

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 10 January 2022 at 6.30 pm

Executive Members Present in person:

Councillor Barry Wood (Chairman), Leader of the Council
Councillor Ian Corkin (Vice-Chairman), Deputy Leader of the Council and Lead Member for Customers and Transformation
Councillor Colin Clarke, Lead Member for Planning
Councillor Andrew McHugh, Lead Member for Health and Wellbeing

Executive Members Present Virtually (no voting rights):

Councillor Phil Chapman, Lead Member for Leisure and Sport
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
Councillor Lucinda Wing, Lead Member for Housing

Also Present:

Councillor Sean Woodcock, Leader of the Labour Group

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, Organisational Development and Resources
Lorna Baxter, Director of Finance & Section 151 Officer
Anita Bradley, Director Law and Governance & Monitoring Officer
Nicola Riley, Assistant Director: Wellbeing
Richard Webb, Assistant Director: Regulatory Services and Community Safety
Andrew Maxted, Planning Policy, Conservation and Design Manager
Louise Tustian, Head of Insight and Corporate Programmes
Natasha Clark, Governance and Elections Manager

Declarations of Interest

There were no declarations of interest.

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

There were no petitions or requests to address the meeting.

88 **Minutes**

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

89 **Chairman's Announcements**

The Chairman explained that in light of the current COVID restrictions, the meeting was being held as a hybrid meeting with four Executive Members attending in person and six Executive members attending virtually. Only those Executive members attending in person could propose, second and vote on items but all Executive members could speak on items.

90 **Annual Monitoring Report 2021**

The Assistant Director – Planning and Development submitted a report to seek approval of the Annual Monitoring Report (AMR) 2021, and to present the District's current housing land supply position. The report also sought approval of the Housing Delivery Action Plan to assist the Councils approach to housing land supply and of accompanying updates to the Local Plan's Infrastructure Delivery Plan and the Brownfield Land Register.

On behalf of Executive, the Chairman thanked the Planning Policy team for their hard work producing the four documents.

Resolved

- (1) That the 2021 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) at Section 5 of the AMR and the need for updating of the land supply positions should these materially change, including consideration of the Vale of White Horse Council's 3 December 2021 Cabinet decision relating to the Regulation 10A review of its Part 1 Plan, be noted.
- (3) That the publication the 2021 Infrastructure Delivery Plan (IDP) update (Annex to the Minutes as set out in the Minute Book) be approved for publication.

- (4) That the 2021 Brownfield Land Register (BLR) (Annex to the Minutes as set out in the Minute Book) be approved for publication.
- (5) That the Assistant Director - 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 Housing Delivery Action Plan, 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 despite a continued relatively high level of housing delivery, the district is presently unable to demonstrate a five-year housing land supply. The AMR is therefore accompanied by an updated 2021 Infrastructure Delivery Plan and a 2021 Brownfield Land Register, which must be reviewed annually, are also presented for approval.

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

Alternative options

Option 1: Amendment of the: 2021 Annual Monitoring Report, Infrastructure Delivery Plan, Brownfield Land Register.

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

Production of an Authorities Monitoring Report 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.

2020-2022 Community Nature Plan Progress Update

The Assistant Director – Wellbeing submitted a report to provide a progress update for the 2020-2022 Community Nature Plan and its approach to addressing the Council's statutory biodiversity duty.

Resolved

- (1) That the 2020-2022 Community Nature Plan progress report and its approach to addressing the Council's statutory biodiversity duty be noted.

- (2) That the essential role of key partners in the delivery of the Community Nature Plan be recognised.
- (3) That it be noted that the development of the 2022-2024 Community Nature Plan (CNP) will include an all-member seminar in 2022 involving planners, as requested by the Overview and Scrutiny Committee December 2020 and the implications of the provisions of the Environment Act will be taken into account in this next iteration of the Community Nature Plan.

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 seeks approval for recommendations which support plans and organisations that will assist the Council to protect and improve the District's natural environment and ensure that it remains healthy for people and wildlife.

Alternative options

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

This is not proposed as, without the Plan's progress update, the Council would not be able to 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)

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Fixed Penalty Notices

The Assistant Director – Regulatory Services and Community Safety submitted a report to review and agree the fixed penalty notice fines that can be charged for various environmental crimes.

Resolved

- (1) That, having given due consideration, the following fixed penalty notice fine levels for certain environmental crimes enforced by the council be agreed:

Description of offence	Penalty	Penalty if paid within 10 days
Unauthorised deposit of waste (fly tipping)	£400	£240
Failure in household duty of care	£300	£180

Depositing litter	£100	£75
Failure to remove dog faeces from designated land	£100	£75

Reasons

The Environmental Protection Act 1990 provides that local authorities can issue a fixed penalty notice to a person believed to have committed specified environmental offences. Fixed penalties can be an effective and visible way of responding to environmental crimes and provide a quicker and proportionate alternative to prosecution through the courts. They allow the person believed to have committed an offence the opportunity to discharge their liability to conviction for that offence by payment of a fixed penalty. However, if an alleged offender does not pay a fixed penalty fine the matter would be put forward for prosecution for the original offence.

The receipts from fixed penalties can be retained by the council and used to support the investigation of environmental offences.

Alternative options

Option 1: To leave the fixed penalty fine levels unchanged at current levels. This option was rejected as the current fine levels do not reflect the seriousness of the offences or the Council's costs for investigating the offences.

Option 2: To not issue fixed penalty notices but to proceed with prosecutions. This option was rejected because issuing a fixed penalty notice is a proportionate approach for dealing with lesser offences in accordance with the Council's Enforcement Policy. The income from fixed penalties can be also be retained by the council and used to support the investigation of environmental offences.

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Member Champion Review

The Director of Law and Governance submitted a report to consider the findings of the Member Champion Review.

Resolved

- (1) That the roles of heritage and design Member Champion with the Lead Member for Planning portfolio, and the generations together Member Champion with the Lead Member for Wellbeing portfolio, taking effect from the 2022-2023 Municipal Year.
- (2) That the Military Member Champion role, to be appointed annually, be retained.

- (3) That the Terms of Reference for Member Champions be amended as set out in the Annex to the minutes (as set out in the Minute Book), taking effect from the 2022-2023 Municipal Year.

Reasons

Taking into account the feedback from Councillors Clarke and McHugh, it is recommended to merge the roles of heritage and design Member Champion with the Lead Member for Planning portfolio, and the generations together Member Champion with the Lead Member for Wellbeing portfolio, taking effect from the 2022-2023 Municipal Year.

The Assistant Director – Planning and Development has confirmed that the removal of the design and heritage Champion roles would not cause any operational issues, as all aspects of design and heritage are discussed with Councillor Clarke in his role as Lead Member for Planning.

It is recommended that the Military Member Champion role remains in place, to be appointed annually via a report to Executive which also appoints representatives to Outside Bodies.

Terms of Reference for Member Champions are recommended to remain broadly the same as initially introduced, subject to amendments as shown in appendix 3. Text shown in italics are proposed inclusions, with text struck through being proposed deletions.

Alternative options

Option 1: To retain all Member Champion roles, appointing non-Executive Members to the positions. This is rejected, as the changing Council priorities have aligned the Champion roles with Lead Member portfolios, except the Military Member Champion, as evidenced through discussions with the existing Champions. Maintaining a Champion role alongside the Executive Lead Member portfolio would be duplicating work

Option 2: To abolish/cease all Member Champion roles. This is also rejected, as removing the Military Champion role would give an impression of not giving due priority to the military community

Council Tax Base 2022-2023

The Director of Finance submitted a report to provide Council Tax Base for 2022-2023.

Resolved

- (1) That the report of the Director of Finance for the calculation of the Council's Tax Base for 2022-2023 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 2022-2023 shall be **56,801.6**
- (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 2022-2023 in respect of special items shall be as indicated in the column titled Tax Base 2022-2023.
- (c) As for the Flood Defence Areas which form part of its area, the amount calculated as the Council Tax Base for the year 2022-2023 for the purposes of levies on Oxfordshire County Council by River Authorities, shall be:

Thames Flood Defence Area	54,450.4
Anglian (Great Ouse) Flood Defence Area	1,901.3
Severn Region Flood Defence Area	449.9
TOTAL	56,801.6

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 2022) 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

There are no alternative options. The Council has to set a tax base in order to set its council tax for 2022-2023.

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 positions as at the end of November 2021.

Resolved

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

- (2) That the following change in use of reserves (specific request) be approved:

Directorate	Type	Description	Reason	Amount £m
Finance	Earmarked	Transformation Reserve	Engagement on partnership working	0.047
Total Earmarked Reserves				0.047

Reasons

This report provides an update on progress made during November 2021, to deliver the Council's priorities through reporting on Performance, Leadership Risk Register and providing an update on the Financial Position. The Council is committed to performance, risk and budget management and reviews progress against its corporate priorities on a monthly basis. Executive is recommended to agree a change in the use of reserves in accordance with the Council's Financial Procedure Rules

Alternative options

Option 1: This report illustrates the Council's performance against the 2021-22 Business Plan. Regarding the monitoring aspects of the report, no further options have been considered. However, members may wish to request that officers provide additional information. Regarding the recommendation to approve changes in use of reserves, members could choose not to reject the change of use, however, the request is in accordance with the councils Financial Procedure Rules and within existing budgets.

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Urgent Business

There were no items of urgent business.

The meeting ended at 6.55 pm

Chairman:

Date: