

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

Published on Friday 23 September 2011

Agenda Item 5

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 5 September 2011 at 6.30 pm

Present: 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 D M Pickford
Councillor Nicholas Turner

Also Present: Councillor Leslie F Sibley, Leader of the Labour Group
Councillor Tim Emptage, Leader of the Liberal Democrat Group
Councillor Kieron Mallon

Apologies for absence: Councillor Nigel Morris

Officers: Sue Smith, Chief Executive
Ian Davies, Strategic Director - Environment and Community
John Hoad, Strategic Director - Planning, Housing and Economy
Philip Clarke, Head of Planning Policy and Economic Development
Gillian Greaves, Head of Housing Services
David Marriott, Head of Regeneration & Estates
Paul Marston-Weston, Head of Recreation & Health
Ed Potter, Head of Environmental Services
Chris Rothwell, Head of Safer Communities, Urban & Rural Services
Alison Davies, Project Manager
Claire Taylor, Corporate Strategy and Performance Manager
Karen Muir, Corporate System Accountant
Steven Newman, Economic Development Officer
Nigel Bell, Team Leader - Planning and Litigation / Interim Monitoring Officer
Natasha Clark, Senior Democratic and Scrutiny Officer

31 **Declarations of Interest**

Members declared interests in the following agenda items:

20. Value For Money Review of Public Protection.

Councillor Nicholas Turner, Personal, as the owner of premises inspected and licensed by the department and would leave the room for the duration of the item.

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

There were no petitions or requests to address the meeting.

33 **Urgent Business**

There were no items of urgent business.

34 **Minutes**

The minutes of the meeting held on 4 July 2011 and 26 July 2011 were agreed as a correct record and signed by the Chairman.

35 **Quarter 1 Finance Report**

The Head of Finance submitted a report which summarised the Council's Revenue and Capital performance for the first 3 months of the financial year 2011/12 and projections for the full 2011/12 period. These are measured by the budget monitoring function and reported via the Performance Management Framework (PMF) informing the 2011/12 budget process currently underway.

The report also presented information on treasury management performance and compliance with treasury management policy during 2011/12 as required by the Treasury Management Code of Practice.

Resolved

- (1) That the projected revenue & capital position at June 2011 be noted.
- (2) That the Q1 performance against the 2011/12 investment strategy and the financial returns from each of the 3 funds be noted.
- (3) That the contents and the progress against the Corporate Procurement Action Plan and the Procurement savings achieved at June 2011 be noted.

Reasons

This report illustrates the Council's performance against the 2011/12 Financial Targets for Revenue, Capital, Treasury and Procurement Monitoring.

Options

Option One To review current performance levels and considers

any actions arising.

Option Two

To approve or reject the recommendations above or request that Officers provide additional information.

36

2012/13 Budget Strategy, Service & Financial Planning Process and 2012/13 Budget Guidelines

The Head of Finance and Corporate Strategy and Performance Manager submitted a report which informed the Executive of the service and financial planning process for 2012/13, sought approval of the 2012/13 budget strategy and agreement of budget guidelines for issue to service managers to enable the production of the 2012/13 budget and updated Members on the Medium Term Financial Strategy for 2012/13 onwards.

Resolved

- (1) That the latest forecast for the Council's revenue budget for 2012/13 to 2015/16 be noted.
- (2) That the preliminary results from the public consultation and proposed prioritisation framework be noted.
- (3) That the overall 2012/13 budget strategy and service and financial planning process be endorsed.
- (4) That the proposed budget guidelines and timetable for 2012/13 budget process be agreed.

Reasons

The Council needs to set guidelines and a timetable for the preparation of draft estimates for 2012/13. These guidelines should support the objectives contained in the 5-Year Corporate Plan, Improvement Strategy and in particular the updated Medium Term Financial Strategy.

Council will be asked to agree the 2012/13 budget and corporate plan (and the service plans that underpin delivery) at their meeting in February 2012.

(Councillor Atack left the meeting at the conclusion of this item)

37

Overview and Scrutiny Reports: Commissioning of Advice, Volunteering and Voluntary Car Driving Schemes in Cherwell

The Interim Head of Legal and Democratic Services submitted a report which sought consideration of the overview and scrutiny report on Commissioning of Advice, Volunteering and Voluntary Car Driving Schemes in Cherwell.

The Chairman of the Overview and Scrutiny Committee presented the reports. He explained that that the Committee had held three sessions to consider

each area in detail and presented their findings which fell under three headings: (i) the project was about commissioning not cost cutting; (ii) the commissioning project would offer improvements; (iii) funds needed to be channelled to relevant services. The Committee has concluded that they supported the Executive decision to move forward with the commissioning project. The Overview and Scrutiny Committee Chairman thanked the Strategic Housing Manager and Strategic Housing Officer for their hard work and support to the Committee throughout the review.

The Executive thanked the Overview and Scrutiny Committee for their work on the review. The Lead Member for Housing commended the review and explained that it was important for the Committee's findings to feed into the project. She subsequently tabled revised recommendations for consideration.

Councillor Sibley, Leader of the Labour Party, addressed the Executive to commend the review of the Overview and Scrutiny Committee and sought confirmation about the transition in the funding arrangements for the services.

In response to Councillor Sibley's address, the Chairman confirmed that Members were seeking to protect the service, however the funding arrangements would change from grant aid to commissioning which would involve contractual service provision to meet the requirements of the district.

Resolved

- (1) That the Overview and Scrutiny Committee be thanked for the thorough work it had undertaken in considering the commissioning exercise.
- (2) That Executive confirms earlier signals that existing funding agreements will cease from 2012/13.
- (3) That, following resolution (2) above, officers, as a priority, continue their discussions with Oxfordshire County Council regarding the creation of a county wide Dial-a-Ride scheme, taking full account of ongoing customer surveys and protecting the needs of the most vulnerable customers.

Reasons

The Overview and Scrutiny Committee confirmed their support for the Executive's decision to proceed with the commissioning project and agreed that it was important that the project progressed according to the set timetable to ensure that no residents were disadvantaged in April 2012 because contracts and suppliers were not in place.

Options

- | | |
|-------------------|--|
| Option One | To note the conclusions contained in the Overview and Scrutiny report. |
| Option Two | Not to note the conclusions contained in the Overview and Scrutiny report. |

Cherwell Economic Development Strategy

The Head of Planning Policy and Economic Development submitted a report which asked the Executive to approve a final version of the Economic Development Strategy 2011 – 2016 for subsequent consideration by the Local Strategic Partnership Board.

Councillor Tim Emptage, Leader of the Liberal Democrat Group, addressed Executive regarding elements of the Economic Development Strategy relating to Kidlington.

The Executive noted the importance of the Economic Development Strategy for the district and that the key to maintaining momentum would be through the action plan. Members expressed their thanks to the Economic Development Officer and the Planning Policy team for their hard work.

Resolved

- (1) That the Economic Development Strategy (attached as an annex to these minutes as set out in the minute book) be approved to go forward to the Board of the Local Strategic Partnership (LSP) for final approval.
- (2) That the Head of Planning Policy & Economic Development be authorised, in conjunction with the Lead Member for Estates, to agree any further non substantive changes to the document following this Committee and either prior to, or following, its consideration by the LSP Board at the end of this month.

Reasons

The Economic Development Strategy is an important document for helping shape the economic development priorities of the Cherwell District. It will help us to consider how best to use our resources, and those of our partner organisations within the LSP, to build upon the strengths within our economy and tackle those issues we know that our local economy is facing now, and to respond to issues that our economy will certainly face in future.

Options

- | | |
|---------------------|---|
| Option One | To approve the Economic Development Strategy for consideration by the LSP Board |
| Option Two | To approve the Economic Development Strategy with amendments for consideration by the LSP Board |
| Option Three | Not to approve the Economic Development Strategy. |

Car Park Order Notice

The Head of Safer Communities, Urban and Rural Services submitted a report which advised Members of any objections to the Cherwell District

Council (Off-Street Parking Places) (Banbury, Bicester and Kidlington) Order advertised on 4 August 2011 and to seek authority to make the Order subject to any objections received.

The Deputy Leader advised Executive that fourteen responses had been received via the consultation portal comprising both objections and approvals to each of the proposals. He reported that none of the objections were sufficiently strong to recommend any amendments to the proposals and these would therefore be introduced on, or as soon after, 11 November 2011 as practicable. The Deputy Leader confirmed that all changes would be publicised.

Councillor Sibley, Leader of the Labour Group, sought clarification about the consultation process. The Leader and Deputy Leader of the Council confirmed that the correct legal processes had been followed and the statutory requirements for the consultation met.

Resolved

- (1) That the responses to the Order be noted.
- (2) That formal Order Making on final proposals for implementation on, or as soon after, 11 November 2011 as is practicable be authorised.

Reasons

Subject to any objections received to the Order Notice; the Executive dealing with these objections; and the required implementation works being carried out, the proposals will be implemented on or as soon after 11 November 2011.

Options

Option One Consider and deal with any objections to the Cherwell District Council (Off-Street Parking Places) (Banbury, Bicester and Kidlington) Order

40

Kidlington Pedestrianisation and Traffic Regulation Order

The Head of Regeneration and Estates submitted a report which sought approval to make a new Traffic Regulation Order for Kidlington High Street.

Councillor Emptage, Leader of the Liberal Democrats, addressed Executive and commended the pedestrianisation scheme noting the positive impact it would have on Kidlington. He also thanked officers and particularly the Urban Centres Development Officer for all their hard work progressing the scheme.

Resolved

- (1) That the making of a new Traffic Regulation Order (TRO) for Kidlington High Street be approved.

Reasons

This project is identified as a priority in the Regeneration and Estates Service plan and is a key partnership project undertaken at the request of the Kidlington Village Centre Management Board and Kidlington Parish Council.

Options

Option One Approve the making of the Order for the scheme to move forward.

Option Two Reject the making of the Order. However this will result in the postponement of any further work on the scheme and a failure to meet Service Plan targets.

41

Bicester Civic Building

The Head of Regeneration and Estates submitted a report which sought consideration of the brief and options for the procurement of a new civic building for Bicester, and determination of the preferred method of procuring this building.

Resolved

- (1) That the Council pursue the development of the Franklins Yard car park site with a new civic building, to comprise offices and a public library, together with a proposed hotel, on the basis that the Council finances the development in return for a future revenue income, subject to the terms of the pre-letting agreements being approved by this Committee, and completed, prior to the scheme being committed.
- (2) That any costs or expenses incurred in fees and expenses necessary to progress this proposal being met from the existing capital approval for the Bicester town centre redevelopment scheme.
- (3) That £5m of general capital receipts be earmarked to this project and a further report be submitted seeking the necessary capital approval, when the costs and income achievable are known.

Reasons

The key issue is whether the Council wishes to invest further capital in Bicester town centre in return of a commercial rate of return. If it does so it can maintain full control over the project.

If the Council does not wish to invest in this site, it could look to the market to provide the premises required, and secure a capital contribution towards the cost of the proposed new offices. However, it would be necessary to transfer a significant degree of control over the project to the developer selected.

Options

Option One

The Council to act as developer, and to build the new civic building and a hotel, assuming pre-letting agreements can be secured with OCC and a hotel operator, and Bicester Town Council if relevant. The Council will have to commission a degree of design work before it is possible to secure the binding occupier agreements, but beyond that, it would not be required to proceed unless it was reasonably satisfied that the return would be as expected. It would be possible to finance these professional fees from the existing £10m capital approval relating to the town centre scheme, as the terms agreed with the developer of that scheme indicate that the net expenditure which the Council will incur will not exceed £8.55m.

At this stage the projected return on capital appears to be very attractive, and in line with normal commercial expectations. The process of designing the scheme, obtaining planning consent and letting a building contract is likely to take around 18 months, and consequently it would not be necessary to finalise the brief until spring 2012, if a start in autumn 2013 is desired. Autumn 2013 is the time when the existing car park is scheduled to close following the opening of the new town centre scheme car park.

Option Two

To advertise the development opportunity on the open market, and seek to appoint a development partner who would enter into a development agreement with the Council to provide the civic building, in part consideration for the opportunity to develop the remainder of the site. This would be designed to allow the market to identify the most valuable use for the site, but it is likely to be difficult to secure a revenue return rather than a capital contribution. The developer will take a proportion of the development value as profit. This approach is likely to involve a substantial lead in period before development could start, as it would be necessary to select a development partner and negotiate a development agreement. Significant legal costs are likely to be required. The process is likely to take at least two years, and hence, if the development is to commence in the autumn of 2013, an early start is needed. This presents a problem as OCC are not yet able to commit to acquiring the library, and there is no certainty as to the Town Council's possible requirement.

42 **Award of Contracts for the Design, Supply and Installation of Photovoltaic Panels to Six Commercial Buildings for Cherwell District Council**

The Head of Regeneration and Estates submitted a report which sought approval to award six contracts for the Design, Supply and Installation of Photovoltaic Panels to six commercial buildings for Cherwell District Council.

Resolved

- (1) That contracts for Lots 1, 2 and 6 be awarded to the companies identified in the exempt Appendix 1 (as set out in the exempt annex to these minutes as set out in the minute book).
- (2) That, subject to finalising negotiations with Parkwood Leisure Ltd and in consultation with the Lead Member for Financial Management and the Head of Finance, contracts for Lots 3, 4 and 5 be awarded to the companies identified in the exempt Appendix 1 (as set out in the exempt annex to these minutes as set out in the minute book).

Reasons

The approval of this Executive report will benefit the Council with a guaranteed income and savings. This is expected to be a combined sum of £102,322 for year one with a carbon reduction of 198t CO₂ per annum for the next 25 years. The Council will continue to benefit from these systems for a 25 year period but the actual savings will depend on fluctuating electricity costs and the manufacturer's efficiency factors applying to the panels as stipulated in the manufacturer's warranty i.e. 90% minimum power output guaranteed for 10 years and 80% minimum power output guaranteed for a further 15 years

This project is identified in Cherwell's Carbon Management Plan (approved by the May 2011 Executive) and will achieve approximately 3.6% of the overall 22% energy reduction target.

The Council will demonstrate leadership in the community on being environmentally conscious through good value for money procurement with an excellent return on investment. Energy generated will also increase the Council's security against future energy cost increases and allow energy budget savings.

43 **Value For Money Review of Vehicle Maintenance and Fleet Management**

The Strategic Director for Environment and Community, the Head of Environmental Services and the Improvement Manager submitted a report which sought consideration of the findings of the Value for Money Review of Vehicle Maintenance and Fleet Management and the recommendations arising from the report.

Resolved

- (1) That the Value For Money conclusion that the service offers good value for money and has actively driven down its cost base, providing a top performing, high quality service be endorsed.
- (2) That the Service Plan Framework as a guide for the service in future years including areas for future improvements, savings and increased income be adopted.
- (3) That the projected MOT Bay income shortfall in 2011/12 and the plans in place to reduce costs and increase income to address the shortfall in-year be noted.
- (4) That the following recommendations to achieve additional savings and income be agreed:
 - £8k per annum from 2012/13, through improved fleet procurement and reduced spending on parts
 - Potential future revenue savings and income of £12k from a number of sources including working in partnership with other agencies, neighbouring councils and procurement partnerships
 - Additional new capital income source totalling £12k in both 2011/12 and 2012/13, rising to £24k in future years, as a result of improving the re-sale value achieved at auction from Council-owned equipment.

Reasons

Cherwell's Vehicle Maintenance and Fleet Management Service offers good value for money to the Council.

The Service Plan Framework sets out a guide to planning the future service, within which the service can undertake its annual service and budget setting activity.

Agreeing to the level of income and savings proposed by this review assists the Council in delivering its Medium Term Financial Strategy.

44 **Performance and Risk Management Framework 2011/12 First Quarter Performance Report**

The Chief Executive and Corporate Strategy and Performance Manager submitted a report which presented the Council's performance for the period 01 April to 30 June 2011 as measured through the Performance Management Framework.

Resolved

- (1) That the following achievements be noted:

Cherwell: A District of Opportunity

- Job clubs continue to provide a strong service with solid attendance and special events planned for the next quarter to improve accessibility.
- Business support – good progress has been made with support to local business through the advisory service and the investment partnership. In addition a business breakfast in Banbury was held around the theme of apprenticeships, local business were asked to make pledges to improve local opportunities. This resulted in more than 140 pledges including ten apprenticeships and 28 placements lasting from one to eight weeks. The Council is also continuing its successful business apprenticeship scheme.

A Cleaner Greener Cherwell

- Feasibility work has been commissioned to explore potential sites for more bring bank recycling centres.
- A neighbourhood litter blitz has taken place in Kidlington, helping to work with local communities to improve the environmental quality of their areas.

A Safe, Healthy and Thriving Cherwell

- Good progress towards securing the long term future of the Banbury Museum through work to develop a museum trust.
- The Council continues to provide a strong community leadership role for local health provision. During the first quarter the Council has supported the first meeting of the new Community Partnership Network to ensure effective stakeholder engagement in local health issues. The Horton Hospital paediatric appointments and anaesthetic service models are now complete and in place.

An Accessible, Value for Money Council

- Additional resources will be available over the summer to ensure that processing times for housing and council tax benefit claims do not increase. Briefing sessions for voluntary and other agency advisors supporting those affected by benefits changes have continued and been very successful.
- The Council has continued its programme of public engagement and consultation with work to consult on long term budget priorities undertaken. Successful community engagement events aimed at improving the accessibility and delivery of services have taken place, these include the parish, faith and disability forums as well as a number of consultations undertaken using the Council's web based consultation portal.

- (2) That officers be requested to report in the second quarter on the following items where performance was below target or there are emerging issues.

Cherwell: A District of Opportunity

- Number of households living in temporary accommodation: a rise in the figures has occurred during June with 36 households against a predicted number of 33. Preventative and advisory work continues and the implications of national policy changes are being monitored.
- Deliver 500 new homes: performance against this target is off track with 32 completions against a target of 125. During the year it is expected that the rate will increase but the national economic context is still suppressing performance.

A Safe, Healthy and Thriving District

- Leisure centre usage: visitor figures are down in comparison to the same period as last year. Issues such as extended bank holidays are likely to be a cause; however the issue will be reviewed with the provider to ensure there are no other factors.
- (3) That the responses identified to issues raised in the end of year performance report be agreed.
- (4) That officers be requested to produce a one page summary of the Quarter 1 performance highlights for circulation to all Members.

Reasons

This report presents the Council's performance against its corporate scorecard for the first quarter of 2011/12. It includes an overview of our successes, areas for improvement and emerging issues to be considered.

Options

- Option One**
1. To note the many achievements referred to in paragraph 1.3.
 2. To request that officers report in the first quarter on the items identified in paragraph 1.4 where performance was below target or there are emerging issues.
 3. To agree the responses identified to issues raised in the end of year performance report in paragraph 2.1 or to request additional action or information.
- Option Two** To identify any additional issues for further consideration or review.

45 **Exclusion of the Press and Public**

Resolved

That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Schedule 12A of that Act.

46 **Award of Contracts for the Design, Supply and Installation of Photovoltaic Panels to Six Commercial Buildings for Cherwell District Council - Exempt Appendix 1**

The Committee considered the exempt annex to the report of the Head of Regeneration and Estates which detailed the financial appraisal and proposed contract award.

Resolved

(1) That the exempt annex be noted

47 **Woodgreen Leisure Centre - Leisure Management Contract**

The Strategic Director Environment and Community submitted a report which sought consideration of the Woodgreen Leisure Centre leisure management contract.

Resolved

That the resolutions as set out in the exempt minute be approved.

48 **Value For Money Review of Public Protection**

The Strategic Director Environment and Community submitted a report which sought consideration of the findings of the Value for Money Review of Public Protection and the recommendations arising from that report.

Resolved

That the resolutions as set out in the exempt minute be approved.

(Councillor Turner left the meeting for the duration of this item)

The meeting ended at 8.30 pm

Executive - 5 September 2011

Chairman:

Date:

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Executive

Bolton Road Draft Supplementary Planning Document

3 October 2011

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

PURPOSE OF REPORT

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

This report is public

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.

Executive Summary

Introduction

- 1.1 The Bolton Road area is located within the north west area of Banbury Town Centre. It is bounded by Castle Street to the North, North Bar to the West, the rear of Parsons Street to the south and Cornhill and Castle Quay shopping centre to the east. Part of the site is also within the Banbury Conservation Area. The site is 1.7 ha in area and is currently occupied by a multi-storey car park, Gala Bingo, Hi-Q tyre centre, WRVS community building, Bolton Road, the rear of properties on Parsons Street, North Bar and Cornhill and ground level parking and provides access to rear servicing.
- 1.2 A draft Supplementary Planning Document (SPD) has been prepared to promote and manage future comprehensive development proposals in the Bolton Road area. This is in order to create a cohesive mix of development

that complements surrounding land uses and expands the offer in the town centre. It will help to control smaller, individual development schemes within the area, which could otherwise prejudice the Council's vision for the area.

- 1.3 The SPD will include a masterplan for the site outlining the preferred (and required) uses, form, urban design and vehicle and pedestrian routes on and through the site. The text of the SPD will add background, detail and explanation to this plan.
- 1.4 A 'Companion Document' is being prepared to accompany the SPD which includes a Statement of SPD matters, a Statement of Consultation, technical papers and further information regarding the evidence base. The document is currently still being completed, but it is recommended it is placed on public consultation alongside the Draft SPD.

Background

- 1.4 In 2006, the Council commissioned a retail study from consultants CBRE to consider the likely need for further retail floorspace across the district. Within Banbury, the Study concluded that the town would have the capacity to accommodate significant levels of increased shopping floorspace and it recommended that the LDF make allocations accordingly. It considered a number of alternative sites around the town centre and concluded that the site at Bolton Road should be afforded the greatest priority.
- 1.5 Following this, a report was approved by the Executive in April 2008 to consider the proposed designation of land at Bolton Road, Banbury as a possible regeneration area, and to approve the necessary work to assess the feasibility of such a proposal. Further background information on the site can be found within this report.
- 1.5 Further to this approval, the Council identified the Bolton Road area of Banbury in the February 2010 draft Core Strategy, policy BAN 8, as a site to bring forward for redevelopment.
- 1.6 In 2010 CBRE provided an update to the PPS6 (retail) assessment of Cherwell's three urban centres. The updated version also includes a section in reference to the Bolton Road area. The 2010 report confirmed the information presented in 2006, that this site could offer suitable accommodation for larger retailers, both convenience (especially in light of the disappearance of Summerfield from Castle Quay) and comparison and should be given the greatest priority by the Council. The site offers an ideal opportunity to provide significant additional retail floorspace adjacent to the current Shopping Centre, as well as potential leisure uses.
- 1.7 In December 2010, Broadway Malyan was appointed by Cherwell District Council to draft and produce the SPD and accompanying masterplan in conjunction with the Council. They will also undertake the public consultation and analyse the responses to assist us in preparing a final draft of the SPD to be considered again by the Council in due course.
- 1.8 The Executive is being asked to approve the draft SPD and Companion document for public consultation. A leaflet will also be produced for public consultation summarising the draft SPD. The Consultation will be undertaken for a period of 6 weeks during the autumn during which a public exhibition

showing proposals for the site will be available to view. The public consultation will take place in accordance with the Council's adopted Statement of Community Involvement. After the consultation period has ended, the representations made will be brought back to the Executive to consider and Members will be asked to approve a final SPD document. This is likely to be in February 2011, when Members will be asked to approve a, possibly revised, document for development control purposes.

Planning Policy

- 1.9 All Supplementary Planning Documents must be prepared in accordance with a "parent policy" which is contained within a Development Plan Document (DPD). In the case of this SPD, the relevant DPD is the Core Strategy. However a draft version of the Core Strategy is still being prepared, with draft relevant 'parent policy' being BAN 8 which states:

'Land at Bolton Road will be developed to provide new shopping and other town centre uses'

On adoption of the Core Strategy the SPD will also be formally adopted.

- 1.10 In the meantime, the Council intends to approve the SPD early next year for development control purposes as informal planning policy to encourage and enable potential development promoters to bring forward suitable proposals for the whole of the Bolton Road area. If necessary, the Council will use the SPD alongside other relevant planning policy to refuse planning applications that it considers are contrary to SPD policy.

Development Proposals

- 1.11 The Draft SPD sets out a vision for the Bolton Road area and a series of detailed requirements to guide its future development. These are listed below and explained in more detail in the draft SPD and identified on the masterplan. Both are attached in Appendix 1.
- 1.12 The development proposals have been devised with regard to the environmental constraints and financial challenges associated with this site. In preparing any proposals, a number of key factors needs to be addressed:-
- Any scheme must be financially viable and offer an attractive development opportunity. The Council has been advised that the financial viability of this development is likely to be driven by the inclusion of a substantial foodstore within the scheme.
 - There is currently a large car park on the site and any redevelopment proposal must retain public car parking, recognising that further development will increase car parking demand further.
 - The site includes a number of existing uses for which provision needs to be made. These include the WRVS building, the Gala Bingo hall and toilets / washroom for market traders.
- 1.12 The preferred option proposes the comprehensive redevelopment of the site and comprises:
- Replacement car park (no fewer than 630 spaces)

- Anchor foodstore - (circa. 60,000 sq ft)
- Comparison retail units (circa. 30,000 sq ft)
- Replacement WRVS facility (circa. 5,000 sq ft)
- Replacement market trader's toilet/washroom
- Replacement Vehicle Park Wardens Office
- Leisure/ Gala Bingo (circa. 7,000 sq ft)
- Hotel (80 – 100 bed)
- Public square

1.13 As well as being a key development opportunity, the site also occupies a key position within Banbury town centre. Any redevelopment poses some major urban design and conservation challenges and offers major opportunities to improve the appearance and functioning of the town centre as a whole. For example:-

- There are opportunities to provide improved pedestrian movement in the area by improving links into and through to Parsons Street. These will increase pedestrian movements along Parsons Street for the benefit of traders and the town centre as a whole. Furthermore, pedestrian movement from the north along the pedestrian footpath on Castle Street, can also be improved.
- There are currently a number of properties and areas of private off street parking that are served by Bolton Road. Any changes to these arrangements will need to be carefully considered.
- There is a sensitive relationship with the setting of adjacent Listed Buildings and the Conservation Area. The scale and massing of any new development in this area must be such that it enhances, and does not dominate, this historic environment.

Partners and Stakeholders

- 2.1 A project team consisting of the Council, together with Broadway Malyan and their supporting consultants with input from Oxfordshire County Council was formed to oversee the work on the draft SPD.
- 2.2 During the preparation of the SPD the Council has engaged with a number of key stakeholders and landowners.
- 2.3 Workshops were held at Banbury Town Hall in March 2011 to which stakeholders were invited. A separate meeting was also held with the affected occupiers of properties which are adjacent to the site.
- 2.4 Consultees participated in identifying the opportunities and challenges facing the site and assisted in establishing a vision for the Bolton Road area. More detail about this consultation is set out in the Companion Document which will be available to view once the public consultation starts.

Key Issues for Consideration/Reasons for Decision and Options

- 2.1 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.

- 2.2 The main issue for consideration is whether to endorse the Draft SPD for public consultation.
- 2.2 The following options have been identified. The approach in the recommendations is believed to be the best way forward.

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

Implications

Financial: A capital bid of £50,000, from Regeneration and Estates is in the approved capital programme towards provision of a Council document for the redevelopment of the Bolton Road area. There are also additional funds available within the Planning Policy consultancy budget should they be required. These are considered to be sufficient to cover the costs associated with drafting and making an SPD as well as this public consultation and associated costs.

Comments checked by Karen Muir, Corporate System Accountant 01295 221559

Legal: It should be noted that, even after public consultations have been completed and when the SPD has been approved for development control purposes, it will remain an informal document only, until the Core Strategy has been adopted.

Comments checked by Nigel Bell, Team Leader – Planning & Litigation / Interim Monitoring Officer, 01295 221687

Risk Management: If the draft SPD is not supported and significant changes proposed this will delay the public consultation and could create financial implications for the Council. Even when the public consultation is undertaken there could still be objections which could delay the production of the SPD. If significant objections are received it could require further Council expense of a second consultation.

Comments checked by Claire Taylor, Corporate Strategy and Performance Manager 01295 221563

Wards Affected

All wards in Banbury

Corporate Plan Themes

A District of Opportunity

Executive Lead Member

Councillor Norman Bolster
Lead Member for Economic Development and Estates
Councillor Michael Gibbard
Lead Member for Planning

Document Information

Appendix No	Title
1	Draft SPD and Masterplan
Background Papers	
PPS6 Assessment, CBRE for Cherwell District Council, December 2006 and update 2010 Draft Core Strategy, Cherwell District Council, February 2010 Executive Report 7 April 2008	
Report Author	Lisa Chaney, Urban Centres Development Officer
Contact Information	01295 221843 lisa.chaney@Cherwell-dc.gov.uk

- anchor retail
- retail / A3
- community
- hotel
- circulation / ancillary
- potential for new frontage development
- building with regeneration potential providing active frontages
- long term development potential to create good connectivity
- new boundary treatment
- existing walls to be retained / restored
- potential for improvements to rear courtyards, landscaping / parking / access
- active frontage
- existing tree to be retained



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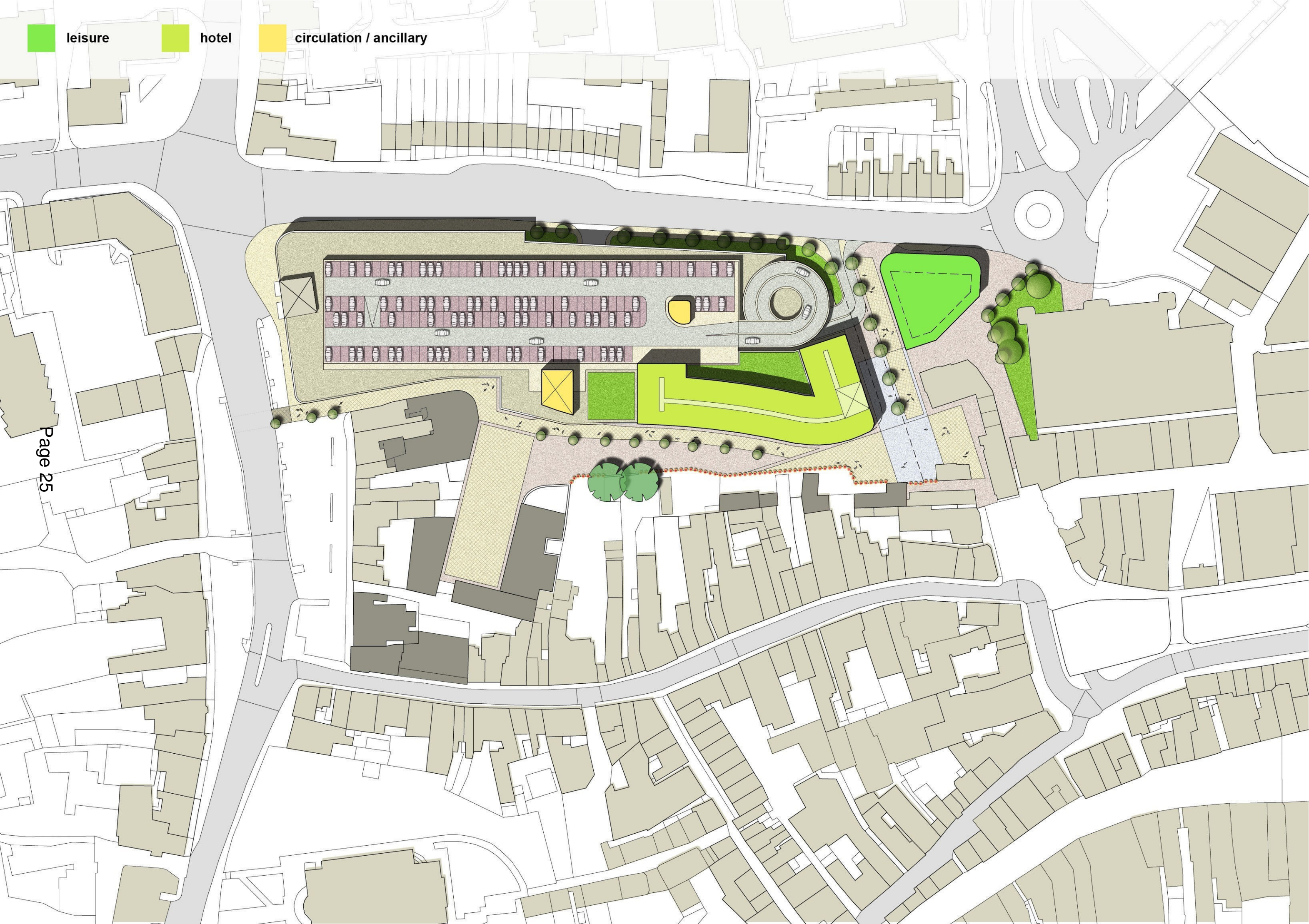
leisure



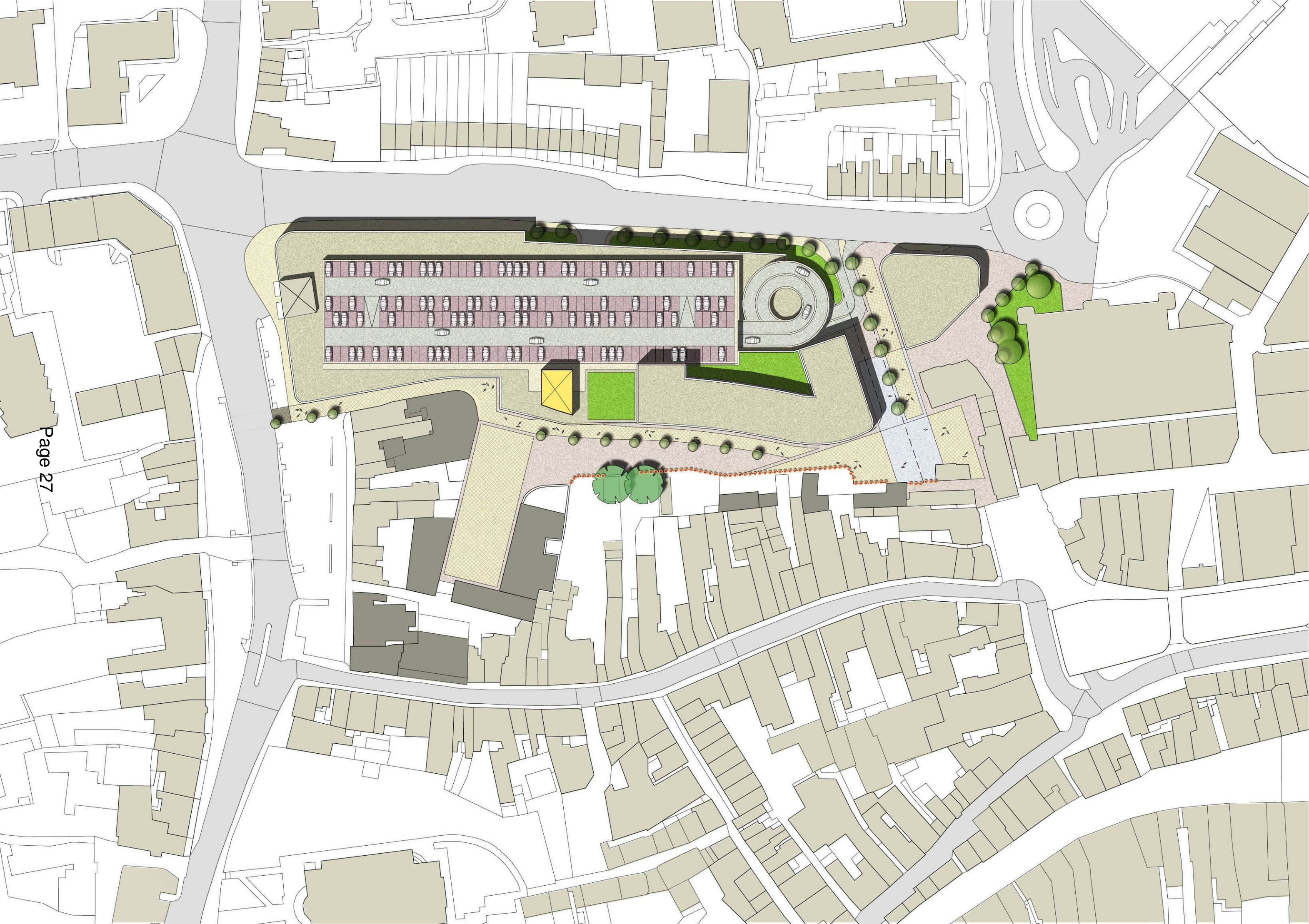
hotel



circulation / ancillary



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LAND AT BOLTON ROAD, BANBURY

DRAFT SUPPLEMENTARY PLANNING DOCUMENT TEXT

1. Introduction

1.1 Land at Bolton Road

Cherwell District Council is seeking to strengthen the role of Banbury Town Centre and a number of strategic development sites have been identified in various parts of the town centre to help realise this objective. This Draft Supplementary Planning Document (SPD) relates to the development of one of these key sites - Land at Bolton Road, which been identified in the Draft Core Strategy as a strategic allocation to deliver new retail and other town centre uses (Policy BAN 8).

The area covered by the SPD extends to 1.7 hectares. It is located within the designated shopping area on the northern edge of Banbury Town Centre, immediately to the west of the Castle Quay Shopping Centre. It is bounded to the north by Castle Street, to the west by North Bar Street and to the south by Parsons Street. Figure 1.1 shows the area covered by the SPD.



Figure 1.1: Site Plan

Most of the site lies outside the Banbury Conservation Area and the majority of existing buildings within the site are of no architectural merit. However, the adjacent streets of North Bar Street and Parsons Street are within the conservation area and exhibit high townscape quality with a number of listed and locally listed buildings. This will be a key consideration in assessing future development proposals to ensure that the historic character of the town centre is protected and enhanced whilst meeting regeneration objectives.

1.2 Background

Banbury is a historic market town and is the largest shopping and service centre within Cherwell District with a population of around 45,000. It is recognised in the South East Plan as one of two primary regional town centres in Oxfordshire and will be promoted as the principal focus for a range of town centre uses.

The town has experienced significant growth due to its proximity to the M40 motorway linking London to Birmingham, as well as excellent rail services. However, as a result of its accessible location and the proximity of other major retail centres, many residents commute out of the area and travel further afield for shopping facilities and this has led to a loss of retail expenditure in the town. With a large population increase expected over the next 20 years and increasing competition from other centres, it is important that Banbury provides a more attractive, improved and cohesive town centre to improve footfall and increase town centre prosperity.

Today the town centre offers good shopping facilities in an attractive pedestrianised environment. There is a mix of larger chain stores, mainly located in the Castle Quay Shopping Centre; and smaller independent and specialist shops, located along the historic lanes within the town centre, including a number along Parsons Street, immediately south of the site.

The Castle Shopping Centre was opened in 1974 and expanded into Castle Quay in the 1990s. This subsequent expansion created a well integrated addition to the retail offer in Banbury. In addition to its retail offer, a market is held in Market Place on a Thursday and Saturday. However, there is now a need to improve the quality and range of the retail offer in order to ensure that Banbury retains and enhances its status as a major regional town centre.

Research carried out for the Council in 2006¹ identified the need for additional retail development in Banbury. A subsequent report² highlighted a shortage of suitable redevelopment sites in the town centre and identified Land at Bolton Road site as the best opportunity to bring forward new retail development.

Land at Bolton Road offers a unique opportunity to build on the recent environmental improvements which have taken place in the town centre to make Banbury a more attractive destination. This will be done by promoting a high quality development which is well integrated with its historic surroundings and by improving the range of retail and other town centre uses and the appearance of the public realm.

The site offers the potential for significant additional retail floorspace and is particularly suitable for larger retailers who are currently under-represented in the town centre given its location adjacent to the existing shopping centre. The site also

¹ PPS6 Assessment, CB Richard Ellis for Cherwell District Council, December 2006

² Retail Study Update, CB Richard Ellis for Cherwell District Council, 2010

provides the opportunity to improve the convenience retail offer, given the current lack of a major food retailer within the town centre. In addition it presents the opportunity to improve pedestrian links to Parsons Street and increase pedestrian footfall in this part of the town centre. The Council has therefore identified Land at Bolton Road as a strategic site which it will seek to bring forward for redevelopment in the short to medium term.

1.3 The Role of the SPD

This Draft SPD has been prepared by Broadway Malyan in conjunction with Cherwell District Council to promote and manage future development proposals for the site. The SPD will provide a framework for the enhancement and redevelopment of the Bolton Road site, which we anticipate will take place in the next 3-5 years.

The SPD will:

- Set out the Council's aspirations for the site in terms of Development and Design Principles which will enable development proposals to be prepared
- Indicate through an illustrative masterplan how the objectives for the site can be achieved in accordance with these Principles
- Indicate what would be required by the Council in determining any future planning application.

The illustrative masterplan provides further guidance on the scale of development and mix of uses that will be supported on the site in accordance with the Draft Core Strategy. It illustrates how an appropriate mix of convenience and comparison shopping, together with other town centre uses can be accommodated on the site as part of a comprehensive redevelopment scheme to promote the regeneration of this part of the town centre. The masterplan sets out one approach in which the site could be developed, other forms of development will be considered where it can be demonstrated that they satisfy the development and design principles set out in the SPD.

A 'Draft SPD Companion Document' has been prepared to accompany this SPD which includes a statement of SPD matters, a Statement of Consultation and further background evidence.

1.4 The Status of the SPD

This Draft SPD is being issued for public consultation. Comments received from the consultation will be reviewed and any necessary changes will be made to the document. The Council intends to use the SPD as a material consideration in planning applications to encourage and enable suitable development proposals to be brought forward for the area.

The Council expects to submit its Core Strategy for Examination during 2012 and it is expected that, following adoption, the SPD relating to Land at Bolton Road will be adopted as a formal part of the Local Development Framework.

1.5 Consultation to Date

Stakeholder and community engagement has taken place during the preparation of the Draft SPD and has involved the following events:

- a series of workshops in March 2011 attended by local stakeholders;
- a Council Members workshop in March 2011
- a presentation to local businesses in April 2011 (including the businesses located on Parsons Street given their proximity to the site and the importance of integrating any new development with adjoining properties and accommodating existing servicing requirements); and
- Telephone interviews with key stakeholders during May and June 2011, (which provided an additional opportunity to engage with those businesses located on Parsons Street).

Preparation of the Draft SPD has also involved consultation with other key stakeholders including Oxfordshire County Council Highways.

A Statement of Consultation is included within the 'Draft SPD Companion Document'.

1.6 Structure of this Document

This document comprises the following sections:

- Section 2 sets out the vision and objectives for the site
- Section 3 provides a short summary of the context for development including planning policy and a review of current development opportunities (further details are provided in the Companion Document)
- Section 4 provides an assessment of existing site conditions and an analysis of constraints and opportunities
- Section 5 sets out development and design principles for the site
- Section 6 sets out the option appraisal process
- Section 7 sets out an illustrative Masterplan for the site
- Section 8 sets out important considerations relating to the delivery and implementation of the SPD objectives

- Section 9 sets out the monitoring and review process

1.7 How to Comment

This SPD is a draft document for public consultation. In order to help define the vision for the site and shape the form of development we would like your views on:

- The principle of redeveloping Land at Bolton Road
- The vision and objectives for the site
- The design and development principles for the site
- The illustrative Masterplan for the site
- How the development proposals and regeneration of the area will be delivered

*HOW TO COMMENT & TIMESCALES
WHERE DOCUMENT AVAILABLE*

Viewing the Document

ADD DETAILS

Submitting your Comments

ADD DETAILS

2. Vision and Objectives

2.1 The Vision

To revitalise this part of Banbury town centre through a new mixed use retail led development which will protect and enhance the heritage assets of the area whilst positively embracing change.

The development will improve the quality and range of retail floorspace and other town centre uses and the quality of the public realm to make this part of the town centre a more attractive destination and a place with its own identity.

A comprehensive development scheme will deliver high quality new buildings and public spaces and enhanced pedestrian linkages and improvements to the appearance of the rear of properties in Parsons Street and North Bar Street. The regeneration of the area will significantly add to the visitor experience and revitalisation of surrounding streets and improve the vitality and viability of the town centre.

2.2 Objectives

The development of Land at Bolton Road must satisfy a number of key objectives. These objectives are:

- Improve the quality and range of the town centre offer
- Integrate the site with the surrounding area
- Enhance existing heritage assets and local character
- Create a high quality public realm
- Improved connections

Objective 1: Improve the quality and range of the town centre offer

Any redevelopment must provide a significant element of new convenience and comparison retail floorspace to meet occupier requirements and enhance retail and consumer choice. Retail uses should form part of a mixed use development including other town centre uses, such as leisure and facilities and also promote Banbury as a visitor destination.

Any retail development should complement the existing retail offer in Parsons Street by providing accommodation suitable for larger retailers.

The town centre offer should also be improved by re-providing a multi storey car park of at least the same number of spaces as currently provided on the site.

At the same time, any development proposals will be required to fully address the interests of existing businesses.

The development will create an environment which promotes a range of activities throughout the day and at all times of the year, in order to make the town centre a more vibrant and attractive destination.

Objective 2: Integrate the site with the surrounding area

The objective will be to create a cohesive extension to the Town Centre shopping area - an area with its own sense of place and character but functionally and visually well integrated with the wider town centre. Any development proposals will be required to respect, reflect, and reinforce the special character and positive qualities of the town centre buildings and materials, street layouts and patterns of local life.

Improvements to the rear of properties in Parsons Street , including the refurbishment and reuse of vacant buildings, the creation of new or rear entrances and the active use of external spaces within the rear burgage plots to create an active frontage onto Bolton Road will also be encouraged. The creation of an attractive frontage onto Castle Street will be required to enliven the appearance of the external face of the town centre.

Objective 3: Enhance existing heritage assets and local character

Banbury Town centre already has a distinctive character as a busy market town which has developed over many centuries. This is reflected in the variety of architectural styles and building forms. The development will be required to respect local character and to reflect and adapt to changes whilst protecting and enhancing the heritage assets of the town centre.

Proposals will be required to make a positive contribution to the character of the town centre and to respect the historic environment, in terms of scale, height, massing, alignment, materials and use. Development will be required to protect and enhance the setting of all designated assets and respond to the historic street pattern, block structure and the burgage plot boundaries. The scale and massing of development must take into account the character of the conservation area and seek to minimise impacts on features of heritage significance.

New development should respect the historic urban grain through the creation of new routes and urban spaces. Key views and vistas such as views of St. Mary's Church from the north should be protected.

Objective 4: Create a high quality public realm

A high quality public realm is an essential part of any successful town centre. The development should continue recent improvements to the public realm in Parsons Street and Market Place to create an extended pedestrianised area with attractive public spaces overlooked by active frontages and locally distinctive buildings of exceptional quality.

The creation of a pedestrian route between the new development and the rear of existing properties fronting Parsons Street is highly desirable. This should be defined

by appropriately scaled buildings, the reuse of existing buildings to the rear of Parsons Street and new tree planting.

The development should extend the open area at the interface with Market Square to create an attractive gateway and public space with outdoor seating. It will be necessary to clearly define the boundary between public and private space. Existing boundary walls should be retained and reinstated where possible. The palette of materials should reflect recent improvements to Parsons Street and Market Place to provide an integrated and consistent streetscape.

Objective 5: Improve connections

Development will be required to create a network of connected spaces and routes for pedestrians, cyclists and vehicles which is well connected into existing routes and movement patterns.

The development will need to create the conditions which will encourage the movement of people between the various quarters of the town centre and development proposals will be required to provide improved pedestrian connections with Market Place, Parsons Street, North Bar Street and Castle Quay. It will also need to increase footfall and improve pedestrian circulation within the development area.

Pedestrian linkages to the site from the north including the existing pedestrian crossing and public right of way to the north of Castle Street will require improvement.

Car parking should be reprovided at an appropriate level to ensure an adequate provision of parking spaces in the town centre. Servicing should be maintained to existing premises but may need to be time limited to achieve other stated objectives.

The design should incorporate landmarks, gateways and focal points to help people find their way and reinforce the identity and character of pedestrian routes.

3. Understanding the Context

3.1 National Planning Policy

Currently, national planning policy includes Planning Policy Guidance (PPG) Notes, Planning Policy Statements (PPS) and Planning Circulars. The draft National Planning Policy Framework (NPPF) was published in July 2011 for public consultation. When finalised the NPPF will consolidate existing planning policy statements, circulars and guidance into a single national policy framework.

Draft National Planning Policy Framework (July 2011)

Within the draft NPPF the Government expects the planning system to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, while protecting and enhancing the natural and historic environment. For the planning system delivering sustainable development means:

- planning for prosperity (an economic role)
- planning for people (a social role)
- planning for places (an environmental role)

The draft NPPF states that these three components should be pursued in an integrated way, looking for solutions which deliver multiple goals.

Planning Policy Statement 1: Delivering Sustainable Development

PPS1 sets out the Government's vision for new development and seeks high quality design which is accessible to all, reinforces the unique character of its location and employs sustainable principles wherever possible. The general principles of sustainable development include social cohesion and inclusion, protection and enhancement of the environment and sustainable economic development. The general approach to delivering sustainable development includes the promotion of mixed-use development in appropriate locations to create more vibrant places.

Planning Policy Statement 3: Housing

In support of the objective of creating mixed and sustainable communities, the Government seeks to ensure that housing is developed in suitable locations offering a range of community facilities and with good access to jobs, key services and infrastructure.

Planning Policy Statement 4: Planning for Sustainable Economic Growth

PPS4 consolidated national planning guidance on economic, retail and town centre development.. It focuses on promoting the vitality and viability of town centres through the growth and development of existing centres and the encouragement of a wide range of services in an attractive and accessible environment.

Planning Policy Statement 5: Planning for Historic Environment

The overarching aim of PPS5 is that heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. Heritage assets can be used to ensure continued sustainability of an area and promote a sense of place, which is particularly relevant to the future development of Land at Bolton Road. In general, development proposals would need to retain those elements which have been assessed as being of significance, such as Trelawn House, the ironstone walls and the nineteenth-century brick extensions to the rear of the Parsons Street properties that exhibit distinctive architectural character.

Planning Policy Guidance 13: Transport

PPG13 promotes increased use of sustainable transport options such as walking, cycling and public transport. New development should therefore reduce the need to travel and prioritise the needs of pedestrians over motorised transport.

3.2 Regional Planning Policy

The Government has announced its commitment to the revocation of Regional Spatial Strategies. At the present time, however, the South East Plan 2009 still forms part of the development plan. The Plan identifies Banbury as one of two major regional town centres in Oxfordshire (the other being Oxford City) and promotes its continued development as a focus for a range of town centre uses.

3.3 Local Planning Policy

Cherwell District Council is currently preparing the Cherwell Local Development Framework (LDF) which will set out planning policy for the District to 2026.

The **1996 Cherwell Local Plan** remains the adopted planning guidance for Cherwell District and a number of policies have been saved until they are replaced by policies in the Local Development Framework.

The **Non Statutory Local Plan 2011** has been approved as interim planning policy for development control purposes. Part of the Bolton Road site is identified for mixed use development in order to transform the character of this area, so that it makes a positive contribution to the function and appearance of the Town Centre.

The **Draft Core Strategy (February 2010)** sets out as a key economic objective for Banbury: *"To improve the vitality, viability and distinctiveness of Banbury town centre, to assist the competitiveness of the High Street, Parsons Street, Calthorpe Street and Bolton Road areas."*

Three sites of strategic importance to the future of the town centre are identified:

1. Canalside: This area is identified as a strategic allocation (see policy BAN 1), to deliver housing-led mixed-use regeneration. The northern area (between Upper Windsor Street and the railway station) is allocated for retail and commercial uses. This area

will form an important link between the railway station and new housing to the south and the heart of the town centre.

2. Land at Bolton Road: This is identified as a major opportunity for a retail-led development to provide new shopping and other town centre uses (see policy BAN 8).

3. Banbury Cultural Quarter (Including land at the former Spiceball Sports and Leisure Centre):

This site provides a unique opportunity to regenerate this area and introduce new and improved civic, arts and cultural uses into the town centre (see policy BAN 9).

Policy BAN 8 provides the parent policy for this SPD. The supporting text highlights the potential for the development of suitable accommodation for large retailers with the a mix of convenience and comparison shopping, together with other uses including residential and leisure and a link through to Parsons Street to improve pedestrian circulation.

Banbury Integrated Transport and Land Use Study - The recent BanITLUS²³ work involved an extensive review of the existing transport networks serving the town. The study tested growth options for the town and identified a number of highway scheme proposals to support the preferred option. The study does not propose any specific improvement highway works in the immediate vicinity of the site. The study highlights the need to ensure that good quality alternative transport links are put in place for any new development, including walking and cycling links."

The **Banbury Conservation Area Appraisal** (2004) Although much of the Bolton Road site lies outside the conservation area, the site as a whole is so closely related to the listed buildings and the conservation area that the impact on designated and non-designated heritage assets and their settings will be an important consideration in the consideration of any development proposals. The site is located within an Archaeological Priority Area and national and local policies for the protection of archaeological remains will apply. .

3.4 Banbury Today

Banbury is an important commercial, retail and employment centre serving a large rural hinterland. Although still a market town, Banbury expanded rapidly in the 1960s to assist in dealing with London's housing needs. Since then, it has seen continued economic and population growth in part due to the construction of the M40 motorway.

Banbury's economy is focused on manufacturing, distribution, service industries, local government and health. Generally it has had very low levels of unemployment and a high demand for labour. Key economic issues facing Banbury include:

- ensuring the town remains competitive so that it retains and attracts major employers
- further diversifying the economy and creating more higher skilled job opportunities

³ Banbury Integrated Transport and Land Use Study 2

- the need to improve the overall attractiveness of the town as a place to live and work
- the need to improve the appearance and vitality of the town centre outside of the Castle Quay shopping centre

There is a requirement to provide for new development in a way that provides necessary community facilities. Key community issues facing Banbury include:

- the need to foster social cohesion, integration and equal opportunity
- the need to improve access to services and facilities

Banbury's rapid post-war and continuing expansion has placed great pressures on its built environment. The quality and distinctiveness of the town centre is important to attracting new businesses and people to the town. Key environmental issues include:

- managing growth in a way that will not unacceptably harm important historic assets
- managing traffic congestion and providing more opportunities to travel more sustainably
- preserving and enhancing the quality and distinctiveness of the urban area

The creation of a strong town centre at the heart of the town is seen as key to achieving the vision for Banbury which is set out in the Core Strategy:

"By 2026, Banbury will have become a larger and more important economic and social focus for its residents, for business, and for a large rural hinterland. Levels of deprivation will have reduced, the town will have a more diverse economic base and new employment areas will have been established. 4,800 new homes will have been constructed of which 1200 will be 'affordable'. New services, facilities and cultural and recreation opportunities will have been provided. A new football ground will have been provided. There will be more natural and semi-natural open space accessible to the public including new wooded areas. The town centre will be the heart of the town; a place that builds on our heritage and natural assets, but also embraces change. The quality and distinctiveness of the built environment will have improved, particularly as a result of Canalside regeneration and the construction of new urban extensions. There will be more opportunity to travel on foot, by cycle and by bus and traffic management measures will have been implemented."

3.5 Development Context

Retail

The main shopping provision in Banbury is focussed on the Castle Quay Shopping Centre and the traditional linear high street, supported by other historic streets and lanes and other more recent development such as at The Cherwell Centre. The primary shopping frontage extends from within the Castle Quay Shopping Centre and along the High Street from Cornhill and Market Place to Horse Fair. The secondary retail is located along Parsons Street and in the lanes, which lie to the north of the High Street.

There is a total of 830,000 sq ft of retail which includes 73 national multiples and just over half of this space is managed. According to PROMIS, these figures are below what is considered to be the national average. For a major town the average for retail floor space is circa 990,000 sq ft of which 36% is managed and the average number of multiples is 85.

The 2010 Retail Study Update undertaken by CBRE identifies the following retail requirements for Banbury town centre to 2026:

- 1,714 sq m net additional convenience retail floorspace (of which 1,167 sq m will be required by 2016).
- 53,951 sq m net additional comparison floorspace (of which 23,479 sq m will be required by 2016).

The study has shown that :

- There is a need for both comparison and convenience floorspace in Banbury town centre.
- The quantitative need for additional floorspace is greater for comparison goods. However, there is a qualitative requirement for convenience floorspace given the lack of foodstores in the town centre and the leakage of expenditure to other centres.

The Castle Quay shopping centre opened in 1978 and comprises around 385,000 sq ft configured in approximately 80 units, anchored by Debenhams.

Although there is a good representation from department and variety stores, the existing retail offer is mainly mid-market with few operators presently targeting the top end of the market. The town would benefit from an increased representation in higher end fashion.

The retail on Parsons Street and towards the western end of the High Street forms the main secondary retail offer in the town. The retail units in these areas are largely occupied by independent retailers and restaurants. Banbury also operates a market on Thursdays and Saturdays and a Farmers' market on the first Friday of every month.

There is evidence of retailer requirements particularly for: food, clothing, restaurants, bars and cafes. However, the level of retailer interest at the present time is lower than for other towns of comparable size and CBRE advise that any retail scheme coming forward will need to be anchored by a foodstore and be of a quality to attract new retailers to the town. Larger units will also be required to meet retailer requirements.

Leisure

Leisure uses can diversify a town centre offer considerably and can also extend dwell times, improve the night time economy and add to the overall attractiveness of the area. There is a perceived gap in the leisure offer within the town centre as identified through an On Street Survey 2006 which found a key dislike of shoppers is

the poor range of cafes, restaurants and bars as well as leisure, entertainment and cultural facilities.

Banbury's leisure offer currently comprises a bowling alley, cinema and a Gala bingo hall which occupies premises on the Bolton Road site. There is also Spiceball and Woodgreen Leisure Centres within Banbury which are owned by Cherwell District Council and managed by a leisure operator on the Council's behalf. Alternative health and fitness centres in the town centre are largely independent operators rather than multiples.

The restaurant/cafe provision in the town is mainly focussed in this area and on the High Street and Parsons Street leading down to North and South Bar Street. This comprises both national and local operators.

There is potential for further leisure uses such as a cinema in the town centre but it will be necessary to take account of the potential of other sites in the town centre to accommodate these uses.

Hotels

Whilst there are a number of hotel operators in the area, the hotel offer within the immediate town centre area is mainly provided by independent operators and there is potential for further hotel provision in the town.

Residential

There has been a gradual growth in the numbers of residential units being developed in the town centre and this has brought extra vitality to the area.

Residential uses could form part of a mixed use retail led development provided that this does not prejudice the primary objective of delivering new retail uses.

Offices

Banbury is a secondary location, with a small office market. There is currently a large amount of office space available in the town although much of the stock in the town centre is of a poor quality. There is limited demand for office accommodation at the present time.

4. Site Characteristics, Constraints and Opportunities

4.1 The SPD Area

The area covered by the draft SPD extends to 1.7 ha and lies within the designated shopping area on the northern edge of the town centre, immediately to the west of Castle Quay. It is bounded to the north by Castle Street, to the west by North Bar Street and to the south by Parsons Street. The area comprises:

- A multi storey car park (630 spaces on 5 floors) including the town centre parking wardens' office and washing facilities for the market traders;
- A tyre centre (currently vacant);
- A bingo hall;
- Offices;
- Trelawn House a Grade II Listed Building on North Bar Street;
- An elderly persons 'drop in' centre (operated by the WRVS);
- Bolton Road- an adopted highway providing access to the rear of properties in North Bar Street and Parsons Street, surface car parks and the Bolton Road multi-storey carpark;
- Surface car parking and service yards, primarily associated with properties fronting Parsons Street; and
- The backs of properties on Parsons Street including a number of listed and locally listed buildings.

The site occupies a highly prominent and sensitive location in the town centre adjacent to Cornhill/Market Place which is one of the busiest areas in terms of footfall and is adjacent to the conservation area and numerous listed buildings. The physical regeneration of the land at Bolton Road is therefore critical to the continued revitalisation of this part of the Banbury Town Centre.

4.2 Site Characteristics

Land at Bolton Road exhibits a variety of architectural styles and townscape quality. Whilst the site is generally characterised by larger plots and low intensity uses and buildings of low architectural quality, the adjoining area contains a number of important heritage assets and retains its medieval street pattern with older buildings on long, narrow burgage plots and later buildings dating from the seventeenth to the nineteenth centuries. This is reflected in a diversity of materials and architectural styles.

The historic core of the town centre demonstrates good quality enclosure and continuity with buildings providing continuous active streetscapes. However, this contrasts dramatically with the Bolton Road area.

Table 1 looks at the site characteristics within the Bolton Road area and summarises the strengths and weaknesses of the site and identifies constraints possible opportunities.

Table 1: Site Characteristics	
Strengths	Weaknesses
<ul style="list-style-type: none"> • Town centre location with existing buildings of low architectural merit (apart from Trelawn House). • The recent completion of public realm enhancements including the pedestrianisation of Parsons Street, this part of town has become the focus of improved retail capacity and economic growth. • The historic burgage plots of the Parsons Street and North Bar Street properties, and their boundary walls (where these survive) are however of note and should be preserved. (See Figure 3.1 Site Analysis) 	<ul style="list-style-type: none"> • Nos. 33–41 North Bar Street, comprising the bingo hall and offices occupying a former DIY store. • The tyre centre: a modern brick and sheet metal shed with unattractive brick and metal railing boundaries. • The multi-storey car park and plant enclosure. • The three large modern buildings on the site relate poorly to the fine grain and intricate scale of the rear of the Parsons Street plots and do not present a common active frontage • The Castle Street boundary wall between the bingo hall and Bolton Road which is built in brick with metal railing panels and a set of dogleg steps up to a surface car park. It forms a physical and visual barrier that cuts the site off from its surroundings to the north and makes it appear uninviting. • The appearance of the elderly person's day centre — a modern brick structure of utilitarian external appearance. • The west wall of the Castle Quay Shopping Centre, which presents a blank brick elevation at the north-east entrance to the site. • Internal boundary markers e.g. the electricity substation and street furniture such as bollards, height restrictors and signage, which are of inconsistent design and quality, and poorly maintained.
Opportunities	Constraints
<ul style="list-style-type: none"> • Replace existing buildings of poor quality and low architectural merit with new buildings of high design quality and locally distinctive materials/colour palette. • Create improved pedestrian linkages with Parsons Street and North Bar Street and the retail core. • Protect and enhance views of historic 	<ul style="list-style-type: none"> • The area is dominated by a service road and poorly defined surface parking areas and is poorly integrated with the wider town centre with restricted pedestrian linkages to Market Place, Parsons Street, North Bar Street and Castle Street. Servicing will need to be reprovided. • There are currently no public rights of

<p>local landmarks such as the Church of St Mary's from Castle Street and North Bar Street.</p> <ul style="list-style-type: none"> • Improve the appearance and function of the rear of properties facing Parsons Street and North Bar Street. • Create new public spaces and extend the pedestrianised environment from Market Place and Parsons Street. • Integrate the site with the wider town centre and create a key 'gateway' to the town centre at the North Bar/ Castle Street cross road. • Improve the appearance of the frontage of the site along Castle Street. • Consolidate and rationalise existing parking and servicing. 	<p>way between Parsons Street and the site, although the public makes use of a private access route. Other limited routes are available to North Bar Street and towards the Castle Quay shopping centre.</p> <ul style="list-style-type: none"> • The boundary with properties in Parsons Street is characterised by underutilised or vacant buildings, service yards and parking areas and varied boundary treatment. • There is a drop of approximately 3 metres from the rear of Bolton Road to Castle Street, • The site is highly visible from Castle Street along its entire length. • Parts of the site are in private ownership which could affect the delivery of a comprehensive scheme and linkages with adjoining/surrounding areas
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4.3 Transport and Access

Table 2 summarises the strengths and weaknesses in relation to transport and access to the site and identifies constraints and possible opportunities.

Table 2: Transport and Access	
Strengths	Weaknesses
<ul style="list-style-type: none"> • The site is readily accessible to pedestrians, cyclists and public transport as town centre location. • The site is located approximately 700m from Banbury railway station which is served by regular rail services to and from Birmingham, London and the South Coast. • A range of local bus services within Banbury provide convenient access to the town centre. 	<ul style="list-style-type: none"> • Cycling facilities near to the site are fairly limited and consist principally of on street cycle lanes along Southam Road and North Bar Street.
Opportunities	Constraints
<ul style="list-style-type: none"> • Improve the existing, informal routes through the Reindeer and the Old Auctioneer in consultation with landowners. • Improve traffic calming and pedestrian crossing facilities on Castle Street and North Bar Street. • Provide new cycling facilities. • Enhance the walking routes between 	<ul style="list-style-type: none"> • The existing car park has a capacity of 630 spaces and there will be a requirement to reprovide an appropriate level of parking to meet existing demand and the needs arising from new development. • Future developments will need to ensure that traffic growth does not negatively impact upon the walking

<p>the bus station, bus stops and site.</p> <ul style="list-style-type: none"> • Rationalise existing parking provision and re-provide public car parking as part of a comprehensive development scheme. • Maintain access to existing properties and rationalise servicing arrangements. 	<p>and cycling network.</p> <ul style="list-style-type: none"> • The lack of permeability from Parsons Street presents a challenge with the streetscape forming a barrier between any new development beyond and this historic street. • Private ownerships of these access routes from Parsons Street is a constraint, • Vehicle access to the site is principally from Bolton Road, via a generous priority junction with Castle Street. Limited vehicular access is available to the rear of existing premises on North Bar Street. • Rear vehicle access is required to the shops which front Parsons Street. This could have implications for the quality of the pedestrian environment that could be created
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4.4 Heritage

The impact of development on the historic environment will be a major consideration in any redevelopment scheme. Any development on the Bolton Road site must take account of heritage assets and protect heritage assets of significance of significance and the need to protect key views identified in the conservation area appraisal.

ADD PLAN SHOWING CONSERVATION AREA BOUNDARY AND LISTED BUILDINGS

Listed buildings

The north-west corner of the site contains Trelawn House, a two storey Georgian house converted to offices, which is listed at Grade II. Trelawn faces North Bar Street and is enclosed to the rear and on both sides by the bingo hall and modern offices.

In addition the site is bounded to the west, south and east by the rear curtilages of more than two dozen listed buildings. Most of these are Grade II, but The Reindeer and the adjoining No. 48 are listed at Grade II*.

The site also forms part of the setting of a number of Grade II listed buildings: the Three Pigeons pub on the north-east side of the junction with Southam Road, and four properties (Nos. 13, 14 and 15, and 20) on the west side of North Bar Street.

Other Heritage Assets

The Bolton Road site is affected by other heritage assets, including Nos. 67– 83 Castle Street (Buildings of Local Interest) and a number of ironstone walls on the site, which whilst not designated are a material planning consideration.

The site is in the line of three key views identified in the Conservation Area Appraisal Assessment. An attractive mid-distance view of the Grade-I listed Church of St Mary is obtained by looking south-west across the site from the junction of Bolton Road and Castle Street. Two long-distance views across the site to St Mary's are obtained from Hennef Way (A422), at the junctions with Southam Road (A361) and Cherwell Street (A4260).

Archaeology

The site is located within an Archaeological Priority Area and national and local policies for the protection of archaeological remains will apply in the consideration of development proposals

Heritage Assessment

A heritage assessment has been undertaken by Alan Baxter & Associates to identify which features contribute negatively or positively to the heritage significance of the

site using the terminology and criteria set out in PPS5. The findings of this assessment are summarised below.

ADD PLAN SHOWING HERITAGE SIGNIFICANCE

Highly significant

There is nothing of High Significance within the site boundary. However, the listed buildings on Cornhill, immediately outside the east boundary, are of High Significance in the context of the site. This is because they are not only listed but are also prominent features marking the entrance to the south-east end of the site. Any development proposals must take particular account of their setting.

Trelawn House, a Grade II listed house now used as offices, is of significance. It is the only listed building that stands entirely within the site.

Significant

Of the listed buildings on Parsons Street and North Bar Street, the Reindeer and the Old Auctioneer pubs are of Significance in their own right, and because of the potential they provide to create public routes through to Parsons Street, which will require special attention to be paid to the impact on these buildings.

Some Significance

The listed buildings that surround the site represent different stages in the development of small-scale architecture in Banbury from the late sixteenth to the late nineteenth and early twentieth centuries. Their rear elevations, with extensions and outbuildings, present a less impressive and coherent appearance than their street frontages, but they make a contribution to the catalogue of historic building styles and materials in and around the site. In particular, the rear extensions to No. 23 Cornhill and Nos. 53 and 56 / 58 Parsons Street exhibit a distinct architectural character. All three appear to date from the nineteenth century. Two have brickwork of notable quality: first-floor extensions in polychromatic brickwork to match the main elevations of Nos. 23 and 24 Cornhill, and the other a workshop with blind arcading to the ground floor.

Walls and outbuildings beyond the rear boundaries of the Parsons Street and North Bar Street properties are of Some Significance because they preserve evidence of burgage plot boundaries and/or historic activities. Most of these walls are curtilage listed. The locally listed buildings on Castle Street are also of some significance.

Neutral

The extensions to the rear of the listed buildings on North Bar Street, and the modern brick office building adjoining Trelawn House are of subdued, 'traditional' architectural character, and neutral significance.

Opportunities

The development of Land at Bolton Road provides the opportunity to enhance the historic character of the area and its sense of place, taking into account the variations in type and distribution of heritage assets and the stimulus these can provide to inspire new development of imaginative and high quality design. There are opportunities to:

- Improve the appearance of the rear of listed buildings in Parsons Street and bring underutilised buildings of historic interest and plots back into use;
- Enclose the exposed backs of properties in North Bar Street and create new frontages onto the Bolton Road site (as identified in the 2004 Conservation Area appraisal);
- Create improved linkages to Parsons Street and promote the refurbishment and active use of buildings of historic interest;
- Retain and restore historic boundary walls.

4.5 Other site considerations

Land ownership

In order to achieve a comprehensive development, it will be necessary to assemble land in different ownerships. The majority of the site is in the ownership of three key parties including Cherwell District Council. The properties in Parsons Street and North Bar are in multiple ownerships.

Flood Risk

The site is located in Flood Zone Category 1, meaning it has a less than 1 in 1000 annual probability of river flooding in any year (<0.1%). Therefore the risk of flooding from river source is low. A level 2 Strategic Flood Risk Assessment is currently being prepared to inform the Core Strategy, and will contain an assessment of flood risk for strategic sites. The assessment will include information on potential flood risk from river as well as other sources. This should be referred to when considering submitting a planning application. In addition a site specific flood risk assessment would be required to be carried out for development proposals exceeding 1 ha.

Ground Conditions

Whilst the site and adjacent land is not on the contaminated land register, due to historic land uses further investigation will be required. The tyre centre in the centre

of the site was previously used as a transport depot and historical land use records indicate that the northern most part of the Gala bingo site was once used for engineering purposes.

Services and utilities

No abnormal conditions have been identified at this stage which would constrain future development but further investigation will be required as part of the planning application process.

4.5 Constraints and opportunities identified by Key Stakeholders

Consultation with key stakeholders has assisted in informing constraints and opportunities for the site. A series of events were held in March 2011 which highlighted the following:

- The importance of accessibility and integration, especially in relation to improved linkages to Parsons Street and servicing of existing businesses;
- Concern over scale and massing of development and the need to repair the existing urban form;
- The importance of maximising active frontages and the creation of an active frontage onto Castle Street to create a safe and attractive streetscape;
- Enhancement and re-use of historic buildings;
- Support for a mix of quality convenience and comparison shopping including a foodstore as part of a mixed use scheme;
- Support for entertainment / cultural uses;
- Need to accommodate servicing of existing businesses;
- The need to retain an adequate level of provision of public parking; and
- The need for quality public spaces / performance areas.

5. General Development and Design Principles

This section sets out the key development and design principles which any future development proposals for land at Bolton Road will be required to comply with.

Bolton Road is a key redevelopment site within or adjacent to the town centre capable of accommodating large scale convenience retail and also substantial car parking and therefore proposals that do not deliver this will not be acceptable.

5.1 Development Principles

5.1.1 Land Uses

A retail-led mixed use development is proposed in accordance with national and local planning policy objectives to add to the viability and vitality of the town centre. The following uses will be acceptable.

Retail

Retail uses must form the principal component of any development scheme including a significant level of new convenience retail floorspace.

- A new foodstore of 3,000 – 6,000 sq m gross must form part of any comprehensive redevelopment scheme. This would enhance the vitality and viability of the town centre as a whole and act as a catalyst for wider regeneration of the area.
- The focus should be on the provision of larger retail units to meet the needs of occupiers and attract new retailers to the town centre. This will complement the large supply of smaller retail units in the town centre, in particular on Parsons Street.

Leisure

An element of complementary leisure use would be appropriate provided that this does not prejudice the principal retail use of the site.

As part of a comprehensive approach to site redevelopment, the existing Gala Bingo facility could be replaced on the site or elsewhere in the town centre.

Hotel

The site would be suitable for a hotel due to its location and visibility. Active ground floor uses such as retail uses should be incorporated in any hotel development in order to help create a more animated and safe street environment.

Residential

A small element of residential development could be provided as part of a mixed use development scheme or elsewhere within the area covered by the SPD. However, residential development should not prejudice the provision of new retail uses on the site.

Food and Drink

Parsons Street and North Bar Street are developing as the focus of the night time economy. This offer would be complemented by provision for food and drink establishments as part of a mixed use development of the Bolton Road site. Consideration should be given to the creation of additional seating areas within the courtyards to the rear of properties in Parsons Street to create a more animated public realm.

Offices

In view of current supply and demand for office space, any office development should be limited to a small quantum as part of a mixed-use scheme.

5.1.2 Reprovision of existing uses

Reprovision or relocation of the following existing uses need to be addressed:

Multi-storey car park

Whilst the existing multi-storey car park is of poor visual quality, structural condition and impacts on the surrounding historic environment, it provides an important facility for the town centre and would need to be replaced as part of any redevelopment proposals. Replacement of the current car park would significantly improve the environment in this area, and would allow a comprehensive development approach.

The existing car park has a capacity of 630 spaces and, based on occupancy figures extrapolated from ticketing information and counts by town centre parking wardens, has a typical peak occupancy of around 320 spaces (~50%) on a market day and 430 spaces (~70%) on a Saturday. The car park has recently started opening on Sundays.

To cater for fluctuations in demand (including higher demand over the Christmas period) and operational requirements, it is assumed that the typical peak demand equates to 85% of the number of spaces required. This implies that 500 spaces would be required as a minimum to adequately cater for existing demand. However, new development will also result in a requirement for parking provision which will need to be accommodated on the site.

Given the level of existing usage and the requirement for additional parking arising from new development, a minimum of 630 public parking spaces will be required. The careful integration of the car park in the development scheme and a sensitive design approach will be required to minimise the impact on the historic environment and Castle Street frontage.

Market traders' toilets and washrooms.

The market traders' washing facilities and town centre parking wardens' offices are currently located within the multi-storey car and in the event of redevelopment of the car park, these facilities would need to be re-provided.

Civic/ Community uses

There is an existing elderly persons centre in the north east corner of the site which is run by the WRVS. This is a valuable resource, acting as a meeting place for the local community and in the event of redevelopment this facility should be reprovided at ground floor with a dedicated minibus drop off point outside the entrance with the potential to accommodate additional community uses.

Relocation to a suitable alternative site within the town centre may also be acceptable.

5.2 Design Principles

Given the nature of the proposed development and in particular the need to accommodate larger retail units and a large number of car parking spaces on the site, it will be necessary for any proposed development to accord with the following key design principles. Key design principles are illustrated in Figure 5.2.

5.2.1 Reinforcing the Character of Banbury Town Centre

New development will be required to respect the existing character of the surrounding area and to add to the quality of the townscape by creating a strong synergy and harmony between the old and new. This will be achieved by:

- The creation of strong pedestrian linkages with Market Place, Parsons Street, North Bar Street and Castle Street
- Respecting the grain and urban scale of the surrounding area, particularly the heritage assets and buildings on Parsons Street
- Reflecting rhythms, roofscapes and materials and colour palettes of existing buildings
- Ensuring a scale, height and massing which does not over-dominate adjoining buildings
- Adding to the diversity in style, construction, materials, detailing, decoration and period of existing buildings and public spaces.
- A high quality inclusive design in both public realm and built form and the use of materials which are sympathetic to the existing townscape
- Feature Buildings to assist with legibility by punctuating the major pedestrian and vehicular routes to create a particular identity that responds to the established character

5.2.2 Protecting and enhancing Historic Assets

The design, scale and massing of new development must respect and enhance the historic environment and setting of the conservation area whilst providing for modern needs. This will require a sensitive approach to development to ensure historic assets of significance such as Trelawn House and the ironstone walls are retained.

Careful consideration must be given to the potential impacts on listed properties in Parsons Street during design development. Height and proximity of new development to the Parsons Street properties will have to be particularly sensitive.

As part of a comprehensive approach to the site, developers should work with landowners of properties along Parson Street and North Bar Street and explore the potential to bring back to use unused buildings to their rears (e.g. including underutilised buildings to the rear of 52-55 Parsons Street and 58-59 Parsons Street),. The opening up of the back of these properties with double sided trading will allow the reuse of some important historic assets and create an attractive frontage to the new pedestrian route through the site.

There is also opportunity to redevelop the area to the rear of properties in North Bar Street and turn these rear curtilages into frontages to a new public space, thereby screening the exposed rear elevations of these buildings. Development would need to be of an appropriate design and height for its context, and make a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.

Sensitive design will be required to ensure that development does not over-dominate in relation to Trelawn House and height will be a particular consideration. Where new development abuts Trelawn House, it will be necessary to ensure that the integrity of the listed building is protected. Where development is proposed which wraps around Trelawn House, the floor level must be taken as the floor level of Trelawn House.

Development proposals should enhance the setting of and views towards nearby listed buildings such as the Three Pigeons pub and No. 20 North Bar Street and the setting of Castle House (TJ's Bar)

5.2.3 Access and Connectivity

The new development must be well connected with the existing network of streets and routes within the town centre.

The objective will be to reduce the visual and physical impact of vehicles, ensuring that a balance is struck between maximising access to the town centre, providing adequate parking and the creation of high quality public realm.

The focus will be on creating an attractive and safe pedestrian environment including improved pedestrian routes between the site and Market Place, North Bar Street and Parsons Street and to the north of Castle Street and east of the town centre towards the Oxford Canal. This may also include improved pedestrian crossings on Castle Street and North Bar.

The development will be required to expand and strengthen the existing retail circuit linking the site with Market Place, Castle Quay and Parsons Street. The provision of new pedestrian links to North Bar Street and Castle Street will be required. The provision of an improved link to Parsons Street will also be desirable, this will involve the formalisation and improvement of routes currently in private ownership, and negotiation will need to take place with landowners to enable this.

Vehicular access will only be provided from Castle Street. Vehicular access will not be allowed from North Bar Street due to the proximity of the traffic light controlled junction and for townscape reasons. Redevelopment of the site will be required to retain access for service vehicles to existing premises on North Bar Street and Parsons Street. This could be achieved through a time controlled access to ensure a safe pedestrian environment here.

The signalised junction of Southam Road, Warwick Road, North Bar Street and Castle Street may also require improvement.

Provision for secure cycle parking/stands should be provided in at least two locations which are well over-looked and do not obstruct pedestrian routes, locations could be to the north west and north east entrances to the development.

5.2.4 Form and Scale

Development viability will be dependent on achieving an appropriate level of retail development on the site and the accommodation of larger retail units and a large number of parking spaces. This will require a significant scale of development and it will be important to ensure that the larger building footprints are not over-dominant and that development is compatible with the fine-grained urban setting of the site.

Where new proposals show larger blocks that cannot be broken down in plan, roofscape and elevation treatment should be varied and designed in a way to give the impression of a finer grain to reflect the historic context

The impact of larger block structures could be minimised by:

- Wrapping the perimeters on the street faces with smaller units i.e. The frontages of larger blocks could be articulated with a vertical emphasis which gives the appearance of a number of smaller units
- Creating a varied roofline
- Utilising the varied typography of the site
- Utilising the space above the retail units to accommodate other uses such as leisure, residential and parking
- Incorporating a well designed upper facade for roof top parking
- Externalising more active uses such as cafes and increasing their transparency to the street
- Creating active frontages facing onto key pedestrian routes
- Softening the impact through screening i.e. the use of green walls

5.2.5 Height and Massing

The height of the proposed development should respect the historic environment and character of the surrounding area and ensure that there are no adverse impacts on important views and vistas. The height of any new development should relate to existing buildings, most notably on Parsons Street and North Bar Street and to the adjacent listed buildings. Particular attention must be paid to minimising the impact of large structures such as retail units and the multi-storey car park through appropriate design solutions .i.e. this could be achieved through recessing upper floors in order to minimise the impact of the proposed development on the townscape.

Due to the south to north fall in levels on the site, careful consideration must be given to the ground floor level of the development in order to create an attractive frontage onto Castle Street, whilst at the same time achieving an acceptable

overall form of development with good pedestrian connections within the site. A further important consideration will be the need to minimise the impact of the proposed development on Trelawn House and to create a continuous and integrated street frontage on North Bar Street. If development is proposed which wraps around Trelawn House and forms a new frontage onto North Bar Street and Castle Street, the ground floor level of the development should be taken as the ground floor level of Trelawn House. In addition, the height of the proposed development where it meets the North Bar frontage should not exceed the eave height of this listed building.

Figure 5.2 sets out key principles relating to the height of new development and guidelines on the maximum height which will be acceptable. This is based on an analysis of the surrounding views and the height and form of adjacent buildings, which deduces that:

- The height of development should generally not exceed 2 storeys (based on average floor heights of 3.75 m). Where the height of development exceeds 2 storeys, a maximum of 3 storeys is considered acceptable, if the upper floor is recessed from the frontage of the ground floor frontage. This would be suitable to the southern part of the site at the closest point to the properties in Parsons Street and Cornhill/Market Place
- The height of any buildings on the south western part of the site to the rear of North Bar Street should not exceed the height of existing properties.
- A maximum height of 4 storeys (over proposed ground floor retail uses) is considered acceptable to accommodate a multi-storey car park but this must be set back from the ground floor frontages of the development.

5.2.6 Quality of Enclosure

The good quality enclosure, continuity and active streetscape characteristic of the older parts of the town centre break down where the rear of properties in Parsons Street and North Bar Street interface with the site. Active frontages to the rear of properties in Parsons Street will be sought through the reuse of underutilised buildings and plots and creation of new entrances.

Public facades should be designed to create visual interest. For example, it will be necessary to pay particular attention to the treatment of the Castle Street, a continuous unbroken frontage will not be acceptable. Designs should ensure the frontage provides an attractive edge to the development area. Single aspect development to screen blank frontages and car parking would be an acceptable treatment subject to viability. Other treatments could also include modulation in the treatment of the street frontage through the use of different materials or the incorporation of green walls and landscaping.

Large service areas associated with new retail development should be screened by appropriate boundary treatment.

5.2.7 Gateways, Landmarks and Views

The development will be required to create attractive gateways at the interfaces with the existing townscape. The southern approaches from the primary shopping areas, most notably from the Market Place, will need to be enhanced with appropriate features to help with pedestrian orientation.

The main vehicular approaches from the north east and north west present opportunities to create architectural landmark buildings to increase legibility and a sense of place for example at the North Bar Street / Southam Road traffic light junction and close to the roundabout north east of the site, serving the Castle Quay car park and service yards. The buildings should be considered on their own architectural design quality and distinctiveness to create the 'landmark' and not rely upon height or scale.

There is an opportunity to create long views into the site from the Castle Quay link bridge over the Oxford Canal, this link is encouraged and its alignment as a pedestrian route could be incorporated into any design proposals. This view also creates an exact line of sight through the study area and beyond to the tower and cupola of St Mary's Church which should be protected and used as an important marker in wayfinding. These views should be enhanced by new areas of public realm and high quality built form to draw people into and through the area.

5.2.8 Public Realm and Open Spaces

The creation of a high quality public realm and new public spaces will be important requirements. The development must incorporate a network of pedestrian routes and public spaces which provides strong linkages with the wider town centre.

Materials should complement the palette of materials used in Market Place and Parsons Street, which may include red brick pavers and traditional materials such as granite setts.

A key feature should be the creation of a new pedestrian link through the site between the new development and the rear boundary of the properties facing Parsons Street. This will provide the main pedestrian access through the site with active frontages on both sides. This could be further defined through new, appropriately scaled buildings, the reuse of existing buildings to the rear of Parsons Street and new tree planting.

An attractive gateway and public space should be created by the interface with Market Square. This has potential for use as an events or performance space and should include seating. It will be necessary to clearly define the boundary between public and private space in this location. Existing boundary walls should be retained

and reinstated where possible. The palette of materials should reflect recent improvements to Parsons Street and Market Place to provide an integrated and consistent streetscape.

A consistent palette of street furniture will be required and the incorporation of public art will be encouraged. Street furniture and street lighting should be used to create a unified environment. Lighting should be used to accentuate landmarks and gateways and to aid legibility.

Public art will be required to be an integral part of the scheme. There are a number of opportunities to forge a new, strong and positive identity for the site which could build upon its rich heritage as well as look to the future. Artists should be involved in the design of elements of buildings or of key streetscape elements such as lighting, seating or paving.

5.2.9 Design Approach and Materials

A high quality of design is required which respects the historic setting and character of the town centre. The design should complement the vernacular of the Historic town and in particular Market Place and Parsons Street, although this should be interpreted in a contemporary design approach which may incorporate references to the local material palette and should not be interpreted as including pastiche vernacular elements.

The local prevalence of traditional materials need not rule out the use of modern materials and modern methods of construction in the design of new development, but a varied palette of materials is desirable to continue the established tradition of Banbury building. Although, any frontage development to the rear of properties in Parsons Street and North Bar Street should use traditional materials in order to create a comfortable interface with the historic buildings and reflect local character.

The design of the new retail units should promote lightness and openness using framed structures and glazing creating strong links between the interior and exterior of the buildings.

A common palette of materials should be used throughout the Bolton Road development to ensure a seamless streetscape and provide a sense of legibility.

5.2.10 Innovation and sustainability

Consideration must be given to design approaches which are resilient to climate change impacts including the use of passive solar design approaches for heating and cooling; sustainable urban drainage (SUD) methods such as the use of porous paving ; and the provision of open space, planting, and green roofs to reduce the urban heat island effects.

The Council supports renewable and low carbon energy where appropriate, and the potential local environmental, economic and community benefits of renewable

energy schemes (including the contribution to national and regional targets for carbon emissions reduction/renewable energy generation) will be a material consideration in determining planning applications. Photovoltaic panels or solar water heating should be considered in suitable locations where these will not impact on key views or the quality of the historic environment.

6. Option Appraisal

6.1 Identification of Spatial options

Preparation of the SPD has involved a detailed study of site capacity and the mix of uses which can be supported on the site. Based on the vision and objectives, design and development principles (set out in Section 5), and having regard to the PPS6 report (CBRE 2006), design options have been developed to test capacity and viability.

The option assessment has included a review of different approaches to:

- mix of uses including a major food (convenience) retailer; non-food (comparison) retailers; additional commercial leisure units such as a health club, cafes and restaurants, replacement bingo hall or small cinema and residential units;
- provision of car parking and servicing (based on evidence and having regard to current use, future use on this site and any other future town centre developments);
- creation of a high quality public realm;
- quality design and build which is energy efficient and minimises carbon emissions; and
- integration and linkages to the rest of the town centre.

6.2 Option Appraisal

CB Richard Ellis undertook broad development appraisals for each option and assessed the market forces behind the delivery of each, including:

- Investment in infrastructure, having particular regard to timing, cost and location;
- Land availability and the timing of land coming to the market;
- Market conditions and the economic cycle; and
- Landowner expectations and willingness and readiness to bring land forward for development.

6.3 Sustainability Appraisal

The Council has undertaken Sustainability Appraisal for all its Development Plan Documents in accordance with the requirements of the SEA Directive. A Sustainability Appraisal (SA) assesses the potential economic, social and environmental effects of draft proposals. A Sustainability Appraisal is not required for this SPD, but in order to show that the proposals are sustainable the preferred option has been tested against the Council's SA framework. This work is set out in the Companion document. This is not intended as a full SA; the Council will undertake this for the Core Strategy.

On the basis of the option assessment a preferred approach to development has been identified. This has provided the basis for development of the Masterplan Framework presented in Section 7.

7. Illustrative Masterplan

7.1 Role of the Illustrative Masterplan

An illustrative masterplan has been prepared to demonstrate how the vision for the land at Bolton Road can be achieved. This has been subject to an economic feasibility study to establish viability. The illustrative masterplan provides further guidance on the scale of development and mix of uses that could be supported on the site.

It illustrates one approach where an appropriate mix of convenience and comparison shopping, together with other town centre uses can be accommodated on the site as part of a comprehensive, viable redevelopment scheme. However, other design approaches will be considered where it can be demonstrated that they satisfy the development and design principles set out in Section 5.

To further support a comprehensive approach is taken for the site, the masterplan also highlights the potential for redevelopment/ reuse of existing buildings in adjoining areas to the rear of properties on Parsons Street and North Bar Street.

7.2 Development Mix

The illustrative masterplan framework includes a comprehensive development comprising the following uses:

- Anchor foodstore - (In the region of 6,000 sq m gross)
- Larger comparison retail units (In the region of 3,000 sq m gross)
- Replacement car park (minimum 630 spaces)
- Replacement community facility (500 sq m gross)
- Leisure facility (700 sq m gross)
- Hotel (60 – 80 beds)
- New public spaces and pedestrian routes
- Reuse of vacant/ underutilised buildings to rear of Parsons Street to provide new retail units
- Mixed use development to rear of premises in North Bar Street and western end of Parsons Street

PREFERRED MASTERPLAN OPTION TO BE INCLUDED

7.3 Key Elements of the Illustrative Masterplan

The illustrative masterplan complies with the development and design principles set out in Section 5. Key elements are illustrated in Figures 7.1-7.3 and are summarised as follows:

- **Foodstore** - the location of the foodstore is shown at the north west corner of the site to create an anchor to the development which will draw people through the area. Visual links are created from the anchor store through to Cornhill/ Market Place. The main pedestrian entrance is located on the new pedestrian route connecting North Bar Street and Cornhill/ Market Place. A

cafe is proposed on the corner of North Bar Street and Castle Street to activate this frontage. An 'at grade' access is provided to the cafe and store from Castle Street. The building wraps around Trelawn House and the treatment of the frontage to North Bar Street would be sympathetic to the features and proportions of this listed building. The elevations would be articulated through the use of fenestration and the provision of a mezzanine retail floor.

- **Mix of comparison retail floorspace** - The development includes new double height retail units suitable for larger retailers with the potential to accommodate a mezzanine level. The retail units form part of a continuous frontage which is integrated with the wider town centre to create an extended retail circuit. The illustrative layout shows an active retail frontage facing onto the new pedestrian route with a range of unit sizes which will complement smaller retail units in Market Place and Parsons Street.
- **Multi-storey car park** – a new multi-storey car park forms an integral part of the development scheme. It would provide at least 630 spaces over 4 floors and serve existing and new retail and other town centre uses. The impact of the new car park is reduced by wrapping it with retail development and extending it over the foodstore. The upper floors are recessed from ground floor uses and could be screened with green walls to reduce the bulk of the development and potential townscape impacts.
- **Civic/ Community uses** - The illustrative masterplan shows a replacement elderly persons/ community facility at ground floor level on the Castle Street frontage with provision for a dedicated mini-bus drop off space.
- **Leisure** – A leisure facility is provided at first floor level above the community facility. This will be designed as a landmark feature and key gateway into the development area. The facility could provide for the relocation of Gala Bingo or a new leisure use.
- **Hotel** - A hotel is included above the retail frontage, occupying one storey only. This will create a key focus of the new development with good connections and visibility from Corn Hill/ Market Place.

Residential - Residential apartments are not shown on the illustrative masterplan but they could be incorporated above ground floor active frontages and could form part of possible future mixed use development to the rear of North Bar Street (see below)

- **Potential new frontage development to the rear of properties in North Bar Street** - The illustrative masterplan shows how perimeter development could be brought forward as part of a comprehensive approach with adjoining landowners to screen the exposed backs of properties in North Bar Street and to animate the public realm. The masterplan shows how this would terminate the vista along the newly created pedestrian street and frame a new urban space. Access has been retained to existing properties.

- **Regeneration of the rear of properties fronting Parsons Street** – The illustrative masterplan shows how as part of a comprehensive approach with adjoining landowners the reuse of existing buildings to the rear of Parsons Street could create an active frontage on the south side of the new pedestrian street facing the new retail development. Also, improvements to the rear courtyards of properties in Parsons Street would be proposed to provide seating and access to business premises which would allow businesses to trade from Bolton Road.
- **Future development-** The illustrative masterplan highlights the potential for future redevelopment of the group of unlisted buildings at the junction of Parsons Street and North Bar Street. This could be integrated as later phase of the masterplan and provide improved pedestrian linkages with Parsons Street in particular and extended public realm.

7.4 Public Realm

The illustrative masterplan provides high quality pedestrian routes through the site and new public spaces to create a sense of place and a vibrant extension to the retail core.

A new pedestrian street is proposed parallel to Parsons Street which would be animated by active uses on the ground floor of the new development and the rear of the properties on Parsons Street. This space would form an extension to the pedestrian priority zone and would create an attractive pedestrian environment and setting to the conservation area and new development. It would be paved and a boulevard would be created with new tree planting and the incorporation of existing trees. The new public spaces will integrate the new development with the existing townscape.

Two public spaces are shown:

- An extended public space at the junction with Corn Hill/ Market Place which would complement the existing outdoor seating area attached to JTs and incorporate a possible performance space;
- A new public space at the western end of the site which would be framed by new development to the rear of North Bar Street and Parsons Street.

7.5 Access and servicing.

A new pedestrian route is provided linking Bolton Road with the existing bus stop on Castle Street and the pedestrian route to St Mary's Primary School to the north of the site. The pedestrian route to the northeast of the site towards the canalside would be strengthened through improved landscaping, lighting and surface treatment of the informal crossing facilities on the roundabout arm.

A vehicular access is shown from Castle Street. This would be designed as a pedestrian priority route but would allow for access to the car park and for private

parking and servicing the rear of the Parsons Street properties. This route would form part of the existing town centre pedestrian zone, and would operate in a similar way to Parsons Street at the present time, with access restricted to permit holders or for time-limited deliveries. Separate access is shown to the rear service area serving the anchor store and new retail development.

7.6 Height and Massing

The height and massing of the proposed development demonstrates how the impact on existing heritage assets and the townscape can be effectively minimised in accordance with the design principles set out in Section 5

The illustrative masterplan shows the anchor foodstore wrapping around Trelawn House. In order to minimise the impacts of the development on this important listed building and to create an attractive and integrated street scene on North Bar Street and Castle Street, the ground floor level of the foodstore is proposed as the ground floor level of Trelawn House. A ramped access would be required to the foodstore to address level changes and this would be designed as an integral element of the public realm and new pedestrian connections through the site.

8. Implementation and delivery

8.1 Promoting a Comprehensive Approach

The Council will require the redevelopment of Land at Bolton Road to be consistent with the vision and guidelines set out in this SPD. As the local planning authority, the Council will work closely with all key stakeholders to deliver an attractive and vibrant development scheme that will meet the needs of Banbury Town Centre and the surrounding area.

The Council acknowledges that realising the opportunities presented by the site will be dependent on partnership working between the private and public sectors. The Council will use its planning powers to manage development proposals from pre-application discussions through to the discharge of conditions and S106 monitoring to ensure a high quality, comprehensive redevelopment is planned, designed and delivered in line with its Core Strategy and this SPD.

In order to achieve a comprehensive development, it will be necessary to assemble land in different ownerships. The majority of the site is in the ownership of three key parties including Cherwell District Council. The properties in Parsons Street and North Bar are in multiple ownerships. As a significant landowner, the Council will take a strong lead in the promotion of development proposals, most likely in partnership with one or more developers. Any development agreement which the Council enters into with a development partner is likely to provide for the Council to exercise its powers of compulsory purchase, should that be necessary to ensure that a comprehensive scheme can be developed.

8.1 Future Planning Applications

The Council envisages that a single planning application will be submitted by either a consortium of landowners and/or a developer for the core Bolton Road area and supported by a comprehensive masterplan for the wider area.

Those preparing the planning application will be encouraged to work in partnership with the Council who may seek a Planning Performance Agreement (PPA) to help facilitate the preparation of an acceptable scheme and the granting of planning permission.

There will be a requirement for any planning application to be supported by a range of documents including:

- A masterplan for the whole area covered by the SPD providing sufficient spatial and quantifiable information about the proposals, including a three-dimensional plan setting out the intended layout of the area and

presenting proposals for buildings, spaces, movement and land use in accordance with the development and design principles set out in the SPD.

- An Environmental Statement, including environmental impact assessment
- Heritage Statement including Statement of Significance in accordance with PPS5
- Desktop Archaeological Surevy
- Desktop Ground Contamination Assessment
- Details of services and utilities capacity to accommodate development
- Construction / Phasing Statement
- Statement of Community Involvement
- Planning Statement
- Management Strategy
- Transport Appraisal
- A Flood Risk Assessment
- A Design & Access Statement
- A Zero Carbon Energy Strategy, including an assessment of how proposed energy efficiency, carbon compliance and allowable solutions will achieve standards up to and beyond 2016 for all development types
- A Waste Management Strategy
- A Retail Assessment
- Planning obligations & conditions

A desk-based assessment of the site will be required as part of any application for planning or listed building consent. This will establish whether further investigation is required.

The Council expects that the granting of planning permission will be subject to a Section 106 (S106) Agreement and the use of planning conditions. All contributions will be based on the Councils Planning Obligations Draft Supplementary Planning Document (2011) (this document has been approved for use as informal guidance until it is formally adopted) which will include the nature, funding and timing of:

- retail, commercial and housing development
- public realm and other green infrastructure provision
- public transport provision and the delivery of other Travel Plan policies and proposals
- on-site and off-site highways, drainage and other physical infrastructure provision

The Council will also seek to impose planning conditions within any permission granted that are clearly defined, relevant, enforceable, precise and reasonable in order to ensure its expectations for design quality are achieved and sustained throughout the delivery of the scheme.

The provision of off-site highway works where necessary is likely to require Section 278 legal agreements with the Highway Authority. The future adoption of on-site highways is likely to require Section 38 legal agreements with the Highway Authority.

8.2 Development Procurement

The Council's significant landholding at Bolton Road means that there is an expectation it will perform a leading role in delivering change at Bolton Road. In its land owner capacity this is likely to be through undertaking a developer procurement process, in order to select a development partner with whom to work up and deliver the proposal for Bolton Road. The procurement process adopted will reflect European Union regulations, as relevant.

8.3 Land Assembly

While the Council is a major land owner at Bolton Road it acknowledges that there is also a variety of private ownerships. It therefore expects the developer responsible for the main scheme to assemble land in a way as to facilitate the satisfactory development of the area. As a last resort, the Council may use its Compulsory Purchase Order powers to enable land assembly for the main scheme. The expectation is also that planning approval will have been received for the main scheme, prior to a CPO being progressed if required.

8.4 Phasing

The Council expects that delivery of its aspirations for the core area will be achieved via a single development. Other small; more peripheral plots in the SPD area may however come forward before or after the main development scheme, subject to them not compromising the wider objective of the SPD.

For the main development scheme in the core area there may however be a number of detailed phasing issues that will need to be considered and addressed. These could include:

- Relocating existing occupiers
- Continuity of trade for affected businesses
- Managing the availability of car parking throughout the development process.
- Managing necessary highways works (on and off site)
- Continuity of access and service rights, and other rights of way
- Preparing any phasing programme, proposals should allow for a comprehensive redevelopment and any phasing proposals must be consistent with the masterplan and the

aims of the SPD.

The Council expects that satisfactory provision will be made in the development proposals for the relocation of existing occupiers. The developer should expect to have to facilitate the timely relocation of businesses and negotiate with landowners regarding the costs of relocation. In these circumstances, the Council will expect development promoters to demonstrate that new development proposals will not cause harm to the amenities of existing uses

8.5 Infrastructure Provision

Close co-operation with the relevant statutory undertakers e.g. water supply, foul and surface water drainage, electricity, gas, and telecommunications is also expected to ensure the development is appropriately phased and delivered.

Likewise, the Council expects appropriate liaising with the Highways Authority in order to deal effectively with such matters.

8.6 Development Governance and Management

The Council believes that a long term approach will be required for the comprehensive redevelopment of Bolton Road that enables change to be managed effectively.

Development promoters should therefore set out arrangements for how the governance and management of each of the scheme's components – buildings, spaces, services – will be effectively integrated to the benefit of commercial and residential occupiers and of existing neighbouring uses.

9. Monitoring and Review

9.1 Monitoring the SPD

The Council will monitor the significant effects of the SPD.

The Council is required to produce an Annual Monitoring Report (AMR) to assess the implementation of the Local Development Scheme (LDS) and the extent to which policies in Local Development Documents (LDD) are being achieved. The Annual AMR will monitor and report on the effectiveness of policies within the Core Strategy and other Local Development Framework documents including this SPD.

The test of the effectiveness of the SPD will be whether the objective of the comprehensive redevelopment and regeneration of Land at Bolton Road is achieved in accordance with the Council's aspirations.

The Council will monitor the stages in the development process including any developer partner selection, obtaining planning permission, construction of the approved development and occupation of the completed units. This information will be fed into the Annual Monitoring Report. If there is evidence that the SPD is failing to meet the objective, it will be reviewed.

9.2 Achieving Sustainable Development

Cherwell District Council has drafted a number of local indicators which can be used to monitor how well policies are delivering the aim of 'achieving sustainable development' as part of the Draft Core Strategy. These will be refined and finalised, with targets developed, for the final proposed Core Strategy. This SPD will be measured against the draft relevant indicators identified.

In addition, a number of specific indicators and targets have been identified to assist in monitoring the effects of the SPD. These are summarised in Table 9.1.

Details of the Sustainability Appraisal of the Draft SPD are contained in the Companion Document.

Table 9.1 Monitoring Framework

SPD OBJECTIVE	INDICATORS	TARGETS
1 Improve the quality and range of the town centre offer	<p>Level of new retail floorspace permitted or completed</p> <p>Level and type of new leisure facilities permitted or completed</p> <p>Level of retailer requirements for units in Banbury</p> <p>Vacancy levels</p> <p>Public perception of Town Centre (assessed by regular surveys including evening ambience)</p> <p>Annual crime rates and reports of anti-social behaviour</p> <p>Visitor frequency/length of stay</p>	<p>Promote comprehensive redevelopment of site to provide mix of uses</p> <p>Deliver new foodstore of 3000-6000 sq m</p> <p>Deliver larger retail units (circa 3000 sq m)</p> <p>Deliver new leisure floorspace (around 700 sq m) and hotel</p> <p>Reproviding community facility in new building</p> <p>Increase the number of visitors and retail expenditure in town centre</p>
2 Integrate the site with the surrounding area	<p>Number of people using the town centre (Pedestrian footfall counts)</p> <p>Number of new and improved pedestrian routes</p>	<p>Increase in pedestrian footfall</p> <p>Improved pedestrian connection between Corn Hill/ Market Place, Castle Street and North Bar Street</p> <p>Improved pedestrian link with Parsons Street</p>
3 Enhance existing heritage assets and local character	<p>Number of heritage assets brought back into use</p> <p>Number of listed buildings and their settings improved</p>	<p>Vacant buildings to rear of Parsons Street to be brought back into use</p> <p>Redevelopment of area to rear of North Bar Street to improve setting of heritage assets</p>
4 Create a high quality public realm	<p>Annual crime rates and reports of anti-social behaviour</p> <p>Public perception of Town Centre (assessed by regular surveys including evening ambience)</p> <p>Visitor frequency/length of stay</p>	<p>Extension of pedestrian priority zone</p> <p>Increased number of specialist markets and festivals</p> <p>Creation of two new/ improved public spaces</p> <p>Fall in crime rates/ antisocial behaviour</p>

Executive

Banbury Museum Trust

3 October 2011

Report of Strategic Director for Environment and Community

PURPOSE OF REPORT

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.

This report is public

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.

Executive Summary

Introduction

- 1.1 This report summarises the findings and options available to the Council in establishing a Trust for Banbury Museum and Visitor Information Centre (VIC). It supplements the Interim Chief Executive's report to the Executive on the Value for Money Review of Culture and Heritage of 10 January 2010, wherein the Executive agreed in principle to transfer operation of the Museum and Visitor Information Centre to a bespoke Trust developed for the purpose from 2013/14.
- 1.2 A Project Team and Board, comprising two Executive members, was established in January 2011 to establish if the formation of such a Trust was feasible, if the predicted savings were achievable and to outline any relevant issues or considerations for the Executive in reaching a decision on if to proceed. An Issues and Options report for the Project Board, from which this report's recommendations are taken, is attached as Appendix 1.
- 1.3 The report finds that the Medium Term Financial Strategy savings target of £64,000 from reduced NNDR contributions is feasible providing that the Trust incorporates both the Museum and Visitor Information Centre, with all property leased to the Trust. In order to secure the continued operation of the LinkPoint office on the premises without jeopardising the NNDR savings it will necessary to make provision for the Council to occupy the LinkPoint area under a licence from the Trust.
- 1.4 The report makes proposals for the governance, financing, staffing and operation of the Trust alongside resolving the property issues arising from the separation of the service from the Council.

Proposals

- 1.5 To proceed with the formation of a bespoke Trust to operate Banbury Museum and Banbury Visitor Information Centre to operate from April 2013, subject to the agreement of the National Heritage Lottery Fund and Oxfordshire County Council.
- 1.6 To establish a project budget of £15,000 for 2011/12 to progress the work of the project to establish the Trust.
- 1.7 To commence a formal consultation process with staff affected by the proposal.
- 1.8 To permit the Project Board to interview suitable candidates for Shadow Chairman, with any such appointment to be confirmed by the Executive.

Conclusion

- 1.9 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.

- 1.10 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.

Background Information

- 2.1 This report supplements the Interim Chief Executive's report to the Executive on the Value for Money Review of Culture and Heritage of 10 January 2010, wherein the Executive agreed in principle to transfer operation of the Museum and Visitor Information Centre to a bespoke Trust developed for the purpose from 2013/14.
- 2.2 A Project Team was formed to identify the most suitable structure, governance, financial and operational arrangements for a Trust to ensure future viability while satisfying the Council's needs and to achieve savings of £64,000 to contribute to MTFS targets for 2013/14. This has been overseen by a Project Board comprising two Executive members.
- 2.3 The report makes a series of recommendations based on initial work carried out by the Project Team to form the basis for the project moving forward over the next 17 months in the lead up to the creation and operation of a Museum Trust.

Summary of Project Findings

- 2.4 Appendix 1 contains the Issues and Options report prepared for the Banbury Museum Trust Project Board. A summary of the key issues is set out below;
- The move to Trust status requires engagement and negotiation with National Heritage Lottery Fund, who provided the substantial grant to construct the museum, and Oxfordshire County Council who provide the collections. As long as a public museum service continues to be maintained on the site, any claim for a total or partial refund of the grant received from NHLF, whilst plausible, is not anticipated. Similarly, the change to the agreement with Oxfordshire County Council is anticipated to be acceptable.
 - A new legal form of charitable status known as a Charitable Incorporated Organisation (CIO) is scheduled for introduction during 2011 which will obviate the need for charities to be both Companies Limited by Guarantee and Charities. The 'Foundation' model of this vehicle would be the most appropriate to use for a Banbury Museum Trust.
 - The Board of Trustees of a CIO is not subject to the same restrictions as some other charitable vehicles and so can determine the size of the Board and how many Council Members it wishes to nominate as trustees. In order to maintain independence while ensuring effective representation an initial Board size of 5 Trustees is proposed, comprising one Council member nomination, rising to two should the overall size of the Board exceed 10. In addition, a senior Council officer would be present at all Board meetings to give an operational view on issues.
 - A Shadow Chairman should be appointed as soon as possible to provide

early leadership and direction and to negotiate with the Council on behalf of the Trust, with other Trustees recruited using external advertising and by approaching candidates directly.

- The Council should retain the freehold of the Museum building and lease this, the Bridge gallery the VIC/LinkPoint office and Tooley's Boatyard to the Trust for a 30 year period both to satisfy the funding agreement with the National Heritage Memorial Fund and to provide security of tenure for the Trust.
- The LinkPoint office should continue to be operated at the site by means of a Licence giving non-exclusive occupancy to the Council in order to avoid it being construed as a tenancy which would risk the mandatory NNDR relief the Trust would otherwise enjoy.
- Responsibility for maintenance of the exterior of the building and its plant should remain with the Council rather than pass to the Trust as tenant in order to ensure the condition of the Council's asset is ensured and prevent the need for the Council to fund and recharge the Trust for this work.
- The Museum café contract should pass across to the Trust to allow it to determine if it wished to continue to run a café operation or use the space for a different purpose on expiry of the contract.
- All staff working at the Museum or the Visitor Information Centre (including casuals) will transfer across to the Trust under TUPE Regulations. A plan has been devised to meet the consultation requirements of the legislation.
- In line with previous externalisations, the Council should seek to accommodate the pensions of transferred staff through the Trust obtaining Admitted Body status. Should admittance not be accepted then an alternative scheme will need to be identified.
- The Council should retain past pensions cost liability and continue to make contributions towards this, with any future liability for redundancies being restricted to a three-month period following transfer.
- Work has been carried out to explore if savings could be achieved through a reduction in the support provided by the Council to the museum, with a resulting reduction in the level of recharges and so a reduced level of financial support for the Trust. However, as the size of the museum support recharge does not represent significant proportions of individual support staff time, it is not possible to reduce these costs (i.e. reduce the level of staffing) in proportion to the loss of the museum. For this reason, it is not proposed that any support service savings be included in the business case for the Trust.
- The Trust would achieve best value for IT provision if it were to continue to use the Council's infrastructure and support, but would require an independent internet connection to bypass the complex compliance regulations that the Council is subject to. Given its low residual value it would be reasonable for existing PC equipment to be 'gifted' to the Trust

on transfer.

- To assist in negotiations with the Shadow Trust, and to reach decisions about how jointly funded expenditure should best be separated, a shadow budget should be created for the Trust from 2012/13 while the services are still within Council control.
- A dedicated budget is required to further key aspects of the project, in particular procuring expert legal advice for both the Council and the Shadow Trust, and for valuation of the pension liability for affected staff. A sum of £15,000 is estimated to cover the requirements in 2011/12. As the Council will benefit from future reduced revenue support to the Museum, it is proposed that this cost be met by the Council from existing budgets and the Corporate Change Reserve.
- As part of the draft proposals the Localism Bill will give local authorities the power to grant a discount in business rates, enabling them to respond locally to the concerns of local businesses. This may have implications on the proposed NNDR savings to the Council. Once the details of any changes are known it would be prudent to ask the Executive to consider any implications arising from the Local Authority Resource Review (Localism Bill) that impacts upon the savings potential of this project prior to implementation.
- A timescale for implementation of the Trust was proposed by DCA consultants as part of the work for the Value for Money review, and it is proposed that this be used as a basis for guiding the second phase of the project. Detailed implementation plans will be drawn up by the project team to achieve this timescale.

2.5 A key consideration in determining the scope of a Museum Trust has been if it should include Banbury Visitor Information Centre. A deciding factor in this consideration has been the impact of likely rates revaluation by the Valuation Officer in splitting the premises into Council-operated and Trust-operated parts. A Trust comprising the Museum building and Bridge gallery only would enjoy the benefits of reduced NNDR contributions, but these would be offset by a significantly increased valuation (and therefore NNDR liability for the Council) for the retail unit in Castle Quay which houses the VIC and LinkPoint Office, leading to an increased cost overall of around £6,600. In addition, a Museum that did not have access to the support currently provided by the VIC would need to procure this, either through employing additional staff or using a service level agreement with a Council-operated VIC.

2.6 A Trust comprising the Museum and VIC, where all the premises are leased to this body and arrangements are made to accommodate the continued operation of the LinkPoint office by the Council using a Licence to Occupy, would ensure that all the premises continued to be valued as one unit for rateable purposes and would enable the full 80% mandatory NNDR reduction, giving rise to savings of £67,548 and avoiding the need to procure front-of-house support.

2.7 A further key consideration has been the value of current pensions liabilities for staff likely to be transferred. It is proposed that the Trust has a fully funded pension on the date of transfer, meaning that the Council will retain past pensions costs liability and continue to pay contributions as at present. This

will involve no additional cost to the Council as future budgets have been built on covering current pension deficit payments.

- 2.8 The creation of this separate organisation, responsible for the delivery of all its own services, would ideally mean that current support service arrangements with the Council would need to change as a result of the Trust providing its own administrative support. However, due to the difficulty in accommodating the financial impact of such a loss in support recharges this is not feasible, and it is proposed that current support arrangements carry on as at present, subject to the agreement of the Trust.
- 2.9 Current management recharges amount to £20,228. These will need to be absorbed by the Council as they cannot legitimately be recharged or be part of a TUPE transfer.

Key Issues for Consideration/Reasons for Decision and Options

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- 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.

Implications

- Financial:** The project has confirmed the initial savings target of £64,000 is achievable from 2013/14 (estimated currently as £67,584). These will be impacted by the cost of a bond to cover future pensions liability.
- Comments checked by Karen Curtin, Head of Finance
01295 221551
- Legal:** There are a range of legal powers available to the Council to create a CIO and transfer to it the museum and VIC undertakings, including:
- Section 12 of the Public Libraries and Museums Act 1964 and Section 145 of the Local Government Act 1972 (power to provide museums);
 - Section 111 of the Local Government Act 1972 (power to do any thing which is calculated to facilitate, or is conducive or incidental to, the discharge of a function);
 - Section 2 of the Local Government Act 2000 (power to promote or improve economic, social or

environmental wellbeing; and

- Section 69 of the Charities Act 1993 as amended by the Charities Act 2006 (for the basic structure and arrangements for forming a CIO) supplemented by the Charitable Incorporated Organisations (General) Regulations (which is currently in draft form) which aims to establish model constitutions for CIOs (expected to be enacted early summer 2011).

Other legal implications and considerations are addressed throughout the background papers to this report.

Attention is drawn in particular, however, to section 5.3 of the report which emphasises both the need and desire to obtain specialist external advice to verify some aspects of this project

Comments checked by Kevin Lane, Interim Head of Legal and Democratic Services 01295 221686

Wards Affected

All

Corporate Plan Themes

An Accessible, Value for Money Council

Executive Portfolio

Councillor James Macnamara
Lead Member for Environment

Document Information

Appendix No	Title
Appendix 1	Issues and Options Report for the Project Board
Background Papers	
None	
Report Author	Neil Lawrence, Improvement Project Manager, Paul Marston-Weston, Head of Recreation and Health
Contact Information	01295 227095 Paul.marston-weston@cherwell-dc.gov.uk

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Banbury Museum Trust Project

**Issues and Options Report for the Project
Board**

Cherwell District Council



Revision History			
Version	Revision Date	Previous Revision Date	Summary of Changes
1			Initial version
2	9 May 2011		Revised recommendations, finance section added, IT section added, governance section amended
3	12 May 2011	9 May 2011	Minor revisions to Property section, addition of project budget, revision on Board size/structure
4	1 June 2011	12 May 2011	Changes from Project Board 23 May
5	3 June 2011	1 June 2011	Final amendments for CMT
6	12 July 2011	3 June 2011	Initial amendments including Board recommendations
7	14 July 2011	12 July 2011	Feedback from Project Team members
8	16 September 2011	14 July 2011	Outcome of meeting with Finance; new section 1, clarification of finance position, Project Board meeting decisions updated.

Issues and Options Report

Executive Summary

This report sets out the findings and options available to the Council in establishing a Trust for Banbury Museum and Visitor Information Centre. It supplements the Interim Chief Executive's report to the Executive on the Value for Money Review of Culture and Heritage of 10 January 2010, wherein the Executive agreed in principle to transfer operation of the Museum and Visitor Information Centre to a bespoke Trust developed for the purpose from 2013/14.

At its January meeting the Executive resolved:

“(4) To agree in principle subject to further assessment, to transfer the operation of the Museum and Tourist Information Centre (TIC) into a bespoke Trust developed for the purpose from 2013/14, saving an estimated £64,000 in NNDR”

“(5) To ask officers to bring a detailed report on the creation of a Trust for the Museum and TIC to a future meeting.

The purpose of this report is to provide the Project Board and CMT with information to make key decisions that need to be taken as part of a move to Trust status. It will form an Annex to the October 2011 report to the Executive.

The Project Team seeks endorsement from CMT that the Executive be 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. 1(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's Shadow Board.
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 soon after its October 2011 meeting;
 - 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. 3 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 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 Environment, Recreation and Health, to negotiate suitable terms for such sub-lettings to the Trust; and
 - b) To make provision for the Council 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 pensions 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. 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 a final financial allocation.
 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 and 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 ask the Executive to consider any implications arising from the Local Authority Resource Review (Localism Bill) that impacts upon the savings potential of this project prior to implementation.
 16. To note the timetable for the transition to Trust status proposed by DCA Consultants.

1. Existing Agreements

In 1998, Cherwell District Council won a £2.2 million grant from the National Lottery to relocate the Museum to a new purpose-built, town-centre site. In addition it raised a further £250,000 through 58 benefactors on the basis a new museum would operate for a minimum of 25 years. The Heritage Lottery Fund required a contract to protect its £2.2m investment. The 25 year contact with Cherwell District Council (expires 2023), requires the Council to retain ownership, maintain the building and Museum Service, and it binds the displayed loaned collections to the Museum.

Once constructed, both the museum and the museum collection (accumulated by the Council, as a condition of the grant, under minimum 25 year loan agreements with Oxfordshire County Museum Services and British Waterways) were required to remain fully accessible to the general public throughout the period of 25 years beginning on the date of the agreement. No other purpose is permitted under the terms of the agreement until its expiry in 2023.

The continued operation of the museum is bound up with the funding agreement for its construction through the National Lottery grant. The circumstances demanding repayment of the original grant, which will apply until the agreement expires in 2023, include (i) failure to use the museum for the purpose described in the Council's original grant application (i.e. as a public museum) (ii) a material change in status of the Council and (iii) failure to comply with the terms and conditions of the agreement, although grant may not be required to be repaid if, in the case of (i) or (ii) above, such is preceded by a resubmitted grant application approved by the National Heritage Memorial Fund (NHMF).

The proposal to create a bespoke Trust to operate the museum represents a material change to the original agreements, and so any decision of the Council to pursue this option will need to be subject to securing the necessary agreements of the two organisations in question. As long as a public museum service continues to be maintained on the site, any claim for a total or partial refund of the grant received from NHMF, whilst plausible, is not anticipated. Similarly, the change to the agreement with Oxfordshire County Council is anticipated to be acceptable.

<p>Recommendation 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 Memorial Fund and Oxfordshire County Council.</p>
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2. Governance issues

2.1 Model of Trust to adopt

The term ‘trust’ in this report is used to describe the organisation whose primary purpose will be, upon its creation, to establish and maintain a museum and visitor centre pertaining to local history, heritage, arts and culture for the benefit of the public and the advancement of education..

Since its business structure will require it to reinvest any profit in services or business growth rather than be distributed amongst its members, such a body may also be described as a ‘non profit distributing organisation’ (NPDO).

The Council can choose to create the museum trust from a variety of existing NPDO structures:

- Company limited by guarantee (with charitable status)
- Community Interest Company
- Industrial and Provident Society

The characteristics of each are described in the Table below:

Type of NPDO	Characteristics
Company Limited by Guarantee (with charitable status)	<p>The members of the company give a guarantee for a nominal sum which is the maximum they will be required to contribute if the company were to be wound up. However, where the company’s objects are exclusively charitable, <i>as they would need to be to achieve the savings described in this report</i>, then the body would need also to be registered as a charity and subject therefore to 2 regulatory regimes (under the Companies Act 2006 and the Charities Act 2006). The Council is also constrained, viz CLG membership, by the nomination ceiling imposed by the provisions of the Local Government and Housing Act 1989 and the Local Authorities (Companies) Order 1995 which, together, are designed to ensure that local authorities do not evade financial and propriety controls by establishing controlled or influenced companies to discharge their function (in consequence of which no more than one fifth of CLG board membership can comprise local authority nominees).</p> <p>These issues notwithstanding, establishing the trust through the creation of a CLG (with charitable status) remains the best alternative should the preferred vehicle in Recommendation no. 1(a) be unavailable to progress the project within the timescale referred to in section 6 below.</p>
Community Interest Company	This is a relatively new model designed for enterprises that want to use their profits and assets for the public/community good, but a CIC cannot be a charity and so would be unable to secure the savings identified

	elsewhere in this report that are commensurate with such charitable status.
Industrial and Provident Society	There are 2 types of IPS, the bona fide co-operative (which conducts its business for the mutual benefit of its members) and the society formed for the benefit of the community (which, as its status implies, acts in the interests of the community). Where the IPS's objects are exclusively charitable then, again, the body would need also to be registered as a charity and subject therefore to regulation by both the FSA and the Charities Commission. Further, an IPS is an open membership organisation with autonomous, democratic member control and as such may not be considered suitable for delivering the museum service in all the circumstances described in this report

However, the Charity Commission are introducing a new legal form for charitable status known as a Charitable Incorporated Organisation (CIO) which is not a limited company or subject to company regulation, and is designed to obviate the need for charities to be both Companies Limited by Guarantee and Charities (thereby coming under dual regulation). As CIOs are always incorporated, they will be separate legal entities and their members will have either no liability or limited liability (usually a nominal sum of £1 or £10, but it can be any agreed sum). Unlike some of the other forms used by charities, CIOs will only register with and report to the Charity Commission, not to Companies House or the Financial Services Authority.

A CIO is suited for a charity that will:

- Own land in its own name
- Control substantial assets
- Enter into contracts, for example by employing staff, or
- Engage in charitable activities involving financial risks

A CIO can be created by adopting either of two model constitutions:

- The 'Foundation' model – where the only voting members will be the charity trustees
- The 'Association' model – where a wider membership, including voting members other than the charity trustees, is anticipated. Such extended membership could include Council members.

It is anticipated that the size of the Board of Trustees will, initially, be fairly small. In this case, it would be prudent for all trustees to be also the only voting members, which would require the use of the Foundation model. Initially, therefore, all key decisions affecting the trust would be taken by the charity trustees themselves. The trust could later change its constitution to the 'Association' model if it should ever desire a wider voting membership.

CIOs were created by provisions in the Charities Act 2006 and are expected to come into force, following a consultation procedure on the secondary legislation implementing them in autumn 2011. However, it would be prudent to make provision for an alternative charitable vehicle to use should the necessary statutory instrument(s) experience further delays and so not be available. In these circumstances a Company Limited by Guarantee (with charitable status) would be the most appropriate to use.

Recommendation 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. 1(a) is not available.

2.2 Name of Trust

The process of choosing a name for the CIO is important. In the first instance, the Charity Commission, which regulates the activities of charities in the UK, has fairly strict guidance on accepted names for charitable trusts. Furthermore, it is not permissible to choose a name that is similar or identical to that of an existing charity. If, also, the charitable trust is to appeal to members of the public, it is important to remember that the name will be what the public sees first, and so it should be memorable and descriptive.

It would be appropriate for the Trust itself to agree its own name, along with its purpose, but in order to progress with the establishment of the Trust a working name would be expedient at this stage of process.

Recommendation 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's Shadow Board.

2.3 Structure of the Board of Trustees

The Museum Association's definition of a trustee is a member of the governing body of a museum trust, whether or not titled as such.

Guidance on the size and structure of a Board of Trustees is set out in the Renaissance document *"Moving to Museum Trusts: Learning from Experience pt2 The Process of Devolution"*.

As a CIO is not subject to the provisions of the Local Government and Housing Act 1989 nor the Local Authorities (Companies) Order 1995 (where, as previously mentioned, no more than one fifth of CLG board membership can comprise local authority nominees) the Council can determine the number of nominees it may propose from amongst its Members for membership of the CIO board. As the size of the Trust will be relatively small it would seem prudent to keep the size of the Board (at least initially) fairly small as well, and so it is proposed that this comprises a minimum of 5 Trustees. In order that the Council has representation on the Board but that this is not at a level that impacts on the independence of the Trust, it is proposed that one Council member be nominated as a Trustee. Should the Trust grow to a larger size (above 10 Trustees) then it would be appropriate for the Council's membership to increase to two members.

Recommendation 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.

2.4 Appointment of Trustees

Trustees play an essential role in the governance of charities. They also have a lot to contribute to their success. For example they can:

- serve as a means of communication with communities that a charity exists to serve;
- bring valuable professional or other experience to charities, particularly legal, financial and fundraising; and
- help to ensure that charities are well-managed through the appointment of senior executive staff

Ideally, Trustees should not only be knowledgeable in heritage, museum or learning but also have business, professional or management experience. In particular, it is ideal if the Board can harness additional added value skills including:

- Finance
- Strategic planning
- Legal
- HR
- Asset management
- Community development

The Charity Commission believe that the governance of charities will be improved where trustees are recruited from a wide range of backgrounds. This includes trustees from parts of the community which have traditionally not played a large part in charities, such as young people, people from minority and ethnic communities and people with disabilities. Creating a diverse board can also help to increase accountability and public confidence.

There are mixed views about the effectiveness of recruiting trustees through open competition and whether this discourages suitably experienced and qualified people from coming forward to fill what is, essentially, an unpaid appointment. An alternative is to approach suitable candidates directly based on their knowledge or experience in areas key to the success of the Trust, or their connection or affiliation to the area or the Museum in particular. There are also trustee brokerage services that can help identify suitable trustees, such as Trusteefinder or Trustee Search.

Some initial work has already been undertaken in relation to identifying possible trustees. This has been aided by the Museum's longstanding role within the community and with other charitable organisations and networks. These include two charities, the Banbury Historical Society (closely associated with the Museum since 1957 and of which Cherwell District Council's Museum Services Manager is Secretary), and the Oxfordshire Museums Council (of which the Museum Services Manager is Chairman).

Appointment of a Shadow Chairman at an early stage is considered essential to;

- provide high-level leadership and direction
- to negotiate with the Council on behalf of the proposed Trust
- to assist in the appointment of other Board members
- to manage the transition process to Trust status

The Shadow Chairman can 'retire' after the incorporation of the Trust to be replaced by a permanent Chairman, or can stay on in the role. There are advantages and disadvantages for either approach.

The process followed by Oxfordshire County Council in establishing a Trust for Cogges Farm Museum was as follows;

- Cabinet agreed the appointment of the Shadow Chairman and initial Council representatives
- Adverts were placed for the other Trustees. There were 40 responses.
- Other Trustees were agreed by the Shadow Board as it grew.
- Now that the Shadow Board is transferring itself into a Trust, members are being asked if they are willing to stand as permanent Trustees.
- The appointed Shadow Chairman has now stood down, having taken the Shadow Board to the brink of Trust status.

2.5 Ongoing governance

It would be desirable for the Council to have an ongoing role in overseeing the activity of the Trust given the likely size of its ongoing financial commitment. The Board has expressed a wish to require the Trust to present an annual business plan to the Council to show how it will deliver services, and for this to take the form of a schedule to any agreed service level agreement.

Legal advice has clarified that it will not be possible for the Council to make funding dependent on the provision of services on behalf of the Council without giving rise to procurement and tax liability issues, and so that funding agreement, and any agreement ancillary or supplemental to it, should be framed such that the sums paid to the Trust are solely to aid its aims and objectives as stated in its constitution.

However, the museum Accreditation Standard (currently being revised) will require accredited museums to have a business/forward plan covering a period up to 5 years, with an annual report/revision cycle. This would appear to offer an opportunity for a representative of the Council, in his/her role as a Trustee, to have an input into the planned services provided by the Trust.

In addition, it is proposed that a senior officer be invited as an observer to each Board of Trustees meeting to give an operational perspective to any decisions being made. A similar arrangement operates currently at The Mill, Banbury.

Recommendation 5: In relation to the appointment of such Trustees:

- To permit the Project Board to interview suitable candidates for Shadow Chairman, any such appointment to be confirmed by the Executive soon after its October 2011 meeting;
- 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. 3 above); and
- 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.

3. Property Issues

3.1 Ownership of property asset and type of occupation

The Council currently owns the freehold of the museum premises to the east of the canal, and occupies the premises itself. There is a Licence agreement in place relating to the café with no security of tenure under that agreement (see, further, section 2.5 below).

The Visitor Information Centre (VIC) and Linkpoint to the west of the canal is within the leasehold interest granted by the Council to Scottish Widows in respect of the Castle Quay development. The Council occupies the premises under a lease back for 250 years from 2000. No rent is payable, and only a reduced service charge. The use permitted under the lease comprises a VIC and the provision of other local authority services. Scottish Widows have permitted the use to be widened from the original VIC only, but do seek to ensure that the premises are compatible with the retail nature of the remainder of Castle Quay.

The Council has sublet part of the premises, comprising the basement, to the boatyard operator, Tooley's Boatyard Ltd. The area occupied by Tooley's Boatyard falls within two titles. Part is leased by Scottish Widows to the Council, and the remainder is leased by British Waterways to the Council. The whole of the boatyard is then sub-let to Tooley's Boatyard Ltd.

The values of the land and buildings associated with these assets as shown on the Council's asset register are as follows:

Banbury Museum	Land: £424,489 Building: £3,820,406
Visitor Information Centre/LinkPoint	Land: £208,200 Building: £485,800
Tooley's Boatyard	Land: £61,915 Building: £557,236

It is important to bear in mind that the VIC/Linkpoint premises have significant potential value, if they were to become surplus to the Council's requirements. Scottish Widows have indicated on a number of occasions that they would be interested in taking them back, should the Council wish to surrender its lease, so they could be redeveloped as an additional retail unit. How this could be done whilst retaining access to the museum has not been considered in detail, but may not be impossible.

Theoretically it would be possible to transfer the freehold of the Museum and sub-let the lease of the VIC/Linkpoint to a Trust. However, the Council would be parting with the asset. It would be appropriate to include a right of pre-emption requiring the Trust to offer the Museum back to the Council, and to surrender the sub-letting, should it ever resolve to dispose of the premises.

To retain the premises the grant of a lease would be more usual. This could set out who does what, and could include a break clause should the Council wish to have the premises back under particularly exceptional circumstances, such as the winding up of the Trust (subject to any Charity Commission approvals).

Assuming the occupation is to proceed under some form of lease or tenancy, the nature of this will be driven by two considerations. Firstly, the extent to which the Trust shall be given freedom to operate as they see fit, and the permanence with which the arrangement is viewed, and, secondly, any issues which may apply as a result of the desire to remove any rating liabilities. These issues are discussed below.

If the Trust were required to operate the premises according to a tight specification drawn up by the Council, with the opportunity for the Council to terminate the arrangement after a short period of three years, for example, or by serving a period of notice, it would be reasonable to grant only a licence to the Trust. Under a licence, where no entitlement to exclusive possession is a defining feature, it would be both normal and necessary for the Council to retain a high degree of control over the premises, such as through repairing obligations, and possibly rights to use certain parts of the premises for its own purposes.

If the Trust is to be given greater freedom to run the museum within parameters according to its own specification, and particularly if it requires security of tenure in order to fund raise or borrow, then it would be normal to grant to the Trust a lease of the premises. The length of the lease can be whatever the parties require, although both the NHMF (who provided grant to the Council to fund the museum's construction) and the Oxfordshire County Council (who own the Museum's collections) will be concerned to ensure some longevity in the term proposed to be granted.

It might also be possible (with the concurrence of the NHMF and Oxfordshire County Council and subject to any Charity Commission approvals) to incorporate break provision, operable at the discretion of either or both parties, or in the event that particularly exceptional circumstances apply, such as the inability of the Trust to continue.

Given the funding agreement between the NHMF and the Council for the construction of the museum ties the Council into the provision of a Museum until at least 2023 it will be essential that the term of the lease is no shorter than 10 years. However, to provide the necessary security of tenure and operation a minimum term of 30 years would be more appropriate.

Recommendation 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 Environment, Recreation and Health, to negotiate suitable terms for such a lease with the Trust on this basis.

3.2 Extent of the Property to be included in the Trust

Services provided at the Museum/Castle Quay site are; the museum (Monday to Saturday), the Tourism Information Service (Monday to Saturday) and the LinkPoint Office (Monday to Friday).

The relationship between Banbury Museum and the VIC goes beyond convenient and mutually beneficial co-location. The VIC acts as the 'front door' for museum services, introducing visitors to Banbury's heritage offer. It takes money on behalf of the museum, for events and trails as well as handling all post for the building. In addition it provides some support and service to the LinkPoint office, which will remain in Council control and operation at the Castle Quay site. This is important when considering the extent of property included within the Trust.

There are two options in respect of what property is included in the Trust arrangement:

- Option 1: To include the whole of the museum, bridge gallery and the VIC/Linkpoint.
- Option 2: To include only the museum and the bridge gallery

With regard to Option 2 there may be some issues regarding how the physical interface between the bridge and the VIC/Linkpoint corresponds to the boundary of the premises leased to the Council by Scottish Widows. However, these issues are unlikely to be incapable of being resolved. In this case the Council would continue to occupy and operate the VIC/Linkpoint under the lease from Scottish Widows, and to sublet Tooley's Boatyard to the operator.

Option 1 (the preferred option) would require the Trust to take on responsibility for the provision of the heritage, arts and cultural services currently provided through the VIC (so its objects will need to be carefully crafted to accommodate this). It would also require the Council to sub-let the VIC/Linkpoint area to the Trust and that could not be achieved without the consent of the Council's head landlords, Scottish Widows.

It would be worth considering at the same time whether the area leased should include the whole of Tooley's Boatyard as well. Part of this is outside the area leased to the Council by Scottish Widows, and is leased by the Council from British Waterways (BWB). In order to sub-let the VIC/Linkpoint lease, it is likely to be necessary to include the whole of Tooley's Boatyard, and sub-let the premises included in the BWB lease too. This would ensure that the whole of the premises include within the various leases are occupied by the same parties, rather than being sub-divided.

Clearly, Option 2 is the most simple for the Council. However, the scope of the property included needs to be considered alongside the rating valuation issue (set out in section 2.3 below)

3.3 Rating Valuation

Currently the museum and VIC/LinkPoint have a single NNDR rating assessment with a combined rateable value of £195,000, giving rise to an annual NNDR liability of £84,435.

The Valuation Officer has confirmed that should the VIC/LinkPoint be split off from the Museum they would have no option but to value it as a retail unit at £1,100 per square metre in common with the adjoining shops in Castle Quay. The estimated separate rateable value for the VIC/LinkPoint is £177,000, with a reduction in the museum (only) assessment to £167,000. The result is an aggregate rateable value of £344,000, an increase of 76% over the current rateable value.

Using the latest NNDR multiplier (£0.433) the impact of this change on the Council's overall NNDR liability can be predicted as follows;

- Option 1 (all property to Trust) £16,887 (a saving of £67,548)
- Option 2 (VIC/Linkpoint excluded) £91,103 (an additional cost of £6,668)

Rateable values can be appealed, but are not under Council control. Liability rests with the organisation in control of the premises, which is to say, in legal occupation. Care is needed, because if an arrangement is seen as a sham to avoid liability, the VO may look behind it at the facts.

Since a key objective of the project is to secure the required savings of £64,000 through NNDR reductions, a decision to limit the extent of the Trust lease to the museum and bridge gallery only seems likely to jeopardise this objective.

3.4 Linkpoint

The LinkPoint office is to remain in Council control and operation at the Castle Quay site. Accordingly, it will be necessary to establish an arrangement with the Trust that permits the Council to continue to operate the LinkPoint office without jeopardising the NNDR savings identified in section 2.3.

To this end, the Project Team considers that any arrangement for the Council to operate the LinkPoint area would need to take the form a licence. The features of a licence are such that it:

- is determinable by either party on, e.g., 6 months' written notice (i.e., is not for a fixed term);
- avoids permitting the Council exclusive possession of the area;
- makes no reference to payment of rent (although a licence fee, annual or otherwise, is permissible); and
- prohibits transfer of the licence to successors in title.

If any of these features were to be present in the Council's arrangement with the Trust for the occupancy of the LinkPoint office then the Council's occupation could conceivably be construed as a tenancy which, amongst other things, would risk its losing the NNDR savings that would otherwise have been made subletting this part of the premises to the Trust.

Recommendation 7: In relation to the lease arrangements for the property;

- 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 Environment, Recreation and Health, to negotiate suitable terms for such sub-lettings to the Trust; and
- To make provision for the Council 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

3.5 Maintenance of property

Under a Licence it would be normal to retain a large degree of control of the maintenance works to be undertaken. Whilst it would be possible to require the licensee to undertake some maintenance, such as internal repairs and decorations, it would not be reasonable to expect them to undertake major external repairs.

Under a lease it is more normal to require the tenant to accept responsibility for all repairs and maintenance. Depending on the term of the lease, the tenant may be reluctant to accept responsibility for major items such as re-roofing, or structural repairs, but this should not be an issue on a lease for 20 years or more.

The question of which party is responsible for what depends to a large extent on the financial arrangements so that, for example, if maintenance costs are to be recharged to the Council then the Council will want to have control over what is done.

It is possible to pass the responsibility for the cost of items such as maintenance to the tenant, but to retain the control over the quality of this work by providing for the Council to carry out the work, with the cost recovered through a service charge. Such a charge can include an element of the landlord's administrative and staffing costs associated with the work.

Decisions on maintenance will be determined by the extent of independence to be given to the Trust, both in terms of control and financially. If the Council is to stand behind the Trust and guarantee to meet various costs, it may as well retain the direct responsibility for those items. If the long term aim is to disengage completely, then the Council will need to pass over all responsibility, even though it may fund costs or provide services to them on a temporary basis.

Passing over full responsibility may, in itself, prove to be an exercise in accounting only. Most of the funding made available to the Trust will be from the Council. Should the Trust be made responsible for the costs of maintenance it would require an appropriate level of funding from the Council to meet this liability. If the work is to be arranged through the Council then it would need to recharge the Trust for the administration of this work and the cost of the work itself.

Recommendation 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. 6) so that the Trust shall only be responsible for interior maintenance and decoration.

3.6 Museum Cafe

The museum includes the existing café which is currently operated by Flying Aubergine Limited under a concession contract between the company and the Council dated 8 January 2008. Under the contract, the Council receives a share of the income generated by Flying Aubergine at the café. Flying Aubergine occupies the café area, in order to deliver the café service, under an ancillary licence with the Council which is also dated 8 January 2008. The licence will end upon expiry or earlier termination of the concession contract. While the arrangement is personal to Flying Aubergine, there is no provision in either the contract or the licence prohibiting the transfer of the same to a third party by the Council.

As the concession contract and the supplemental licence relate exclusively to the museum, its transfer to the Trust could, if agreed, be included in the proposed transfer of the museum undertaking referred to in recommendation 5 of this report, being a contract wholly associated with the museum.

As the café operation is essentially a commercial undertaking, however, it will be necessary to consider whether there are any implications for the Trust's charitable status arising from its acquisition of the concession contract from the Council and its continuation of the café function generally.

Such considerations centre upon whether the café operation falls within or without the types of trading activity a charitable trust is usually permitted to engage in (similar considerations, indeed, will also apply to trading activity connected with the retail aspect of the VIC).

There are some types of trading activity in which a charity may engage without the profits being counted as trading profits and without being liable to tax all of which can be carried out within the charitable constitution. Essentially, charities may carry on trading activities which contribute directly to the furtherance of their charitable objects, or (where the purpose is to raise funds for the charity) which do not involve significant risk. This includes:

- 'Primary purpose trading' - trading that contributes directly to one or more of the objects of a charity as set out in its governing document e.g. selling workshop places.
- 'Ancillary trading' - trading that contributes indirectly to the successful furtherance of the purposes of the charity e.g. selling light refreshments to visitors. Also described as necessary and incidental trading.
- 'Non permanent trading' - trading that essentially raises funds for the charity at ad hoc events and which does not involve significant risk to the charity's resources.

If a charity intends to engage in trading outside these parameters then it must establish a trading subsidiary through which to carry it on. Where a charitable museum has or is to have a trading company, the Charity Commission expects all arrangements between it and its trading company to be negotiated at arm's length.

Prima facie, the current café operation would only comprise an incidental trading activity that nonetheless furthers the purposes of the charity and so could be classed as 'ancillary trading' for charitable purposes. However, if the recommendation is approved then it is proposed the Project Board seeks specialist advice to determine whether the commercial elements inherent in the museum transfer demand that a trading arm be established by the Trust to overcome the difficulties in this regard.

Upon the expiry of the concession contract and supplemental licence the Trust would be in a position to determine whether it wished to continue to run a café operation from the café area, or whether it wished instead to use the space formerly occupied by the café function for a different purpose connected with the provision of the museum activity.

Under the terms of the concession contract with Flying Aubergine the contractor is permitted to use the catering equipment belonging to the Council to provide the catering services. If the contract and supplementary licence were to be transferred to the Trust then the Council should consider loaning the Council's equipment to the Trust for so long as the café site continues to be used as such, and so would be returned by the Trust to the Council in the event the site was required by the Trust for another purpose. The terms of that loan arrangement would be incorporated in a stand alone equipment loan agreement between the Council and the Trust.

<p>Recommendation 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>
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4. Staffing Issues

4.1 Current staffing

The current staffing complement of the two areas under consideration (Museum and VIC) is as follows;

	Hrs PW	FTE	Comments
Museum Services Manager	37.00	1.00	
Education Officer	37.00	1.00	fixed term to 31/3/2013
Events & Exhibitions Officer	37.00	1.00	
Museum Assistant	13.18	0.36	
Museum Assistant	19.25	0.52	
Museum Assistant	12.00	0.32	
Exhibitions Assistant	17.25	0.47	
		<u>4.67</u>	
Visitor Information Manager	37.00	1.00	
VIC Assistant	13.63	0.37	
VIC Assistant	22.25	0.60	
VIC Assistant	15.88	0.43	
VIC Assistant	15.88	0.43	fixed term to 31/3/2012
		<u>2.83</u>	

There are also currently 10 Museum Assistant casuals and 7 TIC Assistant casuals affected by the change. The recent appointment of an Education Officer was made on a two year contract basis and so will not currently transfer under TUPE unless this contract is extended.

In addition to this the Museum/TIC is charged £20,228 per annum for management support provided by the Head of Recreation and Health (7% of salary) and the Arts & Visitor Services Manager (40% of salary). The proportion of salary allocated is below the level that would trigger an automatic TUPE transfer (50% minimum of duties/salary would have to be allocated to trigger this).

The long term success of any trust will be dependent on maintaining the continuity, as far as is possible, of the current service, including keeping the museum open and active. The current staff (including casuals) will transfer to the new Trust under the Transfer of Undertakings (Protection of Employment) Regulations 2006.

A formal consultation plan has been devised to meet the requirements of TUPE regulations and will involve HR and Unison along with Council managers and, eventually, Trustees. Line managers will be encouraged to talk to staff at regular team meetings but where key decisions are made and information is required to be issued formally to staff this will be done using this consultation plan. A variety of consultation mechanisms will be used including open meetings, 121's, written correspondence and the Council's intranet (FAQ's and an appropriate mailbox)

4.2 Future staffing requirement

As part of their feasibility report into the creation of a bespoke Museum trust, DCA consultants concluded that such a trust would want to make an investment to ensure its future success by creating a new post of part time audience development/marketing manager, alongside appointing essential support staff in finance and admin. Their estimate was that this would

amount to an additional 1.7 FTEs at an initial cost of £36,834 (from 2013/14), which was considered a minimum. There is no financial provision to meet this requirement for new staff.

An Education Officer post will also need to be provided as this will not currently transfer across under TUPE, although this will not represent any additional funding requirement as this is in the current base budget.

4.3 Employers liabilities

All the transferor's (i.e. the Council's) rights, powers, duties and liabilities under or in connection with the employee's contract of employment transfer to the transferee (in this case the Trust). This will also apply to any changes in respect of the employee's contract before the transfer.

In practical terms, the transferee will inherit:

- all existing contractual terms (other than pension rights)
- terms incorporated from a collective agreement at the time of the transfer i.e. pay awards, terms and conditions, policies and procedures.
- liability for past breaches of contract (such as arrears of wages) and statutory liabilities (such as unfair dismissal, redundancy pay and any claim under the range of discrimination legislation)
- continuous employment with the transferor
- liability for any course of action instigated by the transferor, for example disciplinary proceedings or acts that might result in a claim of constructive dismissal or discrimination

On this basis employment liabilities for Cherwell would relate only to pensions. It is proposed that the Trust has a fully funded pension on the date of transfer, meaning that the Council will retain past pensions costs liability and continue to pay contributions as at present. This will involve no additional cost to the Council as future budgets have been built on covering current pension deficit payments.

In terms of any future Council liability for pensions should the Trust fail, it should be possible to establish a bond to insure against such a risk, which would be taken out by the Trust rather than the Council. However, as the prime source of funding for the Trust is the Council, it will be necessary to adjust the level of funding provided to the Trust to ensure the costs are met. The cost of the bond can only be identified nearer the time of the transfer, but it is anticipated this will not be in excess of £5,000 per year.

The only other liability relates to incidents that occurred prior to an employee transferring where the liability might remain with Cherwell and would not transfer to the new organisation. This might include claims relating to employee accidents, disciplinary action or grievances that took place pre transfer but lead to employment tribunals or claims post transfer. There is no figure that can be placed on this potential liability as it may not happen and any cost could vary greatly. At present there are no such liabilities but this cannot be guaranteed to be the case between now and transfer.

Redundancies are normally the responsibility of the new organisation if the employees are made redundant post transfer. However, as the Council are looking at paying towards the potential cost of any future redundancies this has to be factored in. It is suggested that a cut off date for reimbursing redundancy costs to the new organisation be agreed and, to be consistent with other transfers made by the Council, this be set to three months post transfer after which time liability will rest with the Trust, in line with legislation. A bond should be established to cover this liability.

4.4 Staff policies

On staff transfer, the Trust will be given all applicable Council HR policies to use initially as these form part of the terms and conditions of those staff transferring. Any future changes to these policies by the Trust will need to be done through staff consultation and with trade unions. For some policies, such as Equal Opportunities and Health & Safety, the Trust will need to define their own as these are legal requirements.

Long term, the Trust will need to establish its independence from the Council and part of this process will involve the development of its own staff policies, whether based on the Council's policies or otherwise. However, while that process is on-going, the Trust is under a legal requirement to use the policies until they agree something different. .

Recommendation 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

5 ICT Issues

Banbury Museum is connected to Cherwell's IT network infrastructure that accesses a range of Council IT services including;

- Internet access (including , Web filtering and virus protection)
- Email services (including , SPAM and virus scanning)
- Telephony
- Electronic data storage and backup
- ICT Service Desk facilities, incident, service requests and project work.
- hardware and Software support & purchasing
- ICT Infrastructure (Network infrastructure to enable IT equipment to work)
- Website hosting (incl. Content Management System)

The options listed below are to invoke and facilitate further discussion, as there are numerous ways of implementing technological solutions. The costs are robust in nature and can be used for budgetary purposes.

For internet access, the choices are to use existing Council infrastructure as at present, to use the existing infrastructure but obtain an independent internet access or to obtain a dedicated service from a third party. The second of these options is recommended as it would involve no change to the Museum infrastructure, it would be low cost (£1,600 for a two year contract, including set-up), and management of the infrastructure could be provided by the Council on a recharge basis to allow the Trust to focus on its primary purpose. The independent web connection would allow it to bypass the complex compliance regulations that the Council is subject to whilst still providing good virus etc protection, and also provide the flexibility to make other internet services available (e.g., kiosks, webcams, museum internet broadcasting etc) should the Trust chose to do so in future.

For email provision the two choices are to remain within the Council's system as at present or to purchase a hosted email service. The first option provides an easier route that has no set-up costs and is easily managed (as at present). External providers would cost around £416 per annum for a managed service.

For telephony, choices are to remain within the Council's system as at present, move to a hosted option (either VOIP based or analogue) or reinstate the (decommissioned) independent PABX system still on site. Costs for a hosted system vary between £2,802 (VOIP) and £3,750 (analogue) for a hosted system over a four-year term compared to a nil cost for the current infrastructure, with unknown capital costs for reinstating the decommissioned PABX. For this reason the status quo is recommended.

The licensing conditions under Cherwell's Microsoft enterprise agreement means that we are unable to "gift" the software currently being used to the Banbury Museum. However due to the charity status, Microsoft licenses will be available to the trust at a significant reduced rate. There is the secondary option to use open source products, but this is not seen to be a practical alternative. Due to the age of the ICT equipment it is recommended the Council "gift" the existing PC hardware to the trust.

Given the importance of publicity to the Trust it is recommended a HP colour laser printer is procured (£949 cost, 3 year support £450). Further bulk printing at a fraction of the price would also be available to the trust if connected to CDC network via the Councils Canon MFD contract.

Banbury Museum currently has a website and domain name (www.banburymuseum.org) and a new microsite website (www.cherwell.gov.uk/banburymuseum). Re-creating the existing site

using external provision would be costly and time consuming for no gain, and so it is recommended the Trust utilises existing CDC IT infrastructure (as is) at no cost, subject to such finessing to that name and/or that site as may be required to reflect the museum's new ownership .

With regards to ICT Support packages it has not been possible to find one company that will cover the full range of services as provided at present. Cherwell's ICT Service Desk is equipped to offer professional ICT services, support and advice. It could offer a number of service plans, which give Banbury Museum an allocated number of onsite days. The Trust could choose between 36, 18 or 9 onsite days each year, allocated in half day blocks. Two days would be reserved for quarterly client meetings to ensure that the service level agreements are monitored.

Recommendation 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

6. Finance Issues

6.1 Support recharges

Budgeted support recharges for the Museum for 2011/12 total £129,629 for the Museum and VIC together. As outlined in Section 4, this includes a recharge for general administrative support amounting to £38,154.

This may be disproportional to the level of actual support needed by a Trust with a small workforce particularly as some of these functions could be performed by the Trustees themselves (e.g. legal advice, accountancy, HR and payroll) or by external providers.

Work has been carried out to explore if savings could be achieved through a reduction in the support provided by the Council to the museum, with a resulting reduction in the level of recharges and so a reduced level of financial support for the Trust. However, as the size of the museum support recharge does not represent significant proportions of individual support staff time, it is not possible to reduce these costs (i.e. reduce the level of staffing) in proportion to the loss of the museum. For this reason, it is not proposed that any support service savings be included in the business case for the Trust.

The Trust cannot be made to take CDC-provided services as a condition of its creation or otherwise. Such a constraint would inhibit or restrict the trust's ability to act in its own best interests, which is unlikely to find favour with the Charity Commission.

Further, any such restriction could arguably be construed as anti-competitive in the sense that, by using its dominant position, the Council is effectively stifling the trust's commercial choice. However, an arrangement whereby;

- the trust freely contracted to buy CDC-provided services on normal, reasonable commercial terms (the Council maintaining freedom to choose what services are / are not available) or
- Council-provided services formed part of any grant aid package to the trust (i.e., £100K of grant aid p/a comprising £50K in cash and £50K worth of services in kind);

would not offend this principle.

6.2 Financial allocation for Trust

The Value for Money review work on establishing a likely budget for a Museum Trust was undertaken by DCA consultants. This was undertaken using a number of assumptions which were not subject to scrutiny by the Council's finance staff and so lead to a number of questions:

- What should the appropriate provision be for inflation?
- How will salary increments be treated once Job Evaluation is fully established?
- Building maintenance is included as a Trust cost at present - should this remain with the Council?
- What should the appropriate split in overhead costs be for the Trust and other occupants of the building (e.g., Customer Services and VIC)
- How should NNDR relief be split on the Museum (and VIC) if transfer to the Trust is successful?
- Will capital charges/assets remain with the Council?

Some of these questions will remain unanswered until the final model for the Trust and its operation are decided upon, and do not necessarily require answers immediately. The Shadow Board itself will wish to make representations on some of these issues as part of their negotiations, so a proposed course of action is to establish a shadow budget from 2012/13 which can act as a negotiating baseline. A set of assumptions used for the purpose can be clearly set out in order to assist in the negotiation process.

Once a financial allocation has been agreed, a funding agreement should be entered into with the Trust to formalise this. Subject as follows, the Board proposes a five-year funding agreement with the Trust, together with a facility to review the funding arrangement on a rolling three-year basis.

It should be highlighted that the Council will require ultimate approval from the National Heritage Memorial Fund (NHMF) for its plans to divest services into a Trust, and they will be looking for long-term financial stability in any arrangements made. In this case, the proposal for a five year funding agreement will be subject to the approval of the NHMF.

Recommendation 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 any agreement reached with the Trust regarding the Council providing support Services be deducted from any grant; 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,

6.3 Project Budget

At present the project has no dedicated budget allocated. No expenditure has been necessary in this initial stage of work, but it is apparent that some allocation will be needed in order to pursue some future work

For Witney Cogges Farm Trust an initial budget of £70,000 was advised as being necessary by one of the Trustees. But this has been "substantially reduced" by Shadow Board Members giving their skills. Despite this, the legal fees have still been significant.

Work anticipated as requiring a financial allocation includes;

- The Shadow Board obtaining specialist independent legal advice on, inter alia, tax, trading and charity powers and to help it negotiate with the Council on the terms of the transfer of the museum and VIC function etc. to Trust (estimated at £5,000);
- Costs associated with changes to existing leases and legal agreements (estimated at £2,500);
- Costs associated with the valuation of pensions liability (estimated at £2,000); and
- Advertising costs for recruiting Trustees (estimated at £1,500).
- Contingency Sum for unidentified costs/expenses (estimated at £4,000)

At this stage it is not possible to give a clear idea of the overall level of funding required to establish a Trust, as this may depend on the quality of Trustees recruited. However, a sum of £11,000 is required in 2011/12 to progress work and a budget of £15,000 is recommended which includes a £4,000 contingency sum, to be funded from a combination of existing approved budgets and from the Corporate Change Initiatives Fund.

The Project Board has expressed a wish for these set-up costs to be reimbursed by the Trust once established. However, the Council is driving this project and will benefit from reduced revenue support to the Museum once the operation has been transferred. For this reason, it is concluded that the Council should fund the set up costs.

Recommendation 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.

6.4 Transfer of Museum/VIC business

Once the trust is established it will be necessary for the Council to transfer the museum and VIC activities to the Trust along with those assets intended to belong to the museum/VIC and the staff that will transfer to the Trust under TUPE (discussed in more detail in section 3). Such a transfer will be similar in form to those used in the sale and purchase of a business. Exemplar heads of terms are contained in the Renaissance document "Moving to Museum Trusts: Learning from Experience pt2 The Process of Devolution".

Recommendation 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 running of the museum which are not expressly considered elsewhere in this report, to the Trust

6.5 Localism Bill and Local Authority Resource Review

As part of the draft proposals the Bill will give local authorities the power to grant a discount in business rates, enabling them to respond locally to the concerns of local businesses. This may have implications on the proposed NNDR savings to the Council. Once the details of any changes are known it would be prudent to ask the Executive to consider any implications arising from the Local Authority Resource Review (Localism Bill) that impacts upon the savings potential of this project prior to implementation.

Recommendation 15: To ask the Executive to consider any implications arising from the Local Authority Resource Review (Localism Bill) that impacts upon the savings potential of this project prior to implementation.

7. Timescales

The timetable proposed by DCA consultants in their report is as follows:

Governance transition	Date
Decision in principle, feasibility of transfer established	Achieved
Prepare terms and papers for formal decision	1 st q 2011
Formal Council approval to transfer and terms	2 nd q 2011
Due diligence and review. Governing documents drawn up (subject to their availability from the Charity Commission).	3 rd q 2011
Commence recruitment of trustees. Register new body.	4 th q 2011- 1 st q 2012
Trustees meet for first time. Formal consultation with staff commences.	2 nd q 2012
Terms of transfer agreed, all contracts between parties concluded	3 rd q 2012
Formal notices given	4 th q 2012
Transfers and hand over of operation 31 March/1 April 2013	1 st q 2013

<p>Recommendation 16: To note the timetable for the transition to Trust status proposed by DCA</p>

Executive

Bicester Hospital Re-provision

3 October 2011

Report of Strategic Director Environment and Community

PURPOSE OF REPORT

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

This report is public

Recommendations

The Executive is recommended:

- (1) To note the PCT's decision through its bidder shortlisting process to re-provide the new community hospital on the existing hospital site.
- (2) To 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) To urge the PCT to ensure service continuity throughout the redevelopment and to maximise the scope for future expansion possibilities in their design.

Executive Summary

Introduction

- 1.1 The PCT has for some considerable period been planning the re-provision of Bicester Hospital and is now at a point where potential bidders have been short-listed using a Pre-Qualifying Questionnaire, following which a smaller number of them will be invited to submit outline solutions.

Proposals

NHS Oxfordshire has shortlisted five bidders from a list of 11 for the redevelopment of Bicester Community Hospital. The PCT has undertaken a Pre- Qualification Questionnaire (PQQ) process to enable it to create a shortlist of organisations that have the potential to deliver the new hospital facilities. The PQQ process evaluates an organisation's economic and financial standing, technical/professional ability and capacity and legal status.

- 1.2 With regard to the option of re-providing the hospital facilities on an alternative site in Bicester the PCT has consulted the shortlisted bidders and none of them have secured suitable alternative sites which would allow for the completion of the development, within the timetable required of the PCT. The PCT has asked the shortlisted bidders to explore solutions on the basis of the current hospital site only and taking into account the One Shared Vision EcoBicester requirements plus the growing population.
- 1.3 From this position, the PCT will invite the five bidders to participate in dialogue to develop outline solutions from which the PCT will reduce the shortlist further to invite formal tenders.

Conclusion

- 1.4 The decision to shortlist to five bidders represents a significant step forward in the procurement process for the re-provision of Bicester Community Hospital. It's disappointing that the District Council's preferred site at SW Bicester will not feature in the next procurement stage but the provision of a new hospital to replace the current sub-standard facility is the most important aspect of this, not the site.

Background Information

- 2.1 The Oxfordshire PCT has been for sometime pursuing the re-provision of Bicester Community Hospital. The procurement process in 2009 and 2010 was for three options for bidders to pursue. The first was for provision of bedded services, the second provision of the facilities for the ambulatory care centre in order to house the out patient services currently provided at Bicester Hospital, and the third option is a combination of both of these.
- 2.2 Due to the complexity of the service and facility options arising from this process and the difficulty in evaluating bids on an equitable basis, the PCT agreed to simplify the process in 2011 to focus on the provision of facilities only with the contracts for services from those facilities subject to separate negotiation, commercial structure and procurement.

2.3 Proposed Hospital Re-provision

Its intended that the new premises will provide the following significant benefits for local residents:

- Up to date and modern facilities, capable of delivering 21st Century healthcare in line with national and local priorities
- Integrated care pathways that provide ambulatory care and step up and step down inpatient services through partnership and shared care arrangements with secondary care providers
- Flexibility to cope with demographic and demand changes
- Improved local access to consultation, diagnosis and treatment

- Reduced travelling time for a growing population, avoiding the need for patients to travel to Oxford
 - Reduced pressure on acute hospital services
- 2.4 The PCT's objectives for this procurement are to provide
- The facilities for the level of bedded care currently provided within Bicester, with the expectation that this will be co-located alongside the ambulatory care facility
 - Ambulatory care facilities suitable for providing healthcare to the people of Bicester and surrounding areas for at least 50 years
 - A flexible infrastructure service platform, preferably co-located with other health or care facilities that will be responsive in meeting growth and changing needs of the locality
 - The facilities required at an affordable cost to the PCT
- 2.5 The range of services currently provided at the Bicester Community Hospital site and which will continue to be provided, include sub-acute bedded care in 12 beds, diagnostics, First Aid Unit, Out of Hours, Out-Patients, Therapies and X-ray facilities.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 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.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- 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.

Consultations

None

Implications

Financial: There are no specific financial implications arising from this report or this particular project, based on the procurement process of the PCT to date. Officer and Member time in supporting the PCT in this exercise is regarded as normal activity.

Comments checked by Denise Taylor, Service Accountant 01295 221982.

Legal: There are no legal implications arising from this report.
Comments checked by Nigel Bell, Team Leader – Planning and Litigation, 01295 221687

Risk Management: There are no notable risks to the Council associated with this project as this project is the PCT's responsibility.

Comments checked by Claire Taylor, Community and Corporate Planning Manager, 01295 221563.

Wards Affected

All Bicester and southern District wards

Corporate Plan Themes

A Safe and Healthy District

Executive Lead Member

**Councillor James Macnamara
Lead Member for the Environment**

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Ian Davies, Strategic Director, Environment & Community
Contact Information	01295 221573 ian.davies@Cherwell-dc.gov.uk

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