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Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 6 June 2017 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 Colin Clarke, Lead Member for Planning
Councillor John Donaldson, Lead Member for Housing
Councillor Tony Ilott, Lead Member for Financial Management
Councillor Kieron Mallon, Lead Member for Public Protection and Community Services
Councillor D M Pickford, Lead Member for Clean and Green
Councillor Lynn Pratt, Lead Member for Estates and the Economy

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

Apologies for absence: Councillor Richard Mould, Lead Member for Performance Management

Officers: Ian Davies, Interim Chief Executive / Head of Paid Service
Scott Barnes, Director of Strategy and Commissioning
Kevin Lane, Head of Law and Governance / Monitoring Officer
Paul Sutton, Chief Finance Officer / Section 151 Officer
Ed Potter, Head of Environmental Services
Andy Preston, Head of Development Management
Claire Taylor, Assistant Director - Commercial and Innovation
Natasha Clark, Interim Democratic and Elections Manager

1 **Declarations of Interest**

16. Strategic Property Acquisition in Banbury.

Councillor John Donaldson, Declaration, as a Non-Executive Director on Cherwell Community Build and would leave the meeting for the duration of the item.

Ian Davies, Declaration, as a Non-Executive Director on Cherwell Community Build and would leave the meeting for the duration of the item.

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

There were no petitions or requests to address the meeting.

3 **Urgent Business**

There were no items of urgent business.

4 **Minutes**

The minutes of the meeting held on 3 April 2017 were agreed as a correct record and signed by the Chairman.

5 **Chairman's Announcements**

The Chairman advised that he would be changing the order of the agenda and taking agenda item 10, Final Business Case – Joint Development Management, as the first item of business.

6 **Final Business Case - Joint Development Management**

The Head of Development Management submitted a report which presented the final business case for joint working in Development Management across Cherwell District and South Northamptonshire Councils. The report recommended the formation of a Joint Development Management Service and in doing so sought the Executive's agreement for the non-staffing elements of the business cases. The proposal was part of the wider transformation programme across the two Councils.

Resolved

- (1) That, having given due consideration, the final business case and the consultation responses in relation to non-staffing matters be noted.
- (2) That it be noted that the business case would be considered by the Joint Commissioning Committee with regard to staffing matters on 20 June 2017 and that this would include consideration of the consultation responses from affected staff and trade union representatives.
- (3) That the non-staffing aspects of the final business case to create a Joint Development Management Service between CDC and SNC, subject to similar consideration and approval by SNC Cabinet on 12 June 2017 and approval of the staffing implications by the Joint Commissioning Committee, be approved for implementation.
- (4) That authority be delegated to the Head of Development Management in consultation with the Leader of the Council to make any non-significant amendments that may be required to the business case

following the decision by SNC Cabinet and/or the Joint Commissioning Committee.

Reasons

The business case sets out the rationale for establishing the Joint Development Management Service across CDC and SNC.

Alternative options

Status Quo (No Change)

Retaining the status quo is an option; however this would not deliver the benefits set out in this business case or provide 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.

Alternative Joint Staffing Structures

A number of alternative joint staffing structures have been considered, however the proposal set out in the business case is believed to be the most appropriate in terms of maximising the benefits of joint working and delivering savings, whilst maintaining performance.

Outsource Service

Outsourcing is a potential option, and it is understood that companies such as Capita do offer an outsourced service for Development Management. However, given that the majority of duties carried out by the Development Management team are statutory responsibilities, it is not considered appropriate to outsource the service, as it could compromise the planning role of each District Council.

7 Annual Equalities Report 2016/2017

The Director – Strategy and Commissioning submitted a report to review the performance of the Equalities Annual Work Programme and to agree the planned work programme following the Achieving Standard under the Equality Framework for Local Government.

Resolved

- (1) That, having given due consideration to the evidence and information, the report be noted.
- (2) That the equalities action plan for 2017/18 be agreed and the areas of good practice upon which it builds and the areas for development that it addresses be noted.
- (3) That the 3 year rolling plan of Equality Impact Assessments be agreed.

Reasons

Cherwell District Council has made significant progress delivering against the equalities agenda in recent years and has continued to maintain this during

2016/2017 whilst continuing to adopt a locally relevant approach to equality performance with meaningful and relevant Corporate Action Plans to support this work.

The updated action plan demonstrates how the Council will continue to deliver its equalities objectives over the coming year. Progress will be reported via the performance management framework on a quarterly basis.

The three year impact assessment rolling plan also provides assurance that the Council is mindful of policy change and seeks to understand and address the impacts of service and policy change where appropriate.

Options

Option 1: To note the report

Option 2: To request additional information on items within this report

8 Performance Report 2016-2017 End of Year

The Director – Strategy and Commissioning submitted a report to provide information relating to Performance for the period 1 January - 31 March 2017. The report also reflected end of year outturns as measured through the performance management framework.

Resolved

- (1) That it be noted that despite a challenging economic environment, and on-going policy and organisational change, Cherwell District Council has met or made satisfactory progress on 77% of all the performance targets outlined in its performance management framework in delivering the Corporate Priorities of the Council.
- (2) That it be noted that the Overview & Scrutiny Committee considered the report at its meeting on 25 May 2017 and referred no matters to the Executive.

Reasons

In this annual report we show that the Council has made strong progress towards delivering its ambitions to improve the services delivered to residents and businesses. It also demonstrates the Council's proactive performance management of issues raised and the inclusive role of Overview and Scrutiny in supporting performance review.

Section 3 of the report provides a summary of the Council's performance against its comprehensive performance framework and corporate scorecard for 2016/17. The detailed performance indicators and commentary against each of these are contained within appendices 1 to 5 including the annual report.

With a 77% delivery rate against the key strategic priorities the report clearly demonstrates that the council is delivering services fit for purpose, and that together we are making a significant and positive difference to the District, our residents, businesses and other key stakeholders.

There can be no other recommendations to make, other than to commend everyone who has contributed to such excellent performance, of which we should all be proud.

Alternative options

Option 1: To request additional information on items and/or add to the work Programme for review and/or refer to Overview and Scrutiny.

9

Banbury Country Park

The Head of Environmental Services submitted a report to consider the creation of a new country park in Banbury.

Resolved

- (1) That the creation of a new open space, Banbury Country Park, be approved.
- (2) That the approach of working with stakeholders to develop an inviting country park which provides a wide range of leisure activities for Cherwell residents and visitors as well as creating a diverse habitat for wildlife be supported.
- (3) That it be noted that the running costs of a new Country Park can be delivered within existing revenue budgets.
- (4) That agreement be given to seek planning approval for change of use.

Reasons

The development of a new country park with strong stakeholder support will provide leisure and healthy life style benefits as well as becoming a visitor attraction.

Sufficient capital resources exist to open the facility. Running costs are expected to be minimal and no additional revenue budget is required.

Alternative options

Option 1: To support the proposed development of a Country Park

Option 2: To reject the proposed development of a Country Park

Option 3: To ask officers to consider other uses for the land acquired

10 **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 1, 2, 3 and 4 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.

11 **Final Business Case - Joint Development Management - Exempt Appendix**

Resolved

(1) That the exempt appendix be noted.

Reasons

N/A

Alternative options

N/A

12 **Markets**

The Head of Environmental Services submitted an exempt report to update the Executive on changes regarding the District's urban centres markets.

Resolved

- (1) That the insource of Banbury Market and the Banbury Farmers Market be supported.
- (2) That the continuation of arrangements covering Bicester and Kidlington be supported.
- (3) That the proposed trader booking fees be approved.
- (4) That it be agreed to review the performance of the markets under this new operation after 12 months.

Reasons

As set out in exempt minutes

Alternative options

Option 1: To support the recommendations relating to the Markets

Option 2: To reject the recommendations relating to the Markets

Option 3: To ask officers to consider other possible ways forward

13

Whitelands Farm Sports Ground - Notification of an Urgent Decision Taken to Award an Operator Contract and Enter Into a Funding Agreement

The Interim Chief Executive submitted an exempt report to consider the 'emergency' key decision he had taken in respect of the results of the procurement process for a leisure operator to manage the Whitelands Farm Sports Ground, and also the terms of the Funding Agreement with Bicester Town Council, which will enable the Council to undertake commitments as employer of the leisure operator under the management contract.

Resolved

- (1) That the 16 May 2017 'emergency' key decision taken by the Interim Chief Executive to award a contract for the management of the Whitelands Farm Sports Ground under his delegated powers in order to meet tender award deadlines, ensuring full Whitelands Farm Sports Ground facility operation from 1 September 2017 be noted.
- (2) That responsibility be delegated to the Interim Chief Executive, in consultation with the Head of Law and Governance, the Chief Finance Officer, the Lead Member for Financial Management and the Deputy Leader, for negotiating and concluding a Funding Agreement between the Council and Bicester Town Council (BTC) on terms that address the financial implications of the operation of the new facilities including grounds maintenance and lifecycle funding.

Reasons

As set out in the exempt minutes.

The Council has gained approval from BTC at its meeting on 15 May 2017 for both the operator Contract Award and the associated Funding Agreement.

Due to the tender timetable and requirement to ensure the facility will be fully operational for the start of the winter sporting season on 1 September 2017, an 'emergency' key decision was taken by the Interim Chief Executive and this report updates and informs the Executive accordingly.

Alternative options

The option to delay the contract start date was considered, however this would significantly delay the pre-opening equipment fit out requirement preventing the facility being fully operational for the start of the winter sports season on 1

September 2017. With the construction project having been previously problematic and consequently delayed this was not considered a suitable solution.

The Preferred Bidder requires a minimum one month lead in time following contract commencement to ensure safe systems of operation are fully in place which requires a 1 August commencement date, to delay this would prevent the 1 September winter sports season commencement.

14 **Build! Programme Update**

The Commercial Director and Chief Finance Officer submitted a report to update the Executive on the latest status of the Build! Programme.

Resolved

- (1) That the latest programme and financial summary be noted.
- (2) As set out in the exempt minutes.
- (3) That the outputs of the Cherwell Community Build financial viability review be noted.
- (4) As set out in the exempt minutes.
- (5) As set out in the exempt minutes.
- (6) That the urgent actions taken by the Commercial Director regarding the approval of Old Place Yard and Hanwell Fields contracts for the delivery of supported housing units be noted.

Reasons

This report is to provide an update to the Executive on the work being carried out by the Build! team and monitored through the Build! Project Board.

The Build! programme has been running for a number of years and was set up to deliver certain types of housing unit that was identified as a need for the District and to provide a return on capital invested. This programme has to date delivered 156 residential units, provided regeneration opportunities in the two urban centres, promoted self/custom build and provided a revenue and capital return which can be reinvested in delivering other housing need/regeneration projects.

Alternative options

Option 1: Not to support the recommendations within this report would have implications for the delivery of the programme in terms of units and financial return.

15 **Strategic Property Acquisition in Banbury**

The Chief Finance Officer submitted a report to advise Executive on a strategic property acquisition in Banbury.

Resolved

- (1) That the report be noted.
- (2) As set out in the exempt minutes.
- (3) That the commissioning of external services including legal and cost consultants to carry out the next stage of due diligence process for this project be supported.
- (4) That delegated authority be given to the Chief Finance Officer in consultation with the Commercial Director and the Lead Member for Estates and the Economy to agree Heads of Terms for the acquisition as proposed in section 3.9 of the exempt report (exempt annex to the Minutes as set out in the Minute Book) and, subject to full council approving resolution (5) to complete the acquisition.
- (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.

The meeting ended at 7.15pm

Chairman:

Date:

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

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