

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 5 February 2018 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 Colin Clarke, Lead Member for Planning
Councillor John Donaldson, Lead Member for Housing
Councillor Tony Ilott, Lead Member for Financial Management
Councillor Kieron Mallon, Lead Member for Public Protection and Community Services
Councillor Richard Mould, Lead Member for Performance
Councillor Lynn Pratt, Lead Member for Estates and the Economy

Also Present: Councillor Sean Woodcock, Leader of the Labour Group
Councillor Nicholas Mawer, Budget Planning Committee Chairman

Apologies for absence: Councillor Mike Kerford-Byrnes, Lead Member for Change Management, Joint Working and IT
Councillor D M Pickford, Lead Member for Clean and Green

Officers: Paul Sutton, Executive Director: Finance and Governance / Section 151 Officer
Adrian Colwell, Executive Director: Place and Growth
Ian Davies, Director of Operational Delivery
Richard Ellis, Interim Executive Director: Wellbeing
Ed Potter, Assistant Director: Environmental Services
Paul Feehily, Interim Director of Planning and Regeneration
Richard Hawtin, Team Leader Property & Contracts
Natasha Clark, Democratic and Elections Team Leader

95 **Declarations of Interest**

There were no declarations of interest.

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

There were no petitions or requests to address the meeting.

97 **Urgent Business**

There were no items of urgent business.

98 **Minutes**

The minutes of the meeting held on 8 January 2018 were agreed as a correct record and signed by the Chairman.

99 **Chairman's Announcements**

The Chairman advised Executive that it was anticipated a report would be submitted to the 26 February Full Council meeting presenting the final report from the joint Peer Challenge of Cherwell District and South Northamptonshire Councils, undertaken by the Local Government Association in November 2017.

The Challenge had taken place between 14 and 17 November with initial feedback given at a presentation on 17 November at which the following headline messages about both CDC and SNC were given.

Both councils:

- were well placed to address the challenges they face
- in a strong financial position
- have good quality elected Members and officer
- have a motivated and engaged workforce
- demonstrate good practice (including the development of Heyford Park and the Graven Hill Self Build project)
- demonstrate good community engagement and support
- have good relationships with Town and Parish Councils
- have made good investment decisions to provide future income

The Chairman commented that he felt the Peer Review had been a very worthwhile exercise and thanked all those Members and officers who had been involved.

100 **Developer Contributions Supplementary Planning Document (SPD)**

The Executive Director for Place and Growth submitted a report to seek approval of the Developer Contributions Supplementary Planning Document (SPD) so that it can be presented to Council for adoption.

Resolved

- (1) That the responses to the consultation summarised in the Consultation Statement be noted.
- (2) That the final draft of the Developer Contributions Supplementary Planning Document (annexes to the Minutes as set out in the Minute Book) incorporating the following changes:

- Clarification on the role of the SPD in the absence of a CIL Charging Schedule.
 - Clarification on the role of 'payments in kind'.
 - Textual changes to financial viability requirements generally and more specifically in relation to affordable housing.
 - Additional cost information relating to cemetery provision.
 - The introduction of new and updated requirements related to the provision of primary care infrastructure (provided by the OCCG).
 - Introduction of a new requirement for capital contributions where development results in the need for additional waste recycling capacity (capital costs).
 - A new sub-section on 'Heritage'.
 - A general review of the 'Procedures' having regard to representations received.
 - A general review of the infrastructure requirements having regard to representations received.
- (3) That Full Council be recommended to adopt the final draft of the Developer Contributions document as a statutory Supplementary Planning Document (SPD) under the Town and Country Planning (Local Planning) (England) Regulations 2012.
- (4) That the Executive Director for Place and Growth be authorised to make any necessary minor changes to the final draft of the SPD before the meeting of the Council.

Reasons

Public consultation on a revised draft Developer contributions SPD occurred between 23 November 2017 and 21 December 2017. 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 document be presented to Council for adoption as a Supplementary Planning Document (SPD). As an SPD the document will 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 Developer Contributions SPD and seek changes. Officers consider that the SPD has been prepared in accordance with the relevant legislation. The adopted Cherwell Local Plan 2011-2031 sets the planning framework up to 2031 with the SPD providing a further level of detail to guide development. Significant changes may require further consultation.

Option 2: Not to approve the Developer Contributions SPD and to rely on the current Draft Planning Obligations SPD (July 2011). The Draft Planning Obligations SPD (July 2011) is now out of date, it carries little weight in decision making and its continued use will potentially make it more difficult for the Council to secure S106 developer contributions in the future. Not approving the new SPD will create uncertainty about the Council's requirements for developer contributions.

Draft Corporate Strategy Corporate Strategy and Revenue and Capital Budgets 2018/19

The Executive Director – Finance and Governance and Interim Director submitted a report which presented the draft Corporate Strategy and revenue and capital budgets 2018/19.

In introducing the report, the Lead Member for Financial Management explained that the Council was required to produce a balanced budget for 2018/19 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 2018/19, including the new cycle of growth strategies, 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.

Councillor Nicholas Mawer, Chairman of the Budget Planning Committee, addressed Executive and reported on the extensive review of the draft Corporate Strategy and Revenue and Capital Budgets 2018/19 that the Committee had undertaken. The Committee had unanimously supported the proposals and had made some additional comments on a number of Capital Bids, which had been tabled. In addition, the Committee had recommended there be no increase to the Cherwell District Council element of council tax.

The Lead Member for Financial Management thanked Councillor Mawer and the Budget Planning Committee for their work.

In proposing the recommendations, Councillor Illott proposed that that Full Council be recommended to agree no increase to the Cherwell District Council element of council. This was duly seconded by Councillor Wood.

Resolved

- (1) That, having given due consideration, Full Council be recommended to approve the 2018/19 Corporate Strategy to Full Council (annex to the Minutes as set out in the Minute Book) with authority delegated to the Interim Director, in consultation with the Leader of the Council to make any minor amendments to the plan as required before consideration by Full Council.
- (2) That, having given due consideration, the draft budget in the context of the Council's service objectives and strategic priorities be approved.
- (3) That Full Council be recommended to approve the balanced budget.
- (4) That the impact of the proposed budget on reserves be noted and Full Council be recommended to approve the reserves 2018/19 (annex to the Minutes as set out in the Minute Book).

- (5) That the latest Medium Term Revenue Plan (MTRP) for 2017/18 to 2022/23 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 updated draft revenue budget (annex to the Minutes as set out in the Minute Book) at the meeting on 26 February 2018.
- (7) That Full Council be recommended to agree no increase to the Cherwell District Council element of Council Tax freeze.
- (8) That Full Council be recommended to approve the proposed 2018/19 capital programme (annex to the Minutes as set out in the Minute Book).
- (9) That authority be delegated to the Executive Director – Finance and Governance, in consultation with 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, any changes relating to Business Rates.

Reasons

The report and appendices represent the draft business, risk register and budget for 2018/19 for approval by the Executive. If agreed, they will be recommended to Full Council on the 26 February and be considered alongside the setting of the 2018/19 Council Tax.

It is a legal requirement to set a balanced budget and the recommendations as set out and directed by the Corporate Strategy 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.

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 item 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.

Award of New Landscape Management Contract

The Assistant Director: Environmental Services submitted an exempt report to inform the Executive of the outcome of a procurement process and tender evaluation for a new landscape maintenance / arboricultural services contract and to seek approval to award that contract to the successful bidder.

Resolved

- (1) That the outcome of the tender evaluation process be noted.
- (2) That the continuation of a single contract for landscape maintenance and arboricultural services in support of the landscape responsibilities of Cherwell District Council, South Northamptonshire Council and those parish councils who request such a service through the Councils be supported.
- (3) That the award of a contract for Lot 1 (landscape maintenance services) and Lot 2 (arboricultural services) to tenderer 3 be approved.
- (4) That the expenditure implications for the Councils arising from the contract to carry out landscape maintenance and arboricultural services be noted.

Reasons

Tenderer 3 has scored the highest in the evaluation of the tenders received for LOT 1 and represents the most economically advantageous solution to the provision of landscape maintenance services for the Councils and their partners.

Tenderer 3 has also scored the highest in the evaluation of the tenders received for LOT 2 and represents the most economically advantageous solution to the provision of arboricultural services for the Councils and their partners.

Alternative options

Option 1: Not to award the contract for Lot 1 (landscape maintenance) to the winning tenderer which means that the Council will be without a landscape maintenance contractor from 1 April 2018 and hence this is rejected.

Option 2: Not to award the contract for Lot 2 (arboricultural services) to the winning tenderer which means that the Council will be without an arboricultural services contractor from 1 April 2018 and hence this is also rejected.

Option 3: To award contracts for Lot 1 and/or Lot 2 to others bidders, but this is rejected as the other tenders do not comprise the bids most economically advantageous to the Councils and should be rejected under the terms of the procurement process.

Executive - 5 February 2018

Option 4: To award the contract to the winning tenderer but to reduce the scope and standard of the landscape maintenance works. This is not an option, as that would be a challengeable procurement decision on the grounds it is a substantive variation of the basis on which tenders were invited, and also because of the high profile of and public interest in good landscape management standards.

The meeting ended at 6.50 pm

Chairman:

Date: