

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 1 September 2014 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 Norman Bolster, Lead Member for Estates and the Economy

Councillor John Donaldson, Lead Member for Banbury Brighter Futures

Councillor Michael Gibbard, Lead Member for Planning

Councillor Tony Ilott, Lead Member for Clean and Green

Councillor Kieron Mallon, Lead Member for Performance and Communications

Councillor D M Pickford, Lead Member for Housing

Councillor Nicholas Turner, Lead Member for Joint Working and ICT

Also Present: Councillor Barry Richards (representing Councillor Sean Woodcock, Leader of the Labour Group)
Councillor Lawrie Stratford
Councillor Les Sibley

Apologies for absence: Councillor Sean Woodcock, Leader of the Labour Group

Officers: Sue Smith, Chief Executive
Karen Curtin, Commercial Director (Bicester)
Martin Henry, Director of Resources / Section 151 Officer
Kevin Lane, Head of Law and Governance / Monitoring Officer
Chris Rothwell, Head of Community Services
Chris Stratford, Head of Regeneration and Housing
Natasha Clark, Team Leader, Democratic and Elections

Declarations of Interest

Interests were declared in the following agenda items:

11. Graven Hill.

Sue Smith, Declaration, as a Director of Graven Hill Village Holdings Limited.

Chris Stratford, Declaration, as a Director of Graven Hill Village Development Company Limited.

Karen Curtin, Declaration, as a Director of Graven Hill Village Holdings Limited and Graven Hill Village Development Company Limited.

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

The Chairman reported that he had agreed to a request from Councillor Sibley to address the Executive on agenda items 11, Graven Hill, and 13, South West Bicester Sports Village.

37 **Urgent Business**

There were no items of urgent business.

38 **Minutes**

The minutes of the meeting held on 7 July 2014 were agreed as a correct record and signed by the Chairman.

39 **Chairman's Announcements**

There were no Chairman's announcements.

40 **Air Quality Management Areas for Banbury and Kidlington**

The Head of Community Services submitted a report to declare Air Quality Management Areas in Banbury and Kidlington.

Resolved

- (1) That an Air Quality Management Area in Horsefair/North Bar/South Bar, Banbury be declared.
- (2) That an Air Quality Management Area in Bicester Road, Kidlington be declared.
- (3) That the declaration of an Air Quality Management Area in Kings End/Queens Avenue, Bicester be deferred so that additional monitoring and assessment can be carried out following the changes to the road layout.

Reasons

Due to exceedances of the annual mean air quality objective for nitrogen dioxide it is recommended that AQMA's are declared for Horsefair/North Bar/South Bar in Banbury and Bicester Road in Kidlington.

Due to significant changes to the road layout in Bicester during 2013 it is recommended that the declaration of an AQMA in the Kings End/Queens Avenue area of Bicester be deferred until additional monitoring and assessment has been undertaken, so that the impact of these changes on air quality can be assessed. This course of action has been agreed with Defra.

Options

Option 1: An alternative option would be to not declare the areas as AQMA's. However, if an air quality objective is not being met then the Council is required to declare that area as an AQMA and so for this reason this is not an alternative option.

41 Joint Draft Cherwell District Council and South Northamptonshire Council Enforcement Policy

The Head of Community Services submitted a report which sought approval of the joint draft Cherwell and South Northamptonshire Council Noise Enforcement Policy prior to public and stakeholder consultation.

Resolved

- (1) That the joint draft Cherwell and South Northamptonshire Council Enforcement Policy (annex to the minutes as set out in the minute book) be approved for consultation.
- (2) That authority be delegated to the Head of Community Services to consider responses and, if necessary amend the policy in consultation with the Lead Member.

Reasons

Local authorities must comply with the requirements of the Regulators Code. One of the requirements is a requirement to publish information about our enforcement policy and our response to non-compliance.

If the policy is approved and implemented the local authority will meet that requirement of the Code and will demonstrate a transparent approach to our regulatory activities.

Alternative Options

Option 1: The committee can approve the recommendations.

Option 2: The committee can reject the recommendations but the absence of an up to date policy could place the local authority at risk of legal challenge and lead to inconsistency in our approach to regulation.

42 **Joint Draft South Northamptonshire and Cherwell District Council Noise Investigation Policy and Procedure**

The Head of Community Services submitted a report which sought approval of the joint draft Cherwell and South Northamptonshire Council Noise Investigation Policy prior to public and stakeholder consultation.

Resolved

- (1) That the joint draft Cherwell and South Northamptonshire Council Noise Investigation Policy (annex to the Minutes as set out in the Minute Book) be approved for consultation.
- (2) That authority be delegated to the Head of Community Services to consider responses and, if necessary amend the policy in consultation with the Lead Member.

Reasons

The Policy and procedure pulls together existing good practice from both councils and provides clear guidance and assistance for complainants, those subject to regulation, partners and officers.

By approving the draft policy and agreeing to consultation amendments by subsequent delegation to the Head of Community Services, South Northamptonshire and Cherwell District Council can show that they are following DEFRA guidance and can provide a transparent policy on our approach to noise complaints.

It also shows that the Council is complying with the Regulators Code and means that the Council has a robust policy in place should it be subject to legal challenge.

Alternative Options

Option 1: The committee can approve the recommendations

Option 2: The committee can reject the recommendations but the absence of an up to date complaint policy could place the local authority at risk of legal challenge.

The absence of a comprehensive policy reduces the Council's opportunity to provide clear guidance to potential complainants which promotes self-help and reduces the burden on Council resources.

43 **Head of Community Services**

The Vice-Chairman reported that this would be the Head of Community Service's last meeting as he was leaving Cherwell District Council. On behalf of the Council, the Executive thanked the Head of Community Services for his hard work and contribution to the authority and wished him all the best for the future.

44 **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 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.

45 **Graven Hill**

The Commercial Director (Bicester) submitted an exempt report which updated members on the acquisition of the MOD land and the financial appraisal of the Graven Hill project, and set out how the project would be governed going forward.

Resolved

- (1) That the creation of 2 companies (limited by shares) comprising Graven Hill Village Holding Company - wholly owned by the Council and Graven Hill Village Development Company – owned 99% by the Graven Hill Village Holding Company and 1% by the Council to own and deliver Graven Hill have been set up and Directors appointed be noted.
- (2) That the updated financial implications for the Council and Companies be noted.
- (3) That it be noted that the acquisition of the MOD land was completed on 11 August 2014 by Cherwell District Council and then simultaneously sold to the Graven Hill Village Development Company.
- (4) That the proposed membership of the Partnering Board (5 Elected Members - former members of the Graven Hill Project Board and Leader of the Opposition group and the Council's S 151 Officer and the Monitoring Officer) be noted and it be further noted that this group will have responsibility for safeguarding the Council's equity investment and lending to the Company by undertaking more detailed monitoring of the Business Plan and providing advice and recommendations to Executive.
- (5) That it be noted that the Graven Hill delivery plan will be presented to the Executive in November 2014.

Reasons

There were a number of pieces of work underway that needed to be completed ahead of completing the approved acquisition of the land. These tasks have now been completed and the land transaction has been completed.

This is a significant investment for the Council and one that is innovative and delivers many positive benefits to the District. It is therefore imperative that the strong governance that has been in place up to now continues and these proposals will ensure that governance remains strong and is appropriate in relation to the project risks.

After the Partnering Board scheduled for October 2014 has taken place an update on the Graven hill Business Plan will be presented to the Executive in November 2014.

Alternative Options

Alternative options were given in the June 2014 report and these were rejected. If required by the Executive then governance proposals can be reviewed and amended as necessary.

46 Bicester Community Building Construction Progress Update

The Commercial Director (Bicester) submitted an exempt report which gave an progress update on the Bicester Community Building construction.

Resolved

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

Reasons

As set out in the exempt minutes.

Alternative Options

As set out in the exempt minutes.

47 South West Bicester Sports Village Update

The Head of Community Services submitted an exempt report which provided an update of the South West Bicester Sports Village.

At the discretion of the Chairman, Councillor Les Sibley addressed Executive.

Resolved

- (6) As set out in the exempt minutes.
- (7) As set out in the exempt minutes.
- (8) That the procurement and legal advice on how best to proceed with the project be noted.
- (9) As set out in the exempt minutes.
- (10) As set out in the exempt minutes.
- (11) As set out in the exempt minutes.

Reasons

As set out in the exempt minutes.

Alternative Options

As set out in the exempt minutes.

48

Woodgreen Leisure Centre Redevelopment and Leisure Centre Procurement

The Head of Community Services submitted an exempt report in relation to the Woodgreen Leisure Centre redevelopment and Leisure Centre procurement.

Resolved

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

Reasons

As set out in the exempt minutes.

Alternative Options

As set out in the exempt minutes.

49

Report of Bolton Road Multi Storey Car Park Agreement with Vinci Park Services UK Ltd

The Head of Regeneration and Housing submitted an exempt report in relation to the Bolton Road Multi Storey Car Park Agreement with Vinci Park Services UK Ltd.

Resolved

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

Reasons

As set out in the exempt minutes.

Alternative options

As set out in the exempt minutes

The meeting ended at 8.20 pm

Chairman:

Date: