

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 3 March 2014 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 Michael Gibbard, Lead Member for Planning
Councillor Tony Ilott, Lead Member for Public Protection
Councillor Nigel Morris, Lead Member for Clean and Green
Councillor D M Pickford, Lead Member for Housing

Also Present: Councillor Sean Woodcock, Leader of the Labour Group
Councillor Tim Emptage, Leader of the Liberal Democrat Group

Apologies for absence: Councillor John Donaldson, Lead Member for Banbury Brighter Futures
Councillor Nicholas Turner, Lead Member for Performance and Customers

Officers: Sue Smith, Chief Executive
Calvin Bell, Director of Development
Karen Curtin, Director (Bicester)
Martin Henry, Director of Resources / Section 151 Officer
Adrian Colwell, Head of Strategic Planning and the Economy (for agenda item 8)
Tim Madden, Interim Head of Finance and Procurement
Jo Pitman, Head of Transformation (for agenda item 11)
Chris Rothwell, Head of Community Services (for agenda item 7)
Helen Town, Regeneration and Housing Development Team Manager (for agenda item 19)
Richard Hawtin, Team Leader Property & Contracts
Natasha Clark, Team Leader, Democratic and Elections

92 **Declarations of Interest**

There were no declarations of interest.

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

The Chairman advised that he had agreed to a request from the Chairman of Finmere Parish Council to address the meeting on agenda item 8, Petitioning the Hybrid Bill on High Speed 2 (HS2).

94 **Urgent Business**

There were no items of urgent business.

95 **Minutes**

The minutes of the meeting held on 3 February 2014 were agreed as a correct record and signed by the Chairman.

96 **Chairman's Announcements**

There were no Chairman's announcements.

97 **Child Sexual Exploitation and Safeguarding**

The Head of Community Services submitted a report which set out the role the Council played in Safeguarding children and vulnerable adults, advised on the Council's response to the issues around Child Sexual Exploitation (CSE), and informed the Executive on the Community Safety Partnership's CSE action plan.

Resolved

- (1) That the work across Oxfordshire and through the Oxfordshire Safeguarding Children's Board in relation to Child Sexual Exploitation and Safeguarding children and vulnerable adults be noted.
- (2) That the Council's role in Safeguarding and the Community Safety Partnership's action plan developed in response to Child Sexual Exploitation be noted.

Reasons

Safeguarding practices within the Council are well developed. Safeguarding Policy has been reviewed and training and awareness raising is maintained.

Work on Child Sexual Exploitation has been picked up in Cherwell by the Community Safety Partnership (CSP) and an Action Plan established that the CSP Board will be responsible for.

Alternative Options

Given the nature of the report no alternatives have been considered

98

Petitioning the Hybrid Bill on High Speed 2 (HS2)

The Head of Strategic Planning and the Economy sought consideration of the need to petition during the passage of the Hybrid Bill on High Speed 2 (HS2) and recommending to Full Council that a resolution is passed opposing the HS2 Bill.

At the discretion of the Chairman, Parish Councillor Mike Kerford-Byrnes, Chairman of Finmere Parish Council addressed Executive.

In response to the address by Councillor Tim Emptage, Leader of the Liberal Democrat Group, and comments by Councillor Sean Woodcock, Leader of the Labour Group regarding the council's HS2 reserve and expenditure on HS2 matter, the Leader confirmed that the remainder of the existing reserve originally allocated would be utilised to fund the petitioning and if more funds were required the request would be submitted to Members for consideration.

Resolved

- (1) That it be agreed that Cherwell District Council petition to oppose the hybrid bill for High Speed 2 (HS2).
- (2) That the following petitioning matters be endorsed:
 - Noise Standards
 - Visual Impact and Intrusion
 - Local Design Standards
 - Construction Issues
 - Height of Line
- (3) That the Chief Executive be requested to call an additional meeting of Council at which Full Council be recommended to pass a resolution opposing the hybrid bill pursuant to section 239 of the Local Government Act 1972 as a necessary pre-requisite to formal petitioning.
- (4) That officers be requested to include the financial effects in relation to recommendation to Full Council relating to the passing a resolution to oppose the hybrid bill.
- (5) That officers be requested to look into a separate workstream to address opportunistic traffic through the villages of north Oxfordshire that may result from the construction phase and how that problem is to be addresses with Oxfordshire County Council highways.

Reasons

The impact upon the district and its residents of proposed mitigation measures is anticipated to be very high. Officers do not feel that the published

material provides sufficient reassurance that adequate mitigation will be implemented.

Alternative Options

The alternative is not to petition. This option is not recommended as the impact upon the district and its residents of proposed mitigation measures is anticipated to be high.

99 **Oxfordshire Strategic Economic Plan**

Executive agreed that due to the late receipt of this report to withdraw the item from the agenda.

100 **Oxford and Oxfordshire City Deal**

The Director of Development submitted a report which enabled Executive to note the City Deal and, in particular, to have regard to those aspects of the document which would have an impact on this Authority.

Resolved

- (1) That the report and in particular those aspects which will have a potential impact on Cherwell be noted.
- (2) That the intention to create a Joint Committee under the Local Government Act 1972 and the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012 be noted.

Reasons

The deal brings with it a significant number of challenges, but also a significant amount of funding which would not normally have been available. By signalling ambition in this way, it also paves the way for the production of the Local Enterprise Partnerships Strategic Economic Plan and, ultimately, a Growth Fund Bid.

Alternative Options

Option 1: To note the plan and the envisaged governance arrangements. This is the preferred option and supported by the information in the report.

Option 2: Executive could refuse to support the document or engage in the process, but this is not recommended in view of the fact that the City Deal has already been agreed and there are significant amounts of funding involved.

Performance and Risk Management Framework 2013/14 Third Quarter Performance Report

The Head of Transformation submitted a report which presented the Council's performance for the period 1 October 2013 – 31 December 2013 as measured through the Performance Management Framework.

Resolved

(1) That the following achievements be noted:

Cherwell: A District of Opportunity

- Support vulnerable residents, focussing on homelessness prevention & housing advice is reporting as Green*. We have maintained good performance in delivering homeless prevention focused services. In this quarter the Housing Needs Team opened 233 prevention cases, of these, 101 only required advice, 11 did become homeless and 116 were prevented from becoming homeless through casework intervention. In the period a total of 31 homeless applications were taken and 10 full duties accepted. This represents only 13% of those approaching the Housing Needs Team stating they are in housing crisis.
- Number of households living in temporary accommodation is reporting as Green*. At the end of December 13 there were 28 Households in Temporary Accommodation, the number has gone down mainly as a result of being able to successfully discharge our duties and enable applicants to move on to secure settled accommodation, whilst keeping the numbers of those presenting for homeless duties low due to the continued focus on homeless prevention.
- Processing of major applications within 13 weeks (%) is reporting as Green*. The improvement measures have resulted in a sustained increase in performance this year to date. Quarter 3 performance of 80% represents a significant improvement on historic performance.
- Processing of minor applications within 8 weeks is reporting as Green. Performance this quarter has continued to show improvement, following the action taken during the previous quarter improved. As anticipated, the backlog in registration took some time to take effect, but the improvement is now expected to be maintained. This reported as Amber last quarter.
- Average time taken to process new Housing Benefit Claims (days) is reporting as Green. A further improvement reflecting the fact that the backlog from summer has been cleared. Performance year to date: 16.74. This reported as Amber last quarter.
- Protect and enhance the quality of the built environment by completion of Conservation Area Reviews and strong design guidance for all new developments is reporting as Green. The issues reported in the last quarter have now largely been resolved. A new conservation officer has been recruited, who is proving to be a real asset to the team. The level of pre application advice and planning and listed building applications being managed by the team is very high at the moment, which has led to some of the

strategic, longer term projects taking longer than initially planned. Conservation Area Appraisals are on target and there are four appraisals and management plans which are very close to being published and should be signed off in the next month. This reported as Amber last quarter.

- % houses developed on previously developed land is reporting as Green*. 34 of the 74 houses completed in Quarter 3 were on previously developed land. This brings the number to 103 out of 275 year to date. This reported as Red last quarter.

A Cleaner Greener Cherwell

- Work with partners to improve the energy efficiency of homes & enable more residents to achieve affordable energy bills is reporting as Green. Work to engage with the Cherwell public included :- reprinting and distributing the leaflet on how to reduce energy wastage at home and save money; roadshows to engage with residents directly as part of the Christmas lights events in Kidlington, Banbury and Bicester; funding application for heat district network (DECC) to explore the feasibility of using the heat from the energy generated from waste at the Ardley plan; setting up a working group for solar community pv scheme by approaching businesses in Bicester to have solar panels installed and to use the feed in tariff for further retrofit /energy saving work with Bicester residents.
- Work with partners to progress the delivery of the Masterplan for Bicester is reporting as Green. The Masterplan is making considerable progress and is on track for the initial presentation of the plan to CDC for end Quarter 1, 2014/15. There remain some issue such as traffic modelling that are yet to be completed and could impact on timescales for completion of the masterplan.

A Safe, Healthy and Thriving District

- Number of risk based food premises inspections completed is reporting as Amber. The team remain on target to finish at 100% despite lower than anticipated figures for Quarter 3. This was due in part to a number of food poisoning outbreaks and food alerts from the Foods Standard Agency Year to date performance 458 against target of 436. This had reported as Red last quarter.
- % nuisance cases responded to within the prescribed period (a maximum of 48 hours) is reporting as Green. During the quarter 250 service requests were responded to within the time frame out of 251 received

An Accessible Value for Money Council

- Improve levels of satisfaction with and access to information provided by the Council is reporting as Green. Engagement via social media continues to increase with Facebook likes up almost 1.5k on the last quarter to 2223. Twitter followers have also increased to 4173. Additional services have been made available online and URL's are being changed to ensure they are 'friendly' and more customer focussed.

- Deliver a council tax increase in 2014/15 which is below inflation is reporting as Green. The Council tax increase will be set in February but will be below inflation at 0%
- (2) That the following performance related matters be identified for review or consideration in future reports:

Cherwell: A District of Opportunity

- Deliver 500 new homes including through planned major housing projects is reporting as Red. House building in the district has been slow due to the recent market conditions therefore it is possible that the end of year target would not be met. However the Council had released a number of large strategic sites in 2013 which have either received planning permission or resolution to approve, with a view to improving delivery. These sites include: Land east and west of Southam Road, North of Hanwell Fields and West of Bretch Hill. Work has also commenced on the Bankside site at Banbury, and other sites in the rural areas such as Arncott and Milcombe are well underway.

A Cleaner, Greener District

- Tonnage of waste sent to landfill is reporting as Amber. The amount of residual waste sent to landfill is above target. Total waste sent to landfill this year to-date is 19,326 tonnes against a target of 17,700. At the same time last year 18,304 tonnes had been sent to landfill. The Environment Agency introduced changes last year which requires street sweepings to be landfilled whereas previously they were recycled. Discussions are being held with Oxfordshire County Council to seek alternative arrangements for these to be recycled. Note: December figures are provisional.
- Number of flytips is reporting as Amber. There has been a small rise in flytipping following a small fall last year. Comparable year to date figure for 2011/12 was 272. This was reporting as Red last quarter.

A Safe, Healthy & Thriving District.

- Reduce domestic burglary incidents reported by 2% (per 1000 Popn.) is reporting as Red. December tends to be the turning point in all crime and therefore a reduction in burglary is anticipated during next quarter.

An Accessible Value for Money Council

- Car parking revenue (Cash machines & Ringgo) is reporting as Red. Quarter 3 saw a further reduction in car park income. This is in the main due to income reduction from operating a reduced number of car parks in Bicester and the opening of Sainsbury's, a greater impact than was initially projected.
- Sickness absence - Average days sickness absence per FTE – we are unable to report this quarter due to changes in the Payroll system and not being able to run reports at this time. We will report on Quarter 3 and Quarter 4 together.

- (3) That progress on issues raised in the Quarter two performance report be noted.

Reasons

This report presents the Council's performance against its corporate scorecard for the third quarter of 2013/14. It includes an overview of successes, areas for improvement and emerging issues to be considered.

Alternative Options

Option 1: To note the report

Option 2: To request additional information on items and/or add to the work programme for review and/or refer to Overview and Scrutiny.

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Quarter 2 2013/14 Finance Report

The Director of Resources submitted a report which summarised the Council's Revenue and Capital performance for the first nine months of the financial year 2013-14 and projections for the full 2013-14 period. These were measured by the budget monitoring function and reported via the Performance Management Framework (PMF). The report also presented information on treasury management performance and compliance with treasury management policy during 2013-14 as required by the Treasury Management Code of Practice.

Resolved

- (1) That the projected revenue and capital position at December 2013 be noted.
- (2) That the quarter 3 (Q3) performance against the 2013-14 investment strategy and the financial returns from the two funds be noted.
- (3) That the contents and the progress against the Corporate Procurement Action Plan and the procurement savings achieved at December 2013 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 reported monthly to the Joint Management Team and formally to the Executive on a quarterly basis. This report includes the position at Q3.

Alternative Options

Option 1: This report illustrates the Council's performance against the 2013-14 Financial Targets for Revenue, Capital, Treasury and Procurement Monitoring. As this is a monitoring report, no further options have been

considered. However, members may wish to request that officers provide additional information.

103 **Transformation Working Group Terms of Reference**

The Chief Executive submitted a report to adopt formal terms of reference for the Transformation Working group involving members and officers of this Council (SNC), Cherwell District Council (CDC) and Stratford-on-Avon District Council (SDC).

Resolved

- (1) That the terms of reference for the Transformation Working Group (annex to the minutes as set out in the Minute Book) be adopted.

Reasons

The draft Terms of Reference have been considered and endorsed by the Transformation Working Group and CDC/SNC/SDC Joint Arrangements Steering Group and are being recommended to all three councils for adoption.

Alternative Options

Option 1: To amend the proposed terms of reference, but this is not recommended as they have the support of all three sets of Council members on the Transformation Working Group and CDC/SNC/SDC Joint Arrangements Steering Group and would delay the Group carrying out its functions.

104 **Acquisition of Graven Hill**

The Director (Bicester) submitted a report which provided an update on the negotiations with the MOD on the potential acquisition of Graven Hill and the options for developing the site.

The Executive thanked officers for their hard work and the DCLG for their support for their project.

In response to Members' comments, the Leader confirmed that committing to this project would not prevent CDC committing to other projects across the district

Resolved

- (1) That the business case for the acquisition of Graven Hill (subject to due diligence being completed) in order to enable the development of the UKs first large scale self build housing scheme (exempt annex to the minutes as set out in the Minute Book) be approved.
- (2) That the synergies between the Eco Bicester One Shared Vision and the vision for a Graven Hill community that includes a low carbon

energy strategy, improved health and wellbeing outcomes, and community led leisure outcomes that include public access to properly managed 38.5 hectare woodland be noted.

- (3) That the potential of delivering the Graven Hill vision to create 2000 new jobs including apprenticeships be noted.
- (4) That the acquisition of Graven Hill (annex to the minutes as set out in the Minute Book) at the agreed purchase price detailed in the exempt annex to the minutes (as set out in the Minute Book) be approved and that the scheme be added to the Council's capital programme.
- (5) That the use of internal capital resources to meet the payments due at exchange and completion of contract be approved.
- (6) That the use of borrowing to fund the phased payments for Phase 1 and Phase 2 of the site acquisition as detailed in the exempt annex to the minutes (as set out in the Minute Book) be approved.
- (7) That the setup of a "Graven Hill Equalisation reserve" to minimise the borrowing impact on the Council's net revenue budget as stated in exempt annex to the minutes (as set out in the Minute Book) be endorsed.
- (8) That officers be requested to submit a further report to the June 2014 meeting of the Executive, setting out the business case for the governance model for the delivery of the site and proposed legal structure to facilitate the Council's role as "strategic developer"
- (9) That the appointment of EC Harris as lead consultant (supported by sub consultants) to continue to provide technical support with the pre-development work necessary to support the acquisition which is wholly funded through the CLG capacity grant be approved.
- (10) That officers be requested to arrange a site visit for Executive members and Group Leaders to the Graven Hill site.

Reasons

The business case sets out why officers are recommending that the Council acquires Graven Hill. It is likely that this is a 'once in a lifetime' opportunity for the Council to make an investment with this level of financial return and deliver such far reaching social and economic outcomes for local people. All development carries risk and this proposal brings with it the requirement for significant investment from the council. The financial return on investment speaks for itself in the business case. This financial return on investment will put the council in a much stronger position in the future and the return can be invested into other opportunities across the district. The return on investment is of course more than just financial. The vision for Graven Hill has an opportunity to deliver far reaching social and economic outcomes that are unlikely to be delivered to the same extent or within the same timescales if led by a private sector developer.

Therefore the recommendation of this report is for the Council to acquire Graven Hill in order to gain control of the land to realise the full potential this vision has to offer.

Options

Due to the Statement of Intent, there are really only two options available to the Council: to acquire the site or not to acquire the site. A 'compromise' of say the council acquiring with another organisation would require the site to be advertised on the open market which would trigger an updated valuation. This is because the Statement of Intent signed in 2013 related to an off-market sale to Cherwell District Council, further reinforced by Crichel Down rules mean that this can only be to the Council as it has Compulsory Purchase Powers.

Option 1: The recommended option is for the council to acquire Graven Hill.

Option 2: The alternative option is that the Council can choose to not acquire Graven Hill. As set out in section 6.1 this is possible but not recommended as this will be a missed opportunity and risks yet another site securing planning permission with a long time before homes are actually built.

105 **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 paragraphs 1, 2, 3 and 4 of Schedule 12A of that Act

106 **Graven Hill Site Acquisition - Exempt Appendices 2 - 6**

Executive considered the exempt appendices to the report at agenda item 14, Acquisition of Graven Hill.

Resolved

(1) That the exempt appendices be noted.

107 **Proposal for a Three Way Shared ICT Service and Harmonisation of ICT Business Applications with South Northamptonshire Council and Stratford-On-Avon District Council**

The Director of Resources submitted an exempt report which sought consideration of a proposal for a three way shared ICT service and harmonisation of ICT business applications with South Northamptonshire Council and Stratford-On-Avon District Council.

Resolved

- (1) That the proposed final business case to share a three way ICT Service, and the associated harmonisation of corporate and local service business applications between Cherwell District Council (CDC), South Northamptonshire Council (SNC) and Stratford-on-Avon District Council (SDC) be approved for implementation, subject to agreement of the Personnel Committee in relation to the staffing implications, and subject also to similar consideration and approval by the respective decision making bodies of SNC and SDC.
- (2) That the responses to the consultation process with the affected staff and trade union representatives received to date as detailed in the consultation log be noted.
- (3) That it be noted that the business case would be considered by the Personnel Committee on 12 March, where a decision on the personnel implications will be made

Reasons

This business case marks a major step towards a culture change; where we deliver as many of our services through technology as we can and harmonising our business ICT applications, with a view to stripping out costs wherever possible.

The introduction of a three way shared ICT service will continue to build upon the existing shared service model between CDC and SNC, whilst supporting the principle of transformation of services with a third partner, SDC. It will provide increased resilience to all partners and ensure that specialisms and best practice can be developed internally to be shared across all partners.

It will deliver improvements, increase efficiency, avoid duplication and ultimately represents the key enabler of all transformational change across all three Councils.

It will deliver significant financial savings to all three Councils in the medium to longer term through the harmonisation of ICT business applications, whilst in the short term, a proportion of financial savings will be delivered through existing vacancies within the current teams

Alternative Options

Option One: To reject the proposal meaning the two services continue to operate independently. This would not deliver the benefits or financial savings to any of the three Councils, the improvements to the customer, or the transformational change that is associated with the DCLG funding identified in the business case.

Option Two: Approve the business case as attached.

Build! ® Programme Phased Delivery

The Head of Regeneration and Housing submitted an exempt report which followed up to the report submitted to the February meeting of Executive and sets out the Build! ® Programme phased delivery.

Resolved

- (1) That agreement be given to the Council taking on the role of developer for the first 200 homes of the Council's Build! ® programme subject to resolution (6).
- (2) That agreement be given to sell 66 homes direct to individuals on an equity loan basis subject to resolution (6). These will be on the sites set out in the exempt minute.
- (3) That agreement be given to sell 49 homes on a shared ownership basis, with the unsold shares being transferred to Cherwell Community Land Trust (CCLT), on the basis that the Council receives 100% income from first sales and future stair casing receipts up to a cap of 80% subject to resolution (6). This will also be subject to CCLT :
 - Confirming their intent to acquire these homes and re-invest any receipts back into affordable housing within Cherwell.
 - Securing Registered Provider Status with the Homes and Communities Agency (HCA)
 - Producing a robust business plan to evidence capacity to successfully own and manage the homes.
 - Securing sufficient external finance to support the acquisition.

These will be on the sites set out in the exempt minute.

- (4) That agreement be given to sell 30 homes (for affordable rent) to CCLT subject to resolution (6). This will be subject to CCLT:
 - Confirming their intent to acquire these homes and re-invest any receipts back into affordable housing within Cherwell.
 - Securing Registered Provider Status with the Homes and Communities Agency (HCA)
 - Producing a robust business plan to evidence capacity to successfully own and manage the homes.
 - Securing sufficient external finance to support the acquisition.

These will be on the sites set out in the exempt minute.

- (5) That officers be requested to submit a further report setting out recommendations for:
 - The final ownership and management arrangements for the remaining 55 units in the Phase One Build! ® Programme
 - The delivery and ownership options for the 62 units in the Phase Two Build! ® Programme
- (6) That authority be delegated to the Director of Resources and the Head of Law and Governance in consultation with the Head of Regeneration

and Housing, Head of Finance and Procurement, Lead Member for Financial Management, Lead Member for Housing and Lead Member for Regeneration to make the final decisions on all aspects of this report (exempt annex to the minutes as set out in the Minute Book) once they have considered the outcome of the necessary financial and legal due diligence that is currently taking place.

- (7) That increased delegated authority to the Procurement Steering Group in consultation with the Head of Regeneration and Housing and the Lead Member for Financial Management to award contracts up to the value of £3m for the Build! ® programme to enable delivery on schedule subject to resolution (6) be approved.

Reasons

As set out in the exempt minute.

Alternative Options

As set out in the exempt minute.

The meeting ended at 9.00 pm

Chairman:

Date: