

# Public Document Pack

## Cherwell District Council

### Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 7 July 2014 at 7.20 pm

Present: Councillor Barry Wood (Chairman), Leader of the Council  
Councillor G A Reynolds (Vice-Chairman), Deputy Leader of the Council  
Councillor Ken Atack, Lead Member for Financial Management  
Councillor Norman Bolster, Lead Member for Estates and the Economy  
Councillor John Donaldson, Lead Member for Banbury Brighter Futures  
Councillor Michael Gibbard, Lead Member for Planning  
Councillor Tony Ilott, Lead Member for Clean and Green  
Councillor Kieron Mallon, Lead Member for Performance and Communications  
Councillor D M Pickford, Lead Member for Housing  
Councillor Nicholas Turner, Lead Member for Joint Working and IT

Also Present: Councillor Sean Woodcock, Leader of the Labour Group

Officers: Sue Smith, Chief Executive  
Calvin Bell, Director of Development  
Ian Davies, Director of Community and Environment  
Martin Henry, Director of Resources / Section 151 Officer  
Kevin Lane, Head of Law and Governance / Monitoring Officer  
Chris Stratford, Head of Regeneration and Housing  
Natasha Clark, Team Leader, Democratic and Elections

#### 21 **Declarations of Interest**

There were no declarations of interest.

#### 22 **Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

#### 23 **Urgent Business**

There were no items of urgent business.

24 **Minutes**

The minutes of the meeting held on 23 June 2014 were agreed as a correct record and signed by the Chairman.

25 **Chairman's Announcements**

There were no Chairman's announcements.

26 **Community Woodland at South West Bicester**

The Head of Development Management submitted a report which advised of the potential to acquire land south of Vendee Drive at Bicester, and to enable the consideration of the options for the future use of the land. The land was identified in the Submission Cherwell Local Plan as a Green Buffer (ESD15) and as a potential location for community woodland (BIC7). The land was currently owned by Countryside Properties who were developing North of Vendee Drive at Kingsmere (SW Bicester).

**Resolved**

- (1) That it be agreed that the council seeks to acquire the land South of Vendee Drive as part of the S106 Agreement connected to the planning application for Phase 2 Kingsmere.
- (2) That it be agreed that discussions take place with Chesterton Parish Council and Bicester Town Council over the future use of the land for informal recreational purposes.

**Reasons**

The potential to control the future of the Green Buffer south of Vendee Drive, through ownership of the land, is attractive and could secure long term the gap between Bicester and Chesterton as undeveloped land and an attractive rural setting.

The land has the potential to be a significant recreational asset for the area and a community woodland would widen the recreational resources for the area. The uncertainty about the availability of the land has to date restricted the progress on developing proposals and seeking funding. Once there is certainty it would be possible to progress proposals with more certainty.

If for any reason the community woodland proposal did not progress the land could continue in agricultural use and this option would minimize risk and costs to the land owner whilst maintaining the land undeveloped.

Other recreational or land uses compatible with keeping the land open could be considered if proposals for the community woodland did not progress but would require time to explore and develop to see if they were viable.

## **Alternative Options**

Option 1: The developer retains ownership of the land. Whilst the land is currently farmed there would be the potential for further planning applications to be made in the future. Whilst the Council is likely to be the planning authority some decisions are made on appeal and therefore this would not provide the level of certainty over future use.

Option 2: Transfer land direct to Chesterton Parish Council. This would necessitate the Parish Council being a party to the S106 agreement and would require them to work to agreed timescales for completion of the agreement and if this was not achieved it would delay the issue of planning permission. A transfer to the Council would not preclude onward transfer to the Parish or a lease arrangement.

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## **South West Bicester Sports Village Bi-monthly Progress Update**

The Head of Community Services submitted a report which provided a progress report on the Bicester Sports Village project.

### **Resolved**

- (1) That the progress on the construction of Phase 1 (grass pitches, cycle track and landscaping, the initial design work for Phases 2 (Pavilion and Car Park) and Phase 3 (Athletics Facility, 3G Synthetic Pitch, Tennis Courts and Floodlighting) be noted.
- (2) That the next stage of the project undertake a value engineering exercise and the development of a planning application for Phase 2 and 3A be committed to.
- (3) That officers be requested to liaise with Bicester Athletics Club and offer the club a meeting with the Leader, Deputy Leader and officers to update the club on the current situation.

### **Reasons**

Construction of Phase 1 is on target for completion in November 2014 and pitches will be available to play on from September 2015.

The initial design work for Phase 2 has produced an outline cost plan which exceeds the available budget. However, the Design team are currently working on approaches to bring the cost within budget including a value engineering exercise and considering the options/implications of a smaller building. As the detailed design work is completed, building supplier costs are confirmed and planning conditions are known there will be more certainty to the cost plan. Officers will report the outcome of the Design Teams work to the Executive meeting in September.

Uncertainty with guaranteed access onto school sites and the lack of financial support for athletics has led the Project Board to reduce the scope of the planning application to just Phase 2 (pavilion and car parking) and Phase 3A

(synthetic pitch and tennis courts). Phase 3B (athletics facility and multi-use games area) will be progressed when the school site is being planned and access issues have been resolved.

Some funding opportunities for Phase 3A facilities have been identified and will be pursued in the next available funding round.

The current programme for Phases 1 and 2 to be operational from September 2015 is on target however, this could be subject to change if the value engineering exercise is unable to produce the necessary cost reductions and the cost implication of a reduced building need further consideration. Revenue modelling work has been commissioned and will be reported to the next meeting.

Procurement documents are currently being produced to appoint a management contractor in June 2015

### **Alternative Options**

The project has been approved and is progressing in accordance with these approvals. There are no other options being considered at this time other than proposals to remain within the approved funding envelope.

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### **Medium Term Financial Strategy**

The Director of Resources submitted a report which set out the latest Medium Term Financial Strategy (MTFS) for the council for the 5 year period from 2015/16. It set the scene and is based on current assumptions which will inform the budget setting process for 2015/16 and the longer term decisions of the council.

### **Resolved**

- (1) That the contents of the report and the current MTFS position for the council be noted.

### **Reasons**

The above represents the start of the budget process and consideration of the future financial environment and the decisions which will need to be taken by the council. At present, the Executive is asked to note the current position but this will be subject to further reports as the budget strategy and preparation of the budget continues.

In order to address the scale of the deficit set out in this report it is likely that there will need to be a fundamental change to the Council's budget strategy and this work will and change in strategy will feed into the detailed budget process for 2015-16.

### **Alternative Options**

Not to consider the current position. This is not recommended as it is important that medium term financial decisions are considered at the earliest opportunity to ensure the council's finances are resilient and robust.

29

## **Oxfordshire Growth Board - Terms of Reference and Appointment of Member**

The Head of Law and Governance submitted a report which sought approval of the Terms of Reference of, and the delegation of appropriate executive functions to, the Oxfordshire Growth Board, and appointment of an Executive Member to represent the Council on the Board.

In response to a query from Councillor Woodcock, Leader of the Labour Group, regarding how the Board would be scrutinised, the Chairman suggested that the Overview and Scrutiny Committee be requested to consider adding the Oxfordshire Growth Board and South East Midlands Local Enterprise Partnership (SEMPLEP) to their work programme. He would be happy to attend a future meeting of the Overview and Scrutiny Committee with lead officers.

### **Resolved**

- (1) That the Terms of Reference of the Oxfordshire Growth Board (annex to the minutes as set out in the Minute Book) be approved.
- (2) That the Council's executive functions in respect of matters within the Terms of Reference to the Oxfordshire Growth Board pursuant to Sections 101(5) and 102 of the Local Government Act 1972, Section 9 EB of the Local Government Act 2000 and the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012 be delegated.
- (3) That the Leader of the Council be appointed to represent the Council on the Board and the Deputy Leader be appointed as substitute.
- (4) That the Overview and Scrutiny Committee be requested to consider adding the Oxfordshire Growth Board and South East Midlands Local Enterprise Partnership (SEMPLEP) to their work programme.

### **Reasons**

As part of the Oxford and Oxfordshire City Deal bid the constituent bidding parties have agreed to establish the Oxfordshire Growth Board as a joint executive committee of the constituent local authorities.

In order to ensure that Cherwell District Council plays its appropriate part it is necessary for the recommendations to be approved.

The Growth Board terms of reference set out that decisions made by the Committee shall be subject to the scrutiny arrangements of each constituent authority.

## **Alternative Options**

Option 1: To approve the recommendations.

Option 2: Not to agree the proposed Terms of Reference of the Board at Appendix 1 but suggest amendments. This is not recommended because the draft Terms of Reference have been collectively agreed by the groups mentioned in paragraph 5.2 above. All constituent local authorities are going through a process of approving the Terms of Reference as set out.

Option 3: Not to delegate the appropriate executive functions, nor appoint a member to the Board. This is rejected because the Board is being established with the support and endorsement of all of the constituent bidding parties to the Oxford and Oxfordshire City Deal bid which included Cherwell District Council.

## 30 **Exclusion of the Press and Public**

### **Resolved**

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraphs 3 and 5 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## 31 **Development Agreement Objectives Castle Quay Phase Two Redevelopment**

The Head of Regeneration and Housing submitted an exempt report relating to development agreement objectives for the Castle Quay Phase Two redevelopment.

### **Resolved**

- (1) As set out in the exempt minutes.
- (2) As set out in the exempt minutes.
- (3) As set out in the exempt minutes.
- (4) As set out in the exempt minutes.
- (5) As set out in the exempt minutes.

### **Reasons**

As set out in the exempt minutes.

### **Alternative Options**

As set out in the exempt minutes.

### 32 **Woodgreen Leisure Centre Redevelopment and Leisure Centre Procurement**

Item withdrawn from agenda

### 33 **Land Acquisition**

The Head of Regeneration and Housing submitted an exempt report relating to land acquisition.

#### **Resolved**

- (1) As set out in the exempt minutes
- (2) As set out in the exempt minutes
- (3) As set out in the exempt minutes
- (4) As set out in the exempt minutes

#### **Reasons**

As set out in the exempt minutes

### **Alternative Options**

As set out in the exempt minutes

### 34 **Finance Management System Tender**

The Interim Head of Finance and Procurement submitted an exempt report which sought approval of the strategy for the procurement of a three-way Financial Management System.

#### **Resolved**

- (1) That the progress to date in the procurement of a three-way financial management system for Cherwell District Council (CDC), South Northamptonshire Council (SNC) and Stratford-on-Avon District Council (SDC) be noted and the continuation of the process pursuant to the Joint CDC/SNC Contract Procedure Rules be authorised.
- (2) That authority to award the contract be delegated to the Joint Procurement Steering Group in consultation with the Lead Member for Financial Management subject to approved funding streams being in place to meet the costs at each of the three authorities.

**Reasons**

As set out in the exempt minutes.

**Alternative Options**

As set out in the exempt minutes.

The meeting ended at 8.40 pm

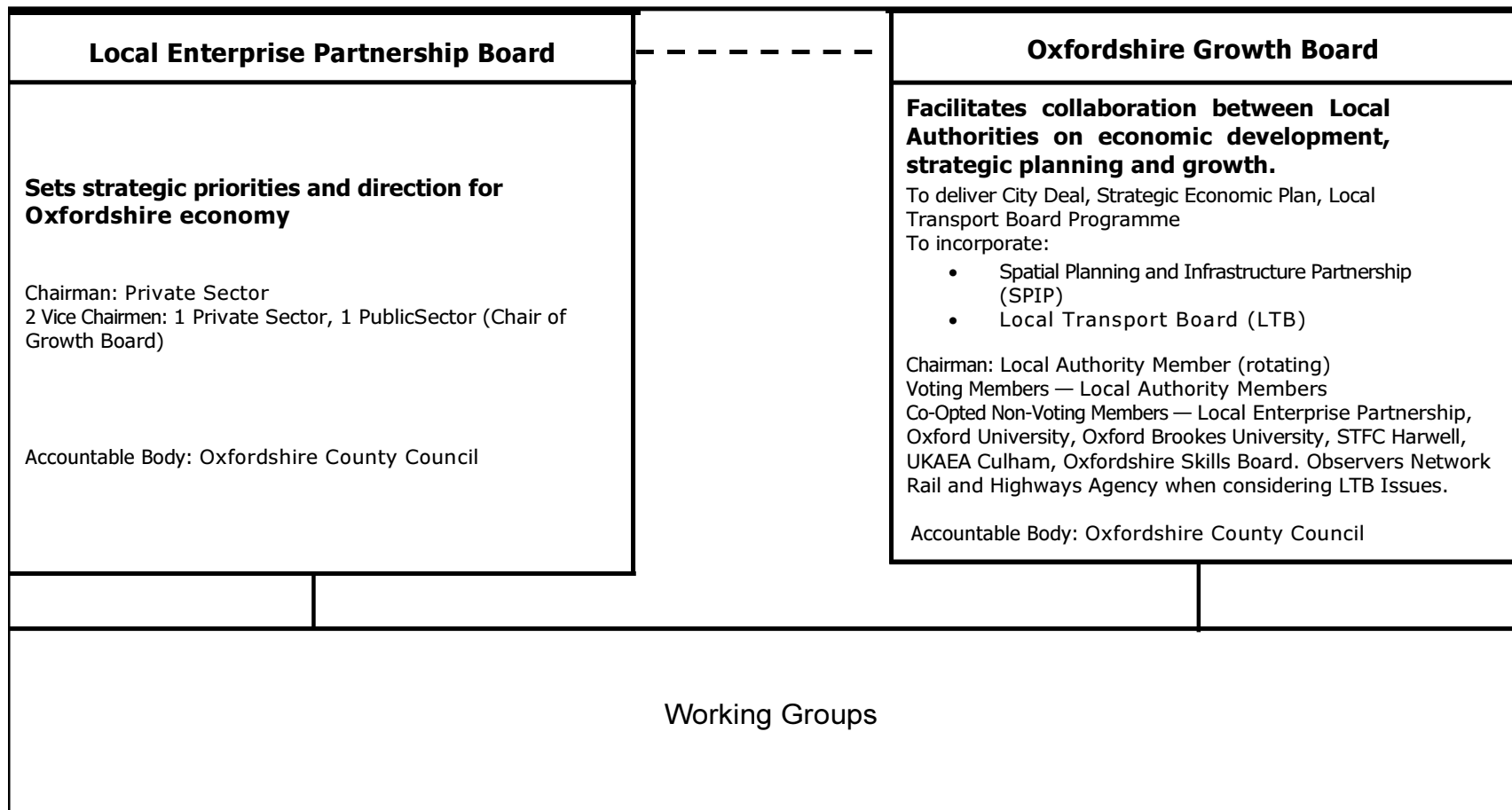
Chairman:

Date:



# Oxfordshire Governance Structure

## Annex A



## **Oxfordshire Growth Board Joint Statutory Committee**

### **Draft Terms of Reference**

#### **1.0 Governance**

- 1.1 The Oxfordshire Growth Board (the joint committee) includes the local authorities within the LEP area, namely, Oxfordshire LEP comprising, Cherwell District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council, West Oxfordshire District Council and Oxfordshire County Council. It will also include co-opted non-voting named members from those organisations listed at 4.4 below. In addition, the HCA has the right to attend the Growth Board as a non-voting investment partners, and, when considering matters that sit under the purview of the Local Transport Board then Network Rail and the Highways Agency will have the right to attend the Growth Board as non-voting investment partners.
- 1.2 The Oxfordshire Economic Growth Board is a Joint Committee under s101 (5), 102 Local Government Act 1972 and s9EB Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 1.3 The Committee will be hosted under local government arrangements and this will be rotated in accordance with the arrangements for the Chairman (see Section 8.1).

#### **2.0 Accountable Body**

- 2.1 The Accountable Body for the Growth Board is Oxfordshire County Council which will provide Section 151 and Monitoring Officer roles to the Committee.
- 2.2 The County Council's Chief Finance Officer (Section 151 Officer) in conjunction with the LEP Chief Executive will provide the Growth Board with a quarterly financial and programme performance report. This report will provide the Board with an overview of the funds spent, funds committed against funds allocated, milestones and outcomes achieved and where necessary, ensure that action plans are put in place to address any concerns.
- 2.3 For those programmes and funding streams where another local authority is the Accountable Body, e.g. the Enterprise Zone, the relevant Section 151 Officer will provide the financial and programme performance information to the County Council's Chief Finance Officer to enable a complete picture to be presented to the Growth Board.
- 2.4 The Local Transport Board Assurance Framework will be the basis on which the appraisal, assessment and prioritisation for proposed Local Growth Fund projects and future growth programmes will be undertaken, which may be revised by the Growth Board as wished, subject to approval by the DfT.

### **3.0 Purpose of the Oxfordshire Growth Board**

- 3.1 To facilitate and enable collaboration between local authorities on economic development, strategic planning and growth.
- 3.2 To deliver cross-boundary programmes of work including City Deal, Strategic Economic Plan and Local Transport Board programmes, within government timescales, including agreeing the detailed contents of specific priorities, plans, projects and programmes.
- 3.3 To approve and monitor the implementation of a detailed work programme as laid out in the City Deal, Strategic Economic Plan and Local Transport Board programmes together with any future Growth Deals or other programmes as agreed.
- 3.4 To bid for the allocation of resources to support the above purposes.
- 3.5 For the avoidance of doubt these terms of reference are not to be read as incorporating any non-Executive functions and each constituent Authority shall retain the capability to exercise all executive functions generally and specifically in relation to economic development, strategic spatial planning and strategic transport planning. Further, these terms of reference are not to be read as entitling the Board to bind, either financially or contractually, any constituent Authority.”

### **4.0 Membership**

- 4.1 As the Joint Committee is discharging executive functions then the appointed person must be from the Executive. There should be one member from each constituent authority.
- 4.2 Each constituent authority shall appoint a substitute (also being an executive member). The substitute member shall have the same rights of speaking and voting at the meetings as the member for whom the substitution is made.
- 4.3 Subject to the legal right of the Joint Committee to appoint a Chairman and Vice Chairman of its choice each year the proposed protocol is that there will be a rotating Chairman and Vice Chairman as set out in table 8.2 below.
- 4.4 Other non-voting members as required for good linkages with the Local Enterprise Partnership shall be a single named-position representative from the bodies as detailed below:
  - Oxford University.
  - Oxford Brookes University.
  - Oxfordshire Local Enterprise Partnership.
  - STFC Harwell
  - UKAEA Culham
  - Oxfordshire Skills Board

4.5 When considering matters that sit under the purview of the Local Transport Board then a single representative of Network Rail and the Highways Agency will have the right to attend the Growth Board as non-voting investment partners.

## 5.0 **Voting**

5.1 One member one vote for each constituent authority member although members intend to agree matters on a unanimous basis where possible.

5.2 Normal rules as to declarations of interest to be applied to local authority members in accordance with the respective Council's Code of Conduct.

## 6.0 **Quorum & Safeguard**

6.1 The quorum for a meeting shall be four voting members.

6.2 Where the effect of a particular proposition, if adopted by the Committee, would be to give rise to contractual or financial implications for any constituent authority, then a protocol will be established where the expectation would be that the vote of the member appointed by that constituent authority, in favour of the proposition, would be required. In respect of other matters, all other voting will be on a normal majority basis.

6.3 When considering matters that sit under the purview of the Local Transport Board, this protocol will apply to the vote of the member appointed by the County Council.

## 7.0 **Functions**

7.1 The opportunity provided by establishing the Growth Board and aligning the strategic meetings including SPIP and the LTB is to streamline the governance arrangements and incorporate the combined terms of reference under a single governing body:

### From the Spatial Planning & Infrastructure Partnership

- To provide a forum for partnership working and collaboration on spatial planning, economic development, housing, transport, and general infrastructure issues arising at regional and sub-regional level;
- To lead and co-ordinate liaison with the Local Enterprise Partnership on Oxfordshire wide issues and support the LEP in the identification of priorities and development of investment strategies and economic plans for Oxfordshire;

- To lead and co-ordinate liaison with the Homes and Communities Agency (HCA) to develop plans to enhance Oxfordshire share of HCA development programmes and contribute to any related interaction with Government agencies;
- To lead on production of joint work on cross border issues to ensure partners meet the requirements of the Duty to Cooperate and wider national policy;
- To lead and coordinate the Homes and Communities Agency (HCA) process on regeneration and housing issues leading to the production of the Local Investment Plan (LIP) and contribute to any related interaction with Government agencies;
- To seek agreement on local priorities and targets and advise partners on matters of collective interest in the fields of activity listed above;
- To seek agreement on alignment between national and regional and local funding streams in the fields of activity listed above and prioritise competitive funding bids;
- To assess whether spatial planning, infrastructure and public services are integrated and make recommendations to encourage this.

#### From the Local Transport Board

- To have the role of prioritising transport schemes to be funded from devolved funding sources, not already within the remit of the Local Transport Authority, to ensure that decisions are made in one place and supported by all relevant partners and stakeholders;
- To have the ability to comment on wider consultations, such as the Local Transport Plan, and funding investment decisions from national agencies, e.g. Network Rail, Highways Agency, where these have a strategic impact on the local transport network;

#### From the City Deal Programme

- To oversee the delivery of all of the local government aspects of City Deal and to have oversight of the LEP Work Programme;
- Prioritisation of the investment in the Escalator Hubs, the allocation of funding from City Deal and the accountable body for each project;
- Establishing the City Deal infrastructure programme and agreement of the contribution level from either retained business rates or the proposed funding streams;

- Responsible for prioritising the delivery of schemes to be funded through the City Deal infrastructure fund, for transport, housing or economic development schemes;
- Agreement to the work programme for the City Deal and in support of the LEP Growth Strategy.

## **8.0 Meetings**

- 8.1 The Chairman and Vice-Chairman of the Growth Board will be elected at the first meeting but are expected to follow the arrangements as set out in paragraph 8.2.
- 8.2 The lead authority for convening meetings will be that of the elected Chairman and it will provide Secretary/Clerk support to the Board. Meetings shall be held on a bi-monthly basis, meetings may be called as and when required to ensure that critical timescales are met.

<b>Year</b>	<b>Chairman</b>	<b>Vice chairman</b>
2014/15	West Oxfordshire District Council	Cherwell District Council
2015/16	Cherwell District Council	Oxfordshire County Council
2016/17	Oxfordshire County Council	Oxford City Council
2017/18	Oxford City Council	South Oxfordshire District Council
2018/19	South Oxfordshire District Council	Vale of White Horse District Council
2019/20	Vale of White Horse DC	West Oxfordshire DC

## **9.0 Secretariat and Support**

- 9.1 The secretariat and support will be provided by the existing SPIP Executive Officer Group. Other investment partners will be involved as appropriate, e.g. Homes and Communities Agency, Environment Agency, Highways Agency, Network Rail; to advise on the investment and work programme.
- 9.2 The Group will be chaired by the lead authority (as in previous SPIP arrangements). In the first instance this will be West Oxfordshire.

## **10.0 Scrutiny Arrangements**

- 10.1 Decisions made by the Committee shall be subject to the scrutiny arrangements of each constituent authority.

### Protocol

This protocol has been incorporated into the Terms of Reference for Oxfordshire Growth Board, a statutory Joint Committee.

The Parties to this Protocol are those referred to in the Terms of Reference.

The Parties wish to record the basis on which they propose to undertake their decision making function as a Joint Committee.

### General principles

The Parties agree to support the purposes of the Joint Committee by ensuring that in their decision making, they:

- Collaborate and cooperate with each other
- Are open and accountable to each other
- Adhere to all relevant statutory requirements
- Deploy appropriate resources
- Act in good faith

### Voting arrangements

1. Only Joint Committee Members (or their substitutes) shall be designated as Voting Members and shall be entitled to one vote on items of business considered by the Joint Committee.
2. Every question shall be determined by the voices of those Voting Members present, provided that if there is a Voting Member who indicates dissent to this procedure than a vote by show of hands shall take place. A simple majority shall be required.
3. In the event there being an equal number of votes for and against a particular proposition, the Chairman shall have a casting vote.
4. Where the effect of the particular proposition, if adopted by the Joint Committee, would be to give rise to contractual or financial implications for any part of one of the Parties, then in addition to the normal requirement for a simple majority of votes, the Parties will seek to ensure that the vote of the Member of the effected Party, in favour of the proposition, will be obtained.

### Status

This protocol is not intended to be legally binding, and no legal obligations or rights shall arise between the Parties from this protocol.

## Growth Deal Programme

## Annex D

	Total Cost	Total Ask	13/14	14/15	15/16	16/17	17/18	18/19	19-20	20-21
<b>Local Transport Board (Confirmed )</b>										
Bicester: London Road Level Crossing	27.40	2.30								
Oxford: Northern Gateway A40 Cutteslowe Roundabout	4.30	3.80								
Science Vale: Wantage Eastern Link Road	14.00	4.50								
	<b>45.70</b>	<b>10.60</b>								
<b>City Deal (confirmed)</b>										
Science Transit - Hinskey Interchange	23.5	8.7								
Northern Gateway	17.8	7.3								
Access to the EZ	28.8	6.1								
Harwell Innovation Hub	14.1	7								
Culham Advanced Manufacturing Hub	21.2	7.8								
Bio Escalator	22	11								
Begbroke Innovation Accelerator	11.2	4.2								
Oxfordshire Innovation Support Programme	7	2								
Oxfordshire Experience for work	24	1.5								
Oxford Accelerated Housing programme										
	<b>146.1</b>	<b>55.6</b>								
<b>SEP schemes (TBC June 2014) LGF</b>										
Centre for Applied Superconductivity	6.5	4.49								
Advanced propulsion centre	10	4.99								
Northern Gateway Innovation Area	286.7	12.02								
Innovation e-infrastructure	52	20.99								
Centre for 5G telecommunications and its applications	11	2								
Oxfordshire Business Support Hub for Business, Innovation & Export	14.8	7.2								



National Science Centre	25	12.5								
Clinical Bio Manufacturing Centre	6	3								
Oxfordshire Centre for Technology and Innovation	7.84	4.5								
Advanced Engineering and Technology Skills Centre (ASC)	5.9	4								
Active Care Suite	0.9	0.72								
Animal Husbandry	1.5	1								
Harwell Oxford Education and training Hub	12	10								
Oxfordshire Flood Risk Management Scheme	125	62.5								
Didcot Station Building Enhancements	25	2								
Westgate Knowledge & Skills Exchange Centre	400	5								
Didcot Town Centre Knowledge & Skills Exchange Centre	120	4								
Upstream flood Storage at Northway	1.9	0.6								
County Houses Project	0.56	0.56								
Headington Phase 1 & Eastern Arc Transport Improvements	12.5	8.2								
A34 improvements Phase 1 (Including Seacourt P&R)	23.62	21.32								
Bicester London Road - Level Crossing - phase 1 Cycle/Ped Crossing	3.6	1.3								
Bicester Charbridge Lane Railway crossing	8.75	7.5								
Didcot Station Car Park Expansion (Foxhall Rd)	23	9.5								
Oxford City Transport - West End	8.8	4.6								
Science Vale Cycle Network Improvements	4.91	4.52								
Oxford Station Gateway	72	40								
Oxford Science Transit Phase 2 - A40 Public Transport improvements	40	35								
Bicester improvements to peripheral routes	35	22.5								
Access to EZ - A417 improvements	4	3								
Oxpens pedestrian and cycle bridge	4	3.6								
	<b>1352.78</b>	<b>323.11</b>								