

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 7 February 2011 at 6.30 pm

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

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

Also Present: Councillor Daniel Sames

Apologies for absence: Councillor Norman Bolster
Councillor Colin Clarke

Officers: Ian Davies, Interim Chief Executive and Head of Paid Service
John Hoad, Strategic Director - Planning, Housing and Economy
Martin Henry, Chief Finance Officer / Section 151 Officer
Philip Clarke, Head of Planning Policy and Economic Development
Karen Curtin, Head of Finance
Gillian Greaves, Head of Housing Services
James Doble, Democratic, Scrutiny and Elections Manager
Claire Taylor, Corporate Strategy and Performance Manager
Nigel Bell, Team Leader - Planning and Litigation
Natasha Clark, Senior Democratic and Scrutiny Officer

104 **Declarations of Interest**

Members declared interests in the following agenda items:

9. Localism Bill 2010: Opportunities for Cherwell.

Councillor James Macnamara, Personal, as Trustee of charities that own property in the district that may be affected by elements of the Localism Bill.

Councillor Nicholas Turner, Personal, as a tenant of the landowner who had agreed to be involved in the DCLG Neighbourhood Planning Vanguard scheme.

11. Concessionary Travel and Community Transport.

Councillor G A Reynolds, Personal, as a recipient of travel tokens.

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

There were no petitions or requests to address the meeting.

106 **Urgent Business**

There were no items of urgent business.

107 **Minutes**

The minutes of the meeting held on 10 January 2011 were agreed as a correct record and signed by the Chairman.

108 **Overview and Scrutiny Committee Scrutiny Review into Built Environment Conservation Area Policy**

The Head of Legal and Democratic Services submitted a report which presented the report and recommendations of the Overview and Scrutiny Committee review into the Council's Built Environment Conservation Policy.

The Chairman of the Overview and Scrutiny Committee attended the meeting to present the report.

Resolved

- (1) That the work of the Overview and Scrutiny Committee with regard to the Built Environment Conservation Area Policy Scrutiny Review be noted.
- (2) That the Overview and Scrutiny Committee recommendations regarding Built Environment Conservation Area Policy Scrutiny Review as detailed below be agreed:
 - (1) That the Executive recognises the importance of our conservation areas and continues to support the work carried out by the Council to protect their character.
 - (2) That the Executive asks the LDF Advisory Panel to make sure that policies to protect conservation areas are contained within the LDF at the appropriate earliest opportunity.
 - (3) That the Executive approves the informal planning guidance document "*Subdivision of buildings for residential use*" which is shortly to be brought before it for approval following public consultation.
 - (4) That the LDF Panel be requested to keep under review the effectiveness of the document "*Subdivision of buildings for residential use*" and in due course, if this document is found not to be effective in generally achieving its objectives, to consider

whether the document should be reviewed and incorporated more formally as a Local Development Document within the Local Development Framework.

- (5) That Executive supports the efforts of the Council as we work with other organisations (such as the Highway Authority in respect of highway maintenance) to make sure that where public money is spent in conservation areas, this is appropriately directed to ensure that priority is given to ensuring the enhancement of the conservation areas.

Reasons

This report presents the work of an Overview and Scrutiny review of the work of the planning service within conservation areas insofar as this work relates to:

- Identifying, appraising and reviewing conservation areas
- Developing local planning policies and guidance to protect conservation areas
- Determining planning applications, Listed Building Consents and Conservation Area Consents
- Enforcing the planning decisions of the council

Options

Option One To accept some or all of the overview and scrutiny recommendations.

Option Two To reject some or all of the overview and scrutiny recommendations.

109

Draft Planning and Design Guidance: Subdivision of Buildings for Residential Uses

The Head of Planning Policy and Economic Development submitted a report which recommended the Executive approve the draft 'Subdivision of Buildings for Residential Uses' document as informal guidance with immediate effect, so that it can be used to aid applicants when submitting applications and assist planning officers and committee members when determining such applications.

Resolved

- (1) That the Planning and Design Guidance: Subdivision of Buildings for Residential Use, as set out in the annex to these minutes (as set out in the minute book) be approved, subject to minor amendments by the Head of Planning Policy and Economic Development in consultation with the Portfolio Holder Planning and Housing.

Reasons

This document will be informal planning guidance. As informal guidance, it will have limited weight but, having been the subject of consultation, will be a material consideration in the determination of planning applications for the sub-division of buildings for residential use. The guidance provides for the improvement of living environments created by the sub-division of existing residential premises. It also provides guidance on the impact on such works on the external appearance of the building and any further impact on the street as a whole.

Options

Option One Approve the document without changes.

Option Two Approve the document with changes.

Option Three Do not approve of the document.

110 **Planning Policy for Wind Energy Development**

The Head of Planning Policy and Economic Development submitted a report which sought approval of an informal (non statutory) planning guidance document on the subject of wind turbines and residential development.

Members of the Executive commented that the guidance document demonstrated that Cherwell District Council was not opposed to renewable energy but set limits to protect residents in the district.

The Executive thanked Officers for completing a comprehensive piece of work in such a short period of time.

Resolved

- (1) That the document entitled 'Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development' as set out in the annex to these minutes (as set out in the minute book) be approved for use as informal planning guidance.

Reasons

This document will be informal planning guidance. As informal guidance, it will have limited weight but, having been the subject of consultation, will be a material consideration in the determination of planning applications. The local guidance document is linked to policy SD3 of the Draft Core Strategy. This policy sets out the Council's strategic approach to assessing proposals for renewable energy, and makes clear that the Council supports renewable and low carbon energy where appropriate. In assessing planning applications, it identifies a number of issues which are of local significance to Cherwell District which need to be considered.

Options

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| Option One | To approve the document set out as appendix 1 for use as informal planning guidance in determining planning applications |
| Option Two | To approve the document for use as informal planning guidance, with amendments |
| Option Three | Not to approve the document for use as informal planning guidance. |

111 **Localism Bill 2010: Opportunities for Cherwell**

The Interim Chief Executive submitted a report which sought consideration of the opportunities and issues for the district which are created through the Localism Bill 2010.

The Chairman began by reminding Members that the Bill had been introduced as draft legislation and was unlikely to receive Royal Assent until late 2011 however it was useful for the Executive to consider the content of the Bill.

Members considered the six key principles of the Bill and agreed that officers should be requested to draft a letter from the Leader on behalf of the council to Tony Baldry MP outlining the issues and questions the Executive had raised during the course of the discussion.

Resolved

- (1) That the contents of the Localism Bill 2010 be noted.
- (2) That officers be requested to provide update briefings to the Executive as the Bill continues on its legislative passage and to draft a letter from the Leader of the Council to Tony Baldry MP highlighting the points raised by the Executive.
- (3) That officers be requested to bring forward any opportunities for pilot projects as and when they arise including any legal, risk and financial implications.

Reasons

The Localism Bill provides many potential opportunities for Cherwell District Council to develop localism and to work towards 'The Big Society'. Due to the way the Bill has been introduced it is inevitable the clauses will be subject to much amendment during its legislative passage and therefore may change quite dramatically from the analysis which is set out above, therefore a further report will be produced following the bill receiving Royal Assent.

Additionally, whilst the Bill contains many proposals aimed at enhancing democracy, these come at a real cost both in terms of the staffing resource to

administer them but also in terms of budgets for instance the cost for a district wide referendum is estimated to be in excess of £150,000.

Options

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| Option One | To agree the recommendations |
| Option Two | Not to agree the recommendations |
| Option Three | To amend the recommendations |

112 **Car Park Order Notice**

The Head of Safer Communities, Urban and Rural Services submitted a report which advised Members of any objections to the Cherwell District Council (Off-Street Parking Places) (Banbury, Bicester and Kidlington) Order advertised on 13 January 2011 and sought authority to make the Order subject to any objections received.

The Portfolio Holder Safer Communities, Urban and Rural advised Executive that one objection had been received relating to the introduction of charges for blue badge holders.

Resolved

- (1) That the objections to the Order be received.
- (2) That formal Order Making on final proposals for implementation on, or as soon after, 4 April 2011 as is practicable be authorised.

Reasons

A range of car parking proposals have been considered as part of service planning for 2011/12, and through the budget preparation process. These proposals, if adopted, would be introduced on or as soon after 4 April 2011 as is practicable as ticket machines, information boards, highways direction signage and access all need to be considered to enable implementation.

Options

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| Option One | Consider and deal with any objections to the Cherwell District Council (Off-Street Parking Places) (Banbury, Bicester and Kidlington) Order |
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113 **Concessionary Travel and Community Transport**

The Head of Housing Services submitted a report which updated the Executive on changes to the Concessionary Travel Scheme and their implications, following the statutory transfer of the administrative responsibility for the scheme to Oxfordshire County Council from 1 April 2011. The report

also updated the Executive on the effects of these changes on the Community Transport (Dial a Ride) scheme, the risks facing the scheme in the future, and the course of action that officers are taking to mitigate as far as possible any adverse effects.

Resolved

- (1) That the change in statutory responsibility for the Concessionary Travel Scheme to the Oxfordshire County Council (“the County Council”) from 1 April 2011, including the changes made to the scheme by the County Council, and the effects on Dial a Ride services provided by Banbury Community Transport Association (BCTA) be noted.
- (2) That the County Council’s delegation of its functions under section 145[2] of the Transport Act 2000 [duty to issue concessionary passes] and associated powers, to Cherwell District Council for the period up to 31 March 2012 the costs of which are to be met by the County Council be accepted.
- (3) That the Head of Housing Services in consultation with the Head of Legal and Democratic Services be authorised to negotiate and complete an Agency Agreement with the County Council under section 101 of the Local Government Act 1972 and section 19 of the Local Government Act 2000 that gives effect to the rights and responsibilities referred to in [2] above.
- (4) That the further examination and development of the alternative proposals within the Cherwell District for longer term community transport provision be approved and the cost implications noted:
- (5) That the County Council be requested to undertake a County Wide review of community transport and related services in the light of the effects of the changes in the Concessionary Travel Scheme and from future funding of Community Transport, the results of which are to be reported back to the Executive.

Reasons

Service Continuity – Following the announcement by way of Statutory Order of the transfer of the Concessionary Fare Scheme to the County Council there is a real need to inform customers of the service of the changes and ensure that the service continues seamlessly. The continued interim provision of the service on behalf of the County Council by Cherwell District Council for a year, will allow the County Council to fully prepare for a seamless transfer of the service delivery of the scheme on 1 April 2012.

Effects on Community Transport – Despite the overall beneficial effects of the extension of travel passes to Dial a Ride services even after the effects of the withdrawal of further travel tokens from 1 April 2011, the risk of potential reductions in the grants from Cherwell District Council and Oxfordshire County Council in the future, represent a major service continuity risk for community transport in the Cherwell District. As a contingency a number of potential options need to be developed to try and mitigate any effects on community transport in the future.

Options

- Option One** Accept the recommendations contained in this report, thereby allowing interim arrangements for service continuity and the consideration of the future role of community transport within the Cherwell District. This is the option advised by officers.
- Option Two** Accept the service continuity arrangements for 2011/12, but not to endorse the potential development of future community transport arrangements.
- Option Three** Not to accept the service continuity arrangements for 2011/12, but to endorse the potential development of future community transport arrangements.
- Option Four** Not to accept the recommendations in this report.

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Performance Management Framework 2010/11 Third Quarter Performance Report

The Interim Chief Executive and the Corporate Strategy and Performance Manager submitted a report which covered the Council's performance for the period 1 October to 31 December 2010 as measured through the Performance Management Framework.

Resolved

- (1) That the following achievements be noted:

Cherwell: A District of Opportunity

- The Council's job club programme is ongoing with a number of workshops held including interview skills coaching, a redundancy seminar and young people's specialist training including retail apprenticeships.
- The Council's apprenticeships programme has seen success with NVQs in Business and Administration completed. The programme has been extended until September 2011.
- Affordable Housing: performance is currently on track with 40 units delivered and plans in place to deliver additional units, including extra care housing for older people.
- Temporary Accommodation: numbers of households in temporary accommodation remain low with 24 at the end of December 2010.

A Cleaner Greener Cherwell

- Litter: after inspections 97% of land was found to have litter at acceptable low levels, strong performance against a target of 95%.
- Recycling: currently performance exceeding target and is projected to be at 58% by the end of the year.

A Safe and Healthy Cherwell

- Activities for older people: participation rates have continued to improve with 630 additional people taking part in group activities.
- The Community Safety Partnership is reporting a reduction in serious acquisitive crime (theft of and from cars, burglary - dwelling and robbery) of 23% in comparison to last year (data provided by Thames Valley Police).
- Private sector funding has been achieved for radios to support Street Wardens in their work.

An Accessible Value for Money Council

- Reducing the Council's costs by £800,000 in 2010/11: as of 31st December the target has been met and the savings have been reflected in the Council's draft budget for 2011/12.
- Providing More Services Online: there are currently more than 80 transactional services available on the Council's website. The consultation portal has also seen increasing availability of consultation activities including the draft budget for 2011/12.
- The Council's outreach workers have a programme of visits to venues where hour hardest to reach customers are likely to be. The venues include supermarkets, doctors' surgeries and community events.
- Next Steps sessions (careers advice) have been offered as surgeries at all the Council's link points, helping to improve access to partners' services.

(2) That officers be requested to report in the final quarter on the following item where performance was below target or there are emerging issues:

- Strategic Risks: given the significant changes facing the Council in terms of reducing budgets and shared management the Extended Management Team will be reviewing the strategic

risks facing the Council. An update on this review will be brought forward to the next quarter report.

- (3) That the responses identified to issues raised in the quarter two performance report be agreed.

Reasons

The Performance Management Framework allows Councillors to monitor the progress made in delivering our objectives and to take action when performance is not satisfactory or new issues arise.

Options

Option One

1. To note the many achievements referred to in paragraph 1.3.
2. To request that officers report in the third quarter on the items identified in paragraph 1.4 where performance was below target or there are emerging issues.
3. To agree the responses identified to issues raised in the quarter two performance report in paragraph 2.1 or to request additional action or information.

Option Two

To identify any additional issues for further consideration or review.

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2010/11 Projected Revenue & Capital Outturn at 31 December 2010

The Head of Finance submitted a report which summarised the Council's Revenue and Capital performance for the first 9 months of the financial year 2010/11 and projections for the full 2010/11 period. These are measured by the budget monitoring function and reported via the Performance Management Framework (PMF) informing the 2010/11 budget process currently underway.

The report also considered progress against the 2010/11 Corporate Procurement Action Plan which contributes to the council's annual efficiency target.

Resolved

- (1) That the projected revenue & capital position at December 2010 be noted.
- (2) That the changes in the 2010/11 capital programme as detailed in 3 – 7 below be approved.

- (3) That an additional £2,072K of project funding into the 2011/12 capital programme be slipped and that this be considered as part of the 2011/12 budget process.
- (4) That the supplementary estimate of £45,000 for implementing the changes due to car parking proposals be approved.
- (5) That the contents and the progress against the Corporate Procurement action Plan and the Procurement savings achieved at December 2010 be noted.
- (6) That the transfer of projected service underspends to reserves to facilitate the funding of SNC joint working implementation costs and replenishment of the planning control reserve be approved.
- (7) That the transfer of the windfall interest received in respect of the Councils VAT Fleming case to the Organisational change reserve be approved.

Reasons

This report illustrates the Council's performance against the 2010/11 Revenue and Capital Budget and includes the latest update against the 2010/11 Corporate Procurement Action Plan.

Options

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

Draft Budget 2011-12

The Head of Finance submitted a report which provided the third and final opportunity for the Executive to shape and refine the interaction between corporate service plans and financial matters before the final budget is presented to full Council on 21 February 2011.

The first draft was reported to the December 6 2010 Executive meeting and a second draft to the January 10 2011 Executive meeting. The information has now been updated to reflect changes since then and, subject to any further changes Members may wish to include tonight, this final draft will be used to prepare a final budget proposal to be presented to full Council on 21 February 2011.

Resolved

- (1) That the changes to the draft budget since 10 January 2011 and consider the draft revenue budget as set out in the annex to the

minutes (as set out in the minute book) in the context of the Council's service objectives and strategic priorities be approved.

- (2) That the surplus of £9,149 be transferred to general fund balances to enable a balanced budget be approved.
- (3) That a Council tax freeze be recommended to full Council.
- (4) That authority be delegated to the Head of Finance, in consultation with the Portfolio Holder for Resources and Communication, to amend the contributions to or from general fund balances to allow the Council Tax increase to remain at the level recommended by Executive to full Council following the announcement of the final settlement figures.
- (5) That the proposed 2011/12 capital programme as set out in the annex to the minutes (as set out in the minute book) be agreed.
- (6) That the review of earmarked revenue reserves undertaken by the Portfolio Holder of Resources and Communication be noted and the re-allocation between various earmarked reserves and creation of 2 new reserves be approved as set out in the annex to these minutes (as set out in the minute book).
- (7) That the draft corporate plan and public pledges as set out in the annex to these minutes (as set out in the minute book) be endorsed and that authority be delegated to the interim Chief Executive in consultation with the Leader of the Council to make any minor amendments to the plan or pledges as required.
- (8) That the 2011/12 Corporate Improvement Plan as set out in the annex to these minutes (as set out in the minute book) be noted.
- (9) That it be noted that the latest MTFS financial forecast is currently being refreshed and will be part of the budget book.
- (10) That officers be requested to produce the formal 2011/12 budget book on the basis of Appendices 1-4 to the report and attached as annexes to these minutes (as set out in the minute book).
- (11) That the updated Draft Budget 2011/12 be recommended for adoption by the Council on 21 February 2011 (as a key decision).

Reasons

The Council is required to produce a balanced budget for 2011/12 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.

Options

Option One To review draft revenue and capital budget to date and consider actions arising.

Option Two

To approve or reject the recommendations above or request that Officers provide additional information.

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Population and Household Projections for Cherwell and Key Implications for the Local Development Framework

The Head of Planning Policy and Economic Development submitted a report which outlined for Members the updated population and household projections for Cherwell and sought consideration of the implications in terms of proposed changes to the Local Development Framework procedures and the consideration of a locally determined level of growth for the district.

The Executive acknowledged that the preparation of a Local Development Framework (LDF) was a statutory requirement but some Members were concerned about the population and household projections that had been proposed. Members commented that it was imperative that the correct figure was included in the LDF and raised concerns about the assumptions that had been made in reaching the recommended figure of 12,750 which was based on nil net migration. Members queried why the nil net migration scenario had been chosen over the other scenarios and questioned its validity and the household occupancy assumptions.

Members requested that officers provide further information in response to their concerns and agreed that further consideration of the item should be deferred to the March meeting.

Resolved

- (1) That consideration of the item 'Population and Household Projections for Cherwell and Key Implications for the Local Development Framework' be deferred to the March 2011 Executive meeting.

The meeting ended at 9.25 pm

Chairman:

Date: