

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 9 January 2017 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 Public Protection
Councillor Mike Kerford-Byrnes, Lead Member for Change Management, Joint Working and ICT (from agenda item 10)
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 Sean Woodcock, Leader of the Labour Group (from agenda item 10)

Officers: Sue Smith, Chief Executive
Karen Curtin, Commercial Director
Ian Davies, Director of Operational Delivery
Kevin Lane, Head of Law and Governance / Monitoring Officer
Paul Sutton, Chief Finance Officer / Section 151 Officer
Chris Stratford, Head of Regeneration and Housing, for agenda item 9
Natasha Clark, Interim Democratic and Elections Manager

106 **Declarations of Interest**

There were no declarations of interest.

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

There were no petitions or requests to address the meeting.

108 **Urgent Business**

There were no items of urgent business.

109 **Minutes**

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

110 **Chairman's Announcements**

There were no Chairman's announcements.

111 **Council Tax Base 2017-2018**

The Chief Finance Officer submitted a report to provide Executive with an estimate of the Council Tax Base for 2017-2018 and seek approval for the final determination of the Council Tax Base to be delegated to the Section 151 Officer in consultation with the Lead Member for Financial Management.

Resolved

(1) That having given due consideration to the report of the Chief Finance Officer for the calculation of the Council's Tax Base for 2017-2018, the following be agreed:

(a) That pursuant to the Chief Finance Officer's report and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Cherwell District Council as its Council Tax Base for the year 2017-2018 shall be 51,639.5. This shall be subject to final confirmation by the Section 151 Officer in consultation with the Lead Member for Financial Management.

(b) As for the parishes which form part of its area shown in the annex to the Minutes (as set out in the Minute Book), the amount calculated as the Council Tax Base for the year 2017-2018 in respect of special items shall be as indicated in the column titled Tax Base 2017-2018.

(c) As for the Flood Defence Areas which form part of its area, the amount calculated as the Council Tax Base for the year 2017-2018 for the purposes of levies on Oxfordshire County Council by River Authorities, shall be:

Thames Flood Defence Area	49,335.6
Anglian (Great Ouse) Flood Defence Area	1,866.3
Severn Region Flood Defence Area	437.6
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	51,639.5

Reasons

For the purposes of Section 31B of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the Council is required to calculate the tax base (which will be used for tax setting purposes in February 2017) in respect of:

- (a) the whole of its area and;
- (b) for any parts of its area for the purposes of:
 - (i) Apportioning precepts and levies and;
 - (ii) Calculating the tax base for each area subject to a special item

Alternative options

Option 1: None. The Council has to set a tax base in order to set its council tax for 2017-2018.

112

North West Bicester Eco Business Centre Update

The Commercial Director submitted a report to report on the progress to deliver the North West Bicester Eco Business Centre.

Resolved

- (1) That the progress to date and the fact that the project is due to deliver the Business centre in Q2 2018 within the budget of £4.325m be noted.
- (2) That the operation of the Business Centre by the Council be agreed in principle.
- (3) That it be agreed that in the absence of securing a retail tenant by the end of the calendar year for the vacant unit on the ground floor of Franklins House, it is in principle (subject to budget approval) fitted out to serve as a business incubation space and lettable offices for a period of up to 3-5 years.

Reasons

The project to deliver the Eco Business Centre in North West Bicester is on track to have a completed centre, open for business in Q2 2018. By adopting the SCAPE procurement framework a fixed costs, design and build contract has been awarded with the fixed cost to be agreed at the end of the Detailed Design Stage (RIBA 4). Initial cost estimates based on the design concept put the cost within the available budget.

In line with the Councils commercial agenda the opportunity to run the centre and thereby maximize the return to the council whilst closely aligning it with the work of Economic Growth is seen as preferable to the original plan of building the centre and then appointing a third party to run it on the councils behalf.

In the absence of securing a retail tenant it is proposed that by changing the use of the vacant units on the ground floor of Franklins House economies of

scale should be achieved to deliver the fit out by combining it with the Eco Business Centre project. The complimentary use of both sites will also allow operational benefits for both the council and users. Planning permission will be needed to change the use and £250k remains from the original Franklins House budget which can be used towards the fit out costs.

Alternative options

None – Update on an existing project

113 Solihull Partnership

The Head of Regeneration and Housing submitted a report to update on the progress being made in respect of completing works and achieving a resolution to issues impacting on the delivery of schemes contained within the Solihull Partnership arrangements approved in January 2016.

Resolved

- (1) That the progress being made towards achieving completion of the maximum number of projects between December 2016 and 31 March 2017 be noted.
- (2) That the management intervention taken be noted and the implementation of an intensive project management approach in respect of those schemes being completed by Solihull Metropolitan Borough Council (SMBC) and the revised programme be supported and it be further noted that costs are intended to be recovered, although the split between utilising elements of the management fee previously allocated to SMBC for the original programme and those additional procurement costs to complete schemes through CDC resources have yet to be finally agreed. These negotiations should be concluded at the Commercial Meeting on 17 January 2017.
- (3) That a “mixed approach” to the delivery of remaining schemes be supported so that those schemes not being completed through SMBC can, if necessary, be procured through CDC’s own resources and delivered within budgets approved.

Reasons

The series of projects allocated to SMBC should have been more intensively managed. Lessons however have been learnt and the actions indicated above in this report are now aimed at delivering the maximum number of schemes and therefore expenditure of approved budget by 31 March 2017.

Officers have jointly agreed with SMBC the most effective approach to maximise delivery and a critical review of projects to complete has been undertaken. This combined with the improved governance, member oversight and increased reporting process should enable effective and transparent monitoring of progress.

Overall, the stated objective of delivering these projects and keeping costs within the approved capital programme is still the primary objective. The final arrangements with SMBC in terms of reviewing the management fee etc. will be concluded at the Commercial meeting on 17 January 2017. A full detailed financial breakdown of how all costs are to be met to complete delivery of schemes will then be available for members' scrutiny.

The final legal position will be concluded after clarification of roles and responsibilities and again this will be subject to Member scrutiny once agreement has been reached.

Alternative options

The information contained within the report aims at realistically achieving the best outcome in terms of scheme delivery through to 31 March 2017.

114 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.

115 Whitelands Farm Sports Ground, Bicester

The Director of Operational Delivery submitted an exempt report to consider the issue of forward funding for the Whitelands Farm Sports Ground to enable the delivery of the 3G artificial turf pitch and tennis courts to coincide with but separate to the main construction contract for phase 2 of the development.

Resolved

- (1) That the Director of Operational Delivery, in consultation with the Head of Law and Governance, the Chief Finance Officer and the Lead Member for Financial Management, be authorised to negotiate the delivery of the 3G pitch and tennis courts through a second independent building contract with the Whitelands Farm Sports Ground Phase 2 contractor.
- (2) That agreement be given to waive the general requirement to competitively procure works, goods and/or services contained in the Council's Contract Procedure Rules to permit the direct award of the 3G pitch and tennis court works to the Whitelands Farm Sports Ground Phase 2 contractor for the reasons set out in the report (exempt annex to the Minutes as set out in the Minute Book), subject to contract acceptability and demonstrable value for money.

- (3) That agreement be given to forward fund the relevant Section 106 funding to be used for this purpose.

Resolved

The Phase 2 pavilion and car parks works for the Whitelands Farm Sports Ground Project have recently commenced which, along with the forthcoming funds anticipated from the SW Bicester Phase 2 housing development, provide the construction access and funding opportunity to deliver the installation of the 3G pitch and the majority of the tennis courts works. This however will require the Council to forward fund the 3G pitch and tennis court costs potentially ahead of receiving the S106 funding from the SW Bicester Phase 2 housing development as well as negotiating acceptable terms for a separate contract with the Whitelands Farm Sports Ground Phase 2 contractor and waiving the Council's Contract Procedure Rules for the reasons stated in this report to permit a direct award of the 3G pitch and tennis court works to the Phase 2 contractor without subjecting the new requirement to a competitive tender process.

Options

Option 1: Not to proceed with forward funding and to let the 3G pitch and tennis courts as separate and later contracts. This will incur additional site access and inflationary contract costs for later delivery.

Option 2: Proceed only with the 3G pitch and not the tennis courts. This will use only part of the available S106 funding and will incur additional site access and inflationary contract costs for later delivery.

116

Contract Award - Temporary Agency Staff

The Chief Finance Officer and Commercial Director submitted an exempt report to consider the award of a contract to supply temporary agency staff to Cherwell District Council.

Resolved

- (1) That the appointment of Champion Employment Ltd as the primary supplier of temporary agency staff for Cherwell District Council for the period of February 1 2017 to January 31 2019, with an option to extend by up to 24 months, be approved.
- (2) That agreement be given for officers to set up a secondary Preferred Supplier List (PSL) using the same framework and offer non committal contracts to *Badenoch and Clark, Hays Specialist Recruitment Ltd, Michael Page International Recruitment VA PageGroup and Reed Specialist Recruitment Limited*.

Reasons

The agencies used by Cherwell District Council must be able to supply competent, qualified staff across the range of job roles available. The staff need to have the correct level of clearance required for the role they will be asked to do.

The existing supply chain has become fragmented across multiple suppliers, and we are seeking to rationalise with a contract to a primary supplier, with a secondary PSL to ensure as much of our requirements can be met.

Alternative options

No reasonable alternatives

The meeting ended at 6.45 pm

Chairman:

Date: