

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 7 October 2019 at 6.30 pm

Present: Councillor Barry Wood (Chairman), Leader of the Council
Councillor George Reynolds (Vice-Chairman), Deputy Leader of the Council and Lead Member for Leisure and Sport

Councillor Colin Clarke, Lead Member for Planning
Councillor Ian Corkin, Lead Member for Customers and Transformation
Councillor John Donaldson, Lead Member for Housing
Councillor Tony Ilott, Lead Member for Financial Management and Governance
Councillor Andrew McHugh, Lead Member for Health and Wellbeing
Councillor Richard Mould, Lead Member for Performance
Councillor Lynn Pratt, Lead Member for Economy, Regeneration and Property
Councillor Dan Sames, Lead Member for Clean and Green

Also Present: Councillor Sean Woodcock, Leader of the Labour Group
Councillor John Broad
Councillor Les Sibley

Officers: Nick Graham, Director of Law and Governance / Monitoring Officer
Graeme Kane, Chief Operating Officer
David Peckford, Assistant Director: Planning and Development
Claire Taylor, Corporate Director Customers and Organisational Development
Hedd Vaughan Evans, Assistant Director Performance and Transformation
Dominic Oakeshott, Assistant Director (Interim) - Finance
Nicola Riley, Assistant Director: Wellbeing
Aaron Hetherington, Democratic and Elections Team Leader

38 Declarations of Interest

There were no declarations of interest

39 Petitions and Requests to Address the Meeting

There were no petitions.

The Chairman advised Executive that he had agreed to Councillor Broad addressing the meeting on agenda item 7, Community Nature Plan Restoring and Enhancing Green Spaces, and Councillor Sibley addressing the meeting on agenda items 6, Car Parking Enforcement Policy, and 8, Howes Lane Bridge Marginal Viability HIF Funding.

40 **Minutes**

The minutes of the meeting held on 2 September 2019 were agreed as a correct record and signed by the Chairman.

41 **Chairman's Announcements**

There were no Chairman's announcements.

42 **Community Nature Plan Restoring and Enhancing Nature and Green Spaces**

The Assistant Director, Wellbeing submitted a report which summarised the progress of the 2018-2020 Community Nature Plan and provided clarity on recent government guidance relating to restoring and enhancing nature and green spaces. The report also sought approval for biodiversity net gain guidance; endorsement of seeking a minimum of 10% biodiversity net gain through engagement with the planning process; and approval of biodiversity in the built environment guidance.

At the discretion of the Chairman, Councillor Broad addressed Executive.

Resolved

- (1) That the progress of the Community Nature Plan 2018-20 be noted.
- (2) That recent government guidance relating to restoring and enhancing nature and green spaces be noted.
- (3) That the biodiversity net gain guidance (annexes to the Minutes as set out in the Minute Book) be approved.
- (4) That seeking a minimum of 10% biodiversity net gain through engagement with the planning process be endorsed.
- (5) That a Biodiversity in the Built Environment Good Practice Guide 'Preservation of existing nesting sites and provision of artificial nesting sites' (annex to the Minutes as set out in the Minute Book) be approved.

Reasons

'Restoring and Enhancing Nature and Green Spaces' for the benefit of people and wildlife is a crucial element of important development and economic decisions. Failure to recognise and assess the multiple benefits of the natural environment will affect community health and wellbeing, important habitats and species and future economic growth. This report provides an update on the Community Plan, demonstrating how the Council is fulfilling its statutory biodiversity duty; and seeks approval for recommendations which support guidance that will enable the Council to invest wisely in the District's natural environment and help to contribute to healthy outcomes for people and wildlife.

Alternative Options

Option 1: To reject the recommendations in the report. This is not proposed as the recommendations are in accordance with government guidance, best practice and the Council's statutory biodiversity duty

Option 2: To amend the recommendations in the report. This is not proposed as the recommendations are in accordance with government guidance, best practice and the Council's statutory biodiversity duty

43

Howes Lane Bridge Marginal Viability HIF Funding

The Assistant Director – Growth and Economy submitted a report for members to consider the implications for Cherwell District Council (CDC) entering into a legal agreement with Oxfordshire County Council (OCC) in connection with the delivery of the rail bridge to enable the realignment of Howes Lane in Bicester.

Should the development subsequently become viable, the agreement would require CDC to seek contributions toward the cost of delivery of infrastructure through development receipts and, in accordance with the terms of the funding agreement, spend any released excess MV HIF (Marginal Viability Homes Infrastructure Fund) grant on the delivery of housing.

At the discretion of the Chairman, Councillor Sibley addressed Executive.

Resolved

- (1) That, subject to Oxfordshire County Council completing the Marginal Viability Homes Infrastructure Fund (MV HIF) agreement, it be agreed to:
 - a) enter into a "back-to-back" agreement with OCC to take on the MV HIF obligations seeking to secure funding towards the cost of the delivery of the Howes Lane infrastructure. In addition, to use any excess grant funding (released as a result of the development funds contributing towards the cost of delivering the infrastructure) to deliver housing (subject to any legal issues being resolved and remedied);
- and

- b) delegate to the Assistant Director – Growth and Economy, in consultation with the Lead Member for Economy, Regeneration and Property and the Team Leader – Non-contentious, the negotiation and completion of the agreement with OCC.

Reasons

The conclusion is that the securing of this marginal viability funding from Homes England is a positive development and supports CDCs growth agenda.

Alternative Options

Option 1: Not to pursue the securing of funding. This could delay the provision of the realigned Howes Lane and subsequently some housing delivery and as such is not recommended

Option 2: Not to enter into an agreement with OCC that passes on the obligations to seek to recoup funding and use receipts to deliver housing. This option is not recommended as it is likely to prevent the funding being secured and results in a lost opportunity to release excess grant funding for housing.

44

Results of the Residents' Satisfaction Survey 2019

The Assistant Director – Performance and Transformation submitted a report which summarised the key results from the annual satisfaction survey and identified areas to be reflected in future business and service plans.

Resolved

- (1) That the results of the survey, with particular reference to the priority service areas identified by respondents, be noted.
- (2) That it be agreed that the results and priority service areas identified will be used as part of the business and service planning process for 2020-21.
- (3) That it be agreed to continue to develop the approach of consulting and engaging with our residents, ensuring we reach as many residents as possible making use of all communication tools available to us and keeping residents up to date with progress against the business plan.

Reasons

The annual satisfaction survey provides the Council with a standard source of data for gauging satisfactions levels across the district about service delivery and value for money, which enables informed decision making with regard to service provision and the planning of priorities.

The service specific satisfaction and feedback enables services to react quickly to any issues identified and also provides the council with more frequent satisfaction results.

It is important that the results are used as part of business and service planning and those areas of further investigation are progressed. These further investigations by officers, coordinated by the Insight Team, will provide the council with more detailed customer feedback and insight enabling evidence-based decision making.

Alternative Options

To reject the findings of the satisfaction survey results and not incorporate them as part of the business and service planning process for 2020-21. This has been rejected as the survey provides the Council with a standard source of data for gauging satisfactions levels across the district, which enables informed decision making with regard to service provision and priorities.

45 **Monthly Performance, Finance and Risk Monitoring Report - August 2019**

The Executive Director: Finance (Interim) and Assistant Director: Performance and Transformation submitted a report which summarised the Council's Performance, Risk and Finance monitoring position as at the end of each month.

Resolved

- (1) That the monthly Performance, Risk and Finance Monitoring Report be noted.

Reasons

The Council is committed to performance, risk and budget management and reviews progress against its corporate priorities on a monthly basis.

Alternative Options

Option 1: This report illustrates the Council's performance against the 2019-20 business plan. As this is a monitoring report, no further options have been considered. However, members may wish to request that officers provide additional information.

46 **Car Parking Enforcement Policy**

The Assistant Director: Environmental Services submitted a report which presented a proposal to change the car parking enforcement process and overarching Policy, having regard to the comments and findings by the Local Government Ombudsman regarding the conduct of car parking enforcement, and also the length of time that has elapsed since the Policy was last reviewed.

Resolved

- (1) That the report and the recommendations of the Local Government Ombudsman and the action plan to address those recommendations in so far as the same concern the enforcement of excess charges be noted.
- (2) That the revised Car Parking Enforcement Policy (annex to the Minutes as set out in the Minute Book) be approved.

Reasons

The recommendations in this report address the Local Government Ombudsman's comments and concerns regarding the Council's car parking enforcement process. In particular it simplifies the approach to parking enforcement by removing from the process at the earliest opportunity the involvement of Bristow and Suter as enforcement agents chasing payment on Apcoa's behalf. Apcoa will now remind customers of outstanding excess charges before referring the matter directly to the Council, who will then decide upon prosecuting that customer in the magistrate's court for the unpaid ECN.

The proposed new Policy takes account of the process proposed.

Alternative Options

To reject the new Car Parking Enforcement Policy and ask officers to reconsider the same having regard to the report from the Local Government Ombudsman

47 Urgent Business

There were no items of urgent business.

48 Financial Management System

The Executive Director Finance (Interim) submitted a report to seek approval for increased capital funding for the replacement of the financial management system following the end of the current contract with Civica.

Resolved

- (1) That additional capital funding for the capital project to replace the financial management system be approved.
- (2) That the estimated revenue impact be noted.

Reasons

The current initial five-year term of the contract with Civica ends on 31 March 2020. The Council approved the replacement and the best route is via a full and open tender process to secure a new finance system that will meet the Council's business needs – initially for a five-year period, but potentially for up to a further five years – possibly providing the finance functionality for the next decade.

Alternative Options

Option 1: Extend the existing contract with Civica for a period of up to five years. This has been rejected due to the limited functionality being provided by the system and the inability to provide the high-quality financial reporting information identified in our user requirements gathering exercises.

49 **Exclusion of the Press and Public**

There being no questions on the exempt appendix it was not necessary to exclude the press and public from the meeting.

50 **Financial Management System - Exempt Appendix**

Resolved

- (1) That the exempt appendix be noted.

The meeting ended at 7.39 pm

Chairman:

Date: