

Summary of the decisions taken at the meeting of the Executive held on Monday 5 October 2015

- 1. Date of publication of this summary: 6 October 2015
- 2. Decisions (if any) taken as a matter of urgency under Overview and Scrutiny Procedure Rules as set out in the Constitution (and not therefore subject to the call-in procedure): None
- 3. Date by which notice of call-in of any of the following decisions must be received in writing by the Chief Executive (see notes below):- Noon on Friday 9 October 2015
- 4. Notes:-
 - (a) For background documentation to the following decisions, please refer to the agenda and supporting papers (copies of which are available on the Council's website (www.cherwell.gov.uk) or from Democratic Services);
 - (b) Notice of call-in must be submitted in writing, by email or text to the Chief Executive by the deadline specified above, and must state the reason or reasons why "call-in" has been requested;
 - (c) Call-in can be requested by any six non-executive members of the Council.

 However, if at any point during a municipal year the total number of opposition councillors is six or less the total number of non-executive members required to call-in a decision shall be the total number of opposition councillors less two.
 - (d) Decisions not called-in by the deadline specified above will become effective immediately the deadline has expired (unless they are recommendations to the Council).
 - (e) The Council has stipulated that the call-in procedure should not be used to challenge decisions as a matter of course and should be used only when fully justified.

Sue Smith Chief Executive

Agenda Item and Recommendation	Decision	Reasons	Alternative Options	Conflicts of Interest Declared and Dispensations Granted by Head of Paid Service
Agenda Item 7 Customer Satisfaction Survey Results 2015 Report of Head of Transformation Recommendations The meeting is recommended: 1.1 To note that overall satisfaction with the Council and perception of how the Council represents value for money was rated at 79% and 55% respectively amongst survey respondents, both of which represent the highest levels of satisfaction since the survey began in 2006.	(1) That it be noted that overall satisfaction with the Council and perception of how the Council represents value for money was rated at 79% and 55% respectively amongst survey respondents, both of which represent the highest levels of satisfaction since the survey began in 2006. (2) That agreement be given to consider the areas identified as being of most importance to survey respondents, and those which may be identified for	This report presents a summary of the findings from the 2015 customer satisfaction survey. It highlights an increasing trend of improvement across Council services, and how the Council is perceived to represent value for money as well as areas where continued focus is required. The report also highlights customer priorities. These will be used to help inform budget setting, the development of the Council's Business Plan and Performance Pledges for 2016/17 and the Council's five year Strategy. As well as these high level findings the survey includes a wealth of service specific	Option 1: To reject the recommendations and request additional work or alternative priorities arising from the survey findings.	None

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1.2	To agree to consider the areas identified as being of most importance to survey respondents, and those which may be identified for improvement or investment as part of the business planning and budget setting process for 2016/17 based on survey respondent feedback. To express thanks to the survey respondents.	inverthe and probast res (3) That results that	provement or estment as part of estment as part of business planning d budget setting pocess for 2016/17 sed on survey spondent feedback. at survey spondents be unked for their entribution.	detail that will be used by service managers to help underpin service planning.		
Agenda Item 8 Air Quality Management Area in Bicester Report of Interim Public Protection and Environmental Health Manager		Ma incl Qu	at an Air Quality Inagement Area Iuding Kings End, Ieens Avenue and	Due to exceedances of the annual mean air quality objective for nitrogen dioxide it is recommended that an AQMA is declared for Kings End / Queens Avenue / Field Street, Bicester as outlined in	Option 1: An alternative option would be to not declare the area as an AQMA. However, if an air quality objective is not being met then the Council is required to declare that	None

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Recommendations The meeting is recommended: 1.1 To declare an Air Quality Management Area including Kings End, Queens Avenue and Field Street, Bicester.	as shown on the plan (annex to the Minutes as set out in the Minute Book) be declared.	the annex to the Minutes (as set out in the Minute Book).	area as an AQMA and so for this reason this is not an alternative option.	
Agenda Item 9 Recycling Strategy Report of Head of Environmental Services Recommendations The meeting is recommended: 1.1 To support the exploration of the possibility of more local	 (1) That the exploration of the possibility of more local transfer stations and/or sorting facilities for future dry recycling contracts be supported. (2) That the principle of a new depot in Bicester with possible local 	The waste hierarchy and the treatment costs for waste mean that the best financial outcome is usually achieved by reducing waste, reusing waste and recycling to very high levels. Commodity prices are having an effect on recycling although for this Council the current contract insulates the Council from the full impact of	Option 1: To approve the revised recycling strategy. Option 2: To reject the revised recycling strategy Option 3: To ask officers to consider alternative amendments.	None

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transfer stations and/or sorting facilities for future dry recycling contracts. 1.2 To consider the principle of a new depot in Bicester with possible local transfer facilities and/or Household Waste Recycling facilities and to request a report back on this option at an appropriate future meeting. 1.3 To continue a dialogue with Oxfordshire County Council regarding the provision of Household Waste Recycling Centres (HWRCs). 1.4 To support the promotion of the current	transfer facilities and/or Household Waste Recycling facilities be endorsed and officers be requested to report back on this option at an appropriate future meeting. (3) That a dialogue with Oxfordshire County Council regarding the provision of Household Waste Recycling Centres (HWRCs) be continued. (4) That the promotion of the current recycling scheme to bring both environmental improvements and financial benefits by increasing recycling	commodity price falls. However, even if a gate fee were payable in the future, the best outcome for the taxpayer would still to recycle as much as possible Residents having easy access to facilities to dispose of waste is important to minimise anti-social activities such as fly tipping. Currently the district is served by two Household Waste Recycling Centres (HWRCs) but in the future this may be reduced.		
recycling scheme to	rates towards 60% be			

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bring both environmental improvements and financial benefits by increasing recycling rates towards 60%.	supported.			

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_	ida Item 10 ster Sustainable	Reso	blved	The Bicester Sustainable Transport Strategy (STS) is a	Option 1: To adopt the STS as a Supplementary	None
	sport Strategy	(1)	That the Bicester Sustainable Transport	key document in supporting improvements to the Bicester	Planning Document This option was rejected	
•	Report of Head of Strategic Planning and the Economy		Strategy be noted. That, subject to	transport network. It reviews and summarises the policy context and best practice	as it will lead to delay to the preparation of the document and is	
Reco	Recommendations		resolutions (5) and (6), the Strategy's vision	from the UK and Europe. The vision and principles support	considered unnecessary as the STS will be used to	
The r	neeting is recommended:		and principles be endorsed.	the shift to more sustainable travel in the future providing a	inform CLP Part 2 and the LTP4. It would also	
1.1	To consider and note			framework for infrastructure	require additional	
	the Bicester	(3)	That the Strategy be	improvements and behaviour	resources to complete.	
	Sustainable Transport		supported as the basis	change. Detailed designs	0 0	
	Strategy.		of further work to	have been prepared by	Option 2: To await	
1.2	To endorse the		inform Part 2 of the Cherwell Local Plan,	Sustrans for the central corridor route.	publication of the STS until further detail is received to	
1.4	Strategy's vision and		the Oxfordshire Local	Corridor route.	complete the Delivery Plan	
	principles.		Transport Plan and	The Strategy is necessary to	This option was rejected	
	i r		other documents.	ensure that the future growth	given the uncertainty of	
1.3	To support the Strategy			of Bicester can be	funding streams. It would	
	as the basis of further	(4)	That the next steps	accommodated.	lead to undue delay,	
	work to inform Part 2 of		required to develop an	Improvements and	resulting in some sections	
	the Cherwell Local		action plan to deliver	enhancements to the public	becoming outdated and	
	Plan, the Oxfordshire		priorities in the short,	transport network will ensure	prevent the document	

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1.4 To note the required to action plan priorities in	e next steps develop an to deliver the short, and long term es and portunities	(6)	medium and long term as schemes and funding opportunities be progressed. That it be noted that the future of Market Square would require reappraisal after Pioneer Square Phase 2 was embedded. That authority be delegated to the Head of Strategic Planning and the Economy, in consultation with the Lead Member for Planning, to amend the wording of the Principles and Vision regarding Market Square to reflect the sentiment of Members and resolution (5).	that opportunities for bus and train journeys are optimised. The Strategy will contribute to the creation of an attractive town by integrating new and existing neighbourhoods with easy access for pedestrians and cyclists linking to exemplary public transport facilities and services. It has an important role in integrating new development with the existing town through sustainable connections and enhancements to key routes in and around the town. By creating an attractive place to live, work and visit the STS will enhance Bicester's reputation as a place to invest and develop new neighbourhoods innovatively and sustainably. The proposed improvements to the peripheral routes form an essential part of the strategy	being used to secure funding bids. The current delivery plan relates to the strategy document and demonstrates how the strategy could be delivered. As such, it is illustrative and will be worked up in greater detail by officers with elements incorporated into the Cherwell Local Plan Infrastructure Delivery Plan.	

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		by removing some of the vehicular through traffic from the town centre and providing the opportunity to integrate the existing and new development with sustainable transport connections.		
		The STS has informed policy documents and proposals such as the LTP4 Bicester Area Strategy and will continue to do so. By endorsing and supporting the STS it will give it weight and demonstrate the commitment of CDC to the delivery the sustainable transport ambitions for Bicester.		
		Officers will continue to identify priorities and secure funding through developer contributions, CIL, LEP funding to deliver an action plan as a rolling programme of infrastructure		

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		improvements in Bicester.		
Agenda Item 11 Adoption ('Making') of Hook Norton Neighbourhood Plan Report of the Head of Strategic Planning and the Economy Recommendations The meeting is recommended: 1.1 To note the referendum result of the 3 September 2015 where 97% of those who voted were in favour of the Plan which is above the required 50%.	result of 3 September 2015, where 97% of those who voted were in favour of the Plan which is above the required 50%, be noted. (2) That Full Council be recommended to resolve that Cherwell District Council as local planning authority 'make' the Hook Norton Neighbourhood Plan part of the statutory	This the first neighbourhood plan in Cherwell District to reach the referendum stage and the making of the plan is the final formal stage of the process of becoming part of the statutory development plan. The preparation of the HNNP has provided a better understanding and knowledge of the process which will help in progressing future neighbourhood plans in the District. The efforts and success of Hook Norton Parish Council and the local community in progressing the Plan is acknowledged by officers.	Where a referendum poll results in more than half of those eligible to vote voting in favour of the Neighbourhood Plan, the local planning authority must 'make' the Plan as part of the statutory development plan. There are no alternative options available unless the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). There is no known breach or incompatibility.	None
1.2 To recommend to Full Council to resolve that Cherwell District	development plan for the District.	Local planning authorities are required by statute to 'make' any neighbourhood plan if	A legal challenge can be made if a local planning	

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Council as local planning authority 'make' the Hook Norton Neighbourhood Plan (appendix 3 to this report) part of the statutory development plan for the District. 1.3 To recommend to Full Council to resolve to approve the issuing and publication of a decision statement, under regulation 19 of the Neighbourhood Planning (General) Regulations 2012, that Cherwell District Council has resolved to make the Hook Norton Neighbourhood Plan. 1.4 To recommend to Full Council to resolve to delegate to the Head of	(4)	That Full Council be recommended to resolve to approve the issuing and publication of a decision statement, under regulation 19 of the Neighbourhood Planning (General) Regulations 2012, that Cherwell District Council has resolved to make the Hook Norton Neighbourhood Plan. That Full Council be recommended to resolve to delegate to the Head of Strategic Planning and the Economy the correction of any spelling, grammatical or typographical errors, and the	more than half of those voting in the referendum vote in favour of the plan. Of those eligible to vote, 568 voted in favour of the Plan with 16 against. This represents a turnout of 34.8% of those eligible to vote in the Parish and gives a majority vote of 97.2%. The Executive are recommended to resolve that the Hook Norton Neighbourhood Development Plan be 'made' by Council and that the associated statutory and administrative steps are undertaken	authority declines to make a neighbourhood plan following a successful referendum.	

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Strategic Planning and the Economy the correction of any spelling, grammatical or typographical errors, and the undertaking of any minor presentational improvements, prior to the Plan being adopted and published by Council.	undertaking of any minor presentational improvements, prior to the Plan being adopted and published by Council.			
Agenda Item 12 Budget Strategy 2015 to 2016 and Beyond Report of Head of Finance and Procurement Recommendations The meeting is recommended to:	Resolved (1) That the updated Medium Term Revenue Plan for the Council's revenue budget for 2016/17 to 2020-21 be noted. (2) That the overall 2016/17 budget strategy and service	The Council needs to set guidelines and a timetable for the preparation of draft estimates for 2016/17. These guidelines should support the objectives contained in the Council's Business Plan, Service Plans and enable an update to the Medium Term Financial Strategy. From April 2013 Council Tax	Option 1: To disagree with the recommendations set out above. This is rejected as it will unnecessarily delay the formulation of the detailed budget for 2016/17.	None

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1.1	Note the updated MTRP for the Council's revenue budget for 2016/17 to 2020-21.	(3)	and financial planning process be endorsed. That the proposed budget guidelines and	Benefit was abolished and replaced with a local Council Tax Reduction Scheme. Members are now required to agree, for consultation		
1.2	Endorse the overall 2016/17 budget strategy and service and financial planning process set out in the report.		timetable for 2016/17 (annexes to the Minutes as set out in the Minute Book) be agreed.	purposes, a Council Tax Reduction Scheme for the 2016-2017 financial year.		
1.3	Consider and agree the proposed budget guidelines and timetable for 2016/17 (Appendices 1 and 2).		That agreement be given to consult on the retention of the current Council Tax Reduction Scheme (CTRS) for 2016/17 and authority be delegated to the			
1.4	Agree to consult on the retention of the current Council Tax Reduction Scheme (CTRS) for 2016/17 and delegate authority to the Director of Resources in consultation with the		Director of Resources, in consultation with the Lead Member for Financial Management, to make the final decision on the scheme.			

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lead member for Financial Management to make the final decision on the scheme.				
Agenda Item 13 Business Rates Pooling Decisions 2016-2017 Report of Director of Resources Recommendations The meeting is recommended: 1.1 To endorse the principle to join a business rates pool for participating authorities in Oxfordshire, noting the risks and benefits outlined in the report.	 (1) That the principle to join a business rates pool for participating authorities in Oxfordshire, noting the risks and benefits, be endorsed. (2) That the Council's participation in a pool for the 2016-2017 financial year be approved 'in principle'. (3) That delegated authority be granted to the Director of 	For the reasons set out in section 3 of the report it appears likely that the Council's financial interests will best be maximised by participating in a pooling arrangement. Given the 31 October deadline for confirming the Council's position and due to the fact that we are still modelling financial scenarios and discussing matters with other local authorities across the County it is necessary and appropriate to grant delegated authority to determine this to the Director of Resources in consultation	Option 1: To not approve the recommendations set out above. Based on current guidance this is not an option as we need to make a decision on whether or not to pool by 31 October 2015.	None

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1.3	To approve 'in principle' the Council's participation in a pool for the 2016-2017 financial year. To grant delegated authority to the Director of Resources, in consultation with the Lead Member for Financial Management, to conclude necessary due diligence and confirm the Council's final intention on whether or not to participate in a Oxfordshire business rates pool (however constituted) for 2016-2017 by 31 October 2015.	Resources, in consultation with the Lead Member for Financial Management, to conclude necessary due diligence and confirm the Council's final intention on whether or not to participate in a Oxfordshire business rates pool (however constituted) for 2016-2017 by 31 October 2015.	with the Lead Member for Financial Management.		

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Agenda Item 14 Expression of Interest for Devolution to Oxfordshire Report of Chief Executive Recommendations The meeting is recommended: 1.1 To note the report.	Resolved (1) That the report be noted.	This report is to draw Members attention to the recently submitted expression of interest in respect to a Devolution deal for Oxfordshire.	Not applicable. This report is for noting only.	None
Agenda Item 17 Proposal for a Joint Transport Resource with South Northamptonshire Council Exempt Report of Head of Strategic Planning and the Economy	Resolved (1) That the final business case and the consultation responses in relation to non-staffing matters be noted. (2) That it be noted that the business case was agreed by the Joint	The business case represents another milestone in the revised transformation programme across CDC and SNC. The proposal does represent a reduction in capacity for SNC, but is considered a cost effective way for SNC to retain and for CDC to gain access to a specialist transport function through a shared resource.	As set out in the exempt decisions	None

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	Commissioning Committee with regard to staffing matters on 1 October 2015. (3) That the final business case to share a joint Transport Resource between Cherwell District Council (CDC) and South Northamptonshire Council (SNC), subject to similar consideration and approval by SNC Cabinet and following approval of the staffing implications by the Joint Commissioning Committee be approved and implemented. (4) That authority be delegated to the Head	The proposal is considered a cost effective way for CDC to gain access to and for SNC to retain a specialist transport function through a shared resource.		

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	of Strategic Planning and the Economy in consultation with the Leader of the Council to make any nonsignificant amendment that may be required to the business case following the decision by SNC Cabinet and/or the Joint Commissioning Committee.			
Agenda Item 18 Local Housing Company Exempt Report of Head of Regeneration and Housing	Resolved (1) That Full Council be recommended to approve of the creation of a Local Housing Company, registered with the Financial Conduct Authority (FCA) as a Community Benefit	Members are asked to approve the recommendations as set out in this report. This is believed to deliver the best financial and strategic outcomes for the Council and local residents. This proposal is a critical 'thread' to the future growth	Local Housing Company Alternative options can be considered by members but are not recommended for the following reasons Option One: To retain all assets (existing and in the pipeline) is not recommended as this, in the long term would most	None

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	Society, HMRC as an exempt charity and the Homes and Communities Agency (HCA) as a registered provider. (2) That Full Council be recommended to approve the sale of existing affordable housing assets (both completed and occupied and in development) as itemised in the exempt annex (as set out in the Minute Book) at existing market value as certified by an independent valuer to the Local Housing Company (once incorporated and registered with the FCA and the HCA)	of the district, in particular affordable housing and challenging brownfield sites and its ability to attract further inward investment, in particular from the HCA who have been very supportive. Local Housing Company Officers have worked with Directors from CCLT and external finance and legal; experts to consider the optimum model for Cherwell, taking into consideration the context: Cherwell as a non-stock holding Council, with a closed Housing Revenue Account (HRA) Cherwell as a Registered Provider (RP) in its own right, with a HCA funded development programme Cherwell as an outward-	likely require the Council to re-open its Housing Revenue Account, bringing with it:	

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	and it be noted that any proposed future disposals of Council owned assets to the Local Housing Company will form the subject of future reports to Executive or full Council as appropriate. (3) That Full Council be recommended to approve the lending of finance from the Council to the Local Housing Company as long as this is viable for both the Local Housing Company and the Council and is within the Council's peak borrowing limits and the legal requirements relating to the prohibition of	facing Council which seeks to work in partnership with the community, harnessing the skills, influence and knowledge for the best outcomes for residents • Cherwell as a key growth area, with an on-going requirement for affordable housing and further opportunities for regeneration of brownfield sites. In this context, it has been clear that a Community Benefit Society, registered as an exempt Charity with HMRC and registered with the HCA as a Registered Provider is the most ideal legal entity and as such recommended for approval	Option Three: To establish an alternative vehicle (e.g. a wholly owned company limited by shares) is not recommended as this would create further barriers in HCA registration and registration with HMRC as an exempt charity and the benefits this brings with regards to not paying SDLT or corporation tax.	

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	unlawful State Aid. (4) That Full Council be recommended to approve the Council undertaking a key financial role in the Local Housing Company subject to such role complying with the legal requirements in relation to the prohibition of unlawful State Aid, in particular: • Through the provision of loan finance on a formal loan arrangement with the Council • Through providing a contingent guarantee for external finance and lease			

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	arrangements (5) That Full Council be recommended to delegate authority to the Director of Resources, in consultation with the Leader of the Council, to approve the business plan of the Local Housing Company and to appoint Council Directors to the Board of the Local Housing Company (if incorporated and registered with the FCA and the HCA) including such future appointments as are necessary to fill vacancies that might arise.			

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	(6) That Full Council be recommended to delegate authority to the Head of Regeneration and Housing, in consultation with: The Leader of the Council The Lead Member for Housing The Lead Member for Estates and the Economy The Lead Member for Financial Management The Director of Resources The Director of Development The Head of Finance and Procurement The Head of Law and Governance			

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	to take the necessary operational, legal and financial steps to ensure effective implementation of the above, including the naming of the Local Housing Company and its subsidiary, subject to there being no conflict of interest arising for the Head of Regeneration and Housing between the Council and the Local Housing Company in respect of any actions to be taken following the Company's incorporation and registration with the FCA and HCA.			
Agenda Item 19 Build Programme - Site Negotiations and Acquisitions Exempt Report of Head of Regeneration and Housing	Resolved (1) As set out in the exempt decisions. (2) That approval be given for Officers to facilitate	As set out in the exempt decisions.	As set out in the exempt decisions.	None

Agenda Item and Recommendation	Deci	sion	Reasons	Alternative Options	Conflicts of Interest Declared and Dispensations Granted by Head of Paid Service
	(3)	negotiations between Graven Hill Development Company and the Local Housing Company (if approved, incorporated and registered as set out above) for the Local Housing Company to be the designated Registered Provider for the affordable housing at Graven Hill, subject to approval from both of the companies' boards. As set out in the exempt decisions. That it be noted that the Council's application for EU funding (to undertake a Research and			

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	Development (R & D) project for 7 prototype system houses) is through to the final stage and as such give approval for a) The following Council owned sites to be made available (as part of match funding:			

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	redevelopment of Orchard Way (external area) to be identified as capital match funding;			
	c) The schemes to proceed if funding is awarded.			