

**Decision type:** Decision Specifically Delegated to Single Member

**Decision date:** 6 March 2025

**Decision maker:** Cllr Upton Cabinet Member for Planning

**Decision title:** Agreement to terminate the Housing Infrastructure Funding Agreement with Homes England for Oxford North (Northern Gateway)

### Summary

<b>Decision being taken:</b>	Agreement to terminate the Housing Infrastructure Funding Agreement with Homes England for Oxford North (Northern Gateway)
<b>Key decision:</b>	Yes <a href="https://mycouncil.oxford.gov.uk/mgListPlanItems.aspx?XXR=0&amp;PlanId=519&amp;DeptId=584&amp;RP=20&amp;RPID=20">https://mycouncil.oxford.gov.uk/mgListPlanItems.aspx?XXR=0&amp;PlanId=519&amp;DeptId=584&amp;RP=20&amp;RPID=20</a>
<b>Source of delegation:</b>	Delegated by the Leader of the Council on the 5 March 2025 to be taken as a single member decision
<b>Cabinet Member:</b>	Councillor Upton Cabinet Member for Planning
<b>Corporate Priority:</b>	'none'.
<b>Policy Framework:</b>	none.

Cllr Upton decides as follows:

1. The Council is to enter into the Deed of Termination with Homes England in to end the funding agreement dated 7 November 2019 for Housing Infrastructure Funding (HIF) Marginal Viability Funding in connection with Northern Gateway

Appendix No.	Appendix Title	Exempt from Publication
Appendix 1	HIF Funding Agreement	<p>Yes</p> <p>This information is exempted from publication under Schedule 12A to the Local Government Act 1972 since it is:</p> <ul style="list-style-type: none"> <li>• Information about individuals</li> <li>• Information about someone's finances or business</li> </ul>

### Introduction and background

1. The Council entered into a funding agreement in 2019 with Homes England for Housing Infrastructure Funding (HIF) of £10,000,000 to support the delivery of infrastructure at Oxford North. The funding was awarded based on the funding gap that was identified in bringing forward the site for development and was intended to provide infrastructure to assist the development of the site.
2. The funding had to be claimed based on evidence of spend. A claim was made for £1m that has been held by the Council. In the absence of an agreement with the developer to enable the spending to be transferred to them to deliver the infrastructure, it will now be returned to Homes England.
3. Extensive negotiations ensued between the Council, the Oxford North Developer and Homes England, over the terms of the funding agreement. Ultimately the developer (Thomas White Oxford) were able to provide alternative funding for the infrastructure and therefore no longer require the HIF Funding. The Deed of Termination formally ends the grant funding agreement with the council as it is no longer required.

### Reasons for the decision

4. This decision formally brings to an end the funding agreement with Homes England to provide funding for infrastructure at Oxford North. It is not possible to spend the funding (£10m) in accordance with the terms of the funding agreement. However the development at Oxford North is progressing without the benefit of the funding and delivering both homes and business space in accordance with the planning permission for the site.

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### Alternative Options Considered

5. There are no alternative options to enable to use the HIF funding and therefore the Council should work with Homes England to bring the funding agreement to an end.

### Equalities Impact

6. As it is not possible to legitimately spend the funding, but the development is never the less progressing, there are no equality impacts arising from this report.

### Risks

7. There are no additional risks arising from the decision. Work is progressing at Oxford North that is delivering both homes and business space. The only risk that would arise is if the council declined to enter the Deed of Termination with Homes England, which could adversely affect the relationship with Homes England with regard to future funding opportunities.

### Carbon and Environmental Considerations

8. There are no carbon or environmental considerations arising from this report.

### Implications of making the decision

<b>Financial implications</b>	There are no financial implications arising from this report. The funding agreement would have enabled the council to drawdown funding to pass to the developer of the site. There was no direct funding to the Council.	<b>Completed by:</b> Paul Swaffield Finance Project Accountant 3 <sup>rd</sup> March 2025
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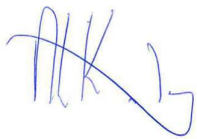
<b>Legal implications</b>	<p>As the funding is no longer needed and cannot be spent in accordance with the funding agreement it is prudent to bring the agreement to an end. Entering a Deed of Termination will formally bring the funding agreement between the Council and Homes England to a close. The Council is obliged to repay any funding it has received under the Funding Agreement. As this is in excess of £750k the decision to end the agreement is a key decision and also a Cabinet decision.</p> <p>Under 4.6 of the Council's Constitution the Leader can delegate an executive decision to a single Cabinet Member.</p>	<p><b>Completed by:</b> Joanna Williams Commercial Solicitor</p> <p><b>Date:</b> 5 March 2025</p>
<b>Other implications</b>	None	<p><b>Completed by:</b> Jenny Barker Regeneration Lead</p> <p><b>Date:</b> 27 February 2025 27 February 2025</p>
<b>Member declared interests</b>	None	<p><b>Completed by:</b> Jenny Barker</p> <p><b>Date:</b> 27 February 2025 March 2025</p>

<b>Background Documents</b>
<p>Cabinet Report Implementation of the Housing Infrastructure Funding for Oxford North</p> <p><a href="https://mycouncil.oxford.gov.uk/ielssueDetails.aspx?IId=25338&amp;PlanId=0&amp;Opt=3#AI26628">https://mycouncil.oxford.gov.uk/ielssueDetails.aspx?IId=25338&amp;PlanId=0&amp;Opt=3#AI26628</a></p>

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Service area or department	Regeneration, Economy and Sustainability
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### Consultee checklist

<b>Consultees</b>	<b>Name and job title</b>	<b>Date</b>
<b>Senior officer</b> e.g. the relevant service manager / Head of Service where the decision maker is the Chief Executive or an Executive Director.	Clive Tritton Director of Regeneration Economy and Sustainability	6/3/25
<b>Head of Financial Services</b> Where required by the Constitution or conditions of the delegation	 Nigel Kennedy Group Finance Director	6/3/25
<b>Head of Law and Governance</b> Where required by the Constitution or conditions of the delegation	Emma Jackman	6/3/25
<b>Cabinet Member(s)</b> Where required by the conditions of the delegation	N/A	
<b>Ward Members</b> Where required by the Constitution or conditions of the delegation	N/A	

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**Decision Maker Approval**

<i>Name and Portfolio</i>	<i>Signed and Dated</i>
Cllr Louise Upton Cabinet Member for Planning	 7/3/25

This form must be completed and sent to Committee and Member Services **on the date that the decision maker signs it. This must be only done once all consultees have given their approval. The decision shall be effective from the date of publication; therefore, it is important that you send to Committee and Member Services as soon as it is completed and dated by the decision maker. Please note that it is not effective until it is published and the call in period has passed.**

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## NOTES

The law<sup>1</sup> requires the Council to record executive and non-executive decisions taken by officers under delegated powers and to publish them on the Council's website.

These requirements apply to decisions that would have been taken by Council or the Cabinet if delegated powers had not been given to an officer:

- under an express delegation granted at a meeting of Cabinet, Council or a Committee.
- in accordance with Part 4.4 of the Constitution as follows:
  - Awarding a contract where authority has been specifically delegated to officers by Cabinet or a Cabinet Member (regardless of value)
  - Acquiring or disposing of freeholds or leaseholds granting new leaseholds (excluding assignments and rent reviews) where authority has been specifically delegated to officers by Cabinet or a Cabinet Member (regardless of value)
  - Making a regulatory order which affects a number of people, for example a Public Space Protection Order or a Parking Place Order
  - Where the effect of a decision is to grant a licence or permission or it affects the rights of citizens
  - Discharging any other express delegation from Cabinet or a Cabinet Member a committee or Council.

These requirements **do not** apply to:

- planning and licencing matters where there are established arrangements for recording decisions: or
- decisions which are purely administrative or operational in nature

All other officer decisions should be recorded on an officer decision form but do not need to be published. They must though be stored so as to ensure that they are not lost should an officer leave the authority.

### Exempt or Confidential information

Information relating to a delegated officer or single member decision does not have to be made public if it is exempt or confidential. Summary information from this decision sheet (excluding all exempt or confidential information) will be published on the Council's website.

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<sup>1</sup> the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089 (Regulation 13(4)) and The Openness of Local Government Bodies Regulations 2014/2095 (Regulation 7)

## Key or Non Key Decision

A key decision is an executive decision which is likely to:

- Have a significant effect on people living or working in a least two wards or
- Involve spending, income, or saving a significant amount – whether an amount is significant depends on the Council's total budget for the service involved. For this Council 'significant' in budgetary terms is:
  - Expenditure, income, or savings of £750,000 or greater in the context of the medium term financial strategy,
  - Acquiring or disposing of freeholds with a consideration over £500,000 in the context of the medium term financial strategy except for disposals pursuant to right to buy legislation
  - Acquiring or disposing of leaseholds where either the rental value is in excess of £250,000 per annum and/or the premium is £750,000 except for statutory lease renewals under Part 2 of the Landlord and Tenant Act 1954 and disposals pursuant to right to buy legislation and disposals pursuant to right to buy legislation.
  - Acquiring or disposing of easements with a value over £750,000 and/or rental value over £250,000 each year

A key decision can only be taken and recorded here if notice of it has been published on the Forward Plan for at least 28 clear days. Key decisions taken by officers may be "called in" by any four councillors or the Chair of the Scrutiny Committee within two days of the notice of decision being published.

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