

## Cherwell District Council

### Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 1 June 2015 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 Norman Bolster, Lead Member for Estates and the Economy

Councillor John Donaldson, Lead Member for Housing

Councillor Michael Gibbard, Lead Member for Planning

Councillor Tony Ilott, Lead Member for Public Protection

Councillor Kieron Mallon, Lead Member for Banbury Futures

Councillor D M Pickford, Lead Member for Clean and Green

Councillor Nicholas Turner, Lead Member for Change Management, Joint Working and IT

Also Present: Councillor Sean Woodcock, Leader of the Labour Group  
Councillor Mike Kerford-Byrnes, for agenda item 7  
Councillor Les Sibley, for agenda item 9  
Councillor Lawrie Stratford

Apologies for absence: Councillor Ken Atack, Lead Member for Financial Management

Officers: Sue Smith, Chief Executive  
Martin Henry, Director of Resources / Section 151 Officer  
Adrian Colwell, Head of Strategic Planning and the Economy, for agenda item 9  
Jo Pitman, Head of Transformation, for agenda item 10  
Chris Stratford, Head of Regeneration and Housing, for agenda item 7  
Paul Sutton, Head of Finance and Procurement  
Kevin Lane, Head of Law and Governance / Monitoring Officer  
Natasha Clark, Team Leader, Democratic and Elections

#### 1 **Declarations of Interest**

Members declared interests in the following agenda items:

#### **7. Revision to Housing Allocation Scheme (as approved in November 2012).**

Councillor Sean Woodcock, Declaration, as an employee of a registered provider.

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

The Chairman reported that he had agreed to requests from Councillor Kerford-Byrnes to address the Executive on agenda item 7, Revision to Housing Allocation Scheme (as approved in November 2012) and Councillor Sibley on agenda item agenda item 9, North West Bicester Supplementary Planning Document (SPD).

3        **Urgent Business**

There were no items of urgent business.

4        **Minutes**

The minutes of the meeting held on 7 April 2015 were agreed as a correct record and signed by the Chairman.

5        **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

6        **North West Bicester Supplementary Planning Document (SPD)**

The Head of Strategic Planning and the Economy submitted a report which provided an update on the progress in preparing a Supplementary Planning Document (SPD) for the North West Bicester strategic development identified in the modified Submission Cherwell Local Plan as Policy Bicester 1 and sought approval for the Draft North West Bicester SPD to be used as informal interim planning guidance in the determination of planning applications.

At the discretion of the Chairman, Councillor Sibley addressed the Executive.

**Resolved**

- (1) That the progress in preparing the North West Bicester Supplementary Planning Document (SPD) be noted.
- (2) That the response to the representations received and resulting changes to the Draft SPD be agreed.
- (3) That the latest version of the Draft SPD to be used on an interim basis for development management purposes be approved.

- (4) That the further steps to complete the SPD, as follows, be noted:
  - a) Consult on the revised Statement of Consultation
  - b) Consult the statutory consultation bodies on the Strategic Environmental Assessment (SEA) screening
- (5) That the Head of Strategic Planning and the Economy be authorised to make any necessary minor amendments to the SPD to be made in consultation with the Lead Member for Planning.
- (6) That the need for the final SPD to be presented to the Executive for formal adoption at a future meeting in the light of the Local Plan Inspector's Report and the cancellation of the Eco-towns Planning Policy Statement (PPS) be noted.

## **Reasons**

This report sets out the current position on the preparation of the North West Bicester SPD. The consultation on the Draft SPD has not identified any fundamental issues. It is recommended that the Council use the SPD as informal interim guidance in guiding the preparation and determination of planning applications prior to its formal adoption. In order to complete the SPD and progress it towards adoption, the report has identified areas of work which require further attention including the formal SEA screening opinion, Statement of Consultation and further review of the document following confirmation that the Eco-town PPS is to be cancelled. It is proposed to report back to the Executive with a further update following the receipt of the Inspector's Report should this raise new issues that have not already been considered in the production of the draft SPD.

The Executive is recommended to note the progress that has been made with the SPD, approve the draft SPD as amended for development management purposes and authorise officers to carry out further consultation on the SEA and Statement of Consultation. Officers will consult with the Lead Member for Planning on any further minor amendments. The Executive's formal adoption of the SPD will be sought following adoption of the Local Plan.

## **Alternative options**

Option 1: To not progress the preparation of the NW Bicester SPD and rely only on the Submission Cherwell Local Plan Policy Bicester 1 (as Proposed to be Modified) – rejected given the general support for the policies in the SPD, and its role in guiding the preparation of planning applications and as informal detailed guidance in determining planning applications.

Option 2: To await the adoption of the Local Plan before continuing to progress the preparation of the SPD – rejected due to the timescales involved and the necessity for informal planning guidance when determining the outline planning applications in 2015.

7 **Revision to Housing Allocation Scheme (as approved in November 2012)**

The Head of Regeneration and Housing submitted a report which sought approval of revisions to the Council's Allocation Scheme (as approved in November 2012).

In introducing the report, the Lead Member for Housing explained that The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 came into force on 20 April 2015 and the Scheme would be amended to reflect the Regulations.

At the discretion of the Chairman, Councillor Kerford-Byrnes addressed the Executive.

**Resolved**

- (1) That the revisions to the Housing Allocations Scheme be accepted, subject to the following amendment: Keyworker definitions – amend fourth bullet to read “a teacher working in one of the district’s state maintained schools”.
- (2) That it be noted the scheme would be amended to reflect The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 which came into force on 20 April 2015.
- (3) That the Overview and Scrutiny Committee be recommended to undertake a review of the council’s policy on rural exception sites.

**Reasons**

In November, 2012, the Council implemented a new and innovative Allocation Scheme taking account of the changes to legislation, namely the Localism Act 2011 and the new Allocation of Accommodation Code of Guidance developed as a consequence of that. The new scheme met all of the Council’s strategic priorities within its Housing Strategy 2012-17.

As agreed when the Allocation Scheme was approved the Council has reviewed the current Scheme to ensure that it meets not only the needs of the most vulnerable within the District but also the supply of accommodation that is coming available to ensure that we meet our nomination requirements, namely the percentage of void stock that registered providers have to give to the Council to let each year.

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 are made by the Secretary of State under section 160ZA(8)(b) and 172(4) of the Housing Act 1996, under which the Secretary of State has the power to set out in regulations criteria which local housing authorities may not use to decide what classes of persons are not qualifying persons for an allocation of housing accommodation. The Regulations came into force on 20 April 2015.

The Overview & Scrutiny Committee is recommended to undertake a review of rural exception sites to consider any disconnect between planning policy and the Allocations Policy.

### **Alternative options**

Option 1: Not to accept any revisions to Cherwell's Allocation Scheme 2012

## **8 Corporate Biodiversity Action Plan 2015/16 Protecting and Enhancing Cherwell's Natural Environment**

The Interim Community Partnerships & Recreation Manager submitted a report which sought approval of the 2015/15 Corporate Biodiversity Action Plan (BAP).

### **Resolved**

- (1) That the Corporate Biodiversity Action Plan (BAP) 2015/16 be approved.

### **Reasons**

The annual Corporate BAP provides a framework of aims, actions and targets, the delivery of which ensures that the Council complies with both legislative and planning policy requirements relating to important wildlife sites, habitats and species and good quality connected green spaces.

### **Alternative options**

Option 1: To reject the Corporate BAP 2015/16 – but the Council would not be able to demonstrate that it is meeting biodiversity legislation and planning policy requirements.

Option 2: To amend the Corporate BAP 2014/15

## **9 Performance Report 2014-2015 Quarter 4 / End of Year**

The Head of Transformation submitted a report which provided information relating to quarter four of the annual performance year, for the period 1 January - 31 March 2015. The report also reflected end of year outturns as measured through the performance management framework.

### **Resolved**

- (1) That it be noted that despite tough performance targets, a challenging economic environment, and on-going policy and organisational change, Cherwell District Council has met or made satisfactory progress on 96% of all the performance targets outlined in its performance management framework.

- (2) That it be noted that any feedback on performance issues from Overview and Scrutiny Committee at its meeting on 2 June 2015 would be provided directly to the Leader.

### **Reasons**

In this final quarter report we show that the Council has made strong progress towards delivering its ambitions to improve the services delivered to the public and against key projects and priorities, despite tough performance targets, a challenging economic environment, and on-going policy and organisational change. It also demonstrates the Council's proactive performance management of issues raised and the inclusive role of Overview and Scrutiny in supporting performance review.

With a 96% delivery rate against the key strategic priorities and the deliverables that sit underneath them the report clearly demonstrates that the council's performance is excellent, and that together we are making a significant and positive difference to the District, our residents, businesses and other key stakeholders. There can be no other recommendations to make, other than to commend everyone who has contributed to such excellent performance, of which we should all be proud.

### **Alternative options**

Option 1: To request additional information on items and/or add to the work programme for review and/or refer to Overview and Scrutiny.

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## **Provisional 2014-15 Revenue and Capital Outturn Report**

The Head of Finance & Procurement submitted a report which summarised the Council's provisional Revenue and Capital performance for the financial year 2014-2015 and reported on performance against the procurement action plan. The figures were still subject to further validation work to ensure compliance with statutory requirements and proper accounting practices

### **Resolved**

- (1) That the carry forward of budget underspends from 2014-2015 to 2015-2016 (annex to the Minutes as set out in the Minute Book) be agreed.
- (2) That the review of reserves (annex to the Minutes as set out in the Minute Book) be agreed.
- (3) That the provisional capital out-turn position for 2014-2015 (annex to the Minutes as set out in the Minute Book) be noted.
- (4) That the balances on capital schemes which have slipped in 2014-2015 to be carried forward into the 2015-2016 capital programme (annex to the Minutes as set out in the Minute Book) be agreed.
- (5) That the Treasury out-turn position for 2014-15 be noted.

- (6) That progress against the Council's Procurement Action Plan be noted.
- (7) That responsibility be delegated to the Director of Resources and Head of Finance and Procurement in consultation with the Lead Member for Financial Management to consider and implement further changes relating to all aspects of the closedown of the accounts for 2014-15 including: realigning reserves; the transfer of costs from revenue to capital; amendments of the revenue and capital budgets; and implementation of a minimum revenue provision accordingly.

### **Reasons**

This report illustrates the Council's provisional performance against the 2014-15 Revenue and Capital Budget and progress achieved against our Procurement action plan and targets.

The financial performance for revenue reflects an underspend whilst capital reflects an overspend due to Graven Hill, which was known. The performance demonstrates the Council's ability to respond positively and actively to changing economic circumstances and deliver sizeable capital programmes and effective financial management.

The variances on the revenue outturn were within the Council's stated tolerances although capital outturn was outside for the reasons stated in the report.

### **Alternative options**

Option 1: To reject the current proposals and to make alternative recommendations or ask officers for further information.

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

### **Resolved**

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraph 3 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **12 Leisure Contract**

The Director of Community and Environment submitted an exempt report relating to negotiations with Parkwood Leisure Ltd over changes to the contract to operate the Council's main leisure centres.

### **Resolved**

- (1) That the outcome of the negotiations over a change to the benchmark contract price and the incorporation of Legacy Leisure into the leisure management contractual framework be endorsed.
- (2) That the net financial benefit of these changes be incorporated into the revised 2015/16 revenue estimates and the full savings effect into the base budget for 2016/17.

### **Reasons**

The package is regarded by officers as a very positive outcome from negotiations where the Council will;

- Achieve a greater annual cost saving than that originally offered.
- Achieve a substantial annual reduction in the cost of operating its three primary leisure centres.
- Address in full one of the outstanding 2008 contract anomalies and another in part.
- Address some of the 2015/16 budget challenges associated with the Spiceball bridge.

### **Alternative options**

Option 1: To reject the linked outcomes of the negotiations and revert to the current contract structure and cost. This will not deliver any financial savings to the Council

The meeting ended at 8.00 pm

Chairman:

Date: