

# Public Document Pack



WEST OXFORDSHIRE  
DISTRICT COUNCIL

Tuesday, 17 May 2022

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## CABINET

You are summoned to a meeting of the Cabinet which will be held in the Council Chamber, Woodgreen, Witney, OX28 1NB on **Wednesday, 25 May 2022 at 2.00 pm.**

A handwritten signature in cursive script that reads "Giles Hughes".

Giles Hughes  
Chief Executive

To: Members of the Cabinet

Councillors: Andy Graham (Leader), Duncan Enright (Deputy Leader), Joy Aitman, Lidia Arciszewska, Dan Levy, Andrew Prosser, Mathew Parkinson, Carl Rylett and Geoff Saul.

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted. By participating in this meeting, you are consenting to be filmed.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Democratic Services officers know prior to the start of the meeting.

# AGENDA

1. **Notice of Decisions (Pages 5 - 8)**  
To receive notice of the decisions taken at the meeting held on 20 April 2022.
2. **Apologies for Absence**  
To receive any apologies for absence.
3. **Declarations of Interest**  
To receive any declarations from Members on any items to be considered at the meeting.
4. **Participation of the Public**  
To receive any submissions from members of the public, in accordance with the Council's Rules of Procedure.
5. **Receipt of Announcements**  
Purpose:  
To receive any announcements from the Leader of the Council or Members of the Cabinet.
6. **Whistle-Blowing Policy (Pages 9 - 26)**  
Purpose  
To present Cabinet with an updated Whistle-Blowing Policy for adoption.  
To update and replace the existing Whistle-Blowing Policy to highlight key legislation and the roles and responsibilities of Members, Officers and other parties.  
  
Recommendation
  - a) That Cabinet approves and adopts the Policy attached to this report and;
  - b) That Cabinet authorise the Chief Executive to approve future minor amendments to the Policy in consultation with the Counter Fraud and Enforcement Unit, Legal Services and the Leader of the Council.
7. **Discretionary Funding Policy - Energy Council Tax Rebate 2022 (Pages 27 - 34)**  
Purpose  
The Government has announced a package of support known as the Energy Bills rebate. There are two elements to the support. One being a mandatory scheme and the second being a discretionary scheme. The purpose of this report is to formally agree the criteria for the discretionary scheme and approve the Policy.  
  
Recommendation  
It is recommended that the Cabinet:
  - a) Approve the eligibility criteria, as set out in Annex A; and
  - b) Delegate the distribution of surplus funds to the Chief Finance Officer in consultation with the Cabinet Member for Finance as details in para 2.9 of this report.
8. **Community Infrastructure Levy (Pages 35 - 40)**  
Purpose  
To provide an update on the introduction of the Community Infrastructure Levy (CIL) in

West Oxfordshire.

Recommendation

- a) That Cabinet note the content of the report; and
- b) Agree that of the four potential options identified, that Option 2 be progressed in terms of taking CIL forward in West Oxfordshire.

9. **Disposal and development of land at Walterbush Road, Chipping Norton for Custom Build Zero Carbon Homes (Pages 41 - 50)**

Purpose

To agree to the funding option, to seek approval to enter into a legal agreement with the enabling developer GreenAxis to develop eight custom build net-zero carbon homes, and to dispose of the land for that purpose.

Recommendation

That Cabinet agree:

- a) to support the development of eight net zero carbon affordable homes at Walterbush road as set out in 3.1 and Annex C;
- b) to allocate S.106 funding of £40,000 for the planning fee, as part of the gap funding to provide affordable homes and to enter into a legal agreement with GreenAxis, the developer, to enable them to apply for planning permission to develop eight homes on the site;
- c) to allocate further S.106 funding of £221,000 as gap funding to cover the cost of providing the homes as affordable with a 20% discount against market value;
- d) to dispose of the site, once planning permission has been obtained, so that GreenAxis can enter into legal and financial agreements with the individual residents who will be buying the homes;
- e) to enter into agreements/impose covenants with GreenAxis and future occupiers requiring that the 20% discount remains in perpetuity based on the high level provision set out in this report; and
- f) to delegate authority to agree the final terms of the above agreements to the Chief Finance Officer and Interim Head of Legal Services.

10. **Appointment of Representatives to Outside Bodies 2022/23 (Pages 51 - 56)**

Purpose

To consider the appointment of representatives to Outside Bodies for 2022/2023.

Recommendations

That Council makes appointments to the bodies listed in Annex A and notifies of any appointments to vacant positions.

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## WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the  
**Cabinet**

Held in the Council Chamber at 2.00 pm on **Wednesday, 20 April 2022**

### PRESENT

Councillors: Michele Mead (Leader), David Harvey (Deputy Leader), Suzi Coul, Merilyn Davies, Jane Doughty, Jeff Haine and Norman MacRae MBE.

Also present: Councillors Julian Cooper, Derek Cotterill, Andy Graham, Gill Hill and Alex Postan.

Officers: Amy Bridgewater-Carnall (Democratic Services Manager), Jan Britton (Managing Director - Publica), Georgina Dyer (Business Partner Accountant), Giles Hughes (Chief Executive), Jasmine McWilliams (Estates Manager) and Frank Wilson (Group Finance Director - Publica).

Also present: Chris Urwin, Finance Director for Publica.

#### **99 Notice of Decisions**

The notice of the decisions taken at the meeting held on 16 March 2022 were agreed.

#### **100 Apologies for Absence**

There were no apologies for absence received.

#### **101 Declarations of Interest**

There were no declarations of interest received.

#### **102 Participation of the Public**

There was none.

#### **103 Receipt of Announcements**

##### Electric Vehicles

Councillor MacRae advised that three electric panel vans had been added to the Council's fleet, following a minor delay.

##### End of Civic Year

The Leader addressed the meeting and highlighted that it was the last Cabinet meeting of the Civic Year. She took the opportunity to thank all members of her Cabinet along with the officers who had supported them throughout that time. Councillor Mead concluded by reflecting on the active year that had passed.

#### **104 Publica Business Plan**

Members received a report from the Chief Executive which asked them to consider the Publica Business Plan 2022-25 and any comments made by the Finance and Management Overview and Scrutiny Committee on the draft Business Plan. The Cabinet were asked to recommend that the Leader (as Shareholder Representative) approve the plan, subject to any comments the Cabinet wished to make, and those made by other Shareholder Councils.

Cabinet

20/April2022

The report explained that as part of the establishment of Publica Group (Support) Ltd. (Publica), twelve items were identified as Reserved Matters for Shareholder approval to ensure that shareholder Councils retained the necessary control over their Teckal company.

The Reserved Matters decisions fell to the Shareholder Representatives to determine. For each shareholder Council, the Shareholder Representative was designated as the Leader of the Council and “Adopting or amending the Business Plan in respect of each Financial Year” was one of these responsibilities.

The Business Plan for 2022-25 was attached as Annex A to the report.

There were no alternative options detailed in the report.

The Business Plan had been considered by the Finance and Management Overview and Scrutiny Committee on 13 April 2022 and the comments they made, mainly relating to grammatical amendments were noted.

The Leader introduced the report and thanked the Finance and Management Overview and Scrutiny Committee for their consideration of the report and subsequent input. She advised that this document had been worked on for some time, with the initial draft being considered by the Shareholders at a meeting in February. Councillor Mead felt that it was a good plan that focused on Planet, People and Place as the key themes and she advised that the final version, incorporating the amendments, would be circulated.

This was seconded by Councillor Harvey, who agreed that the key themes supported the Council’s own plan and aspirations.

Following a question from Councillor Cooper, clarification was provided on the differing recruitment processes between Ubico and Publica. He asked what the cost implication would be if Publica started the recruitment process when they first became aware of a staff member leaving.

The Managing Director of Publica, Jan Britton addressed the points raised which had also been discussed at the scrutiny meeting the week before. The Leader reminded Councillor Cooper that Ubico and Publica were separate companies and could therefore manage their recruitment as they wished.

Councillor MacRae highlighted that due to the service being delivered, Ubico needed to recruit quickly should a vacancy come to light. Chris Urwin, Finance Director from Ubico, addressed the meeting and concurred with the comments made by Councillor MacRae. He advised that Ubico would often employ agency staff to cover any vacancies, however, there was more leeway when it came to replacing members of the corporate team.

In response to Councillor Cooper’s query relating to the removal of the vacancy factor, the Locality Directory, Frank Wilson, advised that this would cost each authority approximately £200,000.

Councillor Graham asked when the other partner Council’s were considering the Business Plan and was advised that it had already been approved by the relevant Cabinet at Cotswold and the Forest of Dean District Councils.

Cabinet

20/April2022

Having been proposed and duly seconded, the Cabinet

**Resolved** that the Publica Business Plan 2022-25 be approved by the Leader, as the Council's Shareholder Representative for Publica Group (Support) Ltd and subject to any minor amendments that might arise from the final stages of consultation with the Shareholder Councils and/or general editing.

#### **105 Ubico Business Plan**

Members received a report from the Chief Executive which asked them to consider the Ubico Business Plan 2022-23 and any comments made by the Finance and Management and Environment Overview and Scrutiny Committees, on the draft Business Plan and to recommend that the Leader (as Shareholder Representative) approve the plan, subject to any comments the Cabinet wishes to make and those made by other Shareholder Councils.

The report explained that West Oxfordshire District Council (WODC), was a shareholder of Ubico Limited, a teckal company, designed to deliver environmental services, offering better value for money than commercial contracts. As part of the establishment of Ubico, a number of items were identified as reserved matters for council approval to ensure that shareholder councils retained an element of control over their company. Approval of the Business Plan therefore fell to the Leader, as the Council's representative, to determine.

The Environment Overview and Scrutiny Committee and the Finance and Management Overview and Scrutiny Committee reviewed the Draft Business Plan. Feedback from the Environment Overview and Scrutiny Committee on the 3 February was incorporated into the final draft. The comments made by the Finance and Management Overview and Scrutiny Committee at their meeting on the 13 April would be given verbally at the meeting.

An alternative option was that the Cabinet could make comments in relation to the plan, but proposed amendments would need to be agreed by the other shareholder councils.

The Cabinet Member for the Environment, Councillor MacRae introduced the report and thanked the scrutiny committee members for their input into the process. He reminded Members that the collection rate for the waste and recycling service was 99.5% and, despite some challenges, Ubico had continued to maintain this high level of service. He therefore proposed the recommendation as laid out.

This was seconded by Councillor Coul, who thanked Councillor MacRae and all of the staff at Ubico for their dedication and hard work throughout the past twelve months. She noted that there had been cancellations of the service throughout other parts of Oxfordshire but West Oxfordshire had maintained a full service to residents.

Councillor Graham added his thanks to Ubico and their staff for hard work and stated that he had received very few complaints considering the challenging times encountered. He therefore supported the report.

Chris Unwin, Finance Director for Ubico, thanked Members for their comments and assured them that he would pass them onto the staff.

Having been proposed and duly seconded, the Cabinet

Cabinet

20/April2022

**Resolved** that the Ubico Business Plan 2022-23 be approved by the Leader, as the Council's Shareholder Representative of Ubico Limited and subject to any minor amendments that might arise from the final stages of consultation with the other Shareholder Councils and/or general editing.

**106 Exclusion of Public and Press**

**RESOLVED:** That, in view of the likely disclosure of exempt information, as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, the public were excluded from the meeting for the remaining item of business.

**107 Investment Property - Surrender and Grant of New Lease**

Members received a report from the Business Manager for Assets and Council Priorities which asked them to consider approval to complete a surrender of an existing commercial lease and grant a new lease to a new tenant.

The report explained that a Council owned property, purchased in July 2012, was currently occupied by a tenant on a long term tenancy. The company had since entered into a Company Voluntary Arrangement and had been seeking an alternative tenant to take over the lease. Two separate companies had expressed an interest and their offers were detailed at section 2.2 and 2.3 of the report.

Having considered the options, officers were proposing that a new tenant should be secured, subject to terms, to preserve the Council's revenue income at the property. Of the two companies, one was forecast to generate a higher revenue income than the other.

An alternative option was that the Council could decide not to agree to the surrender and grant of a new lease. The existing lease would continue until September 2025 at which point it was likely that the tenant would vacate and the Council would have a void period pending the acquisition of a new tenant.

The Cabinet Member for Finance, Councillor Coul, introduced the report and proposed the recommendations as laid out. This was seconded by Councillor MacRae.

Following discussions relating to the purchasing criteria for local authorities and clarification from officers on the rent free period, Members agreed with the officer's recommendation.

Having been proposed and duly seconded, the Cabinet


**Resolved** that

- a) the proposal to agree to a surrender of the existing lease and the grant of a new lease to the company detailed in the report, is approved; and
- b) delegated authority is granted to the Interim Head of Legal Services, in consultation with the Cabinet Member for Finance and the Group Manager for Commissioning, to approve the final terms of the transactions.

The Meeting closed at 2.20 pm

CHAIRMAN



 <p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>	<p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>Cabinet Wednesday 25 May 2022</b></p>
<p>Report Number</p>	<p><b>Agenda Item No. 6</b></p>
<p>Subject</p>	<p><b>Whistle-Blowing Policy</b></p>
<p>Wards affected</p>	<p>All indirectly</p>
<p>Accountable member</p>	<p>TBC</p>
<p>Accountable officer  Report Author</p>	<p>Giles Hughes, Chief Executive Email: <a href="mailto:Giles.Hughes@westoxon.gov.uk">Giles.Hughes@westoxon.gov.uk</a>  Emma Cathcart, Head of Service, Counter Fraud and Enforcement Unit Email: <a href="mailto:Emma.Cathcart@cotswold.gov.uk">Emma.Cathcart@cotswold.gov.uk</a></p>
<p>Summary/Purpose</p>	<p>To present Cabinet with an updated Whistle-Blowing Policy for adoption.  To update and replace the existing Whistle-Blowing Policy to highlight key legislation and the roles and responsibilities of Members, Officers and other parties.</p>
<p>Annexes</p>	<p>Annex A – Whistle-Blowing Policy</p>
<p>Recommendation</p>	<p>(a) That Cabinet approves and adopts the Policy attached to this report and; (b) That Cabinet authorise the Chief Executive to approve future minor amendments to the Policy in consultation with the Counter Fraud and Enforcement Unit, Legal Services and the Leader of the Council.</p>
<p>Corporate priorities</p>	<p>In administering its responsibilities the Council has a duty to enforce the law and prevent wrongdoing, whether it is attempted by someone outside or within the Council such as another organisation, a resident, an employee or a Councillor, thus supporting corporate priorities and community plans.</p>
<p>Key Decision</p>	<p>No</p>
<p>Exempt</p>	<p>No</p>
<p>Consultees/ Consultation</p>	<p>Any Policies drafted or revised by the Counter Fraud and Enforcement Unit have been reviewed by Legal Services and have been issued to the relevant Senior Officers, Governance Group and Corporate Management for comment.</p>

## **1. BACKGROUND**

- 1.1. The Counter Fraud and Enforcement Unit is tasked with reviewing the Council's Whistle-Blowing Policy which was previously presented to Cabinet in March 2017.

## **2. MAIN POINTS**

- 2.1. The Policy, attached at Annex A, has been updated in accordance with the review period. Review frequency is as required by legislative changes or every three years. This has been slightly delayed due to events over the last two years. However, the changes are relatively minor in relation to content. The Policy has been refreshed and includes an entry at 3.14 which signposts staff to an independent body for advice. This is now a shared Policy for all staff employed by Cotswold, Forest of Dean and West Oxfordshire District Councils and Publica.
- 2.2. The Policy details employer responsibilities to ensure that the Council protects staff who report or whistle-blow about any areas of concern within the organisation and/or within Publica and the other shareholding Councils. The Policy also safeguards those against whom allegations are made. In administering its responsibilities the Council has a duty to protect staff members who choose to alert the authority to wrong doing and to protect employees against whom vexatious allegations are made.
- 2.3. All referrals received by the Counter Fraud and Enforcement Unit and Human Resources must be dealt with in the correct manner adhering to Regulations, Legislation and Guidance. This includes internal alerts of wrong-doing which must adhere to whistle-blowing legislation. Adherence to this legislation in the workplace means the Council is less susceptible to legal challenge.
- 2.4. Any breach of the Policy or the revealing of the identity of someone that has made an anonymous disclosure could result in litigation action against the Council and a significant fine. Whistle-Blowing is embedded in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). This legislates that an employee has the right to take a case to an Employment Tribunal if they have been victimised at work or lost their job as a consequence of 'blowing the whistle'.
- 2.5. The Policy highlights the key legislation and the roles and responsibilities of Members, Statutory Officers, Publica Directors, Senior Managers, Officers and other parties.
- 2.6. If an individual is considering raising a concern the Policy will enable them to understand the type of issues which can be raised, how the person raising a concern will be protected from victimisation and harassment, how to raise a concern and what the Council will do as a consequence of the report.
- 2.7. The Council has a responsibility to prevent wrong-doing within the authority by promoting high ethical standards and encouraging the exposure of any abuse.
- 2.8. As part of the consultation process, the Policy has been reviewed by Legal Services and issued to Human Resources.
- 2.9. Audit and General Purposes Committee considered and endorsed the Policy on 21 April 2022.

2.10. Online refresher training will be issued to staff following approval of the Policy.

### **3. FINANCIAL IMPLICATIONS**

3.1. There are no direct financial implications as a result of this report.

3.2. The support of the Whistle-Blowing Policy will help to support the prevention and detection of misuse of public funds and fraud therefore reducing potential financial loss to the Council.

### **4. LEGAL IMPLICATIONS**

4.1. The Policy is set out to ensure the Council, its Officers, Member, employees and contractors (including agency staff) comply with and adheres to the legislation governing whistle-blowing in the workplace meaning the Council is less susceptible to legal challenge.

4.2. Any breach of the Policy or the revealing of the identity of someone that has made an anonymous disclosure could result in litigation action against the Council and a significant fine.

### **5. RISK ASSESSMENT**

5.1. If the Council does not have an effective Whistle-Blowing Policy and procedures it puts staff and its reputation at risk. The Council must fulfil its legal obligations in relation to whistle-blowing arrangements.

5.2. Without an appropriate Policy in place the Council is unable to take effective and efficient measures to ensure staff are protected when making allegations of wrongdoing and that staff are protected from vexatious allegations.

### **6. EQUALITIES IMPACT**

6.1. The promotion of effective counter fraud controls and a zero tolerance approach to internal misconduct promotes a positive work environment.

### **7. ALTERNATIVE OPTIONS**

7.1. None.

### **8. BACKGROUND PAPERS**

8.1. The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- Audit and General Purposes Committee Report April 2022 – Whistle Blowing Policy - [View A&GP Agenda - 21.04.22](#)
- Cabinet Report March 2017 – Whistle-Blowing Policy [View Cabinet Agenda - 15.03.17](#)

8.2. These documents will be available for inspection at the Council Offices at Woodgreen, Witney, OX28 1NB during normal office hours for a period of up to 4 years from the date of the meeting. Please contact the author of the report.

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## Whistle - Blowing Policy

<b>Version Control:</b>	
<b>Document Name:</b>	Whistle-Blowing Policy
<b>Version:</b>	1.2
<b>Responsible Officer:</b>	Deb Bainbridge, Human Resources Emma Cathcart, Counter Fraud and Enforcement Unit
<b>Approved by:</b>	CDC – Cabinet February 2017 FODDC - Audit Committee November 2017 WODC – Cabinet March 2017 Publica – Board July 2017
<b>Next Review Date</b>	January 2025

### Revision History

Revision date	Version	Description
January 2018	1.1	Update to include further reporting choices / information
January 2022	1.2	Review

### Consultees

Internal	External
Human Resources Legal Services Corporate Management	

### Distribution

Name	
All staff (intranet)	

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## 1. INTRODUCTION AND PURPOSE OF THE POLICY

- 1.1. Staff are often the first to realise that there may be something of concern occurring within the Council or Publica. Usually any issues can be resolved swiftly and satisfactorily. However, when these concerns relate to more serious matters, staff may be discouraged from expressing their concerns or 'whistle-blowing'.
- 1.2. Whistle-blowing is the term used when an employee passes on information concerning wrongdoing. This can also be called 'making a disclosure' or 'blowing the whistle'. Typically (although, not always) the wrongdoing will be something that the employee has witnessed at work.
- 1.3. Staff may feel disloyal and may fear victimisation or harassment. In such circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. However, any person raising a concern is protected in law.
- 1.4. Whistle-blowing law is embedded in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). This legislation provides that an employee has the right to take a case to an Employment Tribunal if they have been victimised at work or lost their job as a consequence of 'blowing the whistle'.
- 1.5. To be covered by this law, an employee who makes a disclosure must reasonably believe:
  - That they are acting in the public interest; referring to considerations which affect the good order and functioning of the Council for the benefit of its constituents. Public interest can also be described as being for the benefit of society, the public or the community as a whole - therefore personal grievances and complaints are not ordinarily covered by whistle-blowing law;
  - That the disclosure of information indicates past, present or future wrongdoing within the following categories:
    - (a) criminal offences which may include financial impropriety such as fraud;
    - (b) failure to comply with legal obligations;
    - (c) miscarriages of justice;
    - (d) endangering another person's health and safety;
    - (e) damage to the environment;
    - (f) covering up any wrongdoing in any of the above;
- 1.6. Staff are not prevented from making disclosures in the public interest by 'gagging clauses' in Settlement or Compromise Agreements. In short, where an employee wishes to make a disclosure that is in the public interest and relates to wrongdoing

## Whistle-Blowing Policy

as detailed above, this cannot be prevented by a clause within a Settlement or Compromise Agreement.

- 1.7. The Council and Publica are now part of various shared service arrangements and it is important that there is clear guidance for anyone wishing to raise an issue. This policy applies to all staff of the Council, Publica and to individuals working within the organisations who are not staff (e.g. contractors, agency staff, volunteers, Councillors, staff of associated employers etc.)
- 1.8. The Council and Publica are committed to the highest possible standards of openness, probity and accountability. In line with that commitment we wish to encourage staff and others with serious concerns about any aspect of the work carried out by any of the organisations to come forward and voice them without fear of reprisal.
- 1.9. This policy is intended to encourage and enable staff to make disclosures at an early stage, rather than waiting. Staff are also encouraged to raise any issues internally with the Council and/ or Publica first rather than raising it outside of the organisations. If issues are raised externally in the first instance you may weaken the protection given to you under the Public Interest Disclosure Act 1998.
- 1.10. This policy also seeks to ensure concerns are raised in the right way and seeks to protect those staff members against whom complaints are made from malicious allegations. The Council and Publica have a duty to investigate all reports of irregularity. This does not mean that the organisations support the allegation.
- 1.11. This policy should be read if you are considering raising a concern to provide clarification in relation to the following:
  - The type of issues which can be raised;
  - How the person raising a concern will be protected from victimisation and harassment;
  - How to raise a concern;
  - What the organisation will do as a consequence of the report.
- 1.12. This policy has been agreed with any relevant trade unions or non-union representatives.

## 2. AIMS AND SCOPE OF THE POLICY

### 2.1. This policy aims to:

- Encourage staff to raise serious concerns at the earliest opportunity and to question and act upon concerns about practice.



## Whistle-Blowing Policy

- Encourage staff to be watchful for illegal or unethical conduct and report anything of that nature of which they become aware. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work.
  - Ensure all reported allegations are treated in absolute confidence, with every effort made by the Council and Publica not to reveal a whistle-blower's identity if they so wish. However, it may be necessary for the whistle-blower to become an identified witness at an appropriate time, particularly if it has not been possible to substantiate the allegation by other means. The implications of this and the appropriate support/protection arrangements will be discussed with the whistle-blower. This is detailed at Part 3: Employee Safeguards and Assurances.
  - Ensure all reported allegations are treated fairly, ethically and consistently.
  - Provide a robust procedure and ensure any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue, as appropriate.
  - Provide reassurance for those acting in good faith that they will be protected from possible reprisals or victimisation. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he or she has raised a legitimate concern. Victimisation of an employee for raising a qualified disclosure is a disciplinary offence.
  - If misconduct is discovered as a result of any investigation under this procedure, the relevant organisation's disciplinary procedure will be used, in addition to any other appropriate measures. This could include internal criminal investigation and appropriate further action.
  - Allow whistle-blowers to raise concerns and proceed further if they are dissatisfied with the organisational response. It should be recognised that certain cases will have to proceed on a confidential basis and that feedback will be limited due to legal constraints.
- 2.2. This policy is not a substitute for other policies and procedures on such matters as personal grievances, bullying and harassment, health and safety, safeguarding issues (children and/or adults) or complaints. It should also not be used to raise matters relating to an employee's own terms and conditions of service.
- 2.3. There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This process does not form part of this policy. For further guidance on whistle-blowing and grievances, staff can contact the Advisory, Conciliation and Arbitration Service (ACAS) at [www.acas.org.uk/grievances](http://www.acas.org.uk/grievances).
- 2.4. If a member of the public has a concern about any service they have been provided by the Council or Publica then this should be raised as a complaint. There are existing procedures in place which relate to this. However, if that

## Whistle-Blowing Policy

concern relates to malpractice by a member of staff, then they should be directed to Human Resources at the earliest opportunity.

- 2.5. If a member of the public has concerns relating to malpractice by a Councillor, then they should be directed to Democratic Services or the Monitoring Officer for the appropriate Council at the earliest opportunity.
- 2.6. Making malicious, vexatious or false allegations will not be tolerated and is a disciplinary offence. If a person makes an allegation in good faith and reasonably believes it to be true, but it is not confirmed by the investigation, the Council and Publica will recognise your concern. However, if a person makes an allegation frivolously, maliciously or for personal gain, appropriate action, which could include disciplinary proceedings, may be taken.
- 2.7. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, staff should not agree to remain silent and should report the matter at the earliest opportunity.
- 2.8. This policy and procedure is primarily for issues where the interests of others or of the organisation itself are at risk. That issue may be one of the following (although this list is not exhaustive). The following are examples of concerns that might be raised:
  - Financial irregularities including fraud, corruption or unauthorised use of public funds or other assets;
  - Conduct which is against the law, a miscarriage of justice or a failure to meet a legal obligation;
  - Failure to observe health and safety regulations, or actions which involve risks to the public or other staff;
  - Damage to the environment;
  - A criminal offence being committed;
  - Claiming benefits and/or expenses to which there is no entitlement;
  - The conduct of contractors and/or suppliers to the Council;
  - Sexual, racial, disability or other discrimination;
  - Neglect or abuse; physical or verbal;
  - Any other unethical conduct, malpractice, negligent or unprofessional behaviour;
  - Discriminatory acts not specifically covered by other procedures;
  - Concealment of any of the above;

### **3. EMPLOYEE SAFEGUARDS AND ASSURANCES**

#### **3.1. Harassment or Victimisation**

3.2. The Council and Publica recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice.

3.3. The Council and Publica will not tolerate harassment or victimisation in any form of anyone raising a legitimate concern. Any employee who attempts at any stage to apply any retribution or detriment to a whistle-blower will face serious disciplinary charges.

3.4. The Council and Publica will support and protect whistle-blowers who raise an issue in line with this policy, in accordance with the safeguards contained in the Public Interest Disclosure Act 1998. This legislation protects everyone from victimisation and dismissal when speaking out against corruption or malpractice at work.

3.5. Protection does not mean that if an employee is already the subject of disciplinary action or redundancy procedures that those procedures would cease or be suspended as a result of their whistle-blowing.

3.6. It may be that the employee making the report is (or was) directly involved in the action now being raised. In such circumstances it is in the employee's own interest to come forward as soon as possible. The Council and Publica cannot promise not to act against such an employee but the fact that they came forward may be taken into account.

#### **3.7. Confidentiality and Anonymity**

3.8. All reports will be treated in the strictest of confidence and every effort will be made to protect, and not disclose, the identity of an informant if that is their wish. However, if disciplinary or other proceedings are an option as a result of the investigation it may not be possible to take any action without further assistance, in which case the informant may be asked to become an identified witness and provide a witness statement. It is possible that the identity of the informant will become obvious during the investigation. In addition there is a risk that some colleagues may speculate about the source of the original complaint.

3.9. The law does not compel an organisation to protect the confidentiality of a whistle-blower. However, it is considered best practice to do so unless required by law to disclose it.

3.10. Any requests for disclosure of information relating to or collected as part of any whistle-blowing complaint or investigation will be considered and determined in

## Whistle-Blowing Policy

accordance with the relevant provisions of the Freedom of Information Act 2000 and Data Protection Regulations / Legislation.

- 3.11. At all times the informant will receive full support from the Council and Publica. There will be a limited number of people aware of the investigation at any one time but there will always be a representative from Human Resources involved in the process.
- 3.12. This policy encourages a whistle-blower to put their name to an allegation. If you do not reveal your identity then you will not receive a response or feedback. It may also make the task of investigating the allegation and protecting the whistle-blower more difficult.
- 3.13. Concerns can of course be raised anonymously but are much less powerful. They can be considered at the discretion of the Council and Publica. In exercising this discretion the factors taken into account would include:
  - The seriousness of the allegation.
  - The credibility of the concern.
  - The likelihood of confirming the allegation from other sources.
- 3.14. Staff who whistle-blow can seek independent support from the charity Protect. Details can be found by following the link below.  
<https://protect-advice.org.uk/>

## 4. PROCEDURE

### 4.1. Raising a concern as an employee

- 4.2. Issues should normally be raised with a member of the Human Resources Team. A decision can then be made in relation to how the matter will be dealt with and who should be informed depending on the seriousness and sensitivity of the issues involved and who is suspected of wrongdoing.
- 4.3. If the Human Resources staff are not available, staff may direct any concerns to Internal Audit or the Counter Fraud and Enforcement Unit.
- 4.4. Alternatively an employee can speak to their own manager, or someone they feel comfortable talking to. A third party may also attend any meetings for moral support however, they would be required to maintain confidentiality. A whistle-blower may also wish to take advice from, or invite, a trade union or professional association to raise a matter on their behalf. Meetings may be held away from the workplace if necessary.

**4.5. Raising a concern as an elected Member**

4.6. If an elected Member has any concerns about the work conducted by the Council or Publica, they should raise the matter directly with Democratic Services, the Chief Executive / Head of Paid Service or the Monitoring Officer. In the case of financial irregularity, disclosure may be made to the Chief Finance Officer.

**4.7. Raising a concern as a third party contractor, agency staff etc.**

4.8. Concerns should be raised with the Human Resources Manager, the Chief Executive or the Monitoring Officer. In the case of financial irregularity, disclosure may be made to the Officer appointed under section 151 of the Local Government Act 1972.

**4.9. Alternative Reporting Routes**

4.10. There are a number of prescribed bodies and organisations who may be contacted if there is a reason not to raise the matter internally. Staff can find guidance by following the link below which provides a comprehensive list with contact details therein.

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

4.11. In the case of Local Government, that would include raising concerns with the Council's External Auditor (to establish who this is, contact Public Sector Audit Appointments Limited <https://www.psa.co.uk>). If the concerns relate to the conduct of public business, value for money or fraud and corruption relating to the provision of public services, staff may contact the National Audit Office <https://www.nao.org.uk>.

4.12. The Council and Publica would not ordinarily expect a whistle-blower to make disclosures to the media prior to raising the matter internally. If a person does approach the media with their concerns, the informant should expect in most cases to lose their whistle-blowing law rights.

**4.13. Process**

4.14. Concerns may be raised by telephone, in person or in writing. The earlier the matter is raised, the easier it is to take action. A whistle-blower is asked to provide the nature of the concern and why they believe it to be true, background details giving names, dates and places where possible, together with any other supporting evidence or information. An informant may be asked if they have any personal interest in the matter.

## Whistle-Blowing Policy

- 4.15. When raising an issue or making an allegation it is important that it is made clear that an informant is doing so as a whistle-blower to ensure they are dealt with correctly.
- 4.16. Although it is not expected that a person prove beyond doubt that the allegation is correct, it will need to be demonstrated that the allegation has been made in good faith and there are reasonable grounds for concern.
- 4.17. An informant should:
- Remain calm and not be flustered where possible;
  - Make a note of the facts as soon as it is feasible to do so;
  - Be specific with dates, times, locations, names etc.;
  - Deal with the matter promptly;
  - Contact someone with the appropriate authority to deal with the matter.
- 4.18. An informant should not:
- Be reticent because they fear they are wrong;
  - Approach, alert or confront the person they suspect of wrongdoing, directly themselves;
  - Investigate personally – there are important rules of evidence which must be adhered to;
  - Consult or discuss the matter with anyone other than those with the correct authority;
  - Do nothing or leave it to someone else to report;
- 4.19. If approached by someone wishing to whistle-blow, a person should take full details and contact a member of the Human Resources Team to discuss the matter. It is imperative that staff do not undertake any kind of investigation or intelligence gathering exercise which could compromise the evidence.
- 4.20. It may be necessary for Human Resources (or other appropriate Officer) to take a preliminary statement to gather more information to entirely understand the situation and nature of the allegation.
- 5. HOW THE COUNCIL AND PUBLICA WILL RESPOND**
- 5.1. The action taken by the Council and Publica will depend on the nature of the issue. The Council and Publica will respond to your concerns as quickly as possible. Please note that making initial enquiries about the concerns is not the same as accepting or rejecting them.
- 5.2. The overriding principle for the Council and Publica will be the public interest. In order to be fair to all staff, including those who may be wrongly or mistakenly

## Whistle-Blowing Policy

accused, initial independent enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. This decision will be made by Human Resources, the relevant Council Statutory Officers and Publica Directors. The matters raised may be:

- Investigated internally, either in accordance with internal policy and procedure or in line with criminal investigative regulations where appropriate. Whilst not all allegations will result in criminal action, this is an option open to the Council and Publica, and it is thus critical that the investigation is conducted in the appropriate manner. Evidence gathered as part of that investigation could form part of the disciplinary process whether or not criminal proceedings commence;
  - Referred to the Police or other external enforcement agency such as the Health and Safety Executive, Environment Agency etc.;
  - Referred to the External Auditor;
  - Form the subject of an independent enquiry.
- 5.3. Concerns or allegations which fall within the scope of existing procedures will normally be referred for consideration under those procedures. In some situations the matter may be resolved without the need for an investigation. Urgent and immediate action may be necessary where the security of relevant information is at risk or to protect the safety of staff.
- 5.4. If an investigation is appropriate, it may be necessary for this to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. However, in certain cases, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.
- 5.5. Within ten working days of a concern being raised, the whistle-blower will receive the following in writing:
- Acknowledgement that the concern has been received;
  - Confirmation of how the Council and Publica propose to deal with the matter;
  - If an investigation is to take place, who will be conducting the investigation;
  - If further investigation is not appropriate, the reasons why;
  - Process information and staff support mechanisms.
- 5.6. Contact between the whistle-blower and the Officers considering the issues and/or conducting an investigation will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If the matter is on-going then feedback may be limited; if the matter is dealt with promptly then the whistle-blower will be advised on the outcome.



## Whistle-Blowing Policy

- 5.7. You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation.
- 5.8. Coordination of any investigation will be undertaken by a member of Human Resources with the authority to do so.
- 5.9. The investigation process is independent and will seek to determine whether an irregularity has been committed, and if so, by whom. The investigator will have the authority to access all necessary data and other resources pertinent to a full, fair and properly conducted investigation.
- 5.10. Once an investigation has been completed there are a number of potential outcomes including the following:
- No case to answer/ case closed;
  - Informal action;
  - Formal action, disciplinary action and/or prosecution by the appropriate body. Suspension may also be appropriate. (For information relating to these outcomes see the relevant internal Policy or Procedure where applicable which will detail processes, actions and appeal information);
  - External referral to the Police and/or other body.
- 5.11. The Council and Publica will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the Council and Publica will arrange for you to receive appropriate advice and support.
- 5.12. If a member of staff is dissatisfied with the conduct of an investigation, whether as the person under investigation, as the informant, or in any other involved capacity, a complaint may be raised with Human Resources who will ensure this is reviewed by a member of staff who is independent and who has not previously been involved in the investigation.
- 5.13. This Policy does not prevent any person from taking external legal advice.

## **6. RESPONSIBILITIES**

- 6.1. Managers should ensure all staff, including agency staff, consultants and contractors etc. are aware of and follow all Council and Publica Policies and Procedures. Managers should register any whistle-blowing cases brought to their attention immediately with Human Resources and provide support to any employee making such a complaint.



## Whistle-Blowing Policy

- 6.2. Staff should be vigilant and raise any serious concerns about aspects of work or practices which affect the integrity of the Council and Publica or safety of staff and/or the public.
- 6.3. Statutory Officers, Publica Directors and Senior Managers will respond to whistle-blowing submissions positively and within the timescales set out. The Chief Executive / Head of Paid Service and Managing Director has overall responsibility for ensuring that the policy is adhered to.
- 6.4. Human Resources will record and deal with any whistle-blowing issues including the provision of any support and advice as required to include attendance at meetings as necessary.


### **7. FURTHER INFORMATION**

- 7.1. Further information on Council and Publica policy can be found in the following documents (or equivalent documentation / codes) :
  - The Constitution;
  - Code of Conduct for Staff and the Councillors Code of Conduct which include information in relation to gifts and hospitality and declaring and registering interests;
  - Counter Fraud and Anti-Corruption Policy;
  - Corporate Enforcement Policy;
  - Proceeds of Crime and Anti-Money Laundering Policy;
  - Recruitment and Selection Policies and Procedures;
  - Financial Rules;
  - Contract Rules or equivalent;
  - Fair Processing Statements;
  - Disciplinary and Grievance Procedures;

### **8. POLICY REVIEW**

- 8.1. The Counter Fraud and Enforcement Unit and Human Resources will review and amend this policy as necessary to ensure that it continues to remain compliant and meets legislative requirements and the vision of the Council and Publica.
- 8.2. Human Resources and the Counter Fraud and Enforcement Unit will monitor the effectiveness of the Policy and provide the necessary awareness sessions to staff.
- 8.3. Responsible Department: Human Resources / Counter Fraud and Enforcement Unit  
Date: January 2022  
Review frequency as required by legislative changes / every three years.

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 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>CABINET – 25 MAY 2022</b></p>
<p>Report Number</p>	<p><b>AGENDA ITEM 7</b></p>
<p>Subject</p>	<p><b>DISCRETIONARY FUNDING POLICY – ENERGY COUNCIL TAX REBATE</b></p>
<p>Wards affected</p>	<p>All</p>
<p>Accountable member</p>	<p>TBC</p>
<p>Accountable officer</p>	<p>Mandy Fathers – Business Manager for Operations and Enabling Email: <a href="mailto:mandy.fathers@publicagroup.uk">mandy.fathers@publicagroup.uk</a></p>
<p>Summary/Purpose</p>	<p>The Government has announced a package of support known as the Energy Bills rebate. There are two elements to the support. One being a mandatory scheme and the second being a discretionary scheme. The purpose of this report is to formally agree the criteria for the discretionary scheme and approve the Policy</p>
<p>Annexes</p>	<p>Annex A – Discretionary Funding Policy</p>
<p>Recommendation(s)</p>	<p>It is recommended that the Cabinet:</p> <ul style="list-style-type: none"> <li><i>a) Approve the eligibility criteria, as set out in Annex A; and,</i></li> <li><i>b) Delegate the distribution of surplus funds to the Chief Finance Officer in consultation with the Cabinet Member for Finance as details in para 2.9 of this report</i></li> </ul>
<p>Corporate priorities</p>	<ul style="list-style-type: none"> <li>• Delivering excellent modern services whilst ensuring the financial sustainability of the Council.</li> </ul>
<p>Key Decision</p>	<p>NO</p>
<p>Exempt</p>	<p>NO</p>
<p>Consultees/ Consultation</p>	<p>Chief Executive,, Monitoring Officer, Interim Head of Legal Services, Finance Business Partner, Group Manager, Director of Finance (Publica)</p>

## **1. BACKGROUND**

**1.1** The Government has announced a package of support known as the Energy Bills Rebate to help households with rising energy bills. This includes:

- A £200 discount on energy bills this autumn for domestic electricity customers
- A £150 non-repayable rebate for households in council tax bands A to D, known as the Council Tax Rebate
- A discretionary funding for billing authorities to support households who are in need, but not eligible for the Council Tax Rebate, known as the Discretionary Funding

**1.2** This report and the Policy attached as Annex A is specifically to cover the Discretionary Funding scheme.

## **2. MAIN POINTS**

**2.1** The Department for Levelling Up, Housing and Communities (DLUHC) have given Councils discretion to determine locally how best to distribute funding to support those suffering financial hardship as a result of the rising cost of living. This could include households living in property Bands E to H that are income related benefits or those where the energy bill payers are not liable for council tax.

**2.2** The Council has been awarded discretionary funding of £131,400 and must adopt and approve its Policy setting out the eligibility criteria for its Discretionary Fund.

**2.3** The Policy attached as Annex A sets out the eligibility criteria and will prioritise the following households:

- Council Tax bands in Bands E to H where a disabled band reduction is awarded
- Properties in Bands E to H where:
  - i. Council Tax Support is paid
  - ii. A Carer disregard is applied
  - iii. A Severely Mentally Impaired (SMI) disregard is applied
- Anyone else who pays the energy bills in respect of a property which is their primary residence and are not the Council Tax Payer and are on a low income or income related benefits. (There must also be no payment made for the property under the main scheme).
- People who are in supported/emergency accommodation. The property must be their primary residence and they must be paying or contributing to energy bills.
- People that are in receipt of low income or income related benefits who reside in houses of multiple occupation (HMO's) and other properties where the landlord, property own or employer is the Council Taxpayer. The property must be the primary residence of the person being paid and they must be paying or contributing to energy bills. (There must be no payment made for the property under the main scheme).
- Properties where a review, proposal or appeal pre-dating the Government's announcement on 3 February 2022 is successful after 1 April 2022. The change is

effective on or before 1 April 2022 and as a result, a household would have been eligible for the rebate.

- 2.4 For those in the eligible groups that pay their Council Tax by direct debit, awards will be applied automatically and payments made by BAC's. Notification letters will be sent to individuals confirming the award.
- 2.5 Those identified as eligible who do not pay their Council Tax by direct debit will receive written communication from the Council inviting them to make a claim through the Council's online application. For those individuals who are not able to access the Council's website, paper application forms will be available on request.
- 2.6 There will be a group of individuals where the Council does not have the ability to identify their eligibility, such as those who are the energy bill payer, but not the Council Tax payer. In such instances, the Council will ensure it publishes its scheme and communicates it through the various media platforms as well as communicating with its stakeholders who would also be able to promote and signpost those eligible. Applications for such individuals will be made online through the Council's website.
- 2.7 There will be a four-week application window. The proposed timetable is therefore:
  - 1) During week commencing 30 May announce the scheme and that the application window will be open Monday 6 June for those who are eligible and do not pay their Council Tax by direct debit
  - 2) Monday 6 June: Application window opens
  - 3) Sunday 3 July: Application window closes
- 2.8 The assessment and payment of these awards will start as soon as applications are received and bank details verified. Due to the complexities of bank verification via the Government's 'Spotlight' processing system it is difficult to establish a processing end date for this scheme, but officers will aim to complete this initial stage by Friday 23 July 2022.
- 2.9 Following the completion of this initial process the Council will be in a position to consider how it would like to distribute any surplus funding from this scheme. It is therefore proposed, that the delegation for this be given to the Deputy Chief Executive in consultation with the Deputy Leader and Cabinet Member for Finance.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 DLUHC will be allocating funding to Local Councils to cover the scheme. The allocation for West Oxfordshire District Council is £152,850.

## **6. LEGAL IMPLICATIONS**

- 6.1 There are no specific legal implications associated with these recommendations.

## **7. RISK ASSESSMENT**

- 7.1** There is a risk of fraud within the scheme. However, to mitigate this the Councils Corporate Fraud and Enforcement Unit are involved in the process design and have undertaken a risk review.
- 7.2** The Council will also be utilising Government software to verify bank details to assist in fraud detection.
- 7.3** There is a risk that due to the limited funding allocation, the Council does not have sufficient funding to cover those proposed eligible groups within its Policy. Financial modelling against projected case volumes has been undertaken that indicates that sufficient funding is available. Once all applications have been verified, a decision will be taken to allocate the full amount of funding available.

## **8. EQUALITIES IMPACT**

- 8.1** To ensure compliance with the Equality Act 2010 an Equality Impact Assessment has been carried out which concludes there is no negative impact on any of the protected characteristics.

## **9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 9.1** None.

## **10. ALTERNATIVE OPTIONS**

- 10.1** There is discretion within this scheme, so Cabinet could decide to support households not referred to within this draft Policy.

## **11. BACKGROUND PAPERS**

- 11.1** None



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WEST OXFORDSHIRE  
DISTRICT COUNCIL

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DISCRETIONARY FUNDING POLICY  
ENERGY COUNCIL TAX REBATE 2022

## **I. Introduction**

1.1 The Government has announced a package of support, known as the Energy Bills Rebate to support households with rising energy bills. This includes:

- a) £150 non-repayable rebate for households in England in Council Tax bands A to D, known as the Council Tax Rebate scheme; and
- b) £144 million of discretionary funding for billing authorities to support households who are in need, but are not eligible for the Council Tax Rebate; known as the Discretionary Fund

1.2 This Policy is specifically intended to support those households who do not meet the eligibility criteria for the main Council Tax Rebate scheme.

## **2. Eligibility**

2.1 The discretionary funding is to support other households who on 1 April 2022 are either council taxpayers or energy bill payers, but are not covered by the main Council Tax Rebate scheme. This will include:

- Council Tax bands E – H where a disabled band reduction is awarded
- Properties in bands E – H where:
  - I. Council Tax Support is paid
  - II. A Carer disregard is applied
  - III. A Severely Mentally Impaired (SMI) disregard is applied
- Anyone else who pays the energy bills in respect of a property which is their primary residence and are not the Council Tax Payer and are on a low income or income related benefits. (There must also be no payment made for the property under the main scheme).
- People who are in supported/emergency accommodation. The property must be their primary residence and they must be paying or contributing to energy bills.
- People that are in receipt of a low income or income related benefits who reside in houses of multiple occupation (HMO's) and other properties where the landlord, property owner or employer is the council taxpayer. The property must be the primary residence of the person being paid and they must be paying or contributing to energy bills. (There must be no payment made for the property under the main scheme).
- Properties where a review, proposal or appeal pre-dating the Government's announcement on 3 February 2022 is successful after 1 April 2022, the change is effective on or before 1 April 2022 and as a result, a property would have been eligible for the rebate.



### **3. Exclusions**

3.1 The following will not be considered eligible for discretionary funding:

- People who took up residency after 1 April 2022.
- People who reside in properties that have already received a payment through the main scheme.
- Occupants of properties in exemption Class O (Armed Forces Accommodation) where the Ministry of Defence will provide the cost of living support.
- Occupants of properties in exemption Class M (Student Halls of Residents)
- Second Homes
- Unoccupied Properties
- Any council tax payer or energy bill payer that does not have their primary residence in the property

### **4. Application Process**

4.1 The Council will be able to identify the majority of households that are eligible and contact them directly.

4.2 For those where the Council is unable to, applications along with supporting documentation will be accepted electronically through the Council's website.

4.3 An 'application window' will be given in which the Council will accept applications. The application windows will be communicated through various platforms.

4.4 For those households who do not have electronic access, paper applications will be available on request.

### **5. Funding Allocations**

5.1 A payment of £150 will be made to eligible applications.

5.2 Where an eligible person already has a direct debit in place to pay Council Tax the Council will use these details to make a direct payment to the person's bank account.

5.3 Where no bank details are held by the Council, the person will have to provide details of their bank account, and those details must match those of the person's address.


5.4 The Council reserve the right to request further evidence, if appropriate, to confirm a person's eligibility before any payment is made.

### **6. Appeals**

6.1 There is no right of appeal against any decision not to award a discretionary payment. A person will not be eligible if they do not meet the eligibility criteria.

## **7 Fraud**

- 7.1 The Council will not accept deliberate manipulation and fraud. Any person caught falsifying their records to gain a discretionary payment may face prosecution. The Council will seek recovery of any payment made as a result of fraud or payments made in error.

 <p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>	<p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>CABINET – 25 MAY 2022</b></p>
<p>Report Number</p>	<p><b>Agenda Item 8</b></p>
<p>Subject</p>	<p><b>COMMUNITY INFRASTRUCTURE LEVY (CIL)</b></p>
<p>Wards affected</p>	<p>All</p>
<p>Accountable member</p>	<p>TBC</p>
<p>Accountable officer</p>	<p>Chris Hargraves, Planning Policy Manager Tel: 01993 861686 Email: <a href="mailto:chris.hargraves@westoxon.gov.uk">chris.hargraves@westoxon.gov.uk</a></p>
<p>Summary/Purpose</p>	<p>To provide an update on the introduction of the Community Infrastructure Levy (CIL) in West Oxfordshire.</p>
<p>Annexes</p>	<p>-</p>
<p>Recommendation/s</p>	<p>Please write recommendations using letters and italics as below. <i>a) That Cabinet note the content of the report; and</i> <i>b) Agree that of the four potential options identified, that Option 2 be progressed in terms of taking CIL forward in West Oxfordshire.</i></p>
<p>Corporate priorities</p>	<p>CIL is intended to help fund new and enhanced infrastructure to support new development. As such, it relates to a number of priorities set out in the Council Plan (2020 – 2024) including meeting housing needs, supporting strong local communities and maintaining a vibrant district economy.</p>
<p>Key Decision</p>	<p>NO</p>
<p>Exempt</p>	<p>NO</p>
<p>Consultees/ Consultation</p>	<p>The Council’s most recent CIL Draft Charging Schedule (DCS) was published for consultation from 10 July – 21 August 2020. 171 responses were received.</p>

## **1. BACKGROUND**

- 1.1. Members will be aware that CIL is a charge which local planning authorities can impose on some forms of development (e.g. new housing). It is charged on a £per m<sup>2</sup> basis according to floor area. CIL is intended to complement other forms of developer contributions including Section 106 legal agreements.
- 1.2. CIL is optional rather than mandatory with around 50% of local authorities having it in place. In Oxfordshire, Oxford City, South Oxfordshire and the Vale of White Horse have CIL in place whereas West Oxfordshire and Cherwell do not.

## **2. PROGRESS TO DATE**

- 2.1. West Oxfordshire's first CIL charging schedule was submitted for independent examination in September 2015 and discussed as part of the Local Plan examination in November 2015. However, it was subsequently suspended alongside the Local Plan in January 2016.
- 2.2. Further consultation on a revised CIL charging schedule took place in January 2017 and Officers had hoped to submit it for examination alongside the Local Plan in March 2017. However, the appointed Local Plan Inspector advised the Council that he did not wish to examine both CIL and the Local Plan at the same time, so no further progress on CIL was made, with Officer resources instead being devoted to the examination and subsequent adoption of the Local Plan in September 2018.
- 2.3. Following adoption of the Local Plan, progress with CIL was re-instigated with new consultants appointed in June 2019 to prepare fresh viability evidence. Subsequently, in February 2020, Full Council agreed a new CIL charging schedule for consultation. However, due to the impact of Covid-19, consultation on the draft charging schedule was delayed and subsequently took place from 10 July – 21 August 2020.
- 2.4. 171 consultation responses were received and these have all been made available [online](#). The vast majority of respondents (c. 155) objected specifically to the proposed exemption of the Local Plan strategic housing sites from having to pay CIL. A number of other, more general concerns were also raised.
- 2.5. Importantly, during the consultation, the Government published a Planning White Paper which suggested that CIL would be replaced. This was subsequently confirmed in the Queen's speech of May 2021 and as a result, in September 2021 Cabinet formally agreed that any further progress with CIL should be held in abeyance.
- 2.6. Most recently, following the Queen's Speech of 10 May 2022, the Government has published a new Levelling-Up and Regeneration Bill which has now received its first reading in the House of Commons.
- 2.7. The explanatory notes to the Bill confirm that the current system of securing developer contributions (through section 106 agreements and the Community Infrastructure Levy) will be replaced with a new Infrastructure Levy (IL).

### 3. OPTIONS FOR PROGRESSING CIL IN WEST OXFORDSHIRE

- 3.1. Whilst the Levelling-Up and Regeneration Bill confirms the Government's intention to replace CIL (and Section 106) with a new, locally set Infrastructure Levy (IL), any such proposals are likely to take a considerable period of time before they become law.
- 3.2. They are also subject to potential change and would likely be accompanied by some form of transitional arrangements.
- 3.3. As such, Members are invited to consider whether or not they wish to make further progress with CIL in the interim, with the main options being outlined below.

#### Option 1 – Progress Straight to Submission and Examination

- 3.4. When the Council's most recent CIL Draft Charging Schedule (DCS) was considered by Cabinet and Council in February 2020, it was agreed that, subject to there being no significant issues raised during the 6-week consultation, that the draft charging schedule be formally submitted for independent examination.
- 3.5. As outlined above, whilst a very large number of responses were received to the consultation (171 in total) the vast majority of these (c. 155) focused on the single issue of whether the Local Plan strategic sites should be exempt from having to pay CIL or not.
- 3.6. Given that this and the other issues of concern raised through the consultation would be discussed and resolved as part of any CIL examination, the first option is to progress straight to submission.
- 3.7. However, given that the supporting evidence was prepared in 2019, clearly a significant period of time has elapsed since then and there have been some significant 'macro' changes, not least Covid-19 and Brexit.
- 3.8. As such, whilst progressing straight to examination is clearly an option, there is a risk that the viability evidence underpinning the draft charging schedule is found to be out of date and that the examiner would not be able to conclude that the proposed CIL rates are reasonable.

#### Option 2 – Viability Evidence Partial Update

- 3.9. A second option is to commission a partial update of the supporting viability evidence to ensure that it remains robust in terms of key assumptions on land values, sales values, build costs etc.
- 3.10. Depending on the outcome of that exercise, the District Council could then submit the draft charging schedule as is, or potentially with minor modifications.
- 3.11. Alternatively, if the viability update suggested more significant changes to the draft charging schedule were needed, the District Council could consider the need for re-consultation on a revised charging schedule prior to submission.
- 3.12. Whilst there will be a cost associated with commissioning an update of the viability evidence, any such update would reduce the risk of the Council's evidence being found to be out of date at examination.

### Option 3 – Commission New Viability Evidence and Prepare a new Draft Charging Schedule for Consultation

- 3.13. The third option is essentially to start from scratch by commissioning completely new viability evidence and preparing and consulting on a new CIL draft charging schedule prior to submission and examination.
- 3.14. Whilst this would arguably be the most ‘robust’ option, it clearly has a more significant cost and time implication compared to Option 2. There is also a risk of ‘consultation fatigue’ as this would be the fourth time that the District Council would have consulted on a CIL draft charging schedule.

### Option 4 – Continue to Defer Any Further Progress

- 3.15. The fourth option is to continue to defer any further progress with the introduction of CIL into West Oxfordshire given the Government’s stated intention to replace CIL and to instead, work towards the introduction of the new Infrastructure Levy (IL) at the earliest opportunity.
- 3.16. The advantage of this option is that no further resources would be necessary in the short-term. However, as it may take a considerable period of time for the new Levelling-Up and Regeneration Bill to become law, clearly it creates uncertainty and presents something of a missed opportunity for additional revenue to be secured through CIL whilst it remains in place.

## **4. RECOMMENDED WAY FORWARD**

- 4.1. Of the four options outlined above, the recommendation of Officers is to pursue Option 2 and commission a partial update of the Council’s CIL viability evidence prior to submission and examination of its draft CIL charging schedule.

## **5. FINANCIAL IMPLICATIONS**

- 5.1. There will be a relatively modest cost associated with commissioning the updated viability evidence. It should be noted however that a proportion of future CIL receipts (5%) would be able to be spent on administrative costs such as this.

## **6. LEGAL IMPLICATIONS**

- 6.1. The report raises no direct legal implications.

## **7. RISK ASSESSMENT**

- 7.1. The report raises no specific risks.

## **8. EQUALITIES IMPACT**

- 8.1. The report raises no specific implications in relation to the public sector equality duty or Equality Act 2010.

**9. CLIMATE CHANGE IMPLICATIONS**

9.1. The report raises no direct climate change.

**10. ALTERNATIVE OPTIONS**

10.1. The alternative options are as set out in the report.

**11. BACKGROUND PAPERS**

11.1. None.

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 <p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>	<p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>CABINET - 25 MAY 2022</b></p>
<p>Report Number</p>	<p><b>Agenda Item 9</b></p>
<p>Subject</p>	<p><b>DISPOSAL AND DEVELOPMENT OF LAND AT WALTERBUSH ROAD, CHIPPING NORTON FOR CUSTOM BUILD ZERO CARBON HOMES</b></p>
<p>Wards affected</p>	<p>Chipping Norton</p>
<p>Accountable member</p>	<p>TBC</p>
<p>Accountable officer</p>	<p>Claire Locke, Group Manager Email: <a href="mailto:claire.locke@publicagroup.co.uk">claire.locke@publicagroup.co.uk</a></p>
<p>Summary/Purpose</p>	<p>To agree to the funding option, to seek approval to enter into a legal agreement with the enabling developer GreenAxis to develop eight custom build net-zero carbon homes, and to dispose of the land for that purpose.</p>
<p>Annexes</p>	<p>Annex A - site plan showing land ownership Annex B - Indicative development designs Annex C - Costed options for development</p>
<p>Recommendation/s</p>	<p>That Cabinet agree:</p> <p>(a) to support the development of eight net zero carbon affordable homes at Walterbush road as set out in 3.1 and Annex C.</p> <p>(b) to allocate S.106 funding of £40,000 for the planning fee, as part of the gap funding to provide affordable homes and to enter into a legal agreement with GreenAxis, the developer, to enable them to apply for planning permission to develop eight homes on the site,</p> <p>(c) to allocate further S.106 funding of £221,000 as gap funding to cover the cost of providing the homes as affordable with a 20% discount against market value.</p> <p>(d) to dispose of the site, once planning permission has been obtained, so that GreenAxis can enter into legal and financial agreements with the individual residents who will be buying the homes.</p>

	<p>(e) to enter into agreements/impose covenants with GreenAxis and future occupiers requiring that the 20% discount remains in perpetuity based on the high level provision set out in this report.</p> <p>(f) to delegate authority to agree the final terms of the above agreements to the Chief Finance Officer and Interim Head of Legal Services.</p>
Corporate priorities	<p>Meeting the Housing needs of our changing population.</p> <p>Climate action</p>
Key Decision	YES
Exempt	NO
Consultees/ Consultation	<p>Ward Members</p> <p>Chipping Norton Town Council</p>

## **1. BACKGROUND**

1.1 The Council owns a grassed area of land on the southern edge of Chipping Norton in a predominantly residential area. The land, title reference ON286341, was transferred to the Council in November 1968 by the Trustees of the Chipping Norton Football Supporters Club for £150. The transfer comes with a covenant to maintain a six foot high chain link fence, on concrete posts, to the south eastern and north eastern boundaries. The covenant does not restrict access to the land. It was previously a playground but the play equipment was removed sometime ago, so the site is now vacant.

1.2 The Council has been exploring opportunities to utilise the site to support self-build or custom build housing. Affordable plots for self-build homes are in short supply in the district and the Council maintains a self-build register which currently has 80 individuals/families recorded who are seeking a self-build plot.

1.3 In order to bring forward homes that meet the Council's ambitions to deliver net-zero carbon housing, a custom build scheme has been developed, working with an enabling developer. The developer will contact those on the self-build register and then work with interested buyers to build the homes. Custom build means that the developer will obtain planning consent for all eight homes but then future owners will help design the internal design and fittings.

## **2. MAIN POINTS**

- 2.1. The site is currently constrained by overhead cables. The Council successfully bid for Brownfield Land Release and Self and Custom Build funding, via One Public Estate, from the Ministry of Housing, Communities, and Local Government. The £78,000 secured is to fund the diversion of overhead power lines, facilitating safe site access.
- 2.2. The land has a market value of £250,000. Its value is constrained by its historic use and location. It is unlikely to be acceptable in Planning terms to develop this site for market homes due to its previous community use. Policy E5 of the adopted Local Plan seeks “retention of local services and facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities”. It would therefore be difficult to justify the loss of community space, albeit currently disused, for a commercial return. However, a socially led housing development would fit with the Local Plan and NPPF policy by increasing housing supply in a sustainable location. The site is ideally located for schools, shops, GP and access to open spaces.
- 2.3. The delivery of custom built homes will meet a local housing need, making good quality affordable, net-zero carbon homes more accessible to people with a local connection, who wish to be involved in designing their own homes. The homes must provide the buyer’s main residence so will not be available to buy for second homes or to-let.
- 2.4. The Council will set out in a legal agreement with the developer its requirements for site development. This will include the provision of eight net-zero carbon homes aligning with the Council’s Sustainability Standards Checklist energy KPIs, the number of parking spaces

and the community provision. Proposals for community facilities need to be developed in more detail but initially include an E-Vehicle Car Club with charge points for community use, dedicated Allotments and a Community Compost Club.

- 2.5. GreenAxis will need to submit a planning application with the fee being £40,000. If GreenAxis need to borrow this funding, at risk, the borrowing costs are significant. The Council is therefore asked to advance this sum. The Planning Fee forms part of the gap funding explained below and will therefore be funded from S.106. Land ownership will not transfer until after Planning Permission has been obtained, to protect the Council's interest in the site. A legal agreement is therefore needed with GreenAxis to give them the required interest in the land to support the Planning Application.
- 2.6. The legal agreement has already been prepared and will be signed once Cabinet agrees to the recommendations in this report. A planning application should therefore be submitted in early June. Subject to approval being granted potential buyers will be contacted in the Summer.
- 2.7. If Planning Permission is granted the Council will then transfer the site ownership to GreenAxis, who will then develop the site and sell the units to future homeowners. Cabinet is asked to agree to the disposal of the site but specifically for the provision of eight net zero carbon homes. This development use will be restricted by legal agreement at point of transfer.
- 2.8. The Council will utilise S.106 funding to provide these homes as affordable with a 20% discount against market value. The Council therefore intends to impose restrictions on the onward sale of units so that the discount remains in perpetuity. This means that when the initial home owners sell the properties on, they will need to obtain market valuations and then discount the sale by 20%. Prospective buyers would need to meet the eligibility criteria for an affordable home i.e. household income less than £80,000. Provisions will ensure owners do not profit from the original 20% discount and the affordable units are protected. However requirements must not restrict sale or be too complicated. If owners cannot find purchasers who meet the criteria, there will be a default position of repaying WODC 20% of the market value at point of sale. Not all mortgage lenders will lend on discount market homes so this could affect purchaser's choice of mortgage product. However, there are examples of this approach working elsewhere. If the 'in perpetuity' clause becomes restrictive it will be revisited.
- 2.9. It is important that the site has its own positive identity. This will help both with marketing but also in communications to promote a built example of the Net Zero Carbon Toolkit. The name 'Weavers Fold' has been suggested. Historically, Chipping Norton was known for the manufacture of high quality Tweed, using the local sheep's wool. The words 'Weavers' and 'Fold' are associated with this industry and bring together the end to end process of producing Tweed. It also reflects the use of local and natural products.

### **3. FINANCIAL IMPLICATIONS**

- 3.1. The Council has considered a number of options for housing provision on this site. A financial breakdown for each option is set out in Annex C.

#### **Summary of options**

### **A - Market Homes**

No discount, so does not address affordability. Unlikely to be granted planning permission but if approved would generate the greatest capital receipt of £525,000. May need to repay £78,000 OPE funding (see risks).

### **B - 10% discount against Market Value**

Some discount but not truly affordable so does not attract S.106 funding. Discount likely to be viewed favourably for planning but still doesn't provide the social value provided by affordable homes.

### **C - Affordable homes with 20% discount against Market Value**

Truly affordable homes, which are likely to gain planning consent and achieve local and national recognition. Achieves against Council's affordable housing priority. Limits capital receipt to the land value of £250,000. Gap funding totalling £261,000 provided with S.106 funding.

### **D- Mix of Affordable and Market Homes**

(i) 6 affordable and 2 market homes

(ii) 4 affordable and 4 market homes

Options (i) and (ii) provide some affordable units but the mix with market homes is unlikely to be supported by planning. If approved it would generate (i)£68,750 - (ii) £137,500 more in capital receipt from the market homes than an 'all affordable' scheme. Risk that £78,000 OPE funding would need to be repaid.

- 3.2. The S.106 funding proposed is only for 20% discount affordable homes, so would not be utilised on the market homes in options A and D (it can be used on affordable homes in Option D) or the 10% discount homes in option B. The S.106 will fund the gap in affordability which is not covered by the gross development value. This means that whilst a 10 or 20% discount is applied some of that can be funded by the net value generated by the development which would otherwise come to WODC as a capital receipt. If the Council sought to maximise its capital receipt and funded the full discount from S.106 the Council would be generating a significant profit from an affordable housing development and would not be able to utilise the S.106 and would have to repay the OPE funding of £78,000.
- 3.3. The enabling developer will fund the construction of the units and then pay the Council a capital receipt of £250,000 for the land value on the final sale of the units.
- 3.4. The enabling works to move cabling was initially estimated at £78,000. However, the costs have now increased to £93,000. The additional £15,000 is being split between the developer and WODC, with the £7,500 payable by the Council being covered by the gap funding.
- 3.5. The delivery of affordable homes in areas of high land and property value is often subsidised and housing associations seek funding to underpin delivery. Subsidy levels vary from £25,000 per home up to around £42,000 (recent facilitated shared ownership in Oxfordshire through Growth Deal and local 106 combined funds). The gap funding for Walterbush Road would be £32,625 per home, if the 20% discount is applied. The Council has unallocated S.106 funding which can be allocated to meet the gap funding for this scheme.

- 3.6. The details of the funding, cost liability and capital receipt will be set out in the legal agreement. The profit margin GreenAxis is applying is 12%. It is normal for developers to apply a margin of 9 - 15%. This profit is built into the build cost figures in Annex C.

## **LEGAL IMPLICATIONS**

- 3.7. The Council considered procurement options for appointing an enabling developer. Expressions of interest were sought and four developers submitted their interest. On review of these companies and their experience, it was concluded that GreenAxis was most suitable. Specialist legal advice concluded that an open procurement was not required due to the value of the works but instead the Council would just need to satisfy its own procurement rules. GreenAxis was therefore appointed via a procurement waiver, due to the specialist nature of the works required and benefits that should be delivered across the wider site.
- 3.8. The Council sought advice from its in-house legal team to consider the use of S.106 funding to fund an 'all affordable' development on this site.
- 3.9. It is proposed that the ownership of the land transfers to GreenAxis once Planning Permission has been obtained. If the Council retains ownership until all properties have been built the Council would have to pay the developer for construction, process individual legal agreements and deposits from each of the eight purchasers and then subsequently complete the sales, taking the balance of the funds on completion. If ownership for the whole plot transfers once consent has been obtained then the developer can deal directly with the new home owners and pay the Council a capital receipt based on an agreed formulae.

## **4. RISK ASSESSMENT**

- 4.1. With appropriate legal agreements in place there is limited risk to the Council.
- 4.2. Legal and Specialist Housing Officer advice is that there are no specific provisions which can be identified which prevent the Council utilising S.106 funding for delivery of affordable homes on land which it owns. However, it could still be challenged, if it was perceived that the Council was benefitting from the S.106 and it will be mitigated by clear accounting which shows that the Council does not benefit from the allocation of S.106, it will receive no net gain, as the S.106 is only funding the discount on the homes. The Council will only receive the capital receipt for land value it would have received if the land was sold on the open market.
- 4.3. The £78,000 OPE funding received was to unlock the site and fund enabling works to reroute cables which were affecting the sites viability. The bid also referred to the provision of affordable homes. Options that do not deliver affordable homes and/or deliver a capital receipt above land value are likely to trigger a reclaim of that enabling funding, as it would no longer be necessary to make the development viable.
- 4.4. There is a risk that house prices reduce or that build costs increase which could alter the net capital receipt the Council receives. However, these changes would likely be reflected in a reduction to the market value of the land anyway.

- 4.5. It is possible that eight custom build buyers cannot be found, however this is considered unlikely due to the considerable number of people on the self build register and the market pressure for new homes.
- 4.6. The Council is engaging with Chipping Norton Town Council so that they can help shape proposals for the site. This should help gain local support for the development which will benefit local people.
- 4.7. There is a reputational risk for the Council if the development is not supported locally. However, it is hoped that good design, net-zero carbon development and the wider community provision that will be delivered will mean there is general support.
- 4.8. The development does not yet have planning permission, so there is a risk approval is not granted or that changes are required to the scheme that mean it is no longer viable. Ownership of the site will only transfer to the developer if planning consent is granted.

## **5. EQUALITIES IMPACT (IF REQUIRED)**

- 5.1. Not relevant at this stage - equalities impact of any proposed community provision will be considered at later stages.

## **6. ECOLOGICAL AND CLIMATE EMERGENCY IMPLICATIONS (IF REQUIRED)**

- 6.1. This scheme will provide for net-zero carbon development built in alignment with Council's Sustainability Standards Checklist energy KPIs and Net Zero Carbon Toolkit. This provides an opportunity to showcase a built example of the Toolkit which has already won national acclaim, promoting and encouraging developers to respond proportionately to the climate emergency, designing well beyond a minimum Building Regulations standard.
- 6.2. A Community EV hub is planned which would support and encourage local people to switch to electric or hybrid vehicles.
- 6.3. Opportunities for ecological enhancement will be considered in the Community allotment and composting development.

## **7. ALTERNATIVE OPTIONS**

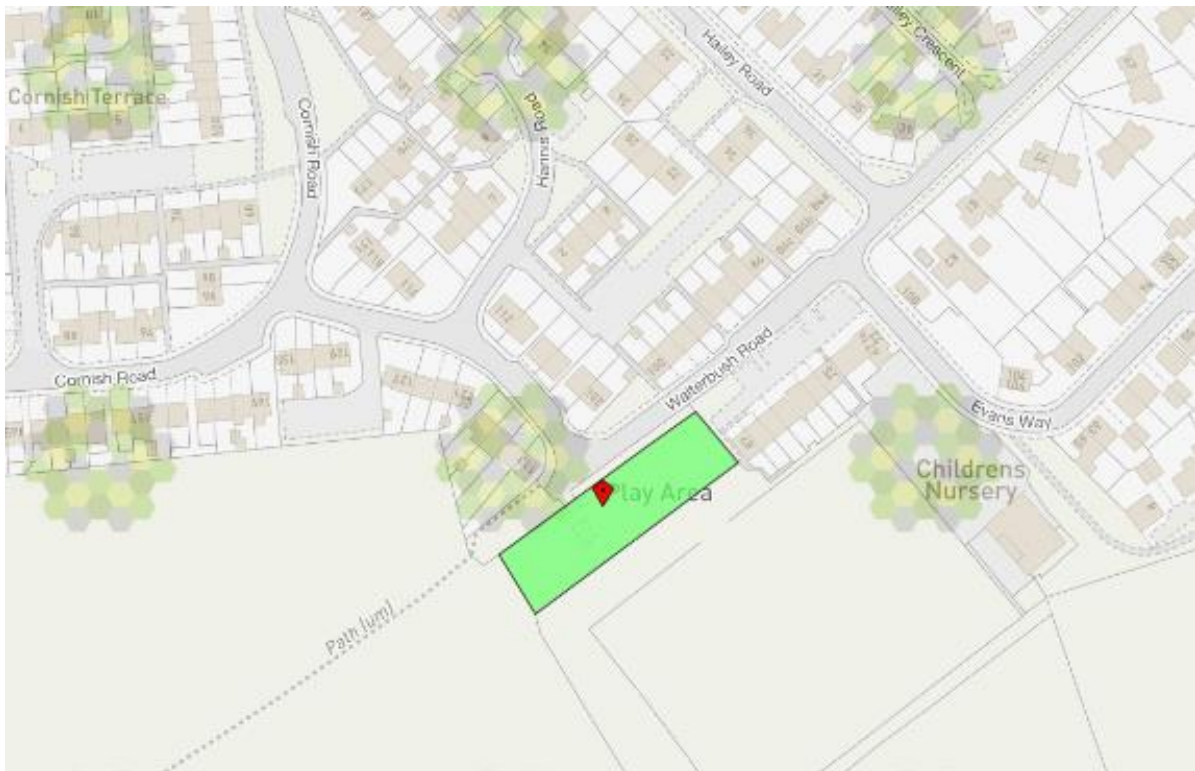
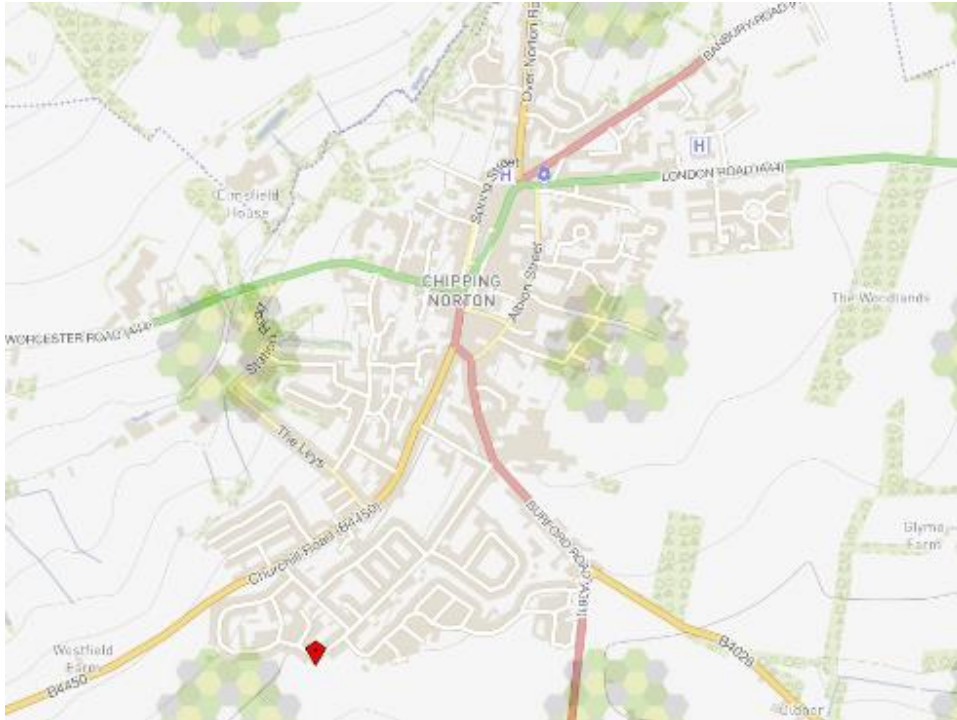
- 7.1. The Council could select options A, B or D as set out in 3.1 above and Annex C. However, the planning risk suggests options A and D would not be successful and option B does not deliver truly affordable homes and would provide limited additional financial benefit to the Council.
- 7.2. The Council could choose to retain the site and not develop homes, handing back the funding it has acquired. Alternatively the Council could seek other routes for housing development but these will either present greater financial risk for the Council or result in fewer benefits from the development or a lower level of capital receipts.

## **8. BACKGROUND PAPERS**

- 8.1. None

## Annex A - site plan showing land ownership

Title reference: ON286341 (Land on the South East side of Walterbush Road, Chipping Norton)





Annex B - Indicative development designs



## Annex C - Costed options for development

Scheme Performance	Option A No Discount	Option B 10% Discount	Option C 20% Discount	Option D Market & 20% Discount Mix	
Housing Development	8x Carbon Zero Custom Build (CZCB) Homes	8x discounted CZCB Homes	8x Affordable CZCB Homes	(i) 2x Market Sale & 6x Affordable - All CZCB Homes	(ii) 4x Market Sale & 4x Affordable - All CZCB Homes
Open Market Value	£335,000	£335,000	£335,000	£335,000	£335,000
Sale Price (each home)	£335,000	£301,500	£268,000	2x £335,000 & 6x £268,000	4x £335,000 & 4x £268,000
<b>Gross Development Value (GDV)</b>	<b>£2,680,000</b>	<b>£2,412,000</b>	<b>£2,144,000</b>	<b>£2,278,000</b>	<b>£2,412,000</b>
Less Land Value	-£250,000	-£250,000	-£250,000	-£250,000	-£250,000
Build Cost	-£2,100,000	-£2,100,000	-£2,100,000	-£2,100,000	-£2,100,000
Abnormals	-£7,500	-£7,500	-£7,500	-£7,500	-£7,500
Total Developer Cost	-£2,357,500	-£2,357,500	-£2,357,500	-£2,357,500	-£2,357,500
<b>GDV Margin</b>	<b>£322,500</b>	<b>£54,500</b>	<b>-£213,500</b>	<b>-£79,500</b>	<b>£54,500</b>

Capital Receipt for WODC	Option A No Discount	Option B 10% Discount	Option C 20% Discount	Option D Market & 20% Discount Mix	
Land Receipt	£250,000	£250,000	£250,000	£250,000	£250,000
GDV Margin	£322,500	£54,500	-£213,500	-£79,500	£54,500
Less Abnormals	-£7,500	-£7,500	-£7,500	-£7,500	-£7,500
Planning Fee	-£40,000	-£40,000	-£40,000	-£40,000	-£40,000
S.106 Subsidy (GAP funding)	£0	£0	£261,000	£195,750	£130,500
<b>Capital Receipt</b>	<b>£525,000</b>	<b>£257,000</b>	<b>£250,000</b>	<b>£318,750</b>	<b>£387,500</b>
Additional capital receipt on top of the land value	£275,000	£7,000	£0	£68,750	£137,500

 <p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>	<p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>Cabinet: Wednesday 18 May 2022</b> <b>Council: 20 July 2022</b></p>
<p>Report Number</p>	<p><b>Agenda Item No. 10</b></p>
<p>Subject</p>	<p><b>Appointments of Representatives to Outside Bodies 2022/2023</b></p>
<p>Wards affected</p>	<p>ALL</p>
<p>Accountable member</p>	<p>TBC</p>
<p>Accountable officer</p>	<p>Amy Bridgewater-Carnall, Democratic Services Tel: 01993 861522; Email: <a href="mailto:amy.bridgewater-carnall@westoxon.gov.uk">amy.bridgewater-carnall@westoxon.gov.uk</a></p>
<p>Summary/Purpose</p>	<p>To consider the appointment of representatives to Outside Bodies for 2022/2023.</p>
<p>Annex</p>	<p>Annex A – 2022/23 Outside Body Appointments</p>
<p>Recommendations</p>	<p>That Council makes appointments to the bodies listed in Annex A and notifies of any appointments to vacant positions.</p>
<p>Corporate priorities</p>	<p>N/A</p>
<p>Key Decision</p>	<p>No</p>
<p>Exempt</p>	<p>No</p>
<p>Consultees/ Consultation</p>	<p>None</p>

## **1. BACKGROUND**

- 1.1. Appointments to outside bodies are a responsibility of Council, which it carries out annually.
- 1.2. For information and comment, this report will be considered by Cabinet before being ratified by Council.

## **2. MAIN POINTS**

- 2.1. The outside bodies that the Council appointed to in 2021/22 are included in Annex A to this report and highlight the vacancies currently being carried.
- 2.2. Many of the appointments reflect specific Cabinet responsibilities so it may be the wish of the Leader to appoint to these in accordance with Cabinet roles.
- 2.3. Any Councillor who does not wish to continue with an existing appointment or who wishes to be considered as an appointee to one or more particular bodies, is requested to let Democratic Services know as soon as possible. The details of any requests will then be made available for the meeting.

## **3. FINANCIAL IMPLICATIONS**

- 3.1. Travel and subsistence allowances will be payable in respect of the majority of appointments made, if claimed.
- 3.2. Provision for this is included in the Council's budget.

## **4. LEGAL IMPLICATIONS**

- 4.1. None.

## **5. ALTERNATIVE OPTIONS**

- 5.1. The Cabinet is free to make such appointments as it considers appropriate.

## **6. BACKGROUND PAPERS**

- 6.1. None.

**WEST OXFORDSHIRE DISTRICT COUNCIL**  
**REPRESENTATIVES ON OUTSIDE BODIES 2022/23**

OUTSIDE BODY	NUMBER OF REPRESENTATIVES	REPRESENTATIVE(S) 2022/2023
1. The Burford School Foundation (4 year term of office as Trustee)	2	1 x vacancy Andrew Beaney (to 2024)
2. Charlbury Conservation Area Advisory Committee	2	Andy Graham Liz Leffman
3. Chipping Norton Theatre – Council of Management	1	Andy Graham
4. Radcot Conservation Area Advisory Committee	1	Suzi Coul
5. Cotswold National Landscape (previously Cotswolds Conservation Board for AONB)	1	1 x vacancy
6. West Oxfordshire Local Advisory Board (GLL Better)	1	Jane Doughty
7. Oxford Airport Consultative Committee	2	Elizabeth Poskitt Harry St John
8. Oxfordshire Association of Local Councils	1	Colin Dingwall
9. Oxfordshire Buildings Trust	1	Elizabeth Poskitt
10. Oxfordshire Community Foundation: Adviser to Grants Panel	1	Jane Doughty
11. Oxfordshire County Council Pension Fund Committee	1 District Council representatives appointed through Leaders Group	Alaa Al-Yousuf

OUTSIDE BODY	NUMBER OF REPRESENTATIVES	REPRESENTATIVE(S) 2022/2023
12. Oxfordshire Environment Partnership	1	Ted Fenton
13. Oxfordshire Joint Health Overview & Scrutiny Committee	1	Jill Bull Elizabeth Poskett
14. Wild Oxfordshire	1	Andrew Coles and/or Harry St John
15. Oxfordshire Partnership Board (Appointments by Office)	1	Leader
16. Oxfordshire Play Association	Unrestricted	Jill Bull Elizabeth Poskitt 1 x vacancy
17. Oxfordshire Playing Fields Association	3	Andrew Beaney Owen Collins Dean Temple
18. Community First (Oxfordshire)	1	1 x vacancy
19. Oxfordshire Safer Communities Partnership	1	1 x vacancy
20. School Organisation Stakeholder Group	1	Andrew Beaney 1 x vacancy (Substitute)
21. Thames Valley Police and Crime Panel	1	1 x vacancy
22. Burford Traffic Advisory Committee	2	2 x vacancies
23. Chipping Norton Traffic Advisory Committee	2	Mike Cahill Geoff Saul
24. Witney Traffic Advisory Committee	2	Mark Johnson Harry Eaglestone

OUTSIDE BODY	NUMBER OF REPRESENTATIVES	REPRESENTATIVE(S) 2022/2023
25. Woodstock Traffic Advisory Committee	2	Julian Cooper Elizabeth Poskitt
26. Traffic Penalty Tribunal Joint Committee	2	Norman MacRae 1 x vacancy
27. Volunteer Link-Up	1	1 x vacancy
28. West Oxfordshire Community Safety Partnership	1	1 x vacancy
29. West Oxfordshire Landlords Forum	5	Julian Cooper Jane Doughty Harry St John Geoff Saul 1 x vacancy
30. Witney CCTV Management Group	1	Ted Fenton (Deputy/Observer) Dean Temple (Substitute) 1 x vacancy
31. Witney Educational Foundation (4 year term of office as Trustee)	2	Mr D S T Enright (to Dec 2020) Vacancy (to December 2023)
32. Citizens Advice West Oxfordshire Management Committee	1	Suzi Coul
33. World Heritage UK	1	Julian Cooper
34. LGA General Assembly (Appointment by Office)	1	Leader Deputy Leader
35. South East England Councils (SEEC)	1	Leader Deputy Leader
36. Oxfordshire Leaders Group (Appointment by Office)	1	Leader Deputy Leader
37. Oxfordshire Growth Board (Appointment by Office)	1	Leader Deputy Leader

OUTSIDE BODY	NUMBER OF REPRESENTATIVES	REPRESENTATIVE(S) 2022/2023
38. Oxfordshire Growth Board Scrutiny Panel	3	Dan Levy 2 x vacancies
39. Oxfordshire Growth Board Housing Sub-Group	1 Plus 1 substitute	Jeff Haine Vacancy (substitute)
40. Oxfordshire Growth Board Infrastructure Sub-Group	1 Plus 1 substitute	Jeff Haine Vacancy (substitute)
41. Oxfordshire Growth Board Spatial Planning Sub-Group	1 Plus 1 substitute	Jeff Haine Ted Fenton (substitute)
42. South West Audit Partnership Board – Member Representative	1	1 x vacancy