

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 5 September 2011 at 6.30 pm

Present: Councillor Barry Wood (Chairman)
Councillor G A Reynolds (Vice-Chairman)

Councillor Ken Atack
Councillor Norman Bolster
Councillor John Donaldson
Councillor Michael Gibbard
Councillor James Macnamara
Councillor D M Pickford
Councillor Nicholas Turner

Also Present: Councillor Leslie F Sibley, Leader of the Labour Group
Councillor Tim Emptage, Leader of the Liberal Democrat Group
Councillor Kieron Mallon

Apologies for absence: Councillor Nigel Morris

Officers: Sue Smith, Chief Executive
Ian Davies, Strategic Director - Environment and Community
John Hoad, Strategic Director - Planning, Housing and Economy
Philip Clarke, Head of Planning Policy and Economic Development
Gillian Greaves, Head of Housing Services
David Marriott, Head of Regeneration & Estates
Paul Marston-Weston, Head of Recreation & Health
Ed Potter, Head of Environmental Services
Chris Rothwell, Head of Safer Communities, Urban & Rural Services
Alison Davies, Project Manager
Claire Taylor, Corporate Strategy and Performance Manager
Karen Muir, Corporate System Accountant
Steven Newman, Economic Development Officer
Nigel Bell, Team Leader - Planning and Litigation / Interim Monitoring Officer
Natasha Clark, Senior Democratic and Scrutiny Officer

31 **Declarations of Interest**

Members declared interests in the following agenda items:

20. Value For Money Review of Public Protection.

Councillor Nicholas Turner, Personal, as the owner of premises inspected and licensed by the department and would leave the room for the duration of the item.

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

There were no petitions or requests to address the meeting.

33 **Urgent Business**

There were no items of urgent business.

34 **Minutes**

The minutes of the meeting held on 4 July 2011 and 26 July 2011 were agreed as a correct record and signed by the Chairman.

35 **Quarter 1 Finance Report**

The Head of Finance submitted a report which summarised the Council's Revenue and Capital performance for the first 3 months of the financial year 2011/12 and projections for the full 2011/12 period. These are measured by the budget monitoring function and reported via the Performance Management Framework (PMF) informing the 2011/12 budget process currently underway.

The report also presented information on treasury management performance and compliance with treasury management policy during 2011/12 as required by the Treasury Management Code of Practice.

Resolved

- (1) That the projected revenue & capital position at June 2011 be noted.
- (2) That the Q1 performance against the 2011/12 investment strategy and the financial returns from each of the 3 funds be noted.
- (3) That the contents and the progress against the Corporate Procurement Action Plan and the Procurement savings achieved at June 2011 be noted.

Reasons

This report illustrates the Council's performance against the 2011/12 Financial Targets for Revenue, Capital, Treasury and Procurement Monitoring.

Options

Option One To review current performance levels and considers

any actions arising.

Option Two

To approve or reject the recommendations above or request that Officers provide additional information.

36

2012/13 Budget Strategy, Service & Financial Planning Process and 2012/13 Budget Guidelines

The Head of Finance and Corporate Strategy and Performance Manager submitted a report which informed the Executive of the service and financial planning process for 2012/13, sought approval of the 2012/13 budget strategy and agreement of budget guidelines for issue to service managers to enable the production of the 2012/13 budget and updated Members on the Medium Term Financial Strategy for 2012/13 onwards.

Resolved

- (1) That the latest forecast for the Council's revenue budget for 2012/13 to 2015/16 be noted.
- (2) That the preliminary results from the public consultation and proposed prioritisation framework be noted.
- (3) That the overall 2012/13 budget strategy and service and financial planning process be endorsed.
- (4) That the proposed budget guidelines and timetable for 2012/13 budget process be agreed.

Reasons

The Council needs to set guidelines and a timetable for the preparation of draft estimates for 2012/13. These guidelines should support the objectives contained in the 5-Year Corporate Plan, Improvement Strategy and in particular the updated Medium Term Financial Strategy.

Council will be asked to agree the 2012/13 budget and corporate plan (and the service plans that underpin delivery) at their meeting in February 2012.

(Councillor Atack left the meeting at the conclusion of this item)

37

Overview and Scrutiny Reports: Commissioning of Advice, Volunteering and Voluntary Car Driving Schemes in Cherwell

The Interim Head of Legal and Democratic Services submitted a report which sought consideration of the overview and scrutiny report on Commissioning of Advice, Volunteering and Voluntary Car Driving Schemes in Cherwell.

The Chairman of the Overview and Scrutiny Committee presented the reports. He explained that that the Committee had held three sessions to consider

each area in detail and presented their findings which fell under three headings: (i) the project was about commissioning not cost cutting; (ii) the commissioning project would offer improvements; (iii) funds needed to be channelled to relevant services. The Committee has concluded that they supported the Executive decision to move forward with the commissioning project. The Overview and Scrutiny Committee Chairman thanked the Strategic Housing Manager and Strategic Housing Officer for their hard work and support to the Committee throughout the review.

The Executive thanked the Overview and Scrutiny Committee for their work on the review. The Lead Member for Housing commended the review and explained that it was important for the Committee's findings to feed into the project. She subsequently tabled revised recommendations for consideration.

Councillor Sibley, Leader of the Labour Party, addressed the Executive to commend the review of the Overview and Scrutiny Committee and sought confirmation about the transition in the funding arrangements for the services.

In response to Councillor Sibley's address, the Chairman confirmed that Members were seeking to protect the service, however the funding arrangements would change from grant aid to commissioning which would involve contractual service provision to meet the requirements of the district.

Resolved

- (1) That the Overview and Scrutiny Committee be thanked for the thorough work it had undertaken in considering the commissioning exercise.
- (2) That Executive confirms earlier signals that existing funding agreements will cease from 2012/13.
- (3) That, following resolution (2) above, officers, as a priority, continue their discussions with Oxfordshire County Council regarding the creation of a county wide Dial-a-Ride scheme, taking full account of ongoing customer surveys and protecting the needs of the most vulnerable customers.

Reasons

The Overview and Scrutiny Committee confirmed their support for the Executive's decision to proceed with the commissioning project and agreed that it was important that the project progressed according to the set timetable to ensure that no residents were disadvantaged in April 2012 because contracts and suppliers were not in place.

Options

- | | |
|-------------------|--|
| Option One | To note the conclusions contained in the Overview and Scrutiny report. |
| Option Two | Not to note the conclusions contained in the Overview and Scrutiny report. |

Cherwell Economic Development Strategy

The Head of Planning Policy and Economic Development submitted a report which asked the Executive to approve a final version of the Economic Development Strategy 2011 – 2016 for subsequent consideration by the Local Strategic Partnership Board.

Councillor Tim Emptage, Leader of the Liberal Democrat Group, addressed Executive regarding elements of the Economic Development Strategy relating to Kidlington.

The Executive noted the importance of the Economic Development Strategy for the district and that the key to maintaining momentum would be through the action plan. Members expressed their thanks to the Economic Development Officer and the Planning Policy team for their hard work.

Resolved

- (1) That the Economic Development Strategy (attached as an annex to these minutes as set out in the minute book) be approved to go forward to the Board of the Local Strategic Partnership (LSP) for final approval.
- (2) That the Head of Planning Policy & Economic Development be authorised, in conjunction with the Lead Member for Estates, to agree any further non substantive changes to the document following this Committee and either prior to, or following, its consideration by the LSP Board at the end of this month.

Reasons

The Economic Development Strategy is an important document for helping shape the economic development priorities of the Cherwell District. It will help us to consider how best to use our resources, and those of our partner organisations within the LSP, to build upon the strengths within our economy and tackle those issues we know that our local economy is facing now, and to respond to issues that our economy will certainly face in future.

Options

- | | |
|---------------------|---|
| Option One | To approve the Economic Development Strategy for consideration by the LSP Board |
| Option Two | To approve the Economic Development Strategy with amendments for consideration by the LSP Board |
| Option Three | Not to approve the Economic Development Strategy. |

Car Park Order Notice

The Head of Safer Communities, Urban and Rural Services submitted a report which advised Members of any objections to the Cherwell District

Council (Off-Street Parking Places) (Banbury, Bicester and Kidlington) Order advertised on 4 August 2011 and to seek authority to make the Order subject to any objections received.

The Deputy Leader advised Executive that fourteen responses had been received via the consultation portal comprising both objections and approvals to each of the proposals. He reported that none of the objections were sufficiently strong to recommend any amendments to the proposals and these would therefore be introduced on, or as soon after, 11 November 2011 as practicable. The Deputy Leader confirmed that all changes would be publicised.

Councillor Sibley, Leader of the Labour Group, sought clarification about the consultation process. The Leader and Deputy Leader of the Council confirmed that the correct legal processes had been followed and the statutory requirements for the consultation met.

Resolved

- (1) That the responses to the Order be noted.
- (2) That formal Order Making on final proposals for implementation on, or as soon after, 11 November 2011 as is practicable be authorised.

Reasons

Subject to any objections received to the Order Notice; the Executive dealing with these objections; and the required implementation works being carried out, the proposals will be implemented on or as soon after 11 November 2011.

Options

Option One Consider and deal with any objections to the Cherwell District Council (Off-Street Parking Places) (Banbury, Bicester and Kidlington) Order

40

Kidlington Pedestrianisation and Traffic Regulation Order

The Head of Regeneration and Estates submitted a report which sought approval to make a new Traffic Regulation Order for Kidlington High Street.

Councillor Emptage, Leader of the Liberal Democrats, addressed Executive and commended the pedestrianisation scheme noting the positive impact it would have on Kidlington. He also thanked officers and particularly the Urban Centres Development Officer for all their hard work progressing the scheme.

Resolved

- (1) That the making of a new Traffic Regulation Order (TRO) for Kidlington High Street be approved.

Reasons

This project is identified as a priority in the Regeneration and Estates Service plan and is a key partnership project undertaken at the request of the Kidlington Village Centre Management Board and Kidlington Parish Council.

Options

Option One Approve the making of the Order for the scheme to move forward.

Option Two Reject the making of the Order. However this will result in the postponement of any further work on the scheme and a failure to meet Service Plan targets.

41 **Bicester Civic Building**

The Head of Regeneration and Estates submitted a report which sought consideration of the brief and options for the procurement of a new civic building for Bicester, and determination of the preferred method of procuring this building.

Resolved

- (1) That the Council pursue the development of the Franklins Yard car park site with a new civic building, to comprise offices and a public library, together with a proposed hotel, on the basis that the Council finances the development in return for a future revenue income, subject to the terms of the pre-letting agreements being approved by this Committee, and completed, prior to the scheme being committed.
- (2) That any costs or expenses incurred in fees and expenses necessary to progress this proposal being met from the existing capital approval for the Bicester town centre redevelopment scheme.
- (3) That £5m of general capital receipts be earmarked to this project and a further report be submitted seeking the necessary capital approval, when the costs and income achievable are known.

Reasons

The key issue is whether the Council wishes to invest further capital in Bicester town centre in return of a commercial rate of return. If it does so it can maintain full control over the project.

If the Council does not wish to invest in this site, it could look to the market to provide the premises required, and secure a capital contribution towards the cost of the proposed new offices. However, it would be necessary to transfer a significant degree of control over the project to the developer selected.

Options

Option One

The Council to act as developer, and to build the new civic building and a hotel, assuming pre-letting agreements can be secured with OCC and a hotel operator, and Bicester Town Council if relevant. The Council will have to commission a degree of design work before it is possible to secure the binding occupier agreements, but beyond that, it would not be required to proceed unless it was reasonably satisfied that the return would be as expected. It would be possible to finance these professional fees from the existing £10m capital approval relating to the town centre scheme, as the terms agreed with the developer of that scheme indicate that the net expenditure which the Council will incur will not exceed £8.55m.

At this stage the projected return on capital appears to be very attractive, and in line with normal commercial expectations. The process of designing the scheme, obtaining planning consent and letting a building contract is likely to take around 18 months, and consequently it would not be necessary to finalise the brief until spring 2012, if a start in autumn 2013 is desired. Autumn 2013 is the time when the existing car park is scheduled to close following the opening of the new town centre scheme car park.

Option Two

To advertise the development opportunity on the open market, and seek to appoint a development partner who would enter into a development agreement with the Council to provide the civic building, in part consideration for the opportunity to develop the remainder of the site. This would be designed to allow the market to identify the most valuable use for the site, but it is likely to be difficult to secure a revenue return rather than a capital contribution. The developer will take a proportion of the development value as profit. This approach is likely to involve a substantial lead in period before development could start, as it would be necessary to select a development partner and negotiate a development agreement. Significant legal costs are likely to be required. The process is likely to take at least two years, and hence, if the development is to commence in the autumn of 2013, an early start is needed. This presents a problem as OCC are not yet able to commit to acquiring the library, and there is no certainty as to the Town Council's possible requirement.

42 **Award of Contracts for the Design, Supply and Installation of Photovoltaic Panels to Six Commercial Buildings for Cherwell District Council**

The Head of Regeneration and Estates submitted a report which sought approval to award six contracts for the Design, Supply and Installation of Photovoltaic Panels to six commercial buildings for Cherwell District Council.

Resolved

- (1) That contracts for Lots 1, 2 and 6 be awarded to the companies identified in the exempt Appendix 1 (as set out in the exempt annex to these minutes as set out in the minute book).
- (2) That, subject to finalising negotiations with Parkwood Leisure Ltd and in consultation with the Lead Member for Financial Management and the Head of Finance, contracts for Lots 3, 4 and 5 be awarded to the companies identified in the exempt Appendix 1 (as set out in the exempt annex to these minutes as set out in the minute book).

Reasons

The approval of this Executive report will benefit the Council with a guaranteed income and savings. This is expected to be a combined sum of £102,322 for year one with a carbon reduction of 198t CO₂ per annum for the next 25 years. The Council will continue to benefit from these systems for a 25 year period but the actual savings will depend on fluctuating electricity costs and the manufacturer's efficiency factors applying to the panels as stipulated in the manufacturer's warranty i.e. 90% minimum power output guaranteed for 10 years and 80% minimum power output guaranteed for a further 15 years

This project is identified in Cherwell's Carbon Management Plan (approved by the May 2011 Executive) and will achieve approximately 3.6% of the overall 22% energy reduction target.

The Council will demonstrate leadership in the community on being environmentally conscious through good value for money procurement with an excellent return on investment. Energy generated will also increase the Council's security against future energy cost increases and allow energy budget savings.

43 **Value For Money Review of Vehicle Maintenance and Fleet Management**

The Strategic Director for Environment and Community, the Head of Environmental Services and the Improvement Manager submitted a report which sought consideration of the findings of the Value for Money Review of Vehicle Maintenance and Fleet Management and the recommendations arising from the report.

Resolved

- (1) That the Value For Money conclusion that the service offers good value for money and has actively driven down its cost base, providing a top performing, high quality service be endorsed.
- (2) That the Service Plan Framework as a guide for the service in future years including areas for future improvements, savings and increased income be adopted.
- (3) That the projected MOT Bay income shortfall in 2011/12 and the plans in place to reduce costs and increase income to address the shortfall in-year be noted.
- (4) That the following recommendations to achieve additional savings and income be agreed:
 - £8k per annum from 2012/13, through improved fleet procurement and reduced spending on parts
 - Potential future revenue savings and income of £12k from a number of sources including working in partnership with other agencies, neighbouring councils and procurement partnerships
 - Additional new capital income source totalling £12k in both 2011/12 and 2012/13, rising to £24k in future years, as a result of improving the re-sale value achieved at auction from Council-owned equipment.

Reasons

Cherwell's Vehicle Maintenance and Fleet Management Service offers good value for money to the Council.

The Service Plan Framework sets out a guide to planning the future service, within which the service can undertake its annual service and budget setting activity.

Agreeing to the level of income and savings proposed by this review assists the Council in delivering its Medium Term Financial Strategy.

44 **Performance and Risk Management Framework 2011/12 First Quarter Performance Report**

The Chief Executive and Corporate Strategy and Performance Manager submitted a report which presented the Council's performance for the period 01 April to 30 June 2011 as measured through the Performance Management Framework.

Resolved

- (1) That the following achievements be noted:

Cherwell: A District of Opportunity

- Job clubs continue to provide a strong service with solid attendance and special events planned for the next quarter to improve accessibility.
- Business support – good progress has been made with support to local business through the advisory service and the investment partnership. In addition a business breakfast in Banbury was held around the theme of apprenticeships, local business were asked to make pledges to improve local opportunities. This resulted in more than 140 pledges including ten apprenticeships and 28 placements lasting from one to eight weeks. The Council is also continuing its successful business apprenticeship scheme.

A Cleaner Greener Cherwell

- Feasibility work has been commissioned to explore potential sites for more bring bank recycling centres.
- A neighbourhood litter blitz has taken place in Kidlington, helping to work with local communities to improve the environmental quality of their areas.

A Safe, Healthy and Thriving Cherwell

- Good progress towards securing the long term future of the Banbury Museum through work to develop a museum trust.
- The Council continues to provide a strong community leadership role for local health provision. During the first quarter the Council has supported the first meeting of the new Community Partnership Network to ensure effective stakeholder engagement in local health issues. The Horton Hospital paediatric appointments and anaesthetic service models are now complete and in place.

An Accessible, Value for Money Council

- Additional resources will be available over the summer to ensure that processing times for housing and council tax benefit claims do not increase. Briefing sessions for voluntary and other agency advisors supporting those affected by benefits changes have continued and been very successful.
- The Council has continued its programme of public engagement and consultation with work to consult on long term budget priorities undertaken. Successful community engagement events aimed at improving the accessibility and delivery of services have taken place, these include the parish, faith and disability forums as well as a number of consultations undertaken using the Council's web based consultation portal.

- (2) That officers be requested to report in the second quarter on the following items where performance was below target or there are emerging issues.

Cherwell: A District of Opportunity

- Number of households living in temporary accommodation: a rise in the figures has occurred during June with 36 households against a predicted number of 33. Preventative and advisory work continues and the implications of national policy changes are being monitored.
- Deliver 500 new homes: performance against this target is off track with 32 completions against a target of 125. During the year it is expected that the rate will increase but the national economic context is still suppressing performance.

A Safe, Healthy and Thriving District

- Leisure centre usage: visitor figures are down in comparison to the same period as last year. Issues such as extended bank holidays are likely to be a cause; however the issue will be reviewed with the provider to ensure there are no other factors.
- (3) That the responses identified to issues raised in the end of year performance report be agreed.
- (4) That officers be requested to produce a one page summary of the Quarter 1 performance highlights for circulation to all Members.

Reasons

This report presents the Council's performance against its corporate scorecard for the first quarter of 2011/12. It includes an overview of our successes, areas for improvement and emerging issues to be considered.

Options

- Option One**
1. To note the many achievements referred to in paragraph 1.3.
 2. To request that officers report in the first quarter on the items identified in paragraph 1.4 where performance was below target or there are emerging issues.
 3. To agree the responses identified to issues raised in the end of year performance report in paragraph 2.1 or to request additional action or information.
- Option Two**
- To identify any additional issues for further consideration or review.

45 **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 items of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Schedule 12A of that Act.

46 **Award of Contracts for the Design, Supply and Installation of Photovoltaic Panels to Six Commercial Buildings for Cherwell District Council - Exempt Appendix 1**

The Committee considered the exempt annex to the report of the Head of Regeneration and Estates which detailed the financial appraisal and proposed contract award.

Resolved

(1) That the exempt annex be noted

47 **Woodgreen Leisure Centre - Leisure Management Contract**

The Strategic Director Environment and Community submitted a report which sought consideration of the Woodgreen Leisure Centre leisure management contract.

Resolved

That the resolutions as set out in the exempt minute be approved.

48 **Value For Money Review of Public Protection**

The Strategic Director Environment and Community submitted a report which sought consideration of the findings of the Value for Money Review of Public Protection and the recommendations arising from that report.

Resolved

That the resolutions as set out in the exempt minute be approved.

(Councillor Turner left the meeting for the duration of this item)

The meeting ended at 8.30 pm

Executive - 5 September 2011

Chairman:

Date: