

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 5 September 2022 at 6.30 pm

Present:

Councillor Barry Wood (Chairman), Leader of the Council and Portfolio Holder for Policy and Strategy

Councillor Phil Chapman, Portfolio Holder for Healthy Communities
Councillor Colin Clarke, Portfolio Holder for Planning
Councillor Nicholas Mawer, Portfolio Holder for Housing
Councillor Richard Mould, Portfolio Holder for Performance
Councillor Adam Nell, Portfolio Holder for Finance
Councillor Lynn Pratt, Portfolio Holder for Property
Councillor Eddie Reeves, Portfolio Holder for Safer Communities
Councillor Dan Sames, Portfolio Holder for Cleaner and Greener Communities

Also Present:

Councillor John Broad
Councillor Sean Woodcock (virtual)

Apologies for absence:

Councillor Ian Corkin, Deputy Leader of the Council and Portfolio Holder of Regeneration and Economy

Officers:

Yvonne Rees, Chief Executive
Nathan Elvery, Chief Operating Officer Interim
Ian Boll, Corporate Director Communities
Stephen Hinds, Corporate Director Resources
Michael Furness, Assistant Director Finance & S151 Officer
Shahin Ismail, Assistant Director Law, Governance, Democratic Services & Procurement & Monitoring Officer Interim
Ed Potter, Assistant Director Environmental Services
Celia Prado-Teeling, Assistant Director Customer Focus Interim (Virtual)
Simon Hope, Interim Head of Communications and Marketing
Natasha Clark, Governance and Elections Manager

Declarations of Interest

There were no declarations of interest.

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

There were no petitions.

The Chairman advised the meeting that he had agreed to Councillor Woodcock addressing the meeting on agenda item 6, Monthly Performance, Risk and Finance Monitoring Report July 2022, and Councillor Broad addressing the meeting on item 7, Climate Change – Carbon Management Plans.

27 **Minutes**

The minutes of the meeting held on 4 July 2022 were agreed as a correct record and signed by the Chairman.

28 **Chairman's Announcements**

There were no Chairman's announcements.

29 **Monthly Performance, Risk and Finance Monitoring Report July 2022**

The Assistant Director of Finance and Interim Assistant Director – Customer Focus submitted a report which summarised the Council's Performance, Risk and Finance monitoring positions as at the end of July 2022.

In introducing the report the Portfolio Holder for Performance highlighted the clarification that had been included on the published report and agenda front sheet for the meeting regarding the Performance, Risk and Finance Executive Report presented on Monday 6 July – section 5.4. Cherwell District Council always fully considers the needs of all clients when offering placements. The council does not 'impose' offers out of area, but in some cases, it may be in the best interests of the client.

It was further explained that the council takes this responsibility very seriously and to date this year had only made 6 such placements and all by agreement. Examples would be to move for safety reasons or to be closer family to provide additional support needs and that these are all right and proper reasons. The ability to house residents out of District is set in legislation - Part 7 of the 1996 Housing Act, affording the power to all housing authorities to discharge a responsibility out of area if it is suitable and reasonable to do so. If within 24 months, the client decides they want to return to CDC they maintain a local connection, the council would welcome them back to the Cherwell District.

Reassurance was given that Cherwell District Council always follows due process and critically puts the needs of the client at the centre of the support and advice given.

The phrasing of the previous report was not helpful and if it caused confusion or concern, for which the council unreservedly apologised.

The Portfolio Holder for Performance subsequently introduced the performance aspects of the report and the Portfolio Holder for Finance introduced the finance aspects of the report.

Councillor Woodcock addressed Executive and referred to the clarification given by the Portfolio Holder for Performance and sought clarity regarding who the apology was from.

In response to Councillor Woodcock's address the Chairman explained that the apology was a corporate apology through him as Leader on behalf of the council and the Executive.

The Portfolio Holder for Housing confirmed that a full explanation had been given to Councillor Woodcock after he had first raised the matter.

Resolved

- (1) That the monthly Performance, Risk and Finance Monitoring Report July 2022 be noted.
- (2) That the following proposed changes in the use of reserves and detailed in the Annex to the Minutes (as set out in the Minute Book) be approved:

Directorate	Type	Description	Amount £m
Resources	Earmarked	Projects reserve	0.146
Resources	Earmarked	Elections Reserve	0.038
Resources	Earmarked	Commercial Risk Reserve	(2.573)
		Total Earmarked Reserves	(2.389)

- (3) That the reduction in the Castle Quay capital scheme of £3.370m be approved.
- (4) That the budget virement between Executive Matters and the Property Budget of £0.927m be approved.

Reasons

This report provides an update on progress made during July 2022, to deliver the Council's priorities through reporting on Performance, Leadership Risk Register and providing an update on the Financial Position. The Council is committed to performance, risk and budget management and reviews progress against its corporate priorities on a monthly basis.

Alternative options

Option 1: This report illustrates the Council's performance against the 2022-23 Business Plan. Regarding the monitoring aspects of the report, no further

options have been considered. However, members may wish to request that officers provide additional information. Regarding the recommendation to approve changes in use of reserves, members could choose not to reject the change of use, however, the request is in accordance with the councils Reserves Policy and within existing budgets. If members chose not to agree to the changes in transfers to reserves, then this would mean resource would need to be found for these projects separately in future years.

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Climate Change - Carbon Management Plans

The Assistant Director Environmental Services submitted a report which set out the Carbon Management Plans for the period of 2022-2025 to guide the Council towards its net zero target.

Councillor Broad addressed Executive acknowledging and commending the work that had been done the council's estate to date. His understanding however, when the council declared a Climate Change Emergency in 2019 was that the intention was to bring the district to net zero by 2030 and the report only referred to the council's actions. Councillor Broad commented that achieving net zero across the district was closely linked to planning developments in the Local Plan review and in the future. He had hoped the Local Plan review would address these issues however the Member advisory sub-group, of which he was a member, had not been engaged in the review process to date and it now seemed too late which was disappointing as he was keen to be involved.

In response to Councillor Broad's address, the Chairman explained that with regards climate change, the council had no direct control over district wide emissions and could only change the way it did things for its own climate management and 2030 net zero commitment. The council did however have a duty and responsibility to be a facilitator encouraging stakeholders, businesses and residents to move forward district wide carbon management. With regards the climate change agenda within the Cherwell Local Plan, this could be built on and there would be a role for engagement with Members at different stages in the process.

The Portfolio Holder for Cleaner and Greener Communities added that whilst the council could not commit the district to carbon zero, as the Chairman had highlighted it had a facilitating role and was already leading by example.

In relation to the Local Plan Advisory Sub-Group, the Portfolio Holder for Planning confirmed that the sub-group would meet well in advance of Executive considering the Cherwell Local Plan for consultation at its 7 November meeting.

Resolved

- (1) That the significant progress in the Council moving towards net zero by 2030 be noted.

- (2) That the proposed carbon management plans (Annex to the Minutes as set out in the Minute Book) in making further steps to reach net zero by 2030 be supported and approved.

Reasons

The Carbon Management Plans set out plans for this year and future years to reduce the overall emissions of the Council in its journey to reach net zero by 2030.

Alternative options

Option 1: To adopt the proposed carbon management plans.

Option 2: To reject the proposed carbon management plans and ask officers to reconsider the overall management plans

31

Car Parking Agency Agreement

The Assistant Director Environmental Services submitted a report to seek approval to move into an Agency Agreement with Oxfordshire County Council to cover enforcement of the Council's off street car parks.

Resolved

- (1) That the entering into an agency agreement for five years with an option to extend for up to a further five years with Oxfordshire County Council regarding car parking and an option to cease the agreement with twelve months' notice on either side be approved.
- (2) That authority be delegated to the Corporate Director Communities in conjunction with the Monitoring Officer to agree the details of the agency agreement.

Reasons

The current car parking contract has been extended until the end of November 2022. From 1 December 2022 new arrangements must be put in place.

Having considered the options, entering into an agency agreement with the County Council will deliver a very good service with a significant reduction in service delivery cost.

Alternative options

Option 1: To adopt the recommendations.

Option 2: To reject the recommendations and ask officers to reconsider the overall project

32 **Notification of Urgent Action - Letting of Unit at Castle Quay**

The Interim Assistant Director – Corporate Property submitted a report to advise the Executive of an urgent Executive decision which was taken on the 12 July 2022 by the Chief Executive regarding the letting of Unit 4 Castle Quay, Waterfront Banbury.

Resolved

- (1) That the urgent action by the Chief Executive in relation to the letting of a unit at Castle Quay be noted.

Reasons

There is a Constitutional requirement for urgent action to be notified to the body that would ordinarily have taken the decision.

Alternative options

Option 1: As the decision has been taken there no alternative options.

33 **Urgent Business**

There were no items of urgent business.

34 **Summary of Debt Write Offs - public cover report and Appendix C**

The Chairman advised that the papers for the item had originally been published as exempt items, however the cover report and Appendix C had subsequently been published as public documents. Appendices A and B remained exempt and it would be necessary to exclude the press and public should there be any questions on the exempt appendices.

The Assistant Director of Finance submitted a report which provided Members with a summary of the accounts proposed for write-off and sought approval for the write-offs in line with the Council's financial procedure rules.

Resolved

- (1) That, having given due consideration, the proposed bad debt write offs summarised in the exempt Annexes A1 to A14 to the Minutes (as set out in the Minute Book), which contain debts recommended for write-off relating to Housing Benefit Overpayments where the value exceeds £5,000 be approved.
- (2) That, having given due consideration, the proposed bad debt write offs summarised in exempt Annexes B1 to B10 to the Minutes (as set out in

the Minute Book), which contain other sundry debts recommended for write-off where the values exceeds £5,000 be approved.

- (3) That the proposed write off of debts for each service area where the value is less than £5000.00 but all recovery methods have been exhausted, which have been reviewed by the S151 Officer and are available to be reviewed on request, be approved.
- (4) That the Corporate Debt Policy (Annex to the Minutes as set out in the Minute Book) be approved.

Reasons

The Council's financial procedure rules require that recommended write offs with an outstanding balance of £5,000 and above for Council Tax, Overpayment of Housing Benefit or Sundry Debtors, and £10,000 and above for Non- Domestic Rates must be approved by the Executive.

Adopting the Corporate Debt Policy makes is clear that wherever possible the Council should collect income prior to providing a service. The Policy also updates the process and flow charts for collecting debt at each stage of recovery.

Alternative options

Option 1: To not write off the debt. This old and irrecoverable debt places additional administration on the team as periodically, it is required to be reviewed and pursued. By writing off the debt, more time will be able to be focussed on reviewing debt that is more likely to be recoverable.

35 **Exclusion of the Press and Public**

There being no questions on exempt appendices, it was not necessary to exclude the press and public.

36 **Summary of Debt Write offs - Exempt Appendices A and B**

Resolutions as set out at Minute 34

37 **Notification of Urgent Action - Letting of Unit at Castle Quay - Exempt Appendix**

Resolved

- (1) That the exempt appendix be noted.

The meeting ended at 7.40 pm

Chairman:

Date: