

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 4 March 2024 at 6.30 pm

Present:

Councillor Barry Wood (Leader and Portfolio Holder for Policy and Strategy) (Chairman)
Councillor Adam Nell (Deputy Leader and Portfolio Holder for Finance) (Vice-Chairman)
Councillor Donna Ford, Portfolio Holder for Regeneration
Councillor Nicholas Mawer, Portfolio Holder for Housing
Councillor Andrew McHugh, Portfolio Holder for Cleaner and Greener Communities
Councillor Edward Fraser Reeves, Portfolio Holder for Property
Councillor Dan Sames, Portfolio Holder for Planning and Development
Councillor Nigel Simpson, Portfolio Holder for Sport and Leisure

Apologies for absence:

Councillor Phil Chapman, Portfolio Holder for Healthy and Safe Communities
Councillor Sandy Dallimore, Portfolio Holder for Corporate Services

Also Present Virtually:

Councillor Sean Woodcock, Leader of the Labour Group
Councillor John Broad, Chairman, Overview and Scrutiny Committee

Officers:

Gordon Stewart, Chief Executive
Michael Furness, Assistant Director Finance & S151 Officer
Shiraz Sheikh, Assistant Director Law & Governance and Monitoring Officer
Shona Ware, Assistant Director Customer Focus
Natasha Clark, Governance and Elections Manager

Officers Attending Virtually:

Mona Walsh, Assistant Director - Property
Richard Smith, Head of Housing
Tim Hughes, Head of Regulatory Services & Community Safety

Declarations of Interest

There were no declarations of interest.

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

There were no petitions or requests to address the meeting.

The Chairman welcomed non-Executive members attending the meeting and asked them to indicate if they wished to speak on any item.

105 **Minutes**

The minutes of the meeting held on 5 February 2024 were agreed as a correct record and signed by the Chairman.

106 **Chairman's Announcements**

On behalf of Executive, the Chairman congratulated Councillor Woodcock on his marriage the week before and wished him and his wife all the best.

107 **Urgent Business**

There were no items of urgent business.

108 **Air Quality Update**

The Head of Regulatory Services and Community Safety submitted a report to approve the updated Air Quality Action Plan and confirm the revocation of two Air Quality Management Areas.

Resolved

- (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.
- (2) That Air Quality Action Plan 2024 be approved.

Reasons

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.

Where an AQMA has been declared for an exceedance of an air quality objective, it is 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.

Alternative options

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.

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 review it every five years.

109

Fixed Penalty Notices

The Head of Regulatory Services and Community Safety to review and agree the fixed penalty notice fines that can be charged for various environmental crimes.

Resolved

- (1) That the following increase to the fixed penalty fine levels for fly tipping, household duty of care, and littering offences be approved:
 - Description of offence: Unauthorised deposit of waste (fly tipping)
 - Penalty: £1000
 - Penalty if paid within 10 days: £500
 - Description of offence: Failure in household duty of care
 - Penalty: £600
 - Penalty if paid within 10 days: £300
 - Description of offence: Depositing litter
 - Penalty: £500
 - Penalty if paid within 10 days: £250

Reasons

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 environmental offences. The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 increased the upper limits for some fixed penalty notices

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.

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.

Option 3: To remove the early payment discount. This option was rejected in order to encourage and provide an incentive for early payment.

110

Extending Temporary Accommodation Lease Arrangements

The Assistant Director Wellbeing and Housing submitted a report to activate the extension within the existing lease with Punch Taverns (Jubilee) Limited for 1 year.

Resolved

- (1) That it be agreed to exercise of an option within the existing lease allowing the Council to take a further lease of the premises for one year.

Reasons

Exercising the option within the existing Musketeer lease and entering a new lease for use of these premises would 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.

Alternative options

Option 1: Not agree to exercise the option in the existing lease to take a new lease of the 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.

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 best way to assist in the discharge of the Council's temporary accommodation function.

111 **Food Action Plan**

The Assistant Director Wellbeing and Housing submitted a report which sought approval of a Food Action Plan for Cherwell. Following the adoption of the Oxfordshire Food Strategy by Executive on June 6 2022 (minute 7 refers) there had been a series of meetings and consultations led by Good Food Oxfordshire, which included community food network members and local food businesses, and informed the proposed Food Action Plan.

Resolved

- (1) That the Food Action Plan for the Cherwell area be agreed.
- (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.

Reasons

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.

Alternative options

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'.

112 **Period Poverty**

The Assistant Director Wellbeing and Housing submitted a report to respond to the following motion which had been adopted by Full Council on 18 December 2023:

“To combat period poverty, this Council asks the Executive

- a) to investigate and report back on the number of accessible locations across the Council’s estate where free sanitary products can feasibly and sensitively be provided.
- b) to consider the report and the recommendations therein to make a decision on implementation.”

In response to a question from Councillor Woodcock regarding the possibility of Town and Parish Councils being included in the community partner

discussions, the Assistant Director Wellbeing and Housing agreed to liaise with the clerks at Banbury Town Council, Bicester Town Council and Kidlington Parish Council.

In response to a question from the Portfolio Holder for Regeneration regarding what Oxfordshire County Council in respect of combatting period poverty, the Assistant Director Wellbeing and Housing advised that she understood they would be providing free sanitary products in toilets at libraries but this had not yet commenced.

Resolved

- (1) That it be agreed that free sanitary products be provided in Bodicote House in the publicly accessible women's lavatories.
- (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 female hygiene products at no cost to customers.
- (3) That it be agreed to provide a grant of £150 for up to 80 community locations who opt in.

Reasons

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.

Alternative

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.

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 makes this a commitment beyond our current means and so hasn't been recommended.

113

Property Asset Management Strategy

The Corporate Director Resources submitted a report to approve the Property Asset Management Strategy.

Resolved

- (1) That the Property Asset Management Strategy be approved.

Reasons

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 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.

Alternative options

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 decision making, priorities and service delivery.

114 Finance, 115 Performance and Risk Report January 2024

The Assistant Director Finance and Assistant Director Customer Focus submitted a report to update Executive on how well the council was performing in delivering its priorities, managing potential risks, and balancing its finances for the month of January 2024.

Resolved

- (1) That, having given due consideration, the Council's Performance, Risk and Financial report for the month of January 2024 be noted.
- (2) That a change in the frequency of reporting from the new financial year onwards from monthly to quarterly be approved.
- (3) That the following reserve requests of the report be approved.

Directorate	Type	Description	Reason	Amount £m
Resources	Earmarked	Market Risk Reserve	Treasury over-recovery of income to Market risk reserve.	(0.072)
Chief Executive	Earmarked	Projects Reserve	Return unspent funding allocated to 'work in default' on properties to make them safe.	(0.021)
Chief Executive	Earmarked	Cherwell Lottery Reserve	Income from the sale of Cherwell Lottery tickets to be then paid out to successful bidders of community organisations	(0.006)
Chief Executive	Earmarked	Projects Reserve	Return unspent allocation of awards given to community groups to celebrate the King's	(0.015)

			coronation.	
Resources	Earmarked	Dilapidations, Garage Project & Canalside Reserve	Transfer £95K of unspent back to reserve to be released in 24/25.	(0.095)
Communities	Earmarked	Development Management Casework Reserve	Return unspent reserve monies due to delays in recruitment therefore not required.	(0.050)
Communities	Earmarked	Local Plan Charges Reserve	This budget will need to be released in 24/25 as the Local Plan gets underway to cover related legal costs that may arise.	(0.100)
Communities	Earmarked	Licensing	The surplus of licensing budget must be ringfenced for future fee setting.	(0.032)
Total Earmarked Reserves				(0.391)
Chief Executives	Ringfenced Grant		Return unspent SPARK grant to reserves.	(0.010)
Chief Executives	Ringfenced Grant		Return unspent COMF to reserve for release in 24/25	(0.071)
Communities	Ringfenced Grant		move unspent Bicester Garden Town to reserve for utilisation in 24/25	(0.221)
Resources	Ringfenced Grant		Match funding received from OCC, ringfenced for spend on Discretionary Housing Payments only. Will be allocated in 2024-25	(0.187)
Ringfenced Grants				(0.489)

- (4) That the approval of £0.011m S106 monies for the refurbishment works to Steeple Aston Village Hall under S151 delegation powers be noted.

Reasons

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.

Alternative options

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.

115 **Silverstone Loan**

The Assistant Director of Finance submitted a report to update Executive on the status of the loan to Silverstone Heritage Limited and agree a rephased payment plan.

In introducing the report, the Deputy Leader and Portfolio Holder for Finance advised that there was a public and private version of the report due to aspects of the information containing commercially sensitive information. Executive would therefore make their decision following the exclusion of the press and public.

116 **Exclusion of the Press and Public**

Resolved

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraph 3 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

117 **Silverstone Loan**

The Assistant Director of Finance submitted a exempt report to update Executive on the status of the loan to Silverstone Heritage Limited and agree a rephased payment plan.

Resolved

- (1) That the extension of the payment term of the loan given to Silverstone Heritage Limited to March 2034 be agreed.
- (2) As set out in the exempt Minutes.

Reasons

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 Minutes.

Alternative options

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 Minutes.

Option 2: As set out in the exempt Minutes.

The meeting ended at 7.05 pm

Chairman:

Date: