

## Council Minute Book

**Monday 17 December 2012**

### Contents

#### Executive

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2. Minutes of meeting Monday 5 November 2012 of Executive (Pages 11 - 20)
3. Minutes of meeting Monday 6 December 2012 of Executive  
Please note that the minutes of this meeting will follow as they are currently being finalised.

Executive Lead Member Decisions (Pages 21 - 22)

#### Licensing Committee

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#### Overview and Scrutiny Committee

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## Cherwell District Council

### Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 1 October 2012 at 6.30 pm

Present: Councillor Barry Wood (Chairman), Leader of the Council  
Councillor G A Reynolds (Vice-Chairman) Deputy Leader of the Council  
  
Councillor Ken Atack, Lead Member for Financial Management  
Councillor Norman Bolster, Lead Member for Estates and the Economy  
Councillor John Donaldson, Lead Member for Banbury Brighter Futures  
Councillor Michael Gibbard, Lead Member for Planning  
Councillor Tony Ilott, Lead Member for Public Protection  
Councillor Nigel Morris, Lead Member for Clean and Green  
Councillor D M Pickford, Lead Member for Housing  
Councillor Nicholas Turner, Lead Member for Performance and Customers

Also Present: Councillor Andrew Beere (in place of Councillor Patrick Cartledge, Leader of the Labour Group)  
Councillor Tim Emptage, Leader of the Liberal Democrat Group

Apologies for absence: Councillor Patrick Cartledge, Leader of the Labour Group

Officers: Sue Smith, Chief Executive  
Martin Henry, Director of Resources / Section 151 Officer  
Adrian Colwell, Head of Strategic Planning and the Economy  
Kevin Lane, Head of Law and Governance / Monitoring Officer  
Natasha Clark, Team Leader, Democratic and Elections

#### 44 **Declarations of Interest**

Members declared the following interests:

##### **6. Banbury Masterplan Progress Report.**

Councillor Nicholas Turner, Conflict of Interest, as Chairman of a management company and a tenant on the outskirts of Banbury and should this issue arise he would leave the meeting.

##### **7. Oxford Canal Conservation Area Designation.**

Councillor Nigel Morris, Conflict of Interest, due to interest in a site within the report and would leave the meeting for the duration of the item

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

There were no petitions or requests to address the meeting.

46 **Urgent Business**

There were no items of urgent business.

47 **Minutes**

The minutes of the meeting held on 3 September 2012 were agreed as a correct record and signed by the Chairman, subject to the following amendment:

Add Councillor Ken Atack and Councillor Nigel Morris to list of Members present.

48 **Banbury Masterplan Progress Report**

The Head of Strategic Planning and the Economy submitted a report and gave a presentation on the development of the Banbury Masterplan. The presentation had been put together by representatives of WYG, the consultants appointed to prepare the Banbury Masterplan, but who had been unable to attend the meeting.

In introducing the report, the Lead Member for Planning explained that, like the Bicester Masterplan, the Banbury Masterplan contained a set of strategic proposals for the future development of the town to ensure the development of the town proceeded in a holistic, planned, coordinated way. It would be used to provide the detailed underpinning for the Banbury chapter of the Local Plan for the District which was currently out for consultation and due for Examination in 2013.

At the discretion of the Chairman, Mr Malcolm Finch, founder of the Hanwell Fields Development Action Group (HFDAG), addressed Executive.

In response to Mr Finch's address, the Chairman confirmed that the consultation undertaken on the emerging Local Plan fulfilled all of the statutory requirements and significant public consultation would take place on both the Local Plan and the Banbury Masterplan as the importance of engaging and obtaining the views of the residents in the district was recognised and their contribution welcomed.

The Lead Member for planning explained that as part of the preparation process of the Banbury Masterplan, consultants had prepared a conceptual version of the Masterplan. The consultants had gathered information and liaised with key stakeholders, including district, town and county councillors, the college, local businesses through Banbury Town Centre Partnership and Banbury Chamber of Commerce and neighbouring Parish Councils.

Engagement had so far included a series of workshops and one to one interviews.

Following consideration by the Executive of the conceptual Masterplan there would be a deeper examination of infrastructure needs of the town including future education, health, green infrastructure and leisure requirements. The final draft Masterplan for Banbury would be consulted on in Autumn 2012.

### **Resolved**

- (1) That the issues that have informed the preparation of the Masterplan for Banbury and the progress being made be noted.
- (2) That the WYG presentation by the Head of Strategic Planning and the Economy be noted.
- (3) That it be agreed to proceed to public consultation and completion of the Masterplan.

### **Reasons**

The Masterplan contains a set of strategic proposals for the future development of the town to ensure the development of the town proceeds in a holistic, planned, coordinated way.

### **Options**

**Option One:** To take no action

**Option Two:** To accept the recommendation

**Option Three:** To continue with a piecemeal approach to development that fails to ensure integration with the existing town or to ensure that opportunities are realised for the benefit of residents and businesses in Banbury.

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### **Oxford Canal Conservation Area Designation**

The Head of Strategic Planning and the Economy submitted a report which sought approval of the Executive to designate the Oxford Canal Conservation Area with immediate effect.

In introducing the report, the Lead Member for Planning reported that the designation of part of the Oxford Canal as a Conservation Area aimed to ensure that the special character and appearance of the area could be identified and protected, through ensuring that any future development preserves or enhances that identified special character. If approved, the document would be a material consideration in the determination of planning applications within the conservation area and its setting. Additionally, it would form a starting point for a heritage partnership agreement with the Canal & Rivers Trust, attempting to consider the maintenance and management of the canal.

The Executive commended the officers who had worked on developing the document.

### **Resolved**

- (1) That the representations received following consultation and the changes made to the draft conservation area appraisal and to the proposed conservation area boundary as a result be noted.
- (2) That the conservation area appraisal for the Oxford Canal be approved.
- (3) That, under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Oxford Canal Conservation Area be designated with immediate effect.

### **Reasons**

The area has been identified as an area of special architectural or historic interest, and as such, the Council is duty bound to designate a conservation area under section 69 of The Act.

The document sets out the reasons why the area is of such interest and justifies its designation. Such justification will be of use to planning officers and inspectors when determining applications along the route of the canal.

The document should form a starting point for a heritage partnership agreement with the Canal & Rivers Trust, attempting to consider the maintenance and management of the canal.

### **Options**

- |                     |  |
|---------------------|--|
| <b>Option One</b>   | To accept the recommendation   |
| <b>Option Two</b>   | To decline to designate a conservation area along the Oxford Canal             |
| <b>Option Three</b> | To designate a conservation area with a different boundary, as Members see fit |

Councillor Nigel Morris left the meeting for the duration of this item.

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### **Proposed Response to Heseltine Review**

The Head of Strategic Planning and the Economy submitted a report which sought consideration of a proposed submission by Cherwell District Council to the Heseltine Review.

In introducing the report, the Lead Member for Estates and the Economy explained that in autumn 2011 the Chancellor and Secretary of State for

Business asked Lord Heseltine to undertake an independent review of how spending Departments and other relevant public sector bodies interacted with the private sector and to assess their capacity to deliver pro-growth policies.

The submission from Cherwell District Council focussed around two of the 4 themes being examined by the Review: the capacity of departments to deliver pro-growth policies and how departments interact with the private sector.

### **Resolved**

- (1) That the proposed Cherwell District Council draft response to the Heseltine Review be adopted.

### **Reasons**

This was an opportunity to submit observations to the Heseltine Review from a Cherwell District Council perspective.

This was an opportunity to build a dialogue with the Review Team to secure policy changes of benefit to the Cherwell District.

### **Options**

- |                     |  |
|---------------------|--|
| <b>Option One</b>   | Do nothing, do not submit to the Review.             |
| <b>Option Two</b>   | Adopt the proposed response                          |
| <b>Option Three</b> | Amend the proposed response and submit to the Review |

## 51 **2013/14 Budget Strategy, Service & Financial Planning Process and 2013/14 Budget Guidelines including Local Government Resources Review (LGRR) Update**

The Head of Finance and Procurement submitted a report which informed the Executive of the service and financial planning process for 2013/14, approve 2013/14 budget strategy and to agree budget guidelines for issue to service managers to enable the production of the 2013/14 budget and update the current position of our Local Government Resources Review project

In introducing the report, the Lead Member for Financial Management reported that the council's financial settlement from central Government was not yet finalised and further adjustments to the proposals may be required.

In response to a comment from Councillor Tim Emptage, Leader of Liberal Democrat Group, regarding business rates localisation and the proposals for pooling amongst a number of Oxfordshire authorities, the Lead Member for Financial Management explained that discussions with other councils were ongoing to develop the financial models, understand what additional financial benefits a pooling arrangement could deliver, what the risks are, agree the principles of the proposed pool and how any additional funds should be

shared. The deadline for submitting formal applications to pool was 19 October 2012.

### **Resolved**

- (1) That the updated MTFS forecast for the Council's revenue budget for 2013/14 to 2016/17 be noted.
- (2) That the overall 2013/14 budget strategy and service and financial planning process be endorsed.
- (3) To the proposed budget guidelines and timetable for 2013/14 budget process be agreed.
- (4) That the current position in relation to council tax support localisation be noted.
- (5) That the current position in relation to business rates localisation be noted.

### **Reasons**

The Medium term Financial Strategy I currently being refreshed to take account of the LGRR and the strategy along with a forecast refresh will be reported as part of the budget reporting framework.

The Council needs to set guidelines and a timetable for the preparation of draft estimates for 2013/14. These guidelines should support the objectives contained in the Corporate Plan, Service Plans and the Medium Term Financial Strategy which is currently being refreshed and will be presented for approval in December 2012.

In September 2012 the Executive received an update report on the Local Government Resource Review (LGRR) including the introduction of localised Council Tax Support to replace Council Tax Benefit and changes to the way in which business rates are collected and distributed. This report provides progress since that report.

### **Options**

None

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### **Exclusion of the Press and Public**

#### **Resolved**

That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.



## **Land Negotiations Report**

The Head of Regeneration and Housing submitted an exempt report which advised Executive of land negotiations.

### **Resolved**

- (1) As set out in the exempt minute.
- (2) As set out in the exempt minute.
- (3) As set out in the exempt minute.

### **Reasons**

As set out in the exempt minute.

### **Options**

As set out in the exempt minute.

The meeting ended at 8.10 pm

Chairman:

Date:

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**Cherwell District Council**

**Executive**

**Exempt Minutes**

**53 Land Negotiations Report**

The Head of Regeneration and Housing submitted an exempt report which advised Executive of land negotiations.

**Resolved**

- (1) That authority be delegated to the Head of Regeneration and Housing in consultation with the Director of Development, Director of Resources, Head of Finance and Procurement, Lead Member for Housing and Lead Member for Financial Management to proceed with negotiations for the acquisition of the following six sites owned by Oxfordshire County Council:
  - Lincoln House, Banbury
  - 2 Broughton Road, Banbury
  - Orchard Lodge, Warwick Road, Banbury
  - Calthorpe House, Banbury
  - London Road, Bicester
  - St. Edburg's Bicester
- (2) That authority be delegated to the Head of Regeneration and Housing in consultation with the Director of Development, Director of Resources, Head of Finance and Procurement, Lead Member for Housing and Lead Member for Financial Management to proceed with negotiations for the acquisition of the Graven Hill, Bicester site, subject to the successful outcome of bids to the Government Department for Business, Innovation and Skills (BIS) and the Homes and Communities Agency (HCA).
- (3) That authority be delegated to the Head of Regeneration and Housing in consultation with the Director of Development, Director of Resources, Head of Finance and Procurement, Lead Member for Housing and Lead Member for Financial Management to proceed with negotiations for the acquisition of Crown House (the former Crest Hotel HQ), Banbury.

**Reasons**

These proposal deliver a number of outcomes:

- housing delivery across all tenures
- employment opportunities and support to the local economy
- regeneration of sites within Banbury and Bicester
- opportunity to lever external investment into the district
- opportunity to test out new forms of construction and housing delivery

These proposals use a mix of funding streams to deal with some serious issues we face in our district. A significant volume of work has taken place

The Executive - 1 October 2012

'behind the scenes' with officers over the past year to reach the stage we are at, but member support is needed to draw this work to a conclusion.

**Options****Option One**

To approve all the recommendations ~ whilst this is the most challenging option, it clearly delivers the most outcomes

**Option Two**

To approve some of the recommendations ~ this may risk the council delivering its HCA contracts and limit opportunity to respond to housing need and attract further inward investment.

**Option Three**

To approve none of the recommendations ~ this may risk the council delivering its HCA contracts and limit opportunity to respond to housing need and attract further inward investment.

## Cherwell District Council

### Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 5 November 2012 at 6.30 pm

Present: Councillor Barry Wood, Leader of the Council (Chairman)  
Councillor G A Reynolds, Deputy Leader of the Council (Vice-Chairman)

Councillor Ken Atack, Lead Member for Financial Management  
Councillor Norman Bolster, Lead Member for Estates and the Economy  
Councillor John Donaldson, Lead Member for Banbury Brighter Futures  
Councillor Michael Gibbard, Lead Member for Planning  
Councillor Tony Ilott, Lead Member for Public Protection  
Councillor Nigel Morris, Lead Member for Clean and Green (from agenda item 10)  
Councillor D M Pickford, Lead Member for Housing  
Councillor Nicholas Turner, Lead Member for Performance and Customers

Also Present: Councillor Patrick Cartledge, Leader of the Labour Group  
Councillor Tim Emptage, Leader of the Liberal Democrat Group

Officers: Sue Smith, Chief Executive  
Calvin Bell, Director of Development  
Ian Davies, Director of Community and Environment  
Martin Henry, Director of Resources / Section 151 Officer  
Kevin Lane, Head of Law and Governance / Monitoring Officer  
Chris Rothwell, Head of Community Services (for agenda item 6)  
Ed Potter, Head of Environmental Services (for agenda item 9)  
Marianne North, Housing Needs Manager (for agenda item 7)  
Tim Mills, Private Sector Housing Manager (for agenda item 8)  
Kate Winstanley, Strategic Housing Officer (for agenda item 7)  
Natasha Clark, Team Leader, Democratic and Elections

#### 54 **Declarations of Interest**

Members declared interests in the following agenda items:

##### **8. Revision of Private Sector Housing Policies.**

Councillor G A Reynolds, Disclosable Pecuniary Interest, as a private sector landlord.

Councillor Nicholas Turner, Disclosable Pecuniary Interest, as a private sector landlord.

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

There were no petitions or requests to address the meeting.

56 **Urgent Business**

There were no items of urgent business.

57 **Minutes**

The minutes of the meeting held on 1 October 2012 were agreed as a correct record and signed by the Chairman.

58 **Review of Parking Arrangements over Christmas and New Year Period**

The Head of Community Services submitted a report which sought approval for a Christmas and New Year Parking promotion.

In introducing the report, the Deputy Leader of the Council advised Executive that the proposal to offer free parking to all customers on Saturday, Sunday and Monday from 1 December 2012 to 7 January 2013 in Council operated car parks was intended to support local business, attract more visitors into Banbury and Bicester and to reduce costs of parking to visitors. There would be notices advising of the promotion and during free periods the car park ticket machines would not accept money. All other restrictions would however apply at all times e.g. maximum length of stay in a particular car park.

Executive members welcomed the proposals commenting that they demonstrated that the Council supported residents and businesses. Members stressed the need for clear notices to ensure that car park patrons were aware of the arrangements and restrictions.

Councillor Emptage, Leader of the Liberal Democrat Group, addressed Executive and expressed support for the promotion which would provide a boost to the local economy.

Councillor Cartledge, Leader of the Labour, also supported the promotion but raised concerns about possible congestion around the car parks during the free parking dates.

Executive was advised that the Christmas and New Year parking proposals needed to be formally advertised as they would be a variation from the legal Parking Orders. Specified procedures were required to vary the charges which were required in order that the Council could correctly enforce arrangements. In order to ensure that the promotion could commence on 1 December, Executive noted that the Chairman of the Overview and Scrutiny Committee had agreed to waive call-in as any delay to implement the decision would seriously prejudice the public interest.

## **Resolved**

- (1) That a six week promotion offering free parking to all customers on Saturday, Sunday and Monday from 1 December 2012 to 7 January 2013 in Council operated car parks be approved.
- (2) That it be noted that the Chairman of the Overview and Scrutiny Committee has agreed to waive call-in as any delay to implement the decision would seriously prejudice the public interest.

## **Reasons**

As a way to support local business, attract more visitors to Banbury and Bicester and to reduce costs of parking to visitors, a Christmas and New Year parking promotion has been proposed.

The Chairman of the Overview and Scrutiny Committee has agreed to waive call-in as any delay to implement the decision would seriously prejudice the public interest.

## **Options**

- Option One: Change to tariffs
- Option Two: A specified initial free parking period
- Option Three: Alternative days/weeks on which to run the promotion.

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## **Cherwell District Council Revised Allocation Scheme 2012**

The Head of Regeneration and Housing submitted a report which sought approval to adopt a new Allocation Scheme and to endorse the decision to dissolve the Oxfordshire Sub-regional Choice Based Lettings partnership

In introducing the report, the Lead Member for Housing explained that the Localism Act 2011 enabled local authorities to shape an allocations scheme to give greater priority to locally identified needs, removing the requirement to have an 'open' housing register. This had enabled the Council to operate a change of approach to allocations and restrict applications to the Housing Register. In future there will be a three stage test: Eligibility; Qualification; Reasonable preference.

The Executive was advised that there had been extensive consultation on the revised Allocations Scheme. Stakeholders consulted included Registered Providers, Statutory and Voluntary Agencies, elected members and all applicants to Cherwell's existing Housing Register. A variety of consultation methods were used including Cherwell's website, email, face to face and telephone depending on the audience. All existing applicants to Cherwell's Housing Register received a personal letter advising them in outline of the changes which also invited them to 3 specific briefings held in Banbury, Bicester and Kidlington. Specific briefings were also provided for elected

members, Registered Providers, Partner agencies and Cherwell staff. Feed back was generally positive.

The Lead Member for Housing advised Executive that since 2009 the Council had been part of an Oxfordshire Sub-regional Choice Based Lettings partnership. The initial Co-operation Agreement expired in July 2012 and was now operating on a month by month basis. Performance of the scheme was low and it had therefore proved not cost effective to operate. As a result of the new government guidance in the Localism Act 2011 and June 2012 Code of Guidance 'The Allocation of accommodation: guidance for local housing authorities in England', which gave local authorities more freedom to set their own individual policies all Districts participating in the partnership agreeing to cease the arrangement. Notwithstanding, Cherwell remained committed to operating choice based lettings within the district and a growth revenue bid would forward as part of the budget process to reflect the need to amend IT arrangements.

Councillor Cartledge, Leader of the Labour Group, addressed Executive and sought clarification on the impact on the homeless, auto bidding and the impact on people currently in bands 4 or 5 which would be obsolete under the revised Scheme.

The Housing Needs Manager explained that the needs of homeless families were managed under separate legislation. In terms of auto bidding, this was undertaken on a two weekly cycle and the suitability of each applicant was considered on a case by case basis. The Executive was advised that the new bands 1, 2 and 3 may incorporate some individuals currently in band 4 or 5 as each person would be contacted personally and their circumstances reviewed under the revised Scheme.

In addressing the Executive, Councillor Emptage, Leader of the Liberal Democrat Group, praised the Member briefing he had attended and sought clarification on a number of points which was duly provided by the Housing Needs Manager.

In considering the report, Executive members commented that it was extremely important that Cherwell District Council was ready for the changes to the welfare regime and any potential increase in demand whilst also managing residents' expectations.

The Executive commended Housing Officers for the work undertaken in preparing the revised Allocations Scheme, the extensive consultation and briefings.

### **Resolved**

- (1) That the adoption of the new Allocation Scheme effective from 1 April 2013 subject to required IT changes being completed be approved.
- (2) That authority be delegated to the Head of Regeneration and Housing, in consultation with the Lead Member for Housing, to amend this effective date, if required



- (3) That Cherwell District Council's exit from the Oxfordshire Sub-regional Choice Based Lettings partnership be approved.

### **Reasons**

The Allocation Scheme proposals ensure Cherwell has a robust policy which meets the Council's statutory duties and follows legal requirements. It will also ensure existing levels of staffing can re-focus to deliver more housing advice to meet increased demand for services and keep to a minimum the numbers of people who may become homeless and require statutory duties from the Council.

The proposal to withdraw from the Sub-regional Choice Based Lettings Scheme support the revised Allocation Scheme to be introduced. By leaving the Sub-regional Scheme, Cherwell will be free to make any further changes to its policy independently and more easily as may be required in future.

### **Options**

Option One: To accept all the recommendations as set out in the report and in doing so support Cherwell's exit from Sub-regional Choice Based Lettings Scheme and establish the new Allocation Scheme

Option Two: To accept none of the recommendations

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### **Revision of Private Sector Housing Policies**

The Head of Regeneration and Housing submitted a report which sought adoption of revised private sector housing policies and revised standards for houses in multiple-occupation.

### **Resolved**

- (1) That the following operational policies in place of similarly named policies adopted in May 2008 be adopted:
- Housing (Private Sector) Policy
  - Housing Health & Safety Rating Scheme (HHSRS) Policy
  - House in Multiple Occupation (HMO) Licence Policy
  - Recovery of Costs Policy
  - House Condition Enforcement Policy
  - Private Sector Housing Grants and Assistance Policy
- (2) That the house in multiple-occupation standards (entitled HMO Standards 2012) be adopted as the Council's standards in place of earlier adopted standards.

### **Reasons**

Adoption of these revised operational policies and HMO Standards will ensure that the Council is able to discharge its responsibilities for house conditions to

best effect, taking into account developments and experience gained since 2008.

### **Options**

Option One: Adoption of the new policies and HMO Standards

Option Two: To agree the recommendation with variations

Option Three: To reject the recommendation.

(Councillors Reynolds and Turner left the meeting for the duration of this item)

61

### **Localism Act 2011 - Register of Community Assets**

The Head of Law and Governance submitted a report which enabled the Executive to consider the implications of the provisions of the Localism Act 2011 in relation to assets of community value and to approve appropriate decision-taking mechanisms to ensure that the statutory requirements can be met.

### **Resolved**

- (1) That the implications of the provisions of the Localism Act 2011 in relation to the obligation of the Council to maintain a list of assets of community value ('the List') be noted.
- (2) That authority be delegated to the Head of Housing and Regeneration, in consultation with the Lead Member for Estates and the Economy, to consider and determine nominations for inclusion on the List.
- (3) That authority be delegated to the Director of Development, in consultation with the Leader of the Council, to consider and determine requests from asset owners for review of decisions to include an asset on the List.
- (4) That authority be delegated to the Head of Housing and Regeneration, in consultation with the Head of Finance and Procurement, to consider and determine applications for compensation from asset owners for loss and expense incurred through assets being included on the List.
- (5) That authority be delegated to the Director of Development, in consultation with the Director of Resources, to consider and determine requests for review of compensation determinations from asset owners for loss and expense incurred through assets being included on the List.

### **Reasons**

To enable the Executive to understand the full implications of the legislation.

To enable determinations in relation to listing and compensation to be dealt with in a timely way in accordance with statutory requirements.

### **Options**

- Option One: To accept the recommendations as set out.
- Option Two: To reserve the relevant decisions to members. Executive could decide that the listing and compensation determinations outlined above should be reserved to members. However, this is not recommended because of the statutory time limits that are imposed, the fact that determinations will involve a factual assessment applying legislative tests with limited scope for the exercise of discretion, and the need to ensure a separation of roles to accommodate the rights to review.
- Option Three: To delegate authority to officers other than those recommended. Executive could decide that alternative officers to those recommended should be given the necessary delegated authority. This is not recommended because the responsibility for assets and estates is vested in the Head of Housing and Regeneration and the compensation decisions should be subject to assessment and determination by qualified finance officers.

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### **Local Government Resources Review (LGRR) Update and 2013/14 Budget Process Update**

The Head of Finance and Procurement submitted a report which informed the Executive of the latest position on the LGRR project regarding council tax and pooling localisation and an update on 2013/14 budget planning.

In introducing the report, the Lead Member for Financial Management reported that Cherwell District Council had agreed with other major preceptors in Oxfordshire that for year 1 of the new council tax localisation scheme the status quo should be maintained and that there would, in effect, be no change to the current support which is in place. Proposals to offset the budget reduction will be prepared as part of the 13/14 budget process and reported to the Executive in due course.

In terms of business rates localisation and pooling, modelling was still ongoing and a recommendation on whether to formally submit an application to pool by the deadline of 9th November would be made the week commencing 5 November 2012. A full report detailing the recommendation and next steps would be presented to the December 2012 Executive.

### **Resolved**

- (1) That the latest position on council tax localisation and consultation responses be noted.

- (2) That the latest position on business rates localisation and pooling be noted.
- (3) That authority be delegated to the Chief Executive and Director of Resources, in consultation with the Leader of the Council and the Lead Member for Financial Management to make an application to join an Oxfordshire pool if the financial modelling supports.
- (4) That the changes to the budget timetable be noted.

### **Reasons**

In September and October 2012 the Executive received an update report on the Local Government Resource Review (LGRR) including the introduction of localised Council Tax Support to replace Council Tax Benefit and changes to the way in which business rates are collected and distributed. This summary provides members with updated information on progress since the last report.

The Council agreed its budget guidelines and timetable at the Executive meeting in October 2012 which showed a first draft of the budget being presented at the December 2012 meeting. The information regarding the financial settlement for local authorities will not be available until at least the 19 December 2012 so the first draft of the budget will be presented to the Executive in January 2012.

### **Options**

None

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### **Collective Energy Switching Scheme**

The Head of Environmental Services submitted a report which informed members of collective energy purchasing and switching scheme proposals and provided information for progressing a scheme in Cherwell.

In introducing the report, the Lead Member for Clean and Green advised Executive that collective energy switching offered households the opportunity to sign up to a scheme that allowed an intermediary to negotiate with energy companies on their behalf in order to secure the householder a discounted energy price. The scheme would complement the Council's Housing Strategy and had the potential to deliver part of Council's priority to tackle fuel poverty.

Member commended the scheme and agreed that it offered a lot of potential. Members stressed the need for the scheme to be clear and easy to understand. It would be important to ensure that it was widely communicated to residents in receipt of benefits. It was agreed that officers be requested to investigate the possibility of a commercial collective energy scheme in the district.

## **Resolved**

- (1) That it be agreed to take forward a collective switching scheme for domestic energy consumers in Cherwell and to collaborate with other interested Districts to achieve the best deal for residents.
- (2) That engaging iChoosr as an intermediary to negotiate with energy companies in order to achieve the best value for money be further explored.
- (3) That the setting up of a working group to implement and deliver a collective switching project be agreed.
- (4) That officers be requested to investigate the possibility of a commercial collective energy scheme in the district.

## **Reasons**

A collective energy purchasing and switching scheme will complement the Council's Housing Strategy by combating fuel poverty as well as the Council's Low Carbon Environmental Strategy by making the costs of green tariffs more compatible with other tariffs.

The scheme can also have environmental benefits, if the auction was to include green energy suppliers. This would make a contribution to the corporate objective of being a cleaner, greener Cherwell and would be particularly appropriate in Eco Bicester.

A collective energy purchasing and switching scheme across more Districts will make the scheme more successful as there is strength in numbers.

Research has established that iChoosr has the knowledge and extensive experience in collective switching therefore it is recommended that iChoosr is considered as partners to operate the pilot scheme.

## **Options**

Option One: Progress with a scheme working with iChoosr

Option Two: Do not progress with a scheme

Option Three: Investigate other options

The meeting ended at 7.50 pm

Chairman:

Date:

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## COUNCIL

### RECORD OF LEAD MEMBER DECISIONS FOR THE PERIOD OCTOBER TO DECEMBER 2012

17 December 2012

<b>Area of Responsibility</b>	<b>Decision Subject Matter</b>
<b>Deputy Leader of the Council</b>	<b>Precautionary Salting ('Gritting') Policy (Update) Updated October 2012</b>

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## **Cherwell District Council**

### **Licensing Committee**

Minutes of a meeting of the Licensing Committee held at Bodicote House, Bodicote, Banbury, Oxfordshire OX15 4AA, on 8 November 2012 at 2.30 pm

Present: Councillor Fred Blackwell (Chairman)  
Councillor Mrs Diana Edwards (Vice-Chairman)

Councillor Timothy Hallchurch MBE  
Councillor Kieron Mallon  
Councillor P A O'Sullivan  
Councillor G A Reynolds  
Councillor Rose Stratford  
Councillor Douglas Webb

Apologies for absence: Councillor Michael Gibbard  
Councillor Alaric Rose

Officers: Natasha Barnes, Licensing & Vehicle Parks Manager  
Claire Bold, Licensing Team Leader  
Louise Aston, Team Leader, Democratic and Elections

#### **3 Declarations of Interest**

There were no declarations of interest.

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

There were no petitions or requests to address the meeting.

#### **5 Urgent Business**

There was no urgent business.

#### **6 Minutes**

The Minutes of the meetings of the Committee held on 4 March 2011, 18 May 2011 and 16 May 2012 were agreed as correct records and signed by the Chairman.

7 **Minutes of meeting Thursday 3 November, 2011 of Licensing Sub Committee**

**Resolved**

That the Minutes of the meeting of the Licensing Sub-Committee held on 3 November 2011 be noted.

8 **Minutes of meeting Thursday 1 December, 2011 of Licensing Sub Committee**

**Resolved**

That the Minutes of the meeting of the Licensing Sub-Committee held on 1 December 2011 be noted.

9 **Minutes of meeting Tuesday 24 January, 2012 of Licensing Sub Committee**

**Resolved**

That the Minutes of the meeting of the Licensing Sub-Committee held on 24 January 2012 be noted.

10 **Minutes of meeting Thursday 23 February, 2012 of Licensing Sub Committee**

**Resolved**

That the Minutes of the meeting of the Licensing Sub-Committee held on 23 February 2012 be noted.

11 **Minutes of meeting Thursday 8 March, 2012 of Licensing Sub Committee**

**Resolved**

That the Minutes of the meeting of the Licensing Sub-Committee held on 8 March 2012 be noted.

12 **Licensing Committee: Taxi Tariffs**

The Committee considered a report of the Head of Public Protection and Development Management which sought the Committee's approval to vary the Hackney Carriage fare tariff and to give notice of the proposed variation in accordance with Section 65 (2) (a) of the Local Government (Miscellaneous Provisions) Act 1976.

The Committee was advised that a proposal had been put forward by North Oxon Hackney Carriage Association (NOHA) along with an alternative proposal during the preliminary consultation. In considering the report, the Licensing Committee put forward a further alternative proposal:

- Increase Tariff 1 to £2.50 per mile, and 12p per 16<sup>th</sup> of a mile.
- Increase Tariff 2 and 4 to £2.50 per mile as requested by NOHA.
- Leave Christmas tariff as currently Cherwell is the most expensive in the area.

The Committee commented that it was important to take the current economic climate be taken into account as this had an impact on the Hackney Carriage trade, due to the public being able to afford the proposed increase.

The Committee requested the Licensing Officer to give notice of variation on the above proposal.

### **Resolved**

- (1) That the current fare tariff be varied as follows:
  - Increase Tariff 1 to £2.50 per mile, and 12p per 16<sup>th</sup> of a mile.
  - Increase Tariff 2 and 4 to £2.50 per mile
  - No change to Christmas tariff
- (2) That the Licensing Officer be instructed to give notice of the variation in accordance with Section 65 (2) (a) of the Local Government (Miscellaneous Provisions) Act 1976.
- (3) That, in the event of any objections to the notice of variation, the Licensing Officer be instructed to bring such objections back to a meeting of the Committee for consideration prior to publication of the new fare tariff.

The meeting ended at 3.00 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 9 October 2012 at 6.30 pm

Present: Councillor Ann Bonner (Chairman)

Councillor Tim Emptage  
Councillor Jon O'Neill  
Councillor Nigel Randall  
Councillor Leslie F Sibley  
Councillor Lawrie Stratford

Substitute Members: Councillor Rose Stratford (In place of Councillor Chris Heath)

Also Present: Councillor Michael Gibbard, Lead Member for Planning  
Councillor Tony Illott, Lead Member for Public Protections

Apologies for absence: Councillor Daniel Sames  
Councillor Colin Clarke  
Councillor Chris Heath  
Councillor Melanie Magee  
Councillor Alastair Milne Home

Officers: Andy Preston, Head of Public Protection and Development Management  
Bob Duxbury, Development Control Team Leader  
Sean Gregory, Environmental Protection Officer  
Natasha Clark, Team Leader, Democratic and Elections  
Dave Parry, Interim Democratic and Elections Officer

#### 21 **Declarations of Interest**

There were no declarations of interest.

#### 22 **Urgent Business**

There was no urgent business.

#### 23 **Minutes**

The Minutes of the meeting of the Committee held on 11 September 2012 were agreed as a correct record and signed by the Chairman.

In the course of considering the minutes, it was agreed that the Director of Development be asked to provide an update regarding the development proposals for RAF Bicester.

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### **Air Quality across the District**

The Chairman welcomed the Lead Member for Public Protection and the Environmental Protection Officer to the meeting.

The Environmental Protection Officer gave a presentation on the monitoring of air quality across the District. The Committee was informed of the legislative background, the responsibilities resting with the Council under Part IV of the Environment Act 1995, where monitoring was currently taking place across the District, and, in particular, how this was being undertaken. It was noted that, with regard to monitoring, three detailed assessments were currently in progress in respect of Oxford Road to Southam Road, Banbury; Kings End to Field Street, Bicester, and Bicester Road, Kidlington. In addition, where an earlier detailed assessment had indicated that national air quality targets were being exceeded, an Air Quality Management Area (AQMA) had been declared in respect of Hennef Way, Banbury and, as a result, additional studies were currently taking place to identify the source of the pollution and possible control measures.

A number of issues were raised by Committee members including:

- The means by which potential problem areas could be identified to the Council's officers and other agencies.
- Whether the Council had any powers to deal with problem Taxi vehicles and certain permit holding business operations.
- The possibility of developing an Air Quality strategy, and including air quality within the Performance Management Framework.
- Using the Planning process (section 106 Agreements and the Local Plan) to secure air quality requirements.

The Head of Public Protection and Development Management and the Environment Protection Officer explained that it was agreed that Members' local knowledge was key, and they should be encouraged to report potential problems to the Public Protection team for initial assessment. The other issues raised would be considered further when Officers reported back to the Committee at a future meeting.

### **Resolved**

- (1) That the work on monitoring of air quality across the district be commended.
- (2) That officers be requested to include information regarding Air Quality monitoring in the Members' Bulletin, including advice on how to report areas of concern.

- (3) That a report be submitted to the Overview and Scrutiny Committee meeting in March, 2013 advising further on the issues now raised.

## 25 **Planning and Building Control Enforcement**

The Lead Member for Planning, Head of Public Protection and Development Management, and Development Control Team Leader submitted an information document explaining the background to a recently completed review of the service. The review had concluded that, notwithstanding current budgetary pressures, some additional resource was necessary if the Council's enforcement function was to meet its targets and remain effective.

The proposed solution was to increase resources for a two year duration to be funded Planning Reserve fund. It was considered a measured response to the issue and allowed for further monitoring and review.

The Lead Member for Planning advised the Committee that whilst planning enforcement was a discretionary service, the need to correct planning errors and strengthen the council's reputation as Local Planning authority was imperative.

The Committee was strongly of the view that any reduction in service provision, or even continuation of the status quo, would be counter productive for the District as a whole and for the credibility of the planning process in particular. The effective implementation of planning regulations and policy played a key role in ensuring the creation of a business friendly District of opportunity, and the proposals were fully supported.

### **Resolved**

- (1) That the proposals to enhance the council's planning enforcement service be noted and supported.

## 26 **Overview and Scrutiny Committee Work Programme 2012/13**

The Committee considered the report of the Head of Law and Governance which presented the Overview and Scrutiny Work Programme 2012/13.

### **Executive Work Programme**

The Committee agreed that there were no items on the Executive Work Programme for October 2012 to January 2013 that they wished to include on their Work Programme in 2012/13. However, it was noted that the Government had recently issued new requirements regarding the notice period to be given regarding key decisions by the Executive, decisions made with the public and press excluded, and decisions made by Officers under delegated authority. The Committee queried the position regarding decisions made by Lead Members, and the Team Leader, Democratic and Elections, undertook to provide some clarification.

**Resolved**

- (1) That the Overview and Scrutiny Committee work programme 2012/13 be noted.
- (2) To no items in the current version of the Forward Plan (September to December, 2012) be included on the Work programme for 2012/13.
- (3) That information be provided to all Members regarding the recent changes to the notice period to be given regarding key decisions by the Executive, decisions made with the public and press excluded, decisions made by Officers under delegated authority and decisions taken by Lead Members

The meeting ended at 8.10 pm

Chairman:

Date:



## Cherwell District Council

### Resources and Performance Scrutiny Board

Minutes of a meeting of the Resources and Performance Scrutiny Board held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 16 October 2012 at 6.30 pm

Present: Councillor Nicholas Mawer (Chairman)  
Councillor Douglas Webb (Vice-Chairman)

Councillor Maurice Billington  
Councillor Margaret Cullip  
Councillor Jon O'Neill  
Councillor Nigel Randall  
Councillor Lawrie Stratford  
Councillor Douglas Williamson  
Councillor Sean Woodcock

Substitute Members: Councillor Andrew Beere (In place of Councillor Patrick Cartledge)

Apologies for absence: Councillor Alyas Ahmed  
Councillor Patrick Cartledge  
Councillor Neil Prestidge

Officers: Martin Henry, Director of Resources / Section 151 Officer  
Ian Davies, Director of Community and Environment  
Joanne Kaye, Service Accountant - Community & Environment Directorate  
Natasha Clark, Team Leader, Democratic and Elections

#### 32 **Declarations of Interest**

There were no declarations of interest.

#### 33 **Urgent Business**

There was no urgent business.

#### 34 **Minutes**

The Minutes of the meeting held on 4 September 2012 were agreed as a correct record and signed by the Chairman.

35 **Exclusion of the Public and Press**

**Resolved**

That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.

36 **Capital Budget 2013-14 to 2016-17**

The Board considered a report of the Director of Resources which sought agreement on recommendations to the Executive for the Capital Programme for 2013-14 to 2016-17.

The Chairman opened the discussion with a brief resume of the work that the Board had undertaken to review the capital bids for 2013-14. The bids received were reviewed at an informal budget scrutiny meeting on 24 September 2012 and had been scored using a standard score card taking into account:

- Drivers (compulsory/legal; highly recommended; or desirable)
- Strategic Objectives (direct and significant to a strategic objective; indirect; or, not applicable)
- Consultation Priority
- Impact on performance or service deliver
- Organisation risk
- Efficiency (positive revenue with figures provided)

Executive Lead Members and Heads of Service had attended the second informal budget scrutiny meeting on 2 October 2012 to provide the Board with additional information on a number of bids and respond to any queries raised by Board members.

In considering the bids the Board agreed that it was important to take account of the score including the reason for the proposed capital expenditure, how the money was allocated by quarter and any requirements in future years.

The Board agreed that the following bids which all had with a score of 24 or more should be recommended to the Executive for inclusion in the capital programme 2013/14: Bid 7 Cherwell Community Centre – Roof Covering Replacement; Bid 17 Units 6 & 7 Thorpe Way – Replacement Roof Covering; Bid 19 D & PS Access Audit 2012; Bid 23 Bicester Sports Village Phase 2; Bid 26 Stratfield Brake Repair Works; Bid 36 Vehicle Replacement 2013/14; Bid 30 Mandatory Disabled Facilities Grants; Bid 34 Recycling Bank Replacement 2013/14; Bid 38 Vehicle lifting equipment; Bid 40 Microsoft Licensing; Bid 41 Desktop PC Replacement; Bid 44 Visualfiles Upgrade; Bid 43 Server Replacement Package; Bid 2 23 & 24 Thorpe Place – Replacement Roof Lights; Bid 45 Financial System Upgrade;

Members were satisfied with the information and justification for each of these bids however it was noted that there were a number of bids relating to the replacement of items which would have a limited life span and therefore

require repair or replacing again as well as . Members commented that due to the limits on the capital pot consideration should be given to services building up funds to cover future replacements and ongoing costs.

Members also agreed that Bid 37 – Wheeled bin replacement scheme; Bid 8 – Works in Connection with Condition Survey; Bid 24 Kidlington and Gosford Leisure Centre Astro Turf Replacement; Bid 25 North Oxfordshire Academy Track Refurbishment; and, Bid 29 Discretionary Housing Grants should be recommended for inclusion in the Capital Programme 2013/14.

The Board agreed that two bids should be recommended for inclusion in the 2013/14 Capital Programme subject to conditions: Bid 32 - Kidlington Pedestrian Scheme – Phase 2, subject to negotiation and agreement being reached with Kidlington Parish Council for the ongoing maintenance of the bollard; and, Bid 21 - Community Facilities Grant Scheme, subject to an appropriate policy for the scheme being established, a requirement that any bids over £2000 must have, as a minimum, matched funding and that the Lead Member approve grants.

Members agreed to defer consideration of the following bids: Bid 3 - Replacement Air Conditioning Plant to Main Chamber, Bodicote House; Bid 10 - Highfield Depot – Proposed Redevelopment of Office and Welfare Facilities; 1 - Planning and Building Control replacement of ICLIPSE (Northgate); Bid - 35 - Thorpe Lane Hard Standing Depot; Bid - 39 - Corporate – Electronic Document and Records Management System (EDRMS); and, Bid 42 - Joint Intranet (CDC and SNC) to allow for further information to be presented to the Board in due course.

It was agreed that the following bids should not be recommended for inclusion in the Capital Programme 2013/14: Bid 33 - Bartec expansion; Bid 5 - Replacement CCTV and Intruder Systems District Wide; Bid 22 - CDC and SNC Customer Services Desktop as a Service (DaaS); Bid 27 - Town Centre Visitor Information; and, Bid 6 - Lighting to Main Chamber, Bodicote

The Board agreed that the following bids did not meet the capital requirements and should therefore not be included in the 2013/14 Capital Programme: Bid 4 - Bradley Arcade – Promenade Deck Repairs to Shops; Bid 9 - Stable Restaurant Alterations; Bid 11 - Repairs to Lighting Protection at Bodicote House and Banbury Bus Station; Bid 12 - External / Internal Painting; Bid 13 - Retained Land Backlog Maintenance; Bid 14 - Street Furniture; Bid 16 - Unit 18 Thorpe Way - clearance of unit; Bid 18 - Unit 6 & 20 Thorpe Place – Improvements; Bid 28 - CDC Community Development Strategy; Bid 28 - Cherwell Allocations Review and Implementation; and, Bid 31 - Work-in-default.

## **Resolved**

- (1) That the recommendations, conclusions and comments relating to the Capital Budget be submitted to the Executive for consideration as part of draft 1 of the 2012/13 budget.

## **Environmental Services and Homelessness Budgets**

The Chairman reminded Members that at the Board meeting of 4 September 2012 Members had received an extensive briefing from the Head of Environmental Services during which Members were advised that Environmental Services delivered many of the front line services of the Council, including Waste Collection, Street Cleansing, Public Conveniences and Landscape Management. These services were the services that the Council was most well known for amongst residents and accounted for a significant percentage of overall Council expenditure. The overall revenue budget for Environmental Services was £5.86 million.

In considering the Environmental Services budget, Members noted that waste collection from residents in the district was the primary function of the waste service but considered that the collection of commercial waste could generate an income for the Council. It was acknowledged that the cost of such a service could outweigh any benefits and agreed that giving consideration to the feasibility of offering such a service through a cost/benefit analysis would be the most appropriate course of action in the first instance.

The Board had undertaken a detailed review of the Council's partnership with the Oxfordshire Waste Partnership (OWP) in 2010/11 and retained the item on their work programme to monitor in light of uncertainty about the financial arrangements.

The Director of Community and Environment advised the Board that there was still considerable uncertainty about the financial arrangements and, in particular, the payments to collection authorities from the county council. The issue was under discussion by Leaders and Chief Executives across the county and would also be considered by the OWP at their next meeting.

Members agreed that this should remain on their work programme and requested that the Head of Environmental Services provide updates to the Board as appropriate.

In terms of the homelessness budget, at their September meeting the Board had been advised that the Council's homelessness budget had remained relatively stable for the previous two years and the Government had confirmed that the Council's homelessness grant would remain the same for the next two years, but this was not ring fenced. Members had considered that as a consequence of the Government's Local Government Resources Review and Welfare Reforms, the Board agreed that they should retain a watching brief through the Finance Scrutiny Working Group.

### **Resolved**

- (1) That the recommendations, conclusions and comments relating to the Environmental Services and Homelessness budgets as set out at appendix 1 to these minutes be submitted to the Executive for consideration as part of draft 1 of the 2012/13 budget.

38 **Readmittance of the Public and Press**

**Resolved**

That the press and public be readmitted to the meeting.

39 **Resources and Performance Scrutiny Board Work Programme 2012/13**

The Board considered a report of the Head of Law and Governance which presented the Resources and Performance Scrutiny Board work programme 2012/13 for consideration.

**Resolved**

- (1) That the Resources & Performance Scrutiny Board work programme 2012/13 be noted.

The meeting ended at 8.40 pm

Chairman:

Date:

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