

## Cherwell District Council

### Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 3 October 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 Lynn Pratt, Lead Member for Estates and the Economy  
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 Tony Ilott, Lead Member for Public Protection  
Councillor Kieron Mallon, Lead Member for Banbury Futures  
Councillor D M Pickford, Lead Member for Clean and Green

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 item 7  
Ed Potter, Head of Environmental Services, for agenda item 9  
Andy Preston, Head of Development Management, for agenda item 8  
Chris Stratford, Head of Regeneration and Housing, for agenda item 17  
James Doble, Assistant Director Transformational Governance, for agenda item 10  
Natasha Clark, Interim Democratic and Elections Manager

### 57 **Declarations of Interest**

There were no declarations of interest.

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

There were no petitions or requests to address the meeting.

59 **Urgent Business**

There were no items of urgent business.

60 **Minutes**

The minutes of the meeting held on 5 September 2016 were agreed as a correct record and signed by the Chairman.

61 **Chairman's Announcements**

There were no Chairman's announcements.

62 **Report on Refresh of Oxfordshire Local Enterprise Partnership (OxLEP) Strategic Economic Plan**

The Head of Strategic Planning and the Economy submitted a report to consider the 2016 refresh of the OxLEP Strategic Economic Plan.

**Resolved**

(1) That the refreshed Strategic Economic Plan be endorsed in principle.

**Reasons**

The SEP is an important strategy affecting the District. It will influence decisions made on infrastructure funding and local authorities are required to give it due consideration in preparing their Local Plans.

The refresh of the SEP is timely and has provided an opportunity to more closely align the SEP with the economic needs of Cherwell as set out in the adopted Cherwell Local Plan. A key issue is to secure the continuing level of economic activity we are seeing in Cherwell with major new investors at allocated employment sites alongside the planned housing growth at Banbury, Bicester and Upper Heyford.

The refreshed SEP has an important role to play in supporting the delivery of the economic objectives identified in the Cherwell Local Plan, to help fund the necessary infrastructure identified in the Cherwell Infrastructure Delivery Plan and maintain support the partnership provision of business support measures that already exists between OxLEP and the Cherwell District Council.

**Alternative options**

**Option 1: Reject the OxLEP SEP**

This is not proposed given the level of engagement to secure a refreshed SEP that is aligned with the Cherwell Local Plan.

**Option 2: Seek further amendments**

This is not recommended as all substantive issues have been addressed through the process of refreshing the SEP such that it is now aligned with the Cherwell Local Plan.

**Option 3: Endorse the OxLEP SEP in principle.**

This is recommended given the close alignment with the Cherwell Local Plan that has been secured. It is also clear that the SEP stands to support the ambition of the Cherwell Local Plan to growth the economy of the Cherwell District.

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**Heritage Partnership Agreement (HPA) - RAF Bicester**

The Head of Development Management submitted a report to seek the agreement of Executive to adopt the Heritage Partnership Agreement.

**Resolved**

(1) That the Heritage Partnership Agreement be adopted.

**Reasons**

Heritage Partnership Agreements to streamline the often time consuming and sometime expensive process of obtaining Listed Building Consent, especially when the listed buildings are part of a group of similar structures where it might reasonably be anticipated that similar works of repair, for example, would be required.

The aim of this HPA is to facilitate the work of restoring the original RAF buildings and it has been prepared in order to provide a blanket vision for the technical site and flying field. It will be used as the guide to all future building and structure repairs.

**Alternative options**

Option 1: Not to agree to adopt the HPA.

Lack of heritage guidance undermines the reputation of the Council as the Planning Authority for Cherwell District seeking high design and conservation standards. Without the HPA in place there is a risk of future unsympathetic alteration to the heritage asset.

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**Fly tipping and Environmental Enforcement**

The Head of Environmental Services submitted a report to update the Executive on fly tipping and make the Executive aware of the planned actions to reduce the number of fly tip instances.

In considering the report, Members discussed the possibility of using surveillance at fly tipping hot spot locations and agreed to ask officers to investigate this option.

### **Resolved**

- (1) That the rise in fly tipping recorded in 2015/16 following several years of small fluctuations be noted.
- (2) That the successes of the Environmental Enforcement Team in bringing action against fly tippers.
- (3) That the proposed actions, including the introduction of fixed penalty notices, for small fly tips be supported.
- (4) That officers be requested to investigate the option of surveillance of fly tipping hot spot locations and advise Members of the powers available to the council.

### **Reasons**

Fly tipping is not a major problem in the Cherwell area but it is irritating and unnecessary. Residents and businesses have a duty of care to dispose of their waste in a responsible manner.

Fly tipping rose in 2015/16 and actions are being put in place to reduce fly tipping. By raising awareness of the need to be responsible with waste and by introducing fixed penalty notices for fly tipping, the number of fly tips will be brought back under control.

Where locations are regularly subjected to fly tipping then an action plan can be developed to deal with this, which could include surveillance. However this is subject to various legal restrictions and Executive has therefore requested additional information on this.

### **Alternative options**

Option 1: To support the proposed changes

Option 2: To reject the proposed changes

Option 3: To ask officers to consider alternative improvements

### **Establishment of Joint Local Authority Owned Companies**

The Assistant Director - Transformational Governance submitted a report to begin the process of establishing joint local authority owned companies to deliver the savings identified in business cases for joint working and/or business transformation.

## **Resolved**

- (1) That the legal, financial and human resources work that is taking place with regard to the establishment of the companies be noted.
- (2) That the decision of the Joint Commissioning Committee to appoint a Joint Shareholder committee as a sub-committee of the Joint Commissioning Committee consisting of four councillors (2 CDC and 2 SNC) with the terms of reference as set out in the annex to the Minutes (as set out in the Minute Book) be noted.
- (3) That the Joint Commissioning Committee be given delegated powers to take all executive decisions with regard to any established and future shared service and all executive decisions relating to any joint local authority owned company established pursuant to a shared service business case, subject to a similar decision being taken by the SNC Cabinet.
- (4) That delegated authority be given to the Joint Commissioning Committee to approve the nomination of elected Members and officers to be appointed as Directors by joint local authority owned companies, subject to a similar decision being taken by the SNC Cabinet.
- (5) That officers be requested to establish and register joint local authority owned companies limited by shares comprising a principal Company to be wholly owned by the Councils in equal shares and a subsidiary trading company to be majority owned by the principal company with a minority interest owned by the Councils to enable the Revenues and Benefits Business Case and other future commercial opportunities to be achieved, subject to a similar decision being taken by the SNC Cabinet.
- (6) That delegated authority be given to the Chief Finance Officer in consultation with members of the Joint Shareholder Committee to take all measures necessary to enable the establishment of jointly owned companies, where business cases have been agreed, subject to a similar decision being taken by the SNC Cabinet.
- (7) That it be noted that the Joint Commissioning Committee have requested officers to prepare a detailed implementation plan including a draft business case, financial model, articles of association, shareholder agreement and communications plan for the creation of the companies to be considered by the Joint Commissioning Committee.

## **Reasons**

The recommendations set out in this report are recommended by the Joint Commissioning Committee, in line with the agreed recommendations of the Revenues and Benefits Business case and are necessary to ensure that the business case can be delivered and the associated savings achieved.

### **Alternative options**

Option 1: To agree the recommendations as set out in the report

Option 2: To amend the recommendations as set out in the report, this may require reconsideration by the Joint Commissioning Committee.

Option 3: To reject the recommendations as set out in the report. The councils' will reduce the potential to deliver the revenues and benefits business case savings unless a suitable employment vehicle is established.

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### **Council Tax Reduction Scheme 2017-2018**

The Chief Finance Officer submitted a report to provide Members with an update on the current Council Tax Reduction Scheme (CTRS) and the changes to discounts, including the impact on collection rates, and to provide Members with options to consider for a Council Tax Reduction Scheme for 2017-2018 and to seek approval to consult on the approved option.

#### **Resolved**

- (1) That the report and any financial implications for the Council be noted.
- (2) That the recommendation made by Budget Planning Committee to consult on Option 1 – no change to the current Council Tax Reduction Scheme or Council Tax discounts for 2017-2018 and to change only the detail of the scheme to update the Pensioner Regulations as prescribed by DCLG and to uprate the Working Age Regulations amounts in line with Housing Benefit be approved.

#### **Reasons**

From April 2013 Council Tax Benefit was abolished and replaced with a local Council Tax Reduction Scheme.

Members are now required to agree for consultation purposes a Council Tax Reduction Scheme for the 2017-2018 financial year.

### **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.

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### **Efficiency Plan - 2017/18 to 2021/22**

The Chief Finance Officer submitted a report to provide Executive with details of the Council's Efficiency Plan 2017/18 to 2021/22 for approval.

In introducing the report the Lead Member for Finance advised Executive that the Chairman of the Overview and Scrutiny had agreed to waive call in of this

item due to the need to submit the plan to the Government by 14 October 2016.

### **Resolved**

- (1) That the Efficiency Plan 2017/18 to 2021/22 (annex to the Minutes as set out in the Minute Book) be approved.
- (2) That the decision be confirmed as urgent given the timescale reported for submission of the plan and it be noted that the Chairman of the Overview and Scrutiny Committee had agreed to waive call in.

### **Reasons**

The Government grant settlement in December 2016 was for four years, rather than the usual one. With this certainty over a significant variable element of funding, came a requirement to produce an efficiency plan. The efficiency plan must be provided by 14 October 2016 in order to accept the offer of the four year settlement.

### **Alternative options**

Option 1: To not approve the report but this would mean that the Council is unable to accept the four year grant settlement.

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### **Budget Guidelines 2017/18**

The Chief Finance Officer submitted a report to set out the Budget Process for 2017/18, approve the 2017/18 Budget Strategy and agree the budget guidelines for issue to service managers. The report also presented the most recent Medium Term Revenue Plan (MTRP).

### **Resolved**

- (1) That the updated Medium Term Revenue Plan (MTRP) for the Council's revenue budget for 2017/18 to 2021/22 be noted.
- (2) That the overall 2017/18 budget strategy and service and financial planning process be endorsed.
- (3) That, following due consideration, the proposed budget guidelines and timetable for 2017/18 (annexes to the Minutes as set out in the Minute Book) be agreed.

### **Reasons**

The Council needs to set guidelines and a timetable for the preparation of draft estimates for 2017/18. These guidelines should support the objectives contained in the Business Plan, Service Plans and the Medium Term Financial Strategy.

### **Alternative options**

Option 1: To disagree with the recommendations. This is rejected as it will unnecessarily delay the formulation of the detailed budget for 2016/17.

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### **Amendment to Membership of Shareholder Committee**

Executive was requested to appoint a third member to the Shareholder Committee following the resignation of the Lead Member for Housing from the Committee.

#### **Resolved**

(1) That Councillor Turner be appointed to the Shareholder Committee.

#### **Reasons**

Following the resignation of one member of the Shareholder Committee it is necessary to make a new appointment as the Committee was established as a three member sub-committee of Executive

### **Alternative options**

Not to appoint a member to the Shareholder Committee, however this would mean that the Committee could not carry out its functions as it should comprise three members

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### **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.

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### **Budget Guidelines 2017/18 - Exempt Appendix**

#### **Resolved**

(1) That the exempt appendix be noted.

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### **Contract Award - Temporary Accommodation**

The Chief Finance Officer and Head of Regeneration & Housing Services submitted an exempt report to seek approval for the contract award to

commission 10 units of self-contained accommodation to provide emergency accommodation to meet the Council's statutory duties to the Homeless for a contract period of up to 5 years.

### **Resolved**

- (1) That the award of a contract to Punch Taverns to provide 10 units of self-contained accommodation to provide emergency accommodation to meet the Council's statutory duties to the Homeless commencing in 2016 and available to continue to operate until 2021 be approved.

### **Reasons**

A full OJEU Compliant procurement exercise has been undertaken

This new contract enables the Council to maintain its performance in providing temporary accommodation at the best price available. The increased number of rooms will provide the council with additional flexibility to meet its needs.

### **Alternative options**

Not to accept to proceed with this tender. This would result in Cherwell losing any agreement for first priority to secure 6 units currently secured at the Musketeer Motel. This will also mean when officers need additional emergency accommodation to meet the Council's statutory duties, it may not meet the government requirements for temporary placements and it would be procured at additional costs per night to the council.

The meeting ended at 7.20 pm

Chairman:

Date: