

## **Cherwell District Council**

### **Executive**

Minutes of a meeting of the Executive held at Virtual meeting, on 4 January 2021 at 6.30 pm

#### Present:

Councillor Barry Wood (Chairman), Leader of the Council  
Councillor George Reynolds (Vice-Chairman), Deputy Leader of the Council and Lead 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 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  
Councillor Lucinda Wing, Chairman of the Overview and Scrutiny Committee - for agenda item 7  
Councillor John Broad, for agenda items 7 and 8

#### Officers:

Yvonne Rees, Chief Executive  
Steve Jordan, Corporate Director Commercial Development, Assets & Investment  
Lorna Baxter, Director of Finance & Section 151 Officer  
Anita Bradley, Director Law and Governance & Monitoring Officer  
Nicola Riley, Assistant Director: Wellbeing  
David Peckford, Assistant Director: Planning and Development  
Sukdave Ghuman, Head of Legal Services  
Louise Tustian, Head of Insight and Corporate Programmes  
Maria Dopazo, Acting Planning Policy, Conservation & Design Manager  
Sue Marchand, Community Nature Officer: Wellbeing  
Chris Thom, Principal Planning Policy Officer  
Yuen Wong, Principal Planning Policy Officer  
Heather Seale, Planning Research and Monitoring Officer  
Natasha Clark, Governance and Elections Manager

80 **Declarations of Interest**

There were no declarations of interest.

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

The Chairman advised there were no petitions.

The Chairman advised that Councillor Wing, Chairman of the Overview and Scrutiny Committee, would address Executive on agenda item 7, Community Nature Plan 2020 – 2022 – A natural environment for people and wildlife, to report the feedback of the Committee which had considered the Community Nature Plan 2020 – 2022 at their 1 December 2020 meeting.

The Chairman further advised that he had agreed to a request from Councillor John Broad to address Executive on agenda item 7, Community Nature Plan 2020 – 2022 – A natural environment for people and wildlife, and agenda item 8, Annual Monitoring Report 2020 and Regulation 10A Review of Local Plan Policies.

82 **Minutes**

The minutes of the meeting held on 7 December 2020 were agreed as a correct record and would be signed by the Chairman in due course.

83 **Chairman's Announcements**

The Chairman welcomed the Director Law of Governance and Monitoring Officer, Anita Bradley, to her first meeting of Executive and first meeting at Cherwell District Council as she had started her role that day. The Chairman explained that the role was a joint position with Oxfordshire County Council.

The Director Law and Governance and Monitoring Officer thanked the Chairman and commented that she was looking forward to working with Members.

84 **Monthly Performance, Risk and Finance Monitoring Report**

The Director of Finance 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 November 2020.

**Resolved**

- (1) That the monthly performance, finance and risk 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 2020-2021 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.

## 85 **Community Nature Plan 2020-2022 - A natural environment for people and wildlife**

The Assistant Director – Wellbeing submitted a report to seek approval for the 2020-2022 Community Nature Plan and its approach to addressing the Council's statutory biodiversity duty. The report also highlighted the resource implications of the Environment Bill in terms of nature and biodiversity and sought recognition for the vital role of the Council's key biodiversity partners in delivering the Plan.

In presenting the report, the Lead Member for Health and Wellbeing, Councillor McHugh, thanked the Community Nature Officer: Wellbeing for her hard work drafting the Plan and associated documents.

Councillor Wing, Chairman of the Overview and Scrutiny Committee addressed Executive to present the feedback of the Committee, which had considered the Plan at its 1 December 2020 meeting. Councillor Wing advised that the Committee had supported and endorsed the Plan and suggested that an All Member Seminar be held ahead of the next review and iteration of the Plan to ensure Member engagement in the process at an early stage. The Committee had also requested to receive an annual update on progress against the Action Plan.

The Chairman thanked Councillor Wing and the Overview and Scrutiny Committee for their feedback and commented that he supported earlier Member engagement in the process ahead of the next review of the Plan.

At the discretion of the Chairman, Councillor Broad addressed Executive.

The Chairman thanked Councillor Broad for his comments, and, in response, explained that recommendations acknowledged the need to consider resource implications. In terms of the role of partners to deliver the Plan, the Chairman undertook to work with partners to take forward the establishment of the Local Nature Partnership.

## **Resolved**

- (1) That the 2020-2022 Community Nature Plan (annex to the Minutes as set out in the Minute Book) and its approach to addressing the Council's statutory biodiversity duty be approved.
- (2) That officers be instructed to investigate the resource implications of the provisions of the Environment Bill in terms of nature and biodiversity and develop recommendations.
- (3) That the essential role of key partners in the delivery of the Community Nature Plan be recognised.

### **Reasons**

Restoring and enhancing the natural environment and green spaces for the benefit of people and wildlife is a crucial element of important development and economic decisions. Failure to recognise and assess the multiple benefits of the natural environment will affect community health and wellbeing, important habitats and species and future economic growth. This report presents an updated Community Nature Plan to demonstrate how the Council is addressing its statutory biodiversity duty; and seeks approval for recommendations that support plans, projects and partners that will assist the Council to protect and enhance the District's natural environment and help to contribute to healthy outcomes for people and wildlife

### **Alternative options**

Option 1: To reject the Community Nature Plan 2020-22 and the recommendations in the report.

This is not proposed as, without the Plan, the Council would not be able to clearly demonstrate that it is meeting its NERC Act biodiversity duty and complying with its obligations relating to important wildlife sites, habitats and species under European and national legislation as well as the National Planning Policy Framework (NPPF).

Option 2: To amend the Community Nature Plan 2020-22 and the recommendations in the report

### **Annual Monitoring Report 2020 and Regulation 10A Review of Local Plan Policies**

The Assistant Director – Planning and Development submitted a report to seek approval of the Annual Monitoring Report (AMR) 2020, and to present 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.

To report further sought approval of a review of policies in the Cherwell Local Plan 2011-2031 (Part 1) in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

At the discretion of the Chairman, Councillor Broad addressed Executive.

The Chairman thanked Councillor Broad for his comments. In response to Councillor Broad's address, the Assistant Director Planning and Development gave an overview of the Cherwell Local Plan 2011-2031 (Part 1) policy review process.

### **Resolved**

- (1) That the 2020 Annual Monitoring Report (AMR) (annex to the Minutes as set out in the Minute Book) be approved for publication.
- (2) That the district's housing delivery and five-year housing land supply positions (for conventional housing and for Gypsies and Travellers) as set out in the Annex to the Minutes (as set out in the Minute Book) and the need for updating of the land supply positions should these materially change be noted.
- (3) That the 2020 Infrastructure Delivery Plan (IDP) (annex to the Minutes as set out in the Minute Book) be approved for publication.
- (4) That the 2020 Brownfield Land Register (BLR) (annex to the Minutes as set out in the Minute Book) be approved for publication.
- (5) That the Regulation 10A Review of Local Plan Policies 2020 (annex to the Minutes as set out in the Minute Book) be approved for publication.
- (6) That the Assistant Director for Planning and Development in consultation with the Lead Member for Planning be authorised to make any necessary minor and presentational changes to the Annual Monitoring Report, Infrastructure Delivery Plan update, Brownfield Land Register and Regulation 10A Review of Local Plan Policies 2020 if required prior to publication.

### **Reasons**

The Annual Monitoring Report 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 4.8 years is still well in excess of the 3 year ministerial flexibility. The AMR is accompanied by an updated 2020 Infrastructure Delivery Plan and a 2020 Brownfield Land Register which must be reviewed annually.

The Regulation 10A Review of Local Plan policies 2020 in Appendix 4 shows that the 2015 Local Plan does not require updating and continues to provide a sustainable strategy for growth in Cherwell to 2031. Nevertheless, the council has committed in its latest Local Development Scheme to a Cherwell Local

Plan Review and to joint working on the Oxfordshire Plan 2050 in the interest of sustainably planning for future needs. Work on both plans is on-going.

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and it will be up to the decision-maker to decide the weight to give to the policies which have been reviewed.

It is recommended that all four documents presented to Members be approved for publication.

### **Alternative options**

Option 1: Amendment of the 2020 Annual Monitoring Report, Infrastructure Delivery Plan, Brownfield Land Register or Regulation 10A Review of Local Plan Policies 2020 in consultation with the Lead Member for Planning.

This is not recommended as 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 for publication

This is not recommended as the production of an authorities monitoring report and local plan policy review is a statutory requirement.

The AMR is 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.

The five-year review of local plans from adoption is a statutory requirement. By not publishing the review in Appendix 4 the Council would not meet its requirements and be open to allegations that the plan needs updating with consequences for decision making through the planning application process.

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### **Council Tax Base 2021-2022**

The Director of Finance submitted a report to provide the Council Tax Base for 2021-2022

#### **Resolved**

- (1) That the report of the Director of Finance for the calculation of the Council's Tax Base for 2021-2022 be agreed and:
  - (a) That pursuant to the 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 2021-2022 shall be **55,615.9**

- (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 2021-2022 in respect of special items shall be as indicated in the column titled Tax Base 2021-2022.
- (c) As for the Flood Defence Areas which form part of its area, the amount calculated as the Council Tax Base for the year 2021-2022 for the purposes of levies on Oxfordshire County Council by River Authorities, shall be:

Thames Flood Defence Area	53,290.8
Anglian (Great Ouse) Flood Defence Area	1,885.1
Severn Region Flood Defence Area	440.0
<b>TOTAL</b>	<b>55,615.9</b>

### **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 2021) 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**

None. The Council has to set a tax base in order to set its council tax for 2021-2022.

## **88 Notification of Decisions taken by the Chief Executive under Urgency Powers**

The Chief Executive submitted a report to inform the Executive of decisions she taken under urgency powers as part of the Council's response to the Covid-19 pandemic.

### **Resolved**

- (1) That the urgent decisions taken by the Chief Executive be noted.

### **Reasons**

In line with the Constitution this report is informing Executive of two decisions that were taken by the Chief Executive under urgency powers.

### **Alternative options**

Option 1: Not to note the report. This is not recommended as the urgent action has been taken and it is a constitutional requirement for it to be reported to Executive.

89 **Urgent Business**

There were no items of urgent business.

The meeting ended at 7.55 pm

Chairman:

Date: