

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 2 July 2018 at 6.30 pm

Present: Councillor Barry Wood (Chairman), Leader of the Council
Councillor G A Reynolds (Vice-Chairman), Deputy Leader and
Leader Member for Leisure and Sport

Councillor Colin Clarke, Lead Member for Planning
Councillor Ian Corkin, Lead Member for Customers and
Transformation
Councillor John Donaldson, Lead Member for Housing
Councillor Tony Ilott, Lead Member for Financial Management
and Governance
Councillor Andrew McHugh, Lead Member for Health and
Wellbeing
Councillor Richard Mould, Lead Member for Performance
Councillor D M Pickford, Lead Member for Clean and Green
Councillor Lynn Pratt, Lead Member for Economy,
Regeneration and Property

Also Present: Councillor Sean Woodcock, Leader of the Labour Group

Officers: Jane Carr, Executive Director: Wellbeing
Claire Taylor, Director: Customers and Service Development
Adrian Colwell, Executive Director: Place and Growth
Gillian Douglas, Assistant Director: Housing
Kelly Watson, Assistant Director: Finance and Procurement
James Doble, Assistant Director: Law and Governance /
Monitoring Officer
Aaron Hetherington, Democratic and Elections Officer

12 **Declarations of Interest**

18. The Mill Arts Centre, Banbury.
Councillor Tony Ilott, Declaration, as a trustee of The Mill.

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

There were no petitions or requests to address the meeting.

14 **Minutes**

The minutes of the meeting held on 4 June 2018 were agreed as a correct record and signed by the Chairman.

15 **Chairman's Announcements**

There were no Chairman's announcements.

16 **Urgent Business**

There were no items of urgent business.

17 **'Making' (Adoption) of the Adderbury Neighbourhood Plan**

The Executive Director: Place and Growth submitted a report to propose that the Executive recommends to Council that it 'makes' the Adderbury Neighbourhood Plan following the successful referendum held in Adderbury Parish on 21 June 2018.

Resolved

- (1) That the referendum result of 21 June 2018 where 91.6% of those who voted were in favour of the Adderbury Neighbourhood Plan which is above the required 50% be noted.
- (2) That Council be recommended to 'make' the Adderbury Neighbourhood Plan so that it continues to have effect as part of the statutory Development Plan for the District.
- (3) That Council be recommended to approve the issuing and publication of a decision statement.

Reasons

A referendum was held on the Adderbury Neighbourhood Plan on 21 June 2018. Of those eligible to vote, 651 voted in favour of the Plan with 58 against. The vote of 91.6% in favour, meets the requisite majority and the Plan is now part of the statutory Development Plan. The Council is still required to formally 'make' the Plan and there is no known breach or incompatibility with EU or human rights obligations which prevents this. The Executive is therefore requested to recommend the 'making' of the Adderbury Neighbourhood Plan to the meeting of Council on 16 July 2018 which would be within the prescribed eight week period.

Alternative options

Where a referendum poll results in more than half of those eligible to vote voting in favour of the Neighbourhood Plan, the local planning authority must 'make' the Plan. The Council is not subject to this duty if the making of the

plan would breach, or would otherwise be incompatible with, any EU or human rights obligations. There is no known breach or incompatibility. Consequently there are no other options.

18 **Cherwell Residential Design Guide Supplementary Planning Document - Masterplanning and Architectural Guidance**

The Executive Director Place and Growth submitted a report to seek approval of the Cherwell Residential Design Guide, Supplementary Planning Document, Masterplanning and architectural guidance for residential development so that it can be presented to the Council for adoption.

In considering the report, Members commended and thanked officers for their hard work in producing the SPD.

Resolved

- (1) That the responses to consultation summarised in the consultation statement be noted.
- (2) That the final draft of the Cherwell Residential Design Guide SPD (Design Guide) (annex to the Minutes as set out in the Minute Book) and incorporating changes summarised in the annex to the Minutes (as set out in the Minute Book) be approved.
- (3) That Council be recommended to adopt the final draft of the Cherwell Residential Design Guide SPD (Design Guide) as a statutory Supplementary Planning Document under the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- (4) That the Executive Director Place and Growth be authorised to make any necessary minor and presentational changes to the Design Guide before the meeting of the Council.

Reasons

The Design Guide is now complete and presented for approval before seeking adoption by Council. Once adopted the Design Guide will be a material consideration in the determination of planning applications where there are related design issues. The Design Guide seeks to provide clear guidance on the design of the built environment to ensure that the detailed policies for high quality development set out in the Cherwell Local Plan are delivered. The document is a comprehensive guide covering an extensive list of design issues that should be considered in residential design / development.

The document has been prepared with regard to national policy guidance and through engagement with key stakeholders and through a period of formal consultation. It is considered by Officers that the document presents guidance that supports both high quality development and continued growth across the district, which maintains high levels of housing delivery.

Upon approval by the Executive it is intended that the document be presented to Council for adoption as a Supplementary Planning Document (SPD). As an SPD the document will have statutory status as planning guidance. It does not establish Development Plan policy which is the role of the Council's Local Plans.

Alternative options

Option 1: Not to approve the Cherwell Residential Design Guide SPD and seek changes.

Officers consider that the SPD has been prepared in accordance with the relevant legislation. The adopted Cherwell Local Plan 2011-2031 sets the planning framework up to 2031 with the SPD providing a further level of detail to guide development. Significant changes may require further consultation.

Option 2: Not to approve the Cherwell Residential Design Guide SPD and to rely on Policy ESD15 within the Cherwell Local Plan.

Note that the Council could rely on ESD15 but that the Design Guide would provide more detailed advice to aid decision making and provide further clarity on how to achieve high quality development.

19

Chesterton Community Woodland at South West Bicester

The Executive Director: Place and Growth submitted a report to obtain approval to establish a formal joint committee to develop and manage a community woodland park on land South of Vendee Drive, Bicester.

Resolved

- (1) That it be agreed to agree to establish a partnership or joint committee with Bicester Town Council, Chesterton Parish Council, Oxfordshire County Council and local representation to develop and manage a community woodland park on land South of Vendee Drive, Bicester.
- (2) That authority be delegated to the Executive Director, Place and Growth, in consultation with the Assistant Director: Law and Governance and the Lead Member for Clean and Green to establish the constitution and terms of reference for the partnership/committee.

Reasons

By establishing a formal joint working committee this will represent the interests of the various groups; enable decision making to progress the project, pool knowledge and experience and formalise the position around sharing the funding costs.

Alternative options

Option 1: Community woodland implemented by Cherwell District Council. By taking sole responsibility for the land, Cherwell District Council would be able to develop the site but the full cost of delivering and managing the land would fall on the Council. This option is not favoured as the project has already

benefitted from partnership working and the approach has the potential of bringing resources from other partners to provide a more sustainable long term future.

Option 2: Creation of a community organisation to run the site. There is potential for a community organisation to be established to run the site in the future, however transfer of the land is imminent and no such organisation currently exists. It is also likely to take time for the organisation to gain strength to take on the project and this would delay any progress. A joint committee approach can include representatives from a local group who could be co-opted on the committee in the first instance.

Option 3: Create a joint committee with Bicester Town Council, Chesterton Parish Council, Oxfordshire County Council and local representation. This would enable a partnership approach to developing and managing the community woodland and a sharing of costs. This approach can also take the benefit of each organisations knowledge and skills.

Option 4: The developer retains ownership of the land. This would result in the loss of the potential to provide a significant new area of open space for the local residents. Whilst the land is currently farmed there would be the potential for further planning applications to be made in the future and development pressure. Open spaces are valuable for the health of residents, increase property values and increase the attractiveness of the town for investors.

20

Homelessness Strategy 2018-2020

The Executive Director: Wellbeing submitted a report to consider the priorities and actions set out in the new Homelessness Strategy 2018-20 and Action Plan and approve these documents for implementation.

It was a statutory requirement to have a Homelessness Strategy and to have carried out a review of homelessness in the council area. The strategic priorities identified for Cherwell are: Prevent and relieve homelessness in the district; Prevent single homelessness; Ensure vulnerable people can access appropriate help and support; and, Ensure homeless households can access suitable temporary and permanent accommodation.

Resolved

- (1) That the Homelessness Strategy 2018-2020 and Action Plan (annexes to the Minutes as set out in the Minute Book) which are based on a review of homelessness in the district be approved in order to ensure that the Council meets statutory requirements and is able to respond effectively to the needs of homeless households.

Reasons

Under homelessness legislation local housing authorities are required to carry out a review of homelessness in their district and to then formulate and publish a homelessness strategy based on its results. Therefore Members are recommended to approve the Homelessness Strategy to ensure the Council

meets its statutory requirements and is able to respond effectively to the needs of homeless households.

Alternative options

Option 1: To not approve the Homelessness Strategy 2018-2020 and Action Plan but this would mean the Council would not be meeting its statutory requirements. Also the Council would not have a strategic approach for responding effectively to the needs of homeless households in the district.

21

Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2016 - enforcement and authorisations

The Assistant Director Housing submitted a report to request Executive approval to authorise officers to apply certain financial penalties where landlords do not bring their privately rented properties up to the legal minimum standard as set out in the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and as may be amended.

Resolved

- (1) That the use of the financial penalties, as outlined in the annex to the Minutes (as set out in the Minute Book) to ensure private rented domestic properties meet the prescribed minimum energy efficiency standards be approved.
- (2) That this power be delegated to the Assistant Director of Housing who may then provide sub-delegations, as required, to other appropriate officers.

Reasons

The Government has introduced financial penalties as a means of preventing landlords from profiting from non-compliance with legislation and to ensure compliant landlords are not disadvantaged. It is important that the penalties for not complying are sufficiently substantial to persuade a landlord to carry out their duties without the need for enforcement.

The penalty fees are intended to provide sufficient incentive for landlords to comply. Chasing payment for unpaid fines can be resource intensive and expensive; it is proposed that fines paid within 14 days of the penalty notice issue will be reduced by 25% to incentivise early payment.

Alternative options

Option 1: The Council could choose to adopt lower penalty levels than those stipulated as a maximum within the legislation; however that would not send a clear message to landlords that they must ensure tenants (many vulnerable) are able to manage their energy costs; improve the condition of the private rented stock and reduce maintenance costs; smooth seasonal peaks in energy demand and increase the nation's energy security; and reduce greenhouse gas emissions.

22 **Policy to Implement Enforcement Powers Provided by the Housing and Planning Act 2016**

The Assistant Director Housing submitted a report which explained certain enforcement powers to deal with rogue landlords provided by the Housing and Planning Act 2016, and sought approval of three policies that would allow the Council, as the local housing authority, to implement and make use of those powers.

In response to comments from Councillor Woodcock, Leader of the Labour Group, who has addressed Executive at the discretion of the Chairman, the Lead Member for Housing, Councillor Donaldson, and the Chairman provided assurance that they confident there was adequate resource in place to implement these powers.

Resolved

- (1) That the policy for imposing civil penalties as an alternative to prosecution in appropriate cases (annex to the Minutes as set out in the Minute Book) be adopted with immediate effect.
- (2) That the policy dealing with applications for rent repayment orders (annex to the Minutes as set out in the Minute Book) be adopted with immediate effect.
- (3) That the Assistant Director Housing be made responsible for determining the uses to which retained civil penalty funds and retained rent repayment should be put.
- (4) That the policy dealing with applications for a banning order against persons convicted of specified offences (annex to the Minutes as set out in the Minute Book) be approved with immediate effect.

Reasons

The proposed policies present members with the opportunity to ensure the Council has the range of enforcement options available to deal effectively with rogue landlords and to protect our residents. In relation to Rent Repayment Orders the proposed policy will also ensure the Council can demonstrate compliance with the duty to consider making an RRO in applicable circumstances.

Alternative options

The first alternative option would be to not adopt the new policies relating to the discretionary Civil Penalty and Banning Order provisions but to adopt the Rent Repayment Order Policy in isolation. That would cover the Council's duty as regards RROs. That approach would forego the additional powers and tools available to officers to crack down on rogue landlords who knowingly rent out unsafe and substandard accommodation. It would also prevent the Council from taking advantage of the additional funding that would

be available to assist with the enforcement of appropriate conditions in the private rented sector.

The second alternative would be to reject the three policies in their entirety, but that would leave the Council with no means of fulfilling its duty to consider RROs.

23 **Cherwell Community Lottery - Lottery Policy**

The Assistant Director – Communities submitted a report which advised that in order to deliver the Cherwell Community Lottery approved in December 2016 it was necessary to establish and publish The Cherwell Community Lottery Policy and associated policies and procedures and sought approval of these policies and procedures. This would support the Council's application to the Gambling Commission, and underpin the effective running of the Cherwell Community Lottery.

Resolved

- (1) That the establishment of the Cherwell Community Lottery Policy and the associated procedures (annexes to the Minutes as set out in the Minute Book) be approved.
- (2) That Full Council be recommended to delegate responsibility for running the Cherwell Community Lottery to the Assistant Director – Communities.
- (3) That Full Council be recommended to delegate authority to the Assistant Director – Law & Governance to amend the Constitution and the Scheme of Delegation to reflect resolution (2) above.
- (4) That Cherwell District Council becoming a member of The Lotteries Council be approved.
- (5) That officers be requested to develop criteria for the acceptance of supported 'Good Cause' organisations.
- (6) That officers be directed to develop draft criteria for the distribution of the Cherwell Community Lottery 'Central Fund'.
- (7) That officers be directed to apply to the Gambling Commission for a Lottery Operator Licence which will require the appointment of two senior Council officers to be identified as 'named officers' on the operator licence for the purpose of the application and 'in-house' responsibility for the lottery once it is up and running. The named officers shall be the Executive Director Wellbeing and the Assistant Director Communities.

Reasons

Adoption and publication of the Cherwell Community Lottery Policy and membership of The Lotteries Council will enable Cherwell District Council to make a robust application to the Gambling Commission for a Lottery Licence.

Explicit delegation to the Assistant Director – Communities draws a clear line between the council's licensing / enforcement duties and its community development functions.

Clear and fair guidelines regarding 'Good Cause' and grant eligibility will enable the smooth running of the Cherwell Community Lottery and demonstrate the Council's commitment to local community development.

Alternative options

Option 1: To not adopt the Cherwell Community Lottery Policy – This would mean that an application for a Lottery Licence would be unlikely to be successful.

Option 2: To not delegate authority for the Lottery to the Assistant Director – Communities – This would lead to two service directorates being involved in the Lottery whereby the day-to-day running of the Lottery would rest with Communities while overall responsibility for the Lottery would remain with Public Health and Licensing. This is considered likely to result in 'disconnect' and confusion.

Option 3: To not require clear and fair guidelines regarding 'Good Cause' and grant eligibility – This would make the lottery difficult to manage and increase the likelihood of challenges in the event of the Council declining 'Good Cause' or grant applications.

24 Monthly Performance, Risk and Finance Monitoring Report - May 2018

The Assistant Director: Performance and Transformation and Assistant Director: Finance and Governance which summarised the Council's Performance, Risk and Finance monitoring position as at the end of each month.

Resolved

- (1) That the monthly Performance, Finance and Risk Monitoring Report be noted.

Reasons

This report provides an update on progress made so far in 2018-19 to deliver the Council's priorities through reporting on performance, the financial position and providing an update on the Leadership Risk Register.

Alternative options

Option 1: This report illustrates the Council's performance against the 2018-19 business plan. As this is a monitoring report, no further options have been

considered. However, members may wish to request that officers provide additional information.

25

Silverstone Heritage Centre Loan Facility

The Interim Executive Director Finance and Governance submitted a report to consider whether or not to provide a £1m loan facility to Silverstone Heritage Limited as part match-funding to their Lottery grant application for the delivery of the Silverstone Heritage Experience. Other Local Authorities (including South Northamptonshire Council) and LEP partners had already signed an agreement to loan up to £8m of funding to the experience. Works had already commenced on site, with a planned launch in spring 2019.

The loan facility was a partial match fund for a project to develop a visitor experience at Silverstone that focusses on the history and heritage of Silverstone and to understand the context and importance of the internationally renowned racing circuit. The experience would be a dynamic exhibition taking visitors through both the history of Silverstone as well as the current world of motor sport and the future. The work to build the facility had already commenced following a rigorous tender process by the Silverstone Heritage Experience for new building works and refurbishment of a hangar at the Silverstone. This meant that costs had now been fixed and there was more certainty about project delivery, with regular updates on project progress received by senior officers at the Council.

Resolved

- (1) That Full Council be recommended to consider the application for a loan facility of up to £1 million, to the Silverstone Heritage Experience. This is to partially match fund the £9.1m of grant funding secured from Heritage Lottery Fund (HLF) and in addition to £8m of loans granted by Local Council partners and Local Enterprise Partnerships.

Reasons

Silverstone represents a significant hub for leisure, tourism, employment and high tech industry. Its draw and impact in the region extends much beyond the administrative boundaries of the councils surrounding it, including Cherwell District Council, with an economic radius estimated to be of up to 50 miles. Further, an estimated 36,000 jobs are dependent on Silverstone as the centre for UK motorsports and the home of Formula 1.

Additionally, the leisure, recreation and employment businesses that depend on the venue generate significant amounts of business rates for the councils in the area, and the changes to the retention of business rates mean that councils now benefit directly from the success of Silverstone.

The support requested for SHL within this report is recognition of the strategic importance of the venue to the area and the need to promote the venue and enhance its attraction in order to ensure the long term future of Formula 1 motorsports.

Alternative options

Option 1: Do not offer a loan facility. If a loan facility is not forthcoming then SHL would have to seek funds from other bodies, but that may jeopardise the completion of the project on time and impact on the potential positive outcomes for the area.

26 **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 items 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, Paragraphs 3 and 5 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.

27 **Silverstone Heritage Centre Loan Facility - Exempt appendices**

Resolved

(1) That the exempt appendices be noted.

28 **The Mill Arts Centre, Banbury**

The Assistant Director: Communities submitted an exempt report relating to The Mill Arts Centre, Banbury.

Resolved

- (1) As set out in the exempt minutes.
- (2) As set out in the exempt minutes.
- (3) As set out in the exempt minutes.
- (4) As set out in the exempt minutes.
- (5) As set out in the exempt minutes.
- (6) That officers be requested to report back to Members in October 2018.

Reasons

As set out in the exempt minutes

Alternative options

As set out in the exempt minutes

Sunshine Centre, Banbury

The Assistant Director: Communities submitted an exempt report relating to the Sunshine Centre, Banbury.

Resolved

- (1) As set out in the exempt minutes.
- (2) As set out in the exempt minutes.
- (3) As set out in the exempt minutes.
- (4) As set out in the exempt minutes.
- (5) As set out in the exempt minutes.

Reasons

As set out in the exempt minutes

Alternative options

As set out in the exempt minutes

The meeting ended at 7.35 pm

Chairman:

Date: