

## URGENT BUSINESS AND SUPPLEMENTARY INFORMATION

**Council**

**8 December 2010**

| Agenda Item Number | Page           | Title   |
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| 7.                 | (Pages 1 - 48) | Minutes |

*If you need any further information about the meeting please contact James Doble, Legal and Democratic Services [james.doble@cherwell-dc.gov.uk](mailto:james.doble@cherwell-dc.gov.uk), (01295) 221587*

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## **Council Minute Book**

**Wednesday, 8th December, 2010**

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## Cherwell District Council

### Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 11 October 2010 at 6.30 pm

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

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

Also Present: Councillor Nicholas Mawer  
Councillor Daniel Sames

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  
Richard Hawtin, Team Leader Property & Contracts  
Tony Brummell, Head of Building Control & Engineering Services  
David Marriott, Head of Regeneration & Estates  
Ed Potter, Head of Environmental Services  
Pat Simpson, Head of Customer Services & Information Systems  
James Doble, Democratic, Scrutiny and Elections Manager

## 50 Declarations of Interest

Members declared interests with regard to the following agenda items:

### **9. Flood and Water Management Act 2010 and Implications for Local Service Delivery.**

Councillor Norman Bolster, Personal, as a County Councillor due to the County Council becoming responsible for the service.

Councillor Michael Gibbard, Personal, as a County Councillor due to the County Council becoming responsible for the service.

Councillor G A Reynolds, Personal, as a County Councillor due to the County Council becoming responsible for the service.

Councillor Nicholas Turner, Personal, as a County Councillor due to the County Council becoming responsible for the service.

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

There were no petitions or requests to address the meeting.

52 **Urgent Business**

There were no items of urgent business.

53 **Minutes**

The minutes of the meeting held on 6 September 2010 were agreed as a correct record and signed by the Chairman.

54 **Business Case for a shared management team between Cherwell District Council and South Northamptonshire Council**

The Portfolio Holder for Resources and Communications, Leader of Council and Chief Executive submitted a report to consider the business case for a shared management team between Cherwell District Council and South Northamptonshire Council. In the course of discussion it was noted that the Council meeting to consider the business case would now be on 8 December 2010, additionally it was proposed that there should be competitive recruitment to the role of Chief Executive and an IT working group be convened to look at IT integration issues.

**Resolved**

- (1) That the outcome of the Extraordinary Joint Meeting of Resources and Performance Scrutiny Board and Overview and Scrutiny Committee on 6<sup>th</sup> October at which both Committees considered the business case and the comments received during the consultation with unions and staff at both councils be noted.
- (2) That Council be recommended to approve the business case (and the fifteen specific recommendations included in it) for a shared management team between Cherwell District Council and South Northamptonshire Council, at its meeting on 8 December 2010.
- (3) That in light of the concerns from the Overview and Scrutiny Committee and Resources and Performance Scrutiny Board about arrangements for the appointment of the shared Chief Executive and the commitment in the business case to competitive recruitment to the shared roles, the Joint Working Group be asked to consider mechanisms for an open recruitment process to this role and

recommend the best way forward to both the Cherwell Executive and South Northamptonshire Cabinet.

- (4) That in light of the concerns from the joint Overview and Scrutiny meeting that a joint IT working group be convened to look at the issues of technology integration, costs and savings that would be required should a shared management team be agreed.

### **Reasons**

The business case proposes a shared senior management team of twelve posts, with three further posts to be shared at this stage. Putting these shared posts in place will deliver an ongoing annual saving of £686,000 to this council, adding up to £3.430m over the next 5 years.

The implementation costs associated with achieving this annual saving of £686,000 will vary depending on which staff leave the two organisations and therefore a range of costs have been estimated in the draft business case. The lowest cost estimate is £817,000. The middle case (as used in the business case) is £1.384m and the highest cost estimate is £1.693m.

The Joint Working Group has recommended that, regardless of which staff in which organisations are made redundant, the costs will be split on a 60:40 basis, with Cherwell District Council picking up 60% of the costs. Both District Auditors have agreed with this approach 'in principle' and we will be able to report further at the meeting by which time the two Heads of Finance will have had another meeting with the District Auditors.

The expected overall pay back period for Cherwell District Council is 1.21 years, working on average one-off costs. This will improve to 0.71 years if one-off costs prove to be our best case costs or drop back to 1.48 years if we face the worst case one-off costs.

The business case is based on a maximum of 30 weeks redundancy compensation being given at both councils. This is currently not the practice at South Northamptonshire Council and the business case states that if either council awards, at their discretion, redundancy compensation exceeding 30 weeks then that council will be responsible for covering that additional cost.

The business case also identifies the possibility for further savings elsewhere in the organisations if a joint management team structure is put in place. Indicatively it sets out the level of additional savings if costs in the next tier of management were reduced by 15%, 20% and 25%.

If 20% reductions were identified in the next tier of management, as a result of the opportunities to work more closely once the senior management team were in place, this would equate to an approximate further ongoing annual saving for Cherwell District Council of 392,000 (or £1.960m over 5 years).

These savings would be in addition bring the total annual saving to potentially £1.078m per year, subject to further business cases which would explore the costs and benefits of services on a case by case basis.

## **Options**

### **Option One**

Not to recommend the business case to full Council. However, the financial benefits are clear and the risks of delivery appear to be manageable. If this case was not to be recommended to full Council the £3.430m saving generated directly by the business case would have to be found from making cuts to the council's own management team, from out-/in-sourcing a range of corporate services and almost certainly from cuts to other services, in light of the greater difficulty and time required in securing these alternative savings. Future savings of the type identified in the business case would also be foregone.

55

## **Bicester Town Centre Redevelopment - Compulsory Purchase order**

The Head of Regeneration and Estates submitted a report to seek approval to the draft compulsory purchase order, and to refer it to Council for approval on 18 October 2010

### **Resolved**

- (1) That Council be recommended to resolve to make a compulsory purchase order in respect of the land shown coloured pink and in respect of new rights in relation to the land shown coloured blue on the plan at annex 1 to the minutes (as set out in the minute book).

### **Reasons**

Since the Council resolution on 19 July, the developer (Town Centre Retail (Bicester) Limited) has continued with its efforts to acquire outstanding land interests by agreement. Whilst some further progress has been made with such acquisitions, a number of interests remain to be acquired – thus the present recommendation to Council to formally authorise a CPO.

The making of the CPO does not mean that negotiations for the acquisition by agreement of the outstanding land interests will cease. During the CPO process the developer will continue to try and acquire these interests by agreement, if it is possible to do so on reasonable terms.

When the Council has resolved to make the CPO, the order will be published, and interested parties will be notified. There will then be a three week period within which any objections must be made. If no objections are received, the order may be confirmed by the Council itself. In the event that an objection is made by parties who have a legal interest in the affected properties, it will be necessary to ask the Secretary of State to hold a public Inquiry to consider the objections. In this event it is likely to be at least nine months before the outcome of the inquiry is known.



## **Options**

### **Option One**

To proceed with the making of the CPO.

### **Option Two**

To delay while negotiations continue, although that may well result in delay in delivering the scheme

56

## **Response to Formula Grant Consultation**

The Portfolio Holder for Resources and Communications, Leader and Chief Executive submitted a report containing the Council's response to the Government's Consultation Paper on Formula Grant distribution which included the transfer of funding for concessionary travel to upper tier authorities. A revised response to questions 18 and 19 was circulated at the meeting and adopted.

### **Resolved**

- (1) That the contents of the report and response to the consultation set out in annex 2 to the minutes (as set out in the minute book) be agreed.
- (2) That the Council continue to lobby to minimise the financial implications of the transfer of funding for concessionary travel to upper tier authorities.

### **Reasons**

The consultation for proposed changes to the Formula Grant was released on 28 July 2010 with a deadline for responses of 6 October 2010. The proposed settlement is normally issued in late November/early December. The settlement will be based on the resources agreed in the Spending Review which is due to be published on 20 October 2010.

57

## **Flood and Water Management Act 2010 and Implications for Local Service Delivery**

The Strategic Director Planning, Housing and Economy submitted a report to consider arrangements being put in place locally to implement the Flood and Water Management Act 2010 and to facilitate essential, consequential, decisions about Council services and staffing (land drainage element of the engineering function). Members noted the significant contribution the Head of Building Control and Engineering Services and his team had made to the district both in terms of knowledge and the delivery of benefits to the community.

### **Resolved**

- (1) That the implications of the Flood and Water Management Act (FWMA) be noted.

- (2) That the County Council as Lead Local Flood Authority (LLFA) be informed that, for the reasons set out in the report, it is unable to take up their offer of a formal, but unfunded, agency agreement that would allow Cherwell District Council (CDC) to operate on behalf of the LLFA in Cherwell.
- (3) That the County Council be informed that CDC will not be in a position to maintain its existing in house land drainage staff expertise and information systems under the terms of the new arrangements and that the district councils "duty to co operate with the LLFA" included in the Act will implemented solely through:
- Local Planning Authority (LPA) consultation on planning policy and development control
  - Provision of any local information or knowledge currently collated or coming to hand in the future
  - Potentially, consideration of making an offer of capital funding contributions towards flood defence works required for the District (these to be planned, designed and implemented by the LLFA and the bodies responsible for main rivers)

All other work on land drainage and flooding will cease.

- (4) That the Strategic Director Planning Housing and Economy be instructed to report to Personnel Committee on, and implement, the necessary staffing changes arising from these decisions on the FWMA and also from earlier changes to the workload of Cherwell's engineering service.
- (5) That work with the County Council be initiated to provide public and partner information to explain the rearrangement of functions, and new local responsibilities and contacts under the FWMA.

## **Reasons**

New statutory arrangements for the local authority role in managing flood risk and responding to flooding problems and issues are included in the Flood and Water Management Act 2010 (FWMA). It is expected the relevant provisions of the Act will be fully enacted from 1 April 2011. The County Council will become the LLFA for Cherwell and will receive additional financial resources in its Government grant settlement to perform this function. District Councils will no longer have an independent statutory role in this field of activity. They will still have a duty to co operate with the LLFA (e.g. in respect of planning powers or provision of local information), and, potentially some concurrent powers to take action to enforce riparian (watercourse) owner responsibilities or implement land drainage works that fit with the policies and priorities of the LLFA.

## **Options**

- Option 1** To decline the County Council's Agency offer and direct all future service requests to the LLFA

**Option 2** To make 2011/2 budget provision for an Agency (growth item).

58

### **Self Service Payment at LinkPoint Offices**

The Head of Customer Service and Information Systems submitted a report to seek Executive approval and funding for a new approach for taking payments in the LinkPoint offices, moving from PayPoint terminals to Self Serve Payment Kiosks, in order to achieve savings and improve customer service.

#### **Resolved**

- (1) That the Council relinquish PayPoint agent status and discontinue taking payments using Paypoint terminals, but retain PayPoint client status to enable the public to pay council bills at other Paypoint Agents
- (2) That agreement be given to stop the facility to deposit cheque payments at the LinkPoint offices and receive cheque payments only by post
- (3) That agreement be given to a supplementary capital estimate of up to £100,000 for the purchase of automated payment kiosks and their introduction into LinkPoint offices
- (4) That agreement be given to reduce the Customer Service Advisor establishment by 3 Full Time Equivalents after successful transition to the new arrangements

#### **Reasons**

The outcome of a recent review into the payments service has identified the introduction of self-service payment kiosks as an alternative that will help address most of the operational issues. Although requiring capital funding of up to £100,000, these will allow for the reduction in the staff establishment of 3 FTE (from existing vacancies) and provide a return on investment within two years.

#### **Options**

##### **Option One To continue to use PayPoint and seek to introduce improvements**

There are significant operational difficulties in using PayPoint. We are advised that their product is retail-based and not designed specifically for Local Government use, therefore specific requirements and enhancements we have looked at cannot be supported.

There are high operating costs and issues with customer satisfaction that cannot be improved easily.

This option is not recommended

##### **Option Two Create four dedicated cashiering roles at the "specialist" level.**

Dedicated cashier roles would undermine the improvements made in developing a flexible cross-discipline workforce. An

extra burden would also be placed on rota and absence management.

The LinkPoint offices are no longer set up with a designated cashier point.

This option is not recommended

**Option Three Withdraw payment processing completely and direct our customers to other retail PayPoint Agents.**

Other Agents would benefit from increased commission revenue and possible secondary spend. As an example, Oxford City Council no longer has cash offices and has confirmed that they no longer take any cash payments at all. They refer their customers to local PayPoint agents.

The report “Delivering Value for Money in Local Government: Meeting the challenge of CSR7” cites High Peak Council as an example of good practice in this area, when they stopped taking cash and cheques at their offices and directed customers to local PayZone agents.

The Council would be able to reduce the Advisor establishment by at least 3 FTE. There would also be further savings on the costs of collecting money from LinkPoint offices each day (approx £20,000 per year)

This option is not recommended as the Council has committed to continued cash payments

**Option Four Cease being a PayPoint Agent and implement Self Service payment kiosks.**

Ceasing to be a PayPoint agent but retaining client status will still allow our customers to pay council bills at any PayPoint agent, supporting the strategy to help local businesses.

These machines process cash (give change), cheques and card payments, provide receipts, read barcodes and can give basic account information – balances etc.

A one off investment of up to £100,000 can be recouped by directly reducing the resource within Customer Service. Given the amount of time spent handling payments, a reduction in 3 FTE would not impact the service delivery – i.e. would make available the same resource to deliver all services other than cash handling.

It is suggested that resources are reduced permanently two months after implementation, using them in the interim to help through the transitional period.

59 **Waste & Recycling Service**

The Head of Environmental Services submitted a report which presented further improvements to the Waste & Recycling scheme following the

successful implementation of food waste recycling service. Members praised the work of the Head of Environmental Services for their continued work and high performance particularly with regard to Waste electrical and electronic equipment WEEE.

### **Resolved**

- (1) That the proposed Waste and Recycling Service Efficiencies set out in annex 3 to the minutes (as set out in the minute book) be agreed
- (2) That a supplementary capital estimate of up to £130,000 for the acquisition of a glass collection vehicle be approved
- (3) That the proposed Recycling Initiatives and Service Developments set out in annex 4 to the minutes (as set out in the minute book) be agreed
- (4) That the changes in practice regarding the types of bins provided be agreed
- (5) That the reduction in waste to landfill and the rise in customer satisfaction levels of the waste and recycling service be noted.

### **Reasons**

The waste & recycling service is seen as a high priority service by residents. Both overall performance & customer satisfaction are high. However it is important that the service continues to deliver value for money into the future by reducing the cost of delivery and increasing the performance of the service. The proposals in this report seek to achieve this.

### **Options**

- |                     |   |
|---------------------|---|
| <b>Option One</b>   | Approve the supplementary capital estimate and agree the changes in container practices and other service developments.   |
| <b>Option Two</b>   | Re-tender the glass collection service and try and seek reduced costs. However the last tender had only four tenders and the current supplier was significantly cheaper than all the other tenders.                       |
| <b>Option Three</b> | Add glass to the blue bin and re-tender the dry recycling contract. This is likely to be cheaper than Option 2 but it is a more expensive option than Option 1 and would increase carbon emissions by around 1,000 tonnes |

60 **Award of Contract for the Supply of External Legal Advice Framework Contract to Oxfordshire Local Authorities**

The Head of Legal and Democratic Services submitted a report which sought to grant project approval and recommend the award of the external legal advice framework contract.

**Resolved**

- (1) That project approval be granted for and that the Council's entry into a framework contract arrangement under which legal services would be available from a panel of selected external solicitors, such arrangement to be put in place in conjunction with the other Oxfordshire authorities and other public sector bodies be authorised.
- (2) To authorise the award of the framework contract to:
  - Darbys Solicitors LLP
  - Blake Laphorn
  - Eversheds LLP
  - Trowers and Hamblins LLP
  - Freeth Cartwright LLP
  - Browne Jacobson LLP
  - Veale Wasbrough Vizards
  - Wragge and Co LLP

**Reasons**

Cherwell District Council had available to it a range of external legal services, from a number of firms of solicitors, through the use of a "call-off" contract put in place by all the Councils in Oxfordshire. This "call-off" contract expired at the end of July 2010 and has now been re-tendered.

**Options**

**Option One**                      To agree the Recommendations in this Report

**Option Two**                     To reject the Recommendations in this Report

61 **Service & Financial Planning Process and Budget Guidelines for 2011/12**

The Head of Finance and Corporate Strategy and Performance Manager submitted a report which informed the Executive of the service and financial planning process for 2011/12 and sought agreement of budget guidelines for issue to service managers to enable the production of the 2011/12 budget and update the Medium Term Financial Strategy for 2011/12 onwards.

**Resolved**

- (1) That the service and financial planning process for 2011/12 be noted

- (2) That the proposed budget guidelines and timetable for 2011/12 budget process be agreed.

### **Reasons**

Council will be asked to agree the 2011/12 budget and corporate plan (and the service plans that underpin delivery) at their meeting on 21<sup>st</sup> February 2011.

62

### **Value for Money Review of Housing**

The Strategic Director (Planning, Housing and Economy) submitted a report which presented the findings of the Value for Money (VFM) Review of housing and the recommendations arising from the report. Members requested that in implementing the conclusions of the review officers consider the possible resource implications of potential future changes to the housing benefit regime and report back on this as necessary.

### **Resolved**

- (1) That it be noted that the service has delivered £160,000 savings above the £500,000 savings target set in the previous VFM review, and that these have been delivered ahead of schedule
- (2) That the achievement of all other recommendations from the previous VFM review, save for those around process benchmarking, and ensure these are pursued during the remainder of 2010/11 to identify areas of greater efficiency be noted
- (3) That the overall conclusion of the review, that the service is now below average cost for housing strategy and private sector housing, and remains above average cost for homelessness due to local circumstances and activity rather than unnecessary spend be endorsed. In addition it be noted that the service has high performance in terms of lower use of temporary accommodation, delivery of affordable housing and responding to the recession. Also it be noted that the service is high quality in terms of high levels of user satisfaction
- (4) That further improvements in value for money be sought and the following recommendations be approved;
  1. Reduce and reconfigured staffing arrangements in line with the revised needs of the service to achieve savings of £60,000
  2. Review temporary accommodation contract management arrangements with Sanctuary Housing to achieve savings of £40,000 and improve contract performance

### **Reasons**

Housing was subject to a previous value for money review which reported to Executive on 12 May 2008. It was selected for a 'revisit' review during

2010/11 because high-level comparative budget information available through 2010/11 RA form analysis indicated it may still be comparatively expensive. A key element of the review was to better understand these comparative costs to verify the position of the service, and to identify any possible further savings.

The meeting ended at 8.20 pm

Chairman:

Date:



## 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

69

## **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**

- |                     |   |
|---------------------|---|
| <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.   |

70

### **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**

- |                     |   |
|---------------------|---|
| <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                      |

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## 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 exceeded 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 exceeded 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:

**COUNCIL MEETING –  
RECORD OF PORTFOLIO HOLDER DECISIONS  
SCHEDULE**

**October 2010 – December 2010**

| <b>Portfolio</b>                                | <b>Ref.</b> | <b>Decision Subject Matter</b>                   |
|---|-------------|--|
| <b>Community Safety, Street Scene and Rural</b> | a)          | Precautionary Salting (Gritting) Policy (Update) |

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## **Cherwell District Council**

### **Personnel Committee**

Minutes of a meeting of the Personnel Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 30 September 2010 at 6.30 pm

Present: Councillor Rick Atkinson (Vice-Chairman, in the Chair)

Councillor Russell Hurle  
Councillor George Parish  
Councillor G A Reynolds  
Councillor Chris Smithson  
Councillor Lawrie Stratford  
Councillor Rose Stratford  
Councillor Lynda Thirzie Smart  
Councillor Barry Wood

Substitute Members: Councillor Nicholas Turner (In place of Councillor Ken Atack)  
Councillor Luke Annaly (In place of Councillor Norman Bolster)

Apologies for absence: Councillor Victoria Irvine  
Councillor Ken Atack  
Councillor Norman Bolster

Officers: Mary Harpley, Chief Executive and Head of Paid Service  
AnneMarie Scott, Head of People and Improvement  
Stephanie Rew, HR Manager  
James Doble, Democratic, Scrutiny and Elections Manager

#### 12 **Declarations of Interest**

There were no declarations of interest.

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

There were no petitions or requests to address the meeting.

#### 14 **Urgent Business**

There was no urgent business.

15 **Minutes**

The minutes of the meetings held on 2 June 2010 were agreed as a correct record and signed by Chairman.

16 **Paternity Leave Policy Update**

The Head of People and Improvement submitted a report to consider the Council's policy in relation to paternity leave.

**Resolved**

- (1) That the Council's revised paternity leave be approved and the committee receive a further report in 12 months to monitor progress.

17 **Volunteers Policy**

The Head of People and Improvement submitted a report to consider the Council's policy in relation to volunteers.

**Resolved**

- (1) That the Council's revised volunteer policy be approved subject to the following amendments:
  - That photographic identity documents such as passports are checked when a CRB check is accepted by the council using the 12 month portability rule.
  - That volunteers working with vulnerable people be asked during the application process if they have undertaken a safeguarding and protecting course.
  - That the portability of CRB checks be accepted for 12 months in line with national guidance.

18 **Job Evaluation**

The Head of People and Improvement submitted a report which provided a detailed update in relation to the completion and implementation of the GLPC job evaluation scheme, and the implementation of a new pay structure and terms and conditions of employment into effect on 1 April 2010. The committee congratulated officers on the successful completion of the project.

**Resolved**

- (1) That the report be noted and the car user scheme approved subject to the inclusion of the revised HMRC mileage rate for mileage over 10,000 miles per annum.

19 **Staff Satisfaction Survey**

The Head of People and Improvement submitted a report which proposed a corporate action plan as a result of the outcomes of the second full comprehensive staff survey the Council undertook in March 2010.

**Resolved**

- (1) That the proposed corporate action plan in response to the MORI staff survey be agreed with the amendment that some way should be found of outlining to members which jobs and functions staff carry out.

20 **Employment Statistics Qtr 1 - 2010/2011**

The Head of People and Improvement submitted a report detailing employment statistics, by Directorate, for information and monitoring purposes.

**Resolved**

- (1) That the contents of the report be noted.

21 **Business Case from the Joint Working Group for a shared senior management team between South Northamptonshire Council and Cherwell District Council**

The Chief Executive submitted the Business Case from the South Northamptonshire Council and Cherwell District Council Joint Working Group for a shared senior management team between South Northamptonshire Council and Cherwell District Council, in order to appraise the committee of the human resources implications of the proposal.

**Resolved**

- (1) That the business case and the human resources implications be noted.

The meeting ended at 8.04 pm

Chairman:

Date:

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## Cherwell District Council

### Overview and Scrutiny Committee

Minutes of a meeting of the Overview and Scrutiny Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 26 October 2010 at 6.30 pm

Present: Councillor Daniel Sames (Chairman)

Councillor Ann Bonner  
Councillor Andrew Fulljames  
Councillor Alastair Milne Home  
Councillor Leslie F Sibley  
Councillor Trevor Stevens  
Councillor Keith Strangwood  
Councillor Lawrie Stratford

Substitute Members: Councillor Rose Stratford for Councillor Chris Smithson

Apologies for absence: Councillor Lynda Thirzie Smart  
Councillor Chris Smithson

Officers: Jenny Barker, Major Developments Team Leader  
Lisa Chaney, Urban Centres Development Officer  
Philip Clarke, Head of Planning Policy and Economic Development  
Bob Duxbury, Development Control Team Leader  
Linda Rand, Design & Conservation Team Leader  
Catherine Phythian, Senior Democratic and Scrutiny Officer

#### 25 **Declarations of Interest**

5. Kidlington Pedestrianisation ~ update.  
Councillor Trevor Stevens, Personal, as the owner of a business in Kidlington High Street that might be affected by the proposed pedestrianisation scheme.

6. Built Environment Conservation Area Policy Review.  
Councillor Lawrie Stratford, Personal, As a Board Member of Charter Community Housing.

Councillor Leslie F Sibley, Personal, As a Board Member of Charter Community Housing.

Councillor Rose Stratford, Personal, As a Board Member of Charter Community Housing.

26 **Urgent Business**

There was no urgent business.

27 **Minutes**

The minutes of the meeting held on 21 September 2010 were agreed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 20: Overview and Scrutiny Work Programme 2010/11

Civil Parking Enforcement and Banbury Resident's Parking

The Committee noted that the Executive report on this topic was on hold. They noted that when the issue of resident's parking was to go back to the consultation stage the Committee should be involved in the design and development of that consultation process.

The minutes of the meeting held on 6 October 2010 were agreed as a correct record and signed by the Chairman.

28 **Kidlington Pedestrianisation ~ update**

The Urban Centres Development Officer briefed the Committee on the current status of the Kidlington Pedestrianisation scheme. She explained that the scheme was subject to public consultation from 24 September to 5 November 2010 and that there had been a two day public exhibition and a preview evening for people who would be directly impacted by the proposals. To date the Council had received about 300 written responses from residents and traders and in general the feedback had been positive and supportive of the scheme. Some members of the Committee suggested that, on the basis of anecdotal evidence, not all of the High Street traders were in favour of the scheme. The Chairman said that if this was the case then those traders should be encouraged to submit a formal written response as part of the public consultation.

Members of the Committee commented on the experiences and lessons learnt from pedestrianisation of Sheep Street in Bicester and recommended that officers pay particular attention to provisions for "blue badge" holders, monitoring of the "no cycling" order and double yellow line parking enforcement.

The Committee noted that was no budget provision for the installation of a rising bollard and reiterated their earlier observation that the success of the pedestrianisation scheme would be limited without some form of physical barrier. They urged the project board to explore funding opportunities for the provision of a physical barrier.

## **Built Environment Conservation Area Policy Review**

The Head of Planning and Economic Development, the Design and Conservation Team Leader and the Team Leaders from Development Control and Major Developments were present at the meeting to answer the Committee's questions about the Council's policy and practice with regard to conservation areas.

### **Type and number of conservation areas**

The Committee noted that there were currently 59 conservation areas in the district, the majority of which were in rural villages but also included parts of the district's urban centres in Banbury, Bicester and Kidlington. The Design and Conservation Team Leader explained that there was a rolling review programme to update a number of conservation area appraisals each year but recent staffing and resource constraints meant that the rate of review had dropped to about six per year which meant that there was quite a long lead time between reviews. The Committee noted that it was possible to de-designate all or part of a conservation area and that the more recent appraisals included a management plan.

### **National legislation and local planning policy**

The Design and Conservation Team Leader summarised the main points of the current legislation and local planning policy as it applies to conservation areas and drew the Committee's attention to some recent changes in that PPS 5 Planning and the Historic Environment had replaced PPG 15 (Historic Environment) and PPG 16 (Archaeology). She explained that PPS 5 retained much of the essence of PPG 15 but placed greater emphasis on some areas. For example, PPS 5 introduces the concept of *heritage assets* which are not designated but which are of heritage interest and which could be applied to buildings on local heritage lists. The strength of protection that can be afforded to such heritage assets is at yet untested and will be developed through case law and precedent.

The Committee noted that PPS 5 encourages local authorities to make greater use of Article 4 Directions to protect the historic environment (HE4: Permitted Development and Article 4 Directions).

The Head of Planning and Economic Development explained that the government's proposals for changes to the national planning system were still under development. It was hoped that more information, particularly with regard to the Local Development Framework (LDF) would be available as part of the Localism Bill. In the meantime the Council would continue with the development of the LDF Core Strategy, which would be followed at a later stage by separate detailed policy statements on specific issues such as design guidance for house/flat conversions.

In discussion the Committee noted that there was an element of subjectivity in the interpretation of planning policy but they stressed the need for consistency in the Council's treatment of planning applications over time and across the officer team. Officers stressed that the decision making process and criteria were exactly the same regardless of whether a planning application was the subject of a delegated officer decision or a planning committee decision.

### **Procedures for the designation of conservation areas**

The Committee praised the Design and Conservation Team Leader for the quality of the documentation and publicity material produced for the designation of a conservation area.

### **Costs and charges**

The Committee discussed the cost of processing conservation area planning applications and considered the possibility of introducing charges for the support provided to such applications. The Team Leaders from Development Control and Major Developments explained that planning application fees were set nationally and the council had no authority or flexibility to amend the statutory charge. It was possible to introduce a charge for officer support at the pre-application stage and this had met with varying success in other local authorities. A proposal to introduce a pilot scheme at Cherwell had been included in the Planning value for money review and was to be considered by the Executive in November.

The Committee were advised that there was no scope for the Council to recover the costs of enforcement and prosecution other than the normal legal costs associated with a court appearance. The ability to issue fines and recover actual costs associated with planning enforcement cases would require a change to primary legislation. The Committee agreed that this was an issue that should be raised at the forthcoming visit to the Council by Jon Howell, member of parliament for Henley and a principal author of the government's proposals for reform of the planning system.

### **Relationships with local amenity groups**

The Head of Planning and Economic Development and the Design and Conservation Team Leader advised the Committee that in general the Council has a well-established relationship with local amenity groups and cited a number of examples of the Council working with local groups to safeguard buildings or conservation areas. The Committee was pleased to note the existence of such a constructive relationship.

### **Additional measures**

The Committee learnt that there were only a limited number of additional measures available to the Council to manage the built environment conservation areas. On-going measures equated to continuing with the programme to review existing conservation area appraisals and ensuring that wherever possible other council services, such as street cleaning, are deployed sympathetically in conservation areas. As a one-off exercise in 2010/11 the Council has allocated £100,000 to fund specific initiatives to improve the shop fronts in Parsons Street, Banbury and Market Square, Bicester and to undertake general environmental improvements in Grimsbury.

### **Additional measures**

The Committee learnt that there were only a limited number of additional measures available to the Council to manage the built environment conservation areas. On-going measures equated to continuing with the programme to review existing conservation area appraisals and ensuring that



wherever possible other council services, such as highway repairs by Oxfordshire County Council, are deployed sympathetically in conservation areas. As a one-off exercise in 2010/11 the Council has allocated £100,000 to fund specific initiatives to improve the shop fronts in Parsons Street, Banbury and Market Square, Bicester and to undertake general environmental improvements in Grimsbury.

The Council also has the option to make greater use of Article 4 Directions which can be introduced to remove specific permitted development rights in conservation areas. Cherwell currently has four Article 4 Directions (all pre-1980) in Kidlington, Mollington, Balscott and Wroxton. However, the Council has resisted the use of further Article 4 Directions as there is no scope to recover through application fees the costs that would be incurred in processing the additional applications generated.

In conclusion the Committee agreed to reflect on the information provided and to discuss the matter further at their December meeting when they would identify and agree any emerging conclusions.

30

### **Overview and Scrutiny Work Programme 2010 - 2011**

The Committee considered the report on the Overview and Scrutiny Work Programme 2010/11.

#### **Forward Plan**

The Committee agreed that there were no items on the Forward Plan for October 2010 to January 2011 which they wished to include on their work programme in 2010/11.

#### **Olympics London 2012 – A Cherwell Perspective**

The Committee noted the written update from the Portfolio Holder for Customer Services and ICT (with special responsibility for tourism) setting out the district's preparations for the London 2012 Olympics. They expressed some reservations about the cost and benefit of a further print run, albeit small, of the 2010 Legacy leaflet. They also suggested that the Council should focus its co-ordination and promotional activities on the sports clubs and organisations in the district.

#### **Secondary School Education Attainment Levels in Cherwell**

The Committee noted that Councillor Michael Waine, Cabinet Member for Schools Improvement at Oxfordshire County Council had accepted an invitation from the Chairman to attend a future meeting of the Committee. The Chairman said that he believed that education standards were an important issue for the Council to consider especially in the context of the ambition to create a district of opportunity. Members of the Committee agreed with the principle but questioned whether a local scrutiny review at district level would have any direct impact on a county council service. The Committee agreed to consider a detailed scoping document on this topic at their meeting in January 2011.

### **Future Meetings Schedule**

The Committee agreed that, because of the clash with the Chief Executive's farewell reception, the meeting scheduled for 14 December 2010 should be moved to Monday 6 December 2010. They agreed that the December meeting would focus on drawing together their conclusions and recommendations on the Built Environment Conservation Area Policy Review.

### **Resolved**

- (1) That the current Overview and Scrutiny Committee element of the work programme for 2010/11 be agreed.
- (2) That there were no items in the current version of the Forward Plan (October 2010 - January 2011) to be included on the work programme for 2010/11.
- (3) That the update regarding Olympics London 2012 be noted.
- (4) That a scoping document for a scrutiny review of Secondary School Education Attainment Levels in Cherwell should be included as an agenda item for the Overview and Scrutiny Committee meeting on 25 January 2011.
- (5) That the December meeting of the Overview and Scrutiny Committee meeting be changed to 6 December 2010.
- (6) That the agenda item for the 6 December 2010 meeting of the Overview and Scrutiny Committee be noted.

The meeting ended at 8.50 pm

Chairman:

Date:

## **Cherwell District Council**

### **Extraordinary Joint Meeting of the Overview and Scrutiny Committee and the Resources and Performance Scrutiny Board**

Minutes of an Extraordinary Joint Meeting of the Overview and Scrutiny Committee and the Resources and Performance Scrutiny Board held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 6 October 2010 at 6.30 pm

Present: Councillor Daniel Sames (Chairman)

Councillor Nicholas Mawer  
Councillor Rick Atkinson  
Councillor Ann Bonner  
Councillor Margaret Cullip  
Councillor John Donaldson  
Councillor Tim Emptage  
Councillor David Hughes  
Councillor Alastair Milne Home  
Councillor Chris Smithson  
Councillor Trevor Stevens  
Councillor Carol Steward  
Councillor Keith Strangwood  
Councillor Lawrie Stratford  
Councillor Lynda Thirzie Smart  
Councillor Douglas Webb  
Councillor Martin Weir

Also Present: Councillor Barry Wood  
Councillor James Macnamara  
Councillor Ken Attack

Apologies for absence: Councillor Alyas Ahmed  
Councillor Maurice Billington  
Councillor Nick Cotter  
Councillor Andrew Fulljames  
Councillor Neil Prestidge  
Councillor Patricia Tompson

Officers: Mary Harpley, Chief Executive and Head of Paid Service  
Karen Curtin, Head of Finance  
Stephanie Rew, HR Manager  
Natasha Clark, Senior Democratic and Scrutiny Officer  
Catherine Phythian, Senior Democratic and Scrutiny Officer

21 **Appointment of Chairman**

**Resolved**

That Councillor Sames be appointed Chairman for the meeting.

22 **Declarations of Interest**

There were no declarations of interest.

23 **Draft Business case for a Joint Management Team between South Northamptonshire Council and Cherwell District Council**

The Chairman welcomed the Leader of the Council, the Portfolio Holder Resources and Communication, the Portfolio Holder Performance Management, Improvement and Organisational Development, the Chief Executive, the Head of Finance and the Human Resources Manager to the meeting. He explained that this was an opportunity for members of the Overview and Scrutiny Committee and the Resources and Performance Scrutiny Board to consider the draft business case for a Joint Management Team between South Northamptonshire Council and Cherwell District Council.

The Portfolio Holder Resources and Communication gave a presentation on the Joint Working Group which had been formed to oversee the development and delivery of the detailed business case for the creation of a shared single management team. The Portfolio Holder Resources and Communication who had been the Vice-Chairman of the Joint Working Group explained that it had comprised Members of Cherwell District Council and South Northamptonshire Council and been supported by officers from both authorities.

The presentation included an overview of the common challenges facing both Councils and opportunities that could be achieved through the proposed arrangement, the lessons that had been learnt from meeting with other Councils who had already entered shared management arrangements, the Joint Working Group's proposal and how it fitted with Cherwell District Council's Medium Term Financial Strategy.

In response to Members' questions the Portfolio Holder Resources and Communication clarified that the proposal was not to merge the two Councils rather it was for two sovereign Councils to share a management team. He explained that the Joint Working Group had learnt that their recommended structure of 1 Chief Executive, 3 Directors and 8 Heads of Service tended to be the practice in other pairs of Councils with shared arrangements and worked well. The shared structure would eliminate duplication and encourage better working practices at both organisations as best practice, processes and efficiencies would be migrated.

Members expressed concerns about the capacity of a smaller management team to meet the demands of two Councils, particularly in terms of delivering key projects and potentially conflicting policies, and work cascading down the

organisation which may lead to additional costs. In response the Leader and Chief Executive explained that the Joint Working Group had sought to understand from other pairs of Councils with a shared management structure how the arrangement works in practice. The Joint Working Group had been convinced that while there was an extra layer of complexity, officers were able to manage and many welcomed the personal and professional challenges and opportunities presented by appointment to a shared post. The main point to note was that many of the issues facing the officers would be common to both Councils and so the work that previously would have been done just for one Council could now be applied to both (for example, researching and preparing a response to government on new policy consultation).

The Chief Executive explained that it would be critical for the shared structure to be designed in such a way that it was right for both Councils and supported each organisation's key projects. Additionally the delivery of key projects would be set as objectives for the shared Chief Executive and monitored as part of his/her appraisal process. In terms of officers working with potential conflicts between the policies of the two Councils, the Committee was advised that at some pairs of Councils Members had chosen to align policies although this was not necessary and the Joint Working Group had been assured that officers would be able to deliver different policies. With regard to the cascading of work throughout the organisation, it was acknowledged that this would not fully be ascertained until the shared management arrangements were implemented. The Committee noted the responses and commented that it was important that savings were not lost because costs were simply displaced and transferred to lower levels of the organisation.

Members of the Committee queried the challenges and opportunities for politicians and officers working across two counties. The Portfolio Holder Resources and Communications reported that there were already many variations of shared working arrangements in place, including cross boundary and cross party. The Chief Executive suggested that a significant challenge would include operating with different external partnerships and networks whilst the opportunities would include future savings, increased network opportunities and learning from each other and each others' partners. The Committee agreed that these opportunities should be maximised.

In response to Members' questions regarding the proposed schedule for implementation, the Leader and Portfolio Holder Resources and Communication explained that applying this timetable would yield greater savings and offer certainty to staff by moving forward at pace once the decision is made. Additionally it had been agreed that it was preferable to have the structure in place before the respective district elections in May 2011. The Leader confirmed that the departure of Cherwell District Council's Chief Executive in December should not affect the overall implementation timetable. There was, however, the possibility that some posts would not be filled internally and would have to be subject to external recruitment and this could cause delays.

Members of the Committee raised questions about the recruitment process and potential redundancies. The Chief Executive explained that the officers affected by the proposal would be offered the opportunity to express an

interest in voluntary redundancy which would be considered on a case by case basis by the Joint Personnel Committee.

The Committee was advised that a Joint Personnel Committee comprising elected Members from Cherwell District Council and South Northamptonshire Council would be responsible for recommending to each Council the appointment of the Head of Paid Service and appointing other shared posts. An external recruitment consultant would support the Joint Personnel Committee to ensure the recruitment process was fair and transparent. All of the shared posts would be appointed on new terms and conditions to be agreed by the Joint Personnel Committee. The Scrutiny Committees were satisfied with these proposals and emphasized the importance of all appointments being made on merit. However, Members raised concerns about the arrangements for the appointment of the shared Chief Executive in light of the announcement by the Cherwell District Council Chief Executive that she would be leaving in December 2010 and which meant that there would now be a 'field' of one.

The Portfolio Holder Resources and Communication clarified the dispute resolution process and review process that was included in the Section 113 Agreement that would be signed by both Councils. He explained that whilst some pairs of Councils with shared management arrangements had formal dates built in to review the success of the merger, the Joint Working Group had deemed this unnecessary as the Section 113 Agreement incorporated mechanisms to ensure ongoing review and monitoring and a dispute resolution process. Additionally, the terms of the Section 113 Agreement enabled either Council to give six months notice should they wish to end the arrangement. The Scrutiny Members noted the clarification but emphasized that further consideration should be given to ensure that neither Council would be disadvantaged in terms of key staff or projects should the arrangements cease.

In response to the scrutiny councillors' questions regarding potential savings beyond the senior management team, the Chief Executive explained that they were not included in the business case currently under consideration as this fell outside of the terms of reference of the Joint Working Group. The Scrutiny Members were advised that the Joint Working Group had learnt from other organisations that greater savings could be made by sharing services, however, each service area would be considered on a case by case basis and would need to be agreed independently by each Council. The Leader explained the Cherwell District Council and South Northamptonshire Council shared management arrangements would not preclude either organisation from working with other partners.

The Leader reminded Members that Cherwell District Council had already implemented an extensive change programme and reduced the budget by £5m over the previous 3 years. It was felt that it would be difficult to streamline the Cherwell management team further and despite the current Cherwell Chief Executive having announced that she would be leaving in December 2010, Cherwell should still proceed with the proposals for a merger with South Northamptonshire Council due to the great benefits it offered. He acknowledged that there was an element of taking a 'leap of faith' but this was based on constructive evidence and a sound business case. Should the

proposal not be accepted, the alternative options for Cherwell District Council would be to reduce the extended management team, outsource/insource corporate services and continue to explore the possibility of shared management arrangements with other councils. He suggested Aylesbury Vale District Council as a possible alternative partner. He stressed that some form of merged or shared management was essential as it was evident that it presents the best means of saving money.

The members of the Overview and Scrutiny Committee and the Resources and Performance Scrutiny Board acknowledged the comments of the Leader, the Portfolio Holder Resources and Communication and the Chief Executive and agreed the business case represented the best opportunity for Cherwell District Council to make the savings required.

## **Resolved**

- (1) That the draft business case for a shared management team between South Northamptonshire Council and Cherwell District Council be noted and endorsed.
- (2) That the Executive be advised to take into account the following comments and observations in its consideration of the draft business case:
  - a) Structure
    - i. Need to create opportunities to maximise the efficiency of business processes.
    - ii. Need to ensure that the challenges of cross county working are addressed and that the opportunities are maximised.
    - iii. Need to ensure that the staff and public are given explanations regarding concerns about the capacity demands of the shared officer posts.
  - b) Costs and Savings
    - i. Need to ensure that the costs are simply not displaced and transferred lower down the organisational structure.
    - ii. Noted that this business case represents the best opportunity for Cherwell District Council to make savings.
  - c) Pace of change
    - i. Acknowledged that due time and consideration had been given to the development of the business case.
    - ii. Endorsed the proposed timescale for implementation.
    - iii. Proposed that these points needed to be explained and presented to staff and the public to address any concerns.
  - d) Section 113 Agreement
    - i. Noted that the Agreement included the option for either Council to withdraw from the arrangement but emphasized that further consideration was needed with regard to ensuring that neither council would be disadvantaged in terms of key staff or projects.
    - ii. Proposed that the Agreement should have adequate procedures in place for the resolution of disputes and for the monitoring of the arrangement.

- e) Recruitment Process
  - i. Applauded the decision to use external recruitment consultants to ensure that the appointment process would be fair and transparent.
  - ii. Emphasized the importance of all appointments being merit based, in particular, the need for competition at tier one
  - iii. Proposed that further consideration should be given to the arrangements for the appointment of the Chief Executive amid concerns about a 'field of one'.

24 **Feedback from the Consultation on the draft Business Case for a Shared Management Team between South Northamptonshire Council and Cherwell District Council**

The Chairman explained that this part of the meeting was for the scrutiny Committees to consider the feedback from the consultation on the draft Business Case for a Shared Management Team between South Northamptonshire Council and Cherwell District Council which had taken place between 21 September and 4 October 2010.

The Chief Executive reported that formal responses had been received from both the Councils' UNISON branches, 8 Cherwell staff and 20 South Northamptonshire staff. She then gave an overview of the key themes and comments from the consultation. The Cherwell trade union feedback had been largely positive noting the financial benefits, the proposed fair and open recruitment process, however, there were concerns about work cascading down through the organisation and the equal application of redundancy packages in the light of differing historic practices regarding the application of redundancy policies. The Cherwell staff feedback had also been mostly positive and constructive raising similar themes to the trade union feedback but also stressing the need for the process to be completed as soon as possible to reduce uncertainty. By contrast, the South Northamptonshire trade union and staff feedback had raised considerably more issues.

The Committees noted that many of the themes and comments raised on both sides during the consultation had already been considered during the first part of the meeting. In acknowledging the difference in the nature of the responses from the Cherwell and South Northamptonshire UNISON branches and the staff, the scrutiny Committees were encouraged by the Cherwell responses but concerned by the South Northamptonshire responses and questioned how morale in both Councils could be managed. The Chief Executive reminded Members that the outcomes of the staff survey that had been undertaken in Cherwell in March 2010 had been very positive and was a useful measure of morale in the organisation. The Leader commented that he felt it was possible to manage morale however there was a general assumption that change was negative and any concerns would need to be addressed accordingly.



**Resolved**

- (1) That the feedback from the consultation on the draft Business Case for a Shared Management Team between South Northamptonshire Council and Cherwell District Council be noted.

The Chairman thanked the Leader of the Council, the Portfolio Holder Resources and Communication, the Portfolio Holder Performance Management, Improvement and Organisational Development, the Chief Executive, the Head of Finance and the HR Manager for attending the meeting.

The meeting ended at 9.40 pm

Chairman:

Date:

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