

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 6 February 2023 at 6.30 pm

Present:

Councillor Barry Wood (Chairman), Leader of the Council and Portfolio Holder for Policy and Strategy
Councillor Ian Corkin (Vice-Chairman), Deputy Leader of the Council and Portfolio Holder for Regeneration and Economy
Councillor Phil Chapman, Portfolio Holder for Healthy Communities
Councillor Colin Clarke, Portfolio Holder for Planning
Councillor Nicholas Mawer, Portfolio Holder for Housing
Councillor Richard Mould, Portfolio Holder for Corporate Services
Councillor Adam Nell, Portfolio Holder for Finance
Councillor Lynn Pratt, Portfolio Holder for Property
Councillor Dan Sames, Portfolio Holder for Cleaner and Greener Communities

Apologies for absence:

Councillor Eddie Reeves, Portfolio Holder for Safer Communities

Also Present:

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

Officers:

Yvonne Rees, Chief Executive
Ian Boll, Corporate Director Communities
Michael Furness, Assistant Director Finance & S151 Officer
Shiraz Sheikh, Assistant Director Law and Governance & Monitoring Officer
David Peckford, Assistant Director Planning & Development
Nicola Riley, Assistant Director Wellbeing & Housing
Richard Webb, Assistant Director Regulatory Services & Community Safety
Eleanor Gingell, Planning Policy Team Leader
Natasha Clark, Governance and Elections Manager

Officers Attending Virtually:

Stephen Hinds, Corporate Director Resources
Shona Ware, Assistant Director Customer Focus
Richard Smith, Housing Services Manager

Joanne Kaye, Strategic Finance Business Partner
Kevin Larner, Healthy Communities Manager

86 **Declarations of Interest**

There were no declarations of interest.

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

There were no petitions or requests to address the meeting.

88 **Minutes**

The minutes of the meetings held on 9 January 2022 and 19 January 2022 were agreed as correct records and signed by the Chairman.

89 **Chairman's Announcements**

There were no Chairman's announcements.

90 **Urgent Business**

There were no items of urgent business.

91 **Budget Setting for 2023/24 and the Medium-Term Financial Strategy up to 2027/28**

The Assistant Director of Finance (S151 Officer) submitted a report which was the culmination of the Budget and Business Planning process for 2023/24 to 2027/28 and set out the Executive's proposed Business Plan and related revenue budget for 2023/24, medium term financial strategy to 2027/28, capital programme to 2027/28 and all supporting policies, strategies, and information to recommend to full Council.

In introducing the report, the Portfolio Holder for Finance explained that the Council adopted a forward looking and anticipatory approach to its financial management, which was acknowledged by the recent Peer Review in November 2022. The Council planned for, and continued to succeed in, encouraging and facilitating economic growth across the district. This success flowed through to the Council's finances, reflected in the level of income received from business rates and the New Homes Bonus grant.

The Council had proactively monitored both the economic situation and Government announcements over the past 12 months and devised and implemented a budget and business planning strategy that had delivered

within the constraints identified, consulting on a proposed balanced budget in November 2022. The Portfolio Holder thanked all who had responded to the budget consultation.

The Portfolio Holder for Finance reported that the Council was able to identify the risk of interest rate rises at an early stage, locking in low interest rates for all of its planned borrowing requirements, meaning only new borrowing requirements would need to be taken at higher rates.

The proposed net budget for the Council was £28.2m, which was an increase of £4.6m from 2022/23. A Band D Council Tax of £148.50 was proposed for the year which was an increase of £5 compared to 2022/23. The Capital Programme for the period 2023/24 – 2027/28 was proposed to be £35.9m. The Council planned to fund £2.0m of budget pressures and would deliver £1.0m of savings proposals as part of the 2023/24 budget.

The Portfolio Holder for Finance paid tribute to the Assistant Director of Finance and Finance Officers who worked hard to put together a balanced budget. The comments were echoed by the Leader and Deputy Leader on behalf of Executive.

Resolved

- (1) That authority be delegated to the Section 151 Officer (S151), following consultation with the Leader of the Council and Portfolio Holder for Finance, to complete the legal Council Tax calculations once all the information required has been received and submit a separate report to Council.
- (2) That authority be delegated to the S151, following consultation with the Leader of the Council and Portfolio Holder for Finance, to make appropriate changes to the Executive's proposed budget to Council.
- (3) That Council be recommended to approve the proposed Fees and Charges schedule for 2023/24 and agree that statutory notices be placed where required.
- (4) That Council be recommended to consider and note the Equality Impact Assessment of the Budget.
- (5) That Council be recommended to approve a pension fund prepayment for the years 2023/24 – 2025/26 of £5.7m.
- (6) That, in relation to the Business Plan, Council be recommended to approve the Business Plan and Annual Delivery Plan.
- (7) That, in relation to the Revenue Budget and Medium Term Financial Strategy (MTFS), Council be recommended to approve:

- i. The net revenue budget for the financial year commencing on 1 April 2023, as set out in the table below and further analysed in the Budget Book.

Directorate	Net budget 2023/24 £m
Communities	8.693
Resources	5.097
Chief Executive	5.460
Service Sub-total	19.250
Corporate Costs	3.695
Policy Contingency	5.229
Net Cost of Services	28.174

- ii. The MTFs and Revenue Budget 2023/24, including the Savings Proposals, and Pressures.

(8) That, in relation to Council Tax, Council be recommended to approve:

- i. An increase in the Basic Amount of Council Tax for Cherwell District Council for the financial year beginning on 1 April 2023 of £5, resulting in a Band D charge of £148.50 per annum.
- ii. For long term empty properties, an additional Council Tax premium will be charged of 100 percent for properties empty for two years or more, 200 percent for properties empty 5 years or more and 300 percent for properties empty 10 years or more.
- iii. Removal of the 25 percent discount currently available for 12 months to properties that are uninhabitable or undergoing structural repairs.

(9) That, in relation to the Capital Programme and related strategies, Council be recommended to approve:

- i. The Capital Bids and Capital Programme.
- ii. The Capital and Investment Strategy 2023/24 and revised 2022/23 including the Minimum Revenue Provision (MRP) Policy.
- iii. The Treasury Management Strategy, including the Prudential Indicators, and Affordable Borrowing Limit for 2023/24.

(10) That, in relation to reserves, Council be recommended to approve:

- i. A minimum level of General Balances of £6m.
- ii. The Reserves Policy.
- iii. The medium-term reserves plan.

- (11) That, in relation to the Pay Policy Statement, Council be recommended to approve the Pay Policy Statement, as required by the Localism Act 2010.

Reasons

This report provides information around the various building blocks that make up the proposed budget for 2023/24 and beyond, allowing members to consider and scrutinise the elements of the budget and provide advice and guidance to Council to help further shape both budget setting for 2023/24 and the MTFs up to 2027/28.

Alternative options

Option 1: To reject the current proposals and make alternative recommendations. Members will not be aware of the medium-term financial forecast or implications of alternatives if they choose to take this option.

92

Financial Management, Performance and Risk Monthly Update

The Assistant Director of Finance and Assistant Director – Customer Focus submitted a report to update Executive on the council's performance, risk and financial positions for the period up to the end of December 2022.

Resolved

- (1) That the Performance, Risk and Finance Monitoring Report for December 2022 be noted.
- (2) That the return of £0.025m to the Country Parks Reserve as it is no longer required this financial year be approved.
- (3) That the return of £0.023m of unspent Queens Jubilee Grant fund back to reserves be approved.

Reasons

This report provides an update on progress made during December 2022, to deliver the council's priorities through reporting on its performance, risk and financial positions

Alternative options

This report summarises the council's performance, risk and financial positions up to the end of December, therefore there are no alternative options to consider. However, Members may wish to request further information from officers or for inclusion.

Annual Monitoring Report 2022

The Assistant Director – Planning and Development submitted a report to seek approval of the Annual Monitoring Report (AMR) 2022 and the accompanying updates to the Local Plan’s Infrastructure Delivery Plan and the Brownfield Land Register.

In introducing the report, the Portfolio Holder for planning thanked the Planning Policy Team for their hard work in putting together the documents. The Chairman, on behalf of Executive, echoed the comments.

At the discretion of the Chairman, Councillor Broad addressed Executive. In response to the address, the Chairman advised that he would ask officers to respond the points Councillor Broad had raised.

Resolved

- (1) That the 2022 Annual Monitoring Report (AMR) (annex to the Minutes as set out in the Minute Book) be approved for publication.
- (2) That the 2021/22 Infrastructure Delivery Plan (IDP) update (annex to the Minutes as set out in the Minute Book) be approved for publication.
- (3) That the 2021/22 Brownfield Land Register (BLR) (annex to the Minutes as set out in the Minute Book) be approved for publication.
- (4) That the Assistant Director - Planning and Development, in consultation with the Portfolio Holder for Planning, be authorised to make any necessary minor and presentational changes to the Annual Monitoring Report, Infrastructure Delivery Plan update, Brownfield Land Register if required prior to publication.

Reasons

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 conclusions are that Cherwell is continuing to deliver homes and employment land despite the widely reported national pressures faced by the industry such as disrupted supply chains and labour shortages. Completions are broadly following similar patterns and trends as previous years.

Unlike previous years, this AMR does not present the 5 Year Land Supply position for the district. This is reported separately in a Housing Land Supply Position Statement on this agenda.

It is recommended that all three documents be approved for publication.

Alternative options

Option 1: Deferment to seek significant amendment of the: 2022 Annual Monitoring Report, Infrastructure Delivery Plan or Brownfield Land Register. Officers consider the documents to comprise robust factual reporting and updating against relevant indicators and requirements, supported by data and research. Presentation of the documents to the Executive has been unavoidably delayed and Members are therefore asked to consider amendment through delegation and consultation with the Portfolio Holder should they consider significant changes to be necessary.

Option 2: Not to approve the documents for publication
Production of an Authorities Monitoring Report is a statutory requirement and the AMR's wider information supports the Local Plan implementation and review. Updating 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 and its Partial Review.

94

'Regulation 10A' Planning Policy Review and Housing Land Supply Statement

The Assistant Director – Planning and Development submitted a report to seek approval of an updated review of planning policies under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and a Housing Land Supply Statement for publication.

In considering the report, Executive members commented that it was positive for the district that the five year housing land supply had increased.

At the discretion of the Chairman, Councillor Broad addressed the meeting. In response to Councillor Broad's query regarding the Oxford unmet housing need, the Portfolio Holder for Planning explained that this needed to be kept separate to the Cherwell District Council figure. The Partial Review of the Local Plan, which provided for housing to help meet Oxford's unmet housing needs, was not yet five years old (having been adopted in September 2020). The policy of the National Planning Policy Framework (NPPF) at paragraph 74 and footnote 39, to apply local housing need where the strategic policies were more than five years old and to use the standard method, was therefore not applicable to that Plan.

Resolved

- (1) That the review of planning policies under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (Annex to the Minutes as set out in the Minute Book) be approved.
- (2) That, noting the implications and conclusions of the report to Executive (Annex to the Minutes as set out in the Minute Book), the Housing

Land Supply Statement (Annex to the Minutes as set out in the Minute Book) be approved for publication.

- (3) That the Assistant Director - Planning and Development, in consultation with the Portfolio Holder for Planning, be authorised to make any necessary minor and presentational changes to the Regulation 10A Review and the Housing Land Supply Statement if required prior to publication in consultation with the Portfolio Holder for Planning.

Reasons

A Housing and Economic Needs Assessment (2022) has been produced which is materially different to that in the 2014 Strategic Housing Market Assessment (SHMA). It indicates that the 2014 SHMA is now out of date. The Cherwell Local Plan 2011-2031 is over five years old and a new 'Regulation 10A' Review of Local Plan Policies has been undertaken (February 2023). This shows that nearly all policies are generally consistent with government policy and/or local circumstances do not indicate that the policy needs updating at this time with the exception of Policy BSC1 District-wide Housing Distribution.

In accordance with the National Planning Policy Framework and planning guidance a Housing Land Supply Statement has been produced which applies the national defined 'Standard Method' of calculating local housing need for the purposes of land supply monitoring for Cherwell's needs. A comprehensive review of expected housing delivery has also been undertaken. It is shown that the district now has a 5.4 year housing land supply (for 2022-2027) which will need to be taken into account in decision making.

The Partial Review of the Local Plan is less than five years old and its housing requirements continue to apply for housing land supply monitoring. Although the sites allocated in that Plan are progressing, there is presently a negligible land supply assessment of 0.2 years (for 2022-2027). Whilst regard to that should be made in decision making, the Partial Review has a specific policy (Policy PR12b) requiring the Council to make a formal decision that additional land beyond that allocated in the Partial Review is required to ensure the requisite housing supply. For the reasons, set out at paragraph 3.29 of this report, officers do not recommend that such a decision is taken.

Members are invited to approve the Regulation 10A Review and the Housing Land Supply Statement.

Alternative options

Option 1 - Not to approve the Regulation 10A Review or Housing Land Supply Statement

Officers consider the material change in circumstances arising from publication of the HENA 2022 to have been appropriately considered and the

Regulation 10A Review and the Housing Land Supply Statement to be in accordance with national planning policy and guidance and to be robust and defensible positions.

Not to approve the Review and Statement would leave the 2021 Regulation 10A Review and the Housing Land Supply position set out in the 2021 AMR unchanged. Officers would need to take further advice in the Council's interest.

95

Tenants Charter

The Assistant Director Wellbeing and Housing submitted a report to endorse the approach of a Tenants Charter for the tenants within the Council's housing stock portfolio and to agree to receive a draft proposed Charter for approval at a future meeting of the Executive. The report also sought agreement to receive a further report to update Executive on the engagement of Registered Social Landlords and Private Landlords.

At the discretion of the Chairman, Councillor Woodcock addressed the meeting and advised that he did not support the proposal as it did not reflect the motion he had submitted to the 19 December 2022 Council meeting.

In response to Councillor Woodcock's address, the Portfolio Holder for Housing advised he disagreed with the comments and explained that the whole district, not just the council's tenants, would benefit in line with the motion that had been agreed by Council.

Resolved

- (1) That the drafting of a Tenants Charter, which will set out a new service standard that all tenants can expect to receive from the Council whilst they are living within properties the Council manages and will be developed in consultation with our tenants, be approved.
- (2) That it be noted that as part of the drafting and future adoption of the Charter, the Council and its Officers will engage with Registered Social Landlords and Private Landlords to seek improvements in the services that they are providing to their residents in Cherwell.

Reasons

Further to the Motion at Council on 19 December 2022, the Tenants Charter will be implemented during 2023 for Cherwell District Council tenants.

Alternative options

Option 1: Not to bring forward a Tenants Charter.
This option would be contrary to a Motion from Council

Option 2: To bring forward a Tenants Charter for all tenants in Cherwell, regardless of their landlord

This option would not be practical. It is up to the landlord to manage their own tenancies in accordance with the contractual relationships they have with their own tenants. The Council can instead look to encourage and influence good practice within the District and enforce poor practice where legally necessary.

96

A Grant scheme for Parishes for the Coronation of King Charles III

The Assistant Director Wellbeing and Housing submitted a report to consider a grant scheme and other arrangements to encourage community celebrations of His Majesty King Charles III's coronation, ensuring communities in Cherwell have sufficient time to get plans in place to celebrate; especially for road closures and large-scale town or village-wide events.

Resolved

- (1) That the grant scheme for Parishes for the Coronation of King Charles III and the promotional measures be agreed.
- (2) That it be agreed to work with colleagues from neighbouring authorities and the Lord Lieutenants office to coordinate and join up support for communities planning celebrations,
- (3) That it be agreed to promote the available local and national funding streams through a co-ordinated communications plan and dedicated webpage.

Reasons

The proposed grant scheme will allow local communities to celebrate and pay tribute to King Charles III. It will encourage community cohesion and neighbourliness in Cherwell's parishes and urban communities.

Alternative options

Option 1: Consideration has been given to extending eligibility to informal neighbourhood groups. This has not been recommended because the money would be paid over to individuals rather than established, accountable organisations.

Option 2: Consideration has been given to restricting grants to events taking place on the Coronation weekend. Given the work involved in organising an event and the short lead-in times to apply for this grant, it is considered fairer to extend eligibility to events from April to June 2023.

Option 3: Not to establish a grants scheme to celebrate the Coronation of King Charles III.

Revisions to the Council's Taxi and Private Hire Licensing Policy

The Assistant Director of Regulatory Services and Community Safety submitted a report to provide a summary of the background to the proposed changes to the Council's Taxi and Private Hire Licensing Policy, the consultation process being followed, a summary of consultation responses to date and the proposed revisions to the policy resulting from those responses. Changes to the policy require approval by Full Council and the proposed changes would be submitted to the 28 February 2023 Full Council meeting.

The Council had a statutory duty to ensure the proper administration of taxi licensing legislation in the district. Taxi services are an important part of the local economy and therefore fulfilling this statutory duty contributes to the Council's priority to ensure the district has an enterprising economy with strong and vibrant local centres. The primary purpose of the licensing regime is to promote public safety and therefore the Council's work to licence taxi drivers, vehicles and operators also supports the commitment to work with partners to reduce crime and antisocial behaviour. Further, the proposed revisions to the licensing policy include measures to reduce the carbon emissions of the taxi fleet in support of the council's commitment to protect the environment and to help achieve net zero targets.

In October 2022 the Executive had agreed to commence consultation on proposed changes to the Council's Taxi and Private Hire Licensing Policy ('the policy'). This public consultation commenced on 1 December 2022 and closed on 31 January 2023.

The Assistant Director Regulatory Services and Community Safety advised Executive of submissions to the consultation that had been received before the deadline but after the papers for the meeting had been published. In light of these responses, seven further changes were recommended to the Policy. There were a further ten submissions which were not recommended for inclusion. Executive endorsed the further changes and it was proposed by Councillor Wood that authority be delegated to the Assistant Director Regulatory Services and Community Safety, in consultation with the Portfolio Holder for Safer Communities, to incorporate these areas and finalise the Policy for submission to Council.

At the discretion of the Chairman, Councillor Broad addressed Executive commending the addition of paragraphs relating to the protection of the environment.

In considering the report, Executive members commended officers for the hard work on the report and in particular the consultation and engagement with taxi drivers and those in the trade to build the Policy.

Resolved

- (1) That having given due consideration to the proposed changes to the Council's Taxi and Private Hire Licensing Policy and the comments received during the consultation process, the proposed policy revisions

be endorsed for submission to Full Council on 28 February 2023 and Full Council be recommended to adopt the Taxi and Private Hire Licensing Policy.

- (2) That authority be delegated to the Assistant Director Regulatory Services and Community Safety, in consultation with the Portfolio Holder for Safer Communities, to incorporate the endorsed policy revisions and finalise the Taxi and Private Hire Licensing Policy for submission to Full Council.

Reasons

In order to effectively discharge the Council's taxi licensing legal obligations a policy framework is required. The current policy requires updating. The proposed new policy reflects changes to the statutory standards, provides clearer guidance on the taxi and private hire licensing process, and explains how the Council will make decisions in relation to the licensing of vehicles, drivers and operators. It also seeks to reduce the carbon emissions of the taxi fleet in the district.

It is recommended that the Executive review the proposed policy revisions shown in the Appendices and agree the final policy proposals recommendation to Full Council in February 2023.

Alternative options

Option 1: Not review the policy. It is a requirement that the policy is reviewed at least every five years, so this option is rejected.

Option 2: Re-issue the policy with no changes. This option was rejected since revisions of the policy were considered necessary to take into account changes in policy and guidance and commitments provided.

The Chairman advised Executive that this was the last Executive meeting the Assistant Director Regulatory Services and Community Safety would be attending as he was leaving the council to take up a new role. On behalf of Executive, the Chairman thanked the Assistant Director Regulatory Services and Community Safety for all of his hard work and efforts for Cherwell District Council and wished him all the best in his new role.

The Oxford to Cambridge Partnership

The Chief Executive submitted a report regarding the Oxford to Cambridge Partnership. Proposals for a locally led Partnership for the Oxford to Cambridge region had been formally approved by government. The Partnership's role would be to champion the region as a world leader in research and innovation in hi-tech, high-performance technology and manufacturing, acting to achieve environmentally sustainable and inclusive growth. It would strengthen cross-boundary collaboration among its partners

to focus on tackling the issues that matter to the people who live and work in the region.

The Partnership's initial programme was to develop a set of propositions to attract international investment and profile the region on a global stage; and continue the work underway to embed shared Environment Principles.

At the discretion of the Chairman, Councillor Broad addressed Executive.

Resolved

- (1) That it be agreed for Cherwell District Council to be part of the Oxford to Cambridge Partnership as it becomes formally recognised and funded by Government as a Pan-Regional Partnership (PRP).
- (2) That the Leader be appointed as the Council's representative on the Pan Regional Partnership.

Reasons

Cherwell District Council supports partnership working locally, across Oxfordshire and beyond as there are real benefits to be achieved through potentially more efficient working, effective delivery at scale as well as access to additional funding and strength in working with and influencing central Government.

The Oxford to Cambridge region is an area of economic success and will continue to be so. It has been the consistent view of the Council to try its best to positively influence that growth and seek the greatest benefits for our communities. By working with other sector partners, as well as key stakeholders who directly influence that economic growth but who also seek to gain benefits for our local natural environment, we can benefit from sharing best practice, learning and also engage directly with those who have the most influence on our places and people. For these reasons it is recommended the Council continues to not only remain as a local partner, but to actively engage and where beneficial to the district, to lead wider partnership activity.

Alternative options

The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to be part of the PRP. This was rejected as the ability to positively influence collaboration across this geography and the access to resulting additional funding would be lost, to the detriment to the communities of Cherwell District Council.

The meeting ended at 8.20 pm

Chairman:

Date: