

## Cherwell District Council

### Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 2 March 2020 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 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 Lynn Pratt, Lead Member for Economy, Regeneration and Property  
Councillor Dan Sames, Lead Member for Clean and Green

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

Apologies for absence: Councillor Andrew McHugh, Lead Member for Health and Wellbeing  
Councillor Richard Mould, Lead Member for Performance

Officers: Yvonne Rees, Chief Executive  
Paul Feehily, Executive Director: Place and Growth (Interim)  
Simon Furlong, Corporate Director - Communities  
Claire Taylor, Corporate Director Customers and Organisational Development  
Lorna Baxter, Director of Finance & Section 151 Officer  
Nick Graham, Director of Law and Governance / Monitoring Officer  
Gillian Douglas, Assistant Director: Social Care Commissioning and Housing  
Robert Jolley, Assistant Director: Growth & Economy  
David Peckford, Assistant Director: Planning and Development  
Aaron Hetherington, Democratic and Elections Team Leader

### Declarations of Interest

6. Future Funding Bicester Vision Community Interest Company (CIC).  
Councillor Lynn Pratt, Non Statutory Interest, as Cherwell District Council's appointed outside body representative to Bicester Vision and through that appointment, a Director and member of the Executive Board of Bicester Vision and would leave the meeting for the duration of the item.

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

There were no petitions or requests to address the meeting.

99 **Minutes**

The minutes of the meeting held on 24 February 2020 were agreed as a correct record and signed by the Chairman.

100 **Chairman's Announcements**

There were no Chairman's announcements.

101 **Future Funding Bicester Vision Community Interest Company (CIC)**

Prior to consideration of the report, the outgoing Chairman, Phil Shadbolt, the incoming Chairman, Lyndon Robinson, and the Partnership Manager, Grae Laws, of the newly incorporated, Bicester Vision CIC (Community Interest Company) gave a presentation about how their activities aligned with the Council's business plan and emerging Cherwell Industrial Strategy.

The Assistant Director – Growth and Economy submitted a report to consider whether to fund the company for a three-year period and delegate the final decision to the Corporate Director Communities, in consultation S.151 Officer and Lead Member for Economy, Regeneration and Property.

**Resolved**

- (1) That the presentation from Bicester Vision about their plans and how these align with the Council's business plan and emerging Cherwell Industrial Strategy be noted.
- (2) That authority be delegated to the Corporate Director Communities, in consultation with the S.151 officer and the Leader of the Council, to determine whether to support the funding of Bicester Vision for a three year term, in the sum of £15,000 per annum.

**Reasons**

Members are invited to receive the presentation and decide whether to continue the funding of the new CIC for a three year period.

**Alternative options**

Option 1: Withdraw support for Bicester Vision – this option was rejected because CDC may wish to continue supporting Bicester Vision.

Option 2: Explore other options for participating in some other public-private partnership in Bicester – this option was rejected because there are no other such partnerships in Bicester.

## 102 **Local Development Scheme**

The Assistant Director – Planning and Development submitted a report to seek approval of an updated Local Development Scheme (LDS) for the production of the Council's planning policy documents.

### **Resolved**

- (1) That the updated Local Development Scheme (LDS) (Annex to the minutes as set out in the Minute Book) be approved.

### **Reasons**

An updated Local Development Scheme (LDS) has been prepared. It provides a programme for the preparation of the Council's key planning policy documents that will be relevant to future planning decisions. The Council has a statutory responsibility to prepare and maintain an LDS. The LDS will be used by officers, the public, partners and developers and other stakeholders to monitor the production of documents and to plan for associated consultations. Approval of the LDS is needed to assist project management and ensure that the Council meets its statutory responsibilities for plan-making.

### **Alternative options**

Option 1: Not to approve the LDS

The Council has a statutory responsibility to maintain an up to date LDS. If the Council did not prepare its own LDS the Secretary of State could impose one. Aside from that legal duty, not to approve the LDS could undermine the confidence of the public and stakeholders about the Council's plan-making programme. The LDS would need to be re-presented to the Executive at a future meeting or to the Lead Member for Planning.

Option 2: To reconsider the content of the LDS

The LDS has been prepared having regard to the Council's statutory responsibilities and current resources. It is considered by officers to be appropriate for the present and foreseeable circumstances.

## 103 **Housing Standards - Fees and Charges**

The Assistant Director Housing and Social Care Commissioning submitted a report to seek approval: of revised Houses in Multiple Occupation (HMO) licence fees and of those recoverable costs associated with the issue of certain notices and orders; the introduction of fees associated with advisory visits for landlords and for the issue of Empty Homes VAT-exemption letters; for the periodic review and setting of HMO licence fees to, in future, be delegated to the Assistant Director Housing and Social Care Commissioning;

and, of a revised *Recovery of Costs Policy* which sets out how recovery of certain enforcement costs will be applied and which, in future, makes the Assistant Director Housing and Social Care Commissioning responsible for reviewing and setting those costs.

## **Resolved**

- (1) That the proposed House in Multiple Occupation (HOM) licence fee structure be approved.
- (2) That the revised administrative charges the Council can recover for certain notices and orders issued under the Housing Act 2004 be approved.
- (3) That the introduction of a fee for advisory visits be approved.
- (4) That the introduction of a fee for issuing Empty Homes VAT-exemption letters be approved.
- (5) That the delegation of future House in Multiple Occupation (HMO) Licence fee setting in accordance with the Housing Act 2004 and Orders under it to the Assistant Director Housing and Social Care Commissioning and Housing be approved.
- (6) That the Recovery of Costs Policy 2019 (Annex to the Minutes as set put in the Minute Book) which includes future delegation of the setting of recoverable costs to the Assistant Director Housing and Social Care Commissioning to the extent permitted by the Housing Act 2004 and Orders under it be approved.

## **Reasons**

### **HMO licence fees**

Revision of the Council's HMO fees is required as a consequence of legal rulings with which the Council must comply. The costs associated with processing and enforcing HMO licences have been thoroughly reviewed. The proposed HMO licence fee structure incorporates the changes required to ensure the Council is compliant, the newly reviewed costs incurred by the Council in carrying out its licensing function, and also recently determined corporate overheads. The proposed licence fee structure therefore reflects the real cost to the Council of its HMO licensing activity.

HMO licence fee structure also implements the introduction of a higher fee for new HMOs found operating without a licence as provided for by the HMO Licence Policy 2018. This revision reflects a reapportioning of the cost of the enforcement element of HMO licences and ensures landlords are paying proportionately towards enforcement costs, with non-compliant landlords contributing more.

### **Revised charges for notices and orders**

The recoverable charges made by the Council were last set in 2016. They have been reviewed to take account of the Council's increased costs and also to more properly reflect corporate overheads following recent review. The

proposed recoverable costs reflect the true costs incurred by the Council in issuing relevant notices and orders under the *Housing Act 2004*.

### **Charges for advisory visits**

It is judged appropriate for the Council to charge a fee for detailed advice it provides to landlords who are considering setting up new rental property, particularly new HMOs. Essential information about the Council's requirements are available free of cost but detailed, property-specific advice effectively replaces research and planning a landlord would otherwise have to undertake. It is legitimate and appropriate for the Council to charge for the time committed to this discretionary activity.

### **Charge for VAT-exemption letters**

It is judged appropriate for the Council to charge a modest fee for undertaking the necessary research and providing written confirmation about long-term empty property which their owners can use to obtain VAT reductions. The proposed charge is simply intended to reimburse the officer time spent on reviewing the property history and producing each letter.

### **Setting of future enforcement fees**

Delegation of HMO licence fee setting and recoverable costs setting to the Assistant Director, Housing and Social Care Commissioning will ensure these particular charges can be kept under close review, revised as and when required and that the calculations and justifications can be produced as necessary if challenged or appealed. The proposed delegation of recoverable costs is reflected in the proposed *Recovery of Costs Policy 2019* and that policy is dependent upon it. In the absence of such a policy, different arrangements will need to be established in order that recoverable costs can be set.

### **Alternative options**

#### **In connection with HMO licence fees:**

Option 1: Failure to revise the HMO licence fees to split the charge associated with the application and enforcement processes would leave the Council open to legal challenge and is not therefore a supportable option. However, whilst accepting the principle of splitting the licence fees, the Executive could, if it wished, implement different fees to those proposed in the report. The proposed fee structure has been set to reflect the costs incurred by the Council and any changes would therefore risk being deemed arbitrary rather than being soundly based.

Option 2: The Executive could opt not to set different licence fees for compliant and non-compliant applicants. That course would fail to reflect the fact that the enforcement costs associated with the enforcement of the licensing regime are higher for poorly performing landlords and would mean all landlords being charged equally.

#### **In connection with recoverable administrative costs:**

Option 3: The proposed recoverable costs associated with the issues of enforcement notices etc. have again been based on a careful review of the Council's costs. The Executive could, if it wished, set different charges to

those proposed in the report but that course would leave the Council at risk of challenge that its charges were arbitrary rather than being soundly based.

**In connection with charging for advisory visits:**

Option 4: The Executive could determine that it will not charge for this activity or it could set different fees.

**In connection with charging for VAT-exemption letters:**

Option 5: The Executive could determine that it will not charge for this activity or it could set a different fee.

**In connection with Setting of future HMO licence fees and recoverable costs**

Option 6: The Executive could decide that future HMO licence fees and recoverable enforcement costs could be determined as part of the Council's fee setting process rather than delegated to the Assistant Director Housing and Social Care Commissioning. That would however risk them becoming divorced from the underpinning analysis necessary to support them in the event of challenge. Failure to adopt the revised Recovery of Cost Policy would also necessitate setting a different mechanism for establishing how Work-in-default costs are to be calculated.

104

**Monthly Performance, Risk and Finance Monitoring - January 2020**

The Executive Director: Finance (Interim) and Head of Insight and Corporate Programmes 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.

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.

105 **Urgent Business**

There were no items of urgent business.

The meeting ended at 7.24 pm

Chairman:

Date: