

Public Document Pack



Committee: Executive
Date: Monday 9 January 2017
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 Colin Clarke
Councillor John Donaldson	Councillor Tony Ilott
Councillor Mike Kerford-Byrnes	Councillor Kieron Mallon
Councillor D M Pickford	Councillor Lynn Pratt

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 - 14)

To confirm as a correct record the Minutes of the meeting held on 5 December 2016.

6. **Chairman's Announcements**

To receive communications from the Chairman.

7. **Council Tax Base 2017-2018** (Pages 15 - 24)

6.35pm

Report of Chief Finance Officer

Purpose of report

To provide Executive with an estimate of the Council Tax Base for 2017-2018 and seek approval for the final determination of the Council Tax Base to be delegated to the Section 151 Officer in consultation with the Lead Member for Financial Management.

Recommendations

The meeting is recommended:

1.1 That the report of the Chief Finance Officer for the calculation of the Council's Tax Base for 2017-2018 be considered and:

- (a) That pursuant to the Chief Finance Officer's report and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Cherwell District Council as its Council Tax Base for the year 2017-2018 shall be 51,639.5. This shall be subject to final confirmation by the Section 151 Officer in consultation with the Lead Member for Financial Management.
- (b) As for the parishes which form part of its area shown in Appendix 2, the amount calculated as the Council Tax Base for the year 2017-2018 in respect of special items shall be as indicated in the column titled Tax Base 2017-2018.
- (c) As for the Flood Defence Areas which form part of its area, the amount calculated as the Council Tax Base for the year 2017-2018 for the purposes of levies on Oxfordshire County Council by River Authorities, shall be:

Thames Flood Defence Area	49,335.6
Anglian (Great Ouse) Flood Defence Area	1,866.3
Severn Region Flood Defence Area	437.6
	<hr/>
	51,639.5

8. North West Bicester Eco Business Centre Update (Pages 25 - 30) 6.40pm

Report of Commercial Director

Purpose of report

To report on the progress to deliver the North West Bicester Eco Business Centre.

Recommendations

The meeting is recommended:

- 1.1 To note the progress to date and that the project is due to deliver the Business centre in Q2 2018 within the budget of £4.325m.
- 1.2 To agree in principle to the council operating the Business Centre.
- 1.3 To agree that in the absence of securing a retail tenant by the end of the calendar year for the vacant unit on the ground floor of Franklins House, it is in principle (subject to budget approval) fitted out to serve as a business incubation space and lettable offices for a period of up to 3-5 years.

9. Solihull Partnership (Pages 31 - 40) 6.45pm

Report of Head of Regeneration and Housing

Purpose of report

To update on the progress being made in respect of completing works and achieving a resolution to issues impacting on the delivery of schemes contained within the Solihull Partnership arrangements approved in January 2016.

Recommendations

The meeting is recommended:

- 1.1 To note the progress being made towards achieving completion of the maximum number of projects between December 2016 and 31 March 2017.
- 1.2. To note the management intervention taken and request that Executive support the implementation of an intensive project management approach in respect of those schemes being completed by SMBC and the revised programme. And further note that costs are intended to be recovered, although the split between utilising elements of the management fee previously allocated to SMBC for the original programme and those additional procurement costs to complete schemes through CDC resources have yet to be finally agreed. These negotiations should be concluded at the Commercial Meeting on 17 January 2017.
- 1.3 To support a “mixed approach” to the delivery of remaining schemes so that those schemes not being completed through SMBC can, if necessary, be procured through CDC’s own resources and delivered within budgets approved.

10. Exclusion of the Press and Public

The following reports contain exempt information as defined in the following paragraphs of Part 1, Schedule 12A of Local Government Act 1972.

3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Members are reminded that whilst the following item has been marked as exempt, it is for the meeting to decide whether or not to consider it in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

No representations have been received from the public requesting that this item be considered in public.

Should Members decide not to make a decision in public, they are recommended to pass the following recommendation:

“That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following items 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, Paragraph 3 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.”

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|-----|--|---------------|
| 11. | Whitelands Farm Sports Ground, Bicester (Pages 41 - 46) | 6.55pm |
| | Exempt report of Director of Operational Delivery | |
| 12. | Contract Award - Temporary Agency Staff (Pages 47 - 50) | 7.05pm |
| | Exempt report of Chief Finance Officer and Commercial Director | |

(Meeting scheduled to close at 7.10pm)

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 221589 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.

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.

Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

This agenda constitutes the 5 day notice required by Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in terms of the intention to consider an item of business in private.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

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If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Natasha Clark, Democratic and Elections
natasha.clark@cherwellandsouthnorthants.gov.uk, 01295 221589

Sue Smith
Chief Executive

Published on Thursday 22 December 2016

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Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 5 December 2016 at 6.30 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 Colin Clarke, Lead Member for Planning
Councillor John Donaldson, Lead Member for Housing
Councillor Tony Ilott, Lead Member for Clean and Green
Councillor Kieron Mallon, Lead Member for Banbury Futures
Councillor D M Pickford, Lead Member for Clean and Green
Councillor Lynn Pratt, Lead Member for Estates and the Economy

Also Present: Councillor Mike Kerford-Byrnes, Lead member for Change Management, Joint Working and IT

Also Present: Councillor Sean Woodcock, Leader of the Labour Group
Councillor Carmen Griffiths, Local Ward Member, Kidlington East, for agenda item 8
Councillor Neil Prestidge, Local Ward Member, Kidlington East, for agenda item 8

Officers: Sue Smith, Chief Executive
Scott Barnes, Director of Strategy and Commissioning
Ian Davies, Director of Operational Delivery
Kevin Lane, Head of Law and Governance / Monitoring Officer
Paul Sutton, Chief Finance Officer / Section 151 Officer
Adrian Colwell, Head of Strategic Planning and the Economy, for agenda items 7, 8, 9, 10, 17 and 19
Andy Preston, Head of Development Management, for agenda items 17 and 19
Claire Taylor, Assistant Director - Commercial and Innovation, for agenda item 11
Natasha Clark, Interim Democratic and Elections Manager

88 **Declarations of Interest**

Members declared interest in the following agenda items:

12. Contract Award - Debt and Money Advice Service.

Councillor Colin Clarke, Declaration, as Cherwell District Council's appointed outside body representative to Banbury Citizens Advice Bureau and a trustee in a personal capacity.

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

There were no petitions or requests to address the meeting.

90 **Urgent Business**

There were no items of urgent business.

91 **Minutes**

The minutes of the meeting held on 7 November 2016 were agreed as a correct record and signed by the Chairman.

92 **Chairman's Announcements**

There were no Chairman's announcements.

93 **'Making' (Adoption) of the Bloxham Neighbourhood Plan**

The Head of Strategic Planning and the Economy submitted a report to propose the Executive recommends the 'making' (adoption) of the Bloxham Neighbourhood Plan at the meeting of the Full Council on 19 December 2016.

Resolved

- (1) That the referendum result of 3 November 2016 where 97% of those who voted were in favour of the Bloxham Neighbourhood Plan which is above the required 50% be noted.
- (2) That Full Council be recommended to resolve that Cherwell District Council as the local planning authority 'make' the Bloxham Neighbourhood Plan so that it is part of the statutory development plan for the District.
- (3) That Full Council be recommended to approve the issuing and publication of a decision statement stating that Cherwell District Council has resolved to make the Bloxham Neighbourhood Plan.
- (4) That Full Council be recommended to delegate to the Head of Strategic Planning and the Economy the correction of any spelling, grammatical or typographical errors, and the undertaking of any minor presentational improvements, prior to the Plan being adopted and published by the council.

Reasons

Local planning authorities are required by statute to 'make' any neighbourhood plan if more than half of those voting in the referendum vote in favour of the plan. Of those eligible to vote, 877 voted in favour of the Plan with 26 against. This gives a majority vote of 97%.

Executive is therefore requested to recommend the 'making' (adoption) of the Bloxham Neighbourhood Plan at the meeting of the Full Council on 19 December 2016.

Alternative options

Where a referendum poll results in more than half of those eligible to vote voting in favour of the Neighbourhood Plan, the local planning authority must 'make' the Plan as part of the statutory development plan. There are no alternative options available unless the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

94

Kidlington Framework Masterplan

The Head of Strategic Planning and the Economy submitted a report to seek approval of the Kidlington Framework Masterplan so that it can be presented to Council for adoption.

At the discretion of the Chairman, Councillor Carmen Griffiths and Councillor Neil Prestidge, local ward members for Kidlington East, addressed Executive.

In response to the comments from the local ward members regarding their opposition to the conversion of semi-detached houses to flats and that this be included in the Local Plan going forward, the Lead Member for Planning clarified that as a supplementary planning document the Masterplan could not establish new policy, however this could be taken into consideration during the Local Plan Part 2 process.

Resolved

- (1) That the changes to the draft Kidlington Framework Masterplan following consultation be approved.
- (2) That Full Council be recommended to adopt the Kidlington Framework Masterplan as a Supplementary Planning Document in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- (3) That the Head of Strategic Planning and the Economy be authorised to publish an Adoption Statement and to make any further minor changes to the Masterplan before the meeting of the Full Council.

Reasons

Work on a Kidlington Framework Masterplan commenced in 2013. Evidence gathering work occurred before adoption of Local Plan Part 1 but the Masterplan was reviewed in the context of the Local Plan Inspector's Report and the Plan's subsequent adoption in July 2015. Public consultation on a draft Framework Masterplan occurred from 14 March 2016 to Wednesday 13 April 2016 supported by a public exhibition held on 30 March 2016. The results of that consultation have been considered in producing a final document for approval. Upon approval by the Executive it is intended that the Framework Masterplan be presented to Council for adoption as a Supplementary Planning Document (SPD). As an SPD the Masterplan would have statutory status as planning guidance. It does not establish Development Plan policy which is the role of the Council's Local Plans.

Alternative options

Option 1: Not to approve the Framework Masterplan and seek changes. Officers consider that the Masterplan responds appropriately to the policies in the adopted Cherwell Local Plan 2011-2031 (Part 1), provides guidance that will assist decision making, and responds to the views of the local community. Significant changes may require further consultation.

Option 2: Not to approve the Framework Masterplan and to rely only on the adopted Cherwell Local Plan 2011-2031 (Part 1). The production of the Masterplan is referred to in the adopted Local Plan Part 1 and in the Council's Local Development Scheme. The project has been in progress since 2013 and there is community expectation for a final Masterplan to provide additional planning guidance.

95 Adoption of the Banbury Vision and Masterplan Supplementary Planning Document (SPD)

The Head of Strategic Planning and the Economy submitted a report to seek approval of proposed changes to the draft Banbury Vision & Masterplan Supplementary Planning Document (SPD) following stakeholder and public consultation and to propose the Executive recommends adoption of the Masterplan incorporating these changes at the meeting of the Full Council on 19 December 2016.

Resolved

- (1) That the changes to the draft Banbury Masterplan Supplementary Planning Document following consultation be approved.
- (2) That Full Council be recommended to adopt the Banbury Masterplan as a Supplementary Planning Document.
- (3) That the Head of Strategic Planning and the Economy be authorised to publish an Adoption Statement and to make any further minor changes to the Masterplan before the meeting of the Full Council.

Reasons

Following stakeholder and public consultation representations have been considered and changes made to the draft Banbury Masterplan Supplementary Planning Document. Adoption of the Masterplan by the Council at the meeting of the Full Council on 19 December 2016 is recommended.

Alternative options

Option 1: Not to recommend adoption of the SPD. The SPD is identified in the Council's Local Development Scheme (LDS) (schedule and timetable for the Council's Local Development Documents) and this option would be inconsistent with public expectations that the Masterplan is to be adopted and would reduce the potential for the delivery of proposals and initiatives at Banbury.

Option 2: Not to recommend adoption of the SPD in its current form (at appendix 1) by proposing significant changes to the draft SPD. Significant changes at the stage may lead to a requirement for further public consultation before the SPD could be recommended for adoption and adopted which would involve a delay to the timetable.

96 **Re-adoption of Policy Bicester 13 of the adopted Cherwell Local Plan 2011-2031**

The Head of Strategic Planning and the Economy submitted a report to seek re-adoption of Policy Bicester 13 of the Cherwell Local Plan 2011-2031 in accordance with a Court Order and an associated addendum to the Local Plan Inspector's Report.

Resolved

- (1) That the Court Judgment, Court Order and addendum to the Local Plan Inspector's report (annexes to the Minutes as set out in the Minute Book) be noted.
- (2) That Full Council be recommended to adopt Policy Bicester 13 of the Cherwell Local Plan 2011-2031 (annex to the Minutes as set out in the Minute Book) in precise accordance with the addendum to the Local Plan Inspector's Report dated 18 May 2016 and the Court Order dated 19 February 2016.
- (3) That it be noted that upon adoption by Council Policy Bicester 13 will be inserted as modified into the published Cherwell Local Plan 2011-2031.

Reasons

A Court Order dated 19 February 2016 requires specific actions of the Secretary State, an appointed Planning Inspector and the Council pertaining to the legally prescribed modification of Policy Bicester 13 of the Cherwell

Local Plan 2011-2031. A specific modification to Policy Bicester 13 has been recommended by a Planning Inspector on behalf of the Secretary of State. The modification requires the deletion of the first sentence of the third bullet point under “Key Site Specific Design and Place Shaping Principles” which states – “*That part of the site within the Conservation Target Area should be kept free of built development.*”

To comply with the Court Order, the Executive is advised to recommend to Council that it formally adopts Policy Bicester 13 in precise accordance with the Court Order.

Alternative options

There are no other options. The Court Order dated 19 February 2016 states (para.3), “*The First Defendant [the Council] adopt Policy Bicester 13 subject to the modification recommended by the planning inspector appointed by the Second Defendant [the Secretary of State for Communities and Local Government]*”.

97

Community Lottery

The Commercial Director submitted a report to gain agreement to launch an online and fully automated Cherwell Lottery that will help fund discretionary support to voluntary and community organisations active in Cherwell and to enable such organisations to raise funds directly for themselves.

The proposal was for the Council to be an enabler and use the services of an External Lottery Manager to run the lottery.

Resolved

- (1) That the proposal that an online Cherwell Lottery be launched as detailed in the business case (annex to the Minutes as set out in the Minute Book) and that this includes a financial contribution and in-kind support, subject to this being funded from existing resources, be agreed.
- (2) That it be agreed that subject to procurement, due diligence and compliance with the guidance contained in the Joint Contract Procedure Rules, the council uses an external lottery manager (ELM) to run and operate the lottery and shares the risk of running it with them.
- (3) That agreement be given to the council providing £3K for set-up costs and £1k for the annual license and administration costs and that in the first year the council allocates £1.5K for marketing funded from existing resources, and £350 annually for on-going marketing (the majority of marketing material is paid for by the External Lottery Manager).
- (4) That it be agreed that an annual review of the Cherwell Lottery be reported to Executive on the anniversary of its launch.

Reasons

The Community Lottery business case brings together information from councils who have provided a community lottery and the provider of External Lottery Management (ELM). A Cherwell Lottery has the potential to help the VCS sector operating within Cherwell by helping address funding pressures they may be facing. This could benefit all people and communities in the district.

The success of the AVDC lottery has been reviewed and is considered to be robust; within the first six months, their lottery has exceeded all expectations with 115 organisations having joined (their target was just 10-20).

Therefore this report recommends that a local community lottery be created for CDC with the ticket price is set at £1 per ticket, the services of an External Lottery Manager (ELM) being used to run the lottery and that CDC provide £3K for set-up costs and £1k for the annual license and administration costs. Further, in the first year the Council allocates £1.5K each for marketing funded from existing resources, and £350 annually for on-going marketing.

Alternative options

Option 1: Not to agree the proposals. This is not recommended as the proposal will help to fund discretionary support to the voluntary and community organisations and enable such organisations raise funds directly for themselves. All funds raised through the lottery would be spent within the district and benefit local people and communities.

98

Contract Award - Debt and Money Advice Service

The Chief Finance Officer and Head of Regeneration and Housing Services submitted a report to seek approval for the contract award for the provision of Debt and Money Advice services across the Cherwell District.

Resolved

- (1) That the award of a contract for the provision of Debt and Money advice across all areas of the Cherwell District to North Oxfordshire and South Northants Citizens Advice (formerly known as Citizens Advice Bureau) be approved.
- (2) That it be noted that the bid includes partnership working with Bicester Citizens Advice who will provide services in Bicester and Kidlington.
- (3) That it be noted that the contract will operate for a period of two years from 1 April 2017 and includes an option to extend the contract for a further one year from 1 April 2019.

Reasons

A full OJEU Compliant procurement exercise has been undertaken

This new contract will enable the Council to ensure that impartial debt and money advice is available to all residence within the district and support key strategic aims for the council.

Alternative options

Not to approve the award of this contract. This would result in Cherwell residents having limited access to services to support with Debt and Money issues within the district. This would also potentially result in an increase in the number of people approaching the council as homeless and the district being less financially inclusive.

99 Council Tax Reduction Scheme and Council Tax Discounts 2017-2018

The Chief Finance Officer submitted a report to provide members with a review of Council Tax discounts and to seek approval to recommend the proposed level of Council Tax discounts for the 2017-2018 financial year to Council.

The report also provided an update on the consultation process that has taken place on the proposals for a Council Tax Reduction Scheme for 2017-2018 and to seek approval to recommend the proposed Council Tax Reduction Scheme to Council.

Resolved

- (1) That the option of no change to the Council Tax Reduction Scheme for 2017-2018 and the amendment of the Council Tax Reduction Scheme Regulations for Pensioners in line with uprating announced by DCLG and to uprate the Working Age Regulations in line with Housing Benefit as confirmed by Department for Work and Pensions be approved.
- (2) That Full Council be recommended to agree an unchanged Council Tax Reduction Scheme for 2017-2018.
- (3) That Full Council be recommended to grant delegated authority to the Chief Finance Officer, in consultation with the Lead Member for Financial Management, to make any changes to the Council Tax Reduction Scheme Regulations up to and including 31 January 2017.
- (4) That Full Council be recommended to agree the following level of Council Tax discounts for 2017-2018:
 - Retain the discount for second homes at zero
 - Retain the discount for empty homes (unoccupied and substantially unfurnished) at 25% for 6 months and thereafter at zero.
 - Retain the discount for empty homes undergoing major repair at 25% for 12 months and thereafter at zero.
 - Retain the empty homes premium of an additional 50% for properties that have remained empty for more than 2 years.

Reasons

The proposal is to keep the same Council Tax Reduction Scheme for 2017-2018. There will be some technical changes to Regulations. Consultation has taken place. Members are now required to recommend to Council a Council Tax Reduction Scheme for the financial year 2017-2018. Members are also asked to recommend that Council Tax Discounts for 2017-2018 are set at the levels detailed in the report.

Alternative options

Option 1: To not recommend any of the options for a scheme for 2017-2018 This would have financial implications for the Council and those residents affected by Welfare Reform.

100 **Quarter 2 2016/17 Performance Update**

The Director of Strategy and Commissioning submitted a report to provide an update on the Cherwell Business Plan progress to the end of Quarter Two 2016/17.

Resolved

- (1) That the exceptions highlighted and proposed actions be noted.
- (2) That it be noted that at its meeting on 22 November 2016 the Overview & Scrutiny Committee raised no issues and referred no items to Executive.

Reasons

This is the second report based on the new Business Plan and the new reporting style. Slight amendments in style and appendices have been made to try and improve how the report works. This is an evolutionary process and we will continue to develop the reports, including any changes from feedback received from the Overview and Scrutiny Committee.

As agreed previously, this report focuses on the exceptions. The performance and insight team have also picked out some 'good news' stories to provide a balance and provide case studies supporting the generally excellent levels of delivery.

Alternative options

Executive could request additional information on items or refer items to the Overview and Scrutiny Committee.

101 **Quarter 2 2016-17 - Revenue and Capital Budget Monitoring Report**

The Chief Finance Officer submitted a report which summarised the Council's Revenue and Capital position as at the end of the first three months of the financial year 2016-17 and projections for the full year.

At the discretion of the Chairman, Councillor Woodcock, Leader of the Labour Group addressed Executive commenting on delays to the capital programme identified in the report. In response to Councillor Woodcock's comments, the Chairman requested that officers send a written update to Councillor Woodcock regarding The Hill Youth Community Centre.

With regards to the projects that had been passed to the Solihull Partnership and were still outstanding, the Chief Finance Officer advised Members that a consultant had been brought in to oversee the works and the allocated budget would be spent by the end of 2017/18. A steering Group had been established to oversee the projects that had been passed to the Solihull Partnership and there would be regular updates to the Budget Planning Committee and Executive.

Resolved

- (1) That the projected revenue and capital position at September 2016 be noted.

Reasons

In line with good practice budget monitoring is undertaken on a monthly basis within the Council. The revenue and capital position is formulated in conjunction with the joint management team and reported formally to the Budget Planning Committee on a quarterly basis. The report is then considered by the Executive.

Alternative options

Option 1: This report illustrates the Council's performance against the 2016-17 Financial Targets for Revenue and Capital. As this is a monitoring report, no further options have been considered. However, members may wish to request that officers provide additional information.

102

Notification of Urgent Action: Free Parking for Small Business Saturday on 3 December 2016 and Free After Three Parking in January 2017

The Director of Operational Delivery submitted a report to advise Executive of the urgent action which was taken by the Director of Operational Delivery in consultation with the Leader relating to offering free parking for Small Business Saturday on 3 December 2016 and Free After Three Parking in January 2017.

Resolved

- (1) That the urgent action taken by the Director of Operational Delivery in consultation with the Leader to offer free parking for Small Business Saturday on 3 December 2016 and Free After Three parking in January 2017 be noted.

Reasons

Following requests to the Council to introduce free parking incentives to support local town centre traders over the Christmas and New Year period, the Director of Operational Delivery took urgent action in consultation with the Leader of the Council to approve the Small Business Day and Free after Three in January 2017 free parking offers.

The urgency for this arose from the need to publicise the decision to take effect at least 21 days before 3 December event and to enable the free parking offer to be part of the promotion for event.

Alternative options

Different applications time periods for the free after three parking offer as outlined in the report.

103

Business Cases: Joint Planning Policy and Growth Strategy Team and Joint Design and Conservation Team

The Head of Strategic Planning and the Economy and Head of Development Management submitted a report which presented the final business cases for a Joint Planning Policy and Growth Strategy Team and a Joint Design and Conservation Team across Cherwell District and South Northamptonshire Councils.

The report recommended the formation of a Joint Planning Policy and Growth Strategy Team and a Joint Design and Conservation Team and in doing so sought the Executive's agreement for the non-staffing elements of the business cases, the staffing elements having been approved by the Joint Commissioning Committee at their meeting of 1 December 2016.

The proposal was part of the wider transformation programme across the two Councils.

Resolved

- (1) That having given due consideration, the final business cases for a Joint Planning Policy and Growth Strategy Team and a Joint Design and Conservation Team and the consultation responses in relation to non-staffing matters be noted.
- (2) That it be noted that the business cases were considered and approved by the Joint Commissioning Committee with regard to staffing matters on 1 December 2016 and that this included consideration of the consultation responses from affected staff and trade union representatives.
- (3) That, subject to similar consideration and approval by South Northamptonshire Council Cabinet on 12 December 2016 and following approval of the staffing implications by the Joint Commissioning Committee on 1 December 2016, the proposed final business case to create a Joint Planning Policy and Growth Strategy Team and a Joint

Design and Conservation Team between Cherwell District Council and South Northamptonshire Council be approved for implementation.

- (4) That authority be delegated to the Head of Development Management and the Head of Strategic Planning and the Economy in consultation with the Leader of the Council any non-significant amendment that may be required to the business case following the decision by South Northamptonshire Council Cabinet.

Reasons

The recommendation is to establish a Joint Planning Policy and Growth Strategy Team and a Joint Design and Conservation Team between CDC and SNC.

The draft business cases set out the rationale for establishing the joint teams and in particular for deferring the savings from the Joint Planning Policy and Growth Strategy Team for two years to allow the completion of the 3 Local Plans.

Alternative options

The following alternative options have been identified and rejected as part of the development of the Joint Planning Policy and Growth Strategy Business Case:

Status Quo (No Change)

Retaining the status quo is an option; however both Councils have fairly small Planning Policy teams. Retaining the status quo while reflecting the different Local Plan positions of each council would not deliver the benefits set out in this business case or provides the additional resilience and shared expertise that a joint team could provide at a time of planning reform and following Brexit pressure to support additional growth.

Outsource Service

The preparation and monitoring of the local plans is a statutory responsibility and as such it is not considered appropriate to outsource the service without compromising the planning role of each district council.

Joint Planning Policy and Conservation Team

Although there are some synergies between both areas of work, it is considered that the best model for joint working is to have two distinct joint functions covering planning policy and design and conservation. It should be noted that there are equally (if not more) synergies between these service areas and development management.

The following alternative options have been identified and rejected as part of the development of the Joint Design and Conservation Business Case:

Status Quo (No Change)

Retaining the status quo is an option; however both Councils have fairly small Design and Conservation/Conservation teams. Retaining the status quo

would not deliver the financial benefits set out in this business case or provide the additional resilience and shared expertise that a joint team would provide.

Outsource Service

The Councils could seek to outsource the service; however this is not considered a preferred option. Both Councils have well established teams that deliver a good service. The preferred option is to bring the existing teams together, build on that experience and expertise and seek opportunities to trade.

Joint Planning Policy and Conservation Team

Although there are some synergies between both areas of work, it is considered that the best model for joint working is to have two distinct joint functions covering planning policy and design and conservation. It should be noted that there are equally (if not more) synergies between these service areas and development management.

The approach in the recommendations is believed to be the best way forward. The proposal is to establish a Joint Planning Policy and Growth Strategy Team and a Joint Design and Conservation Team.

104 **Exclusion of the Press and Public**

There being no questions on the exempt appendices to the Business case: Joint Planning Policy and Growth Strategy Team and Joint Design and Conservation Team, it was not necessary to exclude the press and public.

105 **Business Cases: Joint Planning Policy and Growth Strategy Team and Joint Design and Conservation Team - Exempt Appendices**

Resolved

- (1) That the exempt appendices be noted.

The meeting ended at 7.30 pm

Chairman:

Date:

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Cherwell District Council

Executive

9 January 2017

Council Tax Base 2017-2018

Report of Chief Finance Officer

This report is public

Purpose of report

To provide Executive with an estimate of the Council Tax Base for 2017-2018 and seek approval for the final determination of the Council Tax Base to be delegated to the Section 151 Officer in consultation with the Lead Member for Financial Management.

1.0 Recommendations

The meeting is recommended:

1.1 That the report of the Chief Finance Officer for the calculation of the Council's Tax Base for 2017-2018 be considered and:

- (a) That pursuant to the Chief Finance Officer's report and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Cherwell District Council as its Council Tax Base for the year 2017-2018 shall be 51,639.5. This shall be subject to final confirmation by the Section 151 Officer in consultation with the Lead Member for Financial Management.
- (b) As for the parishes which form part of its area shown in Appendix 2, the amount calculated as the Council Tax Base for the year 2017-2018 in respect of special items shall be as indicated in the column titled Tax Base 2017-2018.
- (c) As for the Flood Defence Areas which form part of its area, the amount calculated as the Council Tax Base for the year 2017-2018 for the purposes of levies on Oxfordshire County Council by River Authorities, shall be:

Thames Flood Defence Area	49,335.6
Anglian (Great Ouse) Flood Defence Area	1,866.3
Severn Region Flood Defence Area	437.6
	<hr/>
	51,639.5

To delegate final approval of the Council Tax Base for 2017-2018 to the Section 151 Off

2.0 Introduction

2.1 For the purposes of Section 31B of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the Council is required to calculate the tax base (which will be used for tax setting purposes in February 2017) in respect of:

- (a) the whole of its area and;
- (b) for any parts of its area for the purposes of:
 - (i) Apportioning precepts and levies and;
 - (ii) Calculating the tax base for each area subject to a special item

3.0 Report Details

3.1 In respect of the 1.1 (a) 'the whole of its area':

3.1.1 The tax base has to be notified by Cherwell District Council to major precepting bodies (i.e. Oxfordshire County Council and the Police and Crime Commissioner for Thames Valley) and levy authorities (i.e. Thames Flood Defence Area, Anglian (Great Ouse) Flood Defence Area and Severn Region Flood Defence Area) by 31 January 2017 to enable their precepts to be calculated as a tax per band D equivalent properties.

3.2 In respect of 1.1 (b) 'parts of its area'

3.2.1 Major precepting and levying authorities have to notify Cherwell District Council (the billing authority) by 31 December 2016 of the area(s) subject to a special item (expense) and for which an apportionment of the tax base is required. No such notification has been received.

3.2.2 Parishes who levy a precept are automatically treated as a special item and there has to be a tax base calculated for each of the parishes in the area. They are not required to calculate a precept as a tax per band D equivalent property, but can request the tax base figure to be supplied to them within ten days of making a request. Each parish and town council is notified of the figure for their area.

Calculation of the tax base

3.3 The starting point of the calculation is the total number of council tax dwellings and their council tax band.

3.4 The council then allows for the following information for each band:

- (a) Dwellings which are exempt so no council tax is payable (e.g those where all occupiers are students)
- (b) Dwellings which attract a 25 per cent reduction (e.g those with a single adult occupier)

- (c) Dwellings which attract a 50 per cent reduction (e.g those properties where all adult residents are disregarded or 'don't count' for council tax purposes)
- (d) Dwellings which are treated as paying a lower band because they have been adapted for a disabled person. The regulations specify how to adjust the tax base in respect of band A dwellings.
- (e) Dwellings which attract a reduction through the Council Tax Reduction Scheme.
- (f) Dwellings which are exempt from council tax

- 3.5 Each band is then converted into "band D equivalents" by applying the factor required by legislation. A band H, for example, is multiplied by two. All of these are added together to give a total number of band D equivalents.
- 3.6 A further adjustment is made for Class O exempt properties (Armed forces' accommodation) as the Ministry of Defence makes a payment roughly equal to the council tax that it would have had to pay for each property if they were not exempt.
- 3.7 We also estimate the number of properties which will be either added to or removed from the Valuation List in the new financial year and make an adjustment to reflect that they won't all be subject to full council tax for 12 months.
- 3.8 A final adjustment is made to allow for non-collection. The council is required to decide what its collection rate is likely to be and applies this to its council tax base. For 2016-2017 this was 98% and it is proposed it should be 98% in 2017-2018.

4.0 Conclusion and Reasons for Recommendations

- 4.1 Members are asked to note the detail of this report.
- 4.2 Members are asked to delegate final approval of the Council Tax Base for 2017-2018 to the Section 151 Officer in consultation with the Lead Member for Financial Management.

5.0 Consultation

Councillor Ken Atack, Lead Member for Financial Management

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: None. The Council has to set a tax base in order to set its council tax for 2017-2018.

7.0 Implications

Financial and Resource Implications

- 7.1 The Council Tax Base is used for calculating the amount of Council Tax set by Cherwell District Council. The tax base of 51,639.5 will be reflected in the budget.

Comments checked by:

George Hill, Interim Corporate Finance Manager 01295 751731

George.hill@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 Section 31B of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the Council is required to calculate a tax base by 31 January 2017. This will be used for Council Tax setting purposes in February 2017.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 0030107

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- 7.3 **Equality and Diversity**

None

- 7.4 **Risk Management**

If the Council does not set a tax base in accordance with statutory deadlines then it will not be able to set its Council Tax for the 2017-2018 financial year.

Comments checked by:

Ed Bailey, Corporate Performance Manager

01295 221605 edward.bailey@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

All

Lead Councillor

Councillor Ken Atack, Lead Member for Financial Management

Document Information

Appendix No	Title
Appendix 1	Council tax base by parish
Appendix 2	Council tax base by Flood Defence Area
Background Papers	
None	
Report Author	Mandy Anderson, Financial Analyst
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Appendix 1 - Council Tax Base by Parish 2017-2018

Parish	Relevant Amount	Tax Base at 98%	MoD Class O Properities	Tax Base for 2017-18	Tax Base for 2016-17
Adderbury	1,289.3	1,263.5		1,263.5	1,230.0
Ambrosden	473.4	463.9	237.5	701.4	641.5
Ardley	265.8	260.5		260.5	262.7
Arcott	326.1	319.6	1.8	321.4	326.0
Banbury	14,520.5	14,230.1		14,230.1	13,649.3
Barford	268.8	263.4		263.4	265.8
Begbroke	369.3	361.9		361.9	359.9
Bicester	11,170.9	10,947.5		10,947.5	10,528.0
Blackthorn	151.6	148.6		148.6	144.8
Bletchington	351.2	344.2		344.2	351.4
Bloxham	1,447.8	1,418.8		1,418.8	1,399.9
Bodicote	885.0	867.3		867.3	862.0
Bourton	308.4	302.2		302.2	306.3
Broughton	122.1	119.7		119.7	120.5
Bucknell	105.0	102.9		102.9	103.0
Caversfield	546.7	535.8	3.7	539.5	529.7
Charlton on Otmoor	202.3	198.3		198.3	195.2
Chesterton	417.4	409.1		409.1	418.3
Claydon	141.2	138.4		138.4	136.1
Cottisford	72.7	71.2		71.2	69.1
Cropredy	309.2	303.0		303.0	306.7
Deddington	967.2	947.9		947.9	921.3
Drayton	95.4	93.5		93.5	90.1
Duns Tew	237.9	233.1		233.1	235.9
Epwell	141.7	138.9		138.9	140.9
Fencot and Murcott	126.3	123.8		123.8	125.8
Finmere	220.9	216.5		216.5	218.2
Fringford	265.3	260.0		260.0	262.3
Fritwell	277.2	271.7		271.7	277.4
Godington	21.1	20.7		20.7	20.4
Gosford and Water Eaton	543.3	532.4		532.4	541.3
Hampton Gay and Poyle	79.6	78.0		78.0	78.4
Hanwell	126.9	124.4		124.4	124.4
Hardwick with Tusmore	39.3	38.5		38.5	38.5
Hethe	114.3	112.0		112.0	110.5
Hook Norton	998.7	978.7		978.7	941.2
Horley	158.2	155.0		155.0	161.0
Hornton	162.8	159.5		159.5	162.0
Horton Cum Studley	245.9	241.0		241.0	242.1
Islip	331.5	324.9		324.9	326.2
Kidlington	4,957.3	4,858.2		4,858.2	4,857.3
Kirtlington	454.7	445.6		445.6	455.2
Launton	541.7	530.9		530.9	538.1
Lower Heyford	224.3	219.8		219.8	212.0
Merton	141.5	138.7	5	143.7	143.8
Middle Aston	68.2	66.8		66.8	64.5
Middleton Stoney	148.6	145.6		145.6	148.0
Milcombe	244.4	239.5		239.5	236.0
Milton	94.6	92.7		92.7	121.2
Mixbury	120.0	117.6		117.6	116.2
Mollington	236.7	232.0		232.0	236.0
Newton Purcell	42.9	42.0		42.0	45.4
Noke	79.4	77.8		77.8	79.2
North Aston	95.1	93.2		93.2	90.7
North Newington	155.1	152.0		152.0	151.8
Oddington	69.3	67.9		67.9	66.9
Piddington	178.8	175.2		175.2	174.2
Prescote	6.3	6.2		6.2	6.2
Shenington	227.0	222.5		222.5	226.4
Shipton on Cherwell	149.1	146.1		146.1	146.1
Shutford	209.1	204.9		204.9	204.6
Sibford Ferris	196.9	193.0		193.0	192.5
Sibford Gower	249.6	244.6		244.6	242.1

Parish	Relevant Amount	Tax Base at 98%	MoD Class O Properities	Tax Base for 2017-18	Tax Base for 2016-17
Somerton	145.7	142.8		142.8	140.3
Souldern	206.6	202.5		202.5	203.4
South Newington	156.3	153.2		153.2	154.8
Steeple Aston	434.5	425.8		425.8	422.2
Stoke Lyne	110.5	108.3		108.3	109.3
Stratton Audley	208.7	204.5		204.5	206.0
Swalcliffe	111.4	109.2		109.2	112.4
Tadmarton	256.9	251.8		251.8	253.5
Upper Heyford	753.9	738.8		738.8	531.3
Wardington	245.0	240.1		240.1	240.8
Wendlebury	193.3	189.4		189.4	190.4
Weston on the Green	248.3	243.3		243.3	248.5
Wigginton	108.0	105.8		105.8	108.4
Wroxton	287.5	281.8		281.8	286.0
Yarnton	1,184.7	1,161.0		1,161.0	1,171.3
Total	52,440.1	51,391.5	248.0	51,639.5	50,357.1

Appendix 2 - Council Tax Base by Flood Defence area 2017-2018

Parish	THAMES	Anglian OUSE	SEVERN
Adderbury	1,263.5		
Ambrosden	701.4		
Ardley		260.5	
Arncott	321.4		
Banbury	14,230.1		
Barford	263.4		
Begbroke	361.9		
Bicester	10,947.5		
Blackthorn	148.6		
Bletchingdon	344.2		
Bloxham	1,418.8		
Bodicote	867.3		
Bourton	302.2		
Broughton	119.7		
Bucknell	102.9		
Caversfield	539.5		
Charlton on Otmoor	198.3		
Chesterton	409.1		
Claydon	138.4		
Cottisford		71.2	
Cropredy	303.0		
Deddington	947.9		
Drayton	93.5		
Duns Tew	233.1		
Epwell	138.9		
Fencot and Murcott	123.8		
Finmere		216.5	
Fringford		260.0	
Fritwell		271.7	
Godington		20.7	
Gosford and Water Eaton	532.4		
Hampton Gay and Poyle	78.0		
Hanwell	124.4		
Hardwick with Tusmore		38.5	
Hethe		112.0	
Hook Norton	978.7		
Horley	155.0		
Hornton	159.5		
Horton cum Studley	241.0		
Islip	324.9		
Kidlington	4,858.2		
Kirtlington	445.6		
Launton	530.9		
Lower Heyford	219.8		
Merton	143.7		
Middle Aston	66.8		
Middleton Stoney	145.6		
Milcombe	239.5		
Milton	92.7		
Mixbury		117.6	
Mollington	232.0		
Newton Purcell		42.0	
Noke	77.8		
North Aston	93.2		

Parish	THAMES	Anglian OUSE	SEVERN
North Newington	152.0		
Oddington	67.9		
Piddington	175.2		
Prescote	6.2		
Shenington	222.5		
Shipton on Cherwell	146.1		
Shutford	204.9		
Sibford Ferris			193.0
Sibford Gower			244.6
Somerton		142.8	
Souldern	202.5		
South Newington	153.2		
Steeple Aston	425.8		
Stoke Lyne		108.3	
Stratton Audley		204.5	
Swalcliffe	109.2		
Tadmarton	251.8		
Upper Heyford	738.8		
Wardington	240.1		
Wendlebury	189.4		
Weston On The Green	243.3		
Wiggington	105.8		
Wroxton	281.8		
Yarnton	1,161.0		
TOTAL	49,335.6	1,866.3	437.6

Cherwell District Council

Executive

9 January 2017

North West Bicester Eco Business Centre Update

Report of Commercial Director

This report is public

Purpose of report

To report on the progress to deliver the North West Bicester Eco Business Centre.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the progress to date and that the project is due to deliver the Business centre in Q2 2018 within the budget of £4.325m.
- 1.2 To agree in principle to the council operating the Business Centre.
- 1.3 To agree that in the absence of securing a retail tenant by the end of the calendar year for the vacant unit on the ground floor of Franklins House, it is in principle (subject to budget approval) fitted out to serve as a business incubation space and lettable offices for a period of up to 3-5 years.

2.0 Introduction

- 2.1 The proposal for an eco business centre (EBC) was first put forward by the then facilitators on the eco town development in early 2010 when discussion between P3Eco, the Council and the developer of the York EBC (the Helmsley Group) took place. The discussions led to the Council negotiating the transfer of a serviced site for the proposed development.

The site area is approximately 0.4 hectares (one acre) and is located within the commercial area of the first phase development at NW Bicester. The size of the site constrains the amount of car parking that can be provided for the proposals. Outline planning consent for up to 1,800 sq. m. of B1 office use within the EBC site was secured in July 2012 (Planning application reference: 10/01780/HYBRID). A detailed planning application for the local centre was approved, subject to completion of the legal agreement in November 2015 (Planning application reference: 15/0760/F).

The Executive considered a previous update report at the meeting on 1 July 2015 and approved the use of up to £4 million eco capital funding.

This report provides an update on the progress and approach to date and sets out key targets and milestones going forward.

3.0 Report Details

- 3.1 **Budget:** The approved £4m still provides the majority of the capital funding for the Eco Business Centre. This is to be supplemented with £175K of funding through the Oxfordshire LEP bid for ERDF funding. This is a match funding bid that is being submitted mid January 2017. In addition Economic Growth have committed to providing capital funding of £150k to reflect and ensure that the EBC is aligned with and contributes to the delivery of their wider targets and aims. A formal Service Level Agreement has been drafted that sets out their requirements.

The total budget for the project is now set at £4.325m.

- 3.2 **Delivery:** The project to deliver the Eco Business Centre has been structured to reflect the stages set out by the Royal Institute of British Architects (RIBA). This structure is used by the SCAPE procurement framework which has been adopted to award a design and build, fixed cost contract. This framework has allowed the current Feasibility Stage (RIBA 2) to be undertaken with Kier, the construction company appointed through SCAPE, and allows their external expertise to be utilised by the council at an earlier stage than would normally occur under a traditional tender exercise.

As part of RIBA 2 a design concept has been created and an estimated cost plan drawn up. These will be refined during Develop Design Stage (RIBA 3) which will result in the planning application being submitted and Detailed Design Stage (RIBA 4) which will finalise the fixed cost for construction. A further update to Executive, confirming the cost for construction is expected to be submitted early in Q2 2017. The design concept and estimated cost plan have initially challenged the current budget and has resulted in a reduction in the size of the building. This allows the quality of the building to be maintained at the current budget.

- 3.3 **Timescale:** As detailed in 3.2 a further update to Executive, confirming the construction cost is expected early Q2 2017. The target date for the opening of the EBC is Q2 2018. This timescale allows for a 9 month construction period following detailed planning approval.

The Eco Business Centre will open in Q2 2018.

- 3.4 **EBC Operation:** Following a soft market testing exercise with other business centre operators and site visits to a number of centres in London the original idea of appointing an operator to run the centre has been reviewed. A draft business case was submitted to the Commercial Panel in July 2016 setting out a proposal for the council to operate the centre. This will allow the centre to closely support the work of the Economic Growth team whilst maximising the revenue returned to the council. Current models for the operation of the centre are being explored including

the use of membership schemes to access a collaborative work space. This model has been successfully adopted by some of the centres visited in London.

- 3.5 Franklins House: Over the last 2 years we have been unable to secure a retail tenant for the ground floor units. Graven Hill have agreed to lease one of the 2 ground floor units for a period of 3-5 years as a sales office. The remaining unit is still vacant and therefore could be used as a feeder unit for the Eco Business Centre as a business incubator. There are some leads we are still following up but in the absence of securing a retail tenant for this vacant unit it is suggested that we consider(subject to budget approval) that it is fitted out to serve as a business incubation space and lettable offices for a period of up to 3-5 years.

Whilst a separate project there may be opportunities to be realised by aligning the fit out of the ground floor units of Franklins House with the EBC project. As the incubator`s fit out specification will be similar to the business centre there may be an opportunity to realise economies of scale. Design considerations for the internal layouts can be aligned reducing professional fees. By opening Franklins House, the smaller facility, first any feedback and learning derived from the site can be used to develop the EBC offering prior to its fit out and thereby avoid costly rework. It should be noted that the use of the ground floor as offices and incubator will require planning permission for change of use.

Given the units at Franklins House have a target opening date of April 2017 then the operational running of the incubator can be seen as the precursor and pilot for the running of the ECB. This will enhance the offering of both buildings as a synergy is created that allows fledgling businesses to transfer from the incubator as they grow, extending the customer lifecycle. By running both concerns as a single business, fixed costs (such as management, marketing and web site) can be shared thereby increasing productivity and reducing the break even point of each facility.

By combining the offerings of both facilities into a single concern the EBC contribution to the target for jobs created at NW Bicester can be achieved. The reduction in floor space of the EBC to accommodate budget constraints had impacted on the ability of delivering this target.

The fit out of the ground floor vacant unit at Franklins House could be delivered using the remaining £250k from the original Franklins House capital budget. It is anticipated that the fit out costs may exceed this amount and therefore if this option is progressed further funding will be sought.

- 3.6 BREEAM: In keeping with the North West Bicester site the design concept and cost plan for the EBC have set out to achieve an excellent BREEAM rating. The architects appointed for the Design Concept stage, Architype, have experience in creating award winning sustainable buildings.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The project to deliver the Eco Business Centre in North West Bicester is on track to have a completed centre, open for business in Q2 2018. By adopting the SCAPE

procurement framework a fixed costs, design and build contract has been awarded with the fixed cost to be agreed at the end of the Detailed Design Stage (RIBA 4). Initial cost estimates based on the design concept put the cost within the available budget.

In line with the Councils commercial agenda the opportunity to run the centre and thereby maximize the return to the council whilst closely aligning it with the work of Economic Growth is seen as preferable to the original plan of building the centre and then appointing a third party to run it on the councils behalf.

In the absence of securing a retail tenant it is proposed that by changing the use of the vacant units on the ground floor of Franklins House economies of scale should be achieved to deliver the fit out by combining it with the Eco Business Centre project. The complimentary use of both sites will also allow operational benefits for both the council and users. Planning permission will be needed to change the use and £250k remains from the original Franklins House budget which can be used towards the fit out costs.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

None – Update on an existing project

7.0 Implications

Financial and Resource Implications

- 7.1 The financial implications arising from this report have been previously agreed when the £4m budget was approved by the Executive in July 2015. The additional budget contributions have been obtained from the OXLEP ERDF funding submission and the use of Economic Growth Reserves.

By undertaking the running of the centre the council will have an additional revenue stream. The level of return will be set out in the revised operational business case following additional modelling that is being undertaken following the reduction in building size to meet the capital budget.

Comments checked by:

Paul Sutton, Chief Finance Officer – 0300 0030106

paul.sutton@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 The most appropriate legal structure for the operation of the centre is currently being investigated by the legal service. The transfer of land from A2Dominion to the council is currently being undertaken by the legal service.

Comments checked by:

Kevin Lane, Head of Law and Governance – 0300 0030107

kevin.lane@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Cherwell: a district of opportunity

Lead Councillor

Councillor Barry Wood, Leader of the Council

Document Information

Appendix No	Title
None	
Background Papers	
None	
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Cherwell District Council

Executive

9 January 2017

Solihull Partnership

Report of Head of Regeneration & Housing

Purpose of report

To update on the progress being made in respect of completing works and achieving a resolution to issues impacting on the delivery of schemes contained within the Solihull Partnership arrangements approved in January 2016.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the progress being made towards achieving completion of the maximum number of projects between December 2016 and 31 March 2017.
- 1.2. To note the management intervention taken and request that Executive support the implementation of an intensive project management approach in respect of those schemes being completed by SMBC and the revised programme. And further note that costs are intended to be recovered, although the split between utilising elements of the management fee previously allocated to SMBC for the original programme and those additional procurement costs to complete schemes through CDC resources have yet to be finally agreed. These negotiations should be concluded at the Commercial Meeting on 17 January 2017.
- 1.3 To support a “mixed approach” to the delivery of remaining schemes so that those schemes not being completed through SMBC can, if necessary, be procured through CDC’s own resources and delivered within budgets approved.

2.0 Information

- 2.1 Members will already be aware that a presentation was made to the Budget Planning Committee on Tuesday 29 November regarding performance issues in respect of the Solihull Partnership. This followed a request by members of the committee to understand the detail relating to the delivery of the capital programme which was being delivered through the partnership arrangements.

- 2.2 Members of the committee indicated their dissatisfaction and concern that progress around spending capital monies allocated for this initiative would not be substantially spent before 31 March 2017. The presentation material and information provided by Virtus Consult Limited (Virtus), the recently appointed independent specialist consultants to review progress had indicated that a maximum of approx. 30% of the capital programme would be achieved by 31 March 2017.
- 2.3 Officers were tasked with delivering responses to a wide range of questions raised by members and also with critically reviewing the programme arrangements. Officers specifically were asked to review whether additional delivery of projects could be achieved by the end of this financial year thus increasing delivery outputs and expenditure.
- 2.4 Further, officers proposed that a working group with member involvement be established to agree the detailed arrangements for progressing schemes and critically review those schemes that were to be finally delivered by Solihull during the remaining part of the 2016-17 year. This group met for the first time on 16 December 2016, agreed terms of reference and a planned approach to the intensive monitoring of progress regarding the delivery of the remaining programme. Members of the group will meet ahead of any planned Budget Planning Committee to ensure effective communication of progress with the Chairman of the Budget Planning Committee into the Financial Planning Committee itself.
- 2.5 This report aims to indicate those matters that have been and are currently being progressed. Executive are reminded that a meeting with SMBC officers took place on 14 December 2016 to discuss how improvements could be made to the delivery process to achieve the maximum number of completed schemes by 31 March 2017. A further commercial meeting with Solihull will take place on 17 January 2017.

3.0 Report Details

- 3.1 Since the meeting of the Budget Planning Committee, officers have been reviewing a number of key elements that relate to the current arrangements between CDC and Solihull MBC covering the partnership and also the potential remedial steps that need to be taken to ensure maximum delivery of projects through to the 31 March 2017.
- 3.2 Executive should note that the proposals for ensuring the effective delivery of schemes by Solihull and those other schemes that may require separate procurement will involve the deployment of Virtus to provide the necessary intensive management regime. Below, under the Financial Implications Section we have identified how such costs are intended to be covered, although the split between utilising elements of the management fee previously allocated to SMBC for the original programme and those additional procurement costs to complete schemes through CDC resources have yet to be finally agreed but we anticipate concluding these negotiations at the Commercial Meeting scheduled with SMBC on 17 January 2017. Members should be aware however, that our stated objective of completing the projects will still be done within the overall budget approval and that no additional costs will therefore fall on CDC.

- 3.3 As I stated above, we covered a number of areas in our discussions with SMBC from 14 December 2016. The areas of consideration and discussion were:-
- Agree those schemes to be completed by SMBC;
 - Define roles and responsibilities to improve delivery;
 - Review governance/communication arrangements;
 - Review contractual /legal status;
 - Improve overall project management of delivery.

Current position

- 3.4 Below is a more detailed explanation of each of the areas of discussion covered with SMBC on 14 December. Officers would however confirm that in terms of the contextual discussions before looking at how we might improve the overall position, both sides identified where they felt some of the current challenges had emerged.

Agree Schemes

- 3.5 SMBC were tasked with taking away the current scheme list and projects to complete and review their ability to deliver schemes up to 31 March 2017 and those other schemes which would be completed during 2017/18. They were further challenged with indicating the specific dependencies required to meet the delivery aspirations. Accordingly, they have now submitted their detailed comments relating to each project, the dependencies in each case and an indication of when the project will be delivered. At the Council meeting on 19 December, as part of a written response to an enquiry from Councillor Woodcock, Councillor Lynn Pratt provided an overview of these discussions and this is attached as Appendix 1.

As can be seen by Appendix 1, the discussions with SMBC have progressed. Decisions have been taken which have resulted in a reduction of the programme of £419,000 so the revised scheme total excluding management fee is £1.616m. It is estimated that 55% of this work will be delivered by 31 March 2017 with the remaining 45% being delivered no later than December 2017.

Define roles and responsibilities

- 3.6 Both parties agreed that it was necessary to clearly define roles and responsibilities to ensure effective progress on individual projects. Members should note that we identified confusion around respected roles and responsibilities in relation to particularly scoping of works, design issues, and specifications. By redefining the roles and responsibilities it should cut down unnecessary processes and improve the overall communication arrangements put in place. Subsequently, SMBC have been requested to produce the first examples of these redefined arrangements. A meeting between the Head of Regeneration and Housing at CDC and the Head of Service at SMBC is planned for early January to complete this task and issue the respective agreed roles and responsibilities.

Review governance/communication arrangements

- 3.7 SMBC officers were notified of the high importance this overall partnership had with members at CDC. Accordingly, they were advised that new governance and reporting arrangements were being put in place. This includes the on-going participation of nominated members through the new internal working group now established and an increased and improved regime of reporting into the Budget Planning Committee. Further, from the delivery perspective of projects, it was

agreed that the two new project managers, one at SMBC and one at CDC (Virtus) would act in a new coordinating role to ensure better lines of communication, improved responses to any technical issues arising and overall operational governance to ensure compliance and delivery of the maximum number of schemes.

Review legal status

- 3.8 Both parties accepted that there was a need to clarify and improve the current legal status as further schemes were implemented and completed. Currently, the issuing of individual purchase orders by CDC provides for a means of achieving projects, however, this system fails to provide either the Council or SMBC with sufficient clarity as to precisely whose legal terms will govern the contractual relationship going forward. This issue is further complicated by the fact that certain statutory rules affecting all construction contracts (principally around payment terms and arbitration) will regardless be binding on both parties where existing terms fall short of the statutory requirement.
- 3.9 On this basis, it was agreed that some formal agreement picking up the wider legal relationship issues needed to be put in place. A meeting therefore will take place between SMBC and CDC to conclude these legal relationship matters after the roles and responsibilities have been clarified.
- 3.10 CDC's legal team have been engaged to review the draft contractual documents which SMBC have prepared and have highlighted substantial concerns around the form of those documents. Those concerns cover issues from the absence of any contractual terms to deal with specific issues of law around construction work and also issues relating more directly to the Council's relationship with SMBC with the principle concerns around the contract documents being the:
1. requirement for CDC to use SMBC exclusively for all types of work which is within the scope of the SMBC arrangement;
 2. length of the term of the contract itself;
 3. assumed minimum level of spend;
 4. potential for extra costs to arise under the agreements; and
 5. contractual approach which is predominantly based on trust rather than any more certain contractual principals.
- 3.11 Given the nature of the concerns, the legal team have produced revised copies of the contractual documents which highlight these concerns and present solutions to achieve a more favourable contractual position for CDC, but also a position which is fairer, more transparent and more robust which is to the benefit of SMBC as well. Whilst the Council recognises the need to negotiate and agree the basis of a refreshed working relationship with SMBC, therefore, the changes previously proposed will initially inform the Council's approach to those discussions.

