

## Cherwell District Council

### Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 5 December 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 Tony Ilott, Lead Member for Clean and Green  
Councillor Kieron Mallon, Lead Member for Banbury Futures  
Councillor D M Pickford, Lead Member for Clean and Green  
Councillor Lynn Pratt, Lead Member for Estates and the Economy

Also Present: Councillor Mike Kerford-Byrnes, Lead member for Change Management, Joint Working and IT

Also Present: Councillor Sean Woodcock, Leader of the Labour Group  
Councillor Carmen Griffiths, Local Ward Member, Kidlington East, for agenda item 8  
Councillor Neil Prestidge, Local Ward Member, Kidlington East, for agenda item 8

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 items 7, 8, 9, 10, 17 and 19  
Andy Preston, Head of Development Management, for agenda items 17 and 19  
Claire Taylor, Assistant Director - Commercial and Innovation, for agenda item 11  
Natasha Clark, Interim Democratic and Elections Manager

### Declarations of Interest

Members declared interest in the following agenda items:

**12. Contract Award - Debt and Money Advice Service.**

Councillor Colin Clarke, Declaration, as Cherwell District Council's appointed outside body representative to Banbury Citizens Advice Bureau and a trustee in a personal capacity.

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

There were no petitions or requests to address the meeting.

90 **Urgent Business**

There were no items of urgent business.

91 **Minutes**

The minutes of the meeting held on 7 November 2016 were agreed as a correct record and signed by the Chairman.

92 **Chairman's Announcements**

There were no Chairman's announcements.

93 **'Making' (Adoption) of the Bloxham Neighbourhood Plan**

The Head of Strategic Planning and the Economy submitted a report to propose the Executive recommends the 'making' (adoption) of the Bloxham Neighbourhood Plan at the meeting of the Full Council on 19 December 2016.

**Resolved**

- (1) That the referendum result of 3 November 2016 where 97% of those who voted were in favour of the Bloxham Neighbourhood Plan which is above the required 50% be noted.
- (2) That Full Council be recommended to resolve that Cherwell District Council as the local planning authority 'make' the Bloxham Neighbourhood Plan so that it is part of the statutory development plan for the District.
- (3) That Full Council be recommended to approve the issuing and publication of a decision statement stating that Cherwell District Council has resolved to make the Bloxham Neighbourhood Plan.
- (4) That Full Council be recommended to delegate to the Head of Strategic Planning and the Economy the correction of any spelling, grammatical or typographical errors, and the undertaking of any minor presentational improvements, prior to the Plan being adopted and published by the council.

## **Reasons**

Local planning authorities are required by statute to 'make' any neighbourhood plan if more than half of those voting in the referendum vote in favour of the plan. Of those eligible to vote, 877 voted in favour of the Plan with 26 against. This gives a majority vote of 97%.

Executive is therefore requested to recommend the 'making' (adoption) of the Bloxham Neighbourhood Plan at the meeting of the Full Council on 19 December 2016.

## **Alternative options**

Where a referendum poll results in more than half of those eligible to vote voting in favour of the Neighbourhood Plan, the local planning authority must 'make' the Plan as part of the statutory development plan. There are no alternative options available unless the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

94

## **Kidlington Framework Masterplan**

The Head of Strategic Planning and the Economy submitted a report to seek approval of the Kidlington Framework Masterplan so that it can be presented to Council for adoption.

At the discretion of the Chairman, Councillor Carmen Griffiths and Councillor Neil Prestidge, local ward members for Kidlington East, addressed Executive.

In response to the comments from the local ward members regarding their opposition to the conversion of semi-detached houses to flats and that this be included in the Local Plan going forward, the Lead Member for Planning clarified that as a supplementary planning document the Masterplan could not establish new policy, however this could be taken into consideration during the Local Plan Part 2 process.

## **Resolved**

- (1) That the changes to the draft Kidlington Framework Masterplan following consultation be approved.
- (2) That Full Council be recommended to adopt the Kidlington Framework Masterplan as a Supplementary Planning Document in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- (3) That the Head of Strategic Planning and the Economy be authorised to publish an Adoption Statement and to make any further minor changes to the Masterplan before the meeting of the Full Council.

## **Reasons**

Work on a Kidlington Framework Masterplan commenced in 2013. Evidence gathering work occurred before adoption of Local Plan Part 1 but the Masterplan was reviewed in the context of the Local Plan Inspector's Report and the Plan's subsequent adoption in July 2015. Public consultation on a draft Framework Masterplan occurred from 14 March 2016 to Wednesday 13 April 2016 supported by a public exhibition held on 30 March 2016. The results of that consultation have been considered in producing a final document for approval. Upon approval by the Executive it is intended that the Framework Masterplan be presented to Council for adoption as a Supplementary Planning Document (SPD). As an SPD the Masterplan would have statutory status as planning guidance. It does not establish Development Plan policy which is the role of the Council's Local Plans.

## **Alternative options**

Option 1: Not to approve the Framework Masterplan and seek changes. Officers consider that the Masterplan responds appropriately to the policies in the adopted Cherwell Local Plan 2011-2031 (Part 1), provides guidance that will assist decision making, and responds to the views of the local community. Significant changes may require further consultation.

Option 2: Not to approve the Framework Masterplan and to rely only on the adopted Cherwell Local Plan 2011-2031 (Part 1). The production of the Masterplan is referred to in the adopted Local Plan Part 1 and in the Council's Local Development Scheme. The project has been in progress since 2013 and there is community expectation for a final Masterplan to provide additional planning guidance.

## **95 Adoption of the Banbury Vision and Masterplan Supplementary Planning Document (SPD)**

The Head of Strategic Planning and the Economy submitted a report to seek approval of proposed changes to the draft Banbury Vision & Masterplan Supplementary Planning Document (SPD) following stakeholder and public consultation and to propose the Executive recommends adoption of the Masterplan incorporating these changes at the meeting of the Full Council on 19 December 2016.

## **Resolved**

- (1) That the changes to the draft Banbury Masterplan Supplementary Planning Document following consultation be approved.
- (2) That Full Council be recommended to adopt the Banbury Masterplan as a Supplementary Planning Document.
- (3) That the Head of Strategic Planning and the Economy be authorised to publish an Adoption Statement and to make any further minor changes to the Masterplan before the meeting of the Full Council.

## **Reasons**

Following stakeholder and public consultation representations have been considered and changes made to the draft Banbury Masterplan Supplementary Planning Document. Adoption of the Masterplan by the Council at the meeting of the Full Council on 19 December 2016 is recommended.

## **Alternative options**

Option 1: Not to recommend adoption of the SPD. The SPD is identified in the Council's Local Development Scheme (LDS) (schedule and timetable for the Council's Local Development Documents) and this option would be inconsistent with public expectations that the Masterplan is to be adopted and would reduce the potential for the delivery of proposals and initiatives at Banbury.

Option 2: Not to recommend adoption of the SPD in its current form (at appendix 1) by proposing significant changes to the draft SPD. Significant changes at the stage may lead to a requirement for further public consultation before the SPD could be recommended for adoption and adopted which would involve a delay to the timetable.

## 96 **Re-adoption of Policy Bicester 13 of the adopted Cherwell Local Plan 2011-2031**

The Head of Strategic Planning and the Economy submitted a report to seek re-adoption of Policy Bicester 13 of the Cherwell Local Plan 2011-2031 in accordance with a Court Order and an associated addendum to the Local Plan Inspector's Report.

## **Resolved**

- (1) That the Court Judgment, Court Order and addendum to the Local Plan Inspector's report (annexes to the Minutes as set out in the Minute Book) be noted.
- (2) That Full Council be recommended to adopt Policy Bicester 13 of the Cherwell Local Plan 2011-2031 (annex to the Minutes as set out in the Minute Book) in precise accordance with the addendum to the Local Plan Inspector's Report dated 18 May 2016 and the Court Order dated 19 February 2016.
- (3) That it be noted that upon adoption by Council Policy Bicester 13 will be inserted as modified into the published Cherwell Local Plan 2011-2031.

## **Reasons**

A Court Order dated 19 February 2016 requires specific actions of the Secretary State, an appointed Planning Inspector and the Council pertaining to the legally prescribed modification of Policy Bicester 13 of the Cherwell

Local Plan 2011-2031. A specific modification to Policy Bicester 13 has been recommended by a Planning Inspector on behalf of the Secretary of State. The modification requires the deletion of the first sentence of the third bullet point under “Key Site Specific Design and Place Shaping Principles” which states – “*That part of the site within the Conservation Target Area should be kept free of built development.*”

To comply with the Court Order, the Executive is advised to recommend to Council that it formally adopts Policy Bicester 13 in precise accordance with the Court Order.

### **Alternative options**

There are no other options. The Court Order dated 19 February 2016 states (para.3), “*The First Defendant [the Council] adopt Policy Bicester 13 subject to the modification recommended by the planning inspector appointed by the Second Defendant [the Secretary of State for Communities and Local Government]*”.

97

### **Community Lottery**

The Commercial Director submitted a report to gain agreement to launch an online and fully automated Cherwell Lottery that will help fund discretionary support to voluntary and community organisations active in Cherwell and to enable such organisations to raise funds directly for themselves.

The proposal was for the Council to be an enabler and use the services of an External Lottery Manager to run the lottery.

### **Resolved**

- (1) That the proposal that an online Cherwell Lottery be launched as detailed in the business case (annex to the Minutes as set out in the Minute Book) and that this includes a financial contribution and in-kind support, subject to this being funded from existing resources, be agreed.
- (2) That it be agreed that subject to procurement, due diligence and compliance with the guidance contained in the Joint Contract Procedure Rules, the council uses an external lottery manager (ELM) to run and operate the lottery and shares the risk of running it with them.
- (3) That agreement be given to the council providing £3K for set-up costs and £1k for the annual license and administration costs and that in the first year the council allocates £1.5K for marketing funded from existing resources, and £350 annually for on-going marketing (the majority of marketing material is paid for by the External Lottery Manager).
- (4) That it be agreed that an annual review of the Cherwell Lottery be reported to Executive on the anniversary of its launch.

## **Reasons**

The Community Lottery business case brings together information from councils who have provided a community lottery and the provider of External Lottery Management (ELM). A Cherwell Lottery has the potential to help the VCS sector operating within Cherwell by helping address funding pressures they may be facing. This could benefit all people and communities in the district.

The success of the AVDC lottery has been reviewed and is considered to be robust; within the first six months, their lottery has exceeded all expectations with 115 organisations having joined (their target was just 10-20).

Therefore this report recommends that a local community lottery be created for CDC with the ticket price is set at £1 per ticket, the services of an External Lottery Manager (ELM) being used to run the lottery and that CDC provide £3K for set-up costs and £1k for the annual license and administration costs. Further, in the first year the Council allocates £1.5K each for marketing funded from existing resources, and £350 annually for on-going marketing.

## **Alternative options**

Option 1: Not to agree the proposals. This is not recommended as the proposal will help to fund discretionary support to the voluntary and community organisations and enable such organisations raise funds directly for themselves. All funds raised through the lottery would be spent within the district and benefit local people and communities.

98

## **Contract Award - Debt and Money Advice Service**

The Chief Finance Officer and Head of Regeneration and Housing Services submitted a report to seek approval for the contract award for the provision of Debt and Money Advice services across the Cherwell District.

## **Resolved**

- (1) That the award of a contract for the provision of Debt and Money advice across all areas of the Cherwell District to North Oxfordshire and South Northants Citizens Advice (formerly known as Citizens Advice Bureau) be approved.
- (2) That it be noted that the bid includes partnership working with Bicester Citizens Advice who will provide services in Bicester and Kidlington.
- (3) That it be noted that the contract will operate for a period of two years from 1 April 2017 and includes an option to extend the contract for a further one year from 1 April 2019.

## **Reasons**

A full OJEU Compliant procurement exercise has been undertaken

This new contract will enable the Council to ensure that impartial debt and money advice is available to all residence within the district and support key strategic aims for the council.

### **Alternative options**

Not to approve the award of this contract. This would result in Cherwell residents having limited access to services to support with Debt and Money issues within the district. This would also potentially result in an increase in the number of people approaching the council as homeless and the district being less financially inclusive.

## **99 Council Tax Reduction Scheme and Council Tax Discounts 2017-2018**

The Chief Finance Officer submitted a report to provide members with a review of Council Tax discounts and to seek approval to recommend the proposed level of Council Tax discounts for the 2017-2018 financial year to Council.

The report also provided an update on the consultation process that has taken place on the proposals for a Council Tax Reduction Scheme for 2017-2018 and to seek approval to recommend the proposed Council Tax Reduction Scheme to Council.

### **Resolved**

- (1) That the option of no change to the Council Tax Reduction Scheme for 2017-2018 and the amendment of the Council Tax Reduction Scheme Regulations for Pensioners in line with uprating announced by DCLG and to uprate the Working Age Regulations in line with Housing Benefit as confirmed by Department for Work and Pensions be approved.
- (2) That Full Council be recommended to agree an unchanged Council Tax Reduction Scheme for 2017-2018.
- (3) That Full Council be recommended to grant delegated authority to the Chief Finance Officer, in consultation with the Lead Member for Financial Management, to make any changes to the Council Tax Reduction Scheme Regulations up to and including 31 January 2017.
- (4) That Full Council be recommended to agree the following level of Council Tax discounts for 2017-2018:
  - Retain the discount for second homes at zero
  - Retain the discount for empty homes (unoccupied and substantially unfurnished) at 25% for 6 months and thereafter at zero.
  - Retain the discount for empty homes undergoing major repair at 25% for 12 months and thereafter at zero.
  - Retain the empty homes premium of an additional 50% for properties that have remained empty for more than 2 years.

### **Reasons**



The proposal is to keep the same Council Tax Reduction Scheme for 2017-2018. There will be some technical changes to Regulations. Consultation has taken place. Members are now required to recommend to Council a Council Tax Reduction Scheme for the financial year 2017-2018. Members are also asked to recommend that Council Tax Discounts for 2017-2018 are set at the levels detailed in the report.

### **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.

100

### **Quarter 2 2016/17 Performance Update**

The Director of Strategy and Commissioning submitted a report to provide an update on the Cherwell Business Plan progress to the end of Quarter Two 2016/17.

### **Resolved**

- (1) That the exceptions highlighted and proposed actions be noted.
- (2) That it be noted that at its meeting on 22 November 2016 the Overview & Scrutiny Committee raised no issues and referred no items to Executive.

### **Reasons**

This is the second report based on the new Business Plan and the new reporting style. Slight amendments in style and appendices have been made to try and improve how the report works. This is an evolutionary process and we will continue to develop the reports, including any changes from feedback received from the Overview and Scrutiny Committee.

As agreed previously, this report focuses on the exceptions. The performance and insight team have also picked out some 'good news' stories to provide a balance and provide case studies supporting the generally excellent levels of delivery.

### **Alternative options**

Executive could request additional information on items or refer items to the Overview and Scrutiny Committee.

101

### **Quarter 2 2016-17 - Revenue and Capital Budget Monitoring Report**

The Chief Finance Officer submitted a report which summarised the Council's Revenue and Capital position as at the end of the first three months of the financial year 2016-17 and projections for the full year.

At the discretion of the Chairman, Councillor Woodcock, Leader of the Labour Group addressed Executive commenting on delays to the capital programme identified in the report. In response to Councillor Woodcock's comments, the Chairman requested that officers send a written update to Councillor Woodcock regarding The Hill Youth Community Centre.

With regards to the projects that had been passed to the Solihull Partnership and were still outstanding, the Chief Finance Officer advised Members that a consultant had been brought in to oversee the works and the allocated budget would be spent by the end of 2017/18. A steering Group had been established to oversee the projects that had been passed to the Solihull Partnership and there would be regular updates to the Budget Planning Committee and Executive.

### **Resolved**

- (1) That the projected revenue and capital position at September 2016 be noted.

### **Reasons**

In line with good practice budget monitoring is undertaken on a monthly basis within the Council. The revenue and capital position is formulated in conjunction with the joint management team and reported formally to the Budget Planning Committee on a quarterly basis. The report is then considered by the Executive.

### **Alternative options**

Option 1: This report illustrates the Council's performance against the 2016-17 Financial Targets for Revenue and Capital. As this is a monitoring report, no further options have been considered. However, members may wish to request that officers provide additional information.

102

### **Notification of Urgent Action: Free Parking for Small Business Saturday on 3 December 2016 and Free After Three Parking in January 2017**

The Director of Operational Delivery submitted a report to advise Executive of the urgent action which was taken by the Director of Operational Delivery in consultation with the Leader relating to offering free parking for Small Business Saturday on 3 December 2016 and Free After Three Parking in January 2017.

### **Resolved**

- (1) That the urgent action taken by the Director of Operational Delivery in consultation with the Leader to offer free parking for Small Business Saturday on 3 December 2016 and Free After Three parking in January 2017 be noted.

### **Reasons**

Following requests to the Council to introduce free parking incentives to support local town centre traders over the Christmas and New Year period, the Director of Operational Delivery took urgent action in consultation with the Leader of the Council to approve the Small Business Day and Free after Three in January 2017 free parking offers.

The urgency for this arose from the need to publicise the decision to take effect at least 21 days before 3 December event and to enable the free parking offer to be part of the promotion for event.

### **Alternative options**

Different applications time periods for the free after three parking offer as outlined in the report.

103

### **Business Cases: Joint Planning Policy and Growth Strategy Team and Joint Design and Conservation Team**

The Head of Strategic Planning and the Economy and Head of Development Management submitted a report which presented the final business cases for a Joint Planning Policy and Growth Strategy Team and a Joint Design and Conservation Team across Cherwell District and South Northamptonshire Councils.

The report recommended the formation of a Joint Planning Policy and Growth Strategy Team and a Joint Design and Conservation Team and in doing so sought the Executive's agreement for the non-staffing elements of the business cases, the staffing elements having been approved by the Joint Commissioning Committee at their meeting of 1 December 2016.

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

### **Resolved**

- (1) That having given due consideration, the final business cases for a Joint Planning Policy and Growth Strategy Team and a Joint Design and Conservation Team and the consultation responses in relation to non-staffing matters be noted.
- (2) That it be noted that the business cases were considered and approved by the Joint Commissioning Committee with regard to staffing matters on 1 December 2016 and that this included consideration of the consultation responses from affected staff and trade union representatives.
- (3) That, subject to similar consideration and approval by South Northamptonshire Council Cabinet on 12 December 2016 and following approval of the staffing implications by the Joint Commissioning Committee on 1 December 2016, the proposed final business case to create a Joint Planning Policy and Growth Strategy Team and a Joint

Design and Conservation Team between Cherwell District Council and South Northamptonshire Council be approved for implementation.

- (4) That authority be delegated to the Head of Development Management and the Head of Strategic Planning and the Economy in consultation with the Leader of the Council any non-significant amendment that may be required to the business case following the decision by South Northamptonshire Council Cabinet.

## **Reasons**

The recommendation is to establish a Joint Planning Policy and Growth Strategy Team and a Joint Design and Conservation Team between CDC and SNC.

The draft business cases set out the rationale for establishing the joint teams and in particular for deferring the savings from the Joint Planning Policy and Growth Strategy Team for two years to allow the completion of the 3 Local Plans.

## **Alternative options**

The following alternative options have been identified and rejected as part of the development of the Joint Planning Policy and Growth Strategy Business Case:

### Status Quo (No Change)

Retaining the status quo is an option; however both Councils have fairly small Planning Policy teams. Retaining the status quo while reflecting the different Local Plan positions of each council would not deliver the benefits set out in this business case or provides 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.

### Outsource Service

The preparation and monitoring of the local plans is a statutory responsibility and as such it is not considered appropriate to outsource the service without compromising the planning role of each district council.

### Joint Planning Policy and Conservation Team

Although there are some synergies between both areas of work, it is considered that the best model for joint working is to have two distinct joint functions covering planning policy and design and conservation. It should be noted that there are equally (if not more) synergies between these service areas and development management.

The following alternative options have been identified and rejected as part of the development of the Joint Design and Conservation Business Case:

### Status Quo (No Change)

Retaining the status quo is an option; however both Councils have fairly small Design and Conservation/Conservation teams. Retaining the status quo

would not deliver the financial benefits set out in this business case or provide the additional resilience and shared expertise that a joint team would provide.

#### Outsource Service

The Councils could seek to outsource the service; however this is not considered a preferred option. Both Councils have well established teams that deliver a good service. The preferred option is to bring the existing teams together, build on that experience and expertise and seek opportunities to trade.

#### Joint Planning Policy and Conservation Team

Although there are some synergies between both areas of work, it is considered that the best model for joint working is to have two distinct joint functions covering planning policy and design and conservation. It should be noted that there are equally (if not more) synergies between these service areas and development management.

The approach in the recommendations is believed to be the best way forward. The proposal is to establish a Joint Planning Policy and Growth Strategy Team and a Joint Design and Conservation Team.

#### 104 **Exclusion of the Press and Public**

There being no questions on the exempt appendices to the Business case: Joint Planning Policy and Growth Strategy Team and Joint Design and Conservation Team, it was not necessary to exclude the press and public.

#### 105 **Business Cases: Joint Planning Policy and Growth Strategy Team and Joint Design and Conservation Team - Exempt Appendices**

##### **Resolved**

- (1) That the exempt appendices be noted.

The meeting ended at 7.30 pm

Chairman:

Date: