



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Summary of the decisions taken at the meeting
of the Executive held on Monday 10 January 2022**

1. Date of publication of this summary: 11 January 2022
2. Decisions (if any) taken as a matter of urgency under Overview and Scrutiny Procedure Rules as set out in the Constitution (and not therefore subject to the call-in procedure): None
3. Date by which notice of call-in of any of the following decisions must be received in writing by the Chief Executive (see notes below):- Noon on Friday 14 January 2022
4. Notes:-
 - (a) For background documentation to the following decisions, please refer to the agenda and supporting papers (copies of which are available on the Council's website (www.cherwell.gov.uk) or from Democratic Services);
 - (b) Notice of call-in must be submitted in writing, by email or text to the Chief Executive by the deadline specified above, and must state the reason or reasons why "call-in" has been requested;
 - (c) Call-in can be requested by any six non-executive members of the Council.
However, if at any point during a municipal year the total number of opposition councillors is six or less the total number of non-executive members required to call-in a decision shall be the total number of opposition councillors less two.
 - (d) Decisions not called-in by the deadline specified above will become effective immediately the deadline has expired (unless they are recommendations to the Council).
 - (e) The Council has stipulated that the call-in procedure should not be used to challenge decisions as a matter of course and should be used only when fully justified.

**Yvonne Rees
Chief Executive**

Agenda Item and Recommendation	Decision	Reasons	Alternative Options	Conflicts of Interest Declared and Dispensations Granted by Head of Paid Service
<p>Agenda Item 6 Annual Monitoring Report 2021</p> <p>Report of Assistant Director – Planning and Development</p> <p>Recommendations</p> <p>The meeting is recommended:</p> <p>1.1 To approve for publication the 2021 Annual Monitoring Report (AMR) presented at Appendix 1.</p> <p>1.2 To note the district’s housing delivery and five-year housing land supply positions (for conventional housing and for Gypsies and Travellers) at Section 5</p>	<p>Resolved</p> <p>(1) That the 2021 Annual Monitoring Report (AMR) (Annex to the Minutes as set out in the Minute Book) be approved for publication.</p> <p>(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</p>	<p>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.</p> <p>It is recommended that all</p>	<p>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.</p> <p>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</p>	<p>None</p>

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<p>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.</p> <p>1.3 To approve for publication the 2021 Infrastructure Delivery Plan (IDP) update presented at Appendix 2.</p> <p>1.4 To approve for publication the 2021 Brownfield Land Register (BLR) presented at Appendix 3.</p>	<p>December 2021 Cabinet decision relating to the Regulation 10A review of its Part 1 Plan, be noted.</p> <p>(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.</p> <p>(4) That the 2021 Brownfield Land Register (BLR) (Annex to the Minutes as set out in the Minute Book) be approved for publication.</p> <p>(5) That the Assistant Director - Planning</p>	<p>four documents be approved for publication.</p>	<p>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.</p>	

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<p>1.5 To authorise the Assistant Director - Planning and Development in consultation with the Lead Member for Planning 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.</p>	<p>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.</p>			
<p>Agenda Item 7 2020-2022 Community Nature Plan Progress Update Report of Assistant Director -</p>	<p>Resolved</p> <p>(1) That the 2020-2022 Community Nature Plan progress report and its approach to</p>	<p>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</p>	<p>Option 1: To reject the Community Nature Plan 2020-22 progress update and the recommendations in the report This is not proposed as,</p>	<p>None</p>

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<p>Wellbeing</p> <p>Recommendations</p> <p>The meeting is recommended:</p> <p>1.1 To note the 2020-2022 Community Nature Plan progress report and its approach to addressing the Council's statutory biodiversity duty.</p> <p>1.2 To recognise the essential role of key partners in the delivery of the Community Nature Plan.</p> <p>1.3 To note that the development of the 2022-2024 Community Nature Plan (CNP) will include an all-member seminar in 2022 involving planners, as</p>	<p>addressing the Council's statutory biodiversity duty be noted.</p> <p>(2) That the essential role of key partners in the delivery of the Community Nature Plan be recognised.</p> <p>(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</p>	<p>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.</p>	<p>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)</p>	

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<p>requested by the Overview and Scrutiny Committee in December 2020, and that the implications of the provisions of the Environment Act will be taken into account in this next iteration of the Community Nature Plan.</p>	<p>Environment Act will be taken into account in this next iteration of the Community Nature Plan.</p>			
<p>Agenda Item 8 Fixed Penalty Notices</p> <p>Report of Assistant Director – Regulatory Services and Community Safety</p> <p>Purpose of report</p> <p>To review and agree the fixed penalty notice fines that can be charged for various environmental crimes.</p>	<p>Resolved</p> <p>(1) That, having given due consideration, the following fixed penalty notice fine levels for certain environmental crimes enforced by the council be agreed:</p>	<p>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</p>	<p>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.</p> <p>Option 2: To not issue fixed penalty notices but to</p>	<p>None</p>

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<p>Recommendations</p> <p>The meeting is recommended:</p> <p>1.1 To consider and determine the fixed penalty notice fine levels for certain environmental crimes enforced by the council.</p>	<table border="1"> <thead> <tr> <th data-bbox="584 472 775 603">Description of offence</th> <th data-bbox="775 472 887 603">Penalty</th> <th data-bbox="887 472 999 603">Penalty if paid within 10 days</th> </tr> </thead> <tbody> <tr> <td data-bbox="584 603 775 727">Unauthorised deposit of waste (fly tipping)</td> <td data-bbox="775 603 887 727">£400</td> <td data-bbox="887 603 999 727">£240</td> </tr> <tr> <td data-bbox="584 727 775 852">Failure in household duty of care</td> <td data-bbox="775 727 887 852">£300</td> <td data-bbox="887 727 999 852">£180</td> </tr> <tr> <td data-bbox="584 852 775 976">Depositing litter</td> <td data-bbox="775 852 887 976">£100</td> <td data-bbox="887 852 999 976">£75</td> </tr> <tr> <td data-bbox="584 976 775 1101">Failure to remove dog faeces from designated land</td> <td data-bbox="775 976 887 1101">£100</td> <td data-bbox="887 976 999 1101">£75</td> </tr> </tbody> </table>	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	<p>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.</p> <p>The receipts from fixed penalties can be retained by the council and used to support the investigation of environmental offences.</p>	<p>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.</p>	
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<p>Agenda Item 9</p> <p>Member Champion Review</p> <p>Report of Director – Law and Governance</p>	<p>Resolved</p> <p>(1) That the roles of heritage and design Member Champion</p>	<p>Taking into account the feedback from Councillors Clarke and McHugh, it is recommended to merge the roles of heritage and design</p>	<p>Option 1: To retain all Member Champion roles, appointing non-Executive Members to the positions. This is rejected, as the</p>	<p>None</p>															

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<p>Recommendations</p> <p>The meeting is recommended:</p> <p>1.1 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.</p> <p>1.2 To retain the Military Member Champion role, to be appointed annually.</p> <p>1.3 That the Terms of Reference for Member Champions be</p>	<p>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.</p> <p>(2) That the Military Member Champion role, to be appointed annually, be retained.</p> <p>(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.</p>	<p>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.</p> <p>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.</p> <p>It is recommended that the Military Member Champion role remains in place, to be appointed annually via a</p>	<p>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</p> <p>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</p>	

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<p>amended as shown in appendix 3, taking effect from the 2022-2023 Municipal Year.</p>		<p>report to Executive which also appoints representatives to Outside Bodies.</p> <p>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.</p>		
<p>Agenda Item 10 Council Tax Base 2022-2023</p> <p>Report of Director of Finance</p> <p>Purpose of report</p> <p>To provide Council Tax Base for 2022-2023</p>	<p>Resolved</p> <p>(1) That the report of the Director of Finance for the calculation of the Council's Tax Base for 2022-2023 be agreed and:</p>	<p>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</p>	<p>There are no alternative options. The Council has to set a tax base in order to set its council tax for 2022-2023.</p>	<p>None</p>

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<p>Recommendations</p> <p>The meeting is recommended:</p> <p>1.1 That the report of the Director of Finance for the calculation of the Council's Tax Base for 2022-2023 be agreed and:</p> <p>(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</p>	<p>(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</p> <p>(b) As for the parishes which form part of its</p>	<p>purposes in February 2022) in respect of:</p> <p>(a) the whole of its area and;</p> <p>(b) for any parts of its area for the purposes of:</p> <p>(i) Apportioning precepts and levies and;</p> <p>(ii) Calculating the tax base for each area subject to a special item</p>		

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<p>Cherwell District Council as its Council Tax Base for the year 2022-2023 shall be 56,801.6</p> <p>(b) As for the parishes which form part of its area shown in Appendix 1, 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.</p> <p>(d) As for the Flood Defence Areas</p>	<p>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.</p> <p>(c) As for the Flood Defence Areas which form part of its area, the amount calculated as the Council Tax Base for the</p>			

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<p>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:</p> <table border="0" data-bbox="129 901 517 1074"> <tr> <td>Thames Flood Defence Area</td> <td>54,450.4</td> </tr> <tr> <td>Anglian (Great Ouse) Flood Defence Area</td> <td>1,901.3</td> </tr> <tr> <td>Severn Region Flood Defence Area</td> <td>449.9</td> </tr> <tr> <td>TOTAL</td> <td>56,801.6</td> </tr> </table>	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	<p>year 2022-2023 for the purposes of levies on Oxfordshire County Council by River Authorities, shall be:</p> <table border="0" data-bbox="593 826 987 999"> <tr> <td>Thames Flood Defence Area</td> <td>54,450.4</td> </tr> <tr> <td>Anglian (Great Ouse) Flood Defence Area</td> <td>1,901.3</td> </tr> <tr> <td>Severn Region Flood Defence Area</td> <td>449.9</td> </tr> <tr> <td>TOTAL</td> <td>56,801.6</td> </tr> </table>	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			
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<p>Agenda Item 11 Monthly Performance, Risk and Finance Monitoring Report</p>	<p>Resolved</p> <p>(1) That the monthly Performance, Risk and Finance Monitoring</p>	<p>This report provides an update on progress made during November 2021, to deliver the Council's priorities through reporting</p>	<p>Option 1: This report illustrates the Council's performance against the 2021-22 Business Plan. Regarding the monitoring</p>	<p>None</p>																

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<p>Report of Director of Finance and Head of Insight and Corporate Programmes</p> <p>Purpose of report</p> <p>This report summarises the Council's Performance, Risk and Finance monitoring positions as at the end of November 2021.</p> <p>Recommendations</p> <p>The meeting is recommended:</p> <p>1.1 To note the monthly Performance, Risk and Finance Monitoring Report.</p> <p>1.2 To approve the changes in use of reserves as detailed at Appendix 7.</p>	<p>Report be noted.</p> <p>(2) That the following change in use of reserves (specific request) be approved:</p> <ul style="list-style-type: none"> • Directorate: Finance • Type: Earmarked • Description: Transformation Reserve • Reason: Engagement working • Amount £m: 0.047 • Total earmarked reserves £m: 0.047 	<p>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</p>	<p>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.</p>	