

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 4 October 2021 at 6.30 pm

Present:

Councillor Barry Wood (Chairman), Leader of the Council
Councillor Ian Corkin (Vice-Chairman), Deputy Leader and Lead Member for Customers and Transformation
Councillor Phil Chapman, Lead Member for Leisure and Sport
Councillor Colin Clarke, Lead Member for Planning
Councillor Tony Ilott, Lead Member for Finance and Governance
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

Apologies for absence:

Councillor Andrew McHugh, Lead Member for Health and Wellbeing
Councillor Lucinda Wing, Lead Member for Housing

Officers:

Yvonne Rees, Chief Executive
Bill Cotton, Corporate Director Environment and Place
Steve Jordan, Corporate Director Commercial Development, Assets & Investment
Claire Taylor, Corporate Director Customers and Organisational Development
Lorna Baxter, Director of Finance & Section 151 Officer
Anita Bradley, Director Law and Governance & Monitoring Officer
Robert Jolley, Assistant Director: Growth & Economy
David Peckford, Assistant Director: Planning and Development
Ed Potter, Assistant Director: Environmental Services
Louise Tustian, Head of Insight and Corporate Programmes
Jenny Figueiredo, EV Charging Projects OCC/CDC Liaison
Natasha Clark, Governance and Elections Manager

Declarations of Interest

12. Graven Hill Development Company (Dev Co) - Request for s38 agreement (Highways Act 1980) works bonds relating to highway infrastructure delivered by Dev Co.

Councillor Dan Sames, Non Statutory Interest, as a CDC appointed non-Executive Director on Graven Hill Management Company and Graven Hill Development Company and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a CDC appointed non-Executive Director on Graven Hill Management Company and Graven Hill Development Company and would leave the meeting for the duration of the item.

15. Graven Hill Development Company (Dev Co) - Request for s38 agreement (Highways Act 1980) works bonds relating to highway infrastructure delivered by Dev Co. - Exempt Appendix.

Councillor Dan Sames, Non Statutory Interest, as a CDC appointed non-Executive Director on Graven Hill Management Company and Graven Hill Development Company and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a CDC appointed non-Executive Director on Graven Hill Management Company and Graven Hill Development Company and would leave the meeting for the duration of the item.

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

There were no petitions or requests to address the meeting.

49 **Minutes**

The minutes of the meeting held on 6 September 2021 were agreed as a correct record and signed by the Chairman.

50 **Chairman's Announcements**

There were no Chairman's announcements.

51 **Urgent Business**

There were no items of urgent business.

52 **Monthly Finance, Performance and Risk 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 positions as at the end of August 2021.

Resolved

- (1) That the monthly Performance, Risk and Finance Monitoring Report be noted.
- (2) That the transfers to and from reserves detailed at the Annex to the Minutes (as set out in the Minute Book) be approved.

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 during August 2021, 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 2021-22 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.

53

Budget and Business Planning Process 2022/23 - 2026/27

The Director of Finance submitted a report to inform Executive of the proposed approach to the 2022/23 Budget and Business Planning Process and provides context and background information on the existing Medium-Term Financial Strategy and information on latest government announcements relevant to the Strategy.

Resolved

- (1) That the Budget and Business Planning Process for 2022/23 be approved.
- (2) That a five-year period for the Medium-Term Financial Strategy to 2026/27 and five-year period for the Capital Programme to 2026/27 be approved.

Reasons

The Council has a legal obligation to set a balanced budget and ensure it maintains a suitable level of reserves each year. The process laid out in this report will allow CDC to develop budget proposals that will allow it to meet these legal obligations.

Alternative options

The Council has a legal obligation to set a balanced budget and evaluate its level of reserves to ensure they are held at a suitable level. Therefore, there are no alternative options other than to carry out a budget process that reviews the levels of reserves and identifies a budget proposal that can be delivered within the overall level of resources available to the Council.

54 **Park and Charge Update**

The Assistant Director Environmental Services submitted a report which updated Members on material changes to the way in which the Park and Charge Oxfordshire (electric vehicle charging) project would henceforth be delivered following discussion with the preferred charge point operator. The report sought approval of the terms for rolling out charge point services within designated council car parks in the Cherwell district and requested approval for the re-alignment of the charge point contract relating to the pilot Bicester Cattlemarket Car Park with the revised and agreed heads of terms for the remaining in-scope car parks.

Resolved

- (1) That the current progress on, and changes made to, the delivery process on the park and charge project since the last report to the Executive on 2 November 2020 be noted.
- (2) That the terms for rolling out charge point services within designated council car parks in the Cherwell district as set out in the exempt Annex to the Minutes (as set out in the Minute Book) be approved.
- (3) That the re-alignment of the charge point contract relating to the pilot Bicester Cattlemarket Car Park with the terms as set out in the exempt Annex to the Minutes (as set out in the Minute Book) be approved.

Reasons

The Park and Charge project offers the Council an investment via private capital to develop needed EV charging infrastructure within the Council's car parks for predominantly residents who have no off-road parking, but also for visitors and commuters. The pilot car park in Bicester is already showing usage above initial forecasts, highlighting the underlying needs.

Alternative options

Option 1: To not proceed with the revised terms across the remainder of the council's in-scope car parks. This option has been rejected on the grounds that it would defeat the original ambitions underpinning the project as described in section 2 of this report.

Option 2: To roll the legal structure agreed for the pilot project across the remainder of the council's in-scope car parks. This has been rejected on the

grounds that the terms for the pilot project were predicated on SSE participation, which is no longer viable, and also because of the incompatibility between the pilot terms and the terms EZ-Charge have now agreed with the various participating councils for roll out across the county (including officers from Cherwell District Council for the remainder of the council's car parks).

55

Revised Statement of Community Involvement (Planning)

The Assistant Director – Planning and Development submitted a report to consider a proposed Statement of Community Involvement (SCI) following publication consultation and to decide whether to recommend to Council that the SCI be adopted.

On behalf of Executive, the Chairman thanked the Planning Policy Team for their hard work on the SCI.

Resolved

- (1) That the proposed Statement of Community Involvement (SCI) (Annex to the Minutes as set out in the Minute Book) be approved for submission to Council.
- (2) That Council be recommended to adopt the SCI (Annex to the Minutes as set out in the Minute Book) as a replacement for the current statement of community involvement (CSCI) adopted on 18 July 2016 and delegates the adoption of future Statements of Community Involvement and the approval of amendments to the Executive.
- (3) That Council be recommended to agree delegation to the Assistant Director – Planning and Development to modify the SCI in exceptional circumstances with the agreement of the Lead Member for Planning.
- (4) That the Assistant Director - Planning and Development be delegated to correct any minor spelling corrections, grammatical or typographical errors and any minor presentational improvements prior to the consideration of the SCI by Council.

Reasons

The recommendation of this report is to approve the new Statement of Community Involvement, to replace the existing document adopted in 2016 and its 2020 addendum. The proposed SCI updates the Council's approach to engagement and consultation in providing its planning services. The SCI incorporates more flexibility for the use of information and communication technology and seeks to achieve some efficiencies. However, it maintains a clear commitment to ensure those without internet access remain participants in the planning process and that engagement and consultation is effective for all. The SCI conforms to national planning guidance and has been through a formal six-week public consultation (13 July – 23 August 2021). Comments

received during this period have been considered by officers and appropriate changes are recommended to form the final version of the SCI.

Alternative options

Option 1: To continue to use the existing 2016 SCI.

The existing document does not address all requirements introduced since 2016 and does not provide the necessary flexibility for community engagement in the future. The 2016 SCI will become increasingly out-of-date.

Option 2: To reconsider the content of the revised SCI

The revised SCI has been produced having regard to statutory and policy requirements for plan making and development management and to associated guidance. It is considered by officers to be appropriate for adoption.

56 Creating a vision for the Oxford-Cambridge Arc - Consultation Response

The Assistant Director – Planning and Development and Assistant Director – Growth and Economy submitted a report for Executive to consider the proposed response to the “creating a vision for the Oxford-Cambridge Arc” public consultation.

At the discretion of the Chairman, Councillor Woodcock, Leader of the Labour Group, addressed Executive and reported that the Future Oxfordshire Partnership Scrutiny Panel, of which he was Vice-Chair, had raised concerns that integration and joint strategies might result in a loss of independence at all levels of planning decision making.

In response to Councillor Woodcock’s comments, the Chairman explained that a key driver of local government involvement in the process was to ensure that there was understanding at a national level that local planning authorities know their areas best and their responsibilities should not be removed or cut across.

On behalf of Executive, the Leader commended officers for their work on the response which officer a constructive approach to the Government’s project.

Resolved

- (1) That the proposed response to the consultation for submission to the Department for Levelling Up, Housing and Communities (DLUHC) - formerly the Ministry of Housing, Communities and Local Government be approved.

Reasons

A response has been prepared to the public consultation which seeks to reflect the Council’s priorities and those of the Oxfordshire Strategic Vision for approval for submission to DLUHC.

Alternative options

Option 1: Not to submit a consultation response

There is no obligation on the Council to submit a response but one is recommended in the interest of influencing the Framework's development at an early stage.

Option 2: To reconsider the content of the proposed response.

The proposed response has been prepared to best reflect the Council's priorities but can be amended if required by Members.

57

Graven Hill Development Company (Dev Co) - Request for s38 agreement (Highways Act 1980) works bonds relating to highway infrastructure delivered by Dev Co.

The Shareholder Representative submitted a report to bring to the attention of the Executive the request from Graven Hill Village Development Company Ltd (Dev Co) for the Council to act as surety in three performance bonds for roadway infrastructure works to be undertaken by Dev Co under section 38 of the Highways Act 1980.

Resolved

- (1) That it be approved in principle that the Council act as surety for Graven Hill Development Company (Dev Co) in respect of three performance bonds (up to the sum referred to the exempt Annex to the Minutes, as set out in the Minute Book) relating to the construction of highway works by Dev Co pursuant to agreements between Dev Co and Oxfordshire County Council (as local highway authority) to be made under section 38 of the Highways Act 1980.
- (2) That authority be delegated to the Shareholder Representative to agree the formal documentation in relation to the bonds, in consultation with the s.151 Officer and the Monitoring Officer.
- (3) That it be agreed that Dev Co be requested to pay to the council 1% of the value of the agreed bonds for use of the facility.

Reasons

Through agreeing with the recommendations in this report the council is ensuring that Dev Co can act swiftly to meet its aims and delivery objectives in relation to the highway works and in doing so safeguard the council's investment and return on investment.

Alternative options

Option 1: Not to give a performance bond. This has been dismissed by officers on the grounds that performance bonds are prerequisites for entering

section 38 adoption agreements with the county council, and that, by giving a performance bond to a company in which the council has a stake, the council is acting in no less a manner than a parent company would in relation to a subsidiary.

58 **Exclusion of the Press and Public**

There being no questions on the exempt appendices, it was not necessary to exclude the press and public.

59 **Park and Charge Update - Exempt Appendix**

Resolved

(1) That the exempt appendix be noted.

60 **Graven Hill Development Company (Dev Co) - Request for s38 agreement (Highways Act 1980) works bonds relating to highway infrastructure delivered by Dev Co. - Exempt Appendix**

Resolved

(1) That the exempt appendix be noted.

The meeting ended at 7.10 pm

Chairman:

Date: