

**Summary of the decisions taken at the meeting
of the Executive held on 3 October 2011**

1. Date of publication of this summary:-

4 October 2011

2. Decisions (if any) taken as a matter of urgency under Overview and Scrutiny Procedure and therefore not subject to the call-in procedure:-

None

3. Date by which notice of call-in of any of the following decisions must be received in writing by the Chief Executive (see notes below):-

Noon on Friday 7 October 2011

4. Notes:-

- (a) For background documentation to the following decisions, please refer to the agenda and supporting papers (copies of which are available on the Council's website (www.cherwell.gov.uk) or from Legal and Democratic Services);
- (b) Notice of call-in must be submitted in writing, by email or text to the Chief Executive by the deadline specified above, and must state the reason or reasons why "call-in" has been requested;
- (c) Call-in can be requested by any six non-executive members of the Council.

However, if at any point during a municipal year the total number of opposition councillors is six or less the total number of non-executive members required to call-in a decision shall be the total number of opposition councillors less two.
- (d) Decisions not called-in by the deadline specified above will become effective immediately the deadline has expired (unless they are recommendations to the Council).
- (e) The Council has stipulated that the call-in procedure should not be used to challenge decisions as a matter of course and should be used only when fully justified.

**Sue Smith
Chief Executive**

Decisions

Agenda Item No.	Agenda Item and Recommendations	Decision
5	<p>Bolton Road Draft Masterplan and Supplementary Planning Document</p> <p>Recommendations</p> <p>The Executive is recommended to:</p> <ol style="list-style-type: none"> (1) Endorse the Draft Supplementary Planning Document (SPD) attached as Appendix 1 to the report. (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. 	Recommendations approved
6	<p>Banbury Museum Trust</p> <p>Recommendations</p> <p>The Executive is recommended:</p> <ol style="list-style-type: none"> (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, <ol style="list-style-type: none"> 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, 	Recommendations approved

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	<p style="text-align: center;">culture and heritage; and</p> <p style="text-align: center;">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.</p> <p>(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.</p> <p>(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.</p> <p>(5) In relation to the appointment of such Trustees,</p> <p style="padding-left: 40px;">a. To permit the Project Board to interview suitable candidates for Shadow Chairman, any such appointment to be confirmed by the Executive;</p> <p style="padding-left: 40px;">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</p>	

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	<p style="text-align: center;">above); and</p> <p style="text-align: center;">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.</p> <p>(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.</p> <p>(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,</p> <p style="text-align: center;">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</p> <p style="text-align: center;">b. To make provision for the Council to occupy the LinkPoint area under a licence from the Trust, such licence to be</p>	

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	<p>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.</p> <p>(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.</p> <p>(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.</p> <p>(10) In relation to the transfer of staff,</p> <ul style="list-style-type: none"> 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 	

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	<p>the pensions of transferred staff, or an equivalent scheme should this not be possible;</p> <p>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;</p> <p>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.</p> <p>(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:</p> <p>a. An independent internet connection be established for the Trust;</p> <p>b. A dedicated colour laser printer be procured for the Trust;</p> <p>c. Existing PC equipment be gifted to the Trust; and</p> <p>d. The Trust take out its own licences for the software it will use</p> <p>(12) With regard to the financial allocation to the Trust;</p> <p>a. To establish a shadow budget for the Trust from 2012/13, based on initial assumptions, and use this as a baseline for</p>	

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	<p style="padding-left: 40px;">negotiation with the Shadow Trust Board in establishing an initial financial allocation;</p> <p style="padding-left: 40px;">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</p> <p style="padding-left: 40px;">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.</p> <p>(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.</p> <p>(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.</p> <p>(15) To note the timetable for the transition to Trust status proposed by DCA Consultants.</p> <p>(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.</p>	

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7	<p>Bicester Hospital</p> <p>Recommendations</p> <p>The Executive is recommended to:</p> <ol style="list-style-type: none"> (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. 	Recommendations approved