

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 1 November 2021 at 6.30 pm

Present:

Councillor Barry Wood (Chairman), Leader of the Council
Councillor Ian Corkin (Vice-Chairman), Deputy Leader of the Council and Lead Member for Customers and Transformation
Councillor Phil Chapman, Lead Member for Leisure and Sport
Councillor Colin Clarke, Lead Member for Planning
Councillor Tony Ilott, Lead Member for Finance and Governance
Councillor Richard Mould, Lead Member for Performance
Councillor Lynn Pratt, Lead Member for Economy, Regeneration and Property
Councillor Dan Sames, Lead Member for Clean and Green
Councillor Lucinda Wing, Lead Member for Housing

Executive Members in attendance virtually (no voting rights)

Councillor Andrew McHugh, Lead Member for Health and Wellbeing

Also Present:

Councillor Sean Woodcock, Leader of the Labour Group
Councillor John Broad
Councillor Ian Middleton

Officers:

Yvonne Rees, Chief Executive
Bill Cotton, Corporate Director Environment and Place
Steve Jordan, Corporate Director Commercial Development, Assets & Investment
Claire Taylor, Corporate Director Customers and Organisational Development
Lorna Baxter, Director of Finance & Section 151 Officer
Anita Bradley, Director Law and Governance & Monitoring Officer
Robert Jolley, Assistant Director: Growth & Economy
Ed Potter, Assistant Director: Environmental Services
Vicki Jessop, Interim Assistant Director Housing and Social Care Commissioning
Louise Tustian, Head of Insight and Corporate Programmes
Frances Evans, Housing Strategy and Development Team Leader
Paul France, Senior Housing Officer
Chris Hipkiss, Investment Consultant
Natasha Clark, Governance and Elections Manager

61 **Declarations of Interest**

There were no declarations of interest.

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

There were no petitions.

The Chairman advised the meeting that he had agreed to Councillor Middleton addressing the meeting at agenda item 7, Climate Action Programme Update and exempt item 14, Castle Quay, and Councillor Broad addressing the meeting at item 7, Climate Action Programme Update.

63 **Minutes**

The minutes of the meeting held on 4 October 2021 were agreed as a correct record and signed by the Chairman.

64 **Chairman's Announcements**

There were no Chairman's announcements.

65 **Monthly Performance, Risk and Finance Monitoring Report**

The Director of Finance and Head of Insight and Corporate Programmes submitted a report which summarised the Council's Performance, Risk and Finance monitoring positions as at the end of September 2021/Quarter 2.

Resolved

- (1) That the monthly Performance, Risk and Finance Monitoring Report be noted.
- (2) That the Quarter 2 Climate Action Plan and Equalities, Diversity and Inclusion Action plan progress updates be noted.
- (3) That the transfers to and from reserves detailed at the Annex to the Minutes (as set out in the Minute Book) be approved.

Reasons

The Council is committed to performance, risk and budget management and reviews progress against its corporate priorities on a monthly basis.

This report provides an update on progress made during September 2021, to deliver the Council's priorities through reporting on Performance, the Leadership Risk Register and providing an update on the financial position.

Alternative options

Option 1: This report illustrates the Council's performance against the 2021-22 business plan. As this is a monitoring report, no further options have been considered. However, Members may wish to request that officers provide additional information.

66

Climate Action Programme Update

The Director for Environment and Place submitted a report to update Executive on the progress in delivering the Climate Action Programme and the reduction in the council's greenhouse gas emissions in 2020/21.

At the discretion of the Chairman, Councillor Woodcock, Leader of the Labour Group, addressed Executive. In response to Councillor Woodcock's address, the Lead Member for Clean and Green confirmed that the climate agenda would be included as part of the Local Plan review.

Councillor Middleton and Councillor Broad addressed Executive.

In response to Councillor Middleton's address, the Lead Member for Clean and Green undertook to provide further information regarding climate impact assessments and the green grid electricity contract.

In response to Councillor Broad's address, the Lead Member for Clean and Green undertook to provide information regarding the membership of the Environment Advisory Group.

In response to Councillor Middleton and Councillor Broad's comments regarding the need for speed in this area, the Chairman highlighted the importance of ensuring that there was not action before feasibility checks as to lead by example, the council needed to ensure it had its own house in order.

Resolved

- (1) That the progress and next steps in the Climate Action Programme be noted.
- (2) That the Greenhouse Gas Emissions Report for 2020/21 (Annex to the Minutes as set out in the Minute Book) be approved for publication on the Council's website.
- (3) That approval be given for this report to be submitted to the Overview and Scrutiny Committee.

Reasons

Cherwell District Council committed to being carbon neutral by 2030 and to enabling the district's transition to a zero-carbon future. This paper provides an update on the work being done through the joint Climate Action Programme across its three areas: Becoming a climate actions council; Operating at net-zero by 2030; and, Enabling a zero-carbon future for Cherwell.

Annual Greenhouse Gas (GHG) reporting of the councils own carbon footprint is expected as good practice by the Department for Business, Energy and Industrial Strategy (BEIS). Cherwell District Council (CDC) has produced GHG reports in most years since 2008/09 and will report annually in line with its climate action commitments.

Alternative options

Option 1: Executive do not approve the publication of the Greenhouse Gas reporting on our website. This is not recommended as the council has committed to publish progress on carbon reduction as part of our climate framework.

67

Civil Parking Enforcement

The Assistant Director Environmental Services submitted a report which sought approval for the Council to enter into arrangements for the adjudication of Civil Parking Enforcement via a joint committee established for the purpose pursuant to sections 101(5) and 102(1)(b) of the Local Government Act 1972, and to delegate authority to the Corporate Director Environment and Place to negotiate and agree the terms of that participation under a Memorandum of Agreement with Parking and Traffic Regulations Outside London (PATROL)

Resolved

- (1) That the progress on the implementation of Civil Parking Enforcement (CPE) be noted.
- (2) That the Council entering into arrangements for the adjudication of Civil Parking Enforcement via a joint committee to be known as the Parking and Traffic Regulations Outside London Adjudication Joint Committee ("PATROLAJC") pursuant to section 101(5) of the Local Government Act 1972, section 20 of the Local Government Act 2000, sections 9EA and 9EB of the Local Government Act 2000 and associated regulations be approved.
- (3) That the power to agree the terms of participation in PATROLAJC under a Memorandum of Agreement with PATROL be delegated to the Corporate Director Environment and Place.

Reasons

The Council has agreed to the implementation of CPE and there is a requirement to become a member of PATROLAJC and to participate in a Traffic Parking Tribunal as part of the appeals process.

Alternative options

Option 1: To adopt the recommendations.

Option 2: To reject the recommendations and not adopt Civil Parking Enforcement

68 **Final Draft Tenancy Strategy and Affordability Statement 2021 (Cherwell District Council)**

The Interim Assistant Director, Housing and Social Care Commissioning submitted a report which set out the key points from the public consultation on the draft Tenancy Strategy and Affordability Statement (2021) and the main changes to the strategy document in response to the feedback received. In addition, this report seeks Executive approval of the final draft Tenancy Strategy and Affordability Statement.

In introducing the report, the Lead Member for Housing thanked the Overview and Scrutiny Committee for their comments on the Strategy and thanked Housing Officers for their hard work on the Strategy.

At the discretion of the Chairman, Leader of the Labour Group, Councillor Woodcock, addressed Executive.

In response to Councillor Woodcock's comments querying the delivery of social rent affordable housing by the Local Plan, the Lead Member for Housing explained that the report was the aspiration. There was a discrepancy between the number of people on the housing register and the number of properties. The best use of stock was made with a quick turnaround and discretion for officers to make a direct award.

The Housing Strategy and Development Officer explained that the Housing Team were liaising with Planning Policy regarding the Local Plan. It was important that schemes would work and therefore it was necessary to viably test policies to ensure deliverability.

Resolved

- (1) That the changes to the draft Tenancy Strategy and Affordability Statement in response to the feedback and officer responses set out in the Consultation Report be noted.
- (2) That the final draft Tenancy Strategy and Affordability Statement (Annex to the Minutes as set out in the Minute Book) be approved to

ensure that the council meets statutory requirements and complies with good practice.

- (3) That authority be delegated to the Assistant Director, Housing and Social Care Commissioning in consultation with the Lead Member for Housing, to make any minor editorial amendments to the strategy as needed prior to publication; and, to approve annual updates to the Tenancy Strategy appendices to ensure the data remains relevant.

Reasons

Section 150 of the Localism Act 2011 requires Local Housing Authorities to publish a Tenancy Strategy that sets out the matters to which registered providers of social housing are to have regard when formulating their policies relating to the types and terms of tenancies they grant. The Executive is requested to approve the final draft Tenancy Strategy and Affordability Statement, to ensure that the council meets statutory requirements and complies with good practice.

Alternative options

Option 1: Not to update the Tenancy Strategy 2017. This approach is not recommended, as it is a statutory requirement to review the Strategy periodically and it would leave the Council open to legal challenge if it has not done so. In addition, the Housing Strategy 2019-2024 and the Homelessness and Rough Sleeping Strategy 2021-2026 set out an ambition to deliver more social rent tenure to meet identified needs. It will be difficult to achieve this ambition without an updated Tenancy Strategy as the 2017 version strongly promotes Affordable Rent and fixed-term tenancies.

Option 2: Delay the approval of the amended draft Tenancy Strategy and Affordability Statement until later in the year. This approach is not recommended as the feedback from the consultation and subsequent adoption of the new strategy will contribute towards informing the evidence base in support of the new Local Plan policies to 2040 which are currently being developed.

69

Changes to Cherwell District Council's Housing Allocation Scheme

The Interim Assistant Director, Housing and Social Care Commissioning submitted a report which advised Executive of proposed changes to the Housing Allocation Scheme.

In introducing the report, the Lead Member for Housing thanked the Overview and Scrutiny Committee for their comments on the Scheme and thanked Housing Officers for their hard work on the Scheme.

Resolved

- (1) That the proposed changes to the Housing Allocation Scheme be approved and the scheme (Annex to the Minutes as set out in the Minute Book) be adopted.
- (2) That authority be delegated to the Interim Assistant Director, Housing and Social Care Commissioning in consultation with the Lead Member for Housing, to make any minor editorial amendments to the Scheme as needed prior to publication.

Reasons

The Housing Allocation Scheme sets out how the council processes and prioritises applications for social housing. It sets out the criteria for determining whether a household is eligible for social housing and what level of priority the household will be given based on housing need.

It is important to review the Scheme regularly in order to make sure that it reflects updated statutory guidance and regulatory changes and aligns with current housing needs in the District and that the council can respond to changing patterns of need.

Alternative options

Option 1: Do nothing. Rejected on the basis that the current scheme does need to change in response to customer and staff feedback, developments in statutory guidance and to support the shift to a housing led approach.

70 The Council's Housing Assets Portfolio, Annual Rent Increases - new procedure

The Assistant Director - Growth and Economy submitted a report which recommended adoption of a new procedure for annual rent increases for affordable rent and shared ownership properties in the Council's housing assets portfolio (consisting of both *affordable rental* and *shared ownership*). The report sets out the way in which increases are determined by Central Government and the measures taken by the Council to ensure the proposed increase maintains affordability for tenants and owners.

At the discretion of the Chairman, the Leader of the Labour Group, Councillor Woodcock, addressed Executive.

In response to Councillor Woodcock's request that a decision on this matter be deferred pending consideration of the impact on the council's finances, the Chairman explained that extensive consideration had been given and stressed that the council would be operating within set parameters, namely in line with government guidance and comparable measures. The benefit of the proposed new procedure was that small annual increases were preferable to having to contemplate a single large increase in the future.

Resolved

- (1) That it be agreed that rent increases are applied annually to both affordable rental and shared ownership properties in line with government guidance considering the need to ensure that rents remain affordable, using the two measures of Local Housing Allowance and comparable rental data for the District.
- (2) That responsibility be delegated to the Corporate Director – Environment and Place, in consultation with the relevant Portfolio Holder, to produce and subsequently implement an annual rent increase procedure which will commence 1 April 2022.

Reasons

All rent increases applied follow Government guidance, currently The Rent Standard. This specifies the increase that social landlords can apply each year. Within the Council these potential increases are measured against two affordability markers, the Local Housing Allowance and an internal analysis of comparable local rents for both social housing providers and the private rented sector to ensure the increased rents remain affordable for residents.

The annual increase adds to the asset value of the portfolio as well as increasing revenue income which is required for capital loan payments; rentals; conversions/improvements; housing/leasehold management and repairs.

Alternative options

Option One: Annual rent increases are determined without an approved procedure in place.

Rejected: Having a procedure in place gives clear guidance regarding how increases are determined by the Regulator of Social Housing and the measures in place within the Council to ensure rents remain affordable for the Council's tenants and shared owners.

Option Two: Do not increase rents on the Council's Housing Assets.

Rejected: The annual increase will contribute towards increasing the value of the Council's housing assets portfolio and will also increase the revenue income for the Council which is required for capital loan payments; rentals; conversions/improvements; housing/leasehold management and repairs. These costs are subject to upward cost pressure and if not covered by prudent rent increases will become a revenue pressure on the Council.

71 **Urgent Business**

There were no items of urgent business.

72 **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.

73

Castle Quay

The Corporate Director – Commercial Development, Assets and Investment submitted an exempt report in relation to Castle Quay.

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

Resolved

- (1) As set out in the exempt minutes.
- (2) As set out in the exempt minutes.

Reasons

As set out in the exempt minutes.

Alternative options

As set out in the exempt minutes.

The meeting ended at 8.45 pm

Chairman:

Date: