

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 3 October 2011 at 6.30 pm

Present: Councillor Barry Wood (Chairman)
Councillor G A Reynolds (Vice-Chairman)

Councillor Ken Atack
Councillor John Donaldson
Councillor Michael Gibbard
Councillor James Macnamara
Councillor Nigel Morris
Councillor D M Pickford
Councillor Nicholas Turner

Also Present: Councillor Leslie F Sibley
Councillor Tim Emptage

Apologies for absence: Councillor Norman Bolster

Officers: Sue Smith, Chief Executive
Calvin Bell, Director
Ian Davies, Director
Martin Henry, Director / Section 151 Officer
Kevin Lane, Head of Service / Monitoring Officer
Natasha Clark, Senior Democratic and Scrutiny Officer

49 **Declarations of Interest**

Members declared interests in the following agenda item:

8. Bicester Hospital.

Councillor James Macnamara, Personal, as a member of St John's Ambulance.

50 **Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

51 **Urgent Business**

There were no items of urgent business.

52 **Minutes**

The minutes of the meeting held on 5 September 2011 were agreed as a correct record and signed by the Chairman.

53 **Bolton Road Draft Masterplan and Supplementary Planning Document**

The Head of Regeneration and Estates and Head of Planning Policy and Economic Development submitted a report which sought consideration of the draft Supplementary Planning Document (SPD) and Companion Document for the Bolton Road area in Banbury and endorse it for public consultation.

Resolved

- (1) That the Draft Supplementary Planning Document (SPD) (attached as an annex to these minutes as set out in the Minute book) be endorsed.
- (2) That the appropriate Head of Service be authorised, 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.

Reasons

This project is identified as a priority in the Regeneration and Estates Service plan and identified as land for redevelopment for a retail led scheme in the draft Core Strategy.

Options

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| Option One | To endorse the SPD and Companion Document for public Consultation |
| Option Two | To endorse the SPD and Companion Document for public consultation with amendments |
| Option Three | To not endorse the SPD and Companion Document for public consultation |

54 **Banbury Museum Trust**

The Strategic Director Environment and Community submitted a report which sought consideration of 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.

Resolved

- (1) That 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) That in relation to the charitable vehicle used for the creation of the trust,
 - a. 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 be endorsed; and
 - b. 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 be endorsed.
- (3) That the working name of the Trust as 'Banbury Museum Trust', with the final decision on naming to be taken by the Trust itself be approved.
- (4) That 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 be approved.
- (5) In relation to the appointment of such Trustees,
 - a. That the Project Board be permitted to interview suitable candidates for Shadow Chairman, any such appointment to be confirmed by the Executive;
 - b. That Shadow Chairman be permitted, 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. That the relevant Head of Service be authorised to invite the Shadow Chairman and (non-Council) members of the Shadow Board to undertake those roles permanently upon establishment of the Trust.
- (6) That retention by the Council of the freehold of the Museum building and Bridge Gallery be approved, 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) That 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 the following be agreed:
- 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) That 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) be approved so that the Trust shall only be responsible for interior maintenance and decoration.
- (9) That the transfer of the Museum Café contract and ancillary Licence to the Trust be approved, 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. That 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 be noted;
 - b. That Community Admitted Body status for the pensions of transferred staff, or an equivalent scheme should this not be possible be sought;
 - c. That it be 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) That 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 be agreed, 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. That a shadow budget for the Trust from 2012/13, based on initial assumptions, be established, and that this be used as a baseline for negotiation with the Shadow Trust Board in establishing an initial financial allocation;
 - b. That it be agreed 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. That subject to the agreement of the National Heritage Memorial Fund, a five-year funding agreement with the Trust, with a three-year rolling review period, be entered into.
- (13) That 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 be approved.
- (14) That 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 be approved.
- (15) That the timetable for the transition to Trust status proposed by DCA Consultants be noted.
- (16) That, following consideration by the Executive, no implications arising from the Local Authority Resource Review that impact upon the savings potential of this project prior to implementation be noted.

Reasons

The proposal to form a bespoke charitable Trust to operate Banbury Museum and Visitor Information Centre will provide for greater certainty for the future operation of these services together with greater freedoms and flexibilities.

The creation of a charitable Trust will enable the Council to benefit from reduced expenditure on the provision of these services from reduced NNDR contributions.

Options

Option One Implement all the recommendations of the Project Board in creating a bespoke Trust for the Museum, incorporating Banbury VIC.

Option Two Retain the VIC within Council control and restrict the scope

of the Trust to the operation of a museum only. This would reduce the level of savings that can be achieved (i.e. no NNDR saving) and would require additional staff to operate a front of house service for the Museum.

55 **Bicester Hospital**

The Strategic Director Environment and Community submitted a report which sought consideration of the latest position regarding the procurement by Oxfordshire PCT of the re-provision of Bicester Hospital.

Councillor Sibley, Leader of the Labour Group, addressed Executive. Whilst commending the opportunity the Bicester Hospital re-provision represented for the residents of Bicester, he expressed disappointment at the decision of the PCT to retain the existing site. Councillor Sibley also thanked the Council for its ongoing support to the provision of a Community Hospital in Bicester.

In response to Councillor Sibley's address, the Chairman confirmed that the council's position about the need for a Community Hospital in Bicester remained unambiguous and the council would continue to support the matter.

Resolved

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

Reasons

The Council has for many years expressed a strong preference for the new Bicester Community Hospital to be located on the health village site within the SW Bicester development. It has argued that such a relatively large green field site provides greater opportunity for a high quality development and setting, the site due to its size offers the best opportunity for future expansion of healthcare services for a growing town, the health village concept has the potential to provide complementary adjacent health care services and service continuity during construction would be unaffected.

The PCT short listing decision effectively rules out this site option as the shortlisted bidding process, will now be concentrating only on the current hospital site.

With the major reforms and changes taking place in the health sector at present, particularly with the commissioning of services, there is the potential

for a change of commissioning body part way through the procurement process. If this were to be the case then that would have to be managed at that time. In the meantime, both the process and the financial envelope for this procurement have been approved by the PCT and the Strategic Health Authority.

Arising from this position is the question over the future uses of the health village site at SW Bicester. The Section 106 Planning Agreement for that site in summary stipulates that the health village can be used for a community hospital, a GP Surgery and for the provision of other medical facility uses including that of an extra care elderly nursing home. It also requires the marketing of the site for these uses. As the first two of these health care uses are no longer required by the PCT, it can be expected that the marketing of the site will concentrate on other medical/health care uses. The S106 Agreement has a five year limit from implementation of the development or until the occupation of 1,000 dwellings which ever is later.

Options

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| Option One | To continue to support the PCT in its procurement of the re-provision if a new hospital. |
| Option Two | Not to support the PCT in its procurement of the re-provision if a new hospital. |

The meeting ended at 7.25 pm

Chairman:

Date: