

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 5 February 2024 at 6.30 pm

Present:

Councillor Barry Wood (Leader and Portfolio Holder for Policy and Strategy) (Chairman)
Councillor Adam Nell (Deputy Leader and Portfolio Holder for Finance) (Vice-Chairman)
Councillor Phil Chapman, Portfolio Holder for Healthy and Safe Communities
Councillor Sandy Dallimore, Portfolio Holder for Corporate Services
Councillor Donna Ford, Portfolio Holder for Regeneration
Councillor Nicholas Mawer, Portfolio Holder for Housing
Councillor Eddie Reeves, Portfolio Holder for Property
Councillor Dan Sames, Portfolio Holder for Planning and Development
Councillor Nigel Simpson, Portfolio Holder for Sport and Leisure

Apologies for absence:

Councillor Andrew McHugh, Portfolio Holder for Cleaner and Greener Communities

Also Present:

Councillor David Hingley, Leader of the Opposition, Progressive Oxfordshire Group
Councillor Sean Woodcock, Leader of the Labour Group
Councillor John Broad, Chairman, Overview and Scrutiny Committee

Also Present Virtually:

Councillor Jean Conway
Councillor Lesley McLean
Councillor Ian Middleton
Councillor Dorothy Walker

Officers:

Gordon Stewart, Chief Executive
Ian Boll, Corporate Director Communities
Stephen Hinds, Corporate Director Resources
Michael Furness, Assistant Director Finance & S151 Officer
Shiraz Sheikh, Assistant Director Law & Governance and Monitoring Officer
David Peckford, Assistant Director Planning & Development
Nicola Riley, Assistant Director Wellbeing & Housing

Joanne Kaye, Head of Finance and Deputy Section 151 Officer
Natasha Clark, Governance and Elections Manager

Officers Attending Virtually:

Mona Walsh, Assistant Director - Property
Richard Smith, Head of Housing

87 **Declarations of Interest**

There were no declarations of interest.

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

The Chairman advised there were no petitions.

The Chairman welcomed non-Executive Members to the meeting, Councillor Hingley, Progressive Oxfordshire Group Leader and Cllr Woodcock. Labour Group Leader, Councillor Broad, Overview & Scrutiny Committee Chairman, was attending following the Committee's consideration of items 7 and 8 and the performance aspects of item 11. There were no recommendations to Executive on any of the items.

The Chairman also welcomed Councillors Conway, McLean, Walker and Middleton to the meeting who had requested to address the meeting and he would invite them to speak at the relevant items.

89 **Minutes**

The minutes of the meeting held on 8 January 2024 were agreed as a correct record and signed by the Chairman.

90 **Chairman's Announcements**

The Chairman advised that the Future Oxfordshire Partnership (FOP) had met on Tuesday 30 January and he had given an update to the Overview & Scrutiny Committee at their meeting of the same date.

The Chairman explained that FOP had received an update on progress with delivery of health place shaping across Oxfordshire and the new Health and Wellbeing Board Strategy for Oxfordshire as well as updates from the advisory groups, and partners supporting the delivery of the Oxfordshire Strategic Vision.

FOP had also considered recommendations from the FOP Scrutiny Panel. The Scrutiny Panel had asked officers to initiate a review of its Terms of Reference prior to its first meeting in the 2024/25 municipal year.

The next FOP meeting was on 20 March. Items scheduled for that meeting include the Annual Report of the Oxfordshire Director of Public Health; and, Quarter 3 Oxfordshire Housing & Growth Deal.

91 **Budget Setting for 2024/25 and the Medium-Term Financial Strategy up to 2028/29**

The Assistant Director of Finance (S151) submitted a report to consider and approve the Budget Setting for 2024/25 and Medium Term Financial Strategy 2028/29 as per the recommendations.

In introducing the report, the Portfolio Holder for Finance explained that this report was the culmination of the Budget and Business Planning process for 2024/25 to 2028/29 and set out the Executive's proposed Business Plan, Annual Delivery Plan and related revenue budget for 2024/25, medium term financial strategy to 2028/29, capital programme to 2028/29 and all supporting policies, strategies, and information to recommend to Council.

The proposed net budget for the council was £26.9m, which was a decrease of £1.4m from 2023/24. The council planned to fund £0.6m of budget pressures and would deliver £1.8m of savings proposals and operational efficiencies as part of the 2024/25 budget. A Band D Council Tax of £153.50 was proposed for the year which was an increase of £5 compared to 2023/24. The Capital Programme for the period 2024/25 – 2028/29 was proposed to be £40.4m.

The Portfolio Holder for Finance thanked all respondents to the budget consultation, the Budget Planning Committee and all members who attended the December meeting of the Committee for their review of the budget. The Portfolio Holder for Finance thanks the Assistant Director Finance (S151 Officer) and the Finance Team for their hard work on the proposed budget.

In response to a question from Councillor Hingley regarding the additional funding the Government had advised local authorities would be receiving, the Leader advised that CDC had received confirmation earlier that afternoon. The Assistant Director Finance (S151 Officer) advised that the additional funding CDC would receive would be added to the contingency budget.

Resolved

- (1) That authority be delegated to the Section 151 Officer, following consultation with the Leader of the Council and Portfolio Member for Finance, to complete the legal Council Tax calculations once all the information required has been received and submit a separate report to Council.
- (2) That authority be delegated to the S151 Officer, following consultation with the Leader of the Council and Portfolio Member for Finance, to

make appropriate changes to the Executive's proposed budget to Council including policies and plans.

- (3) That Council be recommended to approve the proposed Fees and Charges schedule for 2024/25 and statutory notices be placed where required.
- (4) That Council be recommended to consider and note the Equality Impact Assessments of the Budget.
- (5) That Council be recommended to approve the Business Plan.
- (6) That, in relation to the Revenue Budget Strategy and Medium-Term Financial Strategy (MTFS), Council be recommended to approve:
 - i. The net revenue budget for the financial year commencing on 1 April 2024, as set out below, and further analysed in the Budget Book.

Directorate; Net budget 2024/25 £m

Communities: 8.917

Resources: 4.314

Chief Executive: 5.355

Service Sub-total: 18.586

Corporate Costs: 4.475

Policy Contingency: 3.872

Net Cost of Services: 26.933

- ii. The MTFS and Revenue Budget 2024/25, including the Savings Proposals and Pressures.
- (7) That, in relation to Council Tax, Council be recommended to approve an increase in the Basic Amount of Council Tax for Cherwell District Council for the financial year beginning on 1 April 2024 of £5, resulting in a Band D charge of £153.50 per annum.
- (8) That, in relation to the Capital Programme and related strategies, Council be recommended to approve:
 - i. The Capital Bids and Capital Programme.
 - ii. The Capital and Investment Strategy 2024/25, including the Minimum Revenue Provision (MRP) Policy, and the revised 2023/24 MRP Policy.
 - iii. The Treasury Management Strategy, including the Prudential Indicators, and Affordable Borrowing Limit for 2024/25.
- (9) That, in relation to reserves, Council be recommended to approve:
 - i. A minimum level of General Balances of £6.1.
 - ii. The Reserves Policy.
 - iii. The medium-term reserves plan.

- (10) That, in relation to the Pay Policy Statement, Council be recommended to approve the Pay Policy Statement, as required by the Localism Act 2010.

Reasons

This report provides information around the various building blocks that make up the proposed budget for 2024/25 and beyond, allowing members to consider and scrutinise the elements of the budget and provide advice and guidance to council to help further shape both budget setting for 2024/25 and the MTFS up to 2028/29.

Alternative options

Option 1: To reject the current proposals and make alternative recommendations. Members will not be aware of the medium-term financial forecast or implications of alternatives if they choose to take this option.

92

Annual Delivery Plan 2024/25

The Assistant Director of Finance and Assistant Director – Customer Focus submitted a report which presented the proposed Annual Delivery Plan for 2024/25, aspiring to be a tool to achieve the Council's vision, aims and ambitions as contained in the Council's Business Plan on behalf of the local communities and businesses we are here to serve.

The Chairman of the Overview and Scrutiny Committee advised that the Committee had reviewed and supported the Annual Delivery Plan at their 30 January meeting with no recommendations to Executive.

Resolved

- (1) That the Annual Delivery Plan 2024/25 be approved.

Reasons

Through the agreement of the recommendations contained in this report the Council is ensuring the focussed delivery of the priorities contained within the Business Plan on behalf of the local communities, we are here to serve.

Alternative options

Option One: No Annual Delivery Plan – given the challenges and opportunities facing the Council, the need for a clear plan which enables the Council's achievement of the Business Plan is essential.

Option Two: Annual Delivery 2023/24 - given the challenges and opportunities facing the Council the need for a timely plan which enables the Council's achievement of the Business Plan is essential.

93

Homelessness and Rough Sleeping Strategy 2024-2029

The Assistant Director – Wellbeing and Housing submitted a report to consider and approve the Council’s new Homelessness and Rough Sleeping Strategy 2024-2029.

Resolved

- (1) That the Homelessness and Rough Sleeping Strategy 2024-2029 and accompanying Action Plan be approved.

Reasons

The Council is committed to providing a quality housing options, advice and homelessness service in accordance with our statutory duties. The Homelessness and Rough Sleeping Strategy 2024-2029 will provide a strategic framework to enable this.

Alternative options

Option 1: Not to bring forward a Homelessness and Rough Sleeping Strategy
This option is not considered as reviewing homelessness and producing a strategy every 5 years is part of the Council’s statutory duties and part of the statutory duties of providing housing options and advice services.

94

Developing a Kidlington Infrastructure and Community Asset Strategy

The Corporate Director Communities submitted a report to respond to the question raised at council in December 2023 to provide resource and budget to enable the development of a new vision for Kidlington cognisant of the growth allocated in the 2020 Local Plan Partial Review and to provide ongoing oversight of development.

In introducing the report, the Portfolio Holder for Regeneration thanked Councillor McLean for raising the question at the December Council meeting. In response, the Leader had committed to the development of a holistic strategy for the Kidlington area.

The Portfolio Holder for Regeneration explained that the development of a Kidlington Vision would complete the need for a place based vision for each of the three main urban areas of Cherwell. It would build upon the work of the Banbury Vision which had undertaken widespread and detailed stakeholder engagement to identify key themes, and on the Reimaging Bicester work which has a focus on the achievement of exemplary development as part of the Garden Town vision and the integration of new communities with existing.

Having raised the question at the December Council meeting, Councillor McLean addressed Executive commenting that she was pleased the work was being taken forward and hope it would progress in a timely manner.

Councillor Middleton addressed Executive and referred to the questions he had submitted earlier that day confirming he would await a written response.

Resolved

- (1) That it be agreed to develop a Kidlington Infrastructure Strategy in 2024/25 and resource to provide oversight to its ongoing delivery.

Reasons

The development of a Kidlington Vision would complete the need for a place based vision for each of the three main urban areas of Cherwell. It would build upon the work of the Banbury Vision which has undertaken widespread and detailed stakeholder engagement to identify key themes, and on the Reimaging Bicester work which has a focus on the achievement of exemplary development as part of the Garden Town vision and the integration of new communities with existing.

Alternative options

Option 1: Do Nothing. Under this option, development would come forward site by site through the planning process and infrastructure and community assets would be coordinated by existing resources in the respective tiers of Local Government and other agencies.

95

Researching Solar Energy Requirements

The Corporate Director Communities submitted a report to seek funding support for the 2024/25 budget to provide resource and budget to better understand the requirements for solar energy within Cherwell District

Councillor Walker, who had proposed the motion at the December Council meeting, addressed Executive and sought clarification regarding the proposed research in relation to the motion that had been agreed which stated that research needed to be criteria based. .

In response to Councillor Walker's comments, the Corporate Director Communities explained that the report focussed on commissioning a piece of work to look at solar across the district and secure the required budget.

The Chairman requested that officers keep Councillor Walker updated on the research work.

At the discretion of the Chairman, Councillor Woodcock, Councillor Broad and Councillor Middleton addressed Executive.

Resolved

- (1) That it be agreed to plan in the 2024/25 budget for the undertaking of research into the requirements for solar energy within Cherwell.

Reasons

Amending the Medium Term Financial Plan (MTFP) to include the allocation of resource and budget will support the development of a research paper on solar energy generation for Cherwell and the environmental impacts of solar generation options.

Alternative options

Option 1: Do Nothing. Under this option, there would be limited understanding of the impact of solar energy generation across the District.

96

Performance, Risk and Finance Monitoring Report Quarter 3 2023

The Assistant Director of Finance and Assistant Director – Customer Focus submitted a report to give Executive an update on how well the council was performing in delivering its priorities, managing potential risks, and balancing its finances for 2023/24 up to the end of Quarter 3 2023.

Resolved

- (1) That the Council's Performance, Risk and Financial report for the current financial year up to the end of Quarter 3 2023 be noted.
- (2) That the following reserve requests be approved.

Directorate: Resources
Type: Earmarked
Description: Market Risk Reserve
Reason: Over-recovery of Treasury Income
Amount £m: (0.170)

Directorate: Resources
Type: Earmarked
Description: Transformation Implementation
Reason: Underspend withing Policy Contingency
Amount £m: (0.500)

Total Earmarked Reserves £m: (0.670)

- (3) That the use of Policy Contingency of £1.476m to mitigate the lower than budgeted in-year income of S31 grant be approved.

- (4) That the repurposing of £0.030m from the Fairway Flats Refurbishment project for the works at Cope Road Banbury approved by S151 under delegation powers be noted.

Reasons

This report provides an update on progress made during Quarter 3, to deliver the council's priorities, manage potential risks and remain within the agreed budget.

Alternative options

This report summarises the council's performance, risk, and financial positions up to the end of Quarter 3, therefore there are no alternative options to consider. However, Members may wish to request further information from officers for inclusion.

97

Deddington Neighbourhood Plan

The Assistant Director – Planning and Development submitted a report to consider the Examiner's report on the draft Deddington Neighbourhood Plan (the "Draft Neighbourhood Plan") to determine whether the Draft Neighbourhood Plan, incorporating modifications should proceed to referendum.

Resolved

- (1) That all of the Examiner's recommendations and modifications be approved to enable the Plan, incorporating the recommended modifications to proceed to a referendum.
- (2) That the issue of a 'decision statement' confirming the Executive's decision including that the Plan will now proceed to a referendum be authorised.
- (3) That the Assistant Director – Planning and Development be authorised to make any minor presentational changes and corrections necessary to ready the Plan for referendum.

Reasons

Having considered the Examiner's report, officers are of the view that all of his recommendations should be accepted. Officers consider that the Draft Neighbourhood Plan meets the Basic Conditions with the Examiner's proposed modifications and also agree with the Examiner that the referendum area should be based on the Designated Area and that the referendum area does not need to be extended.

It is recommended that the Executive agrees the submission of the Draft Neighbourhood Plan (as modified) for referendum and that a Decision Statement be issued. This Council would then be responsible for making the

necessary arrangements for the referendum to be held. A notice of the referendum will need to be issued. In line with the Neighbourhood Planning (referendums) Regulations 2012, Schedule 1, the following question would be asked: "Do you want Cherwell District Council to use the neighbourhood plan for Deddington to help it decide planning applications in the neighbourhood area?"

If a majority of votes are in favour of the Neighbourhood Plan, it would come into force as part of the statutory Development Plan for the District. This Council must then ensure that the plan is "made" within eight weeks of the referendum for it to take effect.

Alternative options

Option 1: Not to accept all the Examiner's recommendations.

Where a local planning authority proposes to make a decision that differs from the Examiner's recommendations it is required to set out these reasons in a Decision Statement which would be subject to further consultation.

Reason: Officers agree with all the Examiner's recommendations.

Option 2: Not to accept the Examiner's recommendations and not to proceed to a referendum. This option could only be justified if the Examiner recommends that the Draft Neighbourhood Plan should not proceed to a referendum, or the Council is not satisfied that the Draft Neighbourhood Plan has met the procedural and legal requirements.

Reason: Officers agree with the Examiner's recommendations and are of the view that the local planning authority have met the procedural and legal requirements.

98

Sale of Bodicote House Site, White Post Road, Bodicote, OX15 4AA

The Corporate Director of Resources submitted a report in respect of the sale of Bodicote House.

In introducing the public version of the report, the Portfolio Holder for Property explained that Bodicote House site having been marketed for sale, to facilitate the Council moving to new offices the report sought delegated authority and approval to proceed with the Heads of Terms attached to the Exempt part of the report and enter negotiations for the sale contract.

The Portfolio Holder for Property explained that there was an exempt version of the report which included commercially sensitive information relating to the financial and business affairs of the Council and others.

99

Exclusion of the Press and Public

Resolved

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

100

Sale of Bodicote House, White Post Road, Bodicote, OX15 4AA

The Corporate Director Resources submitted an exempt report which sought delegated authority and approval to proceed with the Heads of Terms and enter negotiations for the sale contract for the Bodicote House site which had been marketed for sale, to facilitate the Council moving to new offices.

Resolved

- (1) That authority be delegated to the Corporate Director of Resources in consultation with the Portfolio Holder for Property and the S151 Officer, to proceed with the Heads of Terms and enter into negotiations for the sale contract with Lucy Developments Ltd.
- (2) That authority be delegated to the Assistant Director Law and Governance to enter into Head of Terms.

Reasons

The offer from Company C (Lucy Developments Ltd) as the preferred bidder is recommended because;

- They have offered the best bid for the site, upon receiving planning permission.
- The offer is considered to provide the best value, in that it meets the Councils affordable housing policy.
- The proposal is considered to provide a better likelihood to achieve the highest density of units and obtaining planning permission for the proposed redevelopment.
- They are a regional developer, with a proven track record.
- They have confirmed the purchase and development can be funded from existing resources and without the need to borrow funds.

The Council meets its obligations under S123 of the LGA 1972 to sell land at the best price reasonably obtainable in the marketplace at the time and not at an undervalue. We have been advised that a "Red Book" valuation from a RICS qualified surveyor cannot be obtained due to the variables involved. However, the property has been widely marketed with marketing appraisals including valuation advice from Knight Frank, throughout the process who have confirmed that the offer from Company C (Lucy Developments Ltd) is the best obtainable.

Alternative options

Option 1: Do Nothing

- Not granting the delegated approval for the negotiation of the sale contracts via the Heads of Terms will mean a delay in the receipt of monies and create a funding issue for the relocation.
- Continued ownership of the property will
 - The property continues to be a significant cost to the Council.
 - There is substantial excess space which is not well utilised and difficult to sublet.
 - Surplus to requirement space will continue to need to be maintained for the duration of any occupation.
 - Significant capital costs are required to maintain the building.

This option is therefore not considered a viable alternative.

Option 2: Seek an alternative purchaser

- This will result in serious delay in the disposal and therefore the funding of the relocation
- The holding costs of the property as well as all of the points raise in Option (1) above.

101 **Readmittance of the Press and Public**

Resolved

That the press and public be readmitted to the meeting.

102 **Urgent Business**

There were no items of urgent business.

The meeting ended at 8.30 pm

Chairman:

Date: