

Cherwell District Council

Executive

Minutes of a meeting of the Executive held in at Bodicote House, Bodicote, Banbury, OX15 4AA, on 17 November 2008 at 6.30 pm

Present: Councillor Barry Wood (Chairman)
Councillor G A Reynolds
Councillor Norman Bolster
Councillor Michael Gibbard
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nigel Morris
Councillor D M Pickford
Councillor Nicholas Turner

Also present: Councillor Mrs Catherine Fulljames
Councillor Andrew Fulljames
Councillor Daniel Sames
Councillor John Donaldson

Officers: Mary Harpley, Chief Executive and Head of Paid Service
Ian Davies, Strategic Director - Environment and Community
John Hoad, Strategic Director - Planning, Housing and Economy
Mike Carroll, Head of Improvement
Liz Howlett, Head of Legal & Democratic Services and Monitoring Officer
Karen Curtin, Chief Accountant
Philip Clarke, Head of Planning & Affordable Housing
David Marriott, Head of Economic Developments & Estates
Chris Rothwell, Head of Urban & Rural Services
Jo Smith, Communications Manager
James Doble, Democratic, Scrutiny and Elections Manager

Recommendations to Council

116 Authorisation of Staff

The Head of Safer Communities and Community Development submitted a report to authorise a new member of staff.

Resolved

- (1) Authorise Daniel Rowson for the purposes of the following legislation:-

Building Act 1984
Caravan Sites Act 1968
Clean Air Act 1956, 1968 and 1993
Clean Neighbourhoods and Environment Act 2005
Control of Pollution Act 1974
Dogs (Fouling of Land) Act 1996
Environmental Protection Act 1990
Factories Act 1961
Litter Act 1983
Offices, Shops and Railway Premises Act 1963
Prevention of Damage by Pests Act 1949

Public Health (Control of Disease) Act 1984
Refuse Disposal (Amenity) Act 1978
Sunday Trading Act 1994
Water Acts 1973 and 1989
Water Industry Act 1991

- (2) Invite the Council to authorise Daniel Rowlson for the purposes of the following legislation:-

Animal Boarding Establishments Act 1963
Breeding of Dogs Act 1973
Breeding and Sale of Dogs (Welfare) Act 1999
Caravan Sites and Control of Development Act 1960
Dangerous Wild Animals act 1976
Food Hygiene (England) Regulations 2006
Food Safety Act 1990
Health Act 2007
Health and Safety at Work, etc Act 1974
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Noise and Statutory Nuisance act 1993
Official Feed and Food Controls (England) Regulations 2007
Pet Animals Act 1951
Public Health Acts 1936 and 1961
Riding Establishments Acts 1964 and 1970
Scrap Metal Dealers Act 1964
Zoo Licensing Act 1981

Reasons - This will ensure that the Council undertakes its regulatory duties in compliance with the law.

Resolutions

117 **Declarations of Interest**

Councillors Bolster, Reynolds, Turner, Mallon declared prejudicial interests with regard to Minute 119 due to them being County Councillors and the County Council holding a land interest at Gowells Farm, Bicester.

118 **Minutes**

Resolved, that the minutes of the meeting of 3 November 2008 be deferred due to not being available at this time.

119 **Proposed Eco-Town at Weston Otmoor - Update**

The Head of Planning and Affordable Housing Policy submitted a report to update the Executive and present further information on the Government publication Draft of the Planning Policy Statement on Eco Towns and the Sustainability Appraisal of the Eco Towns Programme, and the Council's involvement in the continuing assessment of the Weston Otmoor Eco-Town proposal.

Councillor Mrs Fulljames and Councillor Fulljames addressed the Executive on this issue. The Executive discussed the issue in detail and agreed the recommendations as set out in the report with the amendment that a further report be requested for the December meeting setting out the next steps that would be required with regard to this issue.

Resolved, that the contents of the Report and the supporting Appendices be noted and that a further report be requested for the December meeting setting out the next steps that would be required with regard to this issue.

Reasons - the Eco-Town process has attracted considerable comment and concern Throughout this process, the Council has maintained a watching brief on the issue.

Councillor Pickford requested that her abstention be recorded in the minutes.

120 **RAF Bicester Conservation Area**

The Head of Legal and Democratic Services submitted a report that contained a referral to the Executive from the Overview & Scrutiny Committee. Councillor Sames as Vice-Chairman of the Overview and Scrutiny Committee introduced the report.

Resolved

- (1) That it be agreed that the Overview and Scrutiny Committees belief that, having regard to the situation and historic status of RAF Bicester it should not be considered as a suitable site for housing, be fed into the consultation process for the Local Development Framework.
- (2) That the historic status of the RAF Bicester site be recognised and the commitment to ensure that the appropriate bodies ensure the historic buildings are maintained be confirmed.
- (3) That in light of resolution two above, the Portfolio Holder for Planning and Housing be requested to keep this issue within his consideration and to take action as appropriate.

- (4) That proposals such as that of Bomber Command Heritage to raise the profile of the heritage and value of the RAF Bicester site be welcomed.

Reasons – RAF Bicester is considered to be a historic site and of value to the district

121

Cherwell Rural Strategy

The Head of Urban and Rural Services submitted a report to present the initial outcomes and findings from the consultation on the Draft Cherwell Rural Strategy and to consider the adoption of the main themes for the final document.

Resolved

- (1) That the themes set out in the Draft Cherwell Rural Strategy, with the amendment to Theme C to: Provide Village Homes and Village Infrastructure, and Theme E to: Protect, Enhance & Increase Enjoyment of Cherwell's Natural & Historic Environment, for adoption in the final Cherwell Rural Strategy 2009-2014 be confirmed.
- (2) That a further report on the draft Strategy following a full analysis of the detailed responses be received

Reasons - the need for a Rural Strategy for Cherwell stems from the fact that Cherwell is predominantly rural in character and one third of the District's people live in rural communities. This is recognised in Theme 8 of the Cherwell Community Plan "Rural Focus".

122

Local Authority Business Grant Incentive Scheme

The Head of Economic Development and Estates submitted a report to advise Members as to the grant awarded to the Council under the Local Authority Business growth Incentive (LABGI) scheme, to seek guidance as to how this grant should be used, and to advise as to future proposed changes to the scheme.

Resolved

- (1) That the Council place £45,000 in a reserve account to finance up to £15,000 pa for 3 years from 2009/10 to fund the continuation of the business mentoring service currently administered by Oxfordshire Business Enterprises.
- (2) That the remaining LABGI funds received this year be placed in a reserve account, to be used to finance economic development activities and projects in future years
- (3) That £5,000 be allocated to finance a contribution towards the cost of an employer skills survey being undertaken in this area by the Learning and Skill Council this year.
- (4) That authority to allocate the remaining funds referred to in paragraph (2) above to individual projects be delegated to the Portfolio Holder for Economic Development and Estates.
- (5) That the Council respond to the Government consultation on the future of the LABGI scheme, indicating its view that the method of allocating funds in future be based on increases in NNDR contributions calculated on a sub-

regional basis, as defined by Government, divided more equally between County and District Councils.

Reasons - that the LABGI funds should be ring fenced to finance economic development activity, for the benefit of the local economy which has generated the growth, and has resulted in the grant being received.

123 **Sports Centres Modernisation - Update**

The Strategic Director – Environment and Community submitted a report to provide an update on the Sport Centre Modernisation project.

Resolved, that the current position and progress to date be noted and the approach to contingency planning endorsed.

Reasons - the sports centre modernisation programme has made good progress with only minor delays to date.

124 **2008/09 Projected Revenue & Capital Outturn at 30 September 2008 and 2009/10**

The Strategic Director – Customer Service and Resources and Chief Accountant submitted a report that summarised the Council's Revenue and Capital performance for the first 6 months of the financial year 08/09 and projections for the full 08/09 period.

Resolved

- 1) That the revenue & capital position at Sept 08 be noted.
- 2) That the projected revenue position for 08/09 and the actions taken to date to reduce the projected overspend be noted.
- 3) That it be agreed that £3,605,367 of capital schemes as part of the 08/09 budget but profiled for expenditure in 2009/10 are bought forward for utilisation in 08/09 as per the revised profiles of the accommodation review and sports centre modernisation project.
- 4) That it be agreed that £607,100 of capital schemes approved as part of the 08/09 budget are to be delayed and agree that they are carried forward for utilisation in 09/10. This delay will generate additional investment income in 2008/09.
- 5) That it be agreed that £467,833 of schemes listed as no longer required and approved as part of the 08/09 budget be deleted from the capital programme and that supplementary estimates totalling £135,328 for inclusion into the 08/09 capital programme comprising of:
 - £20,000 Data Encryption Software
 - £25,000 Service Desk Software
 - £35,328 Iclipse Software Licences
 - £27,000 Iclipse System Upgrade
 - £28,000 Banbury Visitor Management Plan

be agreed and it be noted that the net decrease of £332,505 on cashflow projections will generate additional investment income.

- 6) That the projected capital out-turn position for 2008/09 be agreed.

- 7) That no further actions be taken to further contain expenditure during this period of economic downturn at this time.

Reasons - In line with good practice budget monitoring is undertaken on a monthly basis within the Council. The revenue and capital position is reported monthly to the Corporate Management Team and formally to the Executive on a quarterly basis. This is the Q2 report for financial year 2008/09.

125

Performance Management Framework 2008/2009 - Second Quarter Progress Report

The Chief Executive and Head of Improvement submitted a report to report on the Council's performance against the Performance Management Framework for the period July – September 2008.

Resolved

- 1) That the progress made in delivering performance against the Corporate Scorecard and the other performance frameworks be noted.
- 2) That the responses to the issues raised in the 1st Quarter Report be noted.
- 3) That it be agreed that in the next Quarterly Report there will be an update on the impact of the economic downturn on:
 - a) The Council's ability to deliver the 2008/09 corporate targets of 400 new homes, including 100 units of social housing, and the creation of 200 net new jobs.
 - b) The income received through building control, planning applications, and land charges and the budget implications of rising costs (fuel costs for example).
 - c) The progress of key development projects such as Banbury Canalside, Bicester Town Centre, and South West Bicester.
- 4) That it be agreed that in the next Quarterly Report there will be an update on the following:
 - a. The time taken to process 'minor and other' planning applications.
 - b. Increasing the visitor numbers to Banbury Museum.
 - c. Addressing the 2.1% rise in overall crime figures, the failure to meet the target for reducing acquisitive crime and the timetable and process for producing the Anti Social Behaviour Strategy.
 - d. Improving the average time taken to process new benefits claims.
 - e. Reducing the amount of waste going to landfill (and implementing the Food Waste Pilot).
 - f. The progress on delivering Nightsafe Bicester.
 - g. The financial impact of the Government's Free Swimming Programme for over 60's and under 16's.
- 5) That a colour scorecard be circulated separately to the Executive with the next two PMF monitoring reports.

- 6) That Portfolio Holders and officers (assisted by the Improvement Team) be requested to consider if reports on any performance elements are required prior to the next PMF Monitoring report and that the Forward Plan be updated accordingly.

Reasons - This report shows the council continues to make significant progress on delivering its strategic priorities and in particular the promises made to the public for this year in the Council Tax Leaflet. The report highlights a wide range of achievements and areas where achievements have received external recognition. Since the last performance report the economic environment has taken a significant downturn. This is highlighted as having a potentially significant impact on the ability to deliver some key objectives, the level of income raised, and the demands made on Council services.

126 **Review of Call-in Arrangements**

The Chief Executive submitted a report to consider the proposals arising from the Overview and Scrutiny Committee review of Call-in arrangements and to make recommendations to Council (via the Executive and Standards Committee).

Resolved

- (1) That the results of the consultation on the review of Call-in and the proposals from the Overview and Scrutiny Committee be noted;
- (2) That having considered the Overview & Scrutiny Committee's preferred Call-in model the model as set out below be recommended to Standards Committee and Council, including the following amendments:
 - a) That paragraph 15g of Annex to these minutes (as set out in the minute book) be amended to reflect that portfolio holders do not make decisions at scheduled meetings.
 - b) That paragraph 17 of Annex to these minutes (as set out in the minute book) be amended to bring in 5 minute time limits on speakers and confirm that the Chief Executive will confirm the validity of the Call-in.
 - c) That the period in which a decision is available for call-in be kept as at present and not extended.

Reasons - The Leader of the Council asked the Overview and Scrutiny Committee to review the Call-in process, in light of councillors' concerns about the current arrangements following the Call-in earlier this year. This made it clear that Call-in is currently ill-defined in the constitution which gives precise guidance on the timescales and criteria for Call-in but it is vague about the practicalities of preparing for and conducting the hearing. The fact that Call-in is used so infrequently has compounded the problem as the arrangements have not been reviewed and updated, unlike those in Authorities where Call-ins are more frequent.

127 **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(s) of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph(s) 3 of Schedule 12A of that Act.

EXEMPT

128 **Sports Centres Modernisation Update - Exempt Financial Appendix**

(Exempt by virtue of paragraph 3)

The Strategic Director – Environment and Community submitted an exempt financial appendix in relation to Minute 123.

Resolved, that a supplementary capital estimate of £295,154 be approved.

Reasons – To cover the risks and issues that have been reported previously to the Executive at the time of contract finalisation from the pre-commencement building surveys.

129 **Banbury Flood Alleviation Scheme**

(Exempt by virtue of paragraph 3)

The Head of Economic Development and Estates submitted an exempt report to update Members on the progress of the fundraising for the scheme, and to approve proposed agreements between the Council, the Environment Agency, and funding partners

Resolved

1) To approve the completion of agreements between the Council and funding partners as described in the report, securing contributions towards the cost of the Flood Alleviation Scheme.

2) To approve the completion of an agreement with the Environment Agency, under which the Council agrees to pay over contributions received under agreements referred to at (1) above, to the Agency.

Reasons - The Flood Alleviation Scheme (FAS) will protect a large part of the flood plain affecting Banbury.

The meeting ended at 9.07 pm

Chairman:

Date: