



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Summary of the decisions taken at the meeting
of the Executive held on Monday 4 March 2024**

1. Date of publication of this summary: 5 March 2024
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 Monday 11 March 2024
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 five non-executive members of the Council.
 - (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.

**Gordon Stewart
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 7 Air Quality Update</p> <p>Report of Head of Regulatory Services and Community Safety</p> <p>Recommendations</p> <p>The Executive resolves:</p> <p>1.1 To revoke AQMA No.2 (Horsefair/North Bar, Banbury) and AQMA No.3 (Bicester Road, Kidlington).</p> <p>1.2 To approve the Air Quality Action Plan 2024.</p>	<p>Resolved</p> <p>(1) That the Air Quality Management Area (AQMA) No.2 (Horsefair/North Bar, Banbury) and Air Quality Management Area (AQMA) No.3 (Bicester Road, Kidlington) be revoked.</p> <p>(2) That Air Quality Action Plan 2024 be approved.</p>	<p>In AQMA No.2 (Horsefair/North Bar, Banbury) and AQMA No.3 (Bicester Road, Kidlington) the measured levels of nitrogen dioxide have been below the air quality objective of 40µg/m³ for the last five years. The guidance from Defra is that revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective ,and where there have been no exceedances for the past five years, the AQMA should be revoked. The Executive are therefore recommended to approve the revocation of these two AQMAs.</p> <p>Where an AQMA has been declared for an exceedance of an air quality objective, it is</p>	<p>Option 1: To not revoke AQMA No.3 (Bicester Road, Kidlington) and AQMA No.2 (Horsefair/North Bar, Banbury). This option was rejected because local authorities are required to revoke AQMAs where there have been no exceedances of the relevant objective for the past five years.</p> <p>Option 2: To not approve the Air Quality Plan 2024. This option was rejected because where there is an AQMA declared for an exceedance of an air quality objective, it is a legal requirement for the Council to have an AQAP in place (Environment Act 1995 as amended), and to</p>	<p>None</p>

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		<p>a legal requirement for the Council to have an AQAP in place and then review it every five years. The current AQAP, approved by the Executive on 6 March 2017, has been updated in consultation with partners and to reflect the latest monitoring and traffic data. The Executive are therefore recommended to approve the Air Quality Action Plan 2024.</p>	<p>review it every five years.</p>	
<p>Agenda Item 8 Fixed Penalty Notices</p> <p>Report of Head of Regulatory Services and Community Safety</p> <p>Recommendations</p> <p>The Executive resolves:</p>	<p>Resolved</p> <p>(1) That the following increase to the fixed penalty fine levels for fly tipping, household duty of care, and littering offences be approved:</p> <ul style="list-style-type: none"> Description of offence: 	<p>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. The receipts from fixed penalties can be retained by the council and used to support the investigation of</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.</p> <p>Option 2: To not issue fixed penalty notices but to</p>	<p>None</p>

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<p>1.1 To approve the proposed increase to the fixed penalty fine levels for fly tipping, household duty of care, and littering offences or approve another amount above the current fine level if preferred.</p>	<p>Unauthorised deposit of waste (fly tipping)</p> <ul style="list-style-type: none"> ○ Penalty: £1000 ○ Penalty if paid within 10 days: £500 <ul style="list-style-type: none"> ● Description of offence: Failure in household duty of care <ul style="list-style-type: none"> ○ Penalty: £600 ○ Penalty if paid within 10 days: £300 ● Description of offence: Depositing litter <ul style="list-style-type: none"> ○ Penalty: £500 ○ Penalty if paid within 10 days: £250 	<p>environmental offences. The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 increased the upper limits for some fixed penalty notices</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.</p> <p>Option 3: To remove the early payment discount. This option was rejected in order to encourage and provide an incentive for early payment.</p>	
<p>Agenda Item 9 Extending Temporary Accommodation Lease Arrangements</p>	<p>Resolved</p> <p>(1) That it be agreed to exercise of an option</p>	<p>Exercising the option within the existing Musketeer lease and entering a new lease for use of these premises would</p>	<p>Option 1: Not agree to exercise the option in the existing lease to take a new lease of the</p>	<p>None</p>

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<p>Report of Assistant Director Wellbeing and Housing</p> <p>Recommendations</p> <p>The Executive resolves:</p> <p>1.1 To approve the exercise of an option within the existing lease allowing the Council to take a further lease of the premises for one year.</p>	<p>within the existing lease allowing the Council to take a further lease of the premises for one year.</p>	<p>avoid a short term rise in costs attributed to temporary accommodation linked to the use of other commercial hotels. This would also allow for other opportunities to be explored for temporary accommodation in the medium and long term.</p>	<p>accommodation at the Musketeer for one year and to vacate these premises at the end of the existing lease. This is a consideration but is rejected because it would lead to a short term rise in costs due to placements of households in more expensive commercial hotels.</p> <p>Option 2: Enter negotiations for a new lease for a term longer than one year. This is a consideration but is rejected at the current time due to the review of our own stock and other potential opportunities outlined in the report. Following the review, it may be a result that a new lease is required as the</p>	

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			best way to assist in the discharge of the Council's temporary accommodation function.	
<p>Agenda Item 10 Food Action Plan</p> <p>Report of Assistant Director Wellbeing and Housing</p> <p>Recommendations</p> <p>The Executive resolves:</p> <p>1.1 To agree the Food Action Plan for the Cherwell area.</p> <p>1.2 To delegate the approval of any grants to qualifying organisations to the Assistant Director Wellbeing and Housing</p>	<p>Resolved</p> <p>(1) That the Food Action Plan for the Cherwell area be agreed.</p> <p>(2) That the approval of any grants to qualifying organisations be delegated to the Assistant Director Wellbeing and Housing in consultation with the Portfolio Holder for Healthy and Safe Communities.</p>	<p>Endorsing the Food Action Plan for Cherwell, which is the result of community consultation and shared ambition, allows groups involved to be confident in their plans for development. Furthermore it allows Cherwell District Council to receive funding from Oxfordshire County Council to support the delivery of the identified actions.</p>	<p>Option 1: To not endorse the action plan This course of action has been rejected as there are no substantive reason why the council should not enter into a formalised action plan with regard to the vision of the Oxfordshire Food Strategy 'Where everyone in Oxfordshire can enjoy the healthy and sustainable food they need every day'.</p>	<p>None</p>

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<p>in consultation with the Portfolio Holder for Healthy and Safe Communities.</p>				
<p>Agenda Item 11 Period Poverty</p> <p>Report of Assistant Director Wellbeing and Housing</p> <p>Recommendations</p> <p>The Executive resolves:</p> <p>1.1 To provide free sanitary products in Bodicote House in the publicly accessible women's lavatories.</p> <p>1.2 Furthermore, to provide an opportunity for</p>	<p>Resolved</p> <p>(1) That it be agreed that free sanitary products be provided in Bodicote House in the publicly accessible women's lavatories.</p> <p>(2) That it be agreed to provide an opportunity for community partners from the warm spaces network, community food network and community centres to opt in to providing</p>	<p>Period poverty is a local issue and the recommendations continue the spirit of the motion in providing products at Bodicote but recognises that women struggling to meet everyday costs of living are more likely to access community buildings and community food provision making support of these spaces the best way to get district coverage of free hygiene products.</p>	<p>Option 1: To do nothing. Given the motion that was passed at Full Council and the potential impact on health and economic independence period poverty can have, this option has not been recommended.</p> <p>Option 2: Consider providing more sustainable products rather than free disposable ones. The prohibitive costs of more sustainable products and the administrative resource needed to offer them</p>	<p>None</p>

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<p>community partners from the warm spaces network, community food network and community centres to opt in to providing female hygiene products at no cost to customers.</p> <p>1.3 To provide a grant of £150 for up to 80 community locations who opt in.</p>	<p>female hygiene products at no cost to customers.</p> <p>(3) That it be agreed to provide a grant of £150 for up to 80 community locations who opt in.</p>		<p>makes this a commitment beyond our current means and so hasn't been recommended.</p>	
<p>Agenda Item 12 Property Asset Management Strategy</p> <p>Report of Corporate Director Resources</p> <p>Recommendations</p> <p>The Executive resolves:</p>	<p>Resolved</p> <p>(1) That the Property Asset Management Strategy be approved.</p>	<p>The Property Asset Management Strategy will support Council decision making, priorities and service delivery. It outlines the principles and framework underpinning decisions to make best use of property assets and is the first Property Asset Management</p>	<p>Option 1: Not to approve the Property Asset Management Strategy. This option has been rejected as the need for a Property Strategy was highlighted in the LGA 2022 Peer Review and the Council requires a Strategy to support</p>	<p>None</p>

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1.1 To review and approve the Property Asset Management Strategy.		Strategy since the Council decoupled from Oxfordshire County Council in 2022. The need for a strategic property asset review formed part of the action plan arising from the 2022 LGA Peer Review and the Property Asset Management Strategy will support this need.	decision making, priorities and service delivery.	
<p>Agenda Item 13 Finance, Performance and Risk Report January 2024</p> <p>Report of Assistant Director Finance and Assistant Director Customer Focus</p> <p>Recommendations</p> <p>The Executive resolves:</p> <p>1.1 To consider and note</p>	<p>Resolved</p> <p>(1) That, having given due consideration, the Council's Performance, Risk and Financial report for the month of January 2024 be noted.</p> <p>(2) That a change in the frequency of reporting from the new financial</p>	This report provides an update on progress made during January 2024, to deliver the council's priorities, manage potential risks and remain within the agreed budget.	There is no alternative option to consider as this is an update report on the council's performance, risk, and financial positions up to the end of January 2024. However, members may wish to request further information from officers for inclusion.	None

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<p>the contents of the Council's Performance, Risk and Financial report for the month of January 2024.</p> <p>1.2 To approve a change in the frequency of reporting from the new financial year onwards from monthly to quarterly.</p> <p>1.3 To approve the reserve requests in Appendix 5.</p> <p>1.4 To note the approval of £0.011m S106 monies for the refurbishment works to Steeple Aston Village Hall under S151 delegation powers.</p>	<p>year onwards from monthly to quarterly be approved.</p> <p>(3) That the following reserve requests set out at appendix 5 of the report be approved.</p> <p>(4) That the approval of £0.011m S106 monies for the refurbishment works to Steeple Aston Village Hall under S151 delegation powers be noted.</p>			

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<p>Agenda Item 14 Silverstone Loan</p> <p>Report of Assistant Director of Finance</p>	Detailed under item 16	Detailed under item 16	Detailed under item 16	None
<p>Agenda Item 16 Silverstone Loan</p> <p>Exempt report of Assistant Director of Finance</p>	<p>Resolved</p> <p>(1) That the extension of the payment term of the loan given to Silverstone Heritage Limited to March 2034 be agreed.</p> <p>(2) As set out in the exempt decisions.</p>	<p>It is considered that the most likely way for the council to safeguard its resources is to agree to a revised payment profile of the loan with Silverstone Heritage Limited (SHL) and as set out in the exempt decision.</p>	<p>Option 1: Make no changes to the loan agreement. This has been discounted on the basis that an alternative funder cannot be identified. Further information as set out in the exempt decisions.</p> <p>Option 2: As set out in the exempt decisions.</p>	None