

## **Cherwell District Council**

### **Executive**

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 1 November 2010 at 6.30 pm

Present: Councillor Barry Wood (Chairman)  
Councillor G A Reynolds (Vice-Chairman)

Councillor Ken Atack  
Councillor Norman Bolster  
Councillor Michael Gibbard  
Councillor James Macnamara  
Councillor Nigel Morris  
Councillor D M Pickford  
Councillor Nicholas Turner

Apologies  
for  
absence: Councillor Colin Clarke

Officers: Mary Harpley, Chief Executive and Head of Paid Service  
Ian Davies, Strategic Director - Environment and Community  
John Hoad, Strategic Director - Planning, Housing and Economy  
Karen Curtin, Head of Finance  
Liz Howlett, Head of Legal & Democratic Services and Monitoring Officer  
Martin Henry, Chief Finance Officer / Section 151 Officer  
Ed Potter, Head of Environmental Services  
Claire Taylor, Corporate Strategy and Performance Manager  
Sean Gregory, Environmental Protection Officer  
Steven Newman, Economic Development Officer  
David Peckford, Senior Planning Officer  
Amy Smart, Assistant Planning Officer  
James Doble, Democratic, Scrutiny and Elections Manager

#### **63 Declarations of Interest**

Members declared an interest in the following agenda item:

##### **7. Air Quality**

Councillor G A Reynolds, Personal, as a close relative lives within the area of Grimsbury and Castle ward considered by the report.

#### **64 Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

65 **Urgent Business**

There were no items of urgent business.

66 **Minutes**

The minutes of the meeting held on 11 October 2010 were agreed as a correct record and signed by the Chairman.

67 **Planning Policy for Wind Energy Development**

The Head of Planning Policy and Economic Development submitted a report which sought approval for public consultation a draft "Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development".

**Resolved**

- (1) That the draft document entitled "Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development" be approved as a basis for public consultation.
- (2) That a public consultation be undertaken with relevant key stakeholders and that after this, the outcome of that public consultation be reported to members alongside a revised draft of the policy for approval.

**Reasons**

Council agreed on 19 July 2010 that as a matter of urgency, a policy be developed setting minimum acceptable distances between proposed wind turbines and dwellings.

**Options**

- |                     |  |
|---------------------|--|
| <b>Option One</b>   | To approve the draft document and agree that it should be taken forward for public consultation.                 |
| <b>Option Two</b>   | To approve the draft document with amendments and agree that it should be taken forward for public consultation. |
| <b>Option Three</b> | Not to approve the draft document in its current form, or to agree not to proceed with this planning guidance.   |

68 **Air Quality**

The Head of Environmental Services submitted a report to consider the issue of air quality across the district and the areas of concern identified by

monitoring and assessment. In the course of discussion Members requested Officers to report back on trains idling at Banbury Station, to continue to monitor air quality at Ardley and to contact Cllr Milne Home to be contacted re action plan.

### **Resolved**

- (1) That the declaration of an Air Quality Management Area in Hennef Way, Banbury be supported
- (2) That the possible implications which may arise from developing an action plan to deal with an Air Quality Management Area be noted
- (3) That the further areas where elevated nitrogen dioxide levels have been identified and may lead to them being declared Air Quality Management Areas in the future be noted.

### **Reasons**

Air Quality in the area covered by Cherwell District Council is good. However there are four areas where air quality objectives may not be achieved.

An area around Hennef Way must be declared as an Air Quality Management Area following detailed assessment of monitoring data and subsequent support of these conclusions by DEFRA.

Two further detailed assessments are being undertaken.

There is a risk of future costs for dealing with implementing an action plan for an Air Quality Management Area. These costs cannot be predicted at this stage and are unlikely to arise before 2012/13.

### **Options**

**Option One**                      To support the current approach

**Option Two**                     To reject the current approach

## **Economic Development Strategy**

The Head of Planning Policy and Economic Development submitted a report to ask the Executive to consider a draft version of the Economic Development Strategy for public consultation.

### **Resolved**

- (1) That the Draft Economic Development Strategy attached as annex 1 to the minutes (as set out in the minute book) be approved for public consultation
- (2) That the Head of Planning Policy & Economic Development, be given delegated authority in consultation with the Portfolio Holder (Economic

Development & Estates) to make minor further modifications to the draft Economic Development Strategy prior to it being published for public consultation.

### **Reasons**

The Economic Development Strategy is an important document, not only for the Council, but also for our partner organisations working within Cherwell District. The purpose of the Economic Development Strategy is to set the direction we collectively need to take to ensure that the economy of the district remains strong and diverse for the benefit of all who live and work here.

### **Options**

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|---------------------|---|
| <b>Option One</b>   | To approve the draft Economic Development Strategy and agree that public consultation should be undertaken on it.                 |
| <b>Option Two</b>   | To approve the draft Economic Development Strategy with amendments and agree that public consultation should be undertaken on it. |
| <b>Option Three</b> | Not to approve the draft Economic Development Strategy.   |

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### **Hardship Relief (for National Non Domestic Rates)**

The Head of Finance submitted a report to agree an up to date policy which sets guidelines for considering applications and to give authority to award relief. It was noted that an incorrect version had been circulated with the agenda pack and the correct version had been circulated prior to the meeting.

### **Resolved**

- (1) That the hardship discount scheme be noted
- (2) That the proposed Hardship Relief policy framework as set out in annex 2 to the minutes (as set out in the minute book) be adopted and reviewed on an annual basis.

### **Reasons**

The Local Government Finance Act 1988 and associated Regulations gives the Council a discretionary power to award rate relief including that of Section 49 hardship rate relief in respect on the National Non-Domestic Rate (NNDR). The NNDR is also referred to as "business rates". The Council has 4,409 NNDR payers with a net collectable debit of £64,728,413.

### **Options**

- |                   |   |
|-------------------|---|
| <b>Option One</b> | To agree the recommendations as set out in the report |
|-------------------|---|

- Option Two** To amend the recommendations
- Option Three** Not to agree the recommendations

71 **Discretionary Rate Relief for Charities, Community Amateur Sports Clubs and 'Not for Profit' Bodies (for National Non Domestic Rates)**

The Head of Finance submitted a report which sought agreement on up to date policy which sets guidelines for considering applications and to give authority to award relief, in accordance with Section 47 of The Local Government Finance Act 1988 gives the Council discretionary power to reduce or remit business rates for Charities, Community Amateur Sports Clubs and 'not for profit' bodies.

**Resolved**

- (1) That the discretionary scheme be noted.
- (2) That the proposed Discretionary Relief policy framework as set out as annex 3 to the minutes (as set out in the minute book) be approved and reviewed on an annual basis

**Reasons**

The Local Government Finance Act 1988 and associated Regulations gives the Council a discretionary power to award rate relief under Section 47 in respect of the National Non-Domestic Rate (NNDR). The NNDR is also referred to as "business rates". The Council has 4,409 NNDR payers with a net collectable debit of £64,728,413.

**Options**

- Option One** To agree the recommendations as set out in the report
- Option Two** To amend the recommendations
- Option Three** Not to agree the recommendations

72 **Local Development Framework Annual Monitoring Report**

The Head of Planning Policy and Economic Development submitted a report which sought approval of the Local Development Framework's Annual Monitoring Report (AMR) for submission to the Secretary of State for Communities and Local Government, and to present the district's current housing land supply position.

## **Resolved**

- (1) That the Annual Monitoring Report be approved for submission to the Secretary of State
- (2) That the district's housing delivery position be noted

## **Reasons**

The Annual Monitoring Report provides important information to assist policy making and development control decision making and is a statutory mechanism for monitoring housing delivery. It's most significant conclusion is that the district has returned to a 5 year land supply position, marking the end of a period during which the Council has been considering planning applications with a view to increasing supply. The AMR notes that significant progress has been made on the Local Development Framework. However, the revocation of Regional Spatial Strategies has created some additional areas of work. The programme for completing the LDF will be revised once there is more information available about anticipated changes to local plan-making and to national planning policy.

## **Options**

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|---------------------|---|
| <b>Option One</b>   | To accept the 2010 AMR, noting the district's housing land supply position and agree that it should be submitted to the Secretary of State.                 |
| <b>Option Two</b>   | To seek amendment of the 2010 AMR in consultation with the Portfolio Holder for Planning and Housing before submission to the Secretary of State.           |
| <b>Option Three</b> | To take any actions required by the Executive having considered the AMR, in addition to its submission to the Secretary of State with or without amendment. |

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## **Early response to the Comprehensive Spending Review and potential implications for the 2011/12 budget and the medium-term**

The Chief Executive and Head of Finance submitted a report which highlighted the key announcements in the 2010 Comprehensive Spending Review, the potential implications for the Council in the short- to medium-term and the nature of the cost reductions which the Council must now consider in advance of finalising having received further information on the future grant from central government, expected in late November/early December. In the course of discussion the Executive requested that the Independent Remuneration Panel be informed that in line with staff Council is likely to agree a 0% increase in allowances for elected members.

## **Resolved**

- (1) That the outcome of the 2010 Comprehensive Spending Review for local government and the very tough target of an overall 26% cut in government grant over the next four years be noted.
- (2) That it be noted that this outcome is very much in line with the council's 'realistic' planning scenario of 30% real term cuts, although the actual position will not be known until late November/early December.
- (3) That the proposed actions which are now underway to generate income and realise cumulative savings of £11.9m for inclusion in 2011/12 budget be supported.
- (4) That the informal view of the Resources Scrutiny Working Group in relation to the fees and charges review be noted.
- (5) That the options for further savings as set out in the report be noted, so that when the council receives a clearer indication of the actual government grant for 2011/12 and possibly beyond, fully worked up savings can be brought for consideration at the 6 December Executive meeting.

## **Reasons**

The actions highlighted will enable the Council to prepare a first draft of the 2010/11 budget. This will be presented to the Executive in early December and this report will include the latest position on the grant settlement and the impact on the medium term financial forecast.

## **Options**

- |                     |   |
|---------------------|---|
| <b>Option One</b>   | To agree the recommendations as set out in the report |
| <b>Option Two</b>   | To amend the recommendations                          |
| <b>Option Three</b> | Not to agree the recommendations                      |

## **Value for Money Review of Development Control and Major Developments**

The Strategic Director for Planning, Housing & Economy and Improvement Project Manager submitted a report which presented the findings of the Value for Money Review report for Development Control and Major Developments (DC&MD VFM Review) and the recommendations arising from the report

## **Resolved**

- (1) To endorse the updated VFM Review conclusion that the DC&MD service:
- has exceed delivery of the savings target from the 2007 full VFM Review and delivered all the key improvements
  - has driven down its costs since the full VFM Review was undertaken
  - although, on the face of it, is above average cost, analysis shows core service costs would be closer to average when local factors and accounting practices of other comparator authorities are taken into account
  - has good performance and productivity, provides good quality with improving levels of customer satisfaction
  - is at a balanced point. There is capacity to cope if applications increase, though this may be at the expense of performance, but with the flexibility to down-size the service relatively quickly if income or applications decline.
- (2) To adopt the following recommendations from the update VFM Review, changing the way the service is delivered in the future, achieving savings of up to £167k and, thereby, reducing the Council's reliance on Housing and Planning Delivery Grant.

### **Savings:**

- Reduce application advertising by only placing the minimum legal level requirement in the Oxford Times, saving £76k per annum
- Remove duplication in minor application publicity (mainly neighbourhood notifications), saving £3k per annum
- Introduce e-consultation to all parishes and internal and external consultees, saving £15k per annum
- Reduce the professional fees budget by £20k per annum by no longer utilising the services of agricultural/retail specialist advice in routine applications
- Deletion of a vacant, part-time, career planner post, saving £7k per annum
- In the event that fee income remains the same or declines, reduce staff establishment costs by ending the temporary contract to "backfill" resources allocated to the Eco Town project. This gives budget flexibility of £46k and, should there be a small upturn in fee income, allows for the continuation of this temporary post.



**Income:**

- Introduce charges for pre-application advice from 2011/12. It is estimated that income in the region of £10K per annum may be achievable.

**Service Improvements:**

- Redirect staff resources released by the changes in service delivery associated with achieving the savings above, to improve support for the application process and other resource pinch points (especially speed of validation/registration).

- (3) To note the endorsement of the findings of this Review by the Performance Scrutiny Working Group at its meeting on 21 September 2010 and their request that further consideration be given to a more efficient and less costly way of undertaking Ward Notifications such as using the e-mail system or appending Notifications to the Members' Newsletter.

**Reasons**

This updated review proposes changes to the way the service will be delivered, reducing the Council's reliance on Housing and Planning Delivery Grant. It proposes an additional income stream and enables a refocus of released resources to improve some service areas.

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**Value for Money Review of Planning Policy**

The Strategic Director for Planning, Housing & Economy and Improvement Project Manager submitted a report which presented the findings of the Value for Money Review report for Planning Policy and the recommendations arising from the report

**Resolved**

- (1) Endorse the updated VFM Review conclusion that the Planning Policy service:
- has exceed delivery on the savings target from the 2007 full VFM Review and delivered all the key improvements
  - has steadily driven down its costs since the full VFM Review was undertaken
  - compared with similar local authorities, costs are now below average spend for the family group
  - levels of satisfaction have improved for the way the Council manages local development, which is influenced by planning policy
  - the service is achieving on or just below its performance targets

- will need to reduce the services it delivers if it is to achieve the VFM savings block of £50k.
- (2) To agree that the proposal for achieving the £50k savings block be adopted as part of the Council's Medium Term Financial Strategy.

### **Reasons**

This updated review identifies that this service is now below average cost in comparison to its family group and proposes changes to the way the service could be delivered in order to achieve the £50k saving block towards the Council's Medium Term Financial Strategy.

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### **Performance Management Framework 2010/11 Second Quarter Performance Report**

The Chief Executive and Corporate Strategy and Performance Manager submitted a report outlining the Council's performance for the period 1 July to 30 September 2010 as measured through the Performance Management Framework. In the course of discussion Members requested that they be advised of the new performance management reporting as it becomes clear and that a meeting be arranged with officers and Councillors Atack and Wood to consider the Performance Management Framework in detail.

### **Resolved**

- (1) That the many achievements as set out below be noted:

#### **Cherwell: A District of Opportunity**

- Urban Regeneration: the Council has launched a consultation on proposals to pedestrianise areas of Kidlington.
- Economic Development: the Council's job clubs remain examples of national good practice with video footage used at this year's Conservative Party Conference. The team continue to work with community groups to improve accessibility.
- Affordable Housing: housing continues to provide support to local residents in challenging economic times with a good level of affordable housing scheme delivery. This includes the first affordable housing completion under the Armed Forces personnel Home Ownership Scheme. This is tailored to forces personnel often required to re-locate at short notice. The housing team have also worked to secure 5 mortgage rescue completions. This scheme allows families struggling with mortgage repayments to remain in their home as tenants of a registered social landlord.
- Eco Bicester: significant progress is being made on plans for the first "exemplar" phase of the eco town. This has been subject of extensive consultation in the local community.

- Urban Regeneration: the Old Town Party in Banbury had over 3,000 attendees, 300 participants in the community art wall and was supported by 5 local community groups and 26 local traders. This contributes to both the Council's community cohesion and development objectives and also to increasing the vibrancy of our town centres.

### **A Cleaner Greener Cherwell**

- Street Cleansing: satisfaction with street and environmental cleanliness has increased to 72% for 2010 in comparison to 67% in 2009.
- Rural Development: a successful countryside forum was held with over 50 attendees to discuss actions and progress with regards to conservation target areas and biodiversity across the district.
- In Bloom Awards: Bicester achieved a Silver Gilt award in the national competition awards and Gold in the regional round. Banbury and Kidlington secured Silver Gilt awards.

### **A Safe and Healthy Cherwell**

- Activities for Young People: a successful summer programme of activities has been delivered with 1473 recorded attendances. Activities included a holiday sports road show and coaching clinics.
- Reducing Crime: working with partners to reduce crime and anti-social behaviour: Thames Valley Police are showing a 30% reduction in crime for this year.

### **An Accessible Value for Money Council**

- Reducing the Council's costs by £800,000 in 2010/11: as of the 30 September £532,000 (66%) of the target has been achieved.
- Providing More Services Online: there are currently 65 transactional services available on the Council's website. The council's consultation portal has also seen increasing availability of Council consultation activities including widening access to the annual satisfaction survey.
- Delivering Savings Through Improved Procurement: a new contract procured in partnership with the Oxfordshire district councils will deliver significant savings for cleaning the district's public conveniences.
- Improving Customer Satisfaction: the results of the Council's annual customer survey show that overall satisfaction with the Council and the services it delivers has increased. General satisfaction has improved from 67% in 2009 to 73% in 2010. Full details are included in the table presented in paragraph 2.9. A

- (2) To request that officers report in the third quarter on the items identified below where performance was below target or there are emerging issues:

**Cherwell: A District of Opportunity**

- Contribute to the creation of 200 jobs in the district. Vodafone have just announced the closure of its Banbury Office with significant redundancies expected. A post redundancy support package is being prepared.
- Local Development Framework (core strategy) – the changes in national planning policy resulting in the abolition of Regional Spatial Strategies raises questions as to our ability to publish the LDF to our original timetable (this issue is ongoing and will remain under review).
- The percentage of planning appeals allowed against a refusal decision: this is an indicator that can be easily affected by adverse outcomes measured against a low number of cases (there have been fewer appeal cases in the period concerned). The corporate management team are due to review the factors that may have influenced performance and will report in the next quarter report if any issues emerge that need to be addressed.

**Working in Partnership**

- The cancellation of the Local Area Agreement (LAA) and changes in national policy and funding arrangements mean that there is some uncertainty with regards to future partnerships. Emerging issues include whether the LAA will continue for the rest of 2010/11, the role of the new local economic partnership and the impact of changes in community safety funding on the county wide community safety partnership. As such it is recommended that this issue is revisited

- (3) To agree the responses identified to issues raised in the quarter one performance report as set out below:

**Cherwell: A District of Opportunity**

- Achieve 300 new homes:

Following a slow first quarter (38 completions) the second quarter has seen 152 net completions making the total for the year 190. Progress has improved; however there are still some risks with regards to meeting this objective at the end of the year given the challenging economic circumstances.

- Local Development Framework (core strategy) – the changes in national planning policy resulting in the abolition of Regional Spatial Strategies raises questions as to our ability to publish the LDF to our original timetable.

Work is being undertaken to establish what evidence we need to support a new position on growth levels within the district.

### **An Accessible, Value for Money Council**

- Cherwell Link (the residents newsletter)

The corporate plan for 2010/11 set an objective to increase the editions of Cherwell Link produced. Given the financial impact of another edition at the current time, no increase is planned for the current year. As such this objective will not to be met at year end. However, results from the customer satisfaction survey suggests that there are increased levels of awareness with regards to the Council's services and high levels of readership of the existing editions of the newsletter.

### **Reasons**

The Council's performance in the second quarter of 2010/11 is measured through the Performance Management Framework. Central to this is the Corporate Scorecard, which is made up of the Council's priority performance targets. The Corporate Scorecard covers seven areas of performance. These are: performance against the Local Area Agreement; the Community Strategy (Our District, Our Future); the Corporate pledges; Priority Service Indicators; Financial Performance; Human Resources; and Customer Feedback.

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### **2010/11 Projected Revenue & Capital Outturn at 30 September 2010**

The Head of Finance submitted a report which summarised the Council's Revenue and Capital performance for the first 6 months of the financial year 10/11 and projections for the full 10/11 period. These are measured by the budget monitoring function and reported via the Performance Management Framework (PMF) informing the 10/11 budget process currently underway. The report also reviewed the treasury and procurement action plan performance for the first 6 months of 2010/11.

### **Resolved**

- (1) That the projected revenue & capital position at September 2010 be noted.
- (2) That the transfer of £234,000 to the organisational change reserve be approved.
- (3) That the Capital Slippage of £2.2m from the 2010/11 capital programme as detailed in annex 4 to the minutes (as set out in the minute book) be approved and considered as part of the 2011/12 budget process.

- (4) That the Q2 performance against 2010/11 investment strategy and the mid year report in annex 5 to the minutes (as set out in the minute book) be noted.
- (5) That progress against the Procurement Action plan detailed in annex 6 to the minutes (as set out in the minute book) and the savings recorded in annex 7 to the minutes (as set out in the minute book) 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 reported monthly to the Corporate Management Team and formally to the Executive on a quarterly basis. This report includes the position at Q2.

### **Options**

- Option One** To review current performance levels and consider any actions arising.
- Option Two** To approve or reject the recommendations above or request that Officers provide additional information.

The meeting ended at 8.53 pm

Chairman:

Date: