

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 5 September 2016 at 6.30 pm

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

Councillor Ken Atack, Lead Member for Financial Management
Councillor Colin Clarke, Lead Member for Planning
Councillor John Donaldson, Lead Member for Housing
Councillor Tony Ilott, Lead Member for Public Protection
Councillor Kieron Mallon, Lead Member for Banbury Futures
Councillor Lynn Pratt, Lead Member for Estates and the Economy
Councillor Nicholas Turner, Lead Member for Joint Working and ICT

Also Present: Councillor Sean Woodcock, Leader of the Labour Group
Councillor Les Sibley

Apologies for absence: Councillor D M Pickford, Lead Member for Clean and Green

Officers: Karen Curtin, Commercial Director
Scott Barnes, Director of Strategy and Commissioning
Ian Davies, Director of Operational Delivery
Kevin Lane, Head of Law and Governance / Monitoring Officer
Paul Sutton, Chief Finance Officer / Section 151 Officer
Adrian Colwell, Head of Strategic Planning and the Economy, for agenda item 8
Jo Pitman, Head of Transformation, for agenda item 14
Chris Stratford, Head of Regeneration and Housing, for agenda item 16
Natasha Clark, Interim Democratic and Elections Manager

39 Declarations of Interest

There were no declarations of interest.

40 Petitions and Requests to Address the Meeting

There were no petitions or requests to address the meeting.

41 **Urgent Business**

There were no items of urgent business.

42 **Minutes**

The minutes of the meetings held on 4 July 2016 and 18 July 2016 were agreed as correct records and signed by the Chairman.

43 **Chairman's Announcements**

The Chairman made the following announcements:

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.
2. He would be changing the order of the agenda taking agenda item 8, Neighbourhood Planning: Decision on whether to proceed to a Referendum for the Bloxham Neighbourhood Plan and agenda item 9, Air Quality Update before agenda item 7. All subsequent agenda items would be considered in the order printed on the agenda.

44 **Neighbourhood Planning: Decision on whether to proceed to a Referendum for the Bloxham Neighbourhood Plan**

The Head of Strategic Planning and the Economy submitted a report to seek a decision on whether to proceed to a Referendum for the Bloxham Neighbourhood Plan.

In introducing the report, the Lead Member for Planning explained that the Bloxham Neighbourhood Plan had been examined by an independent examiner. The examiner has produced an Examiner's report and the Council as the Local Planning Authority was required to consider the report recommendations and determine whether the draft Bloxham Neighbourhood Plan incorporating the modifications should proceed to a referendum and confirm the area covered by the referendum.

Resolved

- (1) That all of the Examiner's recommendations and modifications be approved to enable the Plan to proceed to a referendum.
- (2) That the modifications to the Bloxham Neighbourhood Plan, in accordance with the Examiner's recommendations, be approved, the issue of a decision statement to that effect be authorised and the making of any minor presentational changes necessary to ready the Plan for referendum be approved.

- (3) That the area for the referendum as recommended by the examiner to be the administrative boundary of Bloxham Parish (which is the approved designated neighbourhood area) be approved and it be noted that there would be no extension to the area.

Reasons

The Bloxham Neighbourhood Plan as recommended for modification by the Examiner meets the necessary legal and procedural requirements. The Bloxham Neighbourhood plan as recommended for modification by the Examiner should therefore proceed to a referendum.

Alternative options

Option One - Not to approve some of the Examiner's recommendations and to proceed to a referendum. Where a LPA proposes to make a decision that differs from the Examiner's recommendation then there would need to be further consultation. This would take more time and would have cost implications.

Option Two - Not to accept the Examiner's recommendations and not to proceed to a referendum. This option can only be justified if the Examiner recommends that the Plan should not proceed to a referendum, or the Council is not satisfied that the plan has met the procedural and legal requirements.

Option Three - To extend the area in which the referendum is to take place. The Neighbourhood Plan has been produced with public involvement for the area designated.

45

Air Quality Update

The Public Protection Manager submitted a report to update the Executive on progress with the draft Air Quality Action Plan for Banbury, Bicester and Kidlington prior to public and stakeholder consultation.

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

Resolved

- (1) That the current position on the review and assessment of air quality in Cherwell be noted.
- (2) That the draft Air Quality Action Plan be approved for public and stakeholder consultation.

Reasons

The production of an Air Quality Action Plan is mandatory once an order to declare an Air Quality Management Area (AQMA) has been issued. The Council has issued an order for each of the four AQMAs: Heneff Way in Banbury; Horsefair/North Bar in Banbury; Bicester Road in Kidlington; and, Kings End/Queens Avenue in Bicester, declared.

Alternative options

Option 1: The Council could choose not to adopt an AQAP. However once an AQMA has been declared the Council is required to produce an AQAP and so for this reason this is not an alternative option.

46 Corporate Biodiversity Action Plan 2016-18 Protecting and Enhancing Cherwell's Natural Environment

The Community Services Manager submitted a report to seek approval for the 2016-18 Corporate Biodiversity Action Plan (BAP).

Resolved

- (1) That the Corporate Biodiversity Action Plan 2016-18 (annex to the Minutes as set out in the Minute Book) be approved.

Reasons

The Corporate Biodiversity Action Plan 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 2016-18. This is not proposed as the Council would not be able to clearly demonstrate that it is meeting biodiversity legislation and planning policy requirements.

Option 2: To amend the Corporate BAP 2016-18

47 Award of Liquid Fuel Contract

The Chief Finance Officer submitted a report to consider the award of contracts to supply diesel to Cherwell District Council.

Resolved

- (1) That the acceptance of the recommended tender (Certas Energy UK Ltd) for the supply of diesel for October 2016-September 2018 be approved.

Reasons

Following a 'best practice' procurement exercise Certas Energy UK Ltd have submitted the lowest cost tender for the supply of Diesel to Cherwell District Council for the next two years and the Executive is recommended to authorise the award.

Alternative options

No reasonable alternatives

48

Consultation and Engagement Strategy (2016-19)

The Director – Strategy and Commissioning submitted a report to set out the Strategy for Consultation and Engagement for Cherwell District Council, and the action plan for the consultations and engagements for 2016/17.

Resolved

- (1) That the three year Strategy for Consultation and Engagement 2016-2019 (annex to the Minutes as set out in the Minute Book) be agreed.
- (2) That the consultation and engagement action plan for 2016/17 be agreed and the areas of joint working with partner agencies and developing closer links with our communities be noted.

Reasons

The council has undertaken regular consultations and engagement events since 2009 and the new strategy will build on this foundation. The strategy is supported by meaningful and relevant action plans to provide the detail for how this work will be carried out.

The 2016-17 action plan demonstrates how the council will continue to deliver consultations and public engagement and thereby support the stated equalities objectives over the coming year. Progress will be reported via the performance management framework on a quarterly basis. The equalities objectives are:

- Fair Access and Customer Satisfaction
- Tackling Inequality and Deprivation
- Building Strong and Cohesive Communities
- Positive Engagement and Understanding
- Demonstrating Our Commitment to Equality

Alternative options

Option 1: To note the report

Option 2: To request additional information on items within this report

49

Quarter 1 2016/17 Performance Update

The Director – Strategy & Commissioning submitted a report to provide an update on the Cherwell District Business Plan progress to the end of Quarter One 2016/17.

Resolved

- (1) That the exceptions highlighted and proposed actions be noted.
- (2) That it be noted that there was no feedback on performance issues from the Overview & Scrutiny Committee at its meeting on 1 September 2016 provided directly to The Leader.
- (3) That the new reporting style which had been designed to improve the presentation of performance reporting be noted.
- (4) That, it be agreed that where appropriate, judgement measures used in the current business plan reporting be augmented or replaced by more specific, measurable, achievable, realistic, timely (SMART) measures.

Reasons

This is the first quarterly performance report for the 2016/17 Business Plan. Commentary has been developed to focus on areas not performing at the required level and provide an explanation of what has happened, why it has happened and what are we doing to improve performance.

The revised reporting template uses infographics (displaying data in a graphical form to aid understanding) and focuses on exception reporting (concentrating on the issues).

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.

50

Quarter 1 2016/1 - Revenue and Capital Budget Monitoring Report

The Chief Finance Officer submitted a report which summarised the Council's Revenue and Capital position as at the end of the first three months of the financial year 2016-17 and projections for the full year.

Resolved

- (1) That the projected revenue and capital position at June 2016 be noted.

Reasons

In line with good practice budget monitoring is undertaken on a monthly basis within the Council. The revenue and capital position is formulated in conjunction with the joint management team and reported formally to the Budget Planning Committee on a quarterly basis. The report is then considered by the Executive.

Alternative options

Option 1: This report illustrates the Council's performance against the 2016-17 Financial Targets for Revenue and Capital. As this is a monitoring report,

no further options have been considered. However, members may wish to request that officers provide additional information.

51 **Update on the development of a devolution deal with Government and the associated independent study into options for local government reform in Oxfordshire.**

The Head of Transformation submitted a report to update the Executive on progress in relation to the development of a devolution deal between the Oxfordshire councils, the former Government ministers and the new Government ministers, and the associated study into options for the potential reform of local government within Oxfordshire, conducted by PricewaterhouseCoopers (PwC).

At the discretion of the Chairman, County Councillor Lawrie Stratford addressed Executive on behalf of the Leader of Oxfordshire County Council.

Resolved

- (1) That the independent study of PricewaterhouseCoopers (PwC) into options for local government reform in Oxfordshire, including the proposition of the district and city council leaders' in respect of their preferred model arising from that study be received.
- (2) That it be noted that following discussions with the Department of Communities and Local Government, the leaders of the district and city councils have agreed to focus on identifying areas for collaborative working and the reshaping of a devolution deal.

Reasons

As a consequence of the recent changes in Government, including the appointment of a new Prime Minister and a new Secretary of State for Communities and Local Government it has been made clear that local authorities should expect to see changes to Government priorities in the short term, including specifically in relation to devolution deals, local government reform and other areas of policy. DCLG officials have also confirmed that the focus and priorities of the Government will become clearer when the Autumn Statement is announced in/around December 2016, and through changes to business rates retention policy, which will be introduced through a new Bill, probably in January 2017.

In the meantime DCLG has made clear that the Government will not agree to any proposals for local government reform where those proposals do not have the agreement of the areas.

The leaders of the district and city councils have agreed that they will now focus on identifying areas for collaborative working and the reshaping of a devolution deal with the new Government. Consequently, it is not intended to seek decisions on the respective studies of the two independent consultants', PwC and Grant Thornton, beyond formally receiving them. Discussions between the district and city councils will continue to take place over the

forthcoming weeks with a view to achieving an acceptable devolution deal proposal.

Alternative options

Option 1:

To proceed with stakeholder consultation in respect of the district and city council leaders' preferred model for a new local government structure within Oxfordshire.

This is rejected due to the advice given by DCLG that the Government and new Secretary of State for Communities and Local Government will not accept proposals for local government reform or indeed a devolution deal without the agreement of the areas, and wide support amongst key stakeholders.

To undertake stakeholder consultation on the district and city council leaders preferred model or indeed any other potential new structural model at this stage would risk wasting public funds when it is clear that the study undertaken by Grant Thornton, the county council consultants, has concluded that a county based unitary authority would be the strongest model for local government in Oxfordshire.

The county council is expected to formally receive the Grant Thornton study on 13 September (Full Council) and 20 September (Cabinet) 2016; therefore the content of their report can still only be regarded as representing the views of Grant Thornton. At this stage it is more appropriate that the focus should be upon reshaping a devolution deal and identifying areas for positive collaborative working, as agreed with DCLG.

52 Notification of Urgent Action(s) - In relation to the Contract Award for the demolition of the Bolton Road Car Park

The Chief Executive and Commercial Director submitted a report to notify Members of urgent action taken by the Chief Executive and Commercial Director in relation to the contract award for the demolition of the Bolton Road car park.

Resolved

- (1) That the urgent action taken by the Chief Executive in relation to the budget be noted and it be referred to Full Council for noting.
- (2) That the urgent action taken by the Commercial Director in relation to the award of the contract be noted.

Reasons

The Chief Executive took urgent action(s) in consultation with the Chairman of the Council and the Lead Member for Financial Management to approve the allocation of £325,000 to this scheme.

The Commercial Director took urgent action in consultation with the Leader of the Council to approve the award of the contract to the preferred bidder

Alternative options

As this report is for the information of Members there are no alternative options to consider.

53

Re-commissioning of Single Homeless Pathway

The of Head of Regeneration and Housing submitted a report to advise Executive of the proposals recommended by the District Councils, the County Council, and the Oxfordshire Clinical Commissioning Group (OCCG) as endorsed by the Health Improvement Board, to work jointly to provide housing related support services and accommodate single homeless from across the county for the next 3 years commencing from 1 April 2017.

Resolved

- (1) That the new proposals which provide a plan and include a financial contribution from Cherwell for a period of 3 years as calculated and recommended by the Oxfordshire Districts, Oxfordshire Clinical Commissioning Group (OCCG) and Oxfordshire County Council be supported.
- (2) That the proposal for a new joint governance structure to procure and manage services through senior officer representation with delegated authority be noted and supported.
- (3) That a financial contribution of £62,700pa (as calculated on Cherwell's current use of hostels with 24 hour care) and required to be paid from Cherwell for 3 financial years commencing from 1 April 2017 be approved.
- (4) That it be noted that a further report on the longer term sustainability of single homeless pathway arrangements across the county would be submitted within the 3 year period covered by this report.

Reasons

The new proposals have been a significant achievement and demonstrate excellent joint working across all partners. Officers have made considerable efforts to negotiate across the County to reach this stage and form these proposals. All parties have considered a full range of options to retain hostel beds for complex case with 24 hour support in Oxford, also to maintain and hopefully expand local service delivery to provide housing related support. This proposal provides a full overview of the preferred recommendations which will maintain the commitment to provide the current level of housing

related support funding already allocated to Cherwell to be continued during the period of the agreement. This means that although Cherwell will need to contribute £62,700 per year to maintain the service for complex needs in Oxford, this also means housing related support investment will continue to be received in Cherwell during the next 3 years.

Alternative options

Option 1: Not to agree the joint county plan and financial contribution as recommended for the next 3 years. This would result in Cherwell needing to fully fund and make its own arrangements for rough sleepers with multiple and complex needs. It would also result in the withdrawal of the housing related support funding currently received from the County and spent within the district.

54 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 items 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.

55 Re-commissioning of Single Homeless Pathway - Exempt Appendices

Resolved

That the exempt appendices be noted.

56 Car Parking

The Director of Operation Delivery submitted an exempt report to consider the Council's car parks in the context of their town centre role and options for service improvement.

In introducing the report, the Deputy Leader updated Executive on the comments from the Overview and Scrutiny Committee who had considered the report at their meeting of 1 September 2016. The Committee had endorsed the report and recommended to Executive that consideration be given as part of the proposed procurement process for improved and more flexible disabled parking provision in council car parks following an assessment of demand for such parking.

Resolved

- (1) That the review assessment and conclusions of the Council's car parking service be noted.
- (2) That it be agreed not to commit to a long term lease or other arrangement which reduces the Council's regeneration and investment flexibility.
- (3) That a procurement exercise to appoint a specialist operator to deliver the Council's car parking services be supported.
- (4) That the invitation of tenders for a services concession contract which incentivises the operator to maximise revenue over the maximum concession period available under The Concession Contracts Regulations 2016 (five years, or such longer period as the contractor would reasonably need to recoup any investment made by it to deliver the services (together with any return on its investment) be authorised.
- (5) That agreement be given to any such competitive tender contest incorporating a competitive dialogue process to maximise value to the Council.
- (6) That the opportunity through this process for a different charging regime which supports a balance of maximising income from car park assets with the wider economic growth and planning policy objectives of the Council to create attractive, sustainable and viable urban centres be considered further.
- (7) That this process be used as the opportunity to ensure consistency of charging between Bicester and Banbury.
- (8) That a requirement for bidders to price the introduction of modern revenue collection and parking control equipment which combines flexibility of payment options combined with technology based opportunities to vary their parking stay for customers be included in the tender process.
- (9) That, notwithstanding resolution (8) above, the opportunity for the Council to achieve improved value for money from this process by using its own capital resources to fund the required capital investment be explored.
- (10) That consideration be given as part of the proposed procurement process for improved and more flexible disabled parking provision in council car parks following an assessment of demand for such parking.

Reasons

Car parking services are central to the experience of most visitors to our urban centres and therefore the views of users and businesses are paramount. The customer experience is crucial to generate satisfaction and income, ensuring that repeat visits ensue whereby additional time and money is spent in the urban centres. The resultant vitality of businesses will

increasingly mean that additional business rates will be collected by the Council to continue a virtuous cycle of thriving communities.

Regardless of charging, customers typically require conveniently located car parks that are safe and clean. Information and support should be on hand if issues arise. The Council's car parking service has remained largely unchanged for many years. It uses old pay and display technology and whilst the car parks are conveniently located for users of urban centres, the service requires improving and modernising.

Soft market testing has resulted in an encouraging level of interest in the service from external operators. It is proposed therefore to undertake a competitive procurement process using competitive dialogue to appoint a specialist to run and modernise the service.

Alternative options

The procurement and technology options are outlined in the report. The only other alternative to this approach is to retain the service in house. This is not proposed as it is expected that the Council will achieve better value from an external operator.

The meeting ended at 8.15 pm

Chairman:

Date: