

Cherwell District Council

Executive

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

Councillor John Donaldson, Lead Member for Housing
Councillor Michael Gibbard, Lead Member for Planning
Councillor Tony Ilott, Lead Member for Public Protection
Councillor D M Pickford, Lead Member for Clean and Green
Councillor Nicholas Turner, Lead Member for Change Management, Joint Working and IT

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

Apologies for absence: Councillor Kieron Mallon, Lead Member for Banbury Futures

Officers: Sue Smith, Chief Executive
Ian Davies, Director of Operational Delivery
Kevin Lane, Head of Law and Governance / Monitoring Officer
Paul Sutton, Head of Finance and Procurement
Adrian Colwell, Head of Strategic Planning and the Economy, for agenda items 8, 9, 10 and 11
Nicola Riley, Shared Interim Community Partnerships and Recreation Manager, for agenda item 7
Natasha Clark, Team Leader, Democratic and Elections

105 **Declarations of Interest**

There were no declarations of interest.

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

There were no petitions or requests to address the meeting.

107 **Urgent Business**

There were no items of urgent business.

108 **Minutes**

The minutes of the meeting held on 4 January 2016 were agreed as a correct record and signed by the Chairman.

109 **Chairman's Announcements**

The Chairman made the following announcement:

1. Members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

110 **Banbury Museum Trust Development**

The Director of Operational Delivery submitted a report which provided an update on the Banbury Museum Trust

Bob Langton, Chairman, and Simon Townsend, Director, of the Banbury Museum Trust gave a presentation which provided an update on progress made since the formation of the Trust and outlined the emerging plans for development both of the site and the programme.

The Leader thanked Mr Langton and Mr Townsend for their presentation, their work with the Trust and wished them well with the future plans.

Resolved

- (1) That the report be noted.
- (2) That the development plans of the Banbury Museum Trust be supported.

Reasons

Banbury Museum is entering into the next exciting phase to provide residents with a first class Museum service that builds upon the strong foundations and sound financial management established by Cherwell District Council and capitalises on the wider range of possibilities now available as a charitable trust with a strong and committed independent board. Supporting the development plans of the Trust aligns with the corporate growth objectives of The Council

Alternative options

Option 1: Not agree the development plan. That will be a matter for the Executive to determine. To date, officer and Lead Member support has been

given. There is also a need to be mindful of the fact that the development plan is not the Council's but the Council as landlord does have an influence.

111 **Community Spaces and Development Study**

The Director of Operational Delivery submitted a report which sought approval of the Community Spaces and Development Study basis for developing CDC's community development approach in new neighbourhoods.

The Local Strategic Partnership had been instrumental in framing and commissioning a study to better evidence the need for neighbourhood community spaces and development activity across the District, in line with the development plans identified by the Local Plan. The study also proposed a model for community development activity to be undertaken in the establishment of thriving and well integrated new neighbourhoods.

Resolved

- (1) That the Community Spaces and Development Study be approved as a basis for developing CDC's community development approach in new neighbourhoods.
- (2) That the principle of housing developers contributing to CDC co-ordinated community development work, to establish thriving and well integrated new neighbourhoods across the District be agreed.
- (3) That the principle of housing developers providing new (or contributing to the expansion of existing) neighbourhood community halls, based on an allocation of community space per head of proposed population be agreed.

Reasons

Through the commissioning of this report Cherwell District Council has been able to:

- Determine a sound basis for the calculation of developer contributions towards community spaces (either the construction of new space or the extension and improvement of existing spaces).
- Present a comprehensive analysis of existing community spaces that can be updated annually to inform future development requirements.
- Present a requirement for community development activity to ensure new residents are integrated and engaged in the life of their new neighbourhood
- Identify further research opportunities into the ownership and management of community buildings to coincide with the Cherwell District Council Asset Review

Pending the Developer Contributions SPD, the findings and recommendations of this study can be used as a basis for negotiations on planning applications.

Alternative options

Option 1: Not develop standards for the provision of indoor community recreation.

Reason: Without evidence to justify them, developers would be likely to contest contribution requests, resulting in new neighbourhoods having no, or inadequate community hall space.

Option 2: Not develop standards for the provision of community development activity.

Reason: Without evidence to justify them, developers would be likely to contest contribution requests, leading to new neighbourhoods struggling to develop as thriving, well integrated communities.

112

North West Bicester Supplementary Planning Document (SPD)

The Head of Strategic Planning and the Economy submitted a report to update the Executive on the outcome of the recent consultation on the draft North West Bicester Supplementary Planning Document (SPD) and associated documents, and allow the Executive to consider whether to recommend that the Council adopts the SPD (as amended) as a Supplementary Planning Document.

In introducing the report, the Lead Member for Planning advised Executive that a consultation response had been received from the Environment Agency after the publication of the agenda.

The Lead Member for Planning explained that as it was too premature to consider Local Management Organisations (LMOs) at this stage, he was proposing that all references to LMOs would be removed from the SPD.

Executive thanked all officers involved in the drafting of the SPD for their hard work.

Resolved

- (1) That the progress in preparing the North West Bicester SPD since the update report to the Executive on 1 June 2015 be noted.
- (2) That the response to the representations received and resulting changes made to the SPD and Statement of Consultation be agreed.
- (3) That, subject to the removal of all reference to Local Management Organisations, Full Council be recommended to resolve to adopt as a Supplementary Planning Document the North West Bicester SPD in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- (4) That authority be delegated to the Head of Strategic Planning and the Economy prior to the publication of the Supplementary Planning Document, to compile the final document subject to the removal of all reference to Local Management Organisations, incorporate the

updated text and illustrations, and correct any minor spelling or grammatical errors.

Reasons

This report updates the Executive on the further work that has been completed to progress the SPD to adoption. Following further consultation on the North West Bicester SPD at the end of 2015 the final version of the North West Bicester SPD has been prepared. The consultation has not identified any new issues that have not already been considered in the production of the draft SPD. It is recommended that the Executive recommend to Full Council to resolve to formally adopt the SPD, with delegated authority to the Head of Strategic Planning and the Economy to compile the final SPD for publication combining the amended text with illustrations, and correct any minor spelling or grammatical errors.

The inclusion of Local Management Organisations (LMOs) is premature and therefore all reference to LMOs will be removed from the SPD submitted to Full Council.

Alternative options

Option 1: To not progress the preparation of the North West Bicester SPD and rely only on the adopted Cherwell Local Plan 2011-2031 Policy Bicester 1 – rejected given the general support for the content of the SPD, and its role in guiding the preparation of planning applications and as informal detailed guidance in determining planning applications.

113

Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule

The Head of Strategic Planning and the Economy submitted a report to seek Member endorsement to consult the public for six weeks on the Community Infrastructure Levy (CIL): Preliminary Draft Charging Schedule.

This would be the first of two consultations on a potential CIL charge for Cherwell to be followed by an examination in public.

Resolved

- (1) That the Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule be endorsed for a six week public consultation.
- (2) That the viability and infrastructure evidence supporting the CIL consultation be noted.

Reasons

Members are not asked at this stage to make a decision on whether to implement CIL in Cherwell but only to endorse a Preliminary Draft Charging Schedule for consultation.

From April 2015 all Councils have had to operate a system of scaled back S106s: contributions for on-site infrastructure and pooling of a limit of five S106s towards an item of infrastructure. Subject to consultation and any required amendments CIL could contribute towards supporting infrastructure in the district and help maximise resource income which would otherwise not be available.

It is recommended that the Executive endorses the CIL preliminary Draft Charging Schedule for a six week public consultation from February to March 2016.

Alternative options

Not consulting on the CIL Preliminary Draft Charging Schedule
Officers consider that without proceeding with this consultation the Council will not be able to assess the potential benefits of implementing CIL. Consultation will help ensure a robust and transparent process.

114

Progress of Superfast Broadband

The Head of Strategic Planning and the Economy submitted a report which explained the progress made to date by the 'Better Broadband for Oxfordshire' programme, and how Cherwell District Council's contribution from now until December 2017 will extend the availability of Superfast Broadband to businesses and homes across the district.

Resolved

- (1) That the financial contribution of £545,000 from the New Homes Bonus being made by the Council to extend the availability of Superfast Broadband to homes and business premises across the district by December 2017 be noted.
- (2) That the investigation of alternative solutions towards extending the availability of Superfast Broadband to all premises as soon as possible through continued work with businesses, communities and partner organisations be supported.
- (3) That it be agreed to consider in due course the most effective use of the remaining £455,000 of new Homes Bonus to address the most hard to connect premises.

Reasons

The Council's decision to invest £545,000 from Cherwell District Council's New Homes Bonus Economic Growth reserve will extend Superfast Broadband across the district over the next two years. This is an important contribution as it has attracted further funding from Government (BDUK), SEMLEP and other partners.

The Council's funding is part of over £35million being invested within Oxfordshire by the end of 2017. The percentage of county homes and businesses able to get superfast fibre broadband will be increased to more than 95 per cent (over 75,000) when combined with earlier phases of the Better Broadband for Oxfordshire programme and BT's commercial roll-out.

The estimate of additional coverage in Cherwell for phase two of the programme, combining SEMLEP and Cherwell investments, is 3,069 TPP (Total Premises Passed).

The final 5 per cent of premises will be more challenging to connect as they will typically be more isolated and require use of alternative technologies due to the cost of laying fibre optic cable. The Council should therefore maintain its close involvement with the Programme over the next two years, during which time solutions to assist remaining premises can be investigated alongside further initiatives expected from Government.

Alternative options

Option 1: To not contribute to the extension of the Better Broadband for Oxfordshire programme was rejected by the Executive as it was considered important to maximise the availability of Superfast Broadband across the district due to market failure and the availability of match funding from external sources.

Option 2: To invest the full £1 million of Council's New Homes Bonus in phase two roll-out was rejected because it has the potential to be more effectively used in a third phase to draw additional funding from partners to assist the final 5 per cent of premises.

115

Three Way Working and the Confederation

The Chief Executive submitted a report which provided an update on progress with regards to implementation of the business case for the confederation approach to joint working agreed by Council in February 2015. The report included an update on the position with Stratford on Avon District Council who did not take any decisions in 2015 regarding their participation in the proposed confederation.

The report recommended the continued implementation of the confederation on a two way basis (i.e. Cherwell District Council and South Northamptonshire Council) and the cessation of any further development of the confederation approach or joint working with Stratford on Avon DC as the Council had indicated that it will not be adopting the confederation as its preferred delivery model.

Resolved

- (1) That the progress towards the implementation of the business case for a two way confederation approach as adopted by Council in February 2015 as the basis for the delivery of savings, increased resilience,

business improvement and income generation in the medium term be noted.

- (2) That it be agreed that, following discussions with Stratford on Avon DC (SDC), no further three way joint working proposals with SDC be developed as SDC have indicated they do not wish to pursue the confederation as their future operating model.
- (3) That it be agreed that the existing three way shared services (Legal and ICT) be reviewed by officers to consider their suitability for continued three way working in light of the fact that SDC do not wish to pursue the confederation and to request that officers report to the Joint Commissioning Committee on proposed governance and operational delivery arrangements to ensure effective continuation of either or both of these shared service arrangements on a three way basis should such reviews conclude that this option is considered to be desirable.
- (4) That, subject to the reviews referred to in resolution (3) recommending the suitability of the continuation of three way working for Legal and/or ICT, authority be delegated to the Joint Commissioning Committee to take any executive decisions on the future governance and operational delivery of the said teams to ensure the services are able to continue to meet the strategic objectives of South Northamptonshire Council, Cherwell District Council, and the confederation delivery model.
- (5) That it be noted that SDC is willing to continue the operation of the three way transformation team until the secondment period finishes in March 2017 and Full Council be recommended to agree that the Transformation Team Section 113 agreement (between Cherwell, South Northants and Stratford on Avon) be extended to reflect this (subject to a similar decision being made by SDC).

Reasons

In 2013 and early 2014 there was a high level of strategic alignment between the three councils who all committed to an innovative programme of joint working and delivered savings through the implementation of shared ICT and Legal services.

As the programme has progressed at pace for CDC and SNC and as SDC has looked increasingly to the West Midlands region as the devolution agenda has developed it is clear that the strategic fit between the three partners is no longer in place. At this stage it is believed to be the best course of action to end the partnership with SDC which will enable CDC and SNC to focus on the delivery of the next stage of their transformation programme.

Existing three way shared services will be considered in the light of this position and the best arrangements for future service delivery ascertained.

Alternative options

Not to agree the recommendations. This is rejected as following discussions with SDC at a senior political level in December 2015 it is clear that they cannot commit to the same transformation objectives as CDC and SNC.

116

Council Tax Discounts 2016-17

The Head of Finance and Procurement submitted a report which sought consideration of proposals for the locally determined Council Tax discounts for 2016-2017.

Resolved

- (1) That Full Council be recommended to agree the following council tax discounts for 2016-17 as part of the budget setting process:
 - a. Unoccupied and unfurnished discount for maximum period of 6 months without reoccupation of 6 weeks in between – 25% discount.
 - b. Unfurnished and uninhabitable discount for a maximum period of 12 months without reoccupation of 6 weeks in between – 25% discount
 - c. Second home (non-work related) discount – 0% discount
 - d. Furnished properties 0% discount for second homes
 - e. Empty and unfurnished long term empty property discount – 0% discount

Reasons

Since 2013-14 the Council has had discretion in setting the level of some Council Tax discounts. This discretion can help mitigate some of the costs of maintaining an unchanged Council Tax Reduction scheme.

The Executive is requested to note the contents of this report and the potential financial implications on the Council and to determine a recommendation for Council to consider.

Alternative options

Option 1: To leave the discounts unchanged. This would leave the Council Tax scheme open to abuse and would be a cost to the Council.

117

Draft Budget and Corporate Business Plan 2016-2017

The Director of Resources submitted a report which sought consideration of the draft Budget and Corporate Business Plan 2016-2017.

The Council was required to produce a balanced budget for 2016/17 as the basis for calculating its level of Council Tax. It has to base that budget on its plans for service delivery during the year, recognising any changes in service demand that may arise in future years.

The proposed budget and business plan for 2016/17 were presented as an integrated report to demonstrate that the Council adopts a strategic approach to managing all of its resources, ensuring that the delivery of the Council's priorities for the district directs the allocation of financial resources.

Resolved

- (1) That the draft budget, in the context of the Council's service objectives and strategic priorities, be endorsed.
- (2) That Full Council be recommended to approve the balanced budget.
- (3) That Full Council be recommended to approve a Council tax freeze.
- (4) That Full Council be recommended to approve the proposed 2016/17 capital programme (annex to the Minutes as set out in the Minute Book).
- (5) That the latest Medium Term Revenue Plan (MTRP) for 2016/17 to 2020/21 be noted and it be further noted that this would be the basis of the work of the Budget Planning Committee for the following year.
- (6) That no further changes be made and Full Council be recommended to approve the draft budget (annex to the Minutes as set out in the Minute Book) at their meeting on 22 February 2016.
- (7) That authority be delegated to the Head of Finance and Procurement, in consultation with Director of Resources and the Lead Member for Financial Management to amend the contributions to or from general fund balances to allow the Council Tax to remain at the level recommended to Full Council following the announcement of the final settlement figures and any changes to relating to Business Rates.
- (8) That Full Council be recommended to approve the 2016/17 business plan and performance pledges to Full Council (annexes to the Minutes as set out in the Minute Book).
- (9) That the 2016/17 Business Plan and Budget Equality Impact Assessment be noted.

Reasons

This report presents a final analysis of the Council's draft revenue and capital budget and business plan for 2016/17. They will be presented together to Full Council on the 22 February to support the setting of the Council Tax.

It is a legal requirement to set a balanced budget and the recommendations as set out and directed by the corporate business plan represent what is believed to be the best way of achieving this.

Alternative options

Members could decide not to agree the recommendations or to present alternative budget proposals but that would run counter to the detailed budget setting process that has taken place as part of the formulation of this budget.

118

Proposal for a Joint Customer Service Team with South Northamptonshire Council

The Director of Operational Delivery submitted a report which presented the final business case following consultation for a Joint Customer Services Team for Cherwell District Council and South Northamptonshire Council. The report recommended the arrangement of a two-way Joint Customer Service Team and in doing so seeks the Executive's agreement for the non-staffing elements of the business case.

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

Resolved

- (1) That the final business case for a Joint Customer Service Team with South Northamptonshire, in relation to non-staffing matters, be noted.
- (2) That it be noted that the business case had been considered and approved on 14 January 2016 by the Joint Commissioning Committee with regard to staffing matters and that this included consideration of consultation responses from affected staff and trade union representatives.
- (3) That the final business case to share a joint Customer Service Team between CDC and SNC be approved for implementation, subject to similar consideration and approval by SNC Cabinet on 8 February 2016.
- (4) That authority be delegated to the Director of Operational Delivery in consultation with the Leader of the Council to make any non-significant amendment that may be required to the business case following the decision by SNC Cabinet.

Reasons

The business case represents another milestone in the revised transformation programme across CDC and SNC.

A two-way customer services team with a standardised approach to delivery and performance management would allow customer contact demand to be measured and managed reliably across both councils, including increasing the amount of service transactions delivered online.

Alternative options

The alternative options have been identified and considered as part of the business planning process. The reasons for each option being rejected are set out in Section 4.2 of the business case (exempt Appendix 1).

119

Proposal for a Joint Public Protection Service with South Northamptonshire Council

The Director of Operational Delivery submitted a report which presented the final business case following consultation for a Joint Public Protection Service across Cherwell District Council and South Northamptonshire Council. The report recommended the arrangement of a two-way Joint Public Protection Service and in doing so sought the Executive's agreement for the non-staffing elements of the business case.

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

Resolved

- (1) That the final business case for a Joint Public Protection Service with South Northamptonshire Council and the consultation responses in relation to non-staffing matters be noted.
- (2) That it be noted that the business case had been considered and approved by the Joint Commissioning Committee with regard to staffing matters on 14 January 2016 and that this included consideration of consultation responses from affected staff and trade union representatives.
- (3) That the final business case to share a Joint Public Protection Service between CDC and SNC be approved for implementation, subject to similar consideration and approval by SNC Cabinet on 8 February 2016.
- (4) That authority be delegated to the Director of Operational Delivery in consultation with the Leader of the Council to make any non-significant amendment that may be required to the business case following the decision by SNC Cabinet.

Reasons

The business case represents a significant step in the revised transformation programme across CDC and SNC. The proposed joint service would provide realigned delivery teams designed to meet the statutory, commercial and shared agendas for each district.

Alternative options

Not to approve the recommendations. This is rejected as this business case remodels the existing services at both councils into a new joint service and as

a result delivers savings in excess of the guidance targets set out in the February 2015 business case.

120 **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, 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.

121 **Business Case: Joint Customer Services - Exempt Appendix**

Resolved

(1) That the exempt appendix be noted.

122 **Business Case: Joint Public Protection Service - Exempt Appendix**

Resolved

(1) That the exempt appendix be noted.

123 **Bicester Depot**

The Head of Environmental Services submitted an exempt report relating to Bicester Depot.

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.

(6) As set out in the exempt minutes.

Reasons

As set out in the exempt minutes

Alternative options

As set out in the exempt minutes

124

Award of Contract - Refuse Collection Vehicles

The Head of Finance and Procurement and the Head of Environmental Services submitted an exempt report to seek approval to a contract award for the purchase of Refuse Collection Vehicles under a Framework until February 28 2021.

Resolved

- (1) That, subject to the Cabinet of South Northamptonshire Council and the appropriate decision maker at Oxford City Council also approving the contract award, the purchase of 14 refuse collection vehicles between 2016 and 2021, including the purchase of four in 2016, on the terms outlined in the exempt report be approved.

Reasons

A procurement exercise has been undertaken in the form of a mini competition for orders of refuse collection vehicles until 28 February 2021

Cherwell District Council, South Northamptonshire Council and Oxford City Council have aggregated their RCV requirements to secure the best possible deal for RCV's

The new contract reduces the expected capital requirement by £87k. There are also discounts on parts which is expected to deliver £9k of reduced revenue requirements for parts during the period 2016 - 2021

Alternative options

No reasonable alternatives

125

South West Bicester Sports Village

The Director of Operational Delivery submitted an exempt report regarding South West Bicester Sports Village.

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

126

Award of Delivery of Capital Works Programme

The Head of Finance and Procurement submitted an exempt report which sought consideration of the award of contracts to fulfil requirement for works on miscellaneous Council assets up to a value of £2.25m.

Resolved

- (1) That the recommended delivery process for the fulfilment of the Capital works programme 2015/16 and into the first quarter 2016/17 with an estimated value of up to £2.25m be approved.

Reasons

Working with Solihull Metropolitan Borough Council and its framework provider using an open book partnership offers a timely, proven, value for money process. The contract value exceeds delegated authority limits and requires an Executive decision.

Alternative options

No reasonable alternatives

The meeting ended at 8.20 pm

Chairman:

Date: