Net Zero Target for the District by 2030 which includes the Domestic Energy Sector. It was noted in the original Tenant Charter presented in the Full Council meeting on the 19th of December 2022 that 50% of properties in Cherwell do not meet basic energy efficiency standards. It is most likely that without retrofitting, the CDC's commitments to Net Zero will not be met. Retrofitting properties not only ensures that CDC meets its Net Zero Target commitments and

makes the Council-adopted Tenant Charter more beneficial to the residents, but it will also create jobs in the district.

This Council calls on the Executive to:

- Develop a retrofitting action plan for council-owned housing, showing how it will become carbon neutral by 2030.
- Engage with relevant partners to investigate retrofitting prospects across the district, spanning retrofitting properties in social housing, privately rented and owner-occupied.
- Acknowledge the benefit of retrofitting to the economy
- Seek relevant possible funding sources to advance this work.
- With the consent of the Overview & Scrutiny Committee, this work is included within the Climate Action group.”

(3) That the following motion be adopted:

“This Council has always believed with cross Party support, that the provision of quality and affordable Sport and Leisure facilities are integral to the quality of life enjoyed by our residents. There is a strong connection between health, wellbeing and fitness. Healthy bodies, healthy minds.

This Council further believes that proactive forward planning for either refurbished or new additional projects is essential and that this requires active engagement with Members, Parish and Town Councils, and the Sports and Leisure stakeholders both local and national as appropriate.

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- * work on the provision of a new seated spectator area at NOA.

* work on the design proposals for pitches and pavilion at Graven Hill.

The Council requests that the Leader and Officers consider allocating an all Member briefing to this topic and also making it an agenda item for the next Parish Liaison Meeting.”

The meeting ended at 8.50 pm

Chairman:

Date:

Council

Monday 18 December 2023

Written Questions

Question From: Councillor Ian Middleton

Question To: Leader of the Council, Councillor Barry Wood

Topic: Draft Local Plan 2040 – affordable housing

Question

“At the last full Council meeting I asked the Leader why our proposals on the draft Local Plan 2040 appeared to undermine the motion passed unanimously by this council in February 2023 to investigate an increase in our housing development mix policy to a requirement for 50% affordable housing.

I referenced the report on the plan which said that a range of affordability ratios had been tested on viability grounds but that only 30% affordable housing was being recommended in line with our current policy. I said I believed that could have influenced responses to the Regulation 18 consultation.

The response I received from the Leader was “it’s complicated”.

I acknowledged that response and that I had not given the Leader advanced notice of my question. I asked for the background details of how various levels of affordability had been tested and what information the Executive had considered in terms of changing our affordable housing policy as agreed in my motion. Essentially I hoped to see the information on which this recommendation was based.

The Leader agreed to provide that detail but I have so far received no further information from him or officers.

So I will ask again – Can I be provided with an explanation of why the draft local plan which forms part of the public consultation includes a recommendation that we should continue to support a policy calling for only 30% affordable housing, with no context on how that figure was arrived at and no apparent opportunity to suggest a different figure in the consultation, when we have passed a resolution committing the council to fairly considering an increase to 50%?

Question From: Councillor Ian Middleton

Question To: Leader of the Council, Councillor Barry Wood

Topic: Long term empty homes

Question

“The Department for Levelling Up, Housing and Communities has identified 425 homes in Cherwell as long-term empty as of October this year. This represents a slight decrease from 429 during the same period in 2022 but a significant increase in the order of 13% against the position in 2018 when a similar story hit the headlines.

Rebecca Moore, director of Action on Empty Homes, has said: “It beggars belief that while children are growing up sharing beds in temporary accommodation, our nation has over a quarter of a million homes sitting empty. To say this is a national disgrace is a profound understatement.”

Would the Leader agree with me that, while our housing officers struggle every day to find accommodation for homeless families in the district, the fact that the number of long term empty homes in Cherwell has continued to rise over the past 5 years is a disgrace?”

Cherwell District Council

Council

18 December 2023

Appointment of Chief Executive, Head of Paid Service, Returning Officer and Electoral Registration Officer

Report of Assistant Director Human Resources

This report is public

Purpose of report

To seek Council approval of the recommendations of the Personnel Committee that Gordon Stewart be appointed to the posts of Chief Executive, Head of Paid Service, Returning Officer and Electoral Registration Officer with effect 8 January 2024.

1.0 Recommendations

The meeting is recommended:

- 1.1 To agree the recommendation of the Personnel Committee that Gordon Stewart be appointed Chief Executive from 8 January 2024.
- 1.2 To agree the recommendation of the Personnel Committee that Gordon Stewart be appointed the Council's Head of Paid Service for the purposes of Section 4 of the Local Government and Housing Act 1989 with effect from 8 January 2024.
- 1.3 To agree that, in accordance with Section 8 of the Representation of the People Act 1983 and all related legislation, Gordon Stewart be appointed as Electoral Registration Officer for Cherwell District Council from 8 January 2024.
- 1.4 To agree that, in accordance with Section 35 of the Representation of the People Act 1983 and all related legislation Gordon Stewart be appointed as Returning Officer for Cherwell District Council with authority to act in that capacity for elections to the District Council and all parish and town councils within the area of the Cherwell district from 8 January 2024.
- 1.5 To agree that Gordon Stewart also be appointed or authorised to act in respect of all related electoral, polling or referendum duties, including in relation to County Council elections, and for national and regional polls or referendums and be authorised to exercise all delegated powers of the Returning Officer and Electoral Registration Officer as set out in the Constitution from 8 January 2024.

- 1.6 To agree that, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such appointment, the Returning Officer shall be entitled to be remunerated in accordance with the scale of fees approved by Council for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national or regional elections, polls or referendums.
- 1.7 To agree that in all cases where it is a legal requirement or normal practice to do so, the Returning Officer may elect for such fees to be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contributions from central government or other local authorities or agencies where this can be done.
- 1.8 To agree that, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Councils are entitled by law to do so, they shall take out and maintain in force insurance indemnifying the Councils, the Electoral Registration Officer and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council, Electoral Registration Officer or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the inadvertent contravention of the Representation of the People Acts or other legislation governing the electoral process, and provided that, in the case of the Electoral Registration Officer and the Returning Officer, such proceedings or invalidation arise from an act or omission which the Officer reasonably believes is within the Officer's powers).
- 1.9 To agree that, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Councils, through their internal insurance fund or otherwise, will indemnify the Electoral Registration Officer and Returning Officer up to the value of such excess.
- 1.10 To agree that the Council notes its duty to provide support to the Electoral Registration Officer and Returning Officer

2.0 Introduction

- 2.1 Section 4 of the Local Government and Housing Act 1989 requires every relevant authority to 'designate' one of their officers as Head of Paid Service. The Council's Constitution designates this post holder as Chief Executive for Cherwell District Council.
- 2.2 Section 8 of the Representation of the People Act 1983 ("the 1983 Act") requires every relevant authority to 'designate' one of their officers as Electoral Registration Officer, Section 35 of the 1983 Act requires every relevant authority to 'designate' one of their officers as Returning Officer.
- 2.3 Following an announcement by Yvonne Rees that she would be standing down as Chief Executive, the Assistant Director Human Resources was tasked with leading on the recruitment to the role. In November 2023, the Personnel Committee met on three separate occasions to consider potential candidates culminating in the selection of their preferred candidate on 27 November 2023.

3.0 Report Details

- 3.1 Following Yvonne Ree's announcement of her intent to leave Cherwell District Council, a robust recruitment process commenced. This was led by the Assistant Director Human Resources with Penna, an independent external recruitment consultant.
- 3.2 On 20 October 2023 the four Group Leaders reviewed the applications and agreed the long list of candidates to complete assessment and interview with Penna.
- 3.3 On 1 November 2023, the Personnel Committee considered the shortlisted applicants, including analysis from Penna and agreed the candidates to proceed to interview by the Committee. The Committee then held interviews on 20 and 27 November 2023.
- 3.4 The Committee selected Gordon Stewart as the preferred candidate. Gordon Stewart has a range of experience in senior leadership in complex delivery environments across industry, the public sector, and the Higher Education and charity sectors. His most recent role being the Chief Operating Officer for The Institute of Cancer Research.

Compliance with Officer Employment Procedure Rules

- 3.5 It is a requirement of the Constitution that the Monitoring Officer, reports confirming compliance with the following principles of the Officer Employment Procedure Rules:

The Council will:

- i. Draw up a statement specifying
 - a) the duties of the officer concerned; and
 - b) any qualifications or qualities to be sought in the person to be appointed
 - ii. Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.
 - iii. make arrangements for a copy of the statement mentioned in "i" to be sent to any person on request
 - iv. In the case of Head of paid Service and Corporate Directors, interview all applicants (or, if appropriate, shortlist for interview) via a Committee or Sub-Committee of the Council (this rests with the Personnel Committee).
- 3.9 Based on the information provided by the Assistant Director Human Resources and the council's recruitment consultants, the Monitoring Officer can confirm compliance with the constitutional requirements.

Head of Paid Service

- 3.11 Section 4 of the Local Government and Housing Act 1989 requires every relevant authority to 'designate' one of their officers as Head of Paid Service. The Council's constitution designates this post holder as Chief Executive.
- 3.12 The Head of Paid Service will appoint a deputy when appointed.

Returning Officer and Electoral Registration Officer

- 3.13 Cherwell District Council has a statutory responsibility to appoint a Returning Officer and Electoral Registration Officer.
- 3.14 The positions of Returning Officer and Electoral Registration Officer are a personal responsibility on the officer concerned. In other words, the appointments are separate from appointment as an Officer of the Council. In carrying out each role the Officer concerned is accountable to their statutory responsibility, not to the council that is their main employer. For that reason, the provisions in the appointing resolutions need to be more explicit than would be the case with ordinary appointments.
- 3.15 It should be noted that whilst these are separate appointments the council has a duty to provide support to the appointee as set out below:

Assistance for Electoral Registration Officers

- 3.16 In England a district council or London borough council is required to assign such officers to assist the registration officer (ERO) as may be required for carrying out his functions under the 1983 Act (section 52(4) of the 1983 Act, as substituted by Schedule 4 to the Representation of the People Act 1985).

Assistance for Returning Officers

- 3.17 Section 28(5) of the 1983 Act (as amended by paragraph 6(b) of Schedule 4 to the Representation of the People Act 1985 and Schedule 16 to the Local Government (Wales) Act 1994) permits district councils and London borough councils in England to assign officers of the council to assist the RO/ARO in carrying out all or any of his duties at an election.
- 3.19 The Returning Officer when appointed will appoint their Deputy Returning Officer(s) and Deputy Electoral Registration Officer(s). The current Deputies are Shiraz Sheikh and Natasha Clark.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The designation of Head of Paid Service, Returning Officer and Electoral Registration Officer are statutory requirements and having followed due process Council is recommended to appoint Gordon Stewart.

5.0 Consultation

Executive Members

It is a legislative requirement that the proper officer has been notified by the appointer of the name of the proposed appointee as Head of Paid Service and any other particulars relevant to the appointment.

In accordance with this requirement, the proper officer of was notified on 27 November 2023 and has in turn notified every Executive Member of the above, informing them of the three-day period within which any objection to the proposed appointment can be made by the Leader of the Council on behalf of the Executive.

The proper officer has confirmed that no such objections have been made within the stated period.

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 appoint Gordon Stewart and to make an alternative recommendation. This is not recommended by the Personnel Committee, as Gordon Stewart has been selected as the preferred candidate following the recruitment process.

7.0 Implications

Financial and Resource Implications

7.1 The costs of employing a Chief Executive have been built into the budget and Medium-Term Financial Strategy. The election fees for the Returning Officer are met from existing council budgets, external funders such as the County Council and from external government grant. The insurance provisions required in recommendation 1.8 are also in place.

Comments checked by:

Michael Furness, Assistant Director Finance, michael.furness@cherwell-dc.gov.uk

Legal Implications

7.2 Local authorities have a duty under the Local Government and Housing Act 1989 to designate one of their officers as the head of their paid service. This post is one of three statutory appointments (the others being the section 151 officer and the monitoring officer) that every local authority is required to make. The Council must therefore ensure that such appointment is made.

7.3 The Council's Officer Employment Procedure Rules at Part 20 of the Constitution set out the procedures to be followed for the appointment of chief officers, including the notification process to ensure that the Leader and any other Executive Members have no objections to the offer of appointment which must occur before an offer of appointment is made.

7.4 In addition, the Rules specifically provide that where the Personnel Committee is discharging the function of the appointment of the Head of Paid Service, that Committee must include at least one Member of Executive.

- 7.5 It is a legal requirement that the council appoints a Returning Officer and Electoral Registration Officer. The recommendations set out in this report meet this requirement.

Comments checked by:

Shiraz Sheikh, Assistant Director Law and Governance and Monitoring Officer, shiraz.sheikh@cherwell-dc.gov.uk

Risk Implications

- 7.6 The principal risks associated with these appointments are all on the Officer who holds them. The risks to the Councils are that without making adequate provision to remunerate, train and indemnify that Officer it may fail to identify a person prepared to undertake these statutory tasks or, having made such an appointment, run the reputational risk associated with a successful legal challenge that exposes the Officer to significant financial loss as a result of a failure of the Councils to do what is lawful and appropriate

Comments checked by:

Shona Ware, Assistant Director Customer Focus, shona.ware@cherwell-dc.gov.uk

Equalities and Inclusion Implications

- 7.7 The recruitment process was carried out in accordance with Council's staff employment rules.

Comments checked by:

Shona Ware, Assistant Director Customer Focus, shona.ware@cherwell-dc.gov.uk

Sustainability Implications

- 7.8 There are no sustainability implications arising from this report.

Comments checked by:

Jo Miskin, Climate Action Manager, jo.miskin@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

None directly

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

N/A

Document Information

Appendix number and title

- None

Background papers

None

Report Author and contact details

Claire Cox, Assistant Director Human Resources

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Cherwell District Council

Council

18 December 2023

Council Tax Reduction Scheme 2024-25

Report of Assistant Director of Finance

This report is public

Purpose of report

To enable Members to consider the proposed banded scheme for Council Tax Reduction for 2024- 25

The current scheme was introduced from April 2020 following a period of consultation and engagement. In general, it has been well received with limited contact from customers. It is proposed to continue with the current scheme, updated for inflationary factors.

The scheme assesses the maximum level of Council Tax Reduction based on the net income of the applicant and household members, the main principles of the scheme remain unchanged. Pensioners are protected and continue to be eligible to receive 100% Council Tax Reduction

If the applicant or partner is in receipt of a passported benefit such as Income Support Job Seekers Allowance (JSA), income based and income related Employment and Support Allowance (ESA) or receiving War widows or War disablement pensions they will be placed into the highest band and will receive 100% Council Tax Reduction.

Working age households will receive a discount, depending on their level of income and the band that they fall into.

The current scheme is understood by customers and has enabled them to budget for their council tax payments, and this is reflected in the Council Tax collection rates with Cherwell being the highest performer across the county for 2022 -23.

The current scheme reduces the number of changes that the customer will experience with less bills and notification letters generated and enables better personal budgeting. There is still a lot of financial uncertainty for many customers and in the current financial climate with the ongoing cost of living crisis it is therefore recommended that the existing scheme should be retained for 2024.25.

1.0 Recommendations

The meeting is recommended:

1.1 To note the contents of this report and the financial implications for the council

1.2 To approve

- The option of no change to the Council Tax Reduction Income Banded Scheme for Working Age Customers for 2024/25
- To amend Working Age Regulations in line with annual uprating and to amend the Council Tax Regulations for pensioner in line with uprating announced by Department for Levelling Up Housing and Communities

2.0 Introduction

2.1 The Council Tax Reduction (CTR) caseload has been monitored and there has been a reduction in the number of live cases from 6,292 in June 2022 to 6,147 in April 2023 and 6,109 in June 2023.

2.2 As customers transition onto Universal Credit customers are not always advised by Department for Works and Pensions that in order to make a claim for CTR they will need to make this directly with the local authority. In these circumstances we do see the caseload fluctuate when backdated request for CTR are received throughout the year.

2.2 The in-year Council Tax collection rate for the 2020/21 financial year was 97.46% compared to 98.07% in 2021/22 and 98.05% for 2022/23 which remains the highest rate within the Oxfordshire authorities. In considering the CTR Scheme for 2024/25, Members should be mindful that any changes to the scheme that reduce entitlement to CTR Scheme could have an adverse impact on collection rates.

3.0 Report Details

3.1 Since the introduction of the Council Tax Reduction Scheme (CTRS) the benefits landscape has drastically changed. Universal Credit is based on real time information which means that any change in income generates a change in Council Tax Reduction through data files received directly from the Department for Work and Pensions. Residents were therefore, receiving multiple bills and letters during the year making the process a poor user experience and making budgeting for individuals very difficult.

3.2 In December 2019 the Council agreed to move to an income banded scheme for customers that were of working age. The scheme assesses the maximum level of CTR based on the net income of the applicant and household members, the main principles of the scheme are as follows:

- If the applicant or partner is in receipt of one of the main passported benefits (Income Support, JSA Income Based and Income Related ESA or receiving War Widows or War Disablement Pensions) they will automatically be placed in the highest band of the scheme and will receive 100% support.

- Working age households will receive a discount, depending on their level of income and the band that they fall into.
- Under this scheme, as part of our ongoing commitment to support disabled people, we will continue to disregard Disability Living Allowance, Personal Independence Payments, War Disablement Benefits and will also continue to disregard Child Benefit and child maintenance.
- As highlighted earlier in this report the introduction of Universal Credit and Real Time Information files means that customers can experience frequent changes in their Council Tax Reduction which in turn impacts on the amount of Council Tax payable. This makes budgeting for households more of a challenge and is impacting on our ability to collect Council Tax. The banded scheme is simpler for residents to understand and any future changes to the value of awards can be achieved by simply adjusting the banding thresholds.
- Residents experience less change in their Council Tax Reduction and the scheme reduces the number of letters and Council Tax demands issued. The Council has seen a 27% reduction in printed mail and dispatch when comparing the first quarter of 2019 the first quarter of 2022 and in April and May 2023 the printed mail packs have reduced further by 1706 packs compared to April and May 2022.

3.3 The current scheme was introduced from April 2020 following a period of consultation and engagement. In general, it has been well received with limited contact from customers affected by the change

3.4 There is a requirement to consult with the public, major preceptors and other parties who may have an interest in the CTRS on any material changes to the scheme. If members would like to consider a change to the current banded scheme, then a full consultation will need to be undertaken.

3.5 Any amendments proposed to the scheme (other than uprating thresholds for inflation) would require significant consultation to take place. If any changes were made to the scheme it is unlikely to generate significant additional resources to the Council.

4.0 Conclusion and Reasons for Recommendations

4.1 The current scheme is understood by customers and has enabled them to budget for their council tax payments. One of the main advantages of the banded scheme is that it reduces the number of changes that the customer will experience enabling more effective personal budgeting.

4.2 There is still a lot of financial uncertainty for many customers and in the current financial climate with the ongoing cost of living crisis it is therefore recommended that the existing scheme should be retained for 2024/25.

5.0 Consultation

Budget Planning Committee considered the proposed CTRS scheme for 2024/25 at its meeting on 25 July 2023. It resolved “that, having given due consideration, the Executive be recommended to agree that the current scheme (adjusted for inflationary purposes) be retained for 2024/25.”

6.0 Alternative Options and Reasons for Rejection

- 6.1 The alternative option is to undertake a review of the current CTRS scheme but paragraphs 4.1 and 4.2 explain the rationale for not taking this course of action.

7.0 Implications

Financial and Resource Implications

- 7.1 The Medium Term Financial Strategy has assumed the current scheme will be retained. Any changes to the existing caseload will be accommodated as part of the budget process with final estimates included in the annual council tax base calculation.

Comments checked by:

Michael Furness, Assistant Director of Finance

Michael.furness@cherwell-dc.gov.uk

Legal Implications

- 7.2 Since 1 April 2013, local authorities in England have been responsible for running their own local schemes for help with council tax. These are called Council Tax Reduction schemes.

Section 13A of the Local Government Finance Act 1992 requires the Council as the billing authority to make a localised council tax reduction scheme in accordance with section 1A of the Act. Each financial year the council must consider whether it wants to revise the scheme, leave as is or replace it. Consultation must occur on any options required to change the scheme prior to introduction, and is set out in Schedule 1A (3) of the Local Government Finance Act 1992. No changes to the scheme are being considered in this report.

Comments checked by:

Shahin Ismail – Legal Services Manager

Shahin.ismail@cherwell-dec.gov.uk

Risk Implications

- 7.3 There are no risk implications as a direct consequence of this report. Any future arising risks will be managed through the service operational risk and escalated to the corporate risk register as and when deemed necessary.

Comments checked by:

Celia Prado-Teeling, Performance & Insight Team Leader,

Celia.Prado-Teeling@cherwell-dc.gov.uk

Equalities and Inclusion Implications

- 7.4 This report, and the proposal to continue the Council Tax Reduction Scheme have been developed with our most vulnerable residents in mind. Any equality and diversity concerns have been appropriately considered from the outset, if a new proposal arises this will be screened for relevance against our statutory duties to promote equality and an impact assessment will be completed.

Comments checked by:

Celia Prado-Teeling, Performance & Insight Team Leader,
Celia.Prado-Teeling@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

Housing that meets your needs
Healthy, resilient and engaged communities

Lead Councillor

Councillor Adam Nell, Portfolio Holder for Finance

Document Information

Appendix number and title

- None

Background papers

- None

Report Author and contact details

Jacey Scott, Head of Revenues and Benefits, 01295 221548

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Cherwell District Council

Council

18 December 2023

Treasury Management Mid-Year Review Report 2023/24

Report of Assistant Director of Finance

This report is public.

Purpose of report

To receive information on treasury management performance and compliance with treasury management policy for 2023-24 as required by the Treasury Management Code of Practice.

All treasury management activities undertaken to date during the financial year 2023-24 complied with the CIPFA Code of Practice and the Council's approved Treasury Management Strategy, and all Prudential Indicators were met during the reporting period.

Over the course of the year, there is an overall Treasury Management forecast underspend of £1.214m compared to the approved budget.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the contents of this Treasury Management Mid-Year Review Report.

2.0 Introduction

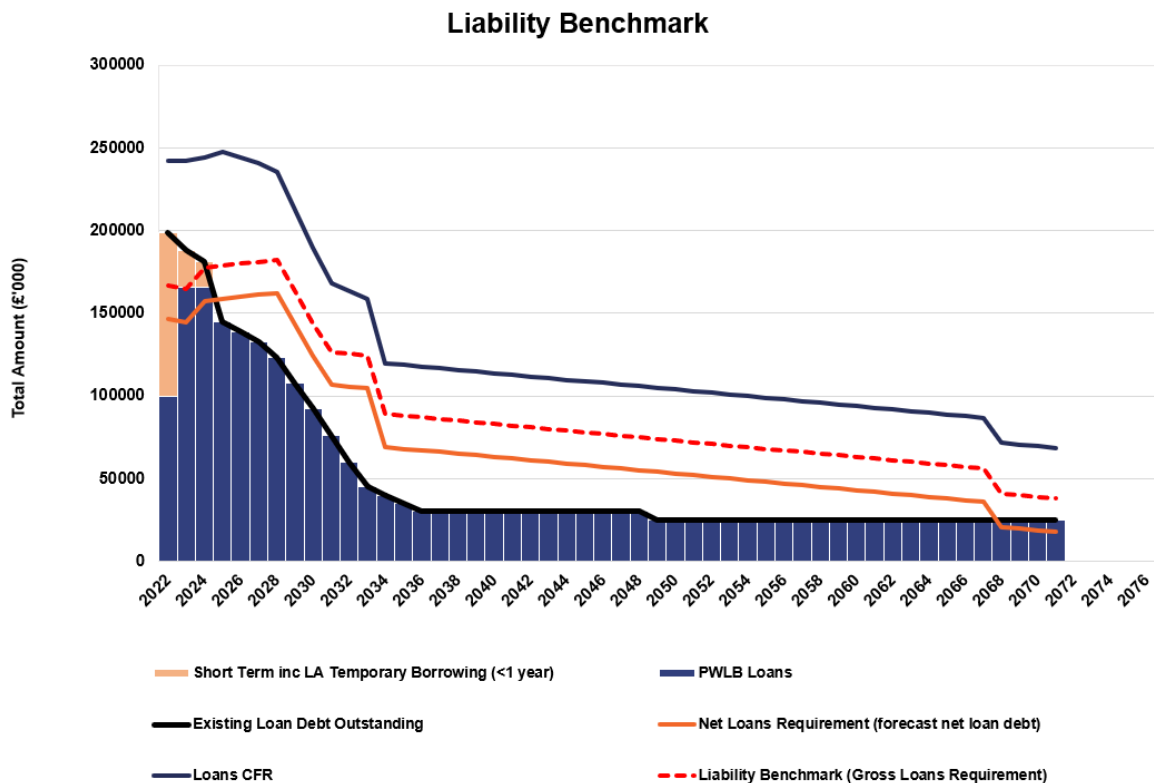
- 2.1 In 2012 the Council adopted the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the CIPFA Code) which requires the Council to approve Treasury Management semi-annual and annual reports.
- 2.2 The Council's Treasury Management strategy for 2023-24 was approved by full Council on 27 February 2023. The Treasury indicators have been included in this report as per the 2021 CIPFA Treasury Management in the Public Services Code of Practice.
- 2.3 The Council's Capital Strategy covering capital expenditure and non-treasury investments, complying with CIPFA's requirement, was approved by full Council on 27 February 2023. As per 2021 CIPFA Prudential Code for Capital Finance in Local Authorities the Prudential indicators have been attached in Appendix 1.

3.0 Report Details

Summary position and strategy

- 3.1 The Council has continued to pursue its strategy of keeping borrowing and investments below their underlying levels, sometimes known as internal borrowing, in order to reduce risk and borrowing costs.
- 3.2 As at the end of September 23 the Council had borrowing of £168m and investments of £18m – a net borrowing position of £150m (30/06/23: £147m). This change is due to a £3m increase in loans to subsidiaries within their agreed loan facilities.
- 3.3 It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. During the half year ended 30th September 2023, the Council has operated within the treasury and prudential indicators set out in the Council’s Treasury Management Strategy Statement for 2023/24. The Assistant Director of Finance reports that no difficulties are envisaged for the current or future years in complying with these indicators.
- 3.4 The Liability benchmark is a prudential indicator which shows the Capital Financing Requirement, loan requirements and committed loans in a 50-year forecast.

Table 1: Liability benchmark



The graph above demonstrates that the Council is expecting its loans to decrease in line with the Capital Financing Requirement and that it will not be in an overborrowed position in the future. The shortfall between the Capital Financing Requirement and net loan requirement is made up of internal borrowing from Reserves and working Capital.

Borrowing performance for year as of 30 September 2023

- 3.5 The Council requires external borrowing to fund its capital programme and had a total debt of £168m at the report date. The increased cost of borrowing has resulted in the Council moving from an equal mix of short and long-term borrowing to predominantly medium to long term loans from the Public Works Loan Board (PWLB) to provide interest rate certainty. This move was made in July 2022 while rates were still comparatively low.
- 3.6 The Council's chief objective when borrowing is to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required.

Table 2: Borrowing Position for quarter ended 30 September 2023

	Borrowing Amount £m	Average Interest Rate	Interest Paid Budget £m	Interest Paid Actual £m	Variance to Date £m
Apr – Sep 23	172 (average)	2.12%	2.046	2.046	(0.000)
As at 30/09/23	168	2.16%	-	-	-

* Interest payable relates to external loans only, excluding finance lease and other interest

- 3.7 As a comparison, the table below shows average borrowing rates.

Table 3: High / Low / Average PWLB Rates for 01/04/2023 – 29/09/2023

	1 Year	5 Year	10 Year	25 Year	50 Year
Low	4.65%	4.14%	4.20%	4.58%	4.27%
Date	06/04/2023	06/04/2023	06/04/2023	06/04/2023	05/04/2023
High	6.36%	5.93%	5.51%	5.73%	5.45%
Date	06/07/2023	07/07/2023	22/08/2023	17/08/2023	28/09/2023
Average	5.62%	5.16%	5.01%	5.29%	5.00%
Spread	1.71%	1.79%	1.31%	1.15%	1.18%

Source: Link

- 3.8 Interest payable for the full year is forecast to be in line with the budget. With the rapid increase in interest rates over the last eighteen months, performing to budget is in itself an achievement, and highlights good planning and active treasury management. This is also forecast to be offset by higher than budgeted interest receivable resulting in an overall positive variance.

3.9 A full list of current borrowing at 30 September 2023 is shown below:

Table 4: Borrowing

Lender	Principal Borrowed £m	Maturity Date
Craven District Council	2	15/11/2023
PWLB 7-year maturity	21	19/10/2024
PWLB 6-year maturity	6	25/09/2025
PWLB 7-year maturity	6	19/09/2026
PWLB 5-year maturity	10	26/07/2027
PWLB 10-year maturity	10	31/05/2028
PWLB 6-year maturity	5	26/07/2028
PWLB 7-year maturity	10	26/07/2029
PWLB 10-year maturity	6	25/09/2029
PWLB 8-year maturity	10	26/07/2030
PWLB 11-year maturity	6	19/09/2030
PWLB 9-year maturity	16	26/07/2031
PWLB 10-year maturity	15	26/07/2032
PWLB 15-year maturity	5	31/05/2033
PWLB 15-year maturity	5	25/09/2034
PWLB 16-year maturity	5	19/09/2035
PWLB 30-year maturity	5	31/05/2048
PWLB 50-year maturity	25	10/11/2071
TOTAL	168	

3.10 The Council monitors its exposure to refinancing risk with the maturity structure of borrowing indicator. The practice of setting a 'maturity structure of borrowing' aims to profile the maturity dates of borrowing so that loans don't all mature at once as this exposes the council to refinancing risk. As an example, if all of the Council's loans had matured in the last 6 months, the Council would have been forced to refinance at the highest rates the market had seen in years. Instead, the Council's loan maturity dates are spread out. Even if rates are still high when the Council needs to refinance some of the first loans in the portfolio to mature, at least the Council is only exposed to the higher interest rates on those loans, and not all loans.

The lower limit has been considered but kept at zero to ensure that the Council is not forced into taking borrowings in a particular category that would lock us into an unfavourable borrowing situation. The Council feels that having no set lower limit gives officers the best flexibility to react to the economic climate. For example, if a lower limit for 10-year borrowing was set it may force the Council to take out loans of that term when rates are high, rather than the Council's preferred strategy of borrowing for shorter periods (still spread out) until rates begin to settle at the level the Council's advisors believe will be the new "normal".

Table 5: Maturity structure of borrowing

Refinancing rate risk indicator	Upper limit	Lower limit	Actual structure
Under 12 months	50%	0%	1.19%
12 months and within 24 months	50%	0%	12.50%
24 months and within 5 years	60%	0%	22.02%
5 years and within 10 years	70%	0%	40.48%
10 years and above	80%	0%	23.81%

Investment performance for year as of 30 September 2023

- 3.11 Funds available for investment are on a temporary basis, and the level of funds available is mainly dependent on the timing of precept payments, receipt of grants and funding of the Capital Programme.
- 3.12 The Council has seen an increase in interest income in line with rises in the Bank of England base rate. Exploring investment counterparties and analysing opportunities have enabled the Council to maximise the returns on its small investment portfolio. Table 6 below shows the investment position during and at the end of the reporting period.

Table 6: Investment Position

	Investment Amount £m	Average Interest Rate	Interest Earned Budget £m	Interest Earned Actual £m	Variance to Date £m
Apr – Sept 23	24 (average)	4.82%	(0.253)	(0.589)	(0.336)
As at 30/09/23	18	5.29%	-	-	-

- 3.13 As a comparison Table 7 below shows average money-market rates keeping in mind that the Council has an average investment period of 30 days.

Table 7: Average Investment Rates for the reporting period

	Bank Rate	SONIA	1 mth	3 mth	6 mth	12 mth
High	5.25	5.19	5.39	5.48	5.78	6.25
High Date	03/08/2023	29/09/2023	19/09/2023	30/08/2023	07/07/2023	07/07/2023
Low	4.25	4.18	4.17	4.31	4.46	4.47
Low Date	03/04/2023	04/04/2023	03/04/2023	03/04/2023	06/04/2023	06/04/2023
Average	4.81	4.74	4.83	5.03	5.26	5.45
Spread	1.00	1.01	1.22	1.17	1.33	1.77

*SONIA (Sterling Overnight Index Average) is an interest rate benchmark published by the Bank of England.
Source: Link

- 3.14 While maintaining a balance between security, liquidity and yield the Council is always looking for ways to invest sustainably (or green investments). This must be done within the criteria laid out in the approved Treasury Management Strategy with counterparties that meet the Councils investment criteria.

The Council continues to invest in Standard Chartered Bank’s sustainable fixed deposit (aligned to the United Nations’ Sustainable Development Goals) while three of the Money Market funds meets the criteria pursuant to Article 8 of the Sustainable Finance Disclosure Regulation (Regulation EU/2019/2088). These are highlighted in green in Table 8.

3.15 A full list of current investments is shown in Table 8 below:

Table 8: Investments

Counterparty	Principal Deposited £m	Maturity Date / Notice period
<u>Fixed Term Deposits</u>		
National bank of Kuwait (International)	3.00	02/11/2023
Standard Chartered Bank	3.00	09/11/2023
Development bank of Singapore	3.00	15/01/2024
<u>Money Market Funds</u>		
CCLA Investment Management Limited	0.05	Same day
Legal & General Investment Management	3.12	Same day
Northern Trust Asset Managements	1.50	Same day
Federated Investors UK	4.13	Same day
Goldman Sachs Asset Management	0.04	Same day
TOTAL	17.84	

3.16 Compliance with investment limits are detailed in Table 9 below:

Table 9: Investment Limits

Counterparty	2023/24 Limit £m	Complied?
UK Central Government	Unlimited	Yes
Other Local Authorities	5 each	Yes
Any group of organisations under the same ownership	5 per group	Yes
Approved counterparties – Banks/Building Societies	3 each	Yes
Any group of pooled funds under the same management	5 per manager	Yes
Money Market Funds total	15 in total	Yes

3.17 The Council has set limits for long term Treasury Management Investments in its strategy. This Indicator seeks to support control of liquidity risk and reduce the potential need to have to make early exit from an investment in order to recover funds. The indicator relates solely to the Authority’s investments for treasury management purposes.

Table 10: Limits for Long Term Treasury Management Investments

	2023/24 Limit set £m	Complied?
Limit on principal invested beyond year end	5	Yes

Non-treasury investment activity

- 3.18 The definition of investments in CIPFA's revised Treasury Management Code now covers all the financial assets of the Council. This is replicated in the government's Statutory Guidance on Local Government Investments, in which the definition of investments is further broadened to also include all such assets held partially for financial return.
- 3.19 As of the 30th September 2023, the Council holds £110.8m of investments in the form of shares (£35.6m) and loans (£75.2m) to subsidiary companies and other organisations, primarily Graven Hill and Crown House.
- 3.20 The loan elements of these non-treasury investments generate a higher rate of return than earned on treasury investments due to the commercial nature of the loans issued. Table 11 shows the investment position for this reporting period.

Table 11: Non-treasury Investment Position

	Investment Amount £m	Average Interest Rate	Interest Earned Budget £m	Interest Earned Actual £m	Variance to Date £m
Apr – Sept 23	75.2	6.76%	(2.311)	(2.561)	(0.250)

Overall performance

- 3.21 The overall performance for the mid-year review report:

Table 12: Overall Treasury Position for the Period

	Budget to date £m	Actual to date £m	Variance to date £m
Borrowing costs	1.954	1.926	(0.028)
Finance lease and other interest	0.127	0.155	0.028
Treasury income	(0.253)	(0.589)	(0.336)
Non-treasury income	(2.311)	(2.561)	(0.250)
Total cost/(income)	(0.483)	(1.069)	(0.586)

- 3.22 The full year forecast is expected to show an overall positive variance against budget of (£1.214m) as detailed in Table 13 below.

Table 13: Overall Treasury Position Forecast to Year End

	Full Year Budget £m	Full Year Actual £m	Full Year Variance £m
Borrowing costs	3.909	3.851	(0.058)
Finance lease and other interest	0.253	0.268	0.015
Treasury income	(0.506)	(1.178)	(0.672)
Non-treasury income	(4.622)	(5.121)	(0.499)
Total cost/(income)	(0.966)	(2.180)	(1.214)

Interest rate forecast

3.23 The Council has appointed Link Group as its treasury advisors and part of their service is to assist the Council to formulate a view on interest rates. The latest forecast sets out a view that short, medium and long-dated interest rates will be elevated for the next year, as the Bank of England seeks to squeeze inflation out of the economy.

Table 14: Link Forecast Rates published on 25 September 2023

Link Group Interest Rate View	25.09.23												
	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26	Dec-26
BANK RATE	5.25	5.25	5.25	5.00	4.50	4.00	3.50	3.00	2.75	2.75	2.75	2.75	2.75
3 month ave earnings	5.30	5.30	5.30	5.00	4.50	4.00	3.50	3.00	2.80	2.80	2.80	2.80	2.80
6 month ave earnings	5.60	5.50	5.40	5.10	4.60	4.10	3.60	3.10	2.90	2.90	2.90	2.90	2.90
12 month ave earnings	5.80	5.70	5.50	5.20	4.70	4.20	3.70	3.20	3.00	3.00	3.00	3.00	3.00
5yr PWLB	5.10	5.00	4.90	4.70	4.40	4.20	4.00	3.90	3.70	3.70	3.60	3.60	3.50
10 yr PWLB	5.00	4.90	4.80	4.60	4.40	4.20	4.00	3.80	3.70	3.60	3.60	3.50	3.50
25 yr PWLB	5.40	5.20	5.10	4.90	4.70	4.40	4.30	4.10	4.00	3.90	3.80	3.80	3.80
50 yr PWLB	5.20	5.00	4.90	4.70	4.50	4.20	4.10	3.90	3.80	3.70	3.60	3.60	3.60

Note: **Capital Economics** is an independent economic research business based in London to which Link are comparing their forecasts to demonstrate the market view

4.0 Conclusion and Reasons for Recommendations

4.1 This report details the Treasury Performance for the Council for the period ending 30 September 2023. It is submitted to the Council for information as required by the Treasury Management Code of Practice.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

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

Option 1: To request further information on the performance reported.

7.0 Implications

Financial and Resource Implications

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

Comments checked by:

Lynsey Parkinson, Strategic Finance Business Partner - Strategic Budget Setting
01295 221739, Lynsey.Parkinson@Cherwell-DC.gov.uk

Legal Implications

- 7.2 The presentation of the Report is required by regulations issued under the Local Government Act 2003 to review the treasury management activities, the actual prudential indicators and the treasury related indicators.

Comments checked by:

Shahin Ismail, Interim Head of Legal Services
shahin.ismail@cherwell-dc.gov.uk

Risk Implications

- 7.3 It is essential that this report is considered by the Audit Committee as it demonstrates that the risk of not complying with the Council's Treasury Management Policy has been avoided. This and any other risks related to this report will be managed through the service operational risk and escalated to the leadership risk register as and when necessary.

Comments checked by:

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

Equalities Implications

- 7.4 There are no equalities implications arising directly from this report.

Comments checked by:

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

8.0 Decision Information

Key Decision: N/A

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

All.

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

Councillor Adam Nell, Portfolio Holder for Finance

Document Information

Appendix number and title

- Appendix 1 - Capital Prudential Indicators

Background papers

None

Report Author and contact details

Janet du Preez – Finance Business Partner – Treasury and Insurance
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Appendix 1 – Capital Prudential Indicators

1. Introduction

In December 2021, the Chartered Institute of Public Finance and Accountancy, (CIPFA), issued revised Prudential and Treasury Management Codes. These require all local authorities to prepare a Capital Strategy which is to provide the following: -

- a high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services;
- an overview of how the associated risk is managed;
- the implications for future financial sustainability.

The Indicators laid out in this appendix are required to help Members understand and evaluate the prudence and affordability of the Authority's capital expenditure plans and the borrowing and investment activities undertaken in support of this.

2. Capital Expenditure

This provides a summary of the Authority's capital expenditure. It reflects matters previously agreed and those proposed for the forthcoming financial periods. The extent to which such expenditure is to be financed will influence how the Authority's Capital Financing Requirement Indicator (see point 3 below) will change.

Table A1: Capital Expenditure

	Actual 22/23 £m	Estimate 23/24 £m	Estimate 24/25 £m	Estimate 25/26 £m
Service Loans	6.0	5.0		
Capital Projects	9.4	23.2	15.4	2.4
New Finance Lease and PFI				
New Projects (not yet approved by Full Council)			7.0	
Total Capital Expenditure	15.4	28.2	22.4	2.4
Financed by:				
Capital Receipts (Asset Disposals)	(0.8)	(0.2)	(0.8)	(0.2)
Capital Receipts (Loan Principal)	(6.0)	(11.0)		
Revenue Contributions				
Grants and other contributions (existing projects)	(4.5)	(6.5)	(7.2)	(1.2)
Grants and other contributions (new projects)			(4.7)	
Finance Lease and PFI liabilities				
Total financing	(11.3)	(17.7)	(12.7)	(1.4)
Net financing need for year	4.1	10.5	9.7	1.0

From this indicator it can be seen that the majority of the Council's capital expenditure is financed from capital receipts or grants and so does not significantly increase financing costs. The following indicators show that the residual amounts that require financing from the revenue budget are proportionate and affordable.

3. Capital Financing Requirement

The Capital Financing Requirement (CFR) shows the difference between the Authority's capital expenditure and the revenue or capital resources set aside to finance that spend.

The CFR will increase where capital expenditure takes place and will reduce as the Authority makes Minimum Revenue Provision (MRP) or otherwise sets aside revenue or capital resources to finance expenditure.

Table A2: Capital Financing Requirement

	Actual 22/23 £m	Estimate 23/24 £m	Estimate 24/25 £m	Estimate 25/26 £m
Opening CFR	242.2	242.2	247.1	251.1
Capital Spend	15.4	28.2	22.4	2.4
Resources used	(11.3)	(17.7)	(12.7)	(1.4)
MRP	(4.1)	(5.6)	(5.7)	(5.9)
Closing CFR	242.2	247.1	251.1	246.2

This indicator show that the total financing requirement is estimated to stay relatively level across the next three years. Each year the council sets a prudent MRP policy that will set aside revenue resources to finance capital expenditure over the life of the assets.

4. Gross Debt and the Capital Financing Requirement

An authority should only borrow to support a capital purpose, and borrowing should not be undertaken for revenue or speculative purposes.

The Authority should ensure that gross debt does not, except in the short-term, exceed the total of the CFR in the preceding year plus the estimates of any additional CFR for the current and the next two financial years.

If the level of gross borrowing is below the Authority's capital borrowing need – the CFR – it demonstrates compliance with the requirement of this Indicator.

Table A3: Gross Debt & Capital Financing Requirement

	Actual 22/23 £m	Estimate 23/24 £m	Estimate 24/25 £m	Estimate 25/26 £m
CFR	242.2	247.1	251.1	246.2
Gross borrowing	188.0	186.0	191.0	186.0
Under / (over) borrowing	54.2	61.1	60.1	60.2

This indicator shows that the council is under borrowed, and so that debt is only being used to support capital expenditure. Under borrowing indicates that the council has been prudent and used internal borrowing to reduce the interest cost that is associated with external borrowing.

5. Operational Boundary and Authorised Limit

Estimated gross borrowing together with the level of other long-term liabilities are used to reveal the possible level of external debt. This clarifies the Authority's overall level of possible external debt in comparison to the Authority's Operational Boundary and Authorised Limit.

The Operational Boundary is the limit beyond which external debt is not normally expected to exceed.

Unlike the Authorised Limit, the Operational Boundary is not an absolute limit, but it reflects the Authority's expectations of the level at which external debt would not ordinarily be expected to exceed.

Table A4: Estimated Debt, Operational Boundary and Authorised Limit

	£m
Borrowings	186
Internal Borrowing	61.1
Other long-term liabilities	34.9
2023/24 Debt Estimate	282
2023/24 Operational Boundary	290
2023/24 Authorised Limit	310

The council continues to have debt below its operational boundary, indicating that the council is effectively managing its debt and cashflows.

6. Financing cost to Net Revenue Stream

This Indicator shows the trend in the cost of capital (borrowing and other long-term obligation costs) against the net revenue stream. Funding includes income such as Council tax, Business Rates as well as new homes bonus and revenue support government grants but excludes income from investments.

The forecast is in line with the approved Capital Strategy.

Table A5: Ratio of Financing costs to Net Revenue stream

	Actual 22/23 £m	Estimate 23/24 £m	Estimate 24/25 £m	Estimate 25/26 £m
Interest costs on existing borrowing	3.6	3.8	4.5	4.8
MRP	4.1	5.6	5.7	5.9
Total Financing Costs	7.7	9.4	10.2	10.7
Funding	22.6	28.2	27.0	22.1
Non-specific grant income	1.4	3.0	3.0	0.0
Net Revenue Stream	24.0	31.2	30.0	22.1
Ratio of Financing costs	32.1%	30.1%	34.0%	48.4%

This indicator shows that the ratio of financing costs to net revenue streams is high, however what this doesn't consider is that a large proportion of the council's financing costs are offset by the interest from on-lending to the Council's subsidiaries, and income generated by the commercial assets acquired as part of the regeneration programme. See item 7 below for detail on this.

7. Net Income from Service Investment Income to Net Revenue Stream

The next indicator is the Net income from Commercial and Service investments Income to Net Revenue Stream. This Indicator shows the financial exposure of the Authority to the loss of its non-treasury investment income.

The Council does not hold any commercial investments. All investments that are not treasury related are service investments, the majority relating to housing and regeneration.

Table A6: Ratio of Investment Income to Net Revenue stream

	Actual 22/23 £m	Estimate 23/24 £m	Estimate 24/25 £m	Estimate 25/26 £m
Income from long term investments	4.9	5.1	4.5	4.5
Income from assets	2.7	3.3	3.1	5.3
Total Investment income	7.6	8.4	7.6	9.8
Funding	22.6	28.2	27.0	22.1
Non-specific grant income	1.4	3.0	3.0	0.0
Net Revenue Stream	24.0	31.2	30.0	22.1
Ratio of investment income	31.8%	27.0%	25.4%	44.2%

The last two ratios dovetail, as much of the debt was incurred with the expectation of non-treasury investment income that would in part offset the financing costs. Deducting the Ratio of net income from Service Investments from the Ratio of Financing costs reveals the affordability ratio.

Table A7: Affordability Ratio

	22/23	23/24	24/25	25/26
Ratio of Financing costs	32.1%	30.1%	34.0%	48.4%
Ratio of Investment income	31.8%	27.0%	25.4%	44.2%
Affordability ratio	0.3%	3.1%	8.6%	4.2%

There is no established Local Authorities benchmark for this ratio as activities differ widely. Interest earned on Treasury investment is not taken into account in either of the calculations and therefore it is not unexpected to see a positive percentage when the two are netted off against each other.

The affordability ratio shows that after taking into account the income relating to the capital expenditure that is being financed the Council has an affordable net cost of capital financing.

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Cherwell District Council

Council

18 December 2023

Dispensation from Attending Meetings

Report of Monitoring Officer

This report is public

Purpose of report

To seek Council approval for a dispensation from attending meetings to a Member who is currently unable to attend any Council meetings due to ill-health.

1.0 Recommendations

The meeting is recommended:

- 1.1 to approve a dispensation for Councillor Maurice Billington from the statutory requirement to attend a meeting of the Council within a six-month period from the last noted attendance.
- 1.2 to approve that the dispensation last up to and including 6 May 2024.

2.0 Introduction

- 2.1 Under the Local Government Act 1972 Section 85 (1), councillors who do not attend a meeting of the Council during a six month period will cease to be a member of the Council unless the Council has approved a dispensation before the expiry of that period.
- 2.2 Council is asked to grant such a dispensation to Councillor Maurice Billington who, due to ill-health, is unlikely to be able to attend a meeting of the Council prior to May 2024.

3.0 Report Details

- 3.1 Section 85 (1) of the Local Government Act 1972 states that "if a member of a Local Authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority they will, unless the failure

was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority.”

- 3.2 Attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the Authority are discharged or who were appointed to advise the Authority on any matter relating to the discharge of their functions. This requirement can be waived, and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six-month period expiring.
- 3.3 Should any Member lose office through failure to attend a meeting throughout a period of six consecutive months, the disqualification cannot be overcome by the Member subsequently resuming attendance. In addition, retrospective approval by the Council cannot be sought.
- 3.3 Full Council has the discretion to approve a dispensation, based on the circumstances of the case, such that the councillor may not cease to be a member of the Council for failing to attend a meeting in that period.
- 3.4 The Monitoring Officer has received formal notification from Councillor Maurice Billington, and his Group Leader, Councillor Barry Wood, seeking Full Council's approval to grant a dispensation from attending meetings due to ill-health. The Monitoring Officer is satisfied that, having regard to the circumstances, the Council would be justified in granting the dispensation.
- 3.5 Councillor Billington's last meeting attendance was at Planning Committee on 13 July 2023 and without a dispensation he would need to attend a meeting before 13 January 2024.
- 3.6 The granting of a dispensation to 6 May 2024 would mean the dispensation expires on the last day of Councillor Billington's term of office.
- 3.7 Should Councillor Billington's health improve before May 2024 and he attends a meeting, the dispensation will no longer apply.

4.0 Conclusion and Reasons for Recommendations

- 4.1 Under the Local Government Act 1972 Section 85 (1), councillors who do not attend a meeting of the Council during a six month period will cease to be a member of the Council unless the Council has approved a dispensation before the expiry of that period.
- 4.2 Councillor Billington has requested a dispensation so as to avoid automatically ceasing to be a Member of the Council should he be unable to attend a meeting before 13 January 2024. He has therefore sought the approval of the Council prior to the expiry of the six-month period.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

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

Option 1: Not to agree a dispensation. This is not recommended as Councillor Billington has requested a dispensation due to ill-health.

7.0 Implications

Financial and Resource Implications

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

Comments checked by:

Michael Furness, Assistant Director Finance, michael.furness@cherwell-dc.gov.uk

Legal Implications

- 7.2 Section 85 of the Local Government Act 1972 states that where a Councillor fails to attend any meeting of the authority for six months, they cease to be a Member of the Authority unless a dispensation has been granted by the Authority concerned. The dispensation has to be given before the expiry of the six month period. In Councillor Billington's case, this is 13 January 2023.

Comments checked by:

Shahin Ismail, Interim Monitoring Officer, shahin.ismail@cherwell-dc.gov.uk

Risk Implications

- 7.3 Failure to agree the request for dispensation will result in the Returning Officer declaring a vacancy for the seat held by Councillor Billington. There may be reputational risks for the Council in failing to agree a dispensation in a timely manner, given the reason for Councillor Billington's absence.

Comments checked by:

Shona Ware, Assistant Director Customer Focus, shona.ware@cherwell-dc.gov.uk

Equalities and Inclusion Implications

- 7.4 There are no specific equalities or diversity issues associated with this report.

Comments checked by:

Shona Ware, Assistant Director Customer Focus, shona.ware@cherwell-dc.gov.uk

Sustainability Implications

- 7.5 There are no sustainability implications arising from this report.

Comments checked by:
Jo Miskin, Climate Action Manager, jo.miskin@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

Kidlington East

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

N/A

Document Information

Appendix number and title

- None

Background papers

None

Report Author and contact details

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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Council

Monday 18 December

Motions

Topic	Proposer	Seconded
Solar Energy Strategy	Councillor Dorothy Walker	TBC
Right to Grow	Councillor Ian Middleton	TBC
Period Poverty	Councillor Rebecca Biegel	TBC
Section 21 Notices	Councillor Sean Woodcock	TBC
Service Hubs	Councillor Chris Pruden	Councillor Rob Pattenden

(for ease, the text for each motion is on a separate page)

Motion Proposer: Councillor Dorothy Walker

Motion Seconded: TBC

Topic: Solar Energy Strategy

Motion

“Increasing our renewable energy production by wind or solar is vital – yet there is an inconsistency of approach in Cherwell. While wind projects and their suitability for Cherwell’s environment and community needs was independently researched in 2019 for the Local Plan Review, no equivalent independent research was undertaken for solar projects.

The pathway to the increase in solar generation is unclear. Requirements for solar panels on new domestic and commercial buildings are limited and there is no programme for the widespread retrofitting of photovoltaics on public, commercial and domestic properties, nor is there a comprehensive solar power plan integrating all means of solar power generation, only an apparent reliance on the emergence of commercial solar farm proposals. There has been a proliferation of solar farm projects in the district, and we currently face the potential construction (mainly in West Oxfordshire and partially in Cherwell) of the largest solar farm in Europe - and one of the largest in the world.

We ask the Executive to consider commissioning a robust, research-based strategy for solar electricity production in Cherwell, in order to achieve the optimum balance of power generation by solar farms, by roof panels on new commercial and residential developments, and, crucially, their retrofitting on existing public, business and domestic buildings. Two key criteria underpinning this solar power strategy should be environmental impacts and domestic food production needs.”

Motion Proposer: Councillor Ian Middleton

Motion Seconder: TBC

Topic: Right to Grow

Motion

“The cost-of-living crisis has highlighted the need for access to enough fresh food, especially fruit and vegetables. This has been worsened by the lack of available allotments and communal gardens.

Greater access to growing spaces would better support CDC in ensuring it places the health and well-being of its residents at the heart of its policy making by increasing the availability of fresh locally produced food at an affordable price. Such initiatives can reduce pressures on NHS and social care whilst increasing community cohesion, tackling loneliness and isolation, and providing for the healthy food needs of their neighbourhoods.

We recognise that officers already work with our communities to encourage them to come together to develop local growing spaces in areas of under-used publicly owned land and that we have endorsed the countywide Food Strategy. But that we can always do more.

This council therefore calls on the Executive to,

1. Identify council owned land suitable for community cultivation and facilitate the production of a publicly available map of such sites.
2. Adopt a ‘Right to Grow’ policy whilst continuing to work with Cherwell Collective and other community organisations to encourage the adoption of such land for growing schemes by means of a simple licence at no direct cost to the community.
3. Consider ways to encourage developers to include community growing spaces in all new developments and, where practical, on land awaiting development.
4. Write to all Cherwell MPs asking them to support the national ‘Right to Grow’ campaign.”

Motion Proposer: Councillor Rebecca Biegel

Motion Seconder: TBC

Topic: Period Poverty

Motion

“We have seen the cost of living crisis leave many of our residents with unacceptable choices between heating or eating.

However, the cost of living crisis has caused highlighted another crucial issue: period poverty. Many women and girls do not have access to sanitary products due to the rising cost of other essentials such as food and energy, which are necessarily being prioritised.

A poll by Action Aid in May 2023 showed that more than 21% or 1 in 5 women and people who menstruate are experiencing period poverty. Furthermore, the percentage of those affected has risen from 12% to 21% in just one year.

Being unable to comfortably leave home for several days every month due to lack of sanitary products is unbearable for the individuals and missing work or school has further financial or educational implications.

There are also serious health risks: 41% of respondents used sanitary products for much longer than recommended and 8% resorted to re-using disposal products. In addition to the physical dangers, the impact of shame and anxiety on mental health is significant.

I hope members will agree this situation is unacceptable in society and in our district.

To combat period poverty, this Council asks the Executive

- a) to investigate and report back on the number of accessible locations across the Council’s estate where free sanitary products can feasibly and sensitively be provided.
- b) to consider the report and the recommendations therein to make a decision on implementation.”

Motion Proposer: Councillor Sean Woodcock

Motion Seconder: TBC

Topic: Section 21 Notices

Motion

"This council is experiencing unprecedented levels of people presenting as homeless. A key driver of this is landlords serving Section 21, so-called 'no fault', eviction notices on their tenants.

Since 2019, the Conservative government has promised to abolish Section 21 notices and included this as part of its Private Renters Reform Bill. This has now been indefinitely delayed.

Only a year ago, this council overwhelmingly voted in favour of the government enacting the Private Renters Reform Bill; with the Lead Member for Housing mandated to write to the government to that effect.

This council condemns the decision to delay the ban on Section 21 notices and calls on the Leader of the Council to communicate this to our Member*s* of Parliament and the government in the strongest possible terms."

Motion Proposer: Councillor Chris Pruden

Motion Seconder: Councillor Rob Pattenden

Topic: Service Hubs

Motion

“This Council notes that over the last few years, in-person access to essential services has been greatly reduced, from banking services to our own council services, while residents are required to travel further or use online services, which in some cases is difficult or not suitable for the most vulnerable who need these services most. Banks alone have closed over 200 branches in the UK this year, with Banbury, Bicester, and Kidlington having already lost branches and/or the provision of counter service.

This Council believes it should do what it can to help maintain easy access to these vital services. Banking hubs have already been set up elsewhere and been proven to work. We could not only take a lesson from these, but seek to improve the hub concept by including access to services CDC itself provides, noting the closure of CDC counters.

This motion therefore calls on the Executive to:

1. Investigate the feasibility of creating service hubs within our localities and what they can usefully provide, including considering best practice from other local authorities.
2. Develop a strategy that facilitates the use of service hubs to better provide access and support to our communities within our powers.”

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