

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 6 February 2012 at 6.30 pm

- Present: Councillor Barry Wood, Leader (Chairman)
Councillor G A Reynolds, Deputy Leader (Vice-Chairman)
- Councillor Ken Atack, Lead Member for Financial Management
Councillor Norman Bolster, Lead Member for Estates
Councillor John Donaldson, Lead Member for Banbury Brighter Futures
Councillor Michael Gibbard, Lead Member for Planning
Councillor James Macnamara, Lead Member for the Environment
Councillor Nigel Morris, Lead Member for Change
Councillor D M Pickford, Lead Member for Housing
- Also Present: Councillor Leslie F Sibley, Leader of the Labour Group
Councillor Tim Emptage, Leader of the Liberal Democrat Group
- Apologies for absence: Councillor Nicholas Turner, Lead Member for Customer Services
- Officers: Sue Smith, Chief Executive
Martin Henry, Director of Resources / Section 151 Officer
Calvin Bell, Director of Development
Adrian Colwell, Head of Strategic Planning and the Economy
Kevin Lane, Head of Law and Governance / Monitoring Officer
Ed Potter, Head of Environmental Services
Claire Taylor, Corporate Performance Manager
Natasha Clark, Team Leader, Democratic and Elections

79 **Declarations of Interest**

Members declared interests in the following agenda items:

7. Housing Land Supply Position Statement

Councillor Nigel Morris, Personal, due to interest in a site within the report and should the site be discussed during consideration of this item, the interest would become prejudicial and he would leave the meeting.

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

There were no petitions or requests to address the meeting.

81 **Urgent Business**

The Chairman reported that he had agreed to one item of urgent business: Award of Contract for the Provision of Dry Waste Recycling Services to Cherwell District Council. The item had originally been scheduled on the Forward Plan for consideration by Executive in March 2012, however the proposed start date of the contract was before the March meeting. The Chairman advised that, subject to Member agreement, the item would be taken in private session after agenda item 12.

82 **Minutes**

The minutes of the meeting held on 9 January 2012 were agreed as a correct record and signed by the Chairman.

83 **Bicester Masterplan Progress Report**

The Head of Strategic Planning and the Economy submitted a report which updated Members on the progress made on the Bicester Masterplan. In introducing the report, the Lead Member for Planning advised that the Masterplan would be a blueprint for Bicester over the next 30 to 40 years and would be used to update the Bicester chapter of the Core Strategy for the district due for completion in 2012.

Gordon Lewis of WYG, the consultants appointed by Cherwell District Council in November 2011 to prepare a Masterplan for Bicester, gave a presentation which updated Executive on progress.

Members welcomed the proposal and the substantive progress that had been made. The Executive commended the coordinated approach being taken which took into account the various developments underway in Bicester.

In considering the Masterplan, it was suggested that that to avoid confusion with the North West Bicester Masterplan, the Bicester Masterplan could be referred to as the 'Bicester Blueprint'. Members commented that they would be keen to see further expansion of sports facilities and that health facilities should be high on the agenda in light of the projected population growth.

The Lead Member for Planning explained that the council would be consulting on the Masterplan proposals in the spring. Members stressed the importance of extending the consultation to residents who lived on the outskirts of Bicester and in the surrounding villages. It was important that the council engaged with as wide a cross section as possible. The Chairman encouraged Members to advise officers of any stakeholders they felt the council should engage with.

Resolved

- (1) That the issues that have informed the preparation of the Masterplan for Bicester be considered the progress being made be noted.

- (2) That officers be requested to proceed to public consultation and complete the Masterplan by May 2012.

Reasons

The Bicester Masterplan will be used to update the Bicester chapter of the Core Strategy for the District due for completion in 2012. The Masterplan contains a set of strategic proposals for the future development of the town to ensure the development of the town proceeds in a holistic, planned, coordinated way.

Options

Option One To accept the recommendation.

Option Two To continue with a piecemeal approach to development that fails to ensure integration with the existing town or to ensure that opportunities are realised for the benefit of residents and businesses in Bicester.

84

Housing Land Supply Position Statement

The Head of Strategic Planning and the Economy submitted a report which sought approval of a Position Statement on Housing Land Supply and of active measures to increase housing supply, in view the current shortfall of deliverable housing sites as reported to the Executive on 6 December 2011.

In introducing the report, the Lead Member for Planning explained that whilst the council had in place planning permission for sufficient housing, as properties were not being built the housing land supply level remained below the required levels in the National Planning Policy Framework. The Position Statement on Housing Land Supply set out how supply could be managed and from where new deliverable housing sites might come forward. Should it be approved, it could be used as a material consideration in the consideration of planning applications and appeals.

Members supported the recommendations and principle of the statement noting that it would put the council, as Local Planning Authority, in a stronger position when considering planning applications. Some Members raised concerns that housing land supply figures continued to be based on a more prosperous economic period and had not been adjusted to reflect the downturn in the economy.

In response to concern about the status of reserve sites, the Lead Member for Planning explained that the re-emergence of reserve sites was to enable officers and developers to revisit these sites and determine if they would be appropriate for development. When considering a planning application, sustainability rather than housing figures would remain the primary consideration. The Head of Strategic Planning and the Economy confirmed that reserve sites remained reserve sites. The status of reserve sites would be

included in the Draft Core Strategy which would be submitted to the Executive for consideration in due course.

Resolved

- (1) That the Housing Land Supply Position Statement for use as a material consideration in the determination of applications for planning permission for ten or more dwellings and in the handling of relevant planning appeals be approved.
- (2) That officers be authorised to undertake detailed pre-application discussions with interested promoters in the interests of identifying appropriate opportunities for addressing the housing land supply shortfall that accord with the principles set out in the Housing Land Supply Position Statement.
- (3) That officers be authorised to work proactively with promoters and developers to ensure that all reasonable measures are taken for bringing forward and delivering appropriate sites within required timescales and for ensuring that developments are constructed to high standard;
- (4) That officers be instructed to ensure that all reasonable opportunities are taken for bringing forward the delivery of sites already approved for new housing development but where development has either not yet commenced or where delivery has stalled.
- (5) That officers be instructed to actively monitor housing supply and the delivery of specific sites, liaising with promoters and developers as required, and to ensure that the Planning Committee and Executive are informed of any significant change in circumstances.

Reasons

The Housing Land Supply Position Statement is required in view of the pressing need to actively manage the release of land for housing in the absence of a five-year supply of deliverable sites. Lack of clarity on the Council's position would increase the risk of development occurring in an uncoordinated way in less sustainable locations and of the Council's emerging Core Strategy being undermined.

Options

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| Option One | To approve the Housing Supply Position Statement and the recommendations to actively manage an increase in the supply of deliverable housing sites |
| Option Two | To seek amendment of the Housing Supply Position Statement and recommended actions |
| Option Three | To take any actions required by the Executive having regard to the current housing land supply position |

Developer Contributions Consultation

The Head of Strategic Planning and the Economy submitted a report seeking approval the commencement of a consultation on the Developer Contributions document.

In introducing the report, the Lead Member for Planning advised that the document would apply to planning applications for 10 or more dwellings and all commercial developments.

Resolved

- (1) That a consultation on the Developer Contributions document be authorised.
- (2) That the additional actions proposed to strengthen s106 monitoring be endorsed.

Reasons

The Developer Contributions document was agreed by the Executive as a basis for negotiation in May 2011. It was not consulted upon at that time due to the changes to the Planning system being introduced at that time. A public consultation on the document is an important means of ensuring all views have been taken into account and that its purpose and content is appropriate.

Options

Option One To continue to use the document while the consultation is conducted.

Option Two Not to consult.

Implications of the Localism Act 2011

The Head of Law and Governance submitted a report which presented a summary of the provisions of the Localism Act 2011 and sought consideration of any implications arising at this stage.

In introducing the report, the Leader of the Council explained that there was still a lot of detail awaited with regard to the Act. He suggested that the areas of particular interest to Members would be related to the proposed planning reforms, in particular: the duty to cooperate; Community Infrastructure Levy; and, Neighbourhood Planning. Members agreed that relevant officers should be requested to report back more fully on these areas at the appropriate time.

In response to the comments of Councillor Sibley, Leader of the Labour Group, the Chairman agreed that officers should also be requested to provide supplementary information on the provision to hold a referendum for excessive council tax.

Resolved

- (1) That the summary of the provisions of the Localism Act 2011 ("the Act") be noted.
- (2) That it be agreed that the following areas be considered more fully: duty to cooperate; Community Infrastructure Levy; Neighbourhood Planning; and, Referendums on Council Tax Increases, and that relevant officers be requested to report back accordingly at the appropriate time.
- (3) That the report to the February Council meeting be confined to the statement of pay policy.

Reasons

The Localism Act will clearly have a significant impact on the Council in a number of areas but and consideration of the detailed strategic implications will have to take place at a later date.

Options

As this report is for information only there are no alternative options to consider.

87

HS2 Update Report

The Head of Strategic Planning and the Economy submitted a report which updated Members on the High Speed Rail proposals - HS2. The report provided an outline of the response by CDC to the government announcement on 10 January 2012 to proceed with the HS2 proposal and sought consideration of the next steps CDC should take.

Resolved

- (1) That the proposed actions in response to the government announcement made on 10 January 2012 be approved.
- (2) That the officers' intention to seek legal advice as part of the 51M consortium on the merits of a possible application for a Judicial Review of the decision to proceed be noted and endorsed.

Reasons

CDC is the Local Planning Authority and the only public body able to respond on matters of detail relating to the route now that it has been confirmed by Government. Failure to discharge this role will leave the District at considerable disadvantage.

Options

Option One To agree the recommendations as set out

- Option Two** To amend the recommendations
- Option Three** Not to agree the recommendations

88 **2011/12 Projected Revenue and Capital Outturn at 31 December 2011**

The Head of Finance and Procurement submitted a report which summarised the Council's Revenue and Capital performance for the 9 months of the financial year 2011/12 and projections for the full 2011/12 period. These were measured by the budget monitoring function and reported via the Performance Management Framework (PMF) informing the 2011/12 budget process which was currently underway. The report also reviewed the treasury performance and procurement action plan performance for the first 9 months of 2011/12.

Resolved

- (1) That the projected revenue & capital position at December 2011 be noted.
- (2) That the Capital Slippage of £9m from the 2011/12 capital programme be noted.
- (3) That the funding of £20k to the Banbury Citizens Advice Bureau Appeals be approved.
- (4) That the Q3 treasury performance be noted.
- (5) That progress against the Procurement Action plan and the savings achieved be noted.

Reasons

This report illustrates the Council's performance against the 2011/12 Revenue and Capital Budget and includes details of Treasury Performance as at Qtr 3 – December 2011

Options

- Option One** To review current performance levels and considers any actions arising.
- Option Two** To approve or reject the recommendations above or request that Officers provide additional information.

89 **Draft Budget 2012/13**

The Head of Finance and Procurement submitted a report which provided the second and final opportunity for the Executive to shape and refine the

interaction between corporate service plans and financial matters before the final budget would be presented to full Council on 27 February 2012.

In presenting the draft budget, the Lead Member for Financial Management reported that whilst the current economic climate presented significant challenges, a balance budget for 2012/13 had been prepared without the need to raise council tax.

The Lead Member for Change advised that there would be a minor update to Cherwell District Council Performance Pledges 2012/13 in light of the end of the existing insulation scheme. This would be reflected in the final version of the Pledges that would be presented to full Council on 27 February 2012.

The Executive commended the Lead Member for Finance and Finance Team for their hard work in producing a balance budget for 2012/13.

Resolved

- (1) That the changes to the draft budget since 6 December 2011 be approved and the draft revenue budget (as set out as an annex to the Minutes in the Minute Book) in the context of the Council's service objectives and strategic priorities be noted.
- (2) That the transfer of the surplus of £3,299 to general fund balances to enable a balanced budget be approved.
- (3) That a Council tax freeze be recommended to full Council.
- (4) That authority be delegated to the Head of Finance and Procurement, in consultation with the Lead Member for Financial Management and Director of Resources, to amend the contributions to or from general fund balances to allow the Council Tax increase to remain at the level recommended by Executive to full council following the announcement of the final settlement figures.
- (5) That the proposed 2012/13 capital programme (as set out as an annex to the Minutes in the Minute Book) be approved.
- (6) That the review of earmarked revenue reserves undertaken by the Lead Member for Financial Management, the Head of Finance and Procurement and the Director of Resources be noted and re-allocation between various earmarked reserves and creation of one new reserve. (as set out as an annex to the Minutes in the Minute Book) be approved.
- (7) That the draft corporate plan and public pledges (as set out as an annex to the Minutes in the Minute Book) be endorsed and authority be delegated to the Chief Executive in consultation with the Leader of the Council to make any minor amendments to the plan or pledges as required.
- (8) That the 2012/13 Business Plan and Budget Equality Impact Assessment be noted (detailed in Appendix 7)

- (9) That it be noted that the latest MTFs financial forecast was currently being refreshed and would be part of the budget book.
- (10) That officers be requested to produce the formal 2012/13 budget book on the basis of Appendices 1-7 (as set out as an annex to the Minutes in the Minute Book).
- (11) That the schedule of Election Fees and Charges be approved (as set out as an annex to the Minutes in the Minute Book).
- (12) That the updated Draft Budget 2012/13 be recommended for adoption by the Council on 27 February 2012 (as a key decision).

90 **Exclusion of the Public and Press**

Resolved

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

91 **Urgent Business - Award of Contract for the Provision of Dry Recycling Services**

The Head of Finance and Procurement and Head of Environmental Services submitted an urgent report which sought approval for the provision of dry waste recycling services to Cherwell District Council.

The Lead Member for the Environment commended officers for negotiating a contract which would bring both financial and recycling benefits to the council and district.

Resolved

That the resolution as set out in the exempt minutes be agreed.

The meeting ended at 8.53 pm

Chairman:

Date: