

Committee: Executive
Date: Monday 3 October 2011
Time: 6.30 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Barry Wood (Chairman)	Councillor G A Reynolds (Vice-Chairman)
Councillor Ken Atack	Councillor Norman Bolster
Councillor John Donaldson	Councillor Michael Gibbard
Councillor James Macnamara	Councillor Nigel Morris
Councillor D M Pickford	Councillor Nicholas Turner

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 - 16)

To confirm as a correct record the Minutes of the meeting held on 5 September 2011.

Strategy and Policy

6. **Bolton Road Draft Masterplan and Supplementary Planning Document** (Pages 17 - 72) **6.35 pm**

Joint Report of Head of Regeneration and Estates and Head of Planning Policy & Economic Development

Summary

To consider the draft Supplementary Planning Document (SPD) and Companion Document for the Bolton Road area in Banbury and endorse it for public consultation.

Recommendations

The Executive is recommended to:

- (1) Endorse the Draft Supplementary Planning Document (SPD) attached as Appendix 1.
- (2) Authorise the Head of Planning Policy and Economic Development, in consultation with the Lead Member for Planning, to make any further minor non-substantive changes as are necessary to the Draft SPD and Companion Document prior to the publication of these for public consultation.

7. **Banbury Museum Trust** (Pages 73 - 108) **6.50 pm**

Report of Strategic Director Environment and Community

Summary

To consider an initial report by the Banbury Museum Trust Project Board into the feasibility and options for the creation of a charitable organisation to deliver museum and visitor information services from 2013/14. The creation of such a Trust would ensure the continued delivery of services alongside savings to the Council.

Recommendations

The Executive is recommended:

- (1) To approve the creation of a charitable organisation to deliver museum and visitor information services at Banbury Museum, subject to the agreement of the National Heritage Lottery Fund and Oxfordshire County Council;
- (2) In relation to the charitable vehicle used for the creation of the trust,
 - a. To endorse the use of a Charitable Incorporated Organisation as the preferred vehicle, adopting the 'Foundation' model constitution, with

objects suited to the establishment and maintenance of a museum and the advancement of local arts, culture and heritage; and

- b. To endorse the use of a Company Limited by Guarantee (having charitable status and pursuing identical aims) as an appropriate alternative legal structure for the trust in the event that the preferred vehicle in Recommendation no. 2(a) is not available.
- (3) To approve the working name of the Trust as 'Banbury Museum Trust', with the final decision on naming to be taken by the Trust itself.
- (4) To approve the establishment of a Board of Trustees comprising at least 5 members and including a Council member (to be nominated by the Executive for this purpose), with the number of Council members rising to two should the size of the Board increase to 10 or larger.
- (5) In relation to the appointment of such Trustees,
 - a. To permit the Project Board to interview suitable candidates for Shadow Chairman, any such appointment to be confirmed by the Executive;
 - b. To permit the Shadow Chairman, in consultation with the Project Board, to select, via advertisement or other effective process, suitable candidates for membership of the Shadow Board (in addition to those Council members nominated to the Board pursuant to Recommendation no. 4 above); and
 - c. To authorise the relevant Head of Service to invite the Shadow Chairman and (non-Council) members of the Shadow Board to undertake those roles permanently upon establishment of the Trust.
- (6) To approve retention by the Council of the freehold of the Museum building and Bridge Gallery, granting, instead, a lease of it to the Trust for a minimum period of 30 years, and to authorise the appropriate Head of Service, in consultation with the Lead Member for the Environment to negotiate suitable terms for such a lease with the Trust on this basis.
- (7) In relation to other arrangements for the letting of the premises in addition to the lease of the Museum and Bridge Gallery referred to in Recommendation no. 6,
 - a. To sub-let to the Trust the Visitor Information Centre/LinkPoint (including Tooley's Boatyard) (subject to the consent of the Council's head landlords, Scottish Widows and British Waterways) for a like period of 30 years and the appropriate Head of Service be authorised, in consultation with the Lead Member for the Environment to negotiate suitable terms for such sub-lettings to the Trust; and
 - b. To make provision for the Council to occupy the LinkPoint area under a licence from the Trust, such licence to be determinable by either party on 6 months notice, to avoid granting the Council exclusive possession of the area and, being personal to the Council, the benefit of the licence to be incapable of transfer to any other occupier.
- (8) To approve the Council's retaining responsibility for the maintenance of the exterior, structure and principal plant of the premises let to the Trust (subject to any prohibitions contained in the Scottish Widows and British Waterways

leases proposed to be sub-let to the Trust pursuant to Recommendation no. 7) so that the Trust shall only be responsible for interior maintenance and decoration.

- (9) To approve the transfer of the Museum Café contract and ancillary Licence to the Trust, such that the same would henceforth be managed by the Trust either directly or through a trading company set up by the Trust for this purpose, with the future operation of the café upon the termination of that arrangement on 13 January 2013 to be determined wholly by the Trust.
- (10) In relation to the transfer of staff,
 - a. To note the need to transfer those staff identified as being affected under TUPE requirements and commence a formal consultation process following the Executive resolution to proceed with the formation of the Museum Trust;
 - b. To seek Community Admitted Body status for the pensions of transferred staff, or an equivalent scheme should this not be possible;
 - c. To agreed to continue to pay contributions as at present on past pension liabilities and require the Trust to take out a bond to fund any possible future liabilities should the Trust fail;
 - d. To limit the Council's future liability for redundancies relating to transferred staff to three months after the transfer date, and to establish a bond to fund this liability.
- (11) To approve the provision of ICT services (internet, telephony, email, website) by the Council to the Trust under a stand alone service level agreement between the Council and the Trust, for which the Trust will be charged a service fee, with the following exceptions:
 - a. An independent internet connection be established for the Trust;
 - b. A dedicated colour laser printer be procured for the Trust;
 - c. Existing PC equipment be gifted to the Trust; and
 - d. The Trust take out its own licences for the software it will use
- (12) With regard to the financial allocation to the Trust;
 - a. To establish a shadow budget for the Trust from 2012/13, based on initial assumptions, and use this as a baseline for negotiation with the Shadow Trust Board in establishing an initial financial allocation;
 - b. To agree that the initial financial allocation should not be any greater than the current budget provision for the Museum and VIC, and should reflect the NNDR savings anticipated and
 - c. Subject to the agreement of the National Heritage Memorial Fund, to enter into a five-year funding agreement with the Trust, with a three-year rolling review period.
- (13) To approve an initial financial allocation of £15,000 to the Project for 2011/12 in order to obtain the specialist advice, relevant consents and approvals and other services needed to create the Trust and transfer assets to it.

- (14) To approve the transfer of the museum undertaking, the VIC service, and, where permissible, the Council's interest in any contracts wholly connected with the same which are not expressly considered elsewhere in this report, to the Trust upon its creation.
- (15) To note the timetable for the transition to Trust status proposed by DCA Consultants.
- (16) To ask the Executive to consider any implications arising from the Local Authority Resource Review that impacts upon the savings potential of this project prior to implementation.

Service Delivery and Innovation

8. Bicester Hospital (Pages 109 - 114)

7.00 pm

Report of Strategic Director Environment and Community

Summary

To consider the latest position regarding the procurement by Oxfordshire PCT of the re-provision of Bicester Hospital.

Recommendations

The Executive is recommended to:

- (1) Note the PCT's decision through its bidder shortlisting process to re- provide the new community hospital on the existing hospital site.
- (2) Continue to offer the full support of the District Council to the PCT in providing a new Bicester Community Hospital as a fundamental part of the town's infrastructure.
- (3) Urge the PCT to ensure service continuity throughout the redevelopment and to maximise the scope for future expansion possibilities in their design.

Urgent Business

9. Urgent Business

Any other items which the Chairman has decided is urgent.

(Meeting scheduled to close at 7.10 pm)

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to 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.

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Queries Regarding this Agenda

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

Sue Smith
Chief Executive

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