



**Summary of the decisions taken at the meeting
of the Executive held on Monday 7 January 2019**

1. Date of publication of this summary: 8 January 2019
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 11 January 2019
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 Collaboration Agreement</p> <p>Report of Director Law and Governance / Monitoring Officer</p> <p>Recommendations</p> <p>The meeting is recommended:</p> <p>1.1 To recommend to Full Council that it agrees to enter into a Collaboration Agreement between Cherwell District and South Northamptonshire councils, and to delegate to the Monitoring Officer, in consultation with the Leader of the Council, authority to finalise and</p>	<p>Resolved</p> <p>(1) That Full Council be recommended to agree to enter into a Collaboration Agreement between Cherwell District and South Northamptonshire councils, and to delegate to the Monitoring Officer, in consultation with the Leader of the Council, authority to finalise and enter into the Agreement based on the provisions provided by the Local Government Act 1972, the Local Government Act 2000, the Local Authorities (Arrangements for the</p>	<p>It is important that both councils can continue to deliver services after 16 January 2019 which for most services will either be prior to separation taking place or permanent delivery arrangements being put in place for those services that cannot be separated. It is clear that in the interim there needs to be a legal arrangement that allows this and a Collaboration Agreement is seen as the most appropriate vehicle to enable this.</p>	<p>Option 1: not to enter into an agreement between the councils. This is rejected as many council services would not be able to function.</p> <p>Option 2: a Collaboration Agreement based on the provisions provided through the Local Authority (Goods and Services) Act 1970.</p> <p>Section 1 of the Local Authority (Goods and Services) Act 1970 enables a local authority to provide another public body with goods or materials, administrative, professional, or technical services. The Act does not in itself exempt local authorities from complying</p>	<p>None</p>

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<p>enter into the Agreement based on the provisions provided by the Local Government Act 1972, the Local Government Act 2000, the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 and the Localism Act 2011.</p>	<p>Discharge of Functions) (England) Regulations 2012 and the Localism Act 2011.</p>		<p>with the Public Contracts Regulations 2015, however an exemption is provided by “the Hamburg exemption” (Hamburg (Commission v Germany) Case C-480/06). A Collaboration Agreement containing these provisions would allow two-way co-operation between the two councils with the aim of ensuring that the public services they have to perform: are provided with a view to achieving objectives they have in common; is governed solely by considerations relating to the public interest; and less than 20% of the activities concerned by the co-operation are performed on the open market.</p>	

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			<p>Whilst it is considered that the Hamburg exemption could provide appropriate authority to enter into such an agreement, there is a potential argument that the Hamburg exemption applies only to services that Councils “have to perform” rather than any discretionary services. Therefore, any discretionary services over the financial threshold in the Public Contract Regulations 2015 would be subject to the procurement rules. Given that discretionary services are included in those which would be shared it is not considered that the Local Authority (Goods and Services) Act 1970 would be the best option</p>	

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			for the Councils due to it carrying a risk of challenge.	
<p>Agenda Item 7 Business Rates Retail Relief Policy</p> <p>Report of Executive Director Finance and Governance</p> <p>Recommendations</p> <p>The meeting is recommended:</p> <p>1.1 To note the contents of this report.</p> <p>1.2 To recommend to Council to approve the proposed Business Rates Retail Relief Policy (Appendix 1).</p>	<p>Resolved</p> <p>(1) That the contents of the report be noted.</p> <p>(2) That Full Council be recommended to approve the proposed Business Rates Retail Relief Policy.</p>	<p>Members of Budget Planning Committee have considered this report and have recommended to Executive the introduction of the Business Rates Retail Relief Scheme and the related Policy effective from 1 April 2019.</p>	<p>Option 1: Members could agree not to determine a Business Rates Retail Relief Policy, but this would mean the Council is not complying with Central Government guidance and would be to the detriment of ratepayers in the district.</p>	<p>None</p>

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<p>Agenda Item 8 Local Discretionary Business Rate Relief Scheme for 2019-20</p> <p>Report of Executive Director Finance and Governance</p> <p>Recommendations</p> <p>The meeting is recommended:</p> <p>1.1 To note the contents of the report.</p> <p>1.2 To approve the adoption of the local Discretionary Business Rate Relief Scheme for 2019-20.</p>	<p>Resolved</p> <p>(1) That the contents of the report be noted.</p> <p>(2) That the adoption of the local Discretionary Business Rate Relief Scheme for 2019-20 (annex to the Minutes as set out in the Minute Book) be approved.</p>	<p>Members of Budget Planning Committee have considered this report and have recommended to Executive to approve the adoption of the Local Discretionary Business Rates Relief Scheme 2019-2020.</p>	<p>Option 1: Members could choose not to recommend the proposed schemes to Executive, but in view of the fact that expenditure will be reimbursed the Government expects billing authorities to grant relief to all qualifying ratepayers</p>	<p>None</p>
<p>Agenda Item 9 Council Tax Base 2019-2020</p>	<p>Resolved</p> <p>(1) That having given due</p>	<p>For the purposes of Section 31B of the Local Government Finance Act 1992 and the</p>	<p>Option 1: None. The Council has to set a tax base in order to set its</p>	

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<p>Report of Executive Director: Finance and Governance</p> <p>Recommendations</p> <p>The meeting is recommended:</p> <p>1.1 That the report of the Executive Director of Finance and Governance for the calculation of the Council's Tax Base for 2019-2020 be considered and:</p> <p>(a) That pursuant to the Executive Director of Finance and Governance's report and in accordance with the Local Authorities (Calculation of</p>	<p>consideration to the report of the Executive Director of Finance and Governance for the calculation of the Council's Tax Base for 2019-2020, it be resolved:</p> <p>(b) That pursuant to the Executive Director of Finance and Governance's report and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Cherwell District</p>	<p>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 purposes in February 2019) 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>	<p>council tax for 2019-2020.</p>	

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<p>Council Tax Base) (England) Regulations 2012, the amount calculated by Cherwell District Council as its Council Tax Base for the year 2019-2020 shall be 53,876.9 This shall be subject to final confirmation by the Section 151 Officer in consultation with the Lead Member for Financial Management.</p> <p>(b) As for the parishes which form part of its area shown in Appendix 2, the</p>	<p>Council as its Council Tax Base for the year 2019-2020 shall be 53,876.9 This shall be subject to final confirmation by the Section 151 Officer in consultation with the Lead Member for Financial Management and Governance.</p> <p>(b) As for the parishes which form part of its area shown in the annex to the Minutes (as set out in the Minute</p>			

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<p>amount calculated as the Council Tax Base for the year 2019-2020 in respect of special items shall be as indicated in the column titled Tax Base 2019-2020.</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 year 2019-2020 for the purposes of levies on Oxfordshire County Council by River Authorities, shall</p>	<p>Book), the amount calculated as the Council Tax Base for the year 2019-2020 in respect of special items shall be as indicated in the column titled Tax Base 2019-2020.</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 year 2019-2020 for the purposes of levies on Oxfordshire</p>			

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<p>be: Thames Flood Defence Area Anglian (Great Ouse) Flood Defence Area Severn Region Flood Defence Area</p> <p>1.2 To delegate final approval of the Council Tax Base for 2019-2020 to the Section 151 Officer in consultation with the Lead Member for Financial Management.</p>	<p>County Council by River Authorities, shall be:</p> <table data-bbox="667 619 1010 791"> <tr> <td>Thames Flood Defence Area</td> <td>51,560.8</td> </tr> <tr> <td>Anglian (Great Ouse) Flood Defence Area</td> <td>1,871.9</td> </tr> <tr> <td>Severn Region Flood Defence Area</td> <td>444.2</td> </tr> </table> <p>(2) That final approval of the Council Tax Base for 2019-2020 be delegated to the Section 151 Officer in consultation with the Lead Member for Financial Management and Governance.</p>	Thames Flood Defence Area	51,560.8	Anglian (Great Ouse) Flood Defence Area	1,871.9	Severn Region Flood Defence Area	444.2			
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<p>Agenda Item 10 Draft Business Plan 2019/20 and Summary Medium Term Financial Strategy 2019/20 - 2023/24</p> <p>Report of Executive Director Finance and Governance</p> <p>Recommendations</p> <p>The meeting is recommended:</p> <p>1.1. To note the contents of this report.</p>	<p>Resolved</p> <p>(1) That the contents of the report be noted.</p>	<p>This report provides members with an update on the Business Plan 2019/20 and the Council's Summary Medium Term Financial Strategy (MTFS) for 2019/20 to 2023/24 prior to the final MTFS being presented during February 2019.</p>	<p>Option 1: To not note the report but members will not be aware of the medium term financial forecast if they choose to take this option.</p>	<p>None</p>
<p>Agenda Item 11 Monthly Performance, Risk and Finance Monitoring Report - November 2018</p> <p>Report of Executive Director: Finance and Governance and Assistant Director:</p>	<p>Resolved</p> <p>(1) That the monthly Performance, Risk and Finance Monitoring Report be noted.</p>	<p>The Council is committed to performance, risk and budget management and reviews progress against its corporate priorities on a monthly basis.</p> <p>This report provides an update on progress made so</p>	<p>Option 1: This report illustrates the Council's performance against the 2018-19 business plan. As this is a monitoring report, no further options have been considered. However, members may</p>	<p>None</p>

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<p>Performance and Transformation</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>far in 2018-19 to deliver the Council's priorities through reporting on Performance, the Leadership Risk Register and providing an update on the financial position.</p>	<p>wish to request that officers provide additional information.</p>	