

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 6 January 2020 at 5.00 pm

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

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 Dan Sames, Lead Member for Clean and Green

Also Present: Councillor Sean Woodcock, Leader of the Labour Group
Councillor Andrew Beere
Councillor John Broad

Apologies for absence: Councillor Lynn Pratt, Lead Member for Economy, Regeneration and Property

Officers: Yvonne Rees, Chief Executive
Nick Graham, Director of Law and Governance / Monitoring Officer
Adele Taylor, Corporate Director: Finance (Interim) & Section 151 Officer
Graeme Kane, Chief Operating Officer
Claire Taylor, Corporate Director Customers and Organisational Development
Simon Furlong, Corporate Director - Communities
David Peckford, Assistant Director: Planning and Development
Ed Potter, Assistant Director: Environmental Services
Louise Tustian, Acting Assistant Director Performance and Transformation
Natasha Clark, Governance and Elections Manager

Declarations of Interest

There were no declarations of interest.

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

There were no petitions or requests to address the meeting from the public, however the Chairman advised Executive that he had agreed to a request from Councillor Broad to address the meeting on agenda item 6, Climate Emergency Update Report.

71 **Minutes**

The minutes of the meeting held on 2 December 2019 were agreed as a correct record and signed by the Chairman.

72 **Chairman's Announcements**

There were no Chairman's announcements.

73 **Climate Emergency Update Report**

The Assistant Director Environmental Services submitted a report to update Executive of progress taken in responding to the Climate Emergency Declaration.

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

In response to the Councillor addresses, the Chairman explained that whilst the Local Plan was the planning policy until 2031, it was reviewed every five years so there were opportunities to incorporate policies related to the Climate Emergency Declaration. The Chairman commented that there was a role for local government to use its lobbying powers collectively through the Local Government Association, District Councils Network and also local lobbying via MPs.

Resolved

- (1) That the progress being made be noted and officers be advised to continue with their approach to tackling the Climate Emergency.

Reasons

This paper updates Members on the initial steps the authority has taken to respond to the Climate Emergency. This initial work creates the framework and foundation from which further work can be undertaken to create an action plan for the district and the Council's operations.

It is recommended that Members note the report so that further work can continue as quickly as possible within the existing resources.

Alternative options

Option 1: Members advise officers to take a different approach to that outlined in the report.

Option 2: Members advise officers to undertake no further work on this agenda.

74

Resumption of Land Drainage and Flood Risk Management Services

The Corporate Director Communities submitted a report which highlighted a significant gap that had emerged in the abilities of Cherwell and its Partner Authorities to respond effectively to flooding events. It provided reasons why flood risk in the District had increased over the past few years and recommended how Cherwell can reverse this trend.

Resolved

- (1) That it be agreed to develop a policy to provide land drainage and flood risk management services.
- (2) That it be agreed to allocate a revenue budget of £50,000 per annum to provide a land drainage and flood risk management service for 2020/21 and ensuing years.
- (3) That it be agreed that Cherwell District Council work in partnership with the Lead Local Flood Authority (OCC) and partners to minimise the risk of flooding to the residents and businesses in Cherwell.

Reasons

In 2011 the Flood and Water Management Act 2010 created Oxfordshire County Council as the “Lead Local Flood Authority” (LLFA) for the whole of the County. There was an expectation at that time that the LLFA would take on all the services being undertaken by Cherwell. However, the Act only intended the LLFA to undertake a more strategic role, leaving the day to day management of watercourses and other elements of the service to district authorities but working within the wider strategic partnership. This left a gap in the local community leadership space across the District.

District Council powers in this service area have not diminished as a result of the Flood and Water Management Act. The powers to manage, maintain and where necessary undertake enforcement are still intact and remain largely contained in the Public Health Act 1936, the Land Drainage Act 1976 and the Land Drainage Act 1991.

It is now proposed that Cherwell reviews its land drainage and flood risk management policy in order to mitigate the risk to the local communities.

Alternative options

The proposal is not to replicate the work or role of the Lead Local Flood Authority (LLFA) but instead to ensure that the local services are provided in addition to the largely strategic role provided by the LLFA

The status quo position would expose the residents of Cherwell to increased impact of flooding and with the current forecasting changing weather patterns and increasing likelihood of occurrence. When (not if) the next flood event occurs, the community would first look to Cherwell for local leadership.

75

Annual Monitoring Report 2019

The Assistant Director – Planning and Development submitted a report which sought approval of the Annual Monitoring Report (AMR) 2019 and presented the District's current housing land supply position. The report also sought approval of accompanying updates to the Local Plan's Infrastructure Delivery Plan and the Brownfield Land Register.

The Chairman, on behalf of Executive, commended the Planning Policy team for their hard work producing the AMR. It was a huge mandatory piece of work to be undertaken each but was of great value for Members.

Resolved

- (1) That the 2019 Annual Monitoring Report (AMR) (annex to the Minutes as set out in the Minute Book) be approved.
- (2) That the district's housing delivery and five year housing land supply positions (for conventional housing and for Gypsies and Travellers) at Section 5 of the Annual Monitoring Report and the need for updating of the land supply positions should these materially change be noted.
- (3) That the 2019 Infrastructure Delivery Plan (IDP) update (annex to the Minutes as set out in the Minute Book) be approved.
- (4) That the 2019 Brownfield Land Register (BLR) (annex to the Minutes as set out in the Minute Book) be approved.
- (5) That the Assistant Director for Planning and Development be authorised to make any necessary minor and presentational changes to the Annual Monitoring Report, Infrastructure Delivery and Brownfield Land Register if required prior to publication.

Reasons

The Annual Monitoring Report (AMR) provides important information to measure the effectiveness of planning policies and to assist policy making and development management decision making. It is the statutory mechanism for monitoring housing delivery. Its most significant conclusion is that although the district is presently unable to demonstrate a five year housing land supply, the identified supply of 4.6 years is still well in excess of the 3 year ministerial flexibility.

The AMR is accompanied by an updated 2019 Infrastructure Delivery Plan and a 2019 Brownfield Land Register which must be reviewed annually. It is recommended that all three documents be approved, and that Development

Management officers and Planning Committee are advised of the latest monitoring information as required.

Alternative options

Option 1: Amendment of the 2019 Annual Monitoring Report, Infrastructure Delivery Plan and Brownfield Land Register in consultation with the Lead Member for Planning Officers consider the documents to be robust, supported by data and research. Delay could lead to uncertainty within the development industry and risks for decision making.

Option 2: Not to approve the documents

Production of an authorities monitoring report is a statutory requirement and necessary to monitor implementation of the Local Plan. Updating the Brownfield Land Register is also a statutory requirement. The Infrastructure Delivery Plan is required to monitor and support delivery of the adopted Cherwell Local Plan 2011-2031.

76

Review of Council Tax Base Setting

The Executive Director of Finance (Interim) submitted a report to provide Executive with an estimate of the Council Tax Base for 2020-2021 and which sought approval for the final determination of the Council Tax Base to be delegated to the Section 151 Officer in consultation with the Lead Member for Financial Management & Governance.

Resolved

- (1) That having given due consideration to the report of the Executive Director of Finance for the calculation of the Council's Tax Base for 2020-2021, it be resolved:
 - (a) That pursuant to the Executive Director of Finance's report and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Cherwell District Council as its Council Tax Base for the year 2020-2021 shall be **55,559.9** This shall be subject to final confirmation by the Section 151 Officer in consultation with the Lead Member for Financial Management & Governance.
 - (b) As for the parishes which form part of its area shown in the annex to the Minutes (as set out in the Minute Book), the amount calculated as the Council Tax Base for the year 2020-2021 in respect of special items shall be as indicated in the column titled Tax Base 2020-2021.
 - (c) As for the Flood Defence Areas which form part of its area, the amount calculated as the Council Tax Base for the year 2020-2021 for the purposes of levies on Oxfordshire County Council by River Authorities, shall be:

Thames Flood Defence Area

53,234.4

Anglian (Great Ouse) Flood Defence Area	1,873.2
Severn Region Flood Defence Area	452.3
TOTAL	55,559.9

- (2) That final approval of the Council Tax Base for 2020-2021 be delegated to the Section 151 Officer in consultation with the Lead Member for Financial Management & Governance.

Reasons

For the purposes of Section 31B of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the Council is required to calculate the tax base (which will be used for tax setting purposes in February 2020) in respect of:

- (a) the whole of its area and;
- (b) for any parts of its area for the purposes of:
 - (i) Apportioning precepts and levies and;
 - (ii) Calculating the tax base for each area subject to a special item

Alternative options

Option 1: None. The Council has to set a tax base in order to set its council tax for 2020-2021.

77 Monthly Performance, Risk and Finance Monitoring Report - November 2019

The Executive Director: Finance (Interim) 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.

At the discretion of the Chairman, Councillor Woodcock, Leader of the Labour Group, asked a question regarding the performance of measure CDC2.2.03 Homes improved through enforcement action. In response to Councillor Woodcock's question, the Lead Member for Housing, Councillor Donaldson, explained that he was confident the annual target would be met as resource had been reallocated within the service and would provide additional information to Councillor Woodcock.

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.

This report provides an update on progress made so far in 2019-20 to deliver the Council's priorities through reporting on Performance, the Leadership Risk Register and providing an update on the financial position.

Alternative options

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

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Urgent Business

There were no items of urgent business.

The meeting ended at 6.15 pm

Chairman:

Date: