

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 6 June 2022 at 6.30 pm

Present:

Councillor Barry Wood (Chairman), Leader of the Council and Portfolio Holder for Policy and Strategy

Councillor Nicholas Mawer, Portfolio Holder for Housing
Councillor Adam Nell, Portfolio Holder for Finance
Councillor Lynn Pratt, Portfolio Holder for Property
Councillor Eddie Reeves, Portfolio Holder for Safer Communities
Councillor Dan Sames, Portfolio Holder for Cleaner and Greener Communities

Apologies for absence:

Councillor Ian Corkin, Deputy Leader of the Council and Portfolio Holder for
Councillor Phil Chapman, Portfolio Holder for Healthy Communities
Councillor Colin Clarke, Portfolio Holder for Planning
Councillor Richard Mould, Portfolio Holder for Corporate Services

Officers (in person):

Nathan Elvery, Corporate Director - Communities (Interim)
Michael Furness, Assistant Director of Finance & S151 Officer
Shahin Ismail, Assistant Director - Law, Governance & Democratic Services & Monitoring Officer (Interim)
Ed Potter, Assistant Director: Environmental Services
Celia Prado-Teeling, Assistant Director - Customer Focus (Interim)
Natasha Clark, Governance and Elections Manager

Officers (virtual):

Yvonne Rees, Chief Executive
Richard Webb, Assistant Director Regulator Services and Community Safety
Simon Hope, Interim Head of Communications and Marketing

1 Declarations of Interest

There were no declarations of interest.

2 Petitions and Requests to Address the Meeting

There were no petitions or requests to address the meeting.

3 **Minutes**

The minutes of the meeting held on 7 March 2022 were agreed as a correct record and signed by the Chairman.

4 **Chairman's Announcements**

There were no Chairman's announcements.

5 **Urgent Business**

There were no items of urgent business.

6 **Executive Performance, Risk and Finance Report 2021-2022**

The Assistant Director of Finance and Interim Assistant Director of Customer Focus submitted a report which summarised the Council's Performance, Risk and Finance monitoring positions at the end of the Financial Year 2021-2022.

In introducing the report, the Portfolio Holder for Finance commended and congratulated officers on the outturn report.

On behalf of Executive, the Chairman commended officers for the performance over the 2021-2022 financial year. The Annual Report was extremely positive and should be distributed widely as it would be of interest Members, residents and stakeholders

In response to questions regarding the Community Project to be funded from S106 within the capital programme, the Assistant Director of Finance undertook to provide additional information on the Project.

Resolved

- (1) That the Annual Report 2021-2022 (annex to the Minutes as set out in the Minute Book) be noted.
- (2) That the Risk and Opportunities Management Strategy 2022/23 (annex to the Minutes as set out in the Minute Book) be noted.
- (3) That the carry forward of funding into reserves as set out in the annex to the Minutes (as set out in the Minute Book) be approved and the allocations being released for use in 2022/23 be agreed
- (4) That Capital carry forwards as set out in the annex to the Minutes (as set out in the Minute Book) be approved:

- (5) That authority be delegated to the Assistant Director of Finance, in consultation with the Leader of the Council, to approve the Community Project, spend to be funded from S106 as set out in the annex to the Minutes (as set out in the Minute Book) once additional information on the Project has been provided. .
- (6) That the Use of / (Contributions to) Reserves be approved.
- (7) That the outturn underspend for 2021/2022 be noted.

Reasons

This report provides an update on progress made during January 2022, 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 Reserves Policy and to agree the revised Con29 Fee for 2022/23 as set by Oxfordshire County Council.

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 Reserves Policy and within existing budgets. If members chose not to agree to the changes in transfers to reserves, then this would mean resource would need to be found for these projects separately in future years.

7

Oxfordshire Food Strategy

The Assistant Director Wellbeing and Housing Services submitted a report which informed Members of the new Oxfordshire Food strategy and outline how Cherwell District Council will join with partners in its adoption and delivery.

Resolved

- (1) That the Oxfordshire Food Strategy (annex to the Minutes as set out in the Minute Book) be committed to and endorsed.

Reasons

An Oxfordshire wide food strategy has been developed by Good Food Oxfordshire in partnership with Oxfordshire County Council, City and District councils and representatives from Oxfordshire community sector groups. The

strategy supports a broad range of Council priorities and strategies including wellbeing and access to healthy food, Recovery and Renewal, access to green space, addressing food poverty and tackling inequalities.

It is proposed that £65k of funding would be allocated from Oxfordshire County Council to be put towards delivery of actions that will directly impact accessibility to food that can be used internally or put towards community groups within the Cherwell district to endorse and commit to the Oxfordshire Food Strategy and continue only to be a member of the Cherwell Food Network. This however would go against the Cherwell Food Networks ambition to expand its work and impact in the district, becoming more joined up in the bigger picture of food and allowing it to grow alongside a Food Strategy for Oxfordshire. improving food options for many residents and joining up actions with other partners to strengthen the system through reducing food waster, growing projects, and community action.

Alternative options

Option 1: Not to endorse and commit to the Oxfordshire Food Strategy and continue only to be a member of the Cherwell Food Network. This however would go against the Cherwell Food Networks ambition to expand its work and impact in the district, becoming more joined up in the bigger picture of food and allowing it to grow alongside a Food Strategy for Oxfordshire. improving food options for many residents and joining up actions with other partners to strengthen the system through reducing food waster, growing projects, and community action.

8 Proposal to Introduce a Public Spaces Protection Order for Bicester Town Centre

The Assistant Director – Regulatory Services and Community Safety submitted a report regarding a proposal to introduce a Public Spaces Protection Order (PSPO) for Bicester Town Centre.

A consultation was recently undertaken on a proposal to introduce a Public Spaces Protection Order (PSPO) for Bicester town centre. The report provided the background to the proposal, a summary of the consultation undertaken and the feedback from key stakeholders and details of the potential scope of the Order. Executive was requested to decide whether to introduce a PSPO in Bicester Town Centre.

The proposed PSPO will contribute towards the delivery of the council objective to “work with partners to reduce crime and antisocial behaviour” within the Healthy, Resilient and Engaged Communities priority. A reduction in anti-social behaviour in the town centre will also contribute towards the Enterprising Economy with Strong and Vibrant Local Centres priority. Tackling anti-social behaviour was also identified as one of the priorities for the council in the last residents survey.

Resolved

- (1) That, having given due consideration to the outcomes of the public consultation and partner organisations' views, a Public Spaces Protection Order for Bicester town centre be introduced.

Reasons

The results of the consultation show overwhelming support for the introduction of a PSPO in Bicester Town Centre from the public and stakeholder organisations. The responses support including all three prohibitions that were included in the consultation. Crime and incident data from the Police evidence supports the conclusion that prevalent and persistent problem of anti-social behaviour in and around Bicester town centre and that the legal requirements for the introduction of a PSPO are met. Therefore, the Executive is recommended to approve the introduction of the PSPO (subject to any minor amendments advised by the council's solicitors to ensure the order will be effective).

Alternative options

Option 1: Not introduce a PSPO.

This option is not recommended. Crime and incident data from the Police evidence supports the conclusion that prevalent and persistent problem relating to anti-social behaviour in and around Bicester town centre. The consultation outcomes show strong support for the introduction of a PSPO to tackle this problem and stakeholders, including Thames Valley Police, also support the proposal.

Option 2: Introduce a PSPO of more limited scope.

This option is not recommended. The consultation outcomes show support for all aspects of the proposal PSPO and there is data and evidence which justifies the inclusion of all the proposed prohibitions if a PSPO is to be introduced.

9

Fixed Penalty Notice Level for Cycling on the Pavement

The Assistant Director – Regulatory Services and Community Safety submitted a report which sought agreement of the fixed penalty notice fine level for cycling on footpaths.

Action to prevent cycling on pavements will contribute towards the delivery of the council's objective to "work with partners to reduce crime and antisocial behaviour" within the Healthy, Resilient and Engaged Communities priority. It will also contribute towards the Enterprising Economy with Strong and Vibrant Local Centres priority. Tackling anti-social behaviour was also identified as one of the priorities for the council in the last residents survey.

Resolved

- (1) That the fixed penalty notice amount to be applied to the offence of cycling on a footpath be set at £50 to align with Thames Valley Police.

Reasons

The offence for riding on a footpath is included in section 72 of the Highway Act 1835 along with other similar offences. The Police have accredited the council's Community Safety Team officers with the power to issue fixed penalty notices to persons identified as committing this offence normally only available to Police Constables under section 54 of the Road Traffic Offenders Act 1988.

The penalty for an offence under section 72 of the Highway Act 1835 is stated as "any sum not exceeding level 2 on the standard scale". Therefore, the council can determine the level of fine to apply. Level 2 on the standard scale is £500. Thames Valley Police have set the level of fine they apply for this offence at £50.

It is recommended that the council applies the same level of fine for this offence as Thames Valley Police to minimise the chance of challenge on the basis that similar offences in the same location attract different penalties depending on which organisation is issuing the notice.

Alternative options

Option 1: Set an alternative level of penalty to apply for this offence. Since this is a new power available to the accredited officers there is no data or information available to the council at this time to support setting the fine level at a different level to that determined appropriate by Thames Valley Police.

Option 2: To not set a fine level for this offence. This would result in the council being unable to issue fixed penalty notices for cycling on the footpath despite council officers being accredited to do so by Thames Valley Police.

10

Traffic Orders Bus Station & Cherwell Drive

The Assistant Director Environmental Services submitted a report to seek to introduce new Traffic Orders covering the Bus Station & a new car park at Cherwell Drive.

Resolved

- (1) That the consultation on changing the traffic orders be noted.
- (2) That, while noting the objection from Stagecoach and response from the Council. changing the Traffic Orders at the Bus Station & the new Cherwell Drive car park be approved.

Reasons

The Traffic orders need the approval of the Executive if they are to proceed. If the orders are not changed then the project cannot proceed.

Alternative options

Option 1: To reject the recommendations and ask officers to reconsider the overall project

11 Appointment of Outside Body Representatives, Member Champion and Shareholder Committee

The Assistant Director – Law, Governance and Democratic Services (Interim) submitted a report for Executive to appoint representatives to Partnerships, Outside Bodies and Member Champions where these are executive functions, for the municipal year 2022/2023.

Resolved

- (1) That appointments to partnerships, outside bodies, the Shareholder Committee, Member Champions and advisory groups for 2022/2023 be made and ceased as set out in the annex to the Minutes (as set out in the Minute Book).
- (2) That authority be delegated to the Assistant Director – Law, Governance and Democratic Services (Interim), in consultation with the Leader of the Council, to appoint Members to any outstanding vacancies and make changes to appointments as may be required for the 2022/2023 Municipal Year.

Reasons

It is proposed that representatives are appointed to Partnerships, Outside Bodies and as Member Champions to ensure that the Council is represented and maintains links with partnerships and outside bodies.

Delegation to the Assistant Director – Law, Governance and Democratic Services (Interim), in consultation with the Leader provides flexibility for the remainder of the Municipal Year to appoint to any outstanding vacancies, or if amendments are required to any appointments, and ensures they are made in a timely manner.

Alternative options

Option 1: Not to appoint representatives to outside bodies, partnerships and as Member Champions. This is not recommended as the internal working groups would be ineffective and the Council would not be represented on these outside bodies and could miss valuable information and opportunities.

12 **Notification of Urgent Action: Additional Restrictions Grants Policy - Grant payment levels**

The Assistant Director of Finance submitted a report to inform the Executive of the urgent decision that was taken by the Chief Executive to finalise an additional grants policy in response to the Omicron variant in line with Government guidance.

Resolved

- (1) That the urgent decision taken by the Chief Executive in relation to grant payment levels for the Additional Restrictions Grants Policy be noted.

Reasons

In line with the Constitution, this report is informing Executive of a decision which was 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.

13 **Notification of Decision taken by Chief Executive under Urgency Powers**

The Assistant Director – Growth and Economy submitted a report to inform the Executive of the decision taken under urgency powers by the Chief Executive for the approval of delegated authority to the Assistant Director – Growth and Economy, in consultation with the Council’s s151 officer, to enter into new sales of leases; staircase of shared ownership leases; or resale of leases for residential properties in the Council’s housing assets portfolio.

Resolved

- (1) That the urgent decision taken by the Chief Executive for the approval of delegated authority to the Assistant Director – Growth and Economy, in consultation with the Council’s s151 officer, to enter into new sales of leases; staircase of shared ownership leases; or resale of leases for residential properties in the Council’s housing assets portfolio be noted.

Reasons

In line with the Constitution, this report is informing Executive of a decision which was 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.

14 **Exclusion of the Press and Public**

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

15 **Notification of Decision taken by Chief Executive under Urgency Powers - Exempt Appendix**

Resolved

(1) That the exempt appendix be noted.

The meeting ended at 7.10 pm

Chairman:

Date: