

Public Document Pack



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Executive

Date: Monday 8 April 2024

Time: 6.30 pm

Venue Bodicote House, Bodicote, Banbury, Oxon OX15 4AA

Membership

**Councillor Barry Wood
(Chairman)**

Councillor Phil Chapman
Councillor Donna Ford
Councillor Andrew McHugh
Councillor Dan Sames

Councillor Adam Nell (Vice-Chairman)

Councillor Sandy Dallimore
Councillor Nicholas Mawer
Councillor Edward Fraser Reeves
Councillor Nigel Simpson

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are asked to declare any interest and the nature of that interest that they may have in any of the items under consideration at this meeting.

3. Petitions and Requests to Address the Meeting

The Chairman to report on any requests to submit petitions or to address the meeting.

4. Minutes (Pages 7 - 18)

To confirm as a correct record the Minutes of the meeting held on 4 March 2024.

5. Chairman's Announcements

To receive communications from the Chairman.

6. Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

7. Community Infrastructure Levy (CIL) (Pages 19 - 54)

** Due to the size of the document, to facilitate access, Appendix 3 is a supplement to the main agenda pack **

Report of Assistant Director Planning and Development

Purpose of report

To present, for consideration and approval, a Community Infrastructure Levy (CIL) Draft Charging Schedule, and Draft Instalments Policy for consultation purposes.

Recommendations

The Executive resolves:

- 1.1 To approve public consultation on the draft CIL Charging Schedule, Draft Instalments Policy, and supporting documents.
- 1.2 To delegate to the Assistant Director - Planning and Development the authority to make any minor amendments and corrections to the draft document he considers necessary prior to formal publication and in consultation with the Portfolio Holder for Planning and Development.
- 1.3 To delegate to the Assistant Director – Planning and Development the authority to finalise and publish supporting documents in consultation with the Portfolio Holder for Planning and Development.

8. Discretionary Housing Payments Policy 2024-2025 (Pages 55 - 78)

Report of Assistant Director Finance & Section 151 Officer

Purpose of report

To inform Executive of the reviewed policy for Discretionary Housing Payment (DHP) and proposed updates.

Recommendations

The Executive resolves:

- 1.1 To note the contents of the reviewed policy for Discretionary Housing Payments.
- 1.2 To approve the policy for Discretionary Housing Payments.

9. Performance Outcomes Framework 2024-2025 (Pages 79 - 96)

Report of Assistant Director Customer Focus

Purpose of report

To share the proposed approach for measuring, monitoring, and reporting on the council's performance towards its priorities and objectives for 2024/25 and to capture any recommended changes for Executive consideration.

Recommendations

The Executive resolves:

- 1.1 To approve the proposed approach for managing the council's performance for 2024/25, specifically the 36 performance indicators and their respective targets.

10. Equalities, Diversity, and Inclusion (EDI) Action Plans - Inclusive Communities, Services and Workplaces (Pages 97 - 116)

Report of Assistant Director – Customer Focus

Purpose of report

To seek approval of the action plans for delivering the council's equality, diversity, and inclusion commitments for creating inclusive communities, services, and workplaces, which are set out in its Equalities Framework, Including Everyone.

Recommendations

The Executive resolves:

- 1.1 To approve the proposed Equalities, Diversity and Inclusion (EDI) action plans for Inclusive Communities, Services and Workplaces.
- 1.2 To delegate authority to the Assistant Director for Customer Focus, in consultation with the Portfolio Holder for Corporate Services and the Chair of the EDI working group. to make minor amendments to the agreed Inclusive Communities and Services Action Plans

11. Whitelands Farm Sports Centre - Grant of Lease and Transfer of Commuted Funds (Pages 117 - 126)

Report of Assistant Director Property

Purpose of report

Proposal for the future operation and long-term management of Whitelands Farm Sports Centre and grant of a long leasehold interest of Whitelands Farm Sports Centre to Bicester Town Council.

Recommendations

The Executive resolves:

- 1.1 To approve 'in principle' (pending completion of the advertising requirements described below) the grant of a new 90-year lease at a peppercorn rent to Bicester Town Council to operate and manage the Whitelands Farm Sports Centre.
- 1.2 To approve the transfer of a commuted sum of £30,000 to Bicester Town Council upon completion of the lease.

12. Exclusion of the Press and Public

The following item contains exempt information as defined in the following paragraph of Part 1, Schedule 12A of Local Government Act 1972.

3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Members are reminded that whilst the following item has been marked as exempt, it is for the meeting to decide whether or not to consider it in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

No representations have been received from the public requesting that this item be considered in public.

Should Members decide not to make a decision in public, they are recommended to pass the following recommendation:

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

13. Whitelands Farm Sports Centre - Grant of Lease and Transfer of Commuted Funds - Exempt Appendix (Pages 127 - 134)

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

This agenda constitutes the 5 day notice required by Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in terms of the intention to consider an item of business in private.

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Queries Regarding this Agenda

Please contact Natasha Clark, Democratic and Elections democracy@cherwell-dc.gov.uk, 01295 221534

Shiraz Sheikh
Monitoring Officer

Published on Wednesday 27 March 2024

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Cherwell District Council

Executive

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

Present:

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

Apologies for absence:

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

Also Present Virtually:

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

Officers:

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

Officers Attending Virtually:

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

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Declarations of Interest

There were no declarations of interest.

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

There were no petitions or requests to address the meeting.

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

105 **Minutes**

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

106 **Chairman's Announcements**

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

107 **Urgent Business**

There were no items of urgent business.

108 **Air Quality Update**

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

Resolved

- (1) That the Air Quality Management Area (AQMA) No.2 (Horsefair/North Bar, Banbury) and Air Quality Management Area (AQMA) No.3 (Bicester Road, Kidlington) be revoked.
- (2) That Air Quality Action Plan 2024 be approved.

Reasons

In AQMA No.2 (Horsefair/North Bar, Banbury) and AQMA No.3 (Bicester Road, Kidlington) the measured levels of nitrogen dioxide have been below the air quality objective of 40µg/m³ for the last five years. The guidance from Defra is that revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective, and where there have been no exceedances for the past five years, the AQMA should be revoked. The Executive are therefore recommended to approve the revocation of these two AQMAs.

Where an AQMA has been declared for an exceedance of an air quality objective, it is a legal requirement for the Council to have an AQAP in place and then review it every five years. The current AQAP, approved by the Executive on 6 March 2017, has been updated in consultation with partners and to reflect the latest monitoring and traffic data. The Executive are therefore recommended to approve the Air Quality Action Plan 2024.

Alternative options

Option 1: To not revoke AQMA No.3 (Bicester Road, Kidlington) and AQMA No.2 (Horsefair/North Bar, Banbury). This option was rejected because local authorities are required to revoke AQMAs where there have been no exceedances of the relevant objective for the past five years.

Option 2: To not approve the Air Quality Plan 2024. This option was rejected because where there is an AQMA declared for an exceedance of an air quality objective, it is a legal requirement for the Council to have an AQAP in place (Environment Act 1995 as amended), and to review it every five years.

109

Fixed Penalty Notices

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

Resolved

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

Reasons

Fixed penalties can be an effective and visible way of responding to environmental crimes and provide a quicker and proportionate alternative to prosecution through the courts. The receipts from fixed penalties can be retained by the council and used to support the investigation of environmental offences. The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 increased the upper limits for some fixed penalty notices

Alternative options

Option 1: To leave the fixed penalty fine levels unchanged at current levels. This option was rejected as the current fine levels do not reflect the seriousness of the offences.

Option 2: To not issue fixed penalty notices but to proceed with prosecutions. This option was rejected because issuing a fixed penalty notice is a proportionate approach for dealing with lesser offences in accordance with the Council's Enforcement Policy.

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

110 **Extending Temporary Accommodation Lease Arrangements**

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

Resolved

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

Reasons

Exercising the option within the existing Musketeer lease and entering a new lease for use of these premises would avoid a short term rise in costs attributed to temporary accommodation linked to the use of other commercial hotels. This would also allow for other opportunities to be explored for temporary accommodation in the medium and long term.

Alternative options

Option 1: Not agree to exercise the option in the existing lease to take a new lease of the accommodation at the Musketeer for one year and to vacate these premises at the end of the existing lease. This is a consideration but is rejected because it would lead to a short term rise in costs due to placements of households in more expensive commercial hotels.

Option 2: Enter negotiations for a new lease for a term longer than one year. This is a consideration but is rejected at the current time due to the review of our own stock and other potential opportunities outlined in the report. Following the review, it may be a result that a new lease is required as the best way to assist in the discharge of the Council's temporary accommodation function.

111 Food Action Plan

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

Resolved

- (1) That the Food Action Plan for the Cherwell area be agreed.
- (2) That the approval of any grants to qualifying organisations be delegated to the Assistant Director Wellbeing and Housing in consultation with the Portfolio Holder for Healthy and Safe Communities.

Reasons

Endorsing the Food Action Plan for Cherwell, which is the result of community consultation and shared ambition, allows groups involved to be confident in their plans for development. Furthermore it allows Cherwell District Council to receive funding from Oxfordshire County Council to support the delivery of the identified actions.

Alternative options

Option 1: To not endorse the action plan

This course of action has been rejected as there are no substantive reason why the council should not enter into a formalised action plan with regard to the vision of the Oxfordshire Food Strategy 'Where everyone in Oxfordshire can enjoy the healthy and sustainable food they need every day'.

112 Period Poverty

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

“To combat period poverty, this Council asks the Executive

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

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

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

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

Resolved

- (1) That it be agreed that free sanitary products be provided in Bodicote House in the publicly accessible women's lavatories.
- (2) That it be agreed to provide an opportunity for community partners from the warm spaces network, community food network and community centres to opt in to providing female hygiene products at no cost to customers.
- (3) That it be agreed to provide a grant of £150 for up to 80 community locations who opt in.

Reasons

Period poverty is a local issue and the recommendations continue the spirit of the motion in providing products at Bodicote but recognises that women struggling to meet everyday costs of living are more likely to access community buildings and community food provision making support of these spaces the best way to get district coverage of free hygiene products.

Alternative

Option 1: To do nothing. Given the motion that was passed at Full Council and the potential impact on health and economic independence period poverty can have, this option has not been recommended.

Option 2: Consider providing more sustainable products rather than free disposable ones. The prohibitive costs of more sustainable products and the administrative resource needed to offer them makes this a commitment beyond our current means and so hasn't been recommended.

113

Property Asset Management Strategy

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

Resolved

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

Reasons

The Property Asset Management Strategy will support Council decision making, priorities and service delivery. It outlines the principles and framework underpinning decisions to make best use of property assets and is the first Property Asset Management Strategy since the Council decoupled from Oxfordshire County Council in 2022. The need for a strategic property asset review formed part of the action plan arising from the 2022 LGA Peer Review and the Property Asset Management Strategy will support this need.

Alternative options

Option 1: Not to approve the Property Asset Management Strategy. This option has been rejected as the need for a Property Strategy was highlighted in the LGA 2022 Peer Review and the Council requires a Strategy to support decision making, priorities and service delivery.

114 Finance, 115 Performance and Risk Report January 2024

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

Resolved

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

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

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

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

Reasons

This report provides an update on progress made during January 2024, to deliver the council's priorities, manage potential risks and remain within the agreed budget.

Alternative options

There is no alternative option to consider as this is an update report on the council's performance, risk, and financial positions up to the end of January 2024. However, members may wish to request further information from officers for inclusion.

115 **Silverstone Loan**

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

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

116 **Exclusion of the Press and Public**

Resolved

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

117 **Silverstone Loan**

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

Resolved

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

Reasons

It is considered that the most likely way for the council to safeguard its resources is to agree to a revised payment profile of the loan with Silverstone Heritage Limited (SHL) and as set out in the exempt Minutes.

Alternative options

Option 1: Make no changes to the loan agreement. This has been discounted on the basis that an alternative funder cannot be identified. Further information as set out in the exempt Minutes.

Option 2: As set out in the exempt Minutes.

The meeting ended at 7.05 pm

Chairman:

Date:

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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This report is public	
Community Infrastructure Levy (CIL)	
Committee	Executive
Date of Committee	8 April 2024
Portfolio Holder presenting the report	Portfolio Holder for Planning and Development, Councillor Dan Sames
Date Portfolio Holder agreed report	12 March 2024
Report of	Assistant Director, Planning and Development – David Peckford

Purpose of report

To present, for consideration and approval, a Community Infrastructure Levy (CIL) Draft Charging Schedule, and Draft Instalments Policy for consultation purposes.

1. Recommendations

The Executive resolves:

- 1.1. To approve public consultation on the draft CIL Charging Schedule, Draft Instalments Policy, and supporting documents;
- 1.2. To delegate to the Assistant Director - Planning and Development the authority to make any minor amendments and corrections to the draft document he considers necessary prior to formal publication and in consultation with the Portfolio Holder for Planning and Development;
- 1.3. To delegate to the Assistant Director – Planning and Development the authority to finalise and publish supporting documents in consultation with the Portfolio Holder for Planning and Development.

2. Executive Summary

- 2.1. The Council’s Local Development Scheme (LDS) sets out its programme for the preparation of key planning documents. A timetable for the preparation and implementation of a CIL Charging Schedule is included within this document.
- 2.2. The purpose of CIL is to raise funds to deliver infrastructure to support development within the district. Types of infrastructure could include, for example, open space, community facilities, primary care, sports facilities, transport schemes, and schools.
- 2.3. The charging schedule provides the basis of the Levy and must be informed by a viability assessment, and an assessment and demonstration of an infrastructure

funding gap. Before CIL can be implemented there is a requirement for public consultation and a public Examination.

- 2.4. A draft CIL Charging Schedule, presented at Appendix 1, supported by proportionate evidence as required has been prepared by officers. The Executive is therefore now requested to consider whether the draft Charging Schedule, Draft Instalment Policy and other supporting evidence, including an Infrastructure Funding Gap Statement, and a Viability Assessment, presented at Appendices 2 and 3 respectively, should be published for consultation purposes.
- 2.5. Members are not, however, being asked to make a final decision on whether to introduce CIL at this time. That decision will come later.
- 2.6. If adopted, CIL will operate alongside the Developer Contributions SPD. Together they will set out the package of contributions or obligations expected from development proposals to mitigate the impact of development and help fund infrastructure needed to support growth. They will not provide all the funding needed but will help maximise resource income which would otherwise not be available.

Implications & Impact Assessments

Implications	Commentary			
Finance	<p>The planning work on preparing for a potential CIL is funded through the Planning Policy budget. This report seeks to proceed with consultation only. When the Council later decides whether or not to implement CIL, the cost of administration will need to be considered.</p> <p>Kelly Wheeler Finance Business Partner</p>			
Legal	<p>The proposed consultation is required to comply with the requirements for preparing CIL under the Community Infrastructure Regulations 2010 (as amended).</p> <p>Shahin Ismail Legal Services Manager</p>			
Risk Management	<p>There are no specific risks from the proposed consultation that require consideration by the Executive at this stage. Any arising risks will be managed through the service operational risk, and escalated to the Leadership risk register as and when deemed necessary.</p> <p>Celia Prado-Teeling, Performance Team Leader</p>			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact		X		<p>Not applicable at this stage. This report only seeks endorsement for consultation which will be developed in line with our EDI Framework.</p> <p>Celia Prado-Teeling, Performance Team Leader,</p>
A Are there any aspects of the				

proposed decision, including how it is delivered or accessed, that could impact on inequality?				
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?				
Climate & Environmental Impact		X		Not applicable at this stage. This report only seeks endorsement for consultation.
ICT & Digital Impact		X		None at this stage. If the Council later decides to proceed with CIL there will be a need to procure the necessary IT systems to administer the Community Infrastructure Levy.
Data Impact				N/A
Procurement & subsidy				None at this stage.
Council Priorities	All			
Human Resources	None at this stage			
Property	None at this stage			
Consultation & Engagement	There will be a four-week public consultation with the wider public. There has been, and will continue to be, targeted engagement with key stakeholders, such as infrastructure providers.			

Supporting Information

3. Background

What is CIL?

- 3.1 CIL is a charge which can be levied by local authorities on new development. It can be used to help deliver infrastructure needed to support development. It was introduced through the Planning Act (2008) and brought into effect by the CIL Regulations 2010 (as amended).

- 3.2 CIL is not mandatory. It only applies in areas where a local authority has consulted on, and approved a charging schedule which sets out its CIL rates and has published the schedule on its website.
- 3.3 CIL is charged as a flat-rate tariff per sqm of new development. Once adopted, it is fixed, enforceable and non-negotiable.
- 3.4 Some developments may, however, be eligible for relief or exemption from the levy. This includes residential annexes and extensions, 'self-build' homes where an exemption has been obtained, and social housing that meets relief criteria and has also obtained prior exemption.
- 3.5 Cherwell as CIL charging authority could grant relief from liability to pay CIL in respect of a chargeable development if it considers exceptional circumstances justify it, considers it expedient and has made such relief available in the area.
- 3.6 When deciding the levy rates, an authority must strike an appropriate balance between additional investment to support development and the potential effect on development viability having regard to Local Plan requirements including the provision of affordable housing.
- 3.7 Evidence gathering, setting CIL charges and taking them through the statutory processes to adoption is undertaken by the Council's Planning Policy Team. CIL implementation is, however, a corporate matter. Preparation for its administration and expenditure requires the involvement of a range of different Council departments. Any proposed arrangements for implementation will be presented in a future report.
- 3.8 The Council reports the S106 planning obligations secured in a yearly Infrastructure Funding Statement.
- 3.9 If CIL charges are introduced in Cherwell, the Infrastructure Funding Statement will be amended to list the infrastructure projects or types of infrastructure the Council intends to fund by the levy (excluding the neighbourhood proportion) and report the funding secured from both the Levy and S106 planning obligations.

The Case for CIL

- 3.10 Section 106 agreements alone are not sufficient to fund all of the infrastructure required to support development in the district. They are also limited in their scope as they can only be required where the infrastructure or funds to be secured are:
 - Necessary to make a proposed scheme acceptable in planning terms;
 - Directly related to a development; and
 - Reasonable in scale compared to the development.
- 3.11 These limitations, and the fact that s106 agreements are only routinely used for larger developments, means that the cumulative impact of smaller developments on community facilities and infrastructure is not normally addressed which can lead to pressures on local services and facilities.
- 3.12 CIL has the potential to capture some of the value of these smaller schemes so that they also contribute to funding infrastructure that offsets the impact of their development.

- 3.13 Additionally, some forms of non-residential development have in the past been subject to lower (or no) developer contributions. CIL presents an opportunity to secure some degree of funding from these schemes, as they also have an impact on local infrastructure.
- 3.14 Unlike funds collected through s106 agreements, the receipts from CIL can be spent at the local authority's discretion to provide, improve, replace, maintain or operate infrastructure anywhere within its local area. This provides the flexibility to respond to specific local infrastructure demands that are not currently addressed through s106 agreements.
- 3.15 In addition, there are clear benefits for Town and Parish Councils. The CIL regulations sets out a mechanism that requires local Town or Parish Councils to receive a 15% percentage of any CIL receipts from development in their area, This money can then be used to fund local infrastructure priorities (such as improvements to village halls, playgrounds, sports fields, etc). This rises to 25% where there is a Neighbourhood Plan.
- 3.16 Finally, whilst the introduction of CIL will not negate the need for s106 agreements, over time it may provide the opportunity to reduce the number and complexity of such agreements.

4. Details

Summary of process

- 4.1 In setting CIL charges, the Council needs to demonstrate that there is an infrastructure funding gap and that development is able to sustain that charge while remaining viable.
- 4.2 The key test at the examination will be to demonstrate that:
The Council has reached an appropriate balance between the desirability to fund infrastructure through CIL and the potential effect on the economic viability of development in Cherwell.
- 4.3 This proposed CIL Draft Charging Schedule and Instalments Policy have therefore been informed by viability and infrastructure evidence.
- 4.4 The proposed Charging Schedule and supporting evidence reflect and relate to Cherwell's currently adopted Development Plan to 2031 and those changes in national requirements likely to be in place if CIL is introduced (estimated 2025).
- 4.5 The supporting viability evidence has accounted for development providing for all the requirements set out in the adopted Local Plans and Developer Contributions Supplementary Planning Document including affordable housing, transport mitigation, education, health and open space. In addition, it also accounts for new national requirements since the adoption of our current Plans, such as 10% biodiversity net gain, new national space standards and accessibility standards for residential development, and the costs of emerging national policy on Future Homes Standards and Net Zero carbon policy.

4.6 The CIL charges proposed are set at a level which enables the delivery of local and national policy requirements while sustaining a charge to support the delivery of infrastructure.

CIL viability assessment – Key Findings

4.7 The draft CIL viability assessment has made the following findings:

- S106 agreements are still needed to secure contributions for the largest, strategic residential developments and affordable housing.
- Developments within the built-up limits of Banbury, Bicester and the Kidlington area have limited or no scope for CIL.
- Proposals for flats and Houses in multiple occupation (HMOs) have limited or no scope for CIL.
- Strategic allocations within the Council's adopted Cherwell Local Plan cannot support CIL as they are already expected to make substantial contributions towards infrastructure through S106 agreements.
- Non-strategic medium to larger scale development can support a CIL charge, in addition to providing a degree of infrastructure funding secured through s106 agreements. In these instances, the CIL will represent an additional stream of income alongside the s106 infrastructure receipts.
- Development in the northern part of the district (parishes north of and including Deddington, North Aston, Middle Aston, and Steeple Aston parishes) can support significantly lower CIL rates than the southern parishes.
- Some non-residential developments have the potential to support a CIL charge across the district. These include distribution and logistics schemes, supermarkets, and retail warehouses.
- Industrial development of more than 2,000 sqm on greenfield sites in the south of the district can support a CIL charge.

4.8 The Viability Report also recommends the Council to introduce an instalment policy that spreads the payment of CIL. This is because the timing of CIL payments can impact a developer's cash flow and thus development viability. For example, where a developer is funded, even in part, by a bank (or other) borrowing, the bank may be reluctant to advance funds up front, without tangible works being carried out on-site.

4.9 Officers have drafted an Instalments Policy which reflect this.

The Cherwell Local Plan Infrastructure Delivery Plan (IDP)

4.10 The Cherwell Local Plan Infrastructure Delivery Plan which, includes all infrastructure requirements needed to deliver the Plan is updated on an annual basis. It provides the baseline for assessing the type, costs and funding for new infrastructure across the district, including transport, health and education. As part of the work undertaken specifically for CIL further updates have been made following liaison with infrastructure providers.

4.11 The Infrastructure Delivery Plan has been further updated by liaising with infrastructure providers to confirm the known costs of delivering infrastructure and any funding that is known to have been secured.

The Infrastructure Funding Gap Statement

- 4.12 The draft Infrastructure Funding Gap Statement is presented at Appendix 2. It concludes that the estimated known costs, from the Local Plan's Infrastructure Delivery Plan, to provide critical, necessary and desirable infrastructure to support planned development in Cherwell District up to 2031 is approximately **£754.5 million**.
- 4.13 There is, however, currently only around **£505.5 million** available to provide infrastructure to support that planned development. This money is primarily provided through section 106 agreements, but other known sources of funding have also been included within the assessment.
- 4.14 The funding gap between the cost of the infrastructure and the funding available is therefore **£249 million**. This is comparable to South Oxfordshire (£222m) and Vale of White Horse (£285m).
- 4.15 This level of funding gap justifies introducing the Levy.

Proposed CIL Draft Charging Schedule for Consultation

- 4.16 Based on all the available evidence it is considered that the proposed CIL rates set out in Table 1, and the zoning areas at proposed in Appendix 1 of the Draft Charging Schedule (Appendix 1 to this report), below strike the most appropriate balance between the desirability to fund infrastructure through CIL and the potential effect on the economic viability of development in Cherwell.
- 4.17 In coming to this estimate it has been assumed that the build-out rates for all forms of development are at similar levels to the previous 10 years, with the same level of new permissions being permitted and built out. Some leeway has also been assumed for development types which have shown a downward trend over the last few years.
- 4.18 For residential sites required to provide affordable housing, it has been assumed that these sites will provide policy compliant affordable housing.
- 4.19 For smaller sites, it has been assumed that a proportion of dwellings will be delivered as self-build housing, which will be exempt from CIL.

Table 1: Draft Charging Schedule

Development type	Zone A: Northern area	Zone B: Southern area	Zone C: Bicester & Banbury
Residential development	£20	£120	£0
Large scale strategic residential development	£0	£0	£0
Flats and HMOs	£0	£0	£0
Sheltered housing	£20	£120	£0
Extra care development	£0	£40	£0
Primary retail (Banbury & Bicester)	£0	£0	£260
Large scale industrial (> 2,000 sqm)	£0	£70	£0
Distribution & logistics	£110		
Convenience based supermarkets & superstores	£200		
Retail Warehouses	£140		
All other forms of development	£0		

- 4.20 The difference between the suggested rates for the Northern and Southern is explained by the data sets for land and sales values which affect development viability.
- 4.21 Based on the recommended CIL rates, it is estimated that the potential income from CIL over the period from 1 April 2025 (the estimated CIL implementation date) to 31 March 2031 (the end of the current adopted Cherwell Local Plan period) is approximately **£11 million**.
- 4.22 Fifteen per cent of CIL receipts are passed directly to Parish or Town Councils from each 'paying' development within their areas. This increases to 25% if a neighbourhood plan has been made. This is known as the neighbourhood portion of the levy.
- 4.2. 4.23 The Council is able to use up to 5% of revenue from the levy to cover the costs of administering and setting up CIL. This will be considered in a future report.
- 4.24 The estimated net income to the Council is approximately 4% of the total infrastructure funding gap.

Community Infrastructure Levy Instalments Policy

4.25 A Draft Instalments Policy for consultation has been prepared as set out in Table 2 below. This draft policy is intended to help viability of development proposals without prejudicing the ability of the Council to fund infrastructure as and when it is needed.

Table 2 : Draft Instalments Policy

CIL Liability	No. of payments	Payment periods			
		1 st payment	2 nd payment	3 rd payment	4 th payment
Less than £20,000	1	100% within 60 days of commencement			
£20,000 - £500,000	2	50% within 60 days of commencement			
£500,000 - £2,000,000	4	25% within 60 days of commencement	25% within 180 days of commencement	25% within 270 days of commencement	25% within 360 days of commencement
£2,000,000 or more	4	25% within 60 days of commencement	25% within 180 days of commencement	25% within 360 days of commencement	25% within 540 days of commencement

Future Policy Making and CIL

4.26 CIL would apply to all new qualifying development that receives planning permission in the future (following implementation of CIL). However, much of the growth included in the adopted Cherwell Local Plan already has planning permission and infrastructure has been secured or is in the process of being secured through the use of s.106 agreements. Officers will therefore need to keep CIL under review as work progresses on the Cherwell Local Plan Review. If necessary, there will be future changes to the CIL Charging Schedule to reflect any changes in policy requirements which may affect development.

CIL in the context of wider infrastructure funding

4.27 The Funding Gap Statement demonstrates that CIL receipts based on current viability information will not be sufficient to deliver all items in the Infrastructure Delivery Plan. The Council will need to prioritise the allocation of funds and identify the infrastructure to be funded or partially funded by CIL.

4.28 The Council and infrastructure providers in Cherwell will also need to continue securing other sources of infrastructure funding including s106 agreements, investment programmes and central government funding.

Next Steps

4.29 The anticipated next steps and timescales are set out in Table 3 below.

Table 3: Timetable

4-week public consultation on the draft CIL charging schedule.	May/June 2024
Consider consultation response / review & determine if further consultation is required	June 2024
Submit draft charging Schedule for Examination	June / July 2024
Independent Examination	October 2024 (tbc)
Consider Examiner's recommendations	tbc
Consider whether a discretionary Instalment or Exemption Policy is required	tbc
Approve Charging Schedule and potential Instalment / Exemption Policy	tbc
Implementation – April 2025?	April 2025 (tbc)

5 Alternative Options and Reasons for Rejection

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

Option 1: Not consulting on the proposed Charging Schedule and supporting documents.

The introduction of CIL is within the Council's LDS. Consultation is a legal requirement in the process.

Option 2: Amending the proposed documents.

The documents proposed for consultation were prepared having regard to national policy guidance, informal engagement with key stakeholders and updated development evidence.

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

6 Conclusion and Reasons for Recommendations

6.1 A CIL Draft Charging Schedule and Instalments Policy is presented for approval to proceed to formal consultation. This is a required step ahead of the introduction of the Levy within the district.

7 Decision Information

Key Decision	Yes CIL will have a significant community impact if introduced. It will affect all Wards in Cherwell District.
Subject to Call in	Yes
If not, why not subject to call in	N/A
Ward(s) Affected	All

8 Document Information

Appendices	
Appendix 1	Cherwell Community Infrastructure Levy (CIL) Draft Charging Schedule
Appendix 2	Cherwell Community Infrastructure Levy (CIL) Infrastructure Funding Gap Statement
Appendix 3	Cherwell CIL Viability Assessment
Background Papers	None
Reference Papers	None
Report Author	Simon Barlow, Principal Planning Policy Officer Christina Cherry, Planning Policy, Conservation & Design Manager
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Community Infrastructure Levy (CIL)

Draft Charging Schedule

Cherwell District Council

PROPOSED CIL CHARGES

March 2024

1. Introduction

- 1.1. The Community Infrastructure Levy (CIL) is a charge that local authorities can choose to apply to new development in their area. The funds raised can then be used to support the delivery of infrastructure that the Council and the community consider necessary to support development.
- 1.2. Cherwell District Council is a charging authority under the CIL Regulations (2010, as amended) and is undertaking consultation on this Draft Charging Schedule with a view to adopting CIL.
- 1.3. The preparation of this Draft CIL Charging Schedule is supported by the following evidence documents:
 - A CIL Viability Assessment, prepared by HDH Planning & Development and published in February 2024;
 - The Infrastructure Delivery Plan, which identifies the costs of infrastructure required to support the delivery of planned growth allocated by the Cherwell Local Plan 2011-2031 (2015) and the Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need (2020); and
 - An Infrastructure Funding Gap Statement, which identifies the cost of infrastructure identified in the Infrastructure Delivery Plan and existing funding available to deliver this infrastructure, in order to identify the amount of additional funding that is likely to be required to deliver this infrastructure.
- 1.4. In addition to this Draft CIL Charging Schedule and its supporting evidence, the Council is carrying out a partial review of the Developer Contributions Supplementary Planning Document (SPD), with revisions intended to reflect the potential adoption of CIL and reflect current changes to national planning policy.

2. Background to CIL

- 2.1. CIL is a discretionary tariff that the Council can choose to adopt to support the provision of infrastructure. Once adopted, CIL is fixed, non-negotiable and enforceable.
- 2.2. The framework for CIL was introduced by the Planning Act (2008), with the process for setting and implementing CIL charges set out in the CIL Regulations (2010). The CIL Regulations have been subject to numerous rounds of amendments to clarify and refine various parts of the process in 2011, 2012, 2013, 2014, 2015, 2018, 2019 and 2020.
- 2.3. The government intends that CIL will:
 - Supplement other sources of funding to deliver infrastructure supporting growth;
 - Allow the Council, Parishes, Town Councils or neighbourhood areas more flexibility on how to fund infrastructure and the setting of priorities within their area;
 - Provide certainty to developers about how much CIL will have to pay;
 - Enable the Council to allocate a share of the levy raised to communities to deliver local infrastructure projects.

- 2.4. Funds secured through CIL can be applied to a range of infrastructure projects including transport or highways schemes, community facilities, education, indoor or outdoor sports facilities, parks, green spaces, health care, and community safety.

3. CIL & Infrastructure

- 3.1. The infrastructure requirements to support the growth set out in the adopted Cherwell Local Plan 2011-2031 (2015) and the Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need (2020) are set out in the Infrastructure Delivery Plan, which provides the details of the infrastructure required to support planned growth in Cherwell District.
- 3.2. The funding for the delivery of this infrastructure comes from sources such as Section 106 agreements, Government funding, and third party investment.
- 3.3. The CIL regulations require that, in order to justify charging CIL, the Council must demonstrate that there is a 'gap' between the infrastructure needs of the District and the funding that is available. An Infrastructure Funding Gap Statement has been prepared to demonstrate this need and forms part of the supporting evidence for this Draft CIL Charging Schedule.

4. The relationship between CIL and s106 agreements

- 4.1. Section 106 agreements and Section 278 Highways Agreements will continue to be used to secure mitigation and affordable housing following the introduction of CIL. Local Authorities are encouraged to prepare a list of projects intended to be funded from CIL as a part of their annual Infrastructure Funding Statements.
- 4.2. As a part of the consultation on this draft CIL Charging Schedule, we would welcome suggestions of projects which might be funded from CIL.

5. Viability and proposed CIL rates

- 5.1. A key step in setting the rates for development as a part of the development of a Draft CIL Charging Schedule is for a CIL Charging Authority to carry out a test of viability across its local area. This consists of a general test of viability over the whole of the local area, together with specific viability testing for strategic development sites.
- 5.2. The Council commissioned HDH Planning & Development to undertake a CIL Viability Study. This assessment examined the cumulative impacts of the policies in the adopted Local Plan (2015) and Partial Review Local Plan (2020), and considers the effect that any CIL rates may have on the viability of development. The outputs of this assessment are set out in the CIL Viability Study (February 2024).
- 5.3. The Viability Study shows that the ability of development to support a CIL charge varies by type of development.
- 5.4. The ability of residential development to support CIL charges varies geographically, and based on whether development is taking place within the existing built limits of settlements or on "greenfield" land. The rates for residential development further vary based on whether they are providing affordable housing or not.

- 5.5. Other forms of development that are found to be able to support a CIL charge includes “primary” retail located in Banbury and Bicester, plus supermarkets, retail warehouses and distribution & logistics development. Large scale industrial development is also found to be capable of supporting a CIL charge in some areas.
- 5.6. The Viability Study assessed large scale “strategic” residential developments, and recommended that sites of this scale are subject to nil CIL charges. These largest sites are expected to contribute towards infrastructure through S106 agreements.
- 5.7. The viability evidence shows that all other development tested, including employment, is unlikely to sustain a CIL charge.
- 5.8. The proposed CIL rates are shown in Table 1. The geographical areas for the Charging Zones are shown in Appendix 1.

Table 1 Proposed CIL rates for Cherwell District

Development type	Zone A: Northern area	Zone B: Southern area	Zone C: Bicester & Banbury
Residential development	£20	£120	£0
Large scale strategic residential development	£0	£0	£0
Flats and HMOs	£0	£0	£0
Sheltered housing	£20	£120	£0
Extracare development	£0	£40	£0
Primary retail (Banbury & Bicester)	£0	£0	£260
Large scale industrial (> 2,000 sqm)	£0	£70	£0
Distribution & logistics	£110		
Convenience based supermarkets & superstores	£200		
Retail Warehouses	£140		
All other forms of development	£0		

- 5.9. The Council is currently progressing work on a Local Plan Review. A Regulation 18 consultation was held on the emerging Local Plan between September 2023 and November 2023, and it is intended that a Regulation 19 (pre-submission) consultation

will take place later in 2024. The Council will review the CIL Charging Schedule following the adoption of the emerging Local Plan if necessary.

6. CIL chargeable development

- 6.1. CIL charges are levied on a per square metre basis on all qualifying new development (“chargeable development”) of 100 square metres or more.
- 6.2. CIL charges also apply to all new residential dwellings (including conversions, additional flats and replacements for existing dwellings to be demolished as a part of a proposed development) even if their internal floor area is less than 100 square metres.
- 6.3. CIL applies to development carried out under Permitted Development, if it meets the criteria set out in paragraph 6.1 and 6.2, and is not one of the forms of development that is automatically excluded from CIL charges set out in paragraph 6.4.

Development excluded from paying CIL

- 6.4. The CIL Regulations automatically exclude the following forms of development from being charged CIL:
 - Buildings into which people do not normally go or go only intermittently for the purpose of maintaining or inspecting machinery;
 - Buildings with temporary planning permissions;
 - Structures which are not buildings, such as pylons or wind turbines; and
 - Development less than 100 square metres of gross internal floor space (the internal floor area to be created, before any proposed demolition is taken into account) that does not create one or more new residential dwellings.

7. Calculating the CIL chargeable amount

- 7.1. CIL is calculated based on the gross internal area (GIA) of a chargeable development. The methodology used to calculate GIA is set out in Table 2.0 to the RICS Code of Measuring Practice, 6th edition¹.
- 7.2. The CIL regulations allow retained in-use floorspace or in-use floorspace that is to be demolished to be offset from the CIL chargeable floor space. For CIL purposes, “in-use” is defined as a period of occupation within a building’s permitted lawful use for at least six continuous months during the three year period that ends on the day planning first permits the development².
- 7.3. It is a developers / landowners’ responsibility to demonstrate that a building is “in-use” for CIL purposes. This should be done prior to the commencement of development.

¹ <https://www.rics.org/profession-standards/rics-standards-and-guidance/sector-standards/real-estate-standards/code-of-measuring-practice>

² The day planning first permits a development is generally the date on which planning permission is issued. For permissions granted through the outline or permission in principle routes, these schemes are considered to be permitted when their reserved matters or technical details are agreed. Development carried out through permitted development is considered to be first permitted on the date that development is commenced.

- 7.4. CIL rates are index linked, using the CIL index that is published by BCIS in October each year³.
- 7.5. The formula for calculating a CIL payment for a development is set out in Schedule 1 to the CIL Regulations (2010, as amended). The standard formula and examples of how it is applied are presented in appendix 2.

8. Paying a CIL contribution

- 8.1. A development becomes liable for CIL at the time planning permission is granted (CIL Regulation 8). Where development is liable for CIL, a CIL Liability Notice will be sent to planning applicants and other parties known to have an interest in the land related to the planning application.
- 8.2. Payment of any CIL associated with a planning application is required upon commencement of the development permitted by the planning permission. Commencement for CIL purposes uses the definition in Section 56 (4) of the Town and Country Planning Act 1990.
- 8.3. A CIL liability is a local land charge, and liability runs with the land (so if a development site is sold, the new owners will be responsible for the CIL liability if they choose to carry out the relevant development). The responsibility for paying CIL rests with the landowner, although anyone can come forward and assume liability for paying a CIL liability.

CIL payment in instalments

- 8.4. By default, CIL is payable within 60 days of work commencing on a CIL chargeable development (CIL Regulation 70).
- 8.5. The CIL regulations allow for the payment of CIL in instalments (CIL Regulation 69B) when the CIL Charging Authority has adopted a CIL Instalments Policy. For the purpose of the viability modelling for this Draft Charging Schedule the Council has assumed all CIL payments will be paid during the first year of a development.
- 8.6. The Council acknowledges the potential positive effect of instalment policies and proposes the instalments policy set out in table 2.

³ <https://bcis.co.uk/news/community-infrastructure-levy-cil-index-bcis/>

Table 2 Proposed CIL instalments policy for Cherwell District

CIL Liability	No. of payments	Payment periods			
		1 st payment	2 nd payment	3 rd payment	4 th payment
Less than £20,000	1	100% within 60 days of commencement			
£20,000 - £500,000	2	50% within 60 days of commencement			
£500,000 - £2,000,000	4	25% within 60 days of commencement	25% within 180 days of commencement	25% within 270 days of commencement	25% within 360 days of commencement
£2,000,000 or more	4	25% within 60 days of commencement	25% within 180 days of commencement	25% within 360 days of commencement	25% within 540 days of commencement

CIL payments in kind

- 8.7. While CIL liabilities are generally paid in money, CIL regulation 74 also allows the Council, at its discretion, to accept the payment of CIL “in kind” either through the transfer of land, or through the provision of a piece of infrastructure (such as a link road on a development site).

9. Exemptions from CIL

- 9.1. The CIL Regulations allow developers to claim exemption for the following types of development. In these cases, exemption must be claimed (through the submission of the appropriate CIL forms and supporting evidence) and formally agreed by the CIL Charging Authority before any work commences on site:
- Social / Affordable housing;
 - Development carried out by charitable institutions which is occupied by a charity and mainly used for charitable purposes;
 - Self-build housing; and
 - Domestic extensions or annexes exceeding 100 square metres of gross internal floor space.
- 9.2. The CIL regulations include two forms of relief for social housing. “Mandatory social housing relief” broadly covers affordable housing for rent, discounted rent, shared ownership housing, and First Homes. “Discretionary social housing relief” specifically covers discounted market sales housing and other mechanisms where homes are offered at a discount of at least 20% of the market rate.
- 9.3. Cherwell District Council intends to offer discretionary social housing relief.
- 9.4. The CIL Regulations enable CIL Charging Authorities to introduce discretionary relief for certain forms of charitable development. CIL Charging Authorities may also, at their discretion, grant relief from CIL in specific exceptional circumstances.

9.5. Cherwell District Council does not intend to offer these additional forms of further relief from CIL.

10. Spending CIL

- 10.1. Regulation 59 of the CIL Regulations (2010, as amended) establishes that CIL receipts should be used to provide, improve, replace or maintain infrastructure to support the development of the CIL Charging Authority's area.
- 10.2. The Council will spend its CIL receipts in line with Regulation 59; additionally, the Council will prepare a CIL Spending Strategy to identify and prioritise projects which CIL will be allocated to.
- 10.3. Additionally, the Council will apply up to 5% of CIL receipts toward the costs of setting up CIL and administering its implementation, in line with CIL Regulation 61. A local allocation of CIL receipts will also be passed to local Town and Parish Councils (see section 11).

11. Neighbourhood proportion of CIL

- 11.1. CIL Regulation 59A obliges a CIL Charging Authority to pass a proportion of its CIL receipts to the local parish or town council where development has taken place. The amount that can be transferred is 15%, capped to £100 (index linked) per dwelling within the local council's area, rising to 25% without a cap in areas where there is a Neighbourhood Development Plan in place.

Table 3 Summary of amounts transferable to local councils

	Amount transferable	Limitation on amount transferred
Town or Parish Council with no made neighbourhood development plan	15%	£100 per dwelling within the local council's area, index linked.
Town or Parish Council with a made neighbourhood development plan	25%	No cap

- 11.2. Parish or Town Councils may use their CIL receipts to provide, improve, replace or maintain infrastructure, or otherwise apply their CIL funds toward schemes that address the demands that development places on their local area.

- 11.3. There are currently five areas with Neighbourhood Development Plans in place in Cherwell District. These are:

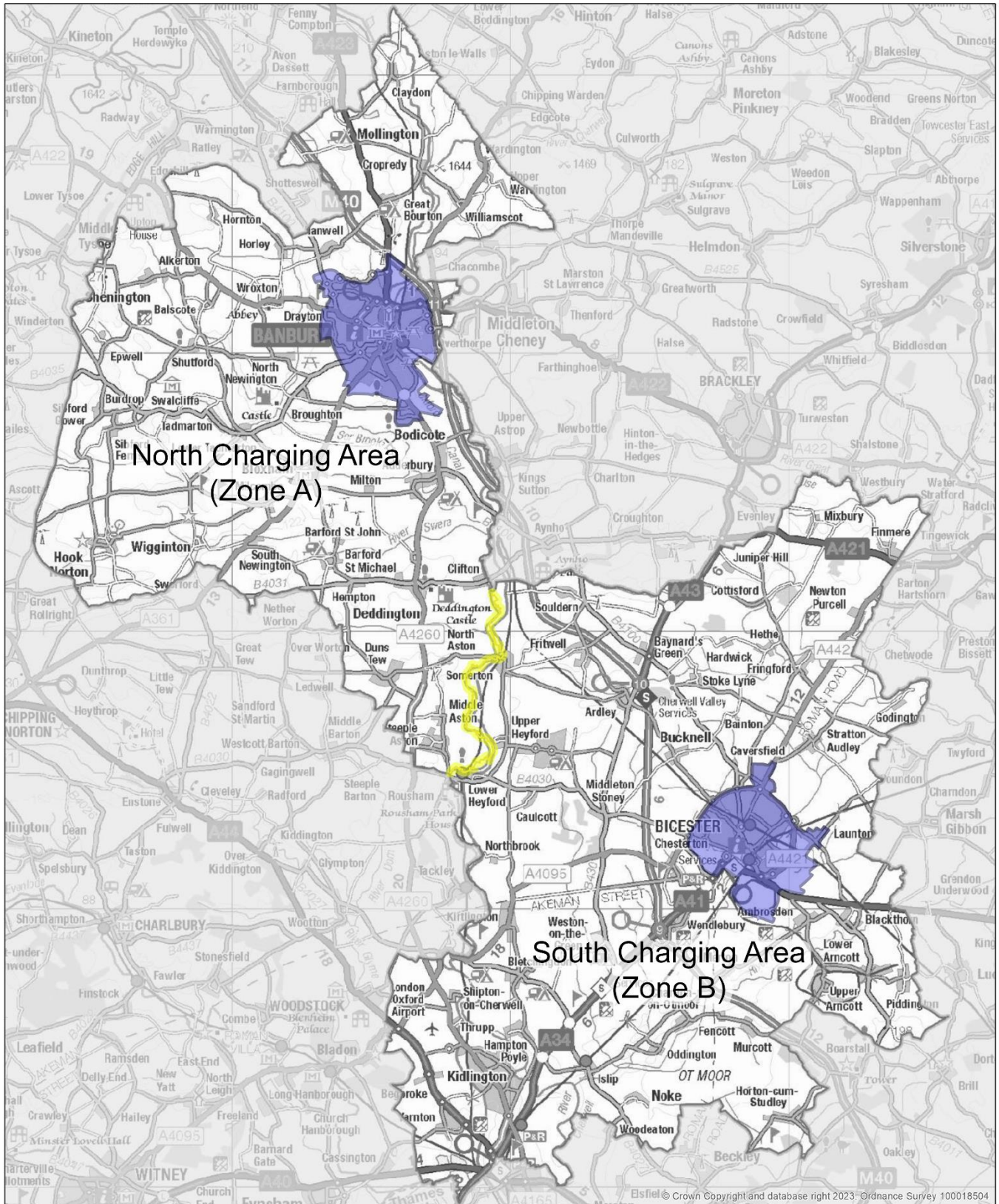
- Adderbury
- Bloxham
- Hook Norton
- Mid Cherwell
- Weston-on-the-Green

- 11.4. Additionally, Deddington Parish Council's Neighbourhood Development Plan is at an advanced stage of preparation, and is proceeding to referendum in May 2024.
- 11.5. Additionally, there are currently a further seven designated neighbourhood areas where local communities are currently preparing Neighbourhood Development Plans.
- 11.6. The local allocation of CIL receipts will be passed to local councils twice a year (in April and in November).
- 11.7. Any local council which receives a proportion of CIL receipts must prepare an annual report setting out the amount of CIL money that they hold, any additional CIL money they have received, and what infrastructure projects they have spent CIL on.

12. Next steps

- 12.1. Following consideration of comments received through this consultation, the Council intends to submit the Draft CIL Charging Schedule for Examination in Public in July 2024 and intends to adopt a CIL Charging Schedule in Winter 2024.
- 12.2. The collection, administration and monitoring of CIL in accordance with the regulations and how it will affect Parish and Town Councils is currently being considered, and will be reported as CIL progresses through next steps.

Appendix 1: Proposed CIL Charging Zones



Bicester & Banbury charging zone (Zone C) denoted with blue shading

Appendix 2: Calculation of CIL charges, with examples

1. Schedule 1 to the CIL regulations (2010, as amended) sets out the approaches to calculating CIL in various different circumstances. This section presents a summary of some common types of CIL calculations, for illustrative purposes only.

Basic calculation of a CIL charge

2. In most cases, the amount of CIL chargeable is calculated using the following formula:

$$\frac{R \times A \times I_p}{I_c}$$

Where:

R = the rate at which CIL is charged;

A = the net area of the CIL chargeable development;

I_p = the index for the calendar year that the planning permission was granted; and

I_c = the index for the calendar year that the CIL charging schedule took effect.

3. The net area of a CIL chargeable development (A) is calculated using the following formula:

$$G_R - K_R - \left(\frac{G_R \times E}{G} \right)$$

Where:

G = the gross internal area of the chargeable development (the internal area before any deductions are applied);

G_R = the gross internal area of the part of the development to be charged at the CIL chargeable rate R;

K_R = the gross internal areas of any retained parts of in-use buildings⁴, or buildings where there will be no change of use⁵; and

E = the gross internal area of any in-use buildings to be demolished.

⁴ "In-use buildings" means any building which has been occupied in its lawful use for at least six continuous months at some point in the three year period that ends on the day that planning permission is granted.

⁵ This means any building where the proposed use is the same as the original use – regardless of whether the building was in-use or not – or instances where no further planning permission is required for the change of use (for example, the proposed use is one that is allowed under permitted development).

Examples

A new dwelling of 100 sqm on a previously empty plot of land in the southern charging zone

4. In this example:

- $R = £120$
- I_p and $I_c = 332$
- $G = 100$ sqm
- $G_R = 100$ sqm
- K_R and $E = 0$ sqm (as there are no retained parts of existing buildings or floor areas to be demolished)

5. First, the chargeable area (A) is calculated using the formula set out in paragraph 3:

$$A = 100 - 0 - \left(\frac{100 \times 0}{100} \right) = 100 \text{ sqm}$$

6. Now the CIL charge can be calculated using the formula set out on paragraph 2:

$$\frac{120 \times 100 \times 332}{332} = \frac{3,984,000}{332} = £12,000$$

7. In this example, the CIL charge is £12,000

A new development of 30 new homes of 100 sqm each, and a new 300 sqm supermarket in the northern charging zone. There are no existing buildings on site to be demolished.

8. In this example, we need to work through the calculations for each development type in turn.

9. For the housing development:

- $R = £20$
- I_p and $I_c = 332$
- $G = 3,500$ sqm (being the gross internal area of all forms of development)
- $G_R = 3,000$ sqm (being the gross internal area of the housing development only)
- K_R and $E = 0$ sqm (as there are no retained parts of existing buildings or floor areas to be demolished)

10. The chargeable area (A) is calculated using the formula set out in paragraph 3:

$$A = 3,000 - 0 - \left(\frac{3,000 \times 0}{3,300} \right) = 3,000 \text{ sqm}$$

11. Next, the CIL charge is calculated for the housing development using the formula set out on paragraph 2:

$$\frac{20 \times 3,000 \times 332}{332} = \frac{19,920,000}{332} = £60,000$$

12. The process is then repeated for the supermarket development to determine the charge for this element of the development:

- $R = £200$
- I_p and $I_c = 332$
- $G = 3,500$ sqm (being the gross internal area of all forms of development)
- $G_R = 500$ sqm (being the gross internal area of the supermarket development only)
- K_R and $E = 0$ sqm (as there are no retained parts of existing buildings or floor areas to be demolished)

13. The chargeable area (A) is calculated using the formula set out in paragraph 3:

$$A = 500 - 0 - \left(\frac{500 \times 0}{3,500} \right) = 500 \text{ sqm}$$

14. Next, the CIL charge is calculated for the housing development using the formula set out on paragraph 2:

$$\frac{200 \times 500 \times 332}{332} = \frac{33,200,000}{332} = £100,000$$

15. This means the CIL charge for the supermarket element of the development is £100,000

16. The overall CIL charge for the development can then be calculated by combining the outputs of the two calculations, providing an overall CIL charge of £160,000 for the development.

A new dwelling of 170 sqm, located in the southern charging area adjacent to an existing site. A garage of 20 sqm is to be demolished as a part of the development.

17. In this example as well as calculating the amount charged, we need to apply a credit for the garage which is to be demolished:

- $R = £120$
- I_p and $I_c = 332$
- G and $G_R = 170$ sqm
- $K_R = 0$ sqm (as there are no retained parts of existing buildings)
- $E = 20$ sqm

18. The chargeable area (A) is calculated using the formula set out in paragraph 3:

$$A = 170 - 0 - \left(\frac{170 \times 20}{170} \right) = 150 \text{ sqm}$$

19. Now the CIL charge can be calculated using the formula set out on paragraph 2:

$$\frac{120 \times 150 \times 332}{332} = \frac{5,976,000}{332} = £18,000$$

20. The CIL charge for the development is £18,000

A new development of three distribution and logistics warehouses of 1,000 sqm each, plus a retail warehouse of 500 sqm and 500 sqm of office space falling within class E. The site has 400 sqm of disused buildings to be demolished.

21. In this example, as well as accounting for the floorspace that is to be demolished, we need to apportion it between the different proposed uses, including those uses that are zero-rated for CIL purposes.

22. We work through each calculation in turn:

23. Distribution & logistics:

- R = £110
- I_p and $I_c = 332$
- G = 4,000 sqm (being the gross internal area of all forms of development)
- $G_R = 3,000$ sqm (being the gross internal area of the distribution & logistics development only)
- $K_R = 0$ sqm (as there are no retained parts of existing buildings)
- E = 400 sqm (as there is some floorspace to be demolished)

24. The chargeable area (A) is calculated using the formula set out in paragraph 3:

$$A = 3,000 - 0 - \left(\frac{3,000 \times 400}{4,000} \right) = 2,700 \text{ sqm}$$

25. The CIL charge is calculated using the formula set out on paragraph 2:

$$\frac{110 \times 2,700 \times 332}{332} = \frac{98,604,000}{332} = \text{£}297,000$$

26. Retail warehouse:

- R = £140
- I_p and $I_c = 332$
- G = 4,000 sqm (being the gross internal area of all forms of development)
- $G_R = 500$ sqm (being the gross internal area of the distribution & logistics development only)
- $K_R = 0$ sqm (as there are no retained parts of existing buildings)
- E = 400 sqm (as there is some floorspace to be demolished)

27. The chargeable area (A) is calculated using the formula set out in paragraph 3:

$$A = 500 - 0 - \left(\frac{500 \times 400}{4,000} \right) = 450 \text{ sqm}$$

28. The CIL charge is calculated using the formula set out on paragraph 2:

$$\frac{140 \times 450 \times 332}{332} = \frac{20,916,000}{332} = \text{£}63,000$$

29. Office development:

- R = £0
- I_p and $I_c = 332$
- G = 4,000 sqm (being the gross internal area of all forms of development)
- $G_R = 500$ sqm (being the gross internal area of the distribution & logistics development only)
- $K_R = 0$ sqm (as there are no retained parts of existing buildings)
- E = 400 sqm (as there is some floorspace to be demolished)

30. The chargeable area (A) is calculated using the formula set out in paragraph 3:

$$A = 500 - 0 - \left(\frac{500 \times 400}{4,000} \right) = 450 \text{ sqm}$$

31. The CIL charge is calculated using the formula set out on paragraph 2:

$$\frac{0 \times 450 \times 332}{332} = \frac{0}{332} = \text{£0}$$

32. Combined the results of the three calculations leads to a final CIL charge for the development of £360,000.

33. The floorspace that is to be demolished has been apportioned between the three different development types – including the zero-rated development.

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Community Infrastructure Levy (CIL)

Draft Charging Schedule

Cherwell District Council

INFRASTRUCTURE FUNDING GAP STATEMENT

February 2024

1. Introduction

- 1.1. This statement has been prepared to inform Cherwell's Community Infrastructure Levy (CIL) and forms part of the evidence justifying the setting of a CIL charge in Cherwell District. CIL is a tariff that may be levied by local authorities to help to fund the provision of infrastructure to support development, alongside the use of S106 planning obligations.
- 1.2. It provides an estimate of the infrastructure funding gap arising from the Council's Infrastructure Delivery Plan (IDP) Update December 2023, and demonstrates that this gap will not be met by current sources of funding alone. It is proposed that CIL will contribute towards funding some of the infrastructure projects identified in the Adopted Cherwell Local Plan (July 2015) and Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need (September 2020).
- 1.3. The Infrastructure Funding Gap should be read alongside the Council's Infrastructure Delivery Plan (as updated) and all other evidence supporting the CIL Preliminary Charging Schedule.
- 1.4. The consultation documents are available in the Council's website at www.cherwell.gov.uk/policypublicconsultation and comprise:
 - Draft CIL Charging Schedule February 2024
 - CIL Viability Study, January 2024
 - Infrastructure Funding Gap (this document)
- 1.5. The Infrastructure Delivery Plan Update, December 2023 is available in the Council's website at <https://www.cherwell.gov.uk/info/33/planning-policy/370/monitoring-reports/2>
- 1.6. In addition to the preparation of a Draft CIL Charging Schedule, work is being undertaken in respect of a partial review of the Developer Contributions SPD to reflect the potential adoption of a CIL Charging Schedule for Cherwell District, and other revisions to national legislation that have recently come into force.
- 1.7. The Council is in the process of carrying out a full Local Plan review, which has progressed to the Regulation 18 (issues and options) stage as of the time of writing. The Draft CIL Charging Schedule has been developed based on the infrastructure requirements identified through the existing adopted Cherwell Development Plan. The Council is committed to reviewing the implication for CIL and Developer Contributions once the Local Plan review is completed and a new Local Plan for Cherwell District is adopted.

2. Infrastructure funding gap

- 2.1. As a part of the process of introducing a Community Infrastructure Levy (CIL) charging schedule, the Council needs to demonstrate that there is an aggregate funding gap in the provision of infrastructure required to support new development in our administrative area. To do this, we must consider what infrastructure is needed in the area to support development and what other funding sources are available.

- 2.2. It is recognised by the Government in the Planning Practice Guidance that there will be uncertainty in identifying specific infrastructure funding sources, particularly beyond the short-term. The Government therefore advises that any authority preparing a CIL Charging Schedule should focus on providing evidence of an aggregate funding gap that demonstrates the need to introduce CIL¹.
- 2.3. The Council adopted the Cherwell Local Plan 2011-2031 in July 2015 and the Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need on 7 September 2020. Infrastructure that is needed to support the planned growth within both plans is identified in the Infrastructure Delivery Plan (IDP).
- 2.4. As the PPG states², the CIL examination should not re-open infrastructure planning issues that have already been considered in putting in place a sound relevant plan. The Adopted Cherwell Local Plan (July 2015) and Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need (September 2020) have each been subject to an independent Examination in Public, and each have been found sound by the Inspector and subsequently adopted. An Infrastructure Delivery Plan was produced to support the 2015 Local Plan. This was subsequently updated following the adoption of the Partial Review Local Plan. Therefore the infrastructure requirements identified within the Infrastructure Delivery Plan will be used as the basis for determining the funding gaps.
- 2.5. The IDP is reviewed on a yearly basis alongside the Annual Monitoring Report to reflect progress on infrastructure delivery as well as new plans, programmes and funding streams from infrastructure providers. The IDP Update December 2023 presents a review of infrastructure projects of both adopted Local Plans, and it is the primary source of the infrastructure projects used for the infrastructure gap analysis in Table 1 below. If costs for the infrastructure identified in the IDP have subsequently been updated, we will use these updated costings where we have been provided with them.
- 2.6. Presently, Tables 1-5 below shows the infrastructure funding gap arising from all infrastructure schemes identified in the Council's IDP Update 2023. Tables 1-4 relate to the four main areas of growth in our development plan: Bicester and Banbury, the main growth areas in the adopted Local Plan Part 1, the additional sites identified in the Local Plan Review, and infrastructure requirements for the rest of the District. Table 5 presents a summation of the overall funding gap.
- 2.7. Tables 1-5 do not include national infrastructure projects. There is one national infrastructure project in Cherwell District which will benefit the local area – East-West Rail – which is costed at approximately £1.2 billion. This project is fully funded.
- 2.8. Considering all known sources of funding, the infrastructure funding gap to meet identified growth in the Local Plan Part 1 and Partial Review Plan is estimated at approximately £249 million.

¹ Planning Practice Guidance – Community Infrastructure Levy, paragraph 017 Reference ID: 25-017-20190901, last updated 1 September 2019. Online at <https://www.gov.uk/guidance/community-infrastructure-levy>

² Planning Practice Guidance – Community Infrastructure Levy, paragraph 017 Reference ID: 25-017-20190901, last updated 1 September 2019. Online at <https://www.gov.uk/guidance/community-infrastructure-levy>

Table 1 Estimated funding gap - Bicester

Infrastructure category	Cost of assessed infrastructure	Other sources of funding	Estimated funding gap
Transport	£93,412,894	£6,270,000	£87,142,894
Education	£116,143,000	£116,143,000	£0
Utilities	£114,000,000	£114,000,000	£0
Flood risk			£0
Emergency and rescue services			£0
Health	£15,000,000		£15,000,000
Community Infrastructure	£2,200,000		£2,200,000
Open space, recreation and Biodiversity	£1,257,000	£35,000	£1,222,000
Bicester totals	£342,012,894	£236,448,000	£105,564,894

Table 2 Estimated funding gap - Banbury

Infrastructure category	Cost of assessed infrastructure	Other sources of funding	Estimated funding gap
Transport	£72,000,000	£2,200,000	£69,800,000
Education	£42,500,000	£42,500,000	£0
Utilities	£28,000,000	£28,000,000	£0
Flood risk			£0
Emergency and rescue services			£0
Health	£10,000,000		£10,000,000
Community Infrastructure	£100,000	£100,000	£0
Open space, recreation and Biodiversity	£4,057,200	35000	£4,022,200
Banbury totals	£156,657,200	£72,835,000	£83,822,200

Table 3 Estimated funding gap - Rest of District

Infrastructure category	Cost of assessed infrastructure	Other sources of funding	Estimated funding gap
Transport	£19,200,000		£19,200,000
Education	£16,222,693	£16,222,693	£0
Utilities	£8,000,000	£8,000,000	£0
Flood risk			£0
Emergency and rescue services			£0
Health	£7,500,000		£7,500,000
Community Infrastructure	£850,000	£350,000	£500,000
Open space, recreation and Biodiversity	£867,000	£692,000	£175,000
Rest of district totals	£52,639,693	£25,264,693	£27,375,000

Table 4 Estimated funding gap - Partial review sites

Infrastructure category	Cost of assessed infrastructure	Other sources of funding	Estimated funding gap
Transport	£66,093,617	£41,093,000	£25,000,617
Education	£72,992,531	£72,992,531	£0
Utilities			£0
Flood risk			£0
Emergency and rescue services	£164,396	£164,396	£0
Health	£7,500,000		£7,500,000
Community Infrastructure	£11,727,722	£11,727,722	£0
Open space, recreation and Biodiversity	£44,855,100	£44,830,100	£25,000
Partial review sites totals	£203,333,366	£170,807,749	£32,525,617

Table 5 Total estimated funding gap

Infrastructure category	Cost of assessed infrastructure	Other sources of funding	Estimated funding gap
Transport	£250,706,511	£49,563,000	£201,143,511
Education	£247,858,224	£247,858,224	£0
Utilities	£150,000,000	£150,000,000	£0
Flood risk	£0	£0	£0
Emergency and rescue services	£164,396	£164,396	£0
Health	£40,000,000	£0	£40,000,000
Community Infrastructure	£14,877,722	£12,177,722	£2,700,000
Open space, recreation and Biodiversity	£51,036,300	£45,592,100	£5,444,200
Overall totals	£754,643,153	£505,355,442	£249,287,711

2.9. Not all the projects in the IDP will be funded or partially funded by CIL. The Council is seeking views from the public, infrastructure providers and site promoters on the most effective way of funding infrastructure projects within the potential funding sources available and the context of CIL Regulations.

2.10. The inclusion of the IDP projects or infrastructure types in this paper does not constitute a commitment from the Council to fund or partially fund them. The IDP projects will be reviewed and selected for funding in the light of CIL receipts and infrastructure priorities.

3. Projected CIL income and infrastructure funding

3.1 The Council used the Housing Delivery Monitor from the 2022-23 Annual Monitoring Report (published in December 2023) to estimate the potential CIL income over the Local Plan Part 1 period to 2031. We took a cautionary approach, and had regard to the previous levels of planning permissions and completions, as well as ongoing market trends.

3.2 CIL is not expected to be in place until April 2025, and so any sites or windfall figures that are anticipated to have gained planning permission (including outline planning

permission) prior to this point have been discounted. Affordable housing is exempt from CIL and affordable housing has therefore been discounted from the potential CIL floor space calculations.

- 3.3 Planning history indicates a relatively low instance of retail warehouse development, so no CIL income is projected for retail warehouses to 2031; however it is proposed to move ahead with the proposed CIL charge given viability evidence demonstrates this form of development is viable.

Table 6 Projected CIL income to 31 March 2031

Development	No of dwellings	Affordable / self-build housing	CIL liable housing	Floor area (sqm)	CIL rate (per sqm)	Projected CIL income
New or replacement dwellings						
Northern area	288	94	194	17,752	£20	£355,040
Southern area	456	147	309	28,235	£120	£3,388,200
Banbury & Bicester	552	165	387	35,370	£0	£0
Strategic allocated housing sites	3,710	1,394	2,316	211,440	£0	£0
Other charges						
Primary retail (Banbury & Bicester)	-	-	-	-	£260	£0
Large scale industrial (> 2,000 sqm)				6,216	£70	£435,120
Distribution & logistics	-	-	-	58,481	£110	£6,432,910
Convenience based supermarkets & superstores	-	-	-	2,360	£200	£472,000
Retail Warehouses	-	-	-	-	£140	£0
Total	1,296	406	890	359,854		£11,083,270

- 3.4 The Council estimates that based on the 2023 AMR and previous permission / build out rates, about 113,044 m² of floor space from development will be subject to CIL at the different CIL rates proposed in the Draft Charging Schedule.
- 3.5 The estimated CIL income to 2031 would be c.£11 million.
- 3.6 Income from CIL would contribute to reducing the infrastructure funding gap by 4% leaving a residual funding gap of £235 million to be met by other funding sources. This infrastructure funding gap demonstrates that levying CIL charges is justified in Cherwell District.
- 3.7 Many sites identified in the Adopted Cherwell Local Plan (July 2015) either have planning permission or are under construction. Many of the sites in the Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need (September 2020) are in the process of coming forward for planning permission. If CIL were to be adopted in 2025 as indicated in the Council's Local Development Scheme, it would mainly address windfall development and growth identified in a future Local Plan Review.

3.8 Other sources of funding to deliver infrastructure will continue to have a key role in the delivery of infrastructure alongside CIL. These include:

- Section 106 planning obligations on-site mitigation and critical off-site infrastructure improvements felt necessary to make development acceptable in planning terms;
- Infrastructure provider's investment programmes including: Highways England, Network Rail, Sports England, Environment Agency, Thames Water;
- Central government funds such as Local Growth Fund and the 'Large sites infrastructure programme' from the Department for Communities and Local Government and funds to support infrastructure as part of the recently awarded Bicester Garden Town;
- New Homes Bonus; and
- Business Rate retention.

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This report is public.	
Discretionary Housing Payments Policy 2024-2025	
Committee	Executive
Date of Committee	8 April 2024
Portfolio Holder presenting the report	Portfolio Holder for Finance, Councillor Adam Nell
Date Portfolio Holder agreed report	29 February 2024
Report of	Assistant Director Finance & Section 151 Officer, Michael Furness

Purpose of report

To inform Executive of the reviewed policy for Discretionary Housing Payment (DHP) and proposed updates.

1. Recommendations

The Executive resolves:

- 1.1 To note the contents of the reviewed policy for Discretionary Housing Payments.
- 1.2 To approve the policy for Discretionary Housing Payments.

2. Executive Summary

- 2.1 The DHP policy was last reviewed in 2023. It is good practice to periodically review policies to ensure they remain relevant and in line with supporting the delivery of the Council's policies.
- 2.2 The DHP scheme was introduced on 2 July 2001 and allows councils the discretion to help people on a low income with their housing costs where Housing Benefit (HB) or Housing Costs (HC) included in Universal Credit (UC) alone does not meet all their needs.
- 2.3 In 2023/24 total funding amount paid to Cherwell District Council by Department for Works and Pensions is £187,383 the funding amount for 2024/25 is yet to be confirmed, however we expect the figure to be the same value or more
- 2.4 Additionally Oxfordshire County Council has provided funding which is being carried forward into 2024 -25 the total value of this is £187,383.

- 2.5 Cherwell District Council remains committed to identifying and assisting the most vulnerable residents through effective use of DHP monies in order to offer one-off or ongoing support to families in exceptional need affected by the following changes to HB or UC housing costs:
- Benefit cap
 - Changes/restrictions to Local Housing Allowance for claimants who have private sector tenancies.
 - Removal of the Spare Room Subsidy for claimants who have social sector tenancies.
 - The roll out of Universal Credit Full Service where claimants move from claiming HB to UC housing costs.
- 2.6 Cherwell District Council is also committed to the Government’s recommendation that Local Authorities should give priority consideration to households where substantial disabled adaptations have been undertaken to meet the disability needs for a household member, and where these households have also been adversely affected by Spare Room Subsidy restrictions and for whom it would not be reasonable to expect them move from their homes into smaller accommodation.

Implications & Impact Assessments

Implications	Commentary			
Finance	The financial implications are set out within the report. DHP is funded by grants received by the Council. The Council has budgetary provision to administer the grant funding within the Revenues and Benefits team. Leanne Lock, Strategic Business Partner			
Legal	The Discretionary Policy has been reviewed having consideration for the following legislation. The Child Support, Pensions and Social Security Act 2000. Regulations: Discretionary Financial Assistance Regulations 2001. Shahin Ismail, Interim Head of Legal Services			
Risk Management	There are no risk management issues arising directly from this report. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary. Celia Prado-Teeling, Performance Team Leader			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				This policy review has been completed in line with the guidelines and commitments established in our Equalities and Diversity Framework. The implementation of this policy will have a positive

				impact on people within the protected characteristics. Celia Prado-Teeling, Performance Team Leader
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	X			
Climate & Environmental Impact				N/A
ICT & Digital Impact		X		N/A
Data Impact				N/A
Procurement & subsidy				N/A
Council Priorities	Promote individual wellbeing and healthy communities. Work to prevent homelessness. Response to cost-of-living crisis.			
Human Resources	N/A			
Property	N/A			
Consultation & Engagement	There is no consultation process required			

Supporting Information

3. Background

- 3.1 The DHP scheme was introduced on 2 July 2001 and allows councils the discretion to help people on a low income with their housing costs where Housing Benefit (HB) or Housing Costs (HC) included in Universal Credit (UC) alone does not meet all their needs.
- 3.2 Cherwell District Council is committed to the Government's recommendation that Local Authorities should give priority consideration to households where substantial

disabled adaptations have been undertaken to meet the disability needs for a household member, and where these households have also been adversely affected by Spare Room Subsidy restrictions and for whom it would not be reasonable to expect them move from their homes into smaller accommodation.

4. Details

- 4.1 DHP is an award that can be made to claimants who have a shortfall between rental liability and entitlement to HB or UC housing costs element. This would be paid as a weekly 'top up'. this weekly top up cannot exceed the eligible rental liability.
- 4.2 Eligible rental liability means all the payments specified in Regulation 12(1) of the Housing Benefit Regulations 2006 or the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 except those specified in Regulation 12(3)(b)(i) to (iii) of those regulations, i.e. deductions in respect of certain service charges.
- 4.3 A DHP award can also be made as a one-off payment to resolve an issue relating to housing costs.
- 4.4 Housing costs are not defined in the regulations, however, in general, housing costs means rental liability. This can also be interpreted more widely to include:
- Rent in advance
 - Rent deposits
 - Other lump sum costs associated with a housing need such as removal costs.
- 4.5 The claimant must be entitled to HB or UC housing costs at the time they apply for DHP.
- 4.6 Local Authorities are allocated Central Government funding for DHP. Local Authorities can also make an additional local contribution to the fund (up to 2.5 times the Government allocation).
- 4.7 The funding must be awarded to claimants in the financial year it is allocated and once the fund is exhausted no further funding will be available until the following financial year. Any DHP funding not awarded by the end of the financial year must be paid back to the DWP.
- 4.8 For the financial year 2023 /24 Cherwell District Council has been allocated £187,383.00, funding amounts for 2024 -25 is still to be confirmed by DWP, however we expect the figure to be the same value or more. Additionally Oxfordshire County Council has provided funding which is being carried forward into 2024 -25

5. Alternative Options and Reasons for Rejection

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

Option 1: Returning the funds to Department for Works and Pensions and Oxfordshire County Council

This has been rejected as this would not be in line with Cherwell's objectives of responding to the cost-of-living crisis and working to prevent homelessness.

6 Conclusion and Reasons for Recommendations

- 6.1 Discretionary Housing Payments are vital for residents in the current economic climate and help to support our most vulnerable residents with housing costs. It is recommended that the policy is endorsed by Executive to continue delivering support to these customers.

Decision Information

Key Decision	No
Subject to Call in	Yes
If not, why not subject to call in	N/A
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Discretionary Housing Payments Policy
Background Papers	None
Reference Papers	None
Report Author	Sandra Ganpot – Benefit Services and Performance Manager
Report Author contact details	Sandra.ganpot@cherwell-dc.gov.uk 01295 221721

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Discretionary Housing Payments (DHP) Policy

1. Legislation

Primary Legislation: The Child Support, Pensions and Social Security Act 2000.

Regulations: Discretionary Financial Assistance Regulations 2001.

These regulations were amended in 2012 to cover the introduction of Universal Credit and the abolition of Council Tax Benefit from April 2013.

Amendments to the regulations are covered by the Council Tax Benefit Abolition (Consequential Amendments) Regulations 2013 (which came into force on 1 April 2013) and The Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013, a further set of Universal Credit Consequential Amendment Regulations, which make amendments to the Discretionary Financial Assistance Regulations 2001 which are consequential upon the introduction of Universal Credit.

2. Introduction.

Discretionary Housing Payments were introduced in July 2001 and the Local Authority is responsible for administration of the DHP scheme. A DHP may be awarded where the Local Authority determines that a Housing Benefit or Universal Credit claimant requires further financial help towards their housing costs.

Cherwell District Council remains committed to identifying and assisting the most vulnerable residents through effective use of DHP monies in order to offer ongoing support to families in exceptional need affected by the following changes to Housing Benefit (HB) or Universal Credit housing costs:

- Benefit cap
- Changes/restrictions to Local Housing Allowance for claimants who have private sector tenancies.
- Removal of the Spare Room Subsidy for claimants who have social sector tenancies.
- The roll out of Universal Credit Full Service where claimants move from claiming Housing Benefit to UC housing costs.

Cherwell District Council is also committed to the Government's recommendation that Local Authorities should give priority consideration to households where substantial disabled adaptations have been undertaken to meet the disability needs for a household member, and where these households have also been adversely affected by Spare Room Subsidy restrictions and for whom it would not be reasonable to expect them move from their homes into smaller accommodation.

3. What is a DHP?

DHP is an award that can be made to claimants who have a shortfall between rental liability and entitlement to HB or Universal Credit (UC) housing costs element. This would be paid as a weekly 'top up', for HB this cannot exceed the eligible rental liability.

Eligible rental liability means all the payments specified in Regulation 12(1) of the Housing Benefit Regulations 2006 or the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 except those specified in Regulation 12(3)(b)(i) to (iii) of those regulations, i.e. deductions in respect of certain service charges.

A DHP award can also be made as a one-off payment to resolve an issue relating to housing costs.

Housing costs are not defined in the regulations, however, in general, housing costs means rental liability. This can also be interpreted more widely to include:

- Rent in advance
- Rent deposits
- Other lump sum costs associated with a housing need such as removal costs.

Following the abolition of Council Tax Benefit from April 2013 a DHP can no longer be paid to assist with Council Tax liability. A customer who is receiving Council Tax Reduction (CTR) with no rental liability is not entitled to a DHP award.

The claimant must be entitled to HB or UC housing costs at the time they apply for DHP.

Local Authorities are allocated Central Government funding for DHP. Local Authorities can also make an additional local contribution to the fund (up to 2.5 of the Government allocation).

The funding must be awarded to claimants in the financial year it is allocated and once the fund is exhausted no further funding will be available until the following financial year. Any DHP funding not awarded by the end of the financial year must be paid back to the DWP.

For the financial year 2023 /24 Cherwell District Council were allocated £187,383.00, funding amounts for 2024 -25 is still to be confirmed by DWP , however we expect the figure to be the same value or more. Additionally Oxfordshire County Council has provided funding which is being carried forward into 2024 -25.

DWP guidance to Local Authorities states payments from the fund should be made to support claimants affected by key welfare forms:

- Reduction in HB or UC housing costs as a result of the Removal of the Spare Room Subsidy
- Reductions in HB or UC housing costs as a result of LHA reforms
- Non-dependant deductions in HB, or housing cost contributions in UC
- Rent shortfalls to prevent a household becoming homeless whilst the housing authority explores alternative options
- Income taper reduction
- Policy to limit benefit to two children and
- any other policy change that limits the amount of HB payable, for example the removal of the family premium.

DHP cannot be used to help with:

- Ineligible service charges.
- Increases in rent due to arrears.
- Shortfalls in the Second Adult Rebate.
- Shortfalls in Council Tax Reduction.
- Certain sanctions and reductions in benefit.
- Any reduction in UC due to a sanction as specified under regulation 100 of the UC Regulations 2013
- Shortfalls caused by HB or UC overpayment recovery: when recovery of an HB or UC overpayment is taking place, such shortfalls should not be considered for a DHP.

Further guidance can be found [in Appendix A of the Department for Work and Pensions Discretionary Housing Payments Good Practice Guide](#) (May 2022).

A DHP is not a 'means-tested' entitlement of Housing Benefit. It is a short-term additional award made by the Local Authority to a claimant facing financial hardship in order to alleviate that hardship and reduce the risk of homelessness.

DHP should not be considered as a long-term solution to maintain customers in accommodation they cannot afford based on their rent liability and normal entitlement to Housing Benefit/UC housing costs.

Due to the limit of a DHP award, the DWP recommends claimants are advised by the Local Authority to consider options available to them in order to alleviate their financial and/or housing situation during the period of the award.

4. Cherwell District Council DHP Policy

This policy refers to Cherwell District Council, references within this policy to 'the Council' means Cherwell District Council and references to "decision makers" are also officers of the Council or officers authorised to act on behalf of the Council.

The purpose of this policy is to assist with the administration of DHPs, specifies how the Council will operate the DHP scheme and indicates some factors that will be considered when deciding when to award a DHP.

Each application for a DHP will be treated on its own merits, taking into consideration the guidelines issued by the DWP and those stated in this policy, to ensure all claimants are treated equally and fairly.

The Council is committed to working with social landlords, the local voluntary sector, homelessness prevention agencies, Citizens Advice Bureau and any other partners and stakeholders within the district to maximise publication of the scheme to help as many residents as possible.

5. Statement of objectives

The Council will consider awarding a DHP to claimants who meet the qualifying criteria subject to funding limitations. Before making an award, the Council must be satisfied that the claimant is entitled to:

- HB/UC housing costs element. This includes where the claimant would have been entitled to UC housing costs were it not for the fact that the person occupies specified accommodation or temporary accommodation; and
- Has a rental liability; and
- Requires further financial assistance with housing costs.

The key objectives of this policy in prioritising awards of DHP are:

- Preventing homelessness.
- Alleviating poverty.
- Keeping families together.
- Supporting the vulnerable and elderly in sustaining tenancies.
- Helping those who are trying to help themselves.
- Enabling people to secure new sustainable tenancies.
- Providing financial respite for people in short term difficulty.
- Incentivising people into and maintaining work.
- Supporting young people in education.
- Supporting those who are in affordable housing but at risk of becoming homeless due to being unable to meet their full rental liability due to severe financial difficulties from the effects of the current economic climate.

- Assist persons within the area who qualify for Housing Benefit or Universal Credit Housing Element to move or obtain premises more suitable to their requirements.

6. Claiming a DHP

A claim for a DHP must be made in writing on the following form [DHP application](#) .

A request for a paper application can be arranged by emailing benefits@Cherwell-dc.gov.uk.

An award can occasionally be extended for a short period without a further claim form being submitted where the Council is satisfied that the claimant's circumstances continue to remain the same, despite the claimant taking all reasonable steps during the period of the original award to alleviate their situation.

A DHP will not be awarded where the Council considers alternative monies, benefits, awards, grants or funds are available or more appropriate for the claimant, for example, the Cherwell Bond Scheme from a previously rented property.

The Council may request any information or documentary evidence reasonable and/or relevant in support of an application for a DHP. All requests for additional information will be made in writing or by email, where possible existing information/documentary evidence will be used to support an application in order to avoid duplication.

If a claimant is in receipt of UC, any information held for local Council Tax Reduction may also be used to process a DHP application and/or change in circumstances.

The Council may verify the information provided by the claimant with authorised agencies, for example, His Majesty's Revenue and Customs (HMRC) and DWP.

Where the claimant is in receipt of HB the Council will carry out a claim review, in order to ensure the correct level of Housing Benefit is being awarded, before making a DHP decision.

The claimant will be given one month to provide any additional information/documentary evidence requested. Decision Makers will have discretion to extend the time limit in appropriate circumstances.

However, if information/documentary evidence is not returned within the agreed time limit the Decision Maker will make the DHP decision based upon the information available at that time.

7. The decision-making process

Each decision reached is discretionary and is not governed by means-tested regulations, however, the Council will ensure that all decisions made are consistent, fair and in-line with the objectives of this policy.

On receipt of an approved/signed form the Decision Maker will verify that the claimant is [eligible](#).

Where the claimant is not eligible, the Decision Maker will advise the claimant in writing their request has been unsuccessful without requesting further information.

Where the application is made and indicates one or more of the following is the only reason for the claim the DHP will be decided as not eligible:

- Ineligible service charges
- Increases in rent due to arrears
- Shortfalls in the Second Adult Rebate
- Shortfalls in Council Tax Reduction (CTR)
- Shortfall in HB due to recovery of an overpayment
- Reduction in HB due to other benefit sanctions
- HB that has been suspended
- The waiting days applied to Universal Credit claims

Where any of the above applies, the Decision Maker will advise the claimant in writing without requesting further information.

Where the claimant's circumstances are eligible for DHP, the Decision Maker will consider one or more of the following impacts on the claimant's housing costs circumstances and finances in considering an award. The reason for the request is:

- To cover a reduction in eligible rent due to the Removal of the Spare Room Subsidy
- To cover a shortfall in rent due to the Benefit Cap
- To cover a rent restriction imposed by the Rent Officer for private tenancies.
- To cover the difference between the LHA rate and the rental liability
- To cover the difference between the housing costs in the UC award and the rental liability
- To counteract the effect of any non-dependant deduction
- To support a customer back into work
- To prevent homelessness
- Removal costs in relation to obtaining affordable accommodation.
- Rent deposits and rent in advance in relation to obtaining affordable accommodation: a DHP can be awarded for a rent deposit or rent in advance for a property that the claimant has yet to move into if they are already entitled to HB or UC for their present home.
- All other options must be explored prior to a DHP being awarded in this instance, such as Cherwell District Council's rent deposit scheme, deposit from a previously rented property etc. Regard should be given to the Court of Appeal's decision in R v LB Lambeth, ex parte Garrett which sets out that any HB already paid towards housing costs must be deducted when calculating the amount of DHP to avoid duplicate provision. The following conditions must also be satisfied;
 - the property is affordable for the tenant; and
 - the tenant has a valid reason to move; and
 - the deposit or rent in advance is reasonable.
- To help with liability to pay rent on two homes: the regulations permit a person to have help through a DHP award with rent due on a property they have moved into when treated as temporarily absent from their home e.g. the claimant has moved due to domestic violence. If the customer is liable for the rent on both properties and in both cases, there is a shortfall, a DHP could be awarded in respect of both properties subject to the weekly limit on each property.
- If the claimant is liable for payments on one dwelling but is having to pay rent on two, a weekly DHP could be made to assist with the temporary accommodation up to the level of the weekly eligible rent on the dwelling from which they are temporarily absent.

(This list is not exhaustive)

The Decision Maker will then consider if the claimant has:

- Demonstrated financial hardship
- Demonstrated a personal life event that has led to financial hardship, for example, the bereavement of a close relative.
- Demonstrated steps already taken to achieve financial independence, for seeking and accepting advice from the Council's Housing Options team, Tenancy Support Officers or Citizens Advice Bureau.

Applications may be considered unsuccessful if one or more of the following apply:

- Other support/provision has been granted for this need/situation
- Eligibility criteria has not been met
- Exceptional need is not evidenced
- Exceptional financial circumstances are not evidenced
- Applicant has accessible capital/savings
- Applicant has already received DHP either as short-term financial support by way of on-going DHP
- rent in advance in lieu of an on-going DHP or;
- rent deposit in lieu of an on-going DHP and has not shown that they have taken any relevant steps to help alleviate their situation
- Applicant chooses to cancel any arrangement whereby support/assistance is being provided by another body such as Citizens Advice Bureau, Housing Options or Landlords' Welfare Officers.

The Decision Maker will compare the actual household income and savings compared with essential household expenditure. The Decision Maker will also take account of any other income, grants, discretionary awards and/or benefits that the claimant could be entitled to in order to determine whether the claimant needs further financial assistance to meet their housing costs.

Where the Council considers the claimant may be entitled to other income or benefits the Council may award a DHP to allow time for the claimant to apply for alternative income or benefits.

The Council will refer to the Standard Financial Statement (SFS) trigger figures (April 2023) to determine reasonable expenditure for telephone, housekeeping, and travel.

The Standard Financial Statement trigger figures are widely used in the financial industry as reasonable expenditure levels. This approach is consistent with the financial hardship work undertaken by Citizens Advice.

Where specific expenditure is higher than the trigger figures the Decision Maker will request further information and/or evidence to determine why the figures are higher. Where the claimant is unable to provide satisfactory information to explain the higher figures the expenditure used to calculate any DHP award will be adjusted to the trigger figures.

The Decision Maker will also consider the following in relation to the claimant's household and financial circumstances:

- Whether the property has been substantially adapted for the needs of a disabled customer
- Any steps already taken by the customer to reduce their rental liability.
- The financial and medical or social needs of anyone in the household
- Any steps already taken by the claimant to reduce other expenditure.
- Any steps already taken by the claimant to achieve financial stability.
- Any savings or capital held by the claimant or family members.
- Any steps already taken by the claimant to reduce the level of debt in the household.
- Any exceptional circumstances of the claimant or family members
- The possible impact on the authority of not making such an award, for example, pressure on priority homeless accommodation.
- The possible impact on the claimant of not making such an award, for example, the immediate threat of homelessness.
- The amount available in the DHP budget at the time of the application
- Any special reasons which make it necessary or particularly desirable for the claimant to occupy the dwelling in respect of which the liability arises.
- The risk of becoming homeless due to rent arrears, particularly where any of the household are vulnerable by reason of age, sickness, or disability.
- Action taken by the landlord to recover arrears of rent.
- Legislative change impacts, for example- restrictions to eligible rent, LHA restrictions, size criteria, benefit cap.

- Any other special circumstances brought to the decision maker's attention.

(This list is not exhaustive)

8. Start dates of an award

A DHP will normally be awarded from:

- The Monday following receipt of the application form or
- The Monday following the initial request made where the application form is received within one month of the date of the initial request or
- The date on which entitlement to Housing Benefit or Universal Credit commenced whichever is the most appropriate.

A DHP cannot be awarded for any period outside an existing Housing Benefit or Universal Credit period granted under the Housing Benefit or Universal Credit statutory schemes.

9. Backdating

Claimants may apply for a backdated DHP. However, awards are expected to meet current financial hardship and household circumstances. Whilst there are no restrictions on the Council considering a request for a backdated award, any payment would normally be restricted to the current financial year due to the DWP funding arrangements.

Any application will be considered on a case-by-case basis in accordance with this policy.

10. Period of award

Any DHP award will be made for a period relevant to the claimant's housing and financial circumstances. Consideration will be given to the level of vulnerability of the household and the likelihood of that household circumstances alleviating during the period of award.

The length of the award will vary on a case-by-case basis, as follows:

- There is no minimum period for a DHP award which can be made until a change in circumstances results in that household's ability to afford their rental liability; or
- Maximum period of 12 months in the case of exceptional hardship or if the claimant has limited options in making changes to their circumstances; or.
- Bespoke period based on the individual circumstances of the claimant, for example, to the end of a tenancy; or
- A lump sum award relating to a specific amount, for example, a rent deposit.

When awarding a DHP to assist the claimant to secure a new tenancy, the Decision Maker will consider the following:

- If the claimant has been offered but not accepted the rent deposit scheme operated by the Council
- If DHP is a more appropriate award than the rent deposit scheme.
- If DHP has been previously paid for a rent deposit or rent in advance.
- The claimant's deposit or rent paid in advance for previous accommodation.
- Ability of the claimant to move to more affordable accommodation with the help of moving costs, rent in advance or rent deposit.
- What steps the claimant has taken to save to contribute towards rent in advance or rent deposits.

11. Level of Award

The Decision Maker will determine the level of award on a case-by-case basis based on the criteria outlined in this policy.

Where the DHP claim is to meet a shortfall between the eligible rent and Housing Benefit award/UC housing costs, the award may be:

- The full amount of the shortfall.
- A part payment of the shortfall

Where the DHP claim is a lump sum payment:

- An amount not exceeding the equivalent of one month's rent for rent deposits and/or rent in advance.
- A part payment taking into account available savings or other monies available to the claimant for rent in advance, rent deposit, moving costs etc.

The Decision Maker will consider the household's overall financial circumstances in determining the award for DHP, this will include any income or benefits fully or partly disregarded in the normal means tested calculation for Housing Benefit/UC housing costs, for example child benefit, maintenance, Personal Independence Payments, Attendance Allowance, Disability Living Allowance.

Where the Council receives information that the claimant's circumstances have been alleviated during the period of award, the DHP end date may be revised, or the level of award reduced for the remainder of the period to reflect this change.

For claimants in receipt of Housing Benefit, the level of the DHP award, calculated on a weekly basis, cannot exceed the eligible rent.

For claimants in receipt of UC housing costs, the level of the DHP award cannot exceed the housing element.

Where a DHP is awarded to recipient of UC, the DHP level of award will also take into account:

- Where an Alternative Payment Arrangement (APA) is in place to the claimant's landlord, the award will be the maximum of the shortfall between the payment to the landlord and the claimant's rent. This amount will be converted from a monthly to a weekly amount.
- Where the APA is not in place, the shortfall will be determined with reference to the claimant's circumstances. The maximum DHP award is also affected by reductions in the UC housing costs component for items such as a maximum LHA rate or non-dependant deductions as form part of the Schedule 4 to the UC Regulations i.e. the UC housing costs component of the UC award notice.
- Where a claimant is in receipt of UC the maximum DHP award that can be made is identified by looking at their UC award notification. Their UC award notice will identify a housing element, and this is the same as the maximum DHP that can be made when calculating a DHP as a monthly award.

Please note that whilst the housing element of the UC award notification may include financial support for mortgage interest payments, owner-occupiers are not eligible to receive a DHP award.

12. Method of payment

The Decision Maker will award the DHP to the most appropriate person to pay on a case-by-case basis from the following:

- The claimant
- Their partner
- An appointee
- Their landlord
- Any third party to whom it might be most appropriate to make payment.

Payment will be made by electronic transfer (i.e. BACS).

For claimants in receipt of HB a weekly DHP award to meet a shortfall will normally be made in line with the frequency and method of payment of their normal Housing Benefit.

For UC housing costs frequency is at the discretion of the Decision Maker, as payments of Universal Credit are made monthly.

13. Notification

The Council will inform the claimant of the outcome of their application in writing either by letter or email. A copy of the income and expenditure used in the calculation will be provided with the notification where that has been used to calculate the amount of the award.

Where the application is unsuccessful, the Council will set out the reasons to explain the decision.

Where the application is successful, the Council will advise:

- The weekly amount of DHP awarded
- The period of the award
- How, when and to whom the award will be paid
- The requirement to report a change in circumstances.

Where the claimant is experiencing financial difficulties due to restrictions implemented as part of welfare reforms associated with their accommodation, their details may be passed to the Council's Housing Options team or Citizens Advice.

Where payment is to be made to a third party, for example a Landlord for a rent deposit, the Landlord will also receive a written notification.

The Council will include information about the legal obligations for landlords to protect any deposit paid in a Government approved tenancy deposit protection scheme.

Compliance with this requirement will help reduce the need for future help with deposits.

14. Reapplying for a DHP

There are no restrictions on the number or amount of DHP applications that can be made by a claimant, other than the availability of funding. Once the funding has been used within year the allocation will not be replenished until the next financial year.

However, reapplications will take into account previous awards of DHP, steps taken by the claimant during the period of the original award and any barriers that have prevented the claimant alleviating their financial and housing situation.

Where the application is unsuccessful, the claimant may reapply for a DHP at any time (or request [a review of the decision](#)). Where an application is successful the claimant may apply for an increase or additional DHP payment (for example, a rent deposit) during or at the end of their current period of award.

The Council will not contact the claimant at the end of the award unless there are exceptional circumstances, for example the claimant is vulnerable and/or has known difficulties managing their circumstances.

A claimant will need to complete a new application to reapply for DHP at the end of a current award, except in occasional circumstances where the Council is satisfied their circumstances have remained the same. Claimants can submit an application to reapply for a further award up to 4 weeks before the end of the current award period.

15. The right to seek a review

DHP decisions are not subject to the statutory appeals procedure, as they are not awards of Housing Benefit or Universal Credit.

Claimants can request a review of the Council's decision on an unsuccessful DHP, a reduced award, a decision not to backdate a DHP or a decision that there has been an overpayment of DHP.

A request for a review must be submitted to the Council within one month of the date of the DHP notification. The Council may consider requests made after this time period where the claimant has given specific reasons for the delay and the Decision Maker considers these reasonable.

On receipt of a request for a review:

- A Decision Maker, different to the original Decision Maker, will review the decision and all the evidence, as soon as possible.
- Request any additional evidence/information that may be required.
- Notify the claimant of the outcome of the review in writing.
- Where the Council makes the decision to uphold the original decision, the Decision Maker will notify the claimant of their decision in writing, setting out the reasons for their decision.
- The decision is final and binding and may only be challenged via the judicial review process or by complaint to the Local Government Ombudsman where there is an allegation of maladministration.

16. DHP Overpayments

A DHP overpayment may occur where the Council determines:

- The claimant misrepresented their circumstances or failed to disclose a material fact or change in circumstances, either fraudulently or otherwise, at the start, end or during the period of award.
- DHP was awarded as a result of an error made in determining Housing Benefit or UC housing costs entitlement.

The Council may consider the overpayment to be recoverable.

Overpayments deemed recoverable may be recovered from any ongoing DHP entitlement or future DHP awards.

Where no DHP is in payment the Council will issue an invoice to the claimant or other person considered responsible to repay the overpayment. The Council will consider requests by claimants/other responsible persons who wish to repay a DHP overpayment by instalments on a case-by-case basis.

The Council cannot recover DHP from ongoing Housing Benefit, UC or other attachment of benefits.

17. Publicity

The Council will continue to publicise the DHP scheme, working with key stakeholders and partners using various platforms including using the Council's website. Information about the amount spent will not normally be made available except at the end of the financial year.

Decision Makers will liaise closely with social landlords, volunteer agencies and Housing Options team to ensure the most vulnerable customers are made aware of DHPs and are assisted in claiming them as required.

18. Fraud

The Council is committed to the fight against fraud. Claimants found to have claimed or attempted to claim a DHP by falsely representing their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under the Theft Act 1968, including Sections 17 'False Accounting' and 24A 'wrongful Credit'. Offences may also have been committed under the Fraud Act 2006, the identity documents Act 2010 and the Accessories and Abettors Act 1861. This list is not exhaustive. Where the Council has evidence that such a fraud may have occurred, the matter will be referred for investigation to the Council's Corporate Fraud Team and this may lead to the instigation of criminal proceedings.

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This report is public	
Performance Outcomes Framework 2024 - 2025	
Committee	Executive
Date of Committee	8 April 2024
Portfolio Holder presenting the report	Portfolio Holder for Corporate Services, Councillor Sandy Dallimore
Date Portfolio Holder agreed report	11 March 2024
Report of	Assistant Director – Customer Focus, Shona Ware

Purpose of report

To share the proposed approach for measuring, monitoring, and reporting on the council's performance towards its priorities and objectives for 2024/25 and to capture any recommended changes for Executive consideration.

1. Recommendations

The Executive resolves:

- 1.1 To approve the proposed approach for managing the council's performance for 2024/25, specifically the 36 performance indicators and their respective targets.

2. Executive Summary

- 2.1 The Performance Outcomes Framework sets out the council's approach to measuring its performance for 2024/25. The proposal is to measure a total of 36 key performance indicators on a quarterly basis along with progress reports on the council's agreed Annual Delivery Plan priorities for 2024/25.

Implications & Impact Assessments

Implications	Commentary
Finance	There are no financial or resources implications arising directly from this report. The financial implications of the Annual Delivery Plan and Business Plan were captured as part of the budget setting process and approved by Full Council on 26 February 2024. Joanne Kaye, Head of Finance (Deputy Section 151 Officer)

Legal	There are no legal implications arising directly from this report. It may be that some of the targets in appendix 2 are prescribed to us, if so, they should be clearly marked as such as CDC will need to put plans in place quickly if we are falling behind in meeting these. Alison Coles, Legal Services Operations Manager & Solicitor			
Risk Management	Without a performance management framework, the council risks not achieving its priorities and objectives for the year ahead and consequently not delivering better outcomes for its communities. Celia Prado-Teeling, Performance & Insight Team Leader, 27 February 2024			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact		X		There would be no Equalities implications from agreeing the proposed performance management framework. Delivering the council's priorities and objectives for 2024/25 should deliver better outcomes for all its communities. Celia Prado-Teeling, Performance Team Leader
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Climate & Environmental Impact		X		There are no direct sustainability implications as a consequence of this report.
ICT & Digital Impact		X		N/A
Data Impact		X		N/A
Procurement & subsidy		X		N/A
Council Priorities	All The Outcomes Framework will provide a performance monitoring and management tool to ensure the council delivers against its strategic Business Plan priorities.			

Human Resources	N/A
Property	N/A
Consultation & Engagement	This report sets out the performance outcomes framework for the next financial year, therefore no formal consultation or engagement is required. The Overview & Scrutiny Committee was consulted at their meeting of 12 March 2024

Supporting Information

3. Background

- 3.1 Before the start of each new financial year the council agrees its priorities and objectives for the year ahead so it can align its resources effectively to support their delivery, as well as providing a clear direction of travel for all stakeholders.

4. Details

Priorities for 2023/24

- 4.1 The council's desired outcomes for the year ahead are set out in two key documents:

Business Plan

- 4.2 This sets out the council's overarching vision, aims and ambitions over a period, usually 3-4 years. The current plan, attached in Appendix 1, is in its final year of implementation so work to develop a new one will begin in quarter one of 2024/25. The business plan priorities for 2024/25 remain as follows:

- Housing that meets your needs.
- Supporting environmental sustainability.
- An enterprising economy with strong and vibrant local centres.
- Healthy, resilient, and engaged communities.

Annual Delivery Plan

- 4.3 As the name suggests this sets out the priorities and objectives for the year ahead so there is a clear direction of travel on an annual basis to support the delivery of the council's overarching Business Plan. The 2024/25 Annual Delivery Plan (ADP) was agreed by Full Council in February 2024 and identified 15 priorities for the new financial year, which are attached at Appendix 3.

Golden thread

- 4.4 The council's priorities and desired outcomes for 2024/25, which are set out in the above two documents will be cascaded down the organisation through service plans to individual performance objectives. This will ensure the necessary golden thread is in place to achieve success. The golden thread being how the council's vision and ambitions are aligned and woven into the fabric of its organisational hierarchy, so every employee understands how their work contributes to delivering better outcomes for Cherwell's communities.

Performance measures and monitoring for 2024/25

Business Plan

- 4.5 Progress towards achieving the council's four business plan priorities will be measured through a total of 36 key performance indicators, 28 of them will be reported quarterly, 7 annually and one bi-annually.
- 4.6 All the proposed measures for the new financial year are attached in Appendix 2.

Annual Delivery Plan

- 4.7 Given the nature of the ADP's 15 strategic priorities - major pieces of work for delivering in partnership wherever possible - they will take time to develop and implement. Therefore, the proposed approach for monitoring the council's progress towards these priorities is through setting quarterly milestones, which are set out in Appendix 3.

Performance reporting

- 4.8 Progress towards the council's priorities and objectives for 2024/25 will be monitored and reported on a quarterly basis. These reports will be shared with the Overview and Scrutiny Committee before consideration by the Executive Committee.

5. Alternative Options and Reasons for Rejection

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

Option 1: Not to agree a performance management framework

Without a performance framework the council cannot monitor its progress towards its desired outcomes and therefore agree any corrective action that might be necessary to keep them on track. Therefore, the council would risk not delivering its desired outcomes for its communities. This option has therefore been rejected.

6 Conclusion and Reasons for Recommendations

- 6.1 This report sets out a suggested framework for measuring and monitoring the council's performance and progress towards achieving better outcomes for its communities. The framework will ensure there is a clear pathway to achieving success, and the committee's views are important for ensuring its effectiveness.

Decision Information

Key Decision	No
Subject to Call in	Yes
If not, why not subject to call in	N/A
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Business Plan 2024/25
Appendix 2	Business Plan Performance Indicators 2024/25
Appendix 3	Annual Delivery Plan Strategic priorities 2024/25
Background Papers	None
Reference Papers	Executive Annual Delivery Plan 2024/25 report
Report Author	Celia Prado-Teeling, Performance Team Leader
Report Author contact details	Celia.Prado-Teeling@Cherwell-dc.gov.uk , 01295 221556

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Business Plan 2024 -2025

Housing that meets your needs

- Support the delivery of affordable and green housing.
- Ensure minimum standards in rented housing.
- Work with partners supporting new ways to prevent homelessness.
- Support our most vulnerable residents.
- Prepare the Local Plan.



Supporting environmental sustainability

- Work towards our commitment to be carbon net zero by 2030.
- Promote the green economy.
- Support waste reduction, reuse and recycling.
- Work with partners to improve air quality.



An enterprising economy with strong and vibrant local centres

- Support business retention and growth.
- Work with partners to support skills development and innovation.
- Work with others to support growth.
- Work with partners to promote the district as a visitor destination and attract investment in our town centres.
- Work with businesses to ensure compliance and promote best practice.



Healthy, resilient and engaged communities

- Support and encourage active lifestyles and health and wellbeing.
- Support development of leisure services and facilities meeting the needs of residents.
- Support community and cultural development.
- Work towards our commitment to equalities, diversity and inclusion.
- Work with partners to address the causes of health inequality and deprivation.
- Work with partners to reduce crime and antisocial behaviour.



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Appendix 2 – Business Plan Performance Indicators 2024-25

Housing that meets your needs						
Measure Name	Portfolio Holder	AD/Director	Frequency	Targeted or Monitoring	Yearly Target	Local or Nationally set
Number of Homeless Households living in Temporary Accommodation (TA)	Cllr N Mawer	Nicola Riley Gordon Stewart	Quarterly	Targeted	<45	Local
Homes improved through enforcement action	Cllr N Mawer	Nicola Riley Gordon Stewart	Quarterly	Monitoring only	N/A	N/A
Number of affordable homes delivered	Cllr N Mawer	Nicola Riley Gordon Stewart	Quarterly	Targeted	200	Local
New - Homelessness cases successfully prevented rather than relief/main duty being applied	Cllr N Mawer	Nicola Riley Gordon Stewart	Quarterly	Targeted	60%	Local
New Average time taken for new applications to be responded to within 15 working days	Cllr N Mawer	Nicola Riley Gordon Stewart	Quarterly	Targeted	15 days	Local
Average time taken to process Housing Benefit New Claims and council tax reduction	Cllr A Nell	Michael Furness Stephen Hinds	Quarterly	Targeted	18 days	Local
Average time taken to process Housing Benefit Change Events and council tax reduction (OFLOG)	Cllr A Nell	Michael Furness Stephen Hinds	Quarterly	Targeted	8 days	Local
% of Major Planning Applications determined to National Indicator (OFLOG)	Cllr D Sames	David Peckford Ian Boll	Quarterly	Targeted	60%	National
% of Non-Major Planning Applications determined to National Indicator (OFLOG)	Cllr D Sames	David Peckford Ian Boll	Quarterly	Targeted	70%	National
% of Major Applications overturned at appeal (OFLOG)	Cllr D Sames	David Peckford Ian Boll	Quarterly	Targeted	10%	National
% of Non-Major Applications overturned at appeal (OFLOG)	Cllr D Sames	David Peckford Ian Boll	Quarterly	Targeted	10%	National
Net Additional Housing Completions to meet Cherwell's needs	Cllr D Sames	David Peckford Ian Boll	Biannual September - March	Targeted	1142	Local

Appendix 2 – Business Plan Performance Indicators 2024-25

New - No. of building control full plans assessed within 5 weeks (or longer with applicant's agreement)	Cllr D Sames	David Peckford Ian Boll	Quarterly	Targeted	95%	National
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Supporting on Environmental Sustainability

Measure Name	Portfolio Holder	AD/Director	Frequency	Targeted or Monitoring	Target	Local or Nationally set
% Waste Recycled & Composted (OFLOG)	Cll A McHugh	Ed Potter Ian Boll	Quarterly	Targeted	54%	Local
New % reduction in fuel consumption	Cll A McHugh	Ed Potter Ian Boll	Annually	Targeted	1%	Local
New Residual household waste (kg) per household (OFLOG)	Cll A McHugh	Ed Potter Ian Boll	Quarterly	Monitoring	N/A	N/A
% of Climate Action Plan delivering to target	Cll A McHugh	Ed Potter Ian Boll	Quarterly	Targeted	66%	Local
% of missed waste containers	Cll A McHugh	Ed Potter Ian Boll	Quarterly	Monitoring	N/A	Nationally
New - Recycling Contamination rate (percentage) (OFLOG)	Cll A McHugh	Ed Potter Ian Boll	Quarterly	Monitoring	N/A	N/A
New - Total Greenhouse gas emissions for the year	Cll A McHugh	Ed Potter Ian Boll	Annually	Targeted	3900 tonnes of CO2e	Local

Appendix 2 – Business Plan Performance Indicators 2024-25

An enterprising economy with strong & vibrant local centres

Measure Name	Portfolio Holder	AD/Director	Frequency	Targeted or Monitoring	Target	Local or Nationally set
% of Council Tax collected, increase Council Tax Base (OFLOG)	Cllr A Nell	Michael Furness Stephen Hinds	Quarterly	Targeted	97.5%	Local
New - Council Tax revenue per dwelling (OFLOG)	Cllr A Nell	Michael Furness Stephen Hinds	Annually	Monitoring	N/A	N/A
% of Business Rates collected, increasing NNDR Base (OFLOG)	Cllr A Nell	Michael Furness Stephen Hinds	Quarterly	Targeted	98.5%	Local
No. of businesses engaged through UKSPF and REPF funded programmes.	Cllr D Ford	Robert Jolley Ian Boll	Quarterly	Monitoring	N/A	Local
No. of residents engaged through UKSPF and REPF funded programmes.	Cllr D Ford	Robert Jolley Ian Boll	Quarterly	Monitoring	N/A	Local

Healthy, resilient, and engaged communities

Measure Name	Portfolio Holder	AD/Director	Frequency	Targeted or Monitoring	Target	Local or Nationally set
Number of Visits/Usage of all leisure facilities in the district	Cllr N Simpson	Nicola Riley Gordon Stewart	Quarterly	Monitoring	N/A	N/A
Residents who have taken part in programmes contributing to improving health inequalities	Cllr N Simpson	Nicola Riley Gordon Stewart	Quarterly	Monitoring	N/A	N/A
% of due food hygiene inspections of premises rated A-D	Cllr P Chapman	Ian Boll Tim Hughes	Quarterly	Targeted	95%	National
Number of Illegal Fly Tips	Cllr P Chapman	Ian Boll Tim Hughes	Quarterly	Monitoring	N/A	N/A

Appendix 2 – Business Plan Performance Indicators 2024-25

Organisational health						
Measure Name	Portfolio Holder	AD/Director	Frequency	Targeted or Monitoring	Target	Local or nationally set
New – Non-ringfenced reserves as percentage of net revenue expenditure (OFLOG)	Cllr A. Nell	Michael Furness Stephen Hinds	Quarterly	Monitoring	N/A	N/A
New – Non-ringfenced reserves as percentage of service spend (OFLOG)	Cllr A. Nell	Michael Furness Stephen Hinds	Quarterly	Monitoring	N/A	N/A
New – Total core spending power per dwelling (OFLOG)	Cllr A. Nell	Michael Furness Stephen Hinds	Annually	Monitoring	N/A	N/A
New – Level of band D council tax rates (OFLOG)	Cllr A. Nell	Michael Furness Stephen Hinds	Annually	Monitoring	N/A	N/A
New Debt servicing as percentage of core spending power (OFLOG)	Cllr A. Nell	Michael Furness Stephen Hinds	Annually	Monitoring	N/A	N/A
New – Total debt as percentage of core spending power (OFLOG)	Cllr A. Nell	Michael Furness Stephen Hinds	Annually	Monitoring	N/A	N/A
New – Number of upheld complaints (OFLOG)	Cllr S. Dallimore	Shona Ware Gordon Stewart	Quarterly	Monitoring	N/A	N/A

Appendix 3

Business plan priority	Plan Ref	Annual Delivery Plan priorities	Milestones			
			Q1	Q2	Q3	Q4
Healthy, resilient, and engaged communities	HRE1	To develop a framework that determines the effectiveness and positive impact of the Wellbeing Strategy on our communities	Draft impact framework based on current data capture	Consult stakeholders on their contributions	Present for sign off and disseminate	Capture impact of the actions delivered from the strategy action plan, including annual surveys and partner contributions. Report on it
	HRE2	To respond to the Food Insecurity Emergency and improve outcomes for our residents through delivery of the Cherwell Food Action Plan	Develop an annual delivery plan Report to O&S	Hold stakeholder event to generate interest and encourage new delivery partners involvement	Consider future budget and funding need beyond our own resources	Reset Yr2 targets and report on achievements
	HRE3	To work with partners on delivering against agreed actions to protect women and girls from violence	To review and report on partner activity as agreed in delivery plan for Q1.	To review and report on partner activity as agreed in delivery plan for Q2	Review and report on Q3 milestones as set out in delivery plan	Review success and outcomes and explore opportunities to sustainably continue the work
	HRE4	To consider and deliver actions that will improve the experience of residents in relation to the cost of living by enabling Voluntary and community groups to deliver services through the redistribution of central government grants	Refresh the Cost-of-Living action Plan based on the delivery of the 23/24 plan. Search for and secure external Funding for this area of work	Undertake stakeholder engagement to help reflect on good practice and degrees of success and replicability in current programme. Search for and secure external Funding for this area of work	Develop a winter impact strategy and deliver. Search for and secure external Funding for this area of work	Monitor and evaluation to coincide with the work of the FIWG. Search for and secure external Funding for this area of work

Appendix 3

Business plan priority	Plan Ref	Annual Delivery Plan priorities	Milestones			
			Q1	Q2	Q3	Q4
Housing that meets your needs	HMN1	Work with partners and landlords to settle refugees into suitable accommodation in Cherwell through a "Migration moving plan"	Deliver properties identified through LAHF 2	Extend Community liaison and settlement support provided for new residents to capture newly settled families from Afghanistan	Continue to identify hosts and work across the Oxfordshire system to identify suitable properties and protocols for dealing with PRS Landlords	Re-let accommodation in Town Centre House following successful completion of restoration work funded through LAHF1
	HMN2	To continue delivering on our "housing that meets your needs" priority, through the development of a new Housing Strategy	Review existing strategy and develop evidence base for new strategy and its goals	Identify key themes and objectives, feeding into Local plan consultations	Deliver draft strategy for consultation with stakeholders and residents	Launch new strategy and communicate with widest stakeholder group
	HMN3	Identify the housing and infrastructure our communities need in the future to create a healthy, thriving and sustainable Cherwell, through developing our new Local Plan	Evidence gathering and preparation	Evidence gathering and preparation	Present the Proposed Plan (Reg.19) to the Council's Executive for approval and then consult on the Proposed Plan	Consider response to consultation and present Submission Plan to Council for approval.

Appendix 3

Business plan priority	Plan Ref	Annual Delivery Plan priorities	Milestones			
			Q1	Q2	Q3	Q4
Enterprising economy with strong & vibrant local centres	EEV1	To deliver key projects within the third year of the UK Prosperity Fund and Rural England Prosperity Fund.	Implement, review and report on progress of projects in Q1.	Implement, review and report on progress of projects in Q2.	Implement, review and report on progress of projects in Q3.	Implement, review and report on progress of projects in Q4, and report on the conclusion of the three-year programme.
	EEV2	To continue the development of the Banbury Vision 2050, which will identify short and long term measures to regenerate the town centre	Master planners appointed to prepare non-statutory Banbury 2050 masterplan	Masterplan engagement completed	Draft masterplan prepared and consultation completed	Banbury 2050 masterplan approved and endorsed by partners
	EEV3	To develop a plan for Reimagining Bicester and ensure existing and new communities benefit from short and long-term measures of the Garden Town principles.	Procurement of Design Consultants for Market Square Project Q4 2023/4 Programme of stakeholder consultation events/surveys Q1 2024/5 Master planners appointed to prepare non-statutory Bicester masterplan	Market Square Consultation continues Masterplan engagement completed	Market Square Final scheme design fix Draft masterplan prepared and consultation completed	Market Square approval of plans and Planning App/construction phase Bicester masterplan approved and endorsed by partners
	EEV4	Developing a Kidlington Vision	Establish oversight board for Kidlington Vision	Commence engagement with communities and stakeholders	Develop draft Kidlington Vision	Consult on draft Kidlington

Appendix 3

Business plan priority	Plan Ref	Annual Delivery Plan priorities	Milestones			
			Q1	Q2	Q3	Q4
Supporting environmental sustainability	SES1	As part of our climate action commitments, we will review and update our Air Quality Management Action plan to ensure its effectiveness and suitability.	To produce report for Exec. to provide update on air quality monitoring for 2023. To approve the draft revised existing air quality action plan. To consider revocation of a number of Air Quality Management Areas (AQMAS).	Follow-up actions from Exec. decisions – i.e. revoke the Air Quality Management Areas (AQMAS)	Review and produce new Air Quality Management Action Plan and submit to DEFRA.	Engage with partners on the revised actions arising as a result of the new plan.
	SES2	To progress activity within the Climate Action Plan to support communities to develop and implement plans to make all of the district a more sustainable place to live and work.	Implement, review and report on progress of projects in Q1.	Implement, review and report on progress of projects in Q2.	Implement, review and report on progress of projects in Q3.	Implement, review and report on progress of projects in Q4, and report on the conclusion of the three-year programme.
	SES3	Move to a smaller, greener HQ with better public transport and walking and cycling opportunities to reduce costs and reliance on cars	Appoint Contractor to undertake Castle Quay fit-out / refurbishment works	Carry out Castle Quay fit-out / refurbishment works	Office preparation and relocation works to enable transfer of staff to new accommodation	Bodicote House Cleared

Appendix 3

Business plan priority	Plan Ref	Annual Delivery Plan priorities	Milestones			
			Q1	Q2	Q3	Q4
Corporate	COR1	Identifying future service delivery options, to ensure efficiency, best use of resources and continuous improvement through Transformation Programme and Balanced MTFS	Agree transformation and budget process/ complete current transformation reviews	Develop draft transformation and savings proposals	Consultation on Savings and Transformation Proposals	Agree Budget and MTFS

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This report is public	
Equalities, Diversity, and Inclusion (EDI) Action Plans – Inclusive Communities, Services and Workplaces	
Committee	Executive
Date of Committee	8 April 2024
Lead Councillor / Portfolio Holder presenting the report	Councillor Gemma Coton, EDI working group Chair / Councillor Sandy Dallimore, Portfolio Holder for Corporate Services
Date Portfolio Holder agreed report	13 February 2024
Report of	Assistant Director – Customer Focus, Shona Ware

Purpose of report

To seek approval of the action plans for delivering the council’s equality, diversity, and inclusion commitments for creating inclusive communities, services, and workplaces, which are set out in its Equalities Framework, Including Everyone.

1. Recommendations

The Executive resolves:

- 1.1 To approve the proposed Equalities, Diversity and Inclusion (EDI) action plans for Inclusive Communities, Services and Workplaces.
- 1.2 To delegate authority to the Assistant Director for Customer Focus, in consultation with the Portfolio Holder for Corporate Services and the Chair of the EDI working group. to make minor amendments to the agreed Inclusive Communities and Services Action Plans

2. Executive Summary

- 2.1 The Council needs clear action plans for the next financial year to underpin the delivery of the EDI commitments set out in its equalities framework ‘Including Everyone’.
- 2.2 A councillor working group consisting of members from the Overview & Scrutiny and Personnel Committees was established to review progress against its existing action plans and to develop new plans for 2024/25.
- 2.3 The working group was satisfied with the delivery of the current EDI action plans citing several examples of excellence, and used these as the foundations for the new plans. The Overview & Scrutiny Committee considered the working group’s proposed action plans for Inclusive Communities and Services at their meeting on 12 March 2024 and the Personnel Committee the action plan for Inclusive Workplaces at their meeting on 7 February 2024.

2.4 The Overview & Scrutiny Committee recommended strengthening the narrative for two objectives:

EDI1.03 “Work directly with communities to identify inequality and tackle disadvantage”

EDI1.04 “Promote equality, diversity and inclusion through our supply chain and strategic partnerships”

The narrative has since been updated to reflect the work planned and ongoing towards meeting these objectives.

2.5 Both Committees resolved to recommend the proposed action plans to Executive for approval.

Implications & Impact Assessments

Implications	Commentary			
Finance	The action plans can be delivered from within existing budgets and staffing resources. If their implementation give rise to proposals that would require additional resources, then these would be authorised separately. Kelly Wheeler, Finance Business Partner			
Legal	The Council has a statutory duty under the Equality Act 2010 and the Public Sector Equality Duty (PSED) as outlined in this report. This report allows the Council to meet these obligations and duties. Risks associated with the delivery of the action plan should be monitored and managed through both the Executive and the Overview and Scrutiny committee governance arrangements. Shahin Ishmail, Interim Head of Legal Services			
Risk Management	Through the approval, and subsequent delivery, of the proposed EDI action plans we aim to be on the right path to deliver against our EDI commitments, mitigating any risks that could arise due to inaction. Any risks associated to the delivery of all action plans will be managed through the correspondent service operational risk and escalated to the Leadership Risk Register as and when deemed necessary. Celia Prado-Teeling, Performance Team Leader			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact	X			The council is already meeting its statutory responsibilities under the Equality Act 2010. These actions plans aim to enable us to go above and beyond these obligations and strengthen our capacity to promote equality across protected characteristics. Celia Prado-Teeling, Performance Team Leader

A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	X			
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	X			
Climate & Environmental Impact		X		There is no climate nor environmental arising impact directly from this report Jo Miskin, Climate Action Manager
ICT & Digital Impact		X		N/A
Data Impact		X		The implementation of these plans rests on using publicly available data (in particular from the 2021 Census) and the results of the regular Pulse Surveys of the council's workforce. Participation in the Pulse Surveys is optional, results are anonymised and held securely.
Procurement & subsidy		X		N/A
Council Priorities	Healthy, resilient, and engaged communities			
Human Resources	The action plans can be delivered from within staffing resources. If their implementation gives rise to proposals that would require additional resources, then these would be authorised separately.			
Property	None at this stage. If adjustments are recommended as a result of the proposed accessibility audits, these would be considered separately, and a fresh decision would be required.			
Consultation & Engagement	Overview and Scrutiny Committee discussed the Inclusive Communities and Services Action Plans at their meeting on 12 March 2024. The Inclusive Workplace action plan was consulted with the Personnel Committee on 7 February 2024.			

Supporting Information

3. Background

- 3.1 The Equality Act 2010 requires all public bodies including councils to take extra steps to stop discrimination. This is known as the Public Sector Equality Duty.
- 3.2 The duty means having to consider equality as part of our daily business and sets out specific requirements for achieving this, which are to:
- Eliminate unlawful discrimination, harassment, victimisation, and other conduct prohibited by the Act,
 - Advance equality of opportunity between people who share a protected characteristic and those who do not,
 - Foster good relationships between people who share protected characteristics and those who do not,
 - Set and publish equality objectives at least every four years and,
 - Publish information at least annually, to show how we comply with the Equality Duty including information about employees and to people who are affected by our policies and procedures.
- 3.3 In 2020, the council agreed an equalities framework, 'Including Everyone', which it co-produced with Oxfordshire County Council. This framework was to capture our statutory obligations but also our commitments to going beyond what the law expects, to deliver inclusive communities, services, and an inclusive workforce.
- 3.4 The framework commits the council to considering the impact of its decisions on those living in social deprivation, rural communities, leaving care, carers, and those in our armed forces community, in addition to the statutory protected characteristics.
- 3.5 In early 2023, an EDI Working Group was formed to refresh the action plans that had been created to underpin the framework so that it reflected Cherwell as a single council and the significant progress that had been made since it was developed. The Working Group consisted of members from both the Overview and Scrutiny and Personnel Committees.
- 3.6 Three actions plans were developed for the 2023/2024 financial year: Inclusive Communities, Inclusive Services, and Inclusive Workplace.
- 3.7 In June 2023, the Overview & Scrutiny and Personnel Committees agreed that the EDI Working Group should continue to meet in the new financial year, when it will oversee the implementation of these plans and help shape the annual improvement plans.
- 3.8 Over the course of nine meetings, the group reviewed the background, issues, and delivery of the existing plans; during Q3 2023-24 the group reviewed the progress of all plans and proposed new actions for 2024-25. Annexes 1 - 3 reflects that work.

3.9 The Overview & Scrutiny and Personnel Committees resolved to recommend the proposed action plans for approval at their meetings on 12 March and 7 February 2024, respectively.

4. Details

4.1 The EDI Working Group has met regularly throughout the year to review progress towards the current EDI action plans, meeting with officers across the council to gather further information about delivery against these actions, and about the work being carried out to support our most vulnerable residents.

4.2 The working group cited some excellent examples of delivery against our commitments to support Equality Diversity and Inclusion across the district, such as:

- Cherwell's wellbeing strategy, 'Everybody's Wellbeing,' offering a range of ways to build stronger and more resilient communities.
- The establishment of the Resettlement Team to support refugees, asylum seekers and other vulnerable migrants
- Delivery of a new Procurement Strategy, developed in line with our EDI principles.
- Refreshed HR policies to reflect EDI principles
- Activities to promote, educate and support our staff, such as 16 Days of Activism to end gender-based abuse and violence, World menopause day forum, and the launch our Neurodiversity network.

4.3 Building on the positive action taken to date towards our EDI commitments the working group have proposed the following for the next financial year 2024/25:

- 11 actions to deliver our Inclusive Communities Action plan, with a clear focus on collaboration not just with partnership organisations but also across services, working together to extend our outreach within underrepresented communities and vulnerable residents. Continuing to work on better understanding of any barriers and how to solve them.
- 8 actions to deliver our Inclusive Services Action Plan. Focussing on accessibility, making sure our services are accessible to all, and that any potential equalities' impact, identified as a consequence of any of our policies, strategies and/or services, is mitigated as much as possible.
- 7 actions to deliver our Inclusive Workplaces Action Plan. Making sure our internal policies are up to date, all our staff feel respected, and heard, and that training is provided around skills to support employees with different needs and to plan inclusive services.

5. Alternative Options and Reasons for Rejection

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

Option 1: Not to agree the action plans

This will not ensure the council delivers on its EDI commitments.

6. Conclusion and Reasons for Recommendations

6.1 The council is committed to going above and beyond our statutory responsibilities in creating inclusive communities and services and an inclusive workforce. To do this effectively we need to have the right resources and infrastructure in place to:

- capture the latest EDI data and trends
- use the data available to identify and address any barriers
- ensure EDI implications are identified and considered at the earliest opportunities through our service planning and decision making processes

6.2 The Inclusive Communities, Inclusive Services, and Inclusive Workplaces Action Plans provide a structure in which this can be delivered and a basis on which work to deliver these commitments can be undertaken.

Decision Information

Key Decision	No
Subject to Call in	Yes
If not, why not subject to call in	N/A
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Inclusive Communities Action Plan 2024/25
Appendix 2	Inclusive Services Action Plan 2024/25
Appendix 3	Inclusive Workplace Action Plan 2024/25
Appendix 4	Including Everyone Framework
Background Papers	None
Reference Papers	None
Report Author	Celia Prado-Teeling, Performance Team Leader
Report Author contact details	celia.prado-teeling@Cherwell-dc.gov.uk

Appendix 1 - Inclusive Communities Action Plan 2024/25

Commitment	Desired outcome	Proposed action for 2024/25	Timescale	Owner
EDI 1.01 Engage with, and support local community groups and organisations	Positive and effective working relationships in place with the community groups and organisations that are supporting our under-represented communities to understand and co-produce solutions to any barriers	1. Evaluate the quality of council's existing relationships with community groups and organisations which further the council's commitment to equality, diversity, and inclusion. 2. Establish new relationships with community groups focused on ethnicity or national identity with priority given to those with the largest number of members in need in the district. 3. Establish a 'language bank' where Cherwell staff proficient in community languages can opt-in to assist with outreach efforts to further the council's EDI objectives.	Q.4 24/25 Q.4 24/25 Q.4 24/25	Community Development Manager Community Development Manager Human Resources Manager
EDI 1.02 Promote inclusive behaviour with residents and service users	Visible leadership in demonstrating and promoting inclusivity	4. Promote externally the Council's work to promote inclusivity. 5. Add additional pro-forma text on accessibility to the committee meetings pages of the council's websites and agenda reports pack.	Q.3 24/25 Q.2 24/25	Communications and Marketing Manager Governance and Elections Manager

ED1 1.03 Work directly with communities to identify inequality and tackle disadvantage	Visibility in taking a hands-on approach to tackling issues of inequality	6. Work with partners to promote an ethnically diverse representation at our voluntary sector forum	Q4 24/25	Assistant Director for Wellbeing
ED1 1.04 Promote equality, diversity and inclusion through our supply chain and strategic partnerships	Contractors and suppliers actively contributing to and supporting our EDI and safeguarding principles and commitments in addition to fulfilling their statutory obligations	7. Make sure EDI implications and clauses are included in all our procurement processes as stated in our contracts and evaluation process guidelines.	Q4 24/25	Assistant Director Legal & Democratic services
ED1 1.05 Promote and encourage inclusive behaviour for future generations	Inclusivity becomes normalised i.e. it just happens with few if any prompts or reminders to be inclusive	8. Collaborate with partner organisations to involve young people in volunteering activities and engages with them to undertake active participation in their local communities.	Q.4 24/25	Assistant Director for Wellbeing
		9. Raise awareness of the role of a councillor from an EDI perspective, within political leaders.	Q3 -Q4 24/25	Director Legal & Democratic services / Portfolio Holder
		10. Raise awareness of the role of councillors and routes to becoming a councillor targeted at underrepresented groups.	Q.4 24/25	Political leaders
ED1 1.06 Work with all partner organisations to understand diverse needs and create inclusive communities	Achieve a greater impact through sharing knowledge and resources	11. Implement the recommendations proposed by the strategic review of partnerships.	Q.4 24/25	Assistant Director for Wellbeing and Housing Services

Appendix 2 - Inclusive Services Action Plan 2024-25

Commitment	Desired outcome	Proposed action for 2024/25	Timescale	Owner
2.01 Ensure information, website and digital services are accessible to all incl. digitally excluded	Residents can access the services and support they need without having to seek help	1. Agree, implement, and publicise the new translations and alternative formats policy.	Q.2 24/25	AD of Customer Service
		2. Complete an Equalities Impact Assessment on the website (including the terms and conditions)	Q.2 24/25	Head of Digital and Innovation
2.02 Take action to make our buildings accessible to all residents and staff	Accessible council buildings now and in the future	3. Conduct an access audit on Castle Quay and other major council buildings, unless up to date audits are already available.	Q.3 24/25	AD of Property
		4. Consider and, if appropriate, implement the recommendations of the access audit	Q.4 24/25	AD of Property
2.03 Better understand those using services and their needs by collecting information and feedback	Existing services are meeting the needs of our users	5. Implement the recommendations of the review of data from customer contacts	Q.2 24/25	Performance & Insight Team Leader
2.04 Engage residents, those using services and community groups when planning services	Future services meet the needs of our users	6. When officer review is completed, bring the draft consultation and engagement framework to the Equality, Diversity and Inclusion working group for consideration	Q.1 24/25	Performance & Insight Team Leader
		7. Review and update the accessibility section of the website and consider if its prominence can be raised	Q.2 24/25	Communications and Marketing Manager
2.05 Plan and deliver services that promote inclusion	Future services and policies are inclusive	8. Complete an Equalities Impact Assessments on all services and contracts	Q.4 24/25	Performance & Insight Team Leader

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Appendix 3 - Inclusive Workplaces Action Plan 2024/25

Commitment	Desired outcome	Proposed action for 2024/25	Timescale	Owner
EDI 3.01 - Improve the diversity of our organisation at all levels to be representative of our communities	The demographics of each level of the council's workforce broadly mirror those of the District and the United Kingdom	1 . Introduce a yearly report to Personnel Committee, which splits the demographic information on the council's workforce by grade and department.	Q3 24/25	AD of Human Resources
EDI 3.02 – Celebrate and promote diversity in our workforce	All staff can see people like them reflected in the council's communications	2. Within the annual report referenced above under EDI 3.01, include a short update on the networks and virtual social groups for employees interested in particular causes.	Q3 24/25	Communications and Marketing Manager
EDI 3.03 - Provide a supportive environment so all staff can reach their potential	Staff satisfaction is consistently high across all backgrounds and identities. They routinely go on to achieve both internal and external promotions	3. Deliver the new communication plan which promotes development opportunities for the council's workforce.	Q4 24/25	Communications and Marketing Manager
		4. Conduct an access audit on Castle Quay and other major council buildings.	Q2 24/25	AD of Property
EDI 3.04 - Identify and tackle discrimination in all its forms	Efforts to tackle discrimination are robust, evidence-based, and dynamic	5. Complete the review and approval by Personnel Committee of the remaining HR policies.	Q4 24/25	AD of Human Resources
EDI 3.05 - Provide managers with the skills to support employees with different needs and plan inclusive services	All our clients and staff feel that the council treats them with respect and is responsive to their needs	6. Integrate additional inclusion training for managers into the mandatory e-learning suite.	Q2 24/25	Learning and Development Manager

<p>EDI 3.06 – Train our staff to identify and avoid unconscious bias and deliver inclusive services.</p>	<p>Our staff are proactive in questioning their own assumptions and looking for ways to make service delivery more inclusive.</p>	<p>7. Provide an update on the roll out of unconscious bias training and to what extent the council has been able to gauge its effectiveness.</p>	<p>Q4 24/25</p>	<p>Learning and Development Manager</p>
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Including Everyone

Equalities, diversity and inclusion framework

Appendix 4



Including Everyone

There is enormous strength in diversity. Bringing people together from across a wide range of social and cultural experiences and backgrounds enables us to broaden our perspectives, enhance our understanding and enrich our way of life. It fosters an inclusive and supportive environment, which lends strength and vitality to communities and this enables individuals to meet their potential. In 2020 we introduced our Including Everyone Framework which outlines our approach to equalities, diversity and inclusion and sets out our vision to be leaders in our field; providing inclusive services, workplaces and communities, equitable access to services and equality of opportunity.

We have heard how painful exclusion can be for people and how negatively this can impact people's lives. We take our obligations and commitments to equalities, diversity and inclusion extremely seriously. We recognise the need to listen and learn as we tackle inequalities through our policies but most importantly through our concrete actions.

We are working hard to ensure our workplaces, services and communities are inclusive, so they are places where diversity is protected, honoured and celebrated. We know we don't have all the answers, but we keep listening to and learning from our staff and residents, so we can identify inequality and tackle disadvantage, recognising the need to redouble efforts to tackle racism and all forms of discrimination.

We keep developing this framework because to be able to have further understanding of what is important to our residents and members of staff and we will keep working to achieve those goals. How this is expressed for our communities, services and staff will differ according to their unique circumstances, and this will be reflected in an action plan for the organisation which will sit underneath this framework. These plans describe the local actions we will take to deliver on the goals and commitments outlined in this document; they are reviewed and updated annually, and are used to track and measure our progress.



Cllr Barry Wood
Leader of Cherwell
District Council

Our Including Everyone Framework

Leading the field in equality and diversity in our workplace, inclusive service delivery and tackling disadvantage in the communities we serve



- We work with communities to help them thrive
- We work with partners to tackle disadvantage in our communities.



- Our information and buildings are accessible for all
- Our services use good data and engage with users to plan and meet their different needs.



- Our workforce is inclusive, reflecting the diversity of the communities we serve
- Our staff have the values, skills and knowledge to be inclusive.

UNDERPINNING PRINCIPLES

Inclusion is everyone's responsibility

We listen and learn together

Flexibility supports diverse needs

Diversity is embraced and celebrated

Why Including Everyone is important

This Framework is important for us in honouring and protecting the diverse strengths of individuals and in building inclusive communities; we go beyond what the law expects of us to achieve this. The Equality Act (2010) states that public bodies, including Councils need to take extra steps to stop discrimination: this is known as the Public Sector Equality Duty. The Act defines discrimination as the less favourable treatment of a person, because of a protected characteristic, as compared to others who do not share that characteristic. The legislation also applies where there is a belief that the person who is disadvantaged has a particular protected characteristic, even if that is not the case.

The Public Sector Equality Duty means that we must consider equality as part of our daily business, in particular:

- We need to eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,
- We need to advance equality of opportunity between people who share a protected characteristic and those who do not,
- Foster good relations between people who share protected characteristics and those who do not,
- Set and publish equality objectives at least every four years and,
- Publish information, at least annually, to show how we comply with the Equality Duty including information about employees and to people who are affected by the public body's policies and procedures.

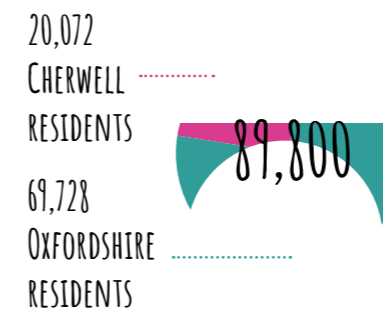
There are nine protected characteristics: age; disability (including invisible disabilities); gender reassignment; marriage and civil partnership; pregnancy and maternity; race including ethnic or national origins, colour or nationality; religion or belief; sex; sexual orientation.

We go further than the protected characteristics in our decision-making process. To do this we consider the impact that our decisions have on people living with social deprivation, in rural communities, those leaving care, carers, and those in our armed forces community. For us inclusion applies to the 'communities' where we live and work, but also communities of shared understanding, such as faith, heritage and sexuality. We want to support every community to be the best it can and we work to remove or reduce obstacles which get in the way; this includes tackling unconscious bias which occurs when people favour others who look like them, share their values or experiences.

Not everyone is included

Data about the district tells us that the population we serve is relatively affluent; we also know that this level of data masks some stark inequalities within our communities which we find when we dig beneath the surface. The diversity in our communities is a strength and does not result in disadvantage by itself, but we know we need to tackle inequalities because not everyone has the same life opportunities. The following illustrates examples of some of the inequalities in our communities:

People live with a long term illness or disability in Oxfordshire (2011)



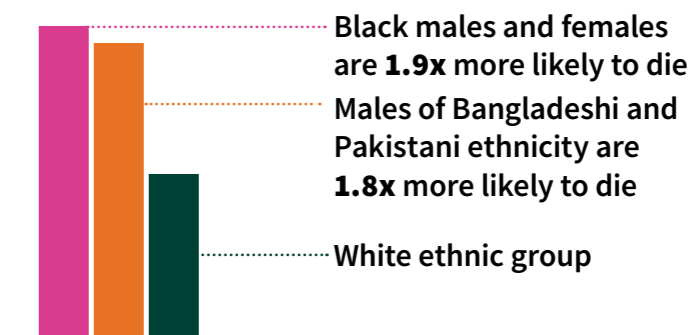
Unpaid carers in Oxfordshire (2011)



Research shows carers are more likely to report symptoms of mental ill-health, and struggle financially

Public Health England, information shows ethnic identity influences mental and physical health outcomes via multiple routes, such as experiences of discrimination and fear of negative incidents

Ethnic groups risk of death from COVID-19



Average pay for men in Oxfordshire

Average pay for men in Cherwell

Average pay for women in Oxfordshire

Men earn on average **£6,800** more than women in the Oxfordshire area. Men in the Cherwell area earn on average **£6,200** more

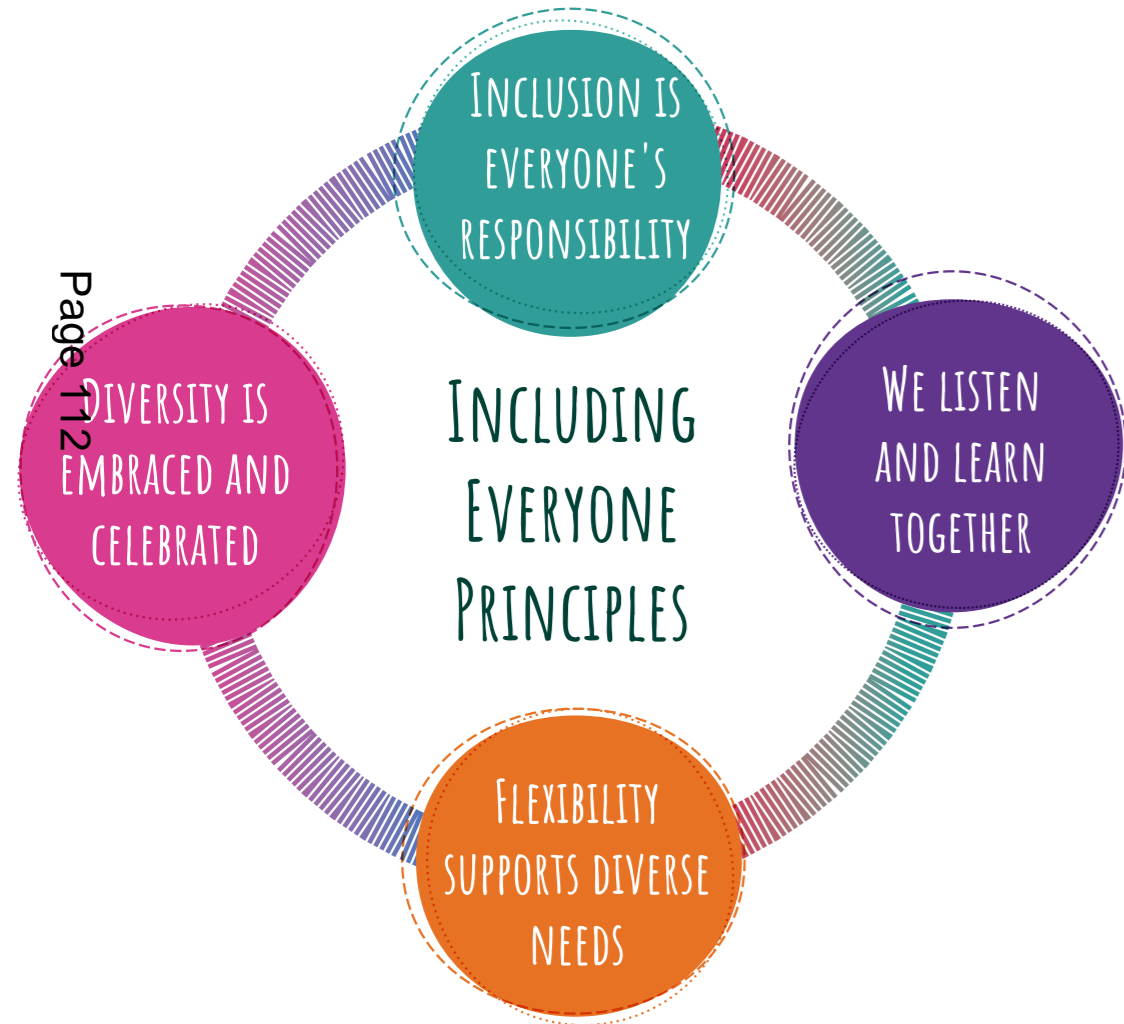
In 2020, **10%** of children across the county live in low income families; that's almost **12,000** CHILDREN LIVING IN POVERTY

Life expectancy between the most and least deprived wards in Oxfordshire is **13.7 YEARS**

In 2019, there were **6,464** PUPILS with learning difficulties in Oxfordshire schools

Principles

Our equality, diversity and inclusion Framework is underpinned by the following key principles:



Inclusion is everyone's responsibility. Including everyone means that we all need to work together, in the workplace and in communities to remove seen and unseen barriers to opportunities.

We listen and learn together. People have unique experiences and perspectives which can enrich our collective understanding, so by creating a culture of curiosity we can learn how to best focus our efforts.

Flexibility supports diverse needs. Recognising and responding well to diverse needs, ensures we deliver an inclusive communities, services and workplaces.

Diversity is embraced and celebrated. There is enormous strength in diversity; we celebrate this and embrace it in our learning, service delivery and community leadership.

We have three inter-connected strands that help us organise our work: inclusive communities, inclusive service delivery and inclusive workplaces. The following section sets out our goals and commitments against each strand. The goals will be tracked and measured in a set of annual action plans, which sit underneath this framework.

INCLUSIVE COMMUNITIES

GOAL 1

We work with communities to help them thrive

COMMITMENTS

- Engage with, and support, local community groups and organisations
- Promote inclusive behaviour with residents and those using services
- Work directly with communities to identify inequality and tackle disadvantage.

GOAL 2

We work with partners to tackle disadvantage in our communities

COMMITMENTS

- Promote equality, diversity and inclusion through our supply chain and strategic partnerships
- Promote and encourage inclusive behaviour for future generations
- Work with all partner organisations to understand diverse needs and create inclusive communities.

INCLUSIVE SERVICE DELIVERY

GOAL 3

Our information and buildings are accessible for all

COMMITMENTS

- Ensure our information, website and digital services are accessible for all; including those digitally excluded
- Take action to make our buildings accessible to all residents and staff.

GOAL 4

Our services use good data and engage with users to plan and meet their diverse needs

COMMITMENTS

- Better understand those using services and their needs by collecting their information and feedback
- Engage residents, those using services users and community groups when planning and delivering services
- Plan and deliver services that promote inclusion.

INCLUSIVE WORKPLACE

GOAL 5

Our workforce is inclusive, reflecting the diversity of the communities we serve

COMMITMENTS

- Improve the diversity of our organisation at all levels to be representative of our communities
- Celebrate and promote diversity in our workforce
- Provide a supportive environment so all staff can reach their potential.

GOAL 6

Our staff have the values, skills and knowledge to be inclusive

COMMITMENTS

- Identify and tackle discrimination in all its forms
- Provide managers with the skills to support employees with different needs and plan inclusive services
- Train our staff to identify and avoid unconscious bias and deliver inclusive services.

Responsibility for delivering Including Everyone Framework

An underpinning principle of our Framework is that inclusion is everyone's responsibility; we need a collective effort to realise our vision. The following sets out the roles and responsibilities for delivering the Including Everyone Framework:



Monitoring and reporting progress

The goals and commitments of our Including Everyone Framework are set every four years. Sitting beneath this Framework will be three annual action plans, that reflect the different ways in which we are working to make our organisation services and communities more inclusive.

The action plans will have indicators to help us measure progress against our goals. Implementation will be overseen by the Equalities, Diversity and Inclusion Member working group, reporting will align with quarterly business plan monitoring.

We will engage in the development of our action plans each year and will produce an annual report to outline our progress. We will seek feedback on how others see and experience our progress as part of the annual reporting process.

References and resources


- **Oxfordshire Joint Strategy Needs Assessment**
- **'Some are more equal than others: hidden inequalities in a prospering Oxfordshire'** 2019/20 Director of Public Health Annual Report
- **Equalities and Human Rights Commission**
- **Stonewall (LGBT+) specific information**
- **My Life, My Choice**
- **Age UK Oxfordshire**
- **Oxfordshire Youth**
- **Disability Rights UK**
- **Census 2021**

Alternative formats


If you require this document in an alternative format, ie easy read, large text, audio, Braille or a community language, please get in touch.

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This report and Appendix 1 are Public. Appendix 2 is exempt from publication by virtue of paragraph 3 of Schedule 12A of Local Government Act 1972	
Whitelands Farm Sports Centre – Grant of Lease and Transfer of Commuted Funds	
Committee	Executive
Date of Committee	8 April 2024
Portfolio Holder presenting the report	Portfolio Holder for Property, Councillor Eddie Reeves
Date Portfolio Holder agreed report	19 March 2024
Report of	Assistant Director Property, Mona Walsh

Purpose of report

Proposal for the future operation and long-term management of Whitelands Farm Sports Centre and grant of a long leasehold interest of Whitelands Farm Sports Centre to Bicester Town Council.

1. Recommendations

The Executive resolves:

- 1.1 To delegate authority to the Assistant Director Property to enter into a 90-year lease of Whitelands Farm Sports Centre at a peppercorn rent to Bicester Town Council subject to completion of the legal formalities and advertising requirements described below.
- 1.2 To approve the transfer of a commuted sum of £30,000 to Bicester Town Council upon completion of the lease.

2. Executive Summary

- 2.1 Whitelands Farm Sports Centre was developed as part of the Kingsmere development in southwest Bicester. The facility, comprising 31.46 acres (12.73 hectares) of land, provides a range of sports facilities for the area, including a section of “open space” land (Appendix 1 – Site Plan).
- 2.2 The grant of the proposed lease of the sports centre will be a “disposal” for the purposes of Section 123 of the Local Government Act 1972. Before granting the proposed lease, the Council will need to ensure the transaction complies with either the best consideration duty under Section 123 or the terms of the ‘Local Government Act 1972: General Disposal Consent 2003’, as well as the further legal requirements relating to a disposal of open space land detailed in this report.

- 2.2 The freehold interest and a commuted sum was transferred to Cherwell District Council under a Section 106 Agreement.
- 2.3 The complex was originally operated under a contract between the Council and Parkwood Leisure, with support of £56,000 pa paid by Bicester Town Council (BTC). The contract was terminated in 2022 because of BTC's desire to operate the facility themselves. The Council agreed to grant an initial 12-month lease to BTC to manage and operate the facility, whilst a longer-term lease was agreed and granted. BTC are now holding over on the expired 12-month lease and continue to operate and manage the facility.
- 2.4 Terms have been agreed for the grant of a 90-year lease of the sports facility, at a peppercorn rent to BTC, who will have full responsibility for the maintenance, operation and the management of the facility.

Implications & Impact Assessments

Implications	Commentary
Finance	<p>Containing the long-term liabilities on CDC is a positive step in establishing a greater degree of certainty over the council's ability to meet its financial commitment in the longer term; this proposal will help to mitigate costs coming back to the Council in the longer-term. Securing this through a lease arrangement also protects the land from disposal.</p> <p>Before any lease agreement is put in place, the VAT implications of the lease should be considered to ensure that the Council is not adversely affected.</p> <p>Joanne Kaye, Head of Finance (Deputy Section 151 Officer)</p>
Legal	<p>As noted in this report, the sports pitches at the centre are open space land. Before a final decision is taken on whether to proceed with the proposed lease, the Council will need to comply with the advertising requirements set out in Section 123(2A) of the Local Government Act 1972. Section 123(2A) requires that an intended disposal of open space land is advertised in a local newspaper for the area in which the land is situated for a period of two consecutive weeks and that the local authority considers any objections received in response.</p> <p>A lease granted on the terms set out in this report will be a disposal of land for less than the best consideration that can be reasonably obtained; the Council is therefore proposing to rely on the Local Government Act 1972: General Disposal Consent 2003. For the lease to be within the scope of the general consent, the Council will need to determine that the undervalue is less than £2,000,000, and, additionally, that the disposal will help the Council to secure the promotion or improvement of the economic, social or environmental well-being of its area.</p> <p>It is anticipated that some clarification of the proposed lease terms will be necessary e.g. whether any 90-year lease should include a rolling break clause exercisable by the Council in certain circumstances,</p>

	whether the Council will have any residual repairing and maintenance obligations as landlord, and any legal commitments that will be needed from BTC as to the operation and management of the sports centre. Adrian Thompson, Principal Solicitor – Property			
Risk Management	There are no risks arising from this report. Any arising risks will be managed by the relevant service operational risk register and escalated to the leadership risk register as and when necessary. Celia Prado-Teeling, Performance Team Leader			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact		x		There are no equalities implications arising directly from this report. Celia Prado-Teeling, Performance Team Leader
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?				
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?				
Climate & Environmental Impact				No applicable
ICT & Digital Impact				Not applicable
Data Impact				Not applicable
Procurement & subsidy				Not applicable
Council Priorities	Healthy resilient and engaged communities. Ensuring sports provision and other related facilities are available for local residents.			
Human Resources	Not applicable			
Property	Leasing the property to BTC will remove any ongoing future maintenance and repair liability for the Council and reduce officer and other resource required to manage the property, whilst ensuring the			

	<p>facilities are available for use by local residents. The grant of a lease ensures the Council retains the freehold interest with the lease placing obligations on BTC as tenant to continue to manage the site and ensure sports provision is maintained.</p> <p>Mona Walsh, Assistant Director Property 12 March 2024</p>
Consultation & Engagement	<p>Bicester Town Council</p> <p>The Town Council have confirmed that they would be willing, in principle, to take a long- term lease for Whitelands Sportsground with payment of the remaining commuted sums available, with the ambition to operate the site in the long term.</p>

Supporting Information

3. Background

- 3.1 Whitelands Farm Sports Centre was developed as part of the Kingsmere development in southwest Bicester. The facility, comprising 31.46 acres (12.73 hectares) of land, provides a range of sports facilities for the area, including a section of “open space” land (Appendix 1 Site Plan).
- 3.2 The property provides a state-of-the-art 3G football pitch, other grass pitches for football and rugby, a cricket wicket, a perimeter track suitable for running, cycling and wheelchair use as well as open space and parking. The sports pavilion has ample changing facilities, a spacious function room, cafe and licensed bar.
- 3.3 The grant of the proposed lease of the sports centre will be a disposal for the purposes of Section 123 of the Local Government Act 1972. Before granting the proposed lease, the Council will need to ensure that the transaction complies with either the best consideration duty under Section 123 or the terms of the ‘Local Government Act 1972: General Disposal Consent 2003’, as well as the further legal requirements relating to a disposal of open space land detailed in this report.
- 3.4 Section 123(2A) and (2B) of the Local Government Act 1972 outlines the disposal procedure requirements for open space land that is held by local authorities. Section 123(2A) requires that before disposing of open space land a local authority must advertise its intention to dispose of that land in the local newspaper for two consecutive weeks. Any objections to the proposed disposal must be considered by the authority before proceeding.
- 3.5 It is proposed that the above procedure will be undertaken once ‘in principle’ approval has been obtained to proceed with the lease.
- 3.6 The freehold interest and a commuted sum was transferred to the Council under a Section 106 Agreement.

- 3.7 The facility was initially operated under a 5-year contract by Parkwood Leisure until 2022, with Parkwood receiving support of £56,000 pa paid by BTC to operate the facility.
- 3.8 During 2021/22 Bicester Town Council (BTC) confirmed their preference was to operate and manage the site themselves, with the Council granting them a long leasehold interest of the property and transfer of remaining commuted sums.

4. Details

- 4.1 The Section 106 Agreement provided for the transfer of the freehold interest and payment of a commuted sum of £223,673 to the Council. The purpose of the commuted sum is to fund the ongoing repair and maintenance of the facility, including grounds maintenance and contribution to facility enhancements. A substantial part of these monies has since been spent on improvements to the facility. Some of this expenditure has been offset by a contribution of £50,000 from UK Prosperity Fund. The balance remaining is £83,300, with other works to be undertaken this year.
- 4.2 Works undertaken to date include improved drainage and grass resilience. Upgraded flood lighting is due to be installed during April /May 2024, with those costs being met from the commuted sum, as cited above. There remains a zebra crossing and some landlord maintenance liability for the newer installations to be completed by the Council with those costs being met from the commuted sum, cited above. It is intended to transfer £30,000 commuted funds to BTC upon the grant of the lease.
- 4.3 BTC had been paying the Council a sum of £56,000pa towards the operation of the centre, with the Council transferring this to Parkwood Leisure who operated the site under a contract. Parkwood's contract came up for notice of extension in March 2022 for a further 5-year period. Parkwood indicated they would consider continuing to operate the site at a lower annual cost than the original sum of £56,000 pa.
- 4.4 BTC's preference is to operate the site directly, via a community model. In early 2021 they approached the Council to discuss leasing and operating the site themselves. BTC would have full operational responsibility for the site, with the remaining balance of commuted sums transferred to them. This would remove the need any further payments or contributions from the Council and thus release this Council from any further ongoing financial liability for the site.
- 4.5 BTC Resources Committee meeting in November 2021 approved in principle leasing the site from the Council at a peppercorn rent, and with an aspiration for the Council to consider the possibility of the future transfer of the freehold interest to BTC.
- 4.6 Following the November 2021 meeting it was agreed by the Council that a year-by-year tenancy would be granted to enable BTC to operate the facility whilst a longer-term lease was agreed and granted. This initial annual lease has since lapsed and BTC is currently holding over and continuing to manage and operate the facility.

- 4.7 Section 123 of the Local Government Act 1972 prohibits the disposal of local authority land for less than best consideration without the consent of the Secretary of State. The purpose of Section 123 is to ensure, so far as reasonably possible, that public assets are not sold by public authorities at an undervalue, save, if at all, with the consent, general or specific, of the Secretary of State. Under the terms of the Local Government Act 1972: General Disposal Consent 2003 (circular 06/2003), local authorities are permitted to make a disposal of land for less than best consideration where the undervalue is less than £2,000,000 and the local authority determines that the disposal will help it secure the promotion or improvement of the economic, social or environmental well-being of its area.
- 4.8 The Council instructed external surveyors, Montagu Evans, in October 2022 to carry out a valuation to determine if the grant of a 90-year lease at a peppercorn rent on the terms proposed would be within the financial limits of the General Disposal Consent and therefore comply with Section 123 of the Local Government Act 1972.
- 4.9 The valuation details are set out in exempt Appendix 2:
- 4.10 As the valuation advice is that the undervalue is within the £2,000,000 limit, it is anticipated that the Council would be able to proceed with the proposed lease under the terms of General Disposal Consent and that the lease would not require specific consent from the Secretary of State.
- 4.11 Montagu Evans reviewed their valuation during March 2024 and at a meeting, on 6 March 2024, confirmed that the valuation had not changed in any material way.
- 4.12 Lease negotiations between the Council and BTC were overtaken by the need to accommodate Bicester Rugby Union Football Club at Whitelands Farm Sports Centre. This was due to the closure of the Oxford Road site and the unsuitable nature of the newly created Bicester Sports Association ground at Chesterton. A deal to accommodate all their training and matches at Whitelands was agreed. Parkwood, operating the facility at that time and BTC as the principal funder of the site, were involved and supportive throughout. Bicester Rugby Club, an important local club with significant local history and interest, continues to thrive.

5. Alternative Options and Reasons for Rejection

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

Option 1: To revert to an operator model.

This option has been rejected as it fails to provide BTC with control over how their resources are deployed in the delivery of the service at the site. Furthermore, this option does not provide the Council with any certainty over the longer-term viability, management and maintenance of the facility.

Option 2: Work with a local sports club to operate and maintain the facility.

This option has been rejected as it would negatively impact on those teams from other sports who currently use the site and would probably take the site out of public ownership contravening the Section 106 agreement.

6 Conclusion and Reasons for Recommendations

- 6.1 Bicester Town Council (BTC) currently lease other property from the Council used for sports and pitch provision. The addition of Whitelands Farm Sports Centre to their portfolio would enable them to offer a wider and more holistic sports provision to local teams and residents.
- 6.2 The Council acquires land from developers, usually through Section 106 agreements, to ensure there is an adequate supply of sports pitch provision available for the growing population of Cherwell. These acquisitions place long-term financial burdens on the Council to maintain and operate the sites, long after the commuted sum is spent. The grant of a long lease to BTC who will have full operational and management responsibility removes the ongoing financial burden to the Council.
- 6.3 Members have agreed to review policies associated with acquiring sports pitches and their onward ownership and maintenance. Consultation with Town and Parish Councils, where development is likely will determine the willingness of third tier authorities to take on responsibility for community amenities, as negotiations continue with developers. Towns and larger villages are showing some appetite for an approach which ensures operation is at the closest level to residents. Grant of a long lease to BTC aligns with this approach.
- 6.4 A yearly tenancy was granted to BTC in March 2022 to operate the facility while terms for a longer lease were agreed. BTC have broadened sports and social provision during this time for the benefit of local residents.

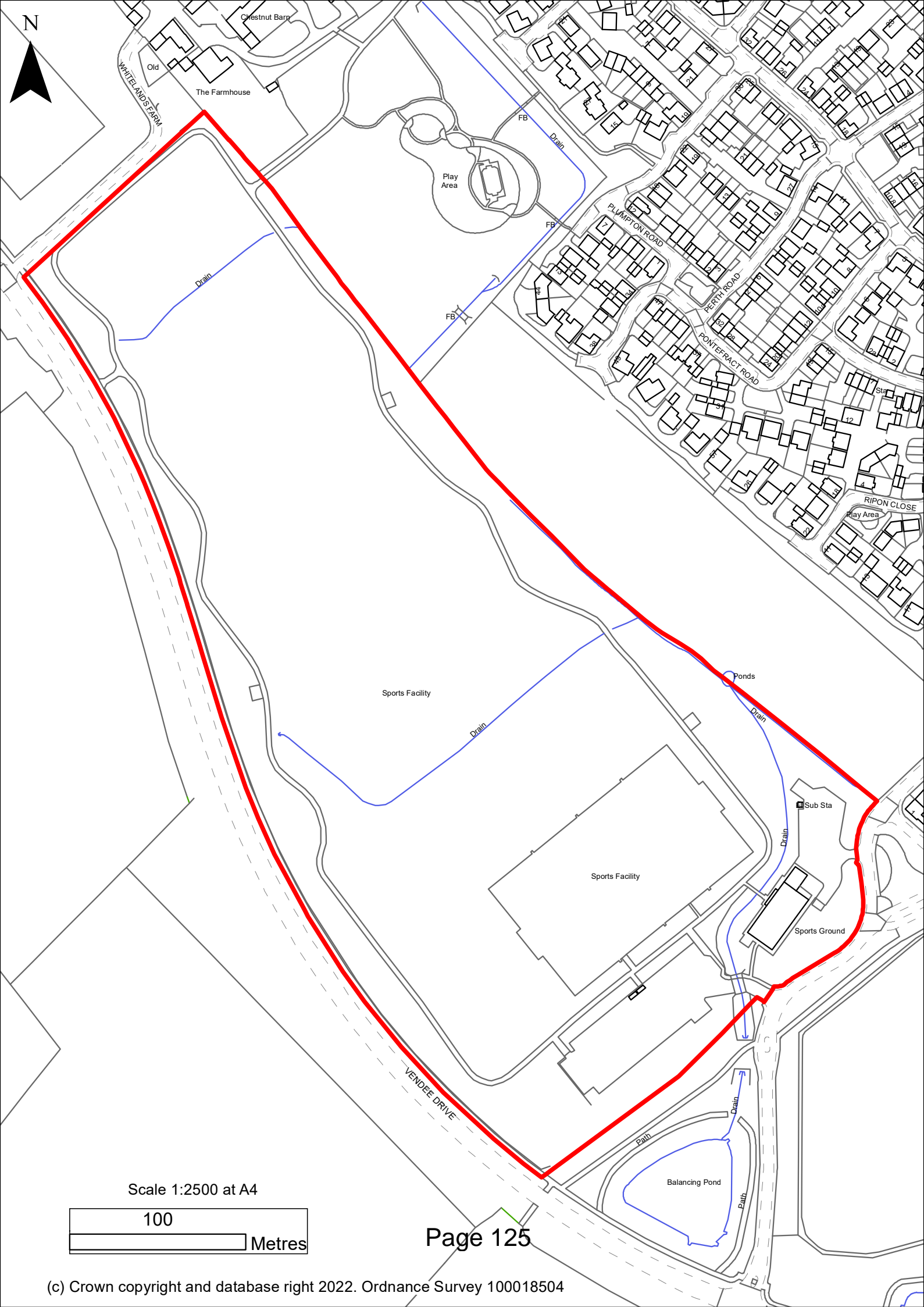
Decision Information

Key Decision	Yes. A decision that will result in the Council incurring potential revenue expenditure or savings above £50,000
Subject to Call in	No
If not, why not subject to call in	N/A
Ward(s) Affected	Bicester South

Document Information

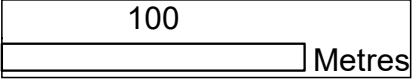
Appendices	
Appendix 1	Plan of Whitelands Farm Sportsground
Appendix 2	Montagu Evans Valuation EXEMPT
Background Papers	None

Reference Papers	None
Report Author	Mona Walsh, Assistant Director Property
Report Author contact details	Mona.walsh@cherwell-dc.gov.uk 01295 221602



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