

Public Document Pack

Cherwell District Council

Council

Minutes of a meeting of the Council held as a virtual meeting, on 14 December 2020 at 6.30 pm

Present:

Councillor David Hughes (Chairman)
Councillor Hannah Banfield (Vice-Chairman)
Councillor Andrew Beere
Councillor Nathan Bignell
Councillor Maurice Billington
Councillor Mike Bishop
Councillor John Broad
Councillor Hugo Brown
Councillor Phil Chapman
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Conrad Copeland
Councillor Ian Corkin
Councillor Surinder Dhese
Councillor John Donaldson
Councillor Sean Gaul
Councillor Carmen Griffiths
Councillor Timothy Hallchurch MBE
Councillor Chris Heath
Councillor Simon Holland
Councillor Shaida Hussain
Councillor Tony Ilott
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Tony Mephram
Councillor Ian Middleton
Councillor Perran Moon
Councillor Richard Mould
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor George Reynolds
Councillor Barry Richards
Councillor Dan Sames
Councillor Les Sibley
Councillor Jason Slaymaker
Councillor Katherine Tyson
Councillor Tom Wallis
Councillor Douglas Webb
Councillor Fraser Webster
Councillor Lucinda Wing

Councillor Barry Wood
Councillor Sean Woodcock

Apologies for absence:

Councillor Nick Cotter
Councillor Andrew McHugh
Councillor Bryn Williams

Officers:

Yvonne Rees, Chief Executive
Steve Jordan, Corporate Director Commercial Development, Assets & Investment & Interim Monitoring Officer
Michael Furness, Assistant Director Finance
Sukdave Ghuman, Head of Legal Services
Richard Hawtin, Team Leader Property & Contracts
Glenn Watson, Principal Governance Officer
Natasha Clark, Governance and Elections Manager

50 **Welcome**

The Chairman welcomed councillors, officers and members of the public and press to the virtual meeting of Full Council.

The Chairman introduced the Vice-Chairman, Councillor Hannah Banfield, and explained that if he had any technical issues and had to drop out of the meeting, Councillor Banfield would take the Chair until he was reconnected.

The Chairman welcomed Councillor Billington back to the virtual Chamber after a short illness. Councillor Billington thanked all Members who had sent him their best wishes and those who had helped him during his illness.

51 **Declarations of Interest**

There were no declarations of interest.

52 **Communications**

Housekeeping

The Chairman reminded Members of the protocol and etiquette for virtual meetings.

Chairman's Engagements

The Chairman referred to the list of events that had been included with the agenda pack and explained that whilst he had been unable to attend events, he had been joining events virtually.

Councillor Copeland

The Chairman advised Council that Councillor Copeland had contacted him and the Monitoring Officer regarding the October Council meeting. The Chairman explained that he acknowledged the concerns raised and apologised to Councillor Copeland for the error whereby he had proposed an amendment to the Constitution Review report which was incorrectly ruled out of order. The Chairman further explained that he would refer to this at the agenda item to approve the minutes of the previous Council meeting and that he had asked the Governance and Elections Manager to reflect this matter in the minutes of the December meeting.

The Chairman observed that, as Committee Chairs would be aware, chairing virtual meetings added an additional layer of complexity and mistakes were made from time to time. The Chairman thanked Members for their patience as Members continued with these different ways of working and meeting.

53 Thames Valley Police - Address by Deputy Police and Crime Commissioner and Chief Constable

The Chairman welcomed the Deputy Police and Crime Commissioner for Thames Valley, Matthew Barber, Chief Constable John Campbell and Superintendent Emma Garside, Thames Valley Police, to the meeting and invited them to address Council regarding policing in Thames Valley.

Following the presentation, the Deputy Police and Crime Commissioner, the Chief Constable and Superintendent Garside answered questions Members had submitted in advance of the meeting and some supplementary questions.

The Chairman thanked the Deputy Police and Crime Commissioner, the Chief Constable and Superintendent Garside for their attendance.

54 Petitions and Requests to Address the Meeting

The Chairman advised the meeting that there were no petitions but that there were four requests to address the meeting on agenda item 9, motions. Three of the request were in relation to the motion on the Climate and Ecological Emergency Bill and one was in relation to the motion on hunting. Each speaker would be able to speak for up to 5 minutes and would be called to address the meeting prior to the start of the motion they had registered to speak on.

55 Urgent Business

There were no items of urgent business.

56 **Minutes of Council**

The Chairman referred to the statement he had made earlier under Chairman's announcements. Subject to the inclusion of the amendment to Minute 46, Constitution Review, to reference the amendment proposed by Councillor Copeland that had been ruled out of order, the minutes of the meeting held on 19 October 2020 were agreed as a correct record to be signed by the Chairman in due course.

57 **Minutes**

a) Minutes of the Executive, Lead Member Decisions and Executive Decisions made under Special Urgency

Resolved

That the minutes of the meeting of the Executive and Lead Member decisions as set out in the Minute Book be received and that it be noted that since the last meeting of Council on 19 October 2020, no key decisions have been taken by the Executive which were not included in the 28 day notice.

b) Minutes of Committees

Resolved

That the minutes of Committees as set out in the Minute Book be received.

58 **Questions**

a) Written Questions

The Chairman advised Council that one written question addressed to the Leader of the Council, Councillor Wood, had been submitted with advance notice in accordance with the Constitution and had been published with the agenda. A responses to the question had been published as a supplement to the agenda (and are an annex to the Minutes as set out in the Minute Book).

The question was from Councillor Middleton in relation to Castle Quay shopping centre. By way of a supplementary question, Councillor Middleton asked the Leader if the Castel Quay Working Group should be more transparent. The Leader advised that the remit of the Working Group had been detailed in the published response to the written question and explained that an All Member Briefing of Castle Quay 1 and Castle Quay 2 in the New Year.

b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Councillor Reynolds: Bus services

Councillor Billington: Kidlington bollard

Councillor Woodcock: The financial settlement and the council's budget consultation

Councillor Dhesi: Face covering littering

Councillor Moon: No deal Brexit and the implications for the council

c) Questions to Committee Chairmen on the Minutes

There were no questions to Committee Chairman on the minutes of meetings.

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Motions

The Chairman advised that three motions had been submitted. No amendments to any of the motions had been submitted and, in line with the Constitution, no amendments to the motion were now permitted.

Climate and Ecological Emergency (CEE) Bill

The Chairman invited those people who had registered to speak on the motion to address Council prior to Council's consideration of the motion. Council heard from the following public speakers:

Jane Rogers, local resident

Berenice Westwood, local resident

Michael Taylor, local resident

It was proposed by Councillor Middleton and seconded by Councillor Broad that the following motion be adopted.

"In 2019 this council and many others recognised the importance of tackling impending global ecological disaster by unanimously passing a climate emergency motion.

As a next step, Green MP Caroline Lucas recently introduced the Climate and Ecological Emergency Bill (CEE) to Parliament, which seeks to ensure that the UK plays its fair and proper role in limiting global temperatures to 1.5°C. Full details can be found at <https://www.ceebill.uk/>.

The Bill was prepared by the CEE Bill Alliance, a team of scientists, academics, lawyers and campaigners guided by current science and has received cross party support from over 80 MPs.

It calls for urgent, far-reaching actions from the Government that take into account our entire global carbon footprint, including all emissions involved in the production and transport of goods from overseas that are consumed in the UK.

The Bill seeks to ensure that we take action now, rather than depending on new, untested future technologies, with a focus on the natural world as much as on the climate, protecting and conserving wildlife habitats in the UK and across the world.

A central mechanism for achieving these aims would be Citizen's Assemblies that would have a real influence on government strategy.

This council wishes to show support for the CEE Bill by :

- Taking into account the goals of The Bill when setting its own strategies, policies and targets.
- Encouraging individual councillors to join the CEE campaign
- Calling on all Oxfordshire MPs to sign the CEE Bill Early Day Motion (no 832)"

No amendments to the motion having been proposed, the motion was debated as submitted. In the course of the debate it was proposed by Councillor Broad and seconded by Councillor Middleton that a recorded vote be taken. Having been proposed and seconded, a recorded vote was duly taken, and Members voted as follows:

Councillor Hannah Banfield	Abstain
Councillor Andrew Beere	Abstain
Councillor Nathan Bignell	Against
Councillor Maurice Billington	Against
Councillor Mike Bishop	Against
Councillor John Broad	For
Councillor Hugo Brown	Against
Councillor Phil Chapman	Against
Councillor Mark Cherry	Abstain
Councillor Colin Clarke	Against
Councillor Conrad Copeland	For
Councillor Ian Corkin	Against
Councillor Surinder Dhesi	Abstain
Councillor John Donaldson	Against
Councillor Sean Gaul	Against
Councillor Carmen Griffiths	Against
Councillor Timothy Hallchurch	Against
Councillor Chris Heath	Against
Councillor Simon Holland	Against
Councillor David Hughes	Against

Councillor Shaida Hussain	Abstain
Councillor Tony Ilott	Against
Councillor Mike Kerford-Byrnes	Against
Councillor James Macnamara	Against
Councillor Kieron Mallon	Against
Councillor Nick Mawer	Against
Councillor Tony Mephram	Against
Councillor Ian Middleton	For
Councillor Perran Moon	Abstain
Councillor Richard Mould	Against
Councillor Cassi Perry	Abstain
Councillor Lynn Pratt	Against
Councillor George Reynolds	Against
Councillor Barry Richards	Abstain
Councillor Dan Sames	Against
Councillor Les Sibley	Against
Councillor Jason Slaymaker	Against
Councillor Katherine Tyson	For
Councillor Tom Wallis	Against
Councillor Douglas Webb	Against
Councillor Fraser Webster	Abstain
Councillor Lucinda Wing	Against
Councillor Barry Wood	Against
Councillor Sean Woodcock	Abstain

The vote was lost and the motion therefore fell.

Improving Coronavirus testing and tracing

It was proposed by Councillor Tyson and seconded by Councillor Middleton that the following motion be adopted.

“Cherwell District Council would like to stand in solidarity with Oxford City Council in expressing our concern that, so far into the COVID pandemic, the country still does not have an adequate testing and tracing system. A fully functioning system decreases the risk of Oxfordshire residents to coronavirus.

Test and trace is proven in countries with a properly functioning locally-based system to be a successful strategy to manage and contain COVID-19 outbreaks.

This Council agrees that to rectify the situation substantial control should be passed to local authorities, with the necessary funding to do the job properly, with national input providing any support necessary to ensure effective co-ordination.

A local scheme will:

- Improve traceability
- Enable increased and targeted testing, including asymptomatic testing
- Be better integrated into existing Council COVID support services
- Be a more cost-effective solution
- Achieve greater community engagement
- Allow for the engagement of local volunteers

Pressure is building on the Government both to use local authorities more and to cease contracting out 'NHS Test and Trace' to private companies. Local authorities in Oxfordshire are working better than the national average in tackling COVID19 and should be supported.

This Council agrees to add its voice to those challenging the current, failed national system by asking the Leader to:

- Call on our Director of Public Health and the Leader of the County Council to support more local authority engagement in testing and tracing.
- Write to our MPs asking them for their support.”

No amendments to the motion having been proposed, the motion was debated as submitted. In the course of the debate it was proposed by Councillor Tyson and seconded by Councillor Richards that a recorded vote be taken. Having been proposed and seconded, a recorded vote was duly taken, and Members voted as follows:

Councillor Hannah Banfield	For
Councillor Andrew Beere	For
Councillor Nathan Bignell	Against
Councillor Maurice Billington	Against
Councillor Mike Bishop	Against
Councillor John Broad	For
Councillor Hugo Brown	Against
Councillor Phil Chapman	Against
Councillor Mark Cherry	For
Councillor Colin Clarke	Against

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Councillor Conrad Copeland	For
Councillor Ian Corkin	Against
Councillor Surinder Dhesi	For
Councillor John Donaldson	Against
Councillor Sean Gaul	Against
Councillor Carmen Griffiths	Against
Councillor Timothy Hallchurch	Against
Councillor Chris Heath	Against
Councillor Simon Holland	Against
Councillor David Hughes	Against
Councillor Shaida Hussain	For
Councillor Tony Ilott	Against
Councillor Mike Kerford-Byrnes	Against
Councillor James Macnamara	Against
Councillor Kieron Mallon	Against
Councillor Nick Mawer	Against
Councillor Tony Mephram	Against
Councillor Ian Middleton	For
Councillor Perran Moon	For
Councillor Richard Mould	Against
Councillor Cassi Perry	For
Councillor Lynn Pratt	Against
Councillor George Reynolds	Against
Councillor Barry Richards	For
Councillor Dan Sames	Against
Councillor Les Sibley	For
Councillor Jason Slaymaker	Against
Councillor Katherine Tyson	For
Councillor Tom Wallis	Against
Councillor Douglas Webb	Against
Councillor Fraser Webster	For
Councillor Lucinda Wing	Against
Councillor Barry Wood	Against
Councillor Sean Woodcock	For

The vote was lost and the motion therefore fell.

Hunting

The Chairman invited Linda Newberry, local resident, who had registered to speak on the motion to address Council.

It was proposed by Councillor Middleton and seconded by Councillor Copeland that the following motion be adopted.

“The 2005 Hunting Act banned hunting wild mammals with dogs except in specific circumstances. Hunts subsequently switched to trail hunting, where artificial scent trails are laid for the hounds to follow.

The League Against Cruel Sports recently released a secretly recorded meeting between key members of the hunting community in which they allegedly describe trail hunting as a "smokescreen" for hunts that wish to follow live prey. This is being investigated by the police and potentially makes any organisation that facilitates hunting on its land complicit in an illegal activity.

As a result national bodies including The National Trust, Forestry England, The Lake District National Park, Natural Resources Wales and United Utilities have suspended hunting on their land. Similar responses are likely from other organisations including the MOD and the Church of England.

Council notes that hunts in and around Cherwell have crossed public land and highways in the district, and as a result of these new restrictions these incidents may increase. As a responsible authority, we must also take steps to ensure we are not seen to be supporting potentially illegal activities.

Council calls on the leader to write to hunt masters in and around the district and Thames Valley Police, making it clear that, while investigations into trail hunting are ongoing, hunts will not be permitted to cross public or council controlled land or cause a nuisance on public highways within Cherwell, and that we will expect any such encroachments to be prosecuted to the fullest extent.”

No amendments to the motion having been proposed, the motion was debated as submitted and on being put to the vote was lost and therefore fell.

60 Council Tax Reduction Scheme and Council Tax Discounts 2021-2022

The Director of Finance submitted a report to seek approval for a Council Tax Reduction Scheme for the year 2021-2022 on the recommendation of Budget Planning Committee and Executive. The report also provide Members with an update on Council Tax discounts and sought approval for the Council Tax discounts for 2021-2022.

In introducing the report, the Lead Member for Financial Management and Governance, Councillor Ilott, thanked Finance Officers and the Budget Planning Committee for their work on the Scheme.

Resolved

- (1) That a Council Tax Reduction Scheme (CTRS) for the year 1 April 2021 to 31 March 2022 (as set out in the annex to the Minutes as set out in the Minute Book) be approved and it be agreed the scheme be implemented with effect from 1 April 2021.
- (2) That delegated authority be granted to the Section 151 Officer to make amendments to the Council Tax Regulations up to and including 31 January 2021 for pensioners in line with uprating announced by MHCLG and to amend the Working Age Regulations in line with the new income banded scheme and the uprating announced by MHCLG.
- (3) That, having given due consideration, the following level of Council Tax discounts and premiums for 2021-2022 be approved:
 - Retain the discount for second homes at zero.
 - Retain the discount for empty homes (unoccupied and substantially unfurnished) at 25% for 6 months and thereafter at zero.
 - Retain the discount for empty homes undergoing major repair at 25% for 12 months and thereafter at zero.
 - Retain the empty homes premium of an additional 100% for properties that have remained empty for more than 2 years.

Constitution Review

The Corporate Director – Commercial Development, Assets and Investment & (Interim) Monitoring Officer submitted a report which presented to Council the recommendations of the Overview and Scrutiny Committee for changes to the Constitution and for procedures for its annual review.

It was proposed by Councillor Copeland and seconded by Councillor Broad that the recommendations relating to the Order of business/finish time for Full Council, recommendation 1.12, to change the order of business for Full Council so that motions are taken after questions and reports (noting that the Constitution allows the Chairman to amend the order of business in any case in any given instance), and 1.13, to introduce a finish time of 11 pm for Full Council meetings with the provisos that the meeting would not stop mid-way through an item; the Chairman of the Council has discretion to continue the meeting to conclude business, if, in the opinion of the Chairman, this would be appropriate; and that any motions not considered would be carried forward to be considered at the next scheduled Full Council meeting, be deleted from the recommendations.

The amendment having been proposed and seconded was duly debated. In the course of the debate it was proposed by Councillor Tyson and seconded by Councillor Copeland that a recorded vote on the amendment be taken. Having been proposed and seconded, a recorded vote was duly taken and Members voted as follows:

Councillor Hannah Banfield	For
Councillor Andrew Beere	For
Councillor Nathan Bignell	Against
Councillor Maurice Billington	Against
Councillor Mike Bishop	Against
Councillor John Broad	For
Councillor Hugo Brown	Against
Councillor Phil Chapman	Against
Councillor Mark Cherry	For
Councillor Colin Clarke	Against
Councillor Conrad Copeland	For
Councillor Ian Corkin	Against
Councillor Surinder Dhesi	For
Councillor John Donaldson	Against
Councillor Sean Gaul	Against
Councillor Carmen Griffiths	Against
Councillor Timothy Hallchurch	Against
Councillor Chris Heath	Against
Councillor Simon Holland	Against
Councillor David Hughes	Against
Councillor Shaida Hussain	For
Councillor Tony Ilott	Against
Councillor Mike Kerford-Byrnes	Abstain
Councillor James Macnamara	Against
Councillor Kieron Mallon	Against
Councillor Nick Mawer	Against
Councillor Tony Mephram	Against
Councillor Ian Middleton	For
Councillor Perran Moon	For
Councillor Richard Mould	Against

Councillor Cassi Perry	For
Councillor Lynn Pratt	Against
Councillor George Reynolds	Against
Councillor Barry Richards	For
Councillor Dan Sames	Against
Councillor Les Sibley	For
Councillor Katherine Tyson	For
Councillor Tom Wallis	Against
Councillor Douglas Webb	Against
Councillor Fraser Webster	For
Councillor Lucinda Wing	Against
Councillor Barry Wood	Against
Councillor Sean Woodcock	For

The vote on the amendment was lost and therefore fell.

Council debated and voted on the recommendations as submitted.

Resolved

Rules of debate:

- (1) That no changes to the current process as regards the order of speakers in a debate be made but the Constitution to clarify that the seconder can speak at any point if they have reserved their right and that this does not mean they must be the penultimate speaker.
- (2) That no change be made to the existing rule that once the proposer of a motion or amendments begins summing up, no further speakers will be heard.

Length of speeches (including all committees):

- (3) That the length of speeches for proposers and proposers of amendments be reduced to five minutes (from current 10 minute).
- (4) That the length of speeches for seconders, seconders of amendments and all other speakers be reduced to three minutes (from current 5 minutes).

Deadlines for submitting amendments to motions:

- (5) That no changes be made to the existing deadlines (5pm, two working days before the meeting).
- (6) That the current word limit for amended motions as 250 words be maintained.

Process for dealing with motions with budgetary implications:

- (7) That Members be encouraged to submit motions early and discuss with officers to enable a review in the light of budgetary implications, and that a threshold of “£10,000 or more” be introduced to inform what “significant” means in terms of the current budget or capital expenditure
- (8) That amendments to motions deferred for budgetary reasons to be permitted when resubmitted to Council

Motions without notice/procedural motions:

- (9) That no changes be made to the current arrangement that a procedural motion, once proposed and seconded, requires only a simple majority to succeed

Recorded vote:

- (10) That no changes be made to the current arrangement that a request for a recorded vote needs only a proposer and seconder to succeed

Public addresses (not Planning Committee):

- (11) That no changes be made to current arrangements for
 - i) public speakers to register by noon on the working day before the meeting
 - ii) five minutes per public speaker
 - iii) no time limit on the number of public speakers or the time allowed for the public address item

Order of business/finish time for Full Council:

- (12) That the order of business for Full Council be changed so that motions are taken after questions and reports (noting that the Constitution allows the Chairman to amend the order of business in any case in any given instance)
- (13) That a finish time of 11pm be introduced for Full Council meetings with the provisos that the meeting will not stop mid-way through an item; the Chairman of the Council has discretion to continue the meeting to conclude business, if, in the opinion of the Chairman, this would be appropriate; and that any motions not considered would be carried forward to be considered at the next scheduled Full Council meeting.

Planning Committee:

- (14) That remote tools (drones) be allowed in facilitating site visits but it be clear that this does not replace the option for physical site visits and any such footage and usage should be approved by Planning officers to ensure impartiality
- (15) That the following arrangements be retained whereby
 - i) there is no separate slot for councillor questions of clarification to the officer after a presentation of a planning application
 - ii) County councillors are allowed to speak as members of the public (i.e. no separate right to speak)

- (16) That a ten-minute time limit for non-committee ward members in addressing the Committee be introduced.

Terminology and glossary:

- (17) That a glossary to the Constitution be introduced to bring clarity to members of the public, officers and councillors
- (18) That the following words be used to achieve consistency within the Constitution by using the following words:
- i) Executive (not Cabinet)
 - ii) Chairman of a meeting (with the proviso that a person chairing a committee may call themselves by whichever term e.g. Chair)
 - iii) Resident (rather than citizen)
- (19) That following terms continue to be used but contextual clarity (and explanation in the glossary) be provided for the use of each:
- i) Councillor and member
 - ii) Chief Executive and Head of Paid Service
 - iii) Chief Finance Officer and S151 Officer

Annual Review of the Constitution:

- (20) That an annual review of the Constitution be introduced whereby
- i) At its October and December meeting, the Overview & Scrutiny Committee will consider and make recommendations to Full Council for agreement in December, (with the potential for the Committee to convene a Constitution Review Working Group to offer advice if appropriate)
 - ii) Such a review to include a notice of any changes made in-year under officer delegations to reflect legislation and transfers of functions
 - iii) Any significant changes would be submitted to Full Council as necessary for consideration
- (21) That it be noted that the Monitoring Officer will amend the Constitution to reflect the decisions of Council.
- (22) That the areas being reviewed by the Monitoring Officer under delegated authority be noted.

The meeting ended at 11.37 pm

Chairman:

Date:



Council

Monday 14 December 2020

Agenda Item 9 (a), Written Questions

Question From: Councillor Ian Middleton

Question To: Leader of the Council, Councillor Barry Wood

Topic: Castle Quay Shopping Centre

Question

“ In your response to Councillor Copeland's written question about financial risks associated with the Castle Quay Shopping Centre posed during the full council meeting of July, you said :

"Commercially sensitive risk assessments on the vulnerabilities both financially and market sectors of tenants are reviewed on a regular basis and reported back to the cross-party Castle Quay Advisory Group"

I can find no reference to this group anywhere other than in your reply. No reference to it ever having met. No minutes of any such meetings and no reports on vulnerabilities. After doing a word search for the group on the website I can find no reference to it at all.

Furthermore, If it's a cross party group, the Progressive Oxfordshire group does not appear to be represented.

Could you confirm that this group actually exists and provide a list of members involved, their terms of reference, and records of past meetings.

In particular I would be grateful for sight of the risk assessments you said in July had been carried out on market sectors and tenants of the centre.

Given the recent collapse of two major retailers with stores in the centre, this information is now even more important to show that the interests of the council and council tax payers are being protected.”

Response

The Advisory Group was set up in May 2018 and is made up of Councillors from across the political spectrum, as was at the time.



In total there are 5 members and these are split as follows: 3 Conservative Councillors (with the Lead Member Financial Management and Governance to be chair of the group); · 2 Labour Councillors

The Cross-Party Advisory Group Members are Councillor Tony Illott (Chairman); Councillor Lynn Pratt (Portfolio Head for Property); Councillor Colin Clark; Councillor Cassi Perry; Councillor Barry Richards.

This is supported by the Corporate Director for Commercial Development, Assets and Investment; Assistant Director for Property, Investment and Contract Management; Assistant Director for Finance.

The political balance rules do not, however, apply to informal or consultative bodies that are not council committees or sub-committees of the council (i.e., to any that do not exercise a delegated function).

The Group meets every month.

Purpose: The policy advisory group provide advice and guidance to Officers responsible for delivery on all aspects of the project.

They provide feedback on options and recommendations presented to the group and provide challenge.

The Advisory Group is not a decision-making body and any resourcing or other implications that require a formal decision are still considered via the Executive. It should be noted that delivery of this scheme is to provide broader benefits for the town of Banbury and to be a long-term financial investment.

Officers and the Advisory Group are briefed regularly on the financial performance of tenants and performance of the Centre. Monthly financial reporting to the Advisory Group and the Council's Finance Team is undertaken, much of which is commercially sensitive.

I am happy to arrange for Steve Jorden, Corporate Director for Commercial Development, Assets and Investments to arrange a Member briefing for any Members who are interested.

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14 December 2020

Council Tax Reduction Scheme and Council Tax Discounts 2021-2022

Report of Director of Finance

This report is public

Purpose of report

To seek approval for a Council Tax Reduction Scheme for the year 2021-2022 on the recommendation of Budget Planning Committee and Executive.

To provide members with an update on Council Tax discounts and to seek approval for the Council Tax discounts for 2021-2022.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve a Council Tax Reduction Scheme (CTRS) for the year 1 April 2021 to 31 March 2022 as set out in the report and to implement the scheme with effect from 1 April 2021.
- 1.2 To grant delegated authority to the Section 151 Officer to make amendments to the Council Tax Regulations up to and including 31 January 2021 for pensioners in line with uprating announced by MHCLG and to amend the Working Age Regulations in line with the new income banded scheme and the uprating announced by MHCLG.
- 1.3 To review the proposed level of Council Tax discounts and premiums for 2021-2022 and to approve the following:
 - Retain the discount for second homes at zero.
 - Retain the discount for empty homes (unoccupied and substantially unfurnished) at 25% for 6 months and thereafter at zero.
 - Retain the discount for empty homes undergoing major repair at 25% for 12 months and thereafter at zero.
 - Retain the empty homes premium of an additional 100% for properties that have remained empty for more than 2 years.

2.0 Introduction

- 2.1 In December 2019 members approved a Council Tax Reduction Scheme (CTRS) for Cherwell District Council for the financial year 2020/2021. The scheme remained the same as in 2019-2020 and mirrored the previous Council Tax Benefit scheme.
- 2.2 The scheme for pensioners is set nationally and pensioners have not seen any change to the support they receive.
- 2.3 The Council Tax Reduction scheme is based on a fixed cash grant of approximately 90% of the previous Council Tax Benefit subsidy. This gives a funding shortfall for Cherwell of £742,430.
- 2.4 The funding shortfall is mostly offset by the changes to locally set Council Tax Discounts and premiums.

3.0 Report Details

Position so far

Council Tax Reduction Scheme (CTRS)

- 3.1 As the funding for CTRS is a fixed cash grant the cost of any increase in the level of demand will be borne by the Council. The Council Tax Reduction caseload has been monitored and there has been an increase in the number of live cases from 6,457 in June 2019 to 6,573 in June 2020. The increase in caseload is due to the impact from the Covid-19 crisis which has seen an increase in the number of new applications received for CTRS.

Impact on Parish Councils

- 3.2 Members may recall that the regulations for calculating the Council Tax Base were amended to reflect the Council Tax Reduction Scheme and had the effect of reducing the tax base for the billing authority, major preceptors and the Police and Crime Commissioner for Thames Valley and local preceptors. This is because Council Tax Reduction is a discount rather than a benefit and therefore the Council does not collect the full amount of Council Tax from taxpayers who qualify for Council Tax Reduction. The impact of the reduced tax base was mitigated in part by changes made to discounts and exemptions. As this will be the eighth year of a Council Tax Reduction Scheme, parish councils should now have a clear understanding of the impact of CTRS on their parish tax base.

Impact of the changes to discounts and exemptions

- 3.3 Members will also recall that the Local Government Finance Act 2012 abolished certain exemptions with effect from 1st April 2013 and replaced them with discounts which can be determined locally.
- 3.4 Council determined that furnished chargeable dwellings that are not the sole or main residence of an individual (i.e. second homes) should no longer receive a discount. They had previously received a discount of 10%. If the Council continues

to set the discount at zero it is estimated that this will result in additional income of £108,539 for the 2021-2022 financial years.

- 3.5 Council also determined that the discount in respect of unoccupied and substantially unfurnished properties should be reduced to 25% for a period of six months and thereafter to zero. As at June 2020 it is estimated that the additional income from this will be £387,492 on our current forecasted number of dwellings affected.
- 3.6 Council further exercised its discretion to determine that chargeable dwellings which are vacant and undergoing major repair work to render them habitable should be given a discount of 25% for a period of 12 months. At the time of writing this report there are no dwellings in this category.
- 3.7 Prior to 1 April 2013 billing authorities could charge up to a maximum of 100% Council Tax on dwellings that have been empty for more than two years. From April 2013 local authorities were given the powers to charge a premium of up to 50% of the council tax payable. New legislation was introduced in April 2019 which allows for 100% Empty Homes Premium to be levied and this was agreed by members in December 2018. The projected income for 2021-2022 from charging an Empty Homes Premium is £180,813 on our current forecasted number of dwellings affected.

Impact of Council Tax Reduction Scheme on collection rates

- 3.8 A Council Tax collection rate of 98.04% was achieved for 2019-2020. This was slightly lower than anticipated because of the onset of Covid-19 and the subsequent decision not to do any active recovery in March 2020. Recovery has now commenced following the re-opening of Oxford Magistrates Court. As at the end of October the collection rate was 64.37 against a target of 67.75%. In considering the Council Tax Reduction Scheme for 2021-2022 members should be mindful that any changes to the scheme that reduce entitlement to CTRS could have an adverse impact on collection rates and cost of collection.

Council Tax Reduction Scheme 2021-2022

- 3.9 Members will be aware that the national 10% reduction in government funding for Council Tax Reduction Schemes over the last six years has been offset in part by the additional income generated by changes to discounts and exemptions.
- 3.10 The Government has not yet released indicative funding figures for 2021-2022. For the purposes of calculating the new Council Tax Reduction scheme for 2021-2022 an assumption has been made that funding will remain at the reduced rate.

Update on banded scheme

- 3.11 Since the introduction of Council Tax Reduction Scheme, the landscape has drastically changed. Universal Credit is based on real time information which means that any change in income generates a change in Council Tax Reduction through data files from DWP. Residents were receiving multiple bills and letters making budgeting very difficult.
- 3.12 In December 2019, the Council agreed a move to a new income banded scheme for those of working age. The presentation at Appendix A of this report offers a

reminder of the scheme details. The scheme assesses the maximum level of Council Tax Reduction based on the net income of the applicant and household members. The main principles of the scheme are as follows:

- If the applicant or partner is in receipt of one of the main passported benefits (Income Support, Job Seeker's Allowance Income Based and Income Related Employment and Support Allowance or receiving War Widows or War Disablement Pensions they will automatically be placed in the highest band of the scheme and will receive 100% support.
- Working age households will receive a discount, depending on their level of income and the band that they fall into.
- Under this scheme, as part of our ongoing commitment to support disabled people, we will continue to disregard Disability Living Allowance, Personal Independence Payments, War Disablement Benefits and will also continue to disregard Child Benefit and child maintenance.
- As highlighted earlier in this report the introduction of Universal Credit and Real Time Information files means that customers can experience frequent changes in their Council Tax Reduction which in turn impacts on the amount of Council Tax payable. This makes budgeting for households more of a challenge and is impacting on our ability to collect Council Tax.
- A banded scheme will be simpler for residents to understand and any future changes to the value of awards can be achieved by simply adjusting the banding thresholds. This will also mean that residents will experience less change in their Council Tax Reduction and will reduce the number of letters and Council Tax demands.
- The proposed model has a re-distribution effect from households in higher Council Tax bands to those in lower Council Tax bands.
- Savings are not the main driver for this change. The scheme offers only a very small reduction in costs and it is likely to result in administrative savings.

3.13 The new scheme was introduced from April 2020 following a period of consultation and engagement. In general, it has been well received with limited contact from customers affected by the change. The Council also agreed a hardship fund to assist those people who are negatively impacted by the new scheme but, to date, no applications for assistance have been received. This may be because residents have received a payment under the Government's Council Tax Covid support fund. Although collection rates are down on the same time last year this is attributable to the impacts from Covid-19 crisis rather than the new banded scheme.

3.14 CTRS expenditure has increased from around £7.1m to £7.5m, again this is due to the increase in caseload.

3.15 **Options for 2021-2022**

Option 1 (recommended by Budget Planning Committee and Executive) – retain the current income banded income CTR scheme for those of working age with only minor changes to government uprating figures.

This option would retain the 100% support for those people of working age who are on passported claims. It would also retain the current income bands and percentage of award.

3.16 **Option 2a and 2b – Current banded scheme with a 1% or 2% decrease in percentage awards in each band.**

This option would retain the 100% support for those people of working age who are on passported claims and would introduce a small decrease of 1% or 2% on maximum awards in each income band.

3.17 **Option 3 – Banded scheme with a 1% increase in percentage awards in each band.**

This option would retain the 100% support for those people of working age who are on passported claims and would introduce a small increase of 1% in the maximum awards in each income band. This option would be more advantageous to residents

Financial summary of options

Group	Excess income bands	Option 1: Maximum CTR award (current scheme)	Option 2a: 1% decrease	Option 2b: 2% decrease	Option 3: 1% increase
Working age passported claims	n/a	Up to 100%	Up to 100%	Up to 100%	Up to 100%
Pension claims	n/a	Up to 100%	Up to 100%	Up to 100%	Up to 100%
Working age disabled	£0 - £4.99	Up to 100%	Up to 100%	Up to 100%	Up to 100%
	£5 - £14.99	95%	94%	93%	96%
	£15.00 - £29.99	87%	86%	85%	88%
	£30.00 - £49.99	80%	79%	78%	81%
	£50.00 - £74.99	65%	64%	63%	66%
	£75.00 - £99.99	42%	41%	40%	43%
	£100.00 - £124.99	25%	24%	23%	26%
	£125 upwards	0%	0%	0%	0%
Working age with children	£0 - £4.99	Up to 100%	Up to 100%	Up to 100%	Up to 100%
	£5 - £14.99	93%	92%	91%	94%
	£15.00 - £29.99	83%	82%	81%	84%
	£30.00 - £49.99	78%	77%	76%	79%
	£50.00 - £74.99	59%	58%	57%	60%
	£75.00 - £99.99	32%	31%	30%	33%
	£100.00 - £124.99	25%	24%	23%	26%
	£125 upwards	0%	0%	0%	0%

Working age - other	£0 - £4.99	96%	95%	94%	97%
	£5 - £14.99	85%	84%	83%	86%
	£15.00 - £29.99	73%	72%	71%	74%
	£30.00 - £49.99	66%	65%	64%	67%
	£50.00 - £74.99	42%	41%	40%	43%
	£75.00 - £99.99	28%	27%	26%	29%
	£100.00 - £124.99	18%	17%	16%	19%
	£125 upwards	0%	0%	0%	0%

Cost of scheme	Option 1	Option 2a	Option 2b	Option 3
Pension age	£2,882,238.52	£2,882,238.52	£2,882,238.52	£2,882,238.52
Working age	£4,695,257.03	£4,679,009.53	£4,661,814.12	£4,711,979.32
Total	£7,577,495.55	£7,561,248.05	£7,544,052.64	£7,594,217.84
Income from second homes	£108,539	£108,539	£108,539	£108,539
Income from empty homes with 25% discount for 6 months	£387,492	£387,492	£387,492	£387,492
Uninhabitable homes with 25% discount for 12 months	0.00	0.00	0.00	0.00
Long term empty premium at 100% after 2 years	£180,813	£180,813	£180,813	£180,813

4.0 Conclusion and Reasons for Recommendations

- 4.1 From April 2013 Council Tax Benefit was abolished and replaced with a local Council Tax Reduction Scheme. The Council is required to agree a scheme based on the reduced level of funding from Government.
- 4.2 Members are now required to approve a Council Tax Reduction Scheme for the financial year 2021-2022 and are asked to give delegated Authority to the Section 151 Officer to make the required changes to the Council Tax Reduction Regulations up to and including 31 January 2021 in consultation with the Lead Member for Financial Management.
- 4.3 Members are also asked to agree that Council Tax discounts for 2021-2022 are set at the levels detailed in the report.

5.0 Consultation

There is a requirement to consult with the public, major preceptors and other parties who may have an interest in the Council Tax Reduction Scheme on any material changes to the scheme. This is not considered to include changes for annual uprating in accordance with Government Regulations.

Consultation has already taken place with members of Budget Planning Committee who recommended to Executive the option of no change to the current scheme and therefore no consultation is required. A report has been received by Executive.

6.0 Alternative Options and Reasons for Rejection

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

Option 1: To not recommend any of the options for a scheme for 2021-2021. This would have financial implications for the Council and those residents affected by Welfare Reform.

Option 2: 2a,2b and 3: as outlined in the report these options have been considered and discounted.

7.0 Implications

Financial and Resource Implications

- 7.1 The financial consequences are detailed above, within the report, with an overall summary that the revised scheme will have a net shortfall of approximately £66,000 related to the increased caseload volumes following the Covid-19 impacts. This shortfall could be increased or decreased depending on the options decided, with for example reducing the award by 2% reducing the shortfall to an estimated

£33,000 with option 2b above or increasing the shortfall to an estimated £83,000 with a 1% increase in the award under option 3 above. To achieve a cost neutral scheme a reduction of 4% would be needed.

Comments checked by:

Michael Furness, Assistant Director Finance

01295 221845 michael.furness@cherwell-dc.gov.uk

Legal Implications

- 7.2 The Council is required to review its Council Tax Reduction Scheme on an annual basis and if it determines to make changes then it must consult on the revised scheme. Failure to do so will adversely affect the reputation of the Council and will have a financial implication for residents as well as exposing the Council to potential challenge for failing to comply with the legislative requirements of the Local Government Finance Act 1992.

Comments checked by:

Chris Mace, Solicitor, 01295 221808

christopher.mace@cherwell-DC.gov.uk

Risk Implications

- 7.3 Any risk has been highlighted in the report.

Comments checked by:

Belinda Green, Operations Director, CSN Resources, 01327 322182

belinda.green@csnresources.co.uk

Equality Implications

- 7.4 An Equality Impact Assessment has been carried out based on the recommendations made in this report.

Comments checked by:

Belinda Green, Operations Director, CSN Resources, 01327 322182

belinda.green@csnresources.co.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

This links to the Council's priority of sound budgets and a customer focused Council

Lead Councillor

Councillor Tony Ilott, Lead Member for Financial Management and Governance

Document Information

Appendix number and title

- Appendix A – Presentation on modelling for a banded scheme
- Appendix B – Contains examples of modelling impacts

Background papers

None

Report Author and contact details

Belinda Green, Operations Director CSN Resources
01327 322182, Belinda.green@csnresources.co.uk