Improve overall project management of delivery

- 3.12 As mentioned above, a revised programme (Appendix 1) has been critically reviewed by SMBC. The introduction of new project management resources at both SMBC and CDC are aimed at controlling and monitoring progress in an intensive way for each individual scheme. Both parties have agreed to review the effectiveness of this approach as an on-going process of the overall monitoring

arrangements. We have also agreed the escalation process in the event that the monitoring RAG status shows a Red Indicator.

Improvement Plan

- 3.13 The above information relating to the current position will be finalised in early January 2017 and an agreed improvement plan will be issued by both parties. This will capture the final arrangements in respect of the project management regime roles and responsibilities, performance, KPI objectives and overall legal status etc. by which the parties will work. This document will be presented initially to the Working Group at CDC and then Budget Planning Committee so that members can support and endorse the final improvement plan approach aimed at achieving the maximum number of schemes delivered and complete up to 31 March 2017 but also recognising those other schemes for final completion during 2017/18.

Resources/Finance

- 3.14 As mentioned above, the intention is to complete the revised programme through a mixture of SMBC and relatively minor CDC procurement. The core resource to improve overall performance is around the new project management arrangements identified above. In respect of CDC, this will involve our continuing arrangement with Virtus.
- 3.15 The stated objective however, is that those costs incurred by CDC for employing the services of Virtus in the PM role will be recovered in full from income derived from the existing approved capital programme of £2.2m and SMBC. .
- 3.17 Once the commercial negotiations have been concluded, the working group, Budget Planning Committee and Executive will be advised of the detailed financial arrangements.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The series of projects allocated to SMBC should have been more intensively managed. Lessons however have been learnt and the actions indicated above in this report are now aimed at delivering the maximum number of schemes and therefore expenditure of approved budget by 31 March 2017.
- 4.2 Officers have jointly agreed with SMBC the most effective approach to maximise delivery and a critical review of projects to complete has been undertaken. This combined with the improved governance, member oversight and increased reporting process should enable effective and transparent monitoring of progress.
- 4.3 Overall, the stated objective of delivering these projects and keeping costs within the approved capital programme is still the primary objective. The final arrangements with SMBC in terms of reviewing the management fee etc. will be concluded at the Commercial meeting on 17 January 2017. A full detailed financial breakdown of how all costs are to be met to complete delivery of schemes will then be available for members' scrutiny.
- 4.4 The final legal position will be concluded after clarification of roles and responsibilities and again this will be subject to members scrutiny once agreement has been reached.

5.0 Consultation

- 5.1 Clearly, following the meeting of the Budget Planning Committee a significant number of members are aware of the present position. Further on-going meetings through the member working group established for the purpose will continue. Improved reporting lines into the Budget Planning Committee will also aid the overall member involvement and consultation arrangements.
- 5.2 Officers are aware of the sensitivities surrounding at least one major scheme that being Orchard Way. It is now planned to complete an early consultation event with key stakeholders at Orchard Way during January 2017 around the planned improvements to the shop frontages and play area. This will form the basis of trying to secure delivery of this element of the Orchard Way improvements by 31 March 2017. Further consultation around the wider scope of works at Orchard Way will follow. Similarly, consultation considerations on other projects will be reviewed accordingly.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The above information contained within the report aims at realistically achieving the best outcome in terms of scheme delivery through to 31 March 2017.

7.0 Implications

Financial and Resource Implications

- 7.1 These have been outlined above and once commercial negotiations have been completed, a detailed financial appraisal of the additional costs and how these are to be covered within existing approved budgets will be submitted accordingly.

Comments checked by:

Paul Sutton, Chief Finance Officer, 03000 030106,
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Legal Implications

- 7.2 These are set out under the heading *legal status above*, which recognises the need to achieve a consensus with SMBC on governing legal terms in January 2017. Members will then be advised of these arrangements. The current position will remain the status quo until such time as the final agreement is reached. This enables the Council to continue to place orders with SMBC if it is necessary to secure works in the short term with no commitment from the Council to SMBC for any particular term, or for any volumes of work. The Council has the comfort that there is sufficient surety around the form of the contract which will govern any services provided by SMBC on the basis of a Purchase Order. This surety is formed on the basis that the draft provisions of the SMBC framework agreement will apply, and be supplemented by statutory provisions, which at least provide the Council with some enforceable rights in respect of any existing projects, or any future projects prior to the conclusion of the legal agreements.

Comments checked by:
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8.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

Those covered by the Solihull MBC partnership initiative.

Links to Corporate Plan and Policy Framework

These will be considered and identified at the appropriate time.

Lead Councillor

Councillor Lynn Pratt, Lead Member for Estates and the Economy

Document Information

Appendix No	Title
Appendix 1	CDC Capital Programme Status Overview
Background Papers	
None	
Report Author	Chris Stratford, Head of Housing & Regeneration
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APPENDIX 1

Minor Capital Works Programme		CDC Capital Programme						
CAPITAL WORKS 2015/16		Status Overview						
		16th December 2016						
	Project	Location	£'000	Jun-16	Mar-17	2017/18	Removed	Comments
1	Building repairs - rainwater goods, stairway	Bradley Arcade	10	10				
2	Drivers' Rest Room & Sanitary Station refurb	Banbury	15		15			
3	Emergency back-up power (UPS & generator)	Thorpe Lane Depot	75			75		
4	Replace a/c condensers	Bradley Arcade	40	40				Work completed by other contractor
5	Roof repairs & bird protection	Banbury Health Centre	25	25				
6	Server Room resilience upgrade	Bodicote House	338				338	ICI strategy has changed the need for this requirement
7	Water ingress to walkway to Museum	Museum Banbury	20	20				
8	Bunded fuel tank to back-up generator	Bodicote House	10				10	Revealed in light of IT server room strategy
9	<i>Car parks - resurfacing & drainage works (year 1)</i>	<i>District-wide</i>	80	20	20	40		<i>Work programme with service</i>
10	Carpet replacement & redecs; refurb of toilets	Bodicote House	60	45	15			
11	Deed store upgrade	Bodicote House	50		40	10		
12	Fabric improvement works to main electrical intake area	Bodicote House	35		20	15		
13	Modifications to bio-mass boiler and installation of gas back-up boiler	Bodicote House	50		50			Scope changed to repair and training
14	Modifications to bio-mass boiler fuel intake	Thorpe Lane Depot	10				10	Damp issue to building affecting fuel - now been resolved
15	Replace floor to storeroom (dangerous structure)	Bodicote House	10			10		
16	<i>Listed dovecote repairs</i>	<i>Millcombe</i>	50			50		<i>Work programme with service</i>
17	Reconfigure storage areas	Bodicote House	35				35	
18	<i>Retained land works</i>	<i>District-wide</i>	30	10		20		<i>Work programme with service</i>
19	Woodgreen Leisure Centre roofing works	Banbury	26				26	Done through Ian Davies budget as a repair
Total			969	170	160	220	419	

CAPITAL WORKS 2016/17		Location	£'000	Jun-16	Mar-17	2017/18	Removed	Comment
20	CCTV Upgrade	Thorpe Lane Depot	40		40			
21	Improvements to Shopping Centre	Orchard Way, Banbury	325		15	310		Frontage, Garages and survey works a priority. Scheme to be reviewed at Jan steering group.
22	Refurbish paving & planting areas	Bradley Arcade	10		10			
23	Replace/refurbish surfaces - car park & service yard	Ferriston Shops	40	40				
24	Roof Repairs	Bradley Arcade	93		93			
25	Bus Station refurbishment	Banbury	87		87			
26	<i>Car parks - resurfacing (year 2)</i>	<i>District-wide</i>	100		50	50		<i>Work programme with service</i>
27	Museum refurbishment - general lighting scheme	Banbury	120		120			
28	Museum refurbishment - interior & exterior fabric works	Banbury	86		86			
29	CCTV Upgrade	Bodicote House	15		15			
30	Community buildings - condition survey works (Year 1)	District-wide	150			150		Strategy required and consultation
Total			1,066	40	516	510	0	

Grand Total	2,035	210	676	730	419
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Revised Programme at 16 December 2016	1,616	%
Complete by 31 March 2017	886	55%
Complete by 31 December 2017	730	45%

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