

## CHERWELL DISTRICT COUNCIL

### THE EXECUTIVE

Record of the decisions taken at the meeting of the Executive held at Bodicote House, Bodicote, Banbury on 5 January 2004 at 6.30 pm.

Present: Councillor Reynolds (Executive Leader) - (Policy) (Chairman)

Councillor Blackwell (Development), Councillor Bolster (Environment), Councillor A Fulljames (Housing), Councillor Gasson (Resources), Councillor Macnamara (Community Planning, Corporate Strategy and IT), Councillor L Stratford (Recreation), Councillor Wood (Best Value and Performance).

Officers: G J Handley (Chief Executive), G Simcox (District Treasurer), C R Baynes (Head of Corporate Services), A Jones (Head of Planning and Development Services), I Davies (Head of Leisure Services), Mrs E Edwards (Head of Environmental Services), D Marriott (Property and Technical Services Manager), D Knight (Assistant District Treasurer), Mrs P Wilkinson (Principal Solicitor), Mrs P Jones (Revenue Services Manager) A Eastman (Principal Committee Administrator).

### RECOMMENDATIONS

#### PART I : MATTERS NOT OF AN EXEMPT OR CONFIDENTIAL NATURE

#### E.147/03 COUNCIL TAX DISCOUNTS FROM 1 APRIL 2004

The District Treasurer submitted a report concerning Part 6 of the Local Government Act 2003, which gave billing authorities the discretion to vary the nationally set 50% discounts currently awarded for second homes and long term empty dwellings, and to create new locally defined discounts. Such changes were effective from 20 December 2003 to allow billing authorities to include any discount changes in the adoption of its tax base for 2004/05, with any such changes to be made by resolution of the full Council.

#### RECOMMENDED

- (1) that the discount awarded for second homes, as specified in Regulations 4 and 5 of the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 be reduced to 10%;
- (2) that the discount for long term empty dwellings, as specified in Regulation 7 of the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 be removed; and
- (3) that the District Treasurer be instructed to bring forward for approval, in accordance with Section 13A of the Local Government Finance Act 1992, a scheme for allowing a local discount to be given where a dwelling is severely affected by flooding.

REASONS - to produce additional income for this Council, the County Council and the Police Authority, and to encourage owners of long term empty dwellings to bring them back into the housing market.

OPTIONS REJECTED - none.

**E.148/03 COUNCIL TAX BASE FOR 2004/05**

The District Treasurer submitted a report which referred to the statutory requirement to determine the Council Tax Base for 2004/05, and which, together with further supporting information tabled at the meeting, set out in detail the calculation as to how this should be achieved, having regard to the Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended).

It was noted that, whereas in the past, the law required the Council Tax Base to be determined by the full Council, this was no longer the case, and it was up to each local authority to make its own arrangements in this respect. For 2004/05, it was planned to leave the normal procedure unchanged. Therefore, the calculation of the tax base, in accordance with sections 32 to 37 of the Local Government Finance Act 1992 (as amended), required the approval of the Executive and to be adopted by the full Council.

**RECOMMENDED**

- (1) that the report of the District Treasurer, made pursuant to the Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended) and the calculations referred to therein be approved for the purposes of the Regulations;
- (2) that, consequently, in accordance with the Regulations, as amended, the amount calculated by Cherwell District Council as its Council Tax Base for the year 2004/05 shall be 47,260;
- (3) that the tax base for part of the area be in accordance with the figures shown in column 13 of Appendix 2 of the further supporting information tabled at the meeting;
- (4) that for future years, commencing with the year 2005/06, the setting of the tax base be delegated to the Executive, and that the Council be invited to authorise an appropriate amendment to the Constitution.

REASONS - in accordance with statutory requirements.

OPTIONS REJECTED - none.

**E.149/03 REVIEW OF LEISURE SERVICES GRANT AID SCHEMES AND POLICIES**

The Head of Leisure Services submitted a report inviting the Executive to review the Council's current grant aid schemes and policies relating to its leisure services.

It was proposed that the current nine grant aid schemes be rationalised to four, as follows:-

- Village Hall, Recreation and Sports Facilities
- Countryside and Nature Conservation
- Arts and Community Initiatives
- Bursaries

The principal policy changes proposed were as follows:-

- Greater emphasis on leisure participation, with specific output and outcomes to be outlined within grant aid applications.

- The expectation of partnership working and other funding generation for the benefit of the Cherwell District.
- Greater emphasis on safety and risk management as a condition of award.
- Professional arts input into play scheme activities to be an essential component of grant award.
- Realignment of the current policy/corporate grant aid to Community Associations through virement and inclusion within the community initiative proposals
- A single bursary scheme to manage more effectively the annually varying levels of demand between the types of bursary award.
- Introduction of an arts grant scheme for a small number of core funded organisations delivering specific activities, eg related to community safety, health etc.
- Greater professional input to and quality control of planting schemes.
- Generally lower amounts and percentage awards relating to total project costs as a consequence of diminishing budgets against increasing demand.

**RECOMMENDED** (as a key decision)

(1) that the current Leisure Services grant schemes be reconfigured into the following four main schemes:-

- Village Halls, Recreation and Sports Facilities Grant Scheme
- Countryside and Nature Conservation Grant Scheme
- Arts and Community Initiatives Grant Scheme
- Bursaries Grant Scheme

(2) that the principal policy changes outlined above be agreed.

**RESOLVED** that the Recreation Portfolio Holder be authorised to agree the precise details of each scheme.

REASONS -

- (a) to create a smaller number of schemes which are more easily promoted and understood by local groups;
- (b) to adjust to local circumstances regarding Council priorities, high levels of demand and limited resources;
- (c) to finalise the specific details of each of the four proposed schemes within the parameters outlined in the report.

OPTIONS REJECTED - none.

E.150/03 **ADDRESSING MEETINGS**

The Chief Administration Officer submitted a report inviting the Executive to consider an amendment to the Constitution in order to clarify the Council's policy regarding allowing persons to address meetings of the Council and its Committees and Sub-

Committees, when the item in question dealt with matters containing, or likely to contain, exempt information.

**RECOMMENDED** that the Constitution be amended so that the wording set out below is added to paragraph 10.14 of the Council Procedure Rules, which sets out the circumstances where the right to address meetings does not apply:-

*"Instances where the meeting in question resolves (or where during previous consideration it has been resolved) that consideration of the matter in question involves the likely disclosure of exempt information as identified in Part I of Schedule 12A of the Local Government Act 1972."*

REASONS - in order to clarify a particular aspect of Council policy, which is currently, open to interpretation

OPTIONS REJECTED - none.

**PART II : MATTERS CONTAINING EXEMPT INFORMATION**

# EXEMPT

E.151/03 **BRADLEY ARCADE, BANBURY - REFURBISHMENT SCHEME**

(Paragraphs 8 and 9)

Further to Minute E.45/01, the Property and Technical Services Manager submitted a report inviting the Executive to approve a supplementary capital estimate to enable the final account for the Bradley Arcade refurbishment scheme construction contract to be settled and paid.

It was noted that, as the Council had already approved supplementary estimates during the current financial year which exceeded £500,000 in total, it was necessary under Financial Procedure Rule 68 for this supplementary estimate to be approved by Council.

**RECOMMENDED** that a supplementary capital estimate in the sum of £164,500 be approved in order to enable the final account for the Bradley Arcade Refurbishment Scheme to be settled.

REASONS - to enable settlement of the final account.

OPTIONS REJECTED - none.

**(Note:** this matter did not appear on the agenda for the meeting but, in accordance with the provisions of the Local Government (Access to Information) Act 1985 it was added to the agenda as a late urgent item with the approval of the Chairman, having regard to the need to progress the matter with a view to a recommendation being submitted to the next scheduled meeting of the Council.)

## RESOLUTIONS

### PART I : MATTERS NOT OF AN EXEMPT OR CONFIDENTIAL NATURE

#### E.152/03 RECORD OF DECISIONS

The Record of Decisions of the meetings of the Executive held on 1 December and 15 December 2003 were approved as correct records and signed by the Chairman.

#### E.153/03 LARGE SCALE VOLUNTARY TRANSFER (LSVT) OF THE HOUSING STOCK - UPDATE

Further to Minute E.130/03, the Chief Executive submitted a report updating the Executive on progress of the LSVT of the Council's housing stock.

The report outlined the difficulties that had arisen concerning the legal capacity and ability of Charter Community Housing to undertake the full range of duties under Service Level Agreements at a time when they would be undertaking a significant refurbishment programme. It was proposed therefore to limit the work that Charter would undertake for the Council under Service Level Agreements to a range of property maintenance and Emergency Plan Services.

It was hoped that negotiations on the whole transfer process would be substantially concluded within the next few weeks so as to enable a recommendation to be made to the Council Meeting on 26 January, when the Council would need to give necessary delegated authority to enable an application for transfer to be made to the Office of the Deputy Prime Minister, with a view to completion of the transfer on 8 March 2004.

#### RESOLVED

- (1) that the report be noted, and that the Chief Executive be authorised, in consultation with the Housing Portfolio Holder, to implement arrangements for the continuing delivery of existing District Council services which are not able to be dealt with by means of Service Level Agreements with Charter Community Housing and, accordingly, to approve an exception to Contract Procedure Rules in accordance with Rule 3.1; and
- (2) that it be noted that there may be a need for a special meeting of the Executive on 26 January.

REASONS - to enable Officers to proceed with the LSVT programme in accordance with Council policy.

OPTIONS REJECTED - none.

#### E.154/03 ANNUAL REVIEW OF COUNCIL TAX AND BUSINESS RATES DISCRETIONARY POWERS

The District Treasurer submitted a report concerning the discretionary powers contained within the Council Tax, Housing Benefit and Business Rates legislation, all of which were reviewed annually.

#### RESOLVED

- (1) that the existing instalment payment dates of the first of the month for all Council Tax and Business Ratepayers, with the option of the eighteenth of the month for Council Tax direct debit payers, be retained;
- (2) that it be noted that a recommendation is no longer required with regard to a special instalment scheme under the discretionary powers provided by Schedule 1 (Part II) of the Council Tax (Administration and Enforcement) Regulations 1992;
- (3) that reduction for early lump sum payments, as provided for by Regulation 25 of the Council Tax (Administration and Enforcement) Regulations 1992, be not offered;
- (4) that reductions to encourage taxpayers to use particular methods of payment, as provided for by Regulation 26 of the Council Tax (Administration and Enforcement) Regulations 1992, be not offered;
- (5) that the local scheme disregarding the whole of any War Widows Pension and War Disablement Pension be continued in its present format;
- (6) that the present practice of awarding 100% rate relief to charity shops, village halls, community centres and premises used for scouting and other youth groups be continued;
- (7) that the present practice of awarding discretionary rural rate relief to the category of properties listed in Annex 2 to the District Treasurer's report be continued.

REASONS - as set out in the District Treasurer's report.

OPTIONS REJECTED - none.

#### E.155/03 **LSVT VAT SHARING AGREEMENT - CONTRACT PROCEDURES**

Further to Minute E.84/03, under which approval in principle had been given to entering into a VAT shelter arrangement and sharing agreement with Charter Community Housing, the District Treasurer submitted a progress report.

**RESOLVED** that an exception to Contract Procedure Rules be approved and, subject to an appropriate opinion being obtained from Counsel, a development agreement be entered into with Charter Community Housing for the refurbishment of its housing stock.

REASONS - one of the key elements in the proposed VAT arrangements is that Charter acquires the properties at a price inclusive of the refurbishment works and the Council takes on the responsibility for undertaking the works, which it contracts to Charter, who in turn will employ contractors to actually carry out the work. Subject to Counsel's opinion there will not be a tendering process, which would require an exemption being made to Contract Procedures.

OPTIONS REJECTED - none.

#### E.156/03 **AFFORDABLE HOUSING - CODE OF PRACTICE**

Further to Minute E.133/03, the Head of Planning and Development Services submitted a report inviting the Executive to consider how to proceed with the Code

of Practice on Affordable Housing that had been published for consultation purposes in September 2003.

**RESOLVED** that the Council reviews its Local Plan policies on Affordable Housing and revises its draft Code of Practice as soon as new Government guidance is published, or at the meeting of the Executive on 5 April 2004, whichever is the sooner.

REASONS - the Council's Affordable Housing negotiations need to be based on policies that are up to date and consistent with latest Government advice.

OPTIONS REJECTED - none.

#### E.157/03 **LEISURE SERVICES - EXTERNAL FUNDING PLAN**

The Head of Leisure Services submitted a report inviting the Executive to consider an External Funding Plan for the Council's Leisure Services.

It was noted that the Plan's primary purpose was to increase the benefit of the Council's Leisure Services through development using external funding, and was also intended to support external organisations more effectively in their search for further funding.

In considering the Plan, Members endorsed the view that maximum benefit should be gained wherever possible from the use of Section 106 Planning Agreements.

**RESOLVED** (as a key decision) that the External Funding Plan submitted with the above-mentioned report be agreed, subject to consideration of the Plan by the Community Select Committee, and that the Head of Leisure Services be authorised (in consultation with the Recreation Portfolio Holder) to agree any changes of a minor nature suggested by the Select Committee.

REASONS - to provide the maximum chance of securing external funding, and thus improved leisure opportunities for the residents of the District.

OPTIONS REJECTED - none.

#### E.158/03 **MODERNISATION OF THE COUNCIL'S SPORTS CENTRES**

The Head of Leisure Services submitted a report on the progress to date in developing proposals for the modernisation of the Council's Sports Centres.

It was noted that such modernisation was now one of the Council's Medium Term Plan priorities, with a £10m total allocation made in the draft Capital Programmes to 2006/07. The outline timeframe was as follows:-

- further feasibility, preparation and research - 2004
- decisions on way forward - late 2004
- design preparations, tendering and contract negotiation - 2005
- first phase build programme - 2006
- second phase build programme - 2007

**RESOLVED**

- (1) that the progress to date be noted;
- (2) that the approach taken regarding identifying essential requirements and possible additional options for each site be supported; and
- (3) that the matter be referred to the Community Select Committee for further detailed consideration when draft proposals for each site have been developed.

REASONS - to ensure that proposals taken forward take into account the views of the public and the Community Select Committee, and are affordable and deliverable.

OPTIONS REJECTED - none.

**E.159/03 FIRST ANNUAL REVIEW OF THE POLICY STATEMENT AND ACTION PLAN FOR CHERWELL'S OLD PEOPLE TO 2006**

The Chief Executive submitted a report on the first annual review of the Council's policy statement and action plan for Cherwell's Old People to 2006.

**RESOLVED** that the first annual review document be agreed, without amendment.

REASONS - to ensure that the Council's policies and actions for improving the quality of life of older people are being implemented and kept under review to ensure that they are still relevant.

OPTIONS REJECTED - none.

**E.160/03 FORWARD PLAN - FEBRUARY TO MAY 2004**

The Executive received the draft Forward Plan which, in accordance with the Constitution, had been prepared by the Executive Leader to cover the period from February to May 2004.

**RESOLVED** that the draft Forward Plan for the period February to May 2004 be approved, subject to the Affordable Housing Strategy being added to the list of key decisions for April.

REASONS - to meet the Council's statutory responsibilities.

OPTIONS REJECTED - none.

**E.161/03 REDEVELOPMENT OF GARTH HOUSE, BICESTER**

The Executive Leader and the Chief Executive submitted a joint report inviting the Executive to consider the outcome of the feasibility exercise for the redevelopment of Garth House, Bicester, and to consider the question of the Council making a contribution towards the redevelopment of the property as a community, civic and cultural venue.

It was noted that an initial costing exercise had revealed an £8m project requirement, and assumed that key partners in such a venture would be the County, District and Town Councils, the Citizens Advice Bureau, and the Akeman Project, with such bodies potentially attracting funding from Government initiatives, lottery, major donors, grant giving trusts, corporate sources and community fund raising.

**RESOLVED**

- (1) that it be agreed in principle to make available £1m as a contribution from this Council towards the redevelopment of Garth House, subject to further details regarding the overall project costs, funding and facility/service proposals;
- (2) that an appropriate addition be made to the draft Medium Term Plan and Financial Strategy and three-year capital programme; and
- (3) that Bicester Town Council be asked to keep this Council fully updated on the redevelopment proposals.

REASONS - a redevelopment of Garth House as proposed would create a valuable civic and cultural venue for Bicester.

OPTIONS REJECTED - none.

**(Notes:**

- (1) Councillors Bolster and L Stratford both declared a personal (non-prejudicial) interest in this matter, as Members of Bicester Town Council. They remained in the meeting and participated in the debate, but refrained from voting.
- (2) This matter did not appear on the agenda for the meeting but, in accordance with the provisions of the Local Government (Access to Information) Act 1985 it was added to the agenda as a late urgent item with the approval of the Chairman, having regard to the need to progress the matter prior to the next scheduled meeting of the Executive, and to enable an appropriate addition to be made to the draft Medium Term Plan and Financial Strategy and three-year capital programme.)

**E.162/03 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that, pursuant to Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting whilst the item in Minute E. 151/03 above and the following items are considered on the grounds that they involve the likely disclosure of exempt information as identified by the numbered paragraphs of Part I of Schedule 12A of the Act set out separately in each of the Minutes.

**PART II : MATTERS CONTAINING EXEMPT INFORMATION**

# EXEMPT

**E.163/03 OFFICE STATIONERY CONTRACT**

(Paragraphs 7, 8 and 9)

The Chief Administration Officer reported that the contract for the supply of office stationery and related items with Lyreco UK Limited was due to expire on 2 July 2004, and he invited the Executive to consider extending the contract and to approve an appropriate exception to Contract Procedure Rules.

**RESOLVED**

- (1) that the contract with Lyreco UK Limited for the supply of office stationery and related items be extended for a further period of two years on the existing terms and conditions following the expiry of the current contract on 2 July 2004;
- (2) that an exception to the Council's Contract Procedure Rules be approved accordingly.

REASONS – to ensure that office stationery and related items are supplied in time and in accordance with the requirements for the contract specification, which the current contractor is achieving to the Council's complete satisfaction.

OPTIONS REJECTED - none.

**E.164/03 PROPOSED INVESTMENT IN PROPERTY - APPOINTMENT OF INVESTMENT CONSULTANTS**

(Paragraph 9)

The Property and Technical Services Manager reported that, as part of the Medium Term Financial Plan, the Council proposed to invest up to £15m in property assets in order to improve its investment return. It was, therefore, appropriate to retain a firm to advise the Council, and to negotiate the purchase of suitable investment properties. He submitted a list of firms which it was proposed, should be invited to tender for this service.

**RESOLVED**

- (1) that, in accordance with the Contract Procedure Rules on open tendering, and in view of the specialised nature of the service required, tenders be invited from the firms identified in the Property and Technical Services Manager's report, for the appointment of property investment consultancy services to the Council;
- (2) that authority to appoint property investment advisors be delegated to the District Treasurer and the Property and Technical Services Manager in consultation with the Executive Leader and the Development Portfolio Holder, based on the tenders received.

REASONS - as stated above.

OPTIONS REJECTED - none.

# EXEMPT

**(Note:** Councillor Gasson declared a personal and prejudicial interest in one of the firms listed in the above mentioned report, and withdrew from the meeting during the discussion and voting thereon.)

E.165/03 **END OF MEETING**

The meeting ended at 8.00 pm.