

**Committee:** Executive  
**Date:** Monday 7 February 2011  
**Time:** 6.30 pm  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

### **Membership**

|   |  |
|---|--|
| <b>Councillor Barry Wood (Chairman)</b> | <b>Councillor G A Reynolds (Vice-Chairman)</b> |
| <b>Councillor Ken Atack</b>             | <b>Councillor Norman Bolster</b>               |
| <b>Councillor Colin Clarke</b>          | <b>Councillor Michael Gibbard</b>              |
| <b>Councillor James Macnamara</b>       | <b>Councillor Nigel Morris</b>                 |
| <b>Councillor D M Pickford</b>          | <b>Councillor Nicholas Turner</b>              |

## **AGENDA**

**1. Apologies for Absence**

**2. Declarations of Interest**

Members are asked to declare any interest and the nature of that interest that they may have in any of the items under consideration at this meeting.

**3. Petitions and Requests to Address the Meeting**

The Chairman to report on any requests to submit petitions or to address the meeting.

**4. Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. **Minutes** (Pages 1 - 8)

To confirm as a correct record the Minutes of the meeting held on 10 January 2011.

## **Strategy and Policy**

6. **Overview and Scrutiny Committee Scrutiny Review into Built Environment Conservation Area Policy** (Pages 9 - 18) **6.35 pm**

Report of the Head of Legal and Democratic Services

### **Summary**

To consider the report and recommendations of the Overview and Scrutiny Committee review into the Council's Built Environment Conservation Policy.

The Chairman of the Overview and Scrutiny Committee will attend the meeting to present the report.

### **Recommendations**

The Executive is recommended:

- (1) To note the work of the Overview and Scrutiny Committee with regard to the Built Environment Conservation Area Policy Scrutiny Review
- (2) To agree the Overview and Scrutiny Committee recommendations regarding Built Environment Conservation Area Policy Scrutiny Review as detailed below:
  - (1) That the Executive recognises the importance of our conservation areas and continues to support the work carried out by the Council to protect their character.
  - (2) That the Executive asks the LDF Advisory Panel to make sure that policies to protect conservation areas are contained within the LDF at the appropriate earliest opportunity.
  - (3) That the Executive approves the informal planning guidance document "*Subdivision of buildings for residential use*" which is shortly to be brought before it for approval following public consultation.
  - (4) That the LDF Panel be requested to keep under review the effectiveness of the document "*Subdivision of buildings for residential use*" and in due course, if this document is found not to be effective in generally achieving its objectives, to consider whether the document should be reviewed and incorporated more formally as a Local Development Document within the Local Development Framework.
  - (5) That Executive supports the efforts of the Council as a whole as we work with other organisations (such as the Highway Authority in respect of highway maintenance) to make sure that where public money is spent in conservation areas, this is appropriately directed to ensure that priority is given to ensuring the enhancement of the conservation areas.

7. **Draft Planning and Design Guidance: Subdivision of Buildings for Residential Uses** (Pages 19 - 50) **6.50 pm**

Report of Head of Planning Policy and Economic Development

**Summary**

To recommend the Executive approve the draft 'Subdivision of Buildings for Residential Uses' document as informal guidance with immediate effect, so that it can be used to aid applicants when submitting applications and assist planning officers and committee members when determining such applications.

**Recommendations**

The Executive is recommended:

- (1) To approve the Planning and Design Guidance: Subdivision of Buildings for Residential Uses (attached as appendix 1).

8. **Planning Policy for Wind Energy Development** (Pages 51 - 112) **7.00 pm**

Report of Head of Planning Policy and Economic Development

**Summary**

To seek approval of an informal (non statutory) planning guidance document on the subject of wind turbines and residential development.

**Recommendations**

The Executive is recommended:

- (1) To approve the document entitled 'Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development' (attached as appendix 1 to this report) for use as informal planning guidance.

**Service Delivery and Innovation**

9. **Localism Bill 2010: Opportunities for Cherwell** (Pages 113 - 128) **7.10 pm**

Report of Interim Chief Executive

**Summary**

To consider the opportunities and issues for the district which are created through the Localism Bill 2010.

## **Recommendations**

The Executive is recommended:

- (1) To note the contents of the Localism Bill 2010 and consider any issues and communications they wish to make to the Secretary of State and/or local Members of Parliament.
- (2) To request officers to provide update briefings to the Executive as the Bill continues on its legislative passage.
- (3) To request officers to bring forward any opportunities for pilot projects as and when they arise including any legal, risk and financial implications.

### **10. Car Park Order Notice (Pages 129 - 132)**

**7.25 pm**

Report of Head of Safer Communities, Urban and Rural Services

#### **Summary**

To advise Members of any objections to the Cherwell District Council (Off-Street Parking Places) (Banbury, Bicester and Kidlington) Order advertised on 13 January 2011 and to seek authority to make the Order subject to any objections received.

#### **Recommendations**

The Executive is recommended:

- (1) To receive and deal with any objections to the Order (these will be tabled at the meeting)
- (2) To authorise formal Order Making on final proposals for implementation on, or as soon after, 4 April 2011 as is practicable.

### **11. Concessionary Travel and Community Transport (Pages 133 - 142) 7.35 pm**

Report of Head of Housing Services

#### **Summary**

This report updates the Executive on changes to the Concessionary Travel Scheme and their implications, following the statutory transfer of the administrative responsibility for the scheme to Oxfordshire County Council from 1 April 2011. The report also updates the Executive with the effects of these changes on the Community Transport (Dial a Ride) scheme, the risks facing the scheme in the future, and the course of action that officers are taking to mitigate as far as possible any adverse effects.

## **Recommendations**

The Executive is recommended:

- (1) To note the change in statutory responsibility for the Concessionary Travel Scheme to the Oxfordshire County Council (“the County Council”) from 1 April 2011, including the changes made to the scheme by the County Council, and the effects on Dial a Ride services provided by Banbury Community Transport Association (BCTA).
- (2) To accept the County Council’s delegation of its functions under section 145[2] of the Transport Act 2000 [duty to issue concessionary passes] and associated powers, to Cherwell District Council for the period up to 31 March 2012 the costs of which are to be met by the County Council.
- (3) To authorise the Head of Housing Services in consultation with the Head of Legal and Democratic Services to negotiate and complete an Agency Agreement with the County Council under section 101 of the Local Government Act 1972 and section 19 of the Local Government Act 2000 that gives effect to the rights and responsibilities referred to in [2] above.
- (4) To approve the further examination and development of the alternative proposals within the Cherwell District for longer term community transport provision identified in paragraphs 2.12 to 2.15, of the report and to note the cost implications referred to in paragraph 2.16.
- (5) To request that the County Council undertake a County Wide review of community transport and related services in the light of the effects of the changes in the Concessionary Travel Scheme and from future funding of Community Transport, the results of which to be reported back to the Executive.

## **12. Population and Household Projections for Cherwell and Key Implications for the Local Development Framework (Pages 143 - 158) 7.50 pm**

Report of Head of Planning Policy and Economic Development

### **Summary**

To outline for members the updated population & household projections for Cherwell and to consider the implications in terms of proposed changes to the Local Development Framework procedures and the consideration of a locally determined level of growth for the district.

### **Recommendations**

The Executive is recommended:-

- (1) To note the information contained in this report and in the attached technical paper (Appendix 1)
- (2) To agree the emerging broad population and household figures for Cherwell District for the period up to 2026 set out in Appendix 1 as a basis for further work on the Core Strategy.

## **Value for Money and Performance**

13. **Performance Management Framework 2010/11 Third Quarter Performance Report** (Pages 159 - 206) **8.20 pm**

Report of Interim Chief Executive and Corporate Strategy and Performance Manager

### **Summary**

This report covers the Council's performance for the period 1 October to 31 December 2010 as measured through the Performance Management Framework.

### **Recommendations**

The Executive is recommended:

- (1) To note the many achievements referred to in paragraph 1.4.
- (2) To request that officers report in the final quarter on the items identified in paragraph 1.5 where performance was below target or there are emerging issues.
- (3) To agree the responses identified to issues raised in the quarter one performance report in paragraph 2.1 or to request additional action or information.

14. **2010/11 Projected Revenue & Capital Outturn at 31 December 2010** (Pages 207 - 238) **8.35 pm**

Report of Head of Finance

### **Summary**

This report summarises the Council's Revenue and Capital performance for the first 9 months of the financial year 10/11 and projections for the full 10/11 period. These are measured by the budget monitoring function and reported via the Performance Management Framework (PMF) informing the 10/11 budget process currently underway.

This report also considers progress against the 20010/11 Corporate Procurement Action Plan which contributes to our annual efficiency target.

### **Recommendations**

The Executive is recommended:

- (1) To note the projected revenue & capital position at December 2010.
- (2) To approve the changes in the 2010/11 capital programme as follows:

- Slip an additional £2,072K of project funding into the 2011/12 capital programme (detailed in main body of report below) and consider this as part of the 2011/12 budget process.
  - Approve the supplementary estimate of £45,000 for implementing the changes due to car parking proposals (detailed in Appendix 3).
- (3) To note the contents and the progress against the Corporate Procurement action Plan (detailed in Appendix 1) and the Procurement savings achieved at December 2010 (detailed in Appendix 2).
  - (4) To approve the transfer of projected service underspends to reserves to facilitate the funding of SNC joint working implementation costs and replenishment of the planning control reserve.
  - (5) To approve the transfer of the windfall interest received in respect of the Councils VAT Fleming case to the Organisational change reserve.

**15. Draft Budget 2011-12 (Pages 239 - 278)**

**8.45 pm**

Report of Head of Finance

**Summary**

The Council is required to produce a balanced budget for 2011/12 as the basis for calculating its level of Council Tax. It has to base that budget on its plans for service delivery during the year, recognising any changes in service demand that may arise in future years. The first draft was reported to the December 6 2010 Executive meeting and a second draft to the January 10 2011 Executive meeting. The information has now been updated to reflect changes since then and, subject to any further changes Members may wish to include tonight, this final draft will be used to prepare a final budget proposal to be presented to full Council on 21 February 2011.

**Recommendations**

The Executive is recommended:

- (1) To approve the changes to the draft budget since 10 January 2011 and consider the draft revenue budget (detailed in Appendix 1) in the context of the Council's service objectives and strategic priorities.
- (2) To approve the surplus of £9,149 be transferred to general fund balances to enable a balanced budget.
- (3) To recommend to Full Council a Council tax freeze or amend the proposals contained within this report to recommend a different level of Council Tax.
- (4) To delegate authority to the Head of Finance, in consultation with the Portfolio Holder for Resources and Communication, to amend the contributions to or from general fund balances to allow the Council Tax increase to remain at the level recommended by Executive to full council following the announcement of the final settlement figures.

- (5) To agree the proposed 2011/12 capital programme (detailed in Appendix 2).
- (6) To note the review of earmarked revenue reserves undertaken by the Portfolio Holder of Resources and Communication and approve re-allocation between various earmarked reserves and creation of 2 new reserves. (detailed in Appendix 3).
- (7) That the draft corporate plan and public pledges be endorsed and to delegate authority to the interim Chief Executive in consultation with the Leader of the Council to make any minor amendments to the plan or pledges as required. (detailed in Appendix 4).
- (8) To note the 2011/12 Corporate Improvement Plan (detailed in Appendix 5).
- (9) To note the latest MTFS financial forecast is currently being refreshed and will be part of the budget book.
- (10) To request officers to produce the formal 2011/12 budget book on the basis of Appendices 1-4.
- (11) To Recommend, subject to any further changes Members may wish to include tonight, the updated draft for adoption by the Council on 21 February 2011 (as a key decision).

## **Urgent Business**

### **16. Urgent Business**

Any other items which the Chairman has decided is urgent.

**(Meeting scheduled to close at 9.00 pm)**

**Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.**

## **Information about this Meeting**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk) or (01295) 221587 prior to the start of the meeting.

### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

**Personal Interest:** Members must declare the interest but may stay in the room, debate and vote on the issue.



**Prejudicial Interest:** Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

### **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

### **Evacuation Procedure**

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

### **Access to Meetings**

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

### **Mobile Phones**

Please ensure that any device is switched to silent operation or switched off.

### **Queries Regarding this Agenda**

Please contact James Doble, Legal and Democratic Services james.doble@cherwell-dc.gov.uk (01295) 221587

**Ian Davies**  
**Interim Chief Executive**

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