

## **Cherwell District Council**

### **Executive**

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 7 November 2016 at 6.30 pm

Present: Councillor Barry Wood (Chairman), Leader of the Council  
Councillor G A Reynolds (Vice-Chairman), Deputy Leader of the Council

Councillor Ken Atack, Lead Member for Financial Management  
Councillor Colin Clarke, Lead Member for Planning  
Councillor Tony Ilott, Lead Member for Public Protection  
Councillor D M Pickford, Lead Member for Housing  
Councillor Lynn Pratt, Lead Member for Estates and the Economy  
Councillor Nicholas Turner, Lead Member for Change Management, Joint Working and IT

Also Present: Councillor Sean Woodcock, Leader of the Labour Group

Apologies for absence: Councillor John Donaldson, Lead Member for Housing  
Councillor Kieron Mallon, Lead Member for Banbury Futures

Officers: Sue Smith, Chief Executive  
Scott Barnes, Director of Strategy and Commissioning  
Karen Curtin, Commercial Director  
Ian Davies, Director of Operational Delivery  
Kevin Lane, Head of Law and Governance / Monitoring Officer  
Paul Sutton, Chief Finance Officer / Section 151 Officer  
Adrian Colwell, Head of Strategic Planning and the Economy, for agenda items 7, 8 and 9  
Jackie Fitzsimons, Shared Public Protection Manager, for agenda items 10 and 11  
Natasha Clark, Interim Democratic and Elections Manager

#### **73 Declarations of Interest**

There were no declarations of interest.

#### **74 Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

75 **Urgent Business**

There were no items of urgent business.

76 **Minutes**

The minutes of the meeting held on 3 October 2016 were agreed as a correct record and signed by the Chairman.

77 **Chairman's Announcements**

The Chairman made the following announcement:

1. Members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

78 **Partial Review of the Cherwell Local Plan 2011-2031 (Part 1): Oxford's Unmet Housing Need Options Consultation Paper**

The Head of Strategic Planning and the Economy submitted a report to seek approval of an Options Paper for the Partial Review of Local Plan Part 1 for formal public consultation.

**Resolved**

- (1) That the Oxfordshire Growth Board's decision to apportion 4,400 homes to Cherwell District in the interest of meeting Oxford's agreed unmet housing need be noted.
- (2) That the Partial Review of the Cherwell Local Plan 2011 – 2013 (Part 1): Oxford's Unmet Housing Need Options Consultation Paper be approved for formal public consultation.
- (3) That the Head of Strategic Planning and the Economy be authorised to make any necessary minor and presentational changes to the Partial Review of the Cherwell Local Plan 2011 – 2013 (Part 1): Oxford's Unmet Housing Need Options Consultation Paper before formal consultation commences.
- (4) That the Head of Strategic Planning and the Economy be authorised to produce a summary booklet to support public consultation.

**Reasons**

An Options consultation paper for the Partial Review of the adopted Cherwell Local Plan Part 1 (2011-2031) is presented for approval. The Options Paper presents alternatives on how Cherwell District might accommodate its 'share' of the unmet housing need arising from Oxford, as apportioned by the Oxfordshire Growth Board. The Options Paper concerns: 1) the level of housing the district is being asked to accommodate; 2) a draft vision and draft

objectives; 3) 'areas of search'; 4) potential strategic development sites; and, 5) the emerging evidence base. The Executive's approval of the Options Paper is sought to proceed to public consultation.

### **Alternative options**

Option 1: To delay the Options Paper to enable further evidence to be considered

A consultation now will provide officers the opportunity to consider whether the options / alternatives identified are reasonable, to acquire further information in testing options/alternatives, and to meet the deadline for Submission for examination (20 July 2017). A delay would make it very difficult to meet the two year review programme that the Council has committed to within paragraph B.95 of the adopted Cherwell Local Plan 2011-2031 (Part 1).

Option 2: To reconsider the content of the Options Paper

The Options Paper has been produced having regard to national policy and guidance, the county-wide work for the Oxfordshire Growth Board, public consultation on issues, site submissions, engagement with prescribed bodies, emerging evidence and Local Plan Part 1. It is considered by officers to be an appropriate consultation document.

79

### **Community Infrastructure Levy (CIL) Draft Charging Schedule and Developer Contributions Supplementary Planning Document (SPD)**

The Head of Strategic Planning and the Economy submitted a report to seek Member endorsement to consult the public for six weeks on the Community Infrastructure Levy (CIL): Draft Charging Schedule and Developer Contributions Supplementary Planning Document (SPD).

In introducing the report, the Lead Member for Planning, Councillor Clarke, explained that this was the second of two formal consultations on a potential CIL charge for Cherwell to be followed by an examination in public.

The Developer Contributions SPD formed part of the Council's Local Development Framework and its content would be subject to one formal consultation.

### **Resolved**

- (1) That the Community Infrastructure Levy (CIL) Draft Charging Schedule, which also includes a Draft CIL Regulation 123 list and Draft Instalments Policy, be approved for a six week public consultation.
- (2) That the Draft Developer Contributions Supplementary Planning Document be approved for a six week public consultation.
- (3) That the Head of Strategic Planning and the Economy be authorised to make any necessary minor and presentational changes to the Community Infrastructure Levy (CIL) Draft Charging Schedule and

Draft Developer Contributions Supplementary Planning Document before formal consultation commences.

## **Reasons**

A Draft Charging Schedule and a Draft Developer Contributions SPD are presented for approval to proceed to formal consultation.

Once adopted and subject to consultation, CIL and the Developers Contributions SPD will operate alongside each other forming the package of contributions or obligations expected to come forward from development proposals to mitigate the impact of development and help fund infrastructure needed to support growth. They are not intended to provide all the funding needed but could help maximise resource income which would otherwise not be available.

## **Alternative options**

### *Option 1: Not consulting on the proposed documents*

Officers consider that without proceeding with this consultation the Council will not be able to assess the potential benefits of implementing CIL. Consultation will help ensure a robust and transparent process.

The current Draft Planning Obligations SPD (July 2011) is now out of date, it carries little weight in decision making and its continued use will potentially make it more difficult for the Council to secure S106 developer contributions in the future.

### *Option 2: Amending the proposed documents*

The two documents proposed for consultation were prepared having regard to national policy guidance, informal engagement with key stakeholders and updated development evidence. It is considered by officers that they present an appropriate balance between ensuring that 'as a whole' the economic viability of development proposals is not detrimentally affected and the desire to fund infrastructure.

Proceeding to consultation will provide a further opportunity for stakeholders and members of the public to address matters formally and inform the preparation of both documents.

80

## **A Business Improvement District (BID) for Banbury**

The Head of Strategic Planning and the Economy submitted a report to seek approval to proceed with the preparation of a Business Improvement District (BID) for Banbury.

## **Resolved**

- (1) That the Banbury Business Improvement District (BID) feasibility report be noted.

- (2) That agreement be given to commit resources to move to phase two, preparing the Banbury Business Improvement District (BID) Business Plan and preparation for the Ballot.

### **Reasons**

The proposal for a BID for Banbury is judged to have sufficient business support to proceed.

A BID for Banbury is expected to assist businesses and the Council to work together to strengthen the town centre in particular and Banbury in general by increasing the marketing of the town and undertaking a series of activities to increase footfall into the town centre and so assist improve the vitality of the town centre, as new town centre investment at Castle Quay two comes on stream.

A BID for Banbury will assist Banbury to compete with neighbouring towns.

### **Alternative options**

Alternative Option: To not proceed into stage two of the assessment.

This is not recommended as not proceeding will forgo the opportunity to support a business led project that has the potential to draw additional resources into action that would promote the town to the benefit of all stakeholders.

The proposed recommendation to proceed to the next stage is considered to be an appropriate response to the findings of the feasibility study.

81

### **Banbury Town Centre Public Spaces Protection Order (PSPO)**

The Public Protection Manager submitted a report to propose the making of a Public Spaces Protection Order (PSPO) in Banbury Town centre to prevent the detrimental effect of begging, drinking and sleeping rough on those who reside, work and visit the town centre.

### **Resolved**

- (1) That the making of a Public Spaces Protection Order in Banbury Town Centre (Annex to the Minutes as set out in the Minute Book) be approved.
- (2) That authority be delegated to the Public Protection Manager to take all necessary steps to enforce the Public Spaces Protection Order in Banbury including the necessary authorisation of individual officers to issue fixed penalty notices.

### **Reasons**

The evidence from the consultation supports the proposal for making the PSPO.

The inclusion of the Fixed Penalty Notice provisions is in line with the Council's Enforcement Policy and the Regulators Code. A Fixed Penalty Notice provides for an additional sanction as part of a stepped approach to enforcement and is a proportionate, cost effective means of seeking to ensure compliance with the Order.

### **Alternative options**

Option 1: Not to confirm the PSPO which will mean that without a PSPO, the local authority will continue to work with the police, within current legislation. Reasons for rejection: The current legislation dates to the 1824 Vagrancy Act, and is only enforceable by a police officer. The Council does not have any authority to prosecute begging, or enforce drink related disorderly behaviour. With regard to drinking, this report has previously alluded to the fact that a drink banning order is limited to irresponsible drinking only. As it is not a ban the police will only react to problematic or disorderly drinkers. In choosing to continue within current legislation, this will be a missed opportunity to address what appears to be an escalating activity

82

### **Joint Anti-Social Behaviour Policy**

The Public Protection Manager submitted a report to consider a draft Joint Anti-social Behaviour Policy, for Cherwell District Council and South Northamptonshire Council subject to public and stakeholder consultation.

### **Resolved**

- (1) That the draft Joint Anti-social Behaviour Policy (Annex to the Minutes as set out in the Minute Book) be approved.
- (2) That authority be delegated to the Public Protection Manager to consider responses and, if necessary, amend the policy in consultation with the Lead Member for Public Protection.
- (3) That authority be delegated to the Public Protection Manager to take all necessary steps to enforce the policy including the setting of the amounts of fixed penalties and the authorisation of individual officers to issue fixed penalty notices.

### **Reasons**

The current CDC and CNC policies need updating as they do not reflect current legislation or practice.

In April 2016, a new shared Public Protection Service with South Northamptonshire Council was formed including a new shared Safer Communities Team.

The draft policy seeks to set out a common approach for dealing with anti-social behaviour for each local authority, so that a proportionate and consistent service is delivered in the communities of both councils.

In developing the policy, regard has been given to the Regulators Code and the joint corporate Enforcement Policy.

### **Alternative options**

The only alternative is to reject the proposal and retain two individual updated policies, one for each Council.

Rejecting the new shared policy will require separate updated policies for each Council so that both Councils carry out regulatory activities in a way which is accountable, consistent, fair, proportional and transparent.

83

### **Tenancy Strategy 2017**

The Head of Regeneration and Housing submitted a report to provide Executive with an overview of the changes to Tenancy Strategy for approval to consult.

### **Resolved**

- (1) That wider consultation of the draft revised Tenancy Strategy be approved.
- (2) That agreement be given to another report being presented to Executive following consultation on the draft Tenancy Strategy.

### **Reasons**

The Tenancy Strategy forms an important part of the Council's vision for the provision of Affordable Housing in the District and it complements the objectives within the Housing Strategy. It provides an overview to Registered Providers the expectations on its partners in delivering affordable housing as well as the Council's willingness to work positively with new ways of delivery, while safeguarding the interests of some of the District's more vulnerable residents.

To a large extent the fundamental principles which the Council approved in its Tenancy Strategy in 2012 are still relevant and there is no proposal within this review and redraft to change any of those positions. Therefore this is more a refresh of the 2012 Strategy rather than a change in position.

Given the fast changing environment in housing and related policy, the Strategy will be reviewed on an annual basis to ensure it remains relevant and in line with the Council's requirements.

### **Alternative options**

Option 1: To agree for officers to consult on the draft Tenancy Strategy

Option 2: Not to consult on the Tenancy Strategy

Option 3: Not to proceed with review of the current Tenancy Strategy and instead continue with the existing one.

## 84 **Local Development Company**

The Commercial Director and Head of Regeneration and Housing submitted a report to seek approval in principle for the establishment of a local development company with South Northamptonshire Council to act as an investment vehicle for the councils and to provide housing which meets housing need not met by the current market.

### **Resolved**

- (1) That the establishment of a local development company with South Northamptonshire Council be agreed in principle.
- (2) That approval be given to officers to complete further work to prepare a full business case for the local development company to be considered by South Northamptonshire Cabinet and by Cherwell District Council Executive in due course.

### **Reasons**

This report is requesting Executive members to agree in principle to establishing a local development company with South Northamptonshire Council, such an approval is being sought as the local development company offers a future opportunity to:

- Generate income for the Council to contribute towards closing the financial gap in the Council's medium term financial plan;
- Provide housing which meets housing need not currently met by the current market.

### **Alternative options**

Option 1: Not to support the establishment of a local development company but this would reduce the opportunities available to the Council to generate income and to address gaps in the current local housing market.

## 85 **Results of the Customer Satisfaction Survey 2016**

The Director – Strategy and Commissioning submitted a report which provided a summary of the key messages from the Annual Customer Satisfaction Survey which was undertaken in July 2016. This report also outlined some recommended actions to develop the Annual Customer Satisfaction Survey as an integral part of Cherwell District Council's consultation with residents.

### **Resolved**

- (1) That the report be noted.



- (2) That appropriate results be used in the setting of Business Plan and Service Plan objectives and targets.
- (3) That it be agreed that the 2016 results be used as a baseline for future target setting and benchmarking (given the change in methodology for identifying and receiving information from respondents).
- (4) That the action plan for reviewing and developing the survey content for 2017/18 be agreed.

### **Reasons**

While key results have shown a dip in performance when compared to the performance last year, it is critical to consider the improvement in the number and range of respondents we now are using. Instead of asking a very small sample of people who have volunteered to respond, we are posing the questions to a far broader set of respondents and getting a more representative view of satisfaction from Cherwell residents.

The annual satisfaction survey is a core method of getting feedback from our residents. By reviewing the question base to align it with key service requirements for customer opinion and also the aims and priorities of the Corporate Business Plan, we will improve the quality of information we receive and the decisions that are made based on feedback and satisfaction data. A more concise survey may also improve response rates.

### **Alternative options**

Retaining the current survey will mean that we don't utilise the survey fully as a source of customer feedback information

Using the wider respondent base has meant a dip in results this year but provides a more accurate reflection of opinion in the district. Reverting to a more select group of respondents could potentially mask issues.

86

### **Bicester Healthy New Town Status**

The Director of Operational Delivery submitted a report to inform of progress in implementing the Bicester Healthy New Town Programme and to ask Executive to endorse its proposed delivery plan.

### **Resolved**

- (1) That the progress in the implementation of Bicester's Healthy New Town Programme be noted.
- (2) That the programme's proposed delivery plan be endorsed.

### **Reasons**

Good progress has been made in identifying a clear focus for the Healthy New Town Programme that reflects local priorities and which can result in

meaningful and positive change for Bicester residents. Clarification of the aims of the programme and its objectives will enable the programme to be effectively evaluated to assess its impact.

Following final feedback from the Bicester Partnership Group, the programme delivery plan will be submitted to NHS England for approval with a view to implementation commencing from 1 November 2016.

### **Alternative options**

Option 1: Not to endorse the detailed HNT Programme Delivery Plan co-produced with local partners and Bicester stakeholders. This is not proposed due to the relevance of this programme to Bicester, the importance of local people understanding and knowing how it can make a difference, and the need for a detailed delivery plan to secure funding from NHS England.

87

### **Business Rates Pooling Update**

The Chief Finance Officer submitted a report to seek approval in principle for the Council to continue to participate in a business rates pool.

### **Resolved**

- (1) That the Council remain in a business rates pool for participating authorities in Oxfordshire, noting the risks and benefits, be endorsed and approved 'in principle'.
- (2) That delegated authority be granted to the Chief Finance Officer (S151 Officer), in consultation with the Lead Member for Financial Management, to conclude necessary due diligence each year and confirm the Council's final intention on whether or not to participate in an Oxfordshire business rates pool (however constituted) in future years. This is subject to the Government not changing the current arrangements for pooling and if the arrangements were to change then a report would be brought back to Members for consideration.

### **Reasons**

It appears that the Council's financial interests will best be maximised by continuing to participate in a pooling arrangement. Given the lack of formal guidance from DCLG for confirming the Council's position and due to the fact that we may need to act quickly should DCLG require confirmation, it is necessary and appropriate to grant delegated authority to determine this to the Chief Finance Officer (S151 Officer) in consultation with the Lead Member for Financial Management. This arrangement should be ongoing but be subject to the Government not changing the current arrangements for pooling. If the arrangements were to change then a report will be brought back to Members for consideration.

### **Alternative options**

Option 1: To not approve the recommendations set out above. Based on current informal guidance, CLG are not asking for confirmation at the moment but this situation may change and urgent action will then be needed to inform CLG on whether or not to remain in the North Oxfordshire Pool.

The meeting ended at 7.20pm

Chairman:

Date: