

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 5 October 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 Ken Atack, Lead Member for Financial Management
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

Also Present: Councillor Sean Woodcock, Leader of the Labour Group
Councillor Lawrie Stratford

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

Officers: Sue Smith, Chief Executive
Ian Davies, Director of Community and Environment
Martin Henry, Director of Resources / Section 151 Officer
Kevin Lane, Head of Law and Governance / Monitoring Officer
Paul Sutton, Head of Finance and Procurement
Adrian Colwell, Head of Strategic Planning and the Economy
Jo Pitman, Head of Transformation
Ed Potter, Head of Environmental Services
Natasha Clark, Team Leader, Democratic and Elections

42 **Declarations of Interest**

19. Build Programme - Site Negotiations and Acquisitions.

Sue Smith, Declaration, as the Chair of the SEMLEP European Committee to which the bid would be made.

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

There were no petitions or requests to address the meeting.

44 **Urgent Business**

There were no items of urgent business.

45 **Minutes**

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

46 **Chairman's Announcements**

The Chairman made the following announcement:

1. 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.

47 **Customer Satisfaction Survey Results 2015**

The Head of Transformation submitted a report to advise the Executive of the results of the 2015 annual customer satisfaction survey which illustrated a 79% level of overall satisfaction with the Council, and 55% satisfaction in relation to how the Council represented value for money; the highest levels of satisfaction since the survey began in 2006.

The report also identified areas to be considered for further improvement or investment within the District as part of the annual business planning and budget setting process for 2016/17.

In considering the report, Executive agreed that the survey reflected well on the service given by council employees and requested that the Chief Executive pass on their feedback.

In response to comments from Councillor Woodcock, Leader of the Labour Group, regarding participation levels in the survey, the Chairman confirmed that he had already addressed with officers the need to increase participation. The survey showed trends and was an important tool for obtaining people's views.

Resolved

- (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 improvement or investment as part of the business

planning and budget setting process for 2016/17 based on survey respondent feedback.

- (3) That survey respondents be thanked for their contribution.

Reasons

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 detail that will be used by service managers to help underpin service planning.

Alternative options

Option 1: To reject the recommendations and request additional work or alternative priorities arising from the survey findings.

48

Air Quality Management Area in Bicester

The Interim Public Protection and Environmental Health Manager which sought the agreement of Executive to declare an Air Quality Management Area in Bicester.

Resolved

- (1) That 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.

Reasons

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 the annex to the Minutes (as set out in the Minute Book).

Alternative options

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 area as an AQMA and so for this reason this is not an alternative option.

Recycling Strategy

The Head of Environmental Services submitted a report to consider the future recycling strategy options which could be adopted to deal with the current environment of volatile commodity prices and potential changes to services delivered by Oxfordshire County Council.

The Chairman confirmed that Cherwell District Council had made written representations to the County Council consultation and other district and town and parish councils had also made representations.

Resolved

- (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 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 rates towards 60% be supported.

Reasons

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 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.

Alternative options

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

Bicester Sustainable Transport Strategy

The Head of Strategic Planning and the Economy submitted a report which sought the Executive's endorsement and support for the Bicester Sustainable Transport Strategy as the Council's commitment to sustainable transport in the town recognising its role in accommodating growth and integrating new and existing neighbourhoods.

At the discretion of the Chairman, Councillor Lawrie Stratford addressed the meeting.

In response to the address, the Chairman confirmed that the future of Market Square would require reappraisal after Pioneer Square Phase 2 was embedded. Members subsequently agreed that the wording in Principles and Vision regarding Market Square should be amended to reflect this.

Resolved

- (1) That the Bicester Sustainable Transport Strategy be noted.
- (2) That, subject to resolutions (5) and (6), the Strategy's vision and principles be endorsed.
- (3) That the Strategy be supported as the basis of further work to inform Part 2 of the Cherwell Local Plan, the Oxfordshire Local Transport Plan and other documents.
- (4) That the next steps required to develop an action plan to deliver priorities in the short, medium and long term as schemes and funding opportunities be progressed.
- (5) That it be noted that the future of Market Square would require reappraisal after Pioneer Square Phase 2 was embedded.
- (6) 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).

Reasons

The Bicester Sustainable Transport Strategy (STS) is a key document in supporting improvements to the Bicester transport network. It reviews and summarises the policy context and best practice from the UK and Europe. The vision and principles support the shift to more sustainable travel in the future providing a framework for infrastructure improvements and behaviour change. Detailed designs have been prepared by Sustrans for the central corridor route.

The Strategy is necessary to ensure that the future growth of Bicester can be accommodated. Improvements and enhancements to the public transport network will ensure 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 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 improvements in Bicester.

Alternative options

Option 1: To adopt the STS as a Supplementary Planning Document
This option was rejected as it will lead to delay to the preparation of the document and is considered unnecessary as the STS will be used to inform CLP Part 2 and the LTP4. It would also require additional resources to complete.

Option 2: To await publication of the STS until further detail is received to complete the Delivery Plan
This option was rejected given the uncertainty of funding streams. It would lead to undue delay, resulting in some sections becoming outdated and prevent the document 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.

Adoption ('Making') of Hook Norton Neighbourhood Plan

The Head of Strategic Planning and the Economy submitted a report which sought a recommendation to Full Council to 'make', i.e. to adopt, the Hook Norton Neighbourhood Plan (HNNP) following the holding of a successful referendum in Hook Norton Parish on 3 September 2015. There was a majority vote in favour of adopting the neighbourhood plan so that it becomes part of the statutory development plan for Cherwell District Council under the provisions of Section 38A (4) and (6) the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011.

Executive commended Hook Norton Parish Council and the local community for their hard work in progressing the plan.

Resolved

- (1) That the referendum 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 development plan for the District.
- (3) 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.
- (4) 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 undertaking of any minor presentational improvements, prior to the Plan being adopted and published by Council.

Reasons

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.

Local planning authorities are required by statute to 'make' any neighbourhood plan if 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

Alternative options

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.

A legal challenge can be made if a local planning authority declines to make a neighbourhood plan following a successful referendum.

52

Budget Strategy 2015 to 2016 and Beyond

The Head of Finance and Procurement submitted a report to set out the Budget Process for 2016/17, approve the 2016/17 Budget Strategy and agree the budget guidelines for issue to service managers. The report also presented the most recent Medium Term Revenue Plan (MTRP) and sought consideration of the Council Tax Reduction Scheme for 2016/17.

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 and financial planning process be endorsed.
- (3) That the proposed budget guidelines and timetable for 2016/17 (annexes to the Minutes as set out in the Minute Book) be agreed.
- (4) 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 Director of Resources, in consultation with the Lead Member for Financial Management, to make the final decision on the scheme.

Reasons

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 Benefit was abolished and replaced with a local Council Tax Reduction Scheme. Members are now required to agree, for consultation purposes, a Council Tax Reduction Scheme for the 2016-2017 financial year.

Alternative options

Option 1: To disagree with the recommendations. This is rejected as it will unnecessarily delay the formulation of the detailed budget for 2016/17.

53

Business Rates Pooling Decisions 2016-2017

The Director of Resources submitted a report which sought approval in principle for the Council to participate in a business rates pool for 2016-2017.

Resolved

- (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 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.

Reasons

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 with the Lead Member for Financial Management.

Alternative options

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.

54

Expression of Interest for Devolution to Oxfordshire

The Chief Executive submitted a report to advise Members of the recent proposal which set out the areas for devolution that Oxfordshire authorities are interested in exploring further with central government.

Resolved

- (1) That the report be noted.

Reasons

This report is to draw Members attention to the recently submitted expression of interest in respect to a Devolution deal for Oxfordshire.

Alternative options

Not applicable. This report is for noting only.

55 **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, Paragraphs 1, 2, 3 and 5 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.

56 **Expression of Interest for Devolution to Oxfordshire - Exempt Appendix**

Resolved

- (1) That the exempt appendix be noted.

57 **Proposal for a Joint Transport Resource with South Northamptonshire Council**

The Head of Strategic Planning and the Economy submitted an exempt report which presented the final business case, following consultation, for a Joint Transport Resource across Cherwell District Council (CDC) and South Northamptonshire Council (SNC) and sought approval of the non-staffing elements of the business case.

The proposal was part of the wider transformation programme across the two Councils.

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 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 of Strategic Planning and the Economy in consultation with the Leader of the Council to make any non-significant amendment that may be required to the business case following the decision by SNC Cabinet and/or the Joint Commissioning Committee.

Reasons

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.

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.

Alternative options

As set out in the exempt minutes

58

Local Housing Company

The Head of Regeneration and Housing submitted an exempt report which sought approval for a recommendation to Council to create a Local Housing Company as a vehicle to develop, own and manage affordable housing assets and ancillary activities including existing housing assets in the Council's ownership, both built (and occupied) and in development.

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 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) 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 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 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.
- (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

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.

Reasons

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 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-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

Alternative options

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 likely require the Council to re-open its Housing Revenue Account, bringing with it:

- caps on lending
- limitations on the opportunity to attract inward investment
- limitations on the opportunity to harness the investment of time and expertise from community/independent representation.

Option Two: To sell all assets (existing and pipeline) is not recommended as this would deliver a lesser financial return and would not guarantee local governance, management and retention of investment within district boundaries.

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.

59

Build Programme - Site Negotiations and Acquisitions

The Head of Regeneration and Housing submitted an exempt report to request approval to acquire land and proceed with a bid for EU funding.

Resolved

- (1) As set out in the exempt minutes.
- (2) That approval be given for Officers to facilitate 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.

- (3) As set out in the exempt minutes.
- (4) That it be noted that the Council's application for EU funding (to undertake a Research and 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):
 - A single unit plot in Lincoln Close, Banbury;
 - A two unit plot in Angus Close Banbury;
 - Land to the rear of Orchard Way for four apartments.
 - b) The funding already allocated for the redevelopment of Orchard Way (external area) to be identified as capital match funding;
 - c) The schemes to proceed if funding is awarded.

Reasons

As set out in the exempt minutes.

Alternative options

As set out in the exempt minutes.

The meeting ended at 7.50 pm

Chairman:

Date: