

## CHERWELL DISTRICT COUNCIL

### THE EXECUTIVE

Record of the decisions taken at the meeting of the Executive held at Bodicote House, Bodicote, Banbury, on 7 February 2005 at 6.30 pm.

Present: Councillor Wood (Executive Leader) – (Policy and Community Planning) (Chairman)

Councillor Bolster (Recreation), Councillor A Fulljames (Property and Regeneration Schemes), Councillor Gasson (Resources), Councillor Hallchurch (IT), Councillor Hughes (Performance Improvement and Management), Councillor Macnamara (Housing), Councillor Mallon (Environment) and Councillor Reynolds (Development).

By virtue of Executive Procedure Rule 2.2(d) – Councillor Hornsby-Smith.

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), M Whitfield (Head of ICT), Mrs A Davies (Corporate and Housing Services Manager), D Knight (Assistant District Treasurer), Mrs P Wilkinson (Principal Solicitor), A Eastman (Principal Committee Administrator).

### RECOMMENDATIONS

#### **MATTERS NOT OF AN EXEMPT OR CONFIDENTIAL NATURE**

#### **E.134/04 DRAFT ESTIMATES 2005/06 AND THREE YEAR FINANCIAL FORECAST**

Further to Minute E.95/04, the District Treasurer submitted a comprehensive report on the above, following consideration of the draft estimates and the three year financial forecast by the three Select Committees. Revised details of growth bids and a summary of the changes from the draft budget presented to the Executive on 6 December were also tabled.

The Executive felt that the draft budget to be presented to the Council Meeting on 28 February should represent a Council Tax increase of £4 for 'Band D' properties, which equated to an increase of slightly below 3.8% as against the 6% increase originally proposed.

The Executive also noted the Labour Group's proposed amendments to the draft budget. The Executive Leader undertook to discuss these with the Labour Group Leader prior to the Council Meeting.

**RECOMMENDED** (as a key decision) that the draft estimates, incorporating the detailed amendments as now submitted, but with a £4 increase in Council Tax, be approved.

**REASONS** – the budget will form the financial expression of the Council's service delivery plans and the allocation of resources to achieve corporate priorities. There is a statutory requirement for the Council to set a balanced budget by 11 March, and consideration of the draft estimates is an important part of that process.

OPTIONS REJECTED – none.

**(Note:** Councillor Reynolds declared a personal and prejudicial interest in this matter insofar as it related to the Spiceball Park Sports Centre and Banbury Museum, where his wife was an employee. He withdrew from the meeting during the consideration of the item.)

E.135/04 **HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2005/06**

The Head of Environmental Services submitted a report inviting the Executive to consider the draft Health and Safety Law Enforcement Plan for 2005/06.

**RECOMMENDED** (as a key decision) that the Health and Safety Law Enforcement Plan for 2005/06 (as submitted with the above-mentioned report) be endorsed.

REASONS – to demonstrate the Council's commitment to its statutory duties in respect of Health and Safety Law Enforcement.

OPTIONS REJECTED – none.

E.136/04 **FOOD LAW ENFORCEMENT SERVICE PLAN 2005/06**

The Head of Environmental Services submitted a report inviting the Executive to consider the draft Food Law Enforcement Service Plan for 2005/06.

**RECOMMENDED** (as a key decision) that the Food Law Enforcement Service Plan for 2005/06 (as submitted with the above-mentioned report) be endorsed.

REASONS – to demonstrate the Council's commitment to its statutory duties in respect of Food Safety Law Enforcement.

OPTIONS REJECTED – none.

E.137/04 **CALENDAR OF MEETINGS 2005/06**

The Chief Administration Officer submitted a report on the draft Calendar of Meetings for 2005/06.

**RECOMMENDED** that the draft Calendar of Meetings for 2005/06 be approved, subject to the January 2006 meeting of the Executive being moved from 3 to 9 January.

**RESOLVED** that the provisional dates in the draft Calendar to end of December 2006 be noted, and be confirmed or altered as part of the 2006/07 Calendar of Meetings.

REASONS – having regard to the Council's decision making and overview and scrutiny requirements.

OPTIONS REJECTED – none.

## RESOLUTIONS

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

#### E.138/04 **RECORD OF DECISIONS**

The Record of Decisions of the meetings of the Executive held on 4 January and 17 January 2005 were approved as correct records and signed by the Chairman.

#### E.139/04 **ANNUAL AUDIT AND INSPECTION LETTER – REPORT BACK FROM THE RESOURCES SELECT COMMITTEE**

Further to Minute E.91/04, the Chief Executive and the District Treasurer submitted a joint report on the consideration given by the Resources Select Committee to the District Auditor's Annual Audit and Inspection Letter 2003/04.

It was noted that the Select Committee, at its meeting on 13 January 2005, had approved an action plan (attached as Annex 1 to the above-mentioned report) to implement the recommendations contained in the Letter (subject to two actions which had been completed between receipt of the letter and the meeting of the Committee). The Select Committee had also considered progress on the action plan relating to the Annual Audit and Inspection Letter 2002/03. The original plan had contained 30 actions, of which 12 had been completed. A copy of the updated and revised plan, containing the remaining 18 actions, was attached as Annex 2 to the above-mentioned report.

#### **RESOLVED**

- (1) that the action plan for 2003/04, and the revised action plan for 2002/03 (as set out in Annexes 1 and 2 respectively to the above-mentioned report) be approved;
- (2) that the Resources Select Committee, in its role as the Audit Committee, be asked to monitor progress on the action plans half-yearly (July and January), reporting back to the Executive in February 2006.

REASONS – the Annual Audit and Inspection Letters from the Council's external auditors contain important recommendations, and it is essential that there are action plans to effect any necessary changes, with regular monitoring.

OPTIONS REJECTED – none.

#### E.140/04 **BUDGET CONSULTATION**

Prior to consideration of the draft estimates for 2005/06 (as referred to in Minute E.134/04, the Executive received a report of the Chief Executive on the outcome of the public consultation on the budget.

It was noted that a questionnaire had been included in the Winter 2004 issue of Cherwell Link as part of an explanatory article on the Council's budget. The responses received were summarised in the report.

**RESOLVED** that the responses to the questionnaire be accepted, and taken into account when determining the draft budgets for 2005/06, 2006/07 and 2007/08.

REASONS – ODPM good practice guidance is to consult with the public on Council Tax setting and to apply the outcomes to the decision making process.

OPTIONS REJECTED – none.

**E.141/04 DRAFT HOUSING STRATEGY 2005-2011**

The Chief Executive submitted the draft Housing Strategy 2005-2011 for the Executive's consideration, prior to formal consultation with all relevant partners and stakeholders (including the relevant Select Committees) during February and March 2005.

**RESOLVED**

- (1) that the draft Housing Strategy 2005-2011 be received, and that the priorities, targets and actions therein be agreed for consultation purposes;
- (2) that it be noted that no material amendments, additions or deletions have been proposed by the Government Office for the South East;
- (3) that the draft document be approved as a basis upon which formal consultation will take place during February and March 2005;
- (4) that the Chief Executive be authorised, in consultation with the Housing Portfolio Holder to undertake formal consultation with relevant partners and stakeholders, including relevant Select Committees;
- (5) that it be noted that the final draft of the Housing Strategy 2005-2011 will be brought back to the Executive on 4 April 2005 for consideration of feedback from the consultation process and approval of a final draft for presentation to the Council on 18 April;
- (6) that the following targets be included in the draft document:-
  - (a) to build a minimum of 600 new affordable homes in Cherwell by 2011 with an aspiration to build 960 in the same period;
  - (b) to designate the Council's £7m capital for new affordable homes, generated by the transfer of Council homes, as a recyclable 'guarantee fund' to forward fund emerging future affordable housing schemes with a view to seeking alternative funding once a scheme has been 'worked up';
  - (c) to top up the 'guarantee fund' from the proceeds of future Right to Buy sales, recognising that alternative funding may not always be secured for every scheme brought forward by the fund;
  - (d) to work with the Housing Corporation and the Council's selected partner Registered Social Landlords to bring forward future affordable schemes in Cherwell utilising the 'guarantee fund' if appropriate;
  - (e) to maximise Social Housing Grant from Government (through the Housing Corporation) to fund new affordable housing in Cherwell, in partnership with Registered Social Landlords.

REASONS – the Council must agree a timetable for developing a new Housing Strategy that will achieve the Government's 'Fit for Purpose' standard. The Strategy should be based on sound data on needs and stock condition. Arising from CPA, the Council is required to respond with an improvement plan across all areas covered, including balancing housing markets.

OPTIONS REJECTED – none.

**E.142/04 ARDLEY CONSERVATION AREA – DRAFT CONSERVATION APPRAISAL**

Further to the Head of Planning and Development Services' report circulated with the agenda, he confirmed that the draft Ardley Conservation Area Appraisal had been approved for public consultation by the Executive at its meeting on 3 November 2003 (Minute E.110/03 refers), and that steps would now be taken to carry out public consultation on the proposed Conservation Area.

**RESOLVED**

- (1) that the position be noted;
- (2) that the Head of Planning and Development Services be authorised, in consultation with the Development Portfolio Holder to make any further editorial or presentational changes that may be necessary before the document is published for consultation purposes.

REASONS – in compliance with Sections 69 and 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

OPTIONS REJECTED – none.

**E.143/04 COUNCIL TAX LEAFLET/PERFORMANCE SUMMARY**

The Executive considered a report of the Chief Executive concerning the Council Tax leaflet/performance plan summary, suggesting that the format of the Council Tax budget leaflet for 2005/06 be the same as in 2004/05, with the content updated, focussing on the Community Plan, Medium Term Plan, CPA results and other matters of significance.

**RESOLVED**

- (1) that the format of the leaflet produced in 2004/05 be retained, with the content updated as suggested;
- (2) that the Chief Executive be given delegated authority, in consultation with the Portfolio Holders for Policy and Community Planning and Resources, to agree the final content of the leaflet.

REASONS – in order to comply with statutory requirements and Government guidance, and to provide Council Tax payers with information on the Council's past performance and plans for the future.

OPTIONS REJECTED – none.

**E.144/04 RETAINED COUNCIL HOUSING RENT LEVELS FOR 2005/06 AND BEYOND**

The Chief Executive and the District Treasurer submitted a joint report inviting the Executive to set rent levels for 2005/06 for Homelessness and Shared Ownership properties retained by the Council, and to consider granting the Corporate and Housing Services Manager delegated authority to set the rent levels in future years.

**RESOLVED**

- (1) that rent level increases be approved for Homelessness and Shared Ownership properties in line with the Council's policy with effect from 1 April 2005 based on a 52 week rent year as follows:-

a dwelling rent rise of 3.0% plus £2 per week for all properties (unless that would take the new rent above the projected rent restructuring target rent at 31 March 2012, in which case the 31 March 2012 target rent will apply);

- (2) that the Corporate and Housing Services Manager be given delegated authority to set the rent levels in future years in line with Council policy, and that the Responsibility for Functions part of the Constitution be amended accordingly.

REASONS – to allow 28 days notice of rent increase to be served on licensees in homeless accommodation and Shared Ownership leaseholders. As the rent levels are set in accordance with a defined formula and Council policy, it is appropriate that this function be delegated in future to the Corporate and Housing Services Manager.

OPTIONS REJECTED – none.

**E.145/04 FORWARD PLAN – MARCH TO JUNE 2005**

The Executive received the draft Forward Plan which, in accordance with the Constitution, had been prepared for the Executive Leader to cover the period from March to June 2005.

**RESOLVED** that the draft Forward Plan for the period March to June 2005 be endorsed, subject to the May meeting of the Executive being held on the reserve date of 16 May rather than 3 May (owing to the County Council elections, and possible General Election on 5 May).

REASONS – to meet the Council's statutory responsibilities.

OPTIONS REJECTED – none.

**E.146/04 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 following items are considered on the grounds that they involve the likely disclosure of exempt information as identified by the numbered paragraphs of Part 1 of Schedule 12A of the Act set out in the following minutes

**PART II: MATTERS CONTAINING EXEMPT INFORMATION**

# EXEMPT

**E.147/04 122 MILL STREET, KIDLINGTON**

(Paragraph 9)

The Property and Technical Services Manager submitted a report inviting the Executive to consider the future use of the above mentioned property comprising a shop with living accommodation to the rear and above, the lease of which had expired on 30 July 2004.

**RESOLVED** that, as soon as vacant possession of the property has been secured, the freehold be offered for sale on the open market, and that authority to approve the sale terms be delegated to the Property and Technical Services Manager, in consultation with the Property and Regeneration Schemes Portfolio Holder.

REASONS – value of the freehold interest is considered to be greater than the value of this property to the Council as an investment, and consequently the sale of the Council's freehold interest is considered to be the most appropriate way forward.

OPTIONS REJECTED – none.

**E.148/04 PUBLIC OPEN SPACES AT KINGS END FARM ESTATE, BICESTER**

(Paragraph 9)

The Property and Technical Services Manager reported that the Property and Regeneration Schemes Portfolio Holder had resolved that the Council seek to purchase the freehold of public open spaces at Kings End Farm Estate, Bicester, at a public auction to be held on 15 February 2005, subject to the Council's bid for the land not exceeding the amount referred to in the Financial Appendix to these minutes, containing exempt information. He submitted a further report inviting the Executive to approve virement from the Canal Bridges Scheme within the Recreation Portfolio capital programme, in order to finance the Council's bid.

**RESOLVED**

- (1) that the virement from the Canal Bridges Scheme be agreed for this purpose, subject to the amount thereof and the maximum Council bid at the auction not exceeding the amount specified in the Financial Appendix to these minutes, containing exempt information;
- (2) that, pursuant to Paragraph 16 of the Overview and Scrutiny Rules, it be confirmed that this is an urgent decision which is not subject to call-in, owing to the proximity of the auction date on 15 February 2005.

REASONS – it is now apparent that it is not possible at this time to pursue the Canal Bridges Scheme in the form originally envisaged when that scheme was approved, and consequently the funding may be made available for this alternative proposal.

However, the Canal Bridges capital budget will be reimbursed in the event that the Council acquires the land in question and Bicester Town Council fund the acquisition cost. There are considerable benefits to this Council and the Town Council if the said land is brought into public ownership.

OPTIONS REJECTED – none.

# EXEMPT

**(Notes:**

- (a) Councillor Bolster declared a personal (non-prejudicial) interest in this matter as he was a resident of the Kings End Farm Estate. He asked that it be recorded that he abstained from voting on this matter;
- (b) 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, was added as an urgent item with the approval of the Chairman, owing to the proximity of the auction date on 15 February 2005.)

**E.149/04 EXTENSION OF CASH COLLECTION CONTRACT**

(Paragraphs 7, 8 and 9)

The District Treasurer reported that the Council's current contract for cash collection services, with Securicor Limited, would expire on 31 March 2005, but included the ability to negotiate an extension for a period of up to three years provided that certain specified conditions were met.

**RESOLVED**

- (1) that, subject to resolution (2) below, a three year extension of the existing cash collection contract with Securicor Limited be approved;
- (2) that the District Treasurer be authorised, in consultation with the Resources Portfolio Holder, to negotiated satisfactory terms and conditions with Securicor Limited for the extension of the contract, and that an exception to the Contract Procedure Rules be approved accordingly.

REASONS – having regard to the general lack of interest when the contract was originally tendered in June 2002, and to the generally satisfactory service received from the current contractor.

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 as an urgent item with the approval of the Chairman, having regard to the expiry date of the current contract.)

**E.150/04 END OF MEETING**

The meeting ended at 8.20 pm.

**NOT FOR PUBLICATION**

**FINANCIAL APPENDIX**

E.148/0 **PUBLIC OPEN SPACES AT KINGS END FARM ESTATE, BICESTER**  
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The Property and Regeneration Schemes Portfolio Holder had agreed (under decision PRS.8) that the Council's bid for the land in question should not exceed £20,000. However, the Executive (with the concurrence of the Property and Regeneration Schemes Portfolio Holder) resolved that this amount should be increased to a maximum of £25,000 and, consequently, that should be the amount to be vired for that purpose from the Canal Bridges Scheme.

(Not for publication as this appendix contains exempt information of the description contained in Paragraph 9 of Part I of Schedule 12A of the Local Government Act 1972.)