

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 4 September 2023 at 6.30 pm

Present:

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

Councillor Adam Nell (Vice-Chairman), Deputy Leader and Portfolio Holder for Finance

Councillor Phil Chapman, Portfolio Holder for Healthy and Safe Communities

Councillor Sandy Dallimore, Portfolio Holder for Corporate Services

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 Dan Sames, Portfolio Holder for Planning and Development

Councillor Nigel Simpson, Portfolio Holder for Sport and Leisure

Apologies for absence:

Councillor Eddie Reeves, Portfolio Holder for Property

Also Present:

Councillor John Broad, Chairman Overview and Scrutiny Committee

Councillor George Reynolds

Also Present Virtually:

Councillor David Hingley, Leader of the Opposition, Progressive Oxfordshire

Councillor Ian Middleton

Officers:

Yvonne Rees, Chief Executive

Ian Boll, Corporate Director Communities

Stephen Hinds, Corporate Director Resources

Michael Furness, Assistant Director Finance & S151 Officer

Shiraz Sheikh, Assistant Director Law and Governance & Monitoring Officer

David Peckford, Assistant Director Planning & Development

Nicola Riley, Assistant Director Wellbeing & Housing

Christina Cherry, Interim Planning Policy Team Leader

Maria Dopazo, Principal Planning Policy Officer

Natasha Clark, Governance and Elections Manager

Officers Attending Virtually:

Shona Ware, Assistant Director Customer Focus
Richard Smith, Head of Housing
James Wilson, Interim Manager Bicester Garden Town Programme
Chris Thom, Principal Planning Policy Officer

15 **Declarations of Interest**

11. Performance, Risk and Finance Monitoring Report April to July 2023.
Councillor Andrew McHugh, Other Registerable Interest, as a trustee of Tooley's Boatyard.

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

The Chairman welcomed Councillor Broad, Chairman of the Overview & Scrutiny Committee. Councillor Broad would be speaking on Item 6 – Cherwell Local Plan Regulation 18 Consultation; Item 8 – Tenant's Charter; and Item 11 – the performance aspects of the Performance, Risk and Finance Monitoring Report – April to July 2023.

The Chairman advised that he had agreed to requests from Councillor Reynolds and Councillor Middleton to address the Executive on Item 6 - Cherwell Local Plan Regulation 18 Consultation.

17 **Minutes**

The minutes of the meeting held on 3 July 2023 were agreed as a correct record and signed by the Chairman.

18 **Chairman's Announcements**

The Chairman referred to the recent press coverage regarding school closures due to safety concerns regarding the type of concrete, reinforced autoclaved aerated concrete (RAAC) used in buildings. The Chairman advised that Oxfordshire County Council had confirmed that it had undertaken an audit process of all maintained schools 18 months ago and was confident that no maintained schools in the county were affected.

19 **Cherwell Local Plan Regulation 18 Consultation**

The Assistant Director Planning and Development submitted a report to present, for consideration, a draft of the emerging Cherwell Local Plan Review 2040 for consultation purposes.

Prior to the Portfolio Holder for Planning and Development presenting the report, the Chairman invited Councillor Reynolds, Councillor Broad and Councillor Middleton to address the meeting.

Councillor Broad, Chairman of the Overview and Scrutiny Committee, summarised the feedback from the Committee which had considered the draft Local Plan at their special meeting on 16 August. The Committee had resolved to make the following comment to Executive: In line with the motion that had been adopted at the February 2023 full Council meeting on housing affordability mix, the Local Plan should be stronger in terms of the desirability of having more affordable housing in the allocated sites.

The Overview and Scrutiny Committee had made a number of detailed comments and observations which had been published as an appendix to the Executive report. Proposed changes to the Local Plan in response to the Committee's comments had also been published as an appendix to the Executive report.

The Chairman thanked Councillors Reynolds, Broad and Middleton for their comments and thanked the Overview and Scrutiny Committee for their detailed scrutiny and subsequent feedback.

In introducing the report, the Portfolio Holder for Planning and Development explained that the council had a legal requirement to review its Local Plan every five years and update if appropriate. This current review of the Local Plan provided the opportunity to establish a new set of policies for addressing housing and other development needs, for climate action, for healthy place-shaping, for biodiversity net gain, for our urban centres, rural areas and in response to new Government policy and guidance.

Following the resolution of Executive in January 2023 to defer the consultation on the draft Local Plan at that time, officers had taken the opportunity to undertake a wide review of the scope and presentation of the draft plan. It had been redrafted with a greater emphasis on consultation, with feedback being more explicitly encouraged and with specific questions added. Where possible the language had been made more accessible and information had been presented in a simpler, more understandable, and transparent way.

The version submitted to Executive was a consultation draft of the emerging Plan under Regulation 18 of the Local Plan regulations (the issues and options stage of plan-making). The 6-week consultation was supported by a communications plan and would provide an opportunity for local communities, interest groups, statutory bodies, infrastructure and service providers, development promoters and other stakeholders to comment on emerging thinking and make suggestions on how the Plan should be developed further.

This stage was extremely important as the council still retained the flexibility to amend the emerging Plan in response to the consultation responses and further evidence. Responses to consultation at the next proposed or pre-submission stage (Regulation 19) were submitted with the Plan for Examination. In line with the Government's current proposals, Plans prepared

under the current Local Plan system should be submitted for Examination by 30 June 2025.

Resolved

- (1) That public consultation on the draft Cherwell Local Plan Review 2040 (Annex to the Minutes as set out in the Minute Book) be approved, subject to the changes presented in response to the resolution of the Overview and Scrutiny Committee of 16 August 2023 (Annex to the Minutes as set out in the Minute Book).
- (2) That authority be delegated to the Assistant Director - Planning and Development 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.
- (3) That authority be delegated to the Assistant Director – Planning and Development to finalise and publish supporting documents in consultation with the Portfolio Holder for Planning and Development.

Reasons

The Council has a legal requirement to review its Local Plan every five years. A new Local Plan is required to meet Cherwell's needs, protect its environment and secure sustainable development. The process for preparing a new local plan is prescribed by legislation. This current Plan is a consultation draft prepared to prompt discussion and feedback on its vision, objectives, spatial strategies, and new planning policies. When adopted, the Local Plan will guide the delivery of sustainable development across the district. The Executive is invited to approve a consultation to support further plan development.

Alternative options

Option 1: Not to progress a Cherwell Local Plan Review at this time. The Council has a legal requirement to review its Local Plan every five years, and update it if appropriate. There is therefore an expectation that most plans will need to be updated every five years. Progressing the review of the Local Plan is required to ensure a plan-led approach to development in Cherwell.

Option 2: Delay progress on a Cherwell Local Plan Review. The Local Plan programme has already slipped, principally due to the decision in August 2022 to cease work on the Oxfordshire Plan which was expected to set the strategic level of growth across the County. More recently, following consideration of a previous version of the draft local plan in January 2023 the Executive resolved, "...*Consultation be deferred until a later date....in light of the comments of the Overview and Scrutiny Committee and Executive to allow officers to consider these comments*". Further delay would create significant uncertainty about maintaining a plan-led approach to development in Cherwell.

Option 3: Do not consult on an emerging Plan at 'Regulation 18' stage
There is no specific requirement to publish a draft Plan under Regulation 18 of the Local Plan regulations. There have been two issues and options consultations in 2020 and 2021 and the Council could wait until it publishes a proposed / pre-submission Plan under Regulation 19. However, there is time to undertake consultation now which would provide further opportunity for community engagement, benefit Plan development and ensure as many issues as possible are considered before a proposed Plan is prepared under Regulation 19.

20 **Local Development Scheme**

The Assistant Director – Planning and Development submitted a report to seek approval of an updated Local Development Scheme (LDS) to produce the Council's key planning policy documents.

Resolved

- (1) That the updated Local Development Scheme (LDS) (Annex to the Minutes, as set out in the Minute Book) be approved.

Reasons

An updated LDS has been prepared taking into account the significant change in circumstances since the last LDS was adopted in 2021. It provides a broad programme for completion of the on-going Local Plan review and a potential Community Infrastructure Levy. The Council has a statutory responsibility to prepare and maintain an LDS. The LDS will be used by officers, the public, partners and developers and other stakeholders to monitor the production of documents and to plan for associated consultations. Approval of the LDS is needed to assist project management and ensure that the Council meets its statutory responsibilities for plan-making. The LDS will be reviewed again if there is a further, significant change in circumstances.

Alternative options

Option 1: Not to approve the LDS

The Council has a statutory responsibility to maintain an LDS. If the Council did not prepare its own LDS the Secretary of State could impose one. Aside from legal duty, not to approve the LDS could undermine the confidence of the public and stakeholders about the Council's plan-making programme. The LDS would need to be re-presented to the Executive at a future meeting.

Option 2: To reconsider the content of the LDS

The LDS has been prepared having regard to the Council's statutory responsibilities and current resources. It is considered by officers to be appropriate for the present and foreseeable circumstances.

21 **Tenant's Charter**

The Assistant Director – Wellbeing and Housing submitted a report to consider and approve the Council's new Tenants Charter for the tenants that live within its rented stock portfolio.

In introducing the report, the Portfolio for Housing thanked the Housing Team for their work, tenants who had responded to the consultation and the Overview and Scrutiny Committee who had considered the draft Strategy at their 1 August meeting.

Councillor Broad addressed Executive and advised that the Overview and Scrutiny Committee had commended the Strategy and planned publicity and promotion. The Committee had highlighted the importance of ensuring the information and language in the Charter was accessible to all. The Committee had recommended the draft Tenants Charter for adoption by Executive, subject to their comments on consideration of the language used in the Charter, ensuring the final draft was accessible to all tenants, and additional clarity on how residents could raise issues with the Council as their landlord.

Resolved

- (1) That the Tenants Charter (Annex to the Minutes as set out in the Minute Book), which sets out a new service standard that all tenants can expect to receive from the Council whilst they are living within properties the Council manages, be approved.
- (2) That the planned publicity and promotion to ensure a raising of the standards of rented properties within the District, following the motion at the Council meeting on 17 July 2023 that called on the Executive to reiterate the basic rights of tenants across Cherwell and the responsibilities of landlords and run a public awareness campaign of the Charter, encouraging tenants to be aware of their rights and where local sources of advice and support can be found, be approved.

Reasons

The Council is committed to improving the standards of accommodation and the experience of tenants within the District, and the new Tenants Charter and its commitments provide a framework for ensuring this is realised and also assists the Council in its leadership role in driving improvements in standards.

Alternative options

Option 1: Not to bring forward a Tenants Charter

This option would be contrary to a Motion from Council and a previous Executive decision.

The Assistant Director – Wellbeing and Housing submitted a report to increase the delivery of housing and support for the ARAP scheme (Afghan Resettlement and Assistance Programme) in Cherwell. The original figure was to accommodate 10 families in MOD housing which has now been achieved. The request is to increase our offer of accommodation for a further 6 properties making 16 in total by early 2024.

In introducing the report, the Portfolio Holder for Housing highlighted that this was pioneering work between the council and the MOD with funding provided by the Home Officer. The Chairman reiterated the comments and asked officers to write to the Minister of State (Minister for Veterans' Affairs), the Rt Hon Johnny Mercer MP, to invite him to visit the work the council was undertaking.

Resolved

- (1) That authority be delegated to Assistant Director Wellbeing and Housing in consultation with Portfolio Holder Housing to:
 - a. agree variation to existing agreement to extend the offer of accommodation from 10 properties to 16 properties for the period as deemed appropriate.
 - b. agree and utilise future accommodation for the same purpose.

Reasons

The ARAP scheme offers priority relocation to eligible current or former Afghan nationals who were locally employed staff by the British military forces and who are assessed to be under serious threat to life. CDC currently leases 10 properties from the Ministry of Defence (MOD) for housing Afghan refugees under the Government's ARAP scheme. CDC has been offered a further six properties to resettle more Afghan families who worked with British forces during the war in Afghanistan.

Alternative options

Option 1: Not offer to partner the Home Office in their commitment to settle families in the UK who were part of the United Kingdom military operation in Afghanistan. Rejected because Cherwell District Council considers itself part of the UK response to supporting refugees

Option 2: Provide accommodation through our regular housing register. Rejected By partnering with the MOD we are able to provide a resource not usually available to non-service personnel and so protect the applicants on the housing register from an increase in people seeking homes through that route.

The Assistant Director – Growth and Economy submitted a report to provide the Executive with the background and context for this capital project; to set out the business need for the Bicester Market Square enhancement proposals; to gain approval to appoint consultants to undertake feasibility studies, further design work and consultation with key stakeholders and the wider public; and, to provide the Executive with an understanding of the governance of the project and gateways to full scheme approval.

Resolved

- (1) That the business need for transformational public realm improvements at Bicester Market Square be confirmed.
- (2) That the expenditure (up to a level of £180k) required for consultants to undertake detailed design through to planning permission and consultation with stakeholders be approved and it be noted this will include associated studies on;
 - the relocation of parking and wider impacts of parking within Bicester
 - traffic movement and flows through Market Square and around the Town Centre, including access for existing businesses/users
 - a full design of the Market Square public realm improvement project with full business case for the capital expenditure and future revenue impact from changes to car parking income and any future costs
- (3) That it be noted the governance of the project to monitor and review development of the full business case which will return to Executive for approval prior to delivery of the project.

Reasons

Significant resources (£4.25m) have been made available to progress this project through the Council's capital programme and officers are now seeking to bring forward more detailed plans in consultation with stakeholders and the public for members to approve.

Therefore, officers are seeking to have the business need for delivering this project at the market square in Bicester affirmed and for authorisation to expend up to £180k of the anticipated £900k professional fees on relevant studies, consultation and detailed design (to the point of planning application submission) to enable a further report to members recommending approval for the final scheme and how it will be delivered.

Alternative options

Options would be evaluated as part of the consultation process

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 2023/24 up to the end of July 2023.

Councillor Broad, Chairman of Overview & Scrutiny Committee addressed the Executive. Cllr Broad reported that the Overview & Scrutiny Committee had asked general questions of clarification on the report but had no specific comments to make to Executive and had noted the report.

Resolved

- (1) That the Council's Performance, Risk and Financial report for the current financial year up to the end of July 2023 be noted.
- (2) That the inclusion of a capital budget under officer delegated authority of £0.160m to provide a grant to the Canal & River Trust funded through S106 developer contributions in recognition of our commitment to the canal as an important asset in the district be noted.
- (3) That £0.112m for the Digital Transformation Capital Project be approved.

Reasons

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

Alternative options

This report summarises the council's performance, risk, and financial positions up to the end of July, therefore there are no alternative options to consider. However, members may wish to request further information from officers for inclusion.

Summary of Debt Write Offs

The Assistant Director Finance submitted a report to provide members with a summary of the accounts proposed for write-offs and to request approval for the write-offs. These were debts where all avenues for collecting the debt have been exhausted and it is good practice to write these debts off. All of the debts proposed for write off would be funded from the Council's Bad debt Provision.

£1.042m Council Tax and £1.002m business rates were proposed for write off. These debts ranged from 2001/02 to 2023/24. Over this period bills of £1.809bn had been raised for Council Tax and £1.559bn for business rates. As a result 0.06% and 0.06% of the value billed over this time frame is recommended for write off.

The Portfolio Holder for Finance and the Chairman thanked Finance Officers for their diligent and hard work in undertaking the review.

Resolved

- (1) That, having given due consideration, the proposed bad debt write offs summarised in exempt Annex A to the Minutes (as set out in the Minute Book) which details debts recommended for write-off relating to Council Tax debts where the value exceeds £5,000, be approved.
- (2) That, having given due consideration, the proposed bad debt write offs summarised in exempt Annex B to the Minutes (as set out in the Minute Book), which details Business Rates debts recommended for write-off where the values exceeds £10,000, be approved.
- (3) That the proposed write off of debts where the value is less than £5,000.00 for Council Tax and less than £10,000. for Business Rates 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 it be noted that the constitution gives a delegation to the S151 Officer to write off bad debts for Business Rates up to the value of £10,000 and up to the value of £5,000 for non-business rates bad debt and that following this review the S151 Officer will operate under this delegation and periodically update the Executive on the actions taken.

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 Business Rates must be approved by the Executive

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.

26 **Urgent Business**

There were no items of urgent business.

27 **Exclusion of the Press and Public**

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

28 **Summary of Debt Write Offs - Exempt appendices**

There being no questions on the exempt appendices, they were considered as agreed as detailed under Minute 25.

The meeting ended at 8.00 pm

Chairman:

Date: