

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 4 November 2019 at 6.30 pm

Present: Councillor Barry Wood (Chairman), Leader of the Council
Councillor George Reynolds (Vice-Chairman), Deputy Leader of the Council

Councillor Colin Clarke, Lead Member for Planning
Councillor John Donaldson, Lead Member for Housing
Councillor Tony Ilott, Lead Member for Financial Management and Governance
Councillor Andrew McHugh, Lead Member for Health and Wellbeing
Councillor Richard Mould, Lead Member for Performance
Councillor Lynn Pratt, Lead Member for Economy, Regeneration and Property

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

Apologies for absence: Councillor Ian Corkin, Lead Member Customers and Transformation
Councillor Dan Sames, Lead Member for Clean and Green

Officers: Yvonne Rees, Chief Executive
Graeme Kane, Chief Operating Officer
Claire Taylor, Corporate Director Customers and Organisational Development
Adele Taylor, Corporate Director: Finance (Interim) & Section 151 Officer
Simon Furlong, Corporate Director - Communities
Nick Graham, Director of Law and Governance / Monitoring Officer
Gillian Douglas, Assistant Director: Social Care Commissioning and Housing
David Peckford, Assistant Director: Planning and Development
Hedd Vaughan Evans, Assistant Director Performance and Transformation
Richard Webb, Assistant Director: Regulatory Services and Community Safety
Belinda Green, Operations Director - CSN Resources
Aaron Hetherington, Democratic and Elections Team Leader

51 **Declarations of Interest**

Members declared interests in the following agenda items:

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

There were no petitions or requests to address the meeting.

53 **Minutes**

The minutes of the meeting held on 7 October 2019 were agreed as a correct record and signed by the Chairman.

54 **Chairman's Announcements**

There were no Chairman's announcements.

55 **Consideration of the Examiner's Report for the Weston on the Green Neighbourhood Plan**

The Assistant Director - Planning and Development submitted a report which advised that the Weston on the Green Neighbourhood Plan (submission draft) had been examined by an Independent Examiner. The Examiner had produced a report and the Council, as the Local Planning Authority, was required to consider the report's recommendations; determine whether the Plan, incorporating modifications, should proceed to a referendum; and, confirm the area covered by the referendum.

Resolved

- (1) That the Examiner's recommendations and modifications (Annexes to the Minutes as set out in the Minute Book), with the exception of Modifications 15, 21, 24, 26 and 27 be approved.
- (2) That the issuing of a 'decision statement' confirming the Executive's decision and to invite representations on the Council's proposed amendments to Modifications 15 and 21, and consequential changes required to Modifications 24, 26 and 27, of the Examiner's report be authorised.
- (3) It be agreed to not proceed to referendum on the Weston on the Green Neighbourhood Plan at this time.
- (4) That the area for the future referendum as being the designated Neighbourhood Plan area in accordance with the examiner's recommendations, noting that there will be no extension to the area be approved.

Reasons

The submission Weston on the Green Neighbourhood Plan has been independently examined and is recommended by the Examiner for referendum subject to the incorporation of modifications. Officers do not agree with two of the Examiner's modifications. They consider that with the incorporation of all of his recommended modifications the Plan does not meet the requisite Basic Conditions and should not proceed to referendum at this time.

Officers consider that the Examiner's modifications 15 and 21 (and the consequential changes to modifications 24, 26 and 27) should be amended as set out in Appendix 2 of this report. These amendments should be the subject of public consultation as prescribed by the regulations. The future referendum area should be the designated Neighbourhood Plan Area

Alternative options

Option 1: Approve all the Examiner's recommendations and proceed to a referendum.

Officers do not agree with all the Examiner's recommendations. Accepting all the modifications and proceeding to referendum would result in a neighbourhood plan that would not provide sufficient clarity to enable the consistent application of its policies in determining planning applications. This may result in development that is contrary to the overall aims and objectives of the Neighbourhood Plan. The Plan would not be in general conformity with the strategic planning policies for the area.

Option 2: To extend the area in which the referendum is to take place.

Officers agree with the Examiner's recommendations. There is no need to extend the referendum area.

56

Banbury Public Spaces Protection Order Renewal

The Chief Operating Officer (Deputy Chief Executive) submitted a report regarding the Banbury Public Spaces Protection Order (PSPO) which would expire at the end of November 2019. It was possible to extend the PSPO for a further 3-year period before it expires. The report provided the background to the PSPO, an evaluation of its effectiveness and the outcomes of public consultation undertaken during the summer. It recommended renewing the PSPO with a variation in scope.

Resolved

- (1) That the renewal of the Public Spaces Protection Order in Banbury Town Centre be approved.
- (2) That the prohibition on rough sleeping be removed from the Public Spaces Protection Order in Banbury Town Centre be approved.

Reasons

The Executive is recommended to extend the PSPO. The consultation shows a reduction in the proportion of people perceiving the behaviours addressed by the Order to be a problem in the Town Centre and support for continuing with the protection against anti-social behaviour provided by the Order. The decline in the number of warnings and FPNs issued during the period the Order has been in place shows a reduction in the frequency that the Community Wardens and Police are required to take action to address problem behaviours. However, the data also show continuing need for enforcement actions (formal and informal) under the PSPO and continuing reports of alcohol related anti-social behaviour. Based on the evaluation there is a risk that these behaviours escalate should the PSPO cease.

In reaching a decision on whether to renew the Order it will be important to consider the necessity of continuing with the Order and the proportionality of the restrictions it contains. An Equality Impact Assessment has been prepared as part of the decision papers and is included in annex 4.

As stated above, some of the responses to the consultation request that the scope of the Order is widened. This cannot happen as part of the current renewal process since we are required to consult on any proposal to change the Order. As such, in consideration of the responses, it is proposed that we will collate the evidence relating to possible extension of the Order for further review by the Executive at a later date so that the Executive can decide whether a consultation should be commenced on extending the Order.

Including rough sleeping within the scope of any renewed Order is likely to attract criticism in the media. It may also lead to legal challenge if we seek to prosecute someone for breaching this aspect of the Order. The public consultation generally supported the continued inclusion of restrictions on rough sleeping in the Order. However, the need to do so could be questioned given the lack of enforcement action under the Order relating to rough sleeping and the strong emphasis in the Government guidance. This is supported by views from stakeholders suggesting that the focus should be on support provision and addressing underlying needs rather than enforcement action against those found to be rough sleeping. Connection Support's response suggests that the provision of support is made harder by the PSPO, but it also suggests that removing rough sleeping from the Order could result in an increase in rough sleeping in the town centre.

Cherwell has good provision for the support of anyone rough sleeping but risks reputational damage if the renewed Order includes a further prohibition on rough sleeping. Therefore, it is recommended that the rough sleeping element is removed from the Order if it is renewed.

Alternative options

Option 1: Do nothing (not renew the Order).

This option is not preferred for two reasons. Firstly, the consultation on the potential renewal of the Order shows public support for it continuing and high levels of public perception that begging, street drinking and rough sleeping continue to be a problem in Banbury Town Centre. Secondly the evaluation of the Order shows that the enforcement options provided by the Order are still being utilised to address anti-social behaviour in the town centre. As such,

allowing the Order to cease would be going against public opinion and is likely to result in increased problems of anti-social behaviour in the Town Centre.

Option 2: Renew the Order including the prohibition on rough sleeping. This option is not preferred since Government Guidance produced since the Order was introduced states that PSPOs should not be used to tackle rough sleeping. In addition, the data on the use of the enforcement options provided by the PSPO shows that the Order is not being used to address rough sleeping in the Town Centre. Whilst the inclusion of rough sleeping in the Order may be a deterrent to rough sleeping in the Town Centre, our supportive approach to assisting rough sleepers provides options to address most rough sleeping problems in the Town Centre.

Option 3: Extend the Order to include new issues or behaviours. This option is not legally possible at this time. We are required to consult on any increase in the scope of the Order. We have not carried out this consultation as part of the renewal process.

57 **Proposal to Extend Cherwell District Council's Participation in Refugee Resettlement**

The Assistant Director Housing and Social Care Commissioning submitted a report to provide an update on Cherwell District Council's participation in the Government's Vulnerable Person's Relocation Scheme (VPRS) and agree to participate in the new global scheme by resettling a further 6 families from April 2020 onwards.

Resolved

- (1) That Cherwell District Council's participation in the new global scheme which begins in April 2020 be supported.
- (2) That a further 6 families for resettlement under the new scheme be accepted.

Reasons

CDC is on track to meet the pledge of resettling 12 VPRS families by March 2020.

The number of people resettled in Britain since the start of the scheme is 17,051 (Refugee Council). According to the most recently published statistics, in the South East 1,599 people have been resettled.

The support provided to arriving families under the new scheme will need to be flexible according to the nationalities of arriving families. We currently provide a resettlement service to Arabic speaking refugees only. The new service will need to reflect the diversity of the families accepted and respond to diverse cultural needs. The Home Office will work closely with Strategic Migration Partnerships (SMPs) and local authorities to match refugees to areas that have the appropriate resources to support those resettled.

CDC is in a good position to accept 6 more families under the new scheme, given our ability to source accommodation and appropriate support services. There are established support networks and partnerships across the county all well placed to support additional families as they move in to private rented sector accommodation.

Alternative options

Option 1: To not participate in the scheme. If this option is chosen there could be negative criticism from local residents who have been largely supportive of CDC's participation to date and negative media coverage could result. More importantly fewer vulnerable families would be helped to resettle in a safe environment that supports their recovery from conflict and trauma.

Option 2: To increase the number of refugee families to more than the 6 recommended. Cherwell is in a good position to accept a further 6 families based on the availability of private rented sector accommodation and the infrastructure we have in place to support refugees. This number can always be reviewed in future.

58 Council Tax Discount Scheme across Oxfordshire District Councils and Oxfordshire County Councils

The Executive Director Finance (Interim) submitted a report to provide members with a draft policy proposing a Council Tax Discount Scheme for Care Leavers from April 2020.

Resolved

- (1) That the Care Leavers are determined as a class for the purpose of Section 13A(1)c of The Local Government Finance Act 1992 be approved.
- (2) That the implementation of a Council Tax Discount for Care Leavers from 1 April 2020 be approved.
- (3) That the Memorandum of Understanding as an agreement between the Oxfordshire Authorities to share the financial commitment to support care Leavers be approved.
- (4) That the Authorities should approach Thames Valley Police and town and parish councils to make a financial contribution proportionate to their precepts.

Reasons

Local Authorities have been recommended to consider exempting care leavers from Council Tax using existing discretionary powers under Section 13A of the Local Government Finance Act.

Members are asked to approve the implementation of a Council Tax Discount for Care Leavers from 1 April 2020 and the associated policy and Memorandum of Understanding.

Alternative options

Option 1: To not agree the proposed scheme. This would have a potential reputational risk for the authority and have an impact on some of our most vulnerable residents.

59 **Monthly Performance, Finance and Risk Monitoring Report - September 2019**

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

Resolved

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

Reasons

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

Alternative options

Option 1: This report illustrates the Council's performance against the 2019-20 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.

60 **Urgent Business**

There were no items of urgent business.

The meeting ended at 6.58 pm

Chairman:

Date: