

Minutes

of a meeting of the

Cabinet



held at 2pm on Friday 11 November 2011
at The Abbey House, Abingdon, OX14 3JE

Open to the Public, including the Press

Present:

Members: Councillor Matthew Barber (Chairman), Roger Cox (Vice-Chair), Yvonne Constance, Reg Waite and Elaine Ware

Non-participating members: Councillors Jim Halliday, Dudley Hoddinott, Jerry Patterson and Richard Webber

Officers: John Backley, Steve Bishop, David Buckle, Steve Culliford, Adrian Duffield, Melanie Potter, Matt Prosser, Margaret Reed, Anna Robinson, Bob Watson and Mark Williams

Number of members of the public: Nil

Ca.24 Apologies for absence

None

Ca.25 Minutes

RESOLVED: To adopt the minutes of its meetings held on 9 September and 21 October 2011 and agree that the chairman signs them.

Ca.26 Declarations of interest

None

Ca.27 Urgent business and chairman's announcements

None

Ca.28 Statements, petitions, and questions relating to matters affecting the Cabinet

None

Ca.29 Referrals to Cabinet from other committees

Health and safety

Cabinet noted that at the Audit and Governance Committee meeting on 28 September 2011, councillors had considered an internal audit report on health and safety. The committee noted that some recommendations from an earlier report had not been implemented. The committee recommended that Cabinet sought assurance that health and safety was being given full attention by managers.

The chief executive reported that he and his management team had met with the health and safety adviser and assured Cabinet that the council was taking its health and safety responsibilities seriously. Management team would closely monitor any issues. Cabinet accepted this reassurance.

Comments and complaints procedure

At the same meeting, the Audit and Governance Committee also considered an annual report on the complaints received by the council. The committee questioned whether councillors should be more involved in the assessment of complaints at stage three of the comments and complaints procedure. The committee noted that Cabinet would need to amend the council's procedure. The Committee resolved to ask Cabinet to consider whether the comments and complaints procedure should be amended so that councillors should review all stage three complaints, or whether the chief executive should consult the two group leaders on every stage three case.

Cabinet noted that the council had an excellent record in managing complaints under the present procedure but agreed that the chief executive should consult the two group leaders on every stage three case.

RESOLVED: To amend the comments and complaints procedure to require the chief executive to consult group leaders before determining action on stage three complaints.

Ca.30 Treasury management outturn 2010/11

Cabinet considered report 38/11 of the head of finance, which advised councillors of the performance of the treasury management function (the management of the council's investments) for the financial year 2010/11. This showed that the return on cash invested in 2010/11 was lower than initially expected due to sustained low interest rates. The predicted net income for 2011/12 was £371,800 and the officers expected to achieve this. However, income over the next four years was likely to reduce from that shown in the medium term financial plan.

Cabinet noted that the Audit and Governance Committee had also considered this report and had agreed with the recommendations.

Councillor Dudley Hoddinott was invited to address Cabinet. He asked the following questions:

1. What effect could Italy have on the Vale's finances if Italy defaulted on its debt?
2. When was the last time the council's asset management company was appraised?
3. What is Investec's rate for charging fees and other management costs?

4. There are many asset companies, so how has Investec performed in comparison to other companies and where did it rank in performance against all other companies in this sector?
5. When will the council carry out its next appraisal with a view to changing its asset management company if Investec's performance is shown to be inferior to other companies in this sector?

The strategic director reported that the economic failure of any other country had no direct consequence for the council although it could affect the banking sector's available investment and lending options to the council. He reported that Investec, the council's external fund manager, had a medium to long-term strategy rather than base its investment decisions on short term gain. The council had reviewed Investec's performance two years ago and had been content. It had achieved several high-performing years. However, over the last two years, performance had dropped as the world economy had suffered and its particular investment strategy was affected more than some others. Cabinet noted that the officers were keeping Investec's performance under review.

The Cabinet member for property also reported that the property portfolio meetings would review the level of investment in land and buildings.

RECOMMENDED: To Council to:

- (a) approve the treasury management outturn report 2010/11;
- (b) approve the actual 2010/11 prudential indicators (appendix 1 to report 38/11);
- (c) note the prospects for the return on investments from 2011/12 onwards and review Investec's performance to see if the council achieve a higher rate of return by using the in-house investment team; and
- (d) consider increasing investment in property (land and buildings) closer to the council's agreed limit.

Ca.31 Budget monitoring - quarter 2

Cabinet considered report 39/11 of the head of finance. This detailed the revenue and capital expenditure position for the second quarter of financial year 2011/12, ending on 30 September 2011. The report predicted an over spend of £132,188 by the financial year-end. This was down on the predicted £352,119 over spend at the end of the first quarter.

There were several reasons for the predicted overspend. Although service areas were reporting a net predicted under spend of £130,542, this was off-set by a £262,730 pressure, which related to contingency and property investment income. The contingency budget assumed that the council would receive £162,000 of additional income due from increased planning fees but this was unlikely, due to delayed government regulations. The contingency budget also included £50,000 revenue savings arising from a capital scheme for Manor Park at Wantage, but this scheme was now unlikely to happen. The outturn included an estimated amount payable to Capita under the terms of the payment and performance mechanism. Property income was down due to the council's investment property at Telfer House remaining vacant for a period.

Cabinet congratulated the service managers on controlling their budgets during the quarter. The over spend was largely beyond their control. However, as the over spend was likely to affect the year-end position, Cabinet would welcome any savings suggestions.

Cabinet also noted that the forecasted capital outturn was as per budget.

RESOLVED: To note the current budget position and forecasted outturn by the services.

Ca.32 Abbey Shopping Centre and Charter Area, Abingdon - supplementary planning document

Cabinet considered report 40/11 of the head of planning. This set out the results of the public consultation on the draft supplementary planning document for the Abbey Centre and the Charter in Abingdon. Cabinet considered the feedback and the draft document.

Councillor Jim Halliday was invited to address the meeting. He questioned why the supplementary planning document did not refer to a weather canopy to protect pedestrians; the public had requested this. He also believed that the publicity should make it clear that the public would need to comment separately on the forthcoming planning application for the Abbey Shopping Centre and Charter, even if they had already commented on the draft supplementary planning document. The chairman agreed that this would need clarifying with respondents.

Cabinet noted that as it acted as landowner/developer for these sites in partnership with Scottish Widows, there would be a potential conflict of interest if the decision as local planning authority on the draft supplementary planning document, was made by all five Cabinet members. The monitoring officer advised that the Cabinet member for property and the Cabinet chairman should withdraw from this decision to avoid a potential conflict of interest. Councillor Elaine Ware (Cabinet member for property) and Councillor Matthew Barber (Cabinet chairman) both stepped away from the table to allow the remaining Cabinet members to consider the report recommendations. The vice-chairman, Councillor Roger Cox, took the chair for this item.

Cabinet noted that the supplementary planning document should not include reference to a canopy, as this would be a commercial decision. Cabinet noted that each shop would need planning permission if it wished to erect a canopy. Cabinet agreed, believing that the council could not require the developer to install a canopy. It would also reduce light to the shopping centre and would cause maintenance problems. The developer was trying to improve the ambience of the centre and this was the opportunity to do that and bring shoppers back to the town. Cabinet was content with the draft supplementary planning document.

RECOMMENDED: To Council to:

- (a) agree the responses to the key points of feedback from public consultation and revisions to the Abbey Shopping Centre and Charter Area Draft Supplementary Planning Document, summarised at paragraphs 9 to 21 of the report 40/11, and set out in detail at paragraphs 17 to 30 of the consultation statement at annex A to that report; and
- (b) adopt the Abbey Shopping Centre and Charter Area Supplementary Planning Document with the revisions referred to in (a) above.

Ca.33 Car park order

Cabinet considered report 41/11 of the head of economy, leisure, and property. This set out the consultation responses to the proposed car park order 2011. Cabinet considered the consultation responses and decided whether to change the draft order.

Councillor Jim Halliday was invited to address Cabinet. Councillor Halliday expressed concern that Rye Farm and Hales Meadow car parks in Abingdon were not being included in the new car park order, and as such would operate under the existing rules. He believed this would confuse the public. He also asked that the council made it clear that the free two-hour parking period in Abingdon applied to district council off-street car parks only, not town/county council on-street parking. The Cabinet chairman agreed with Councillor Halliday's last point and asked the officers to publicise this clearly.

Cabinet noted that Rye Farm and Hales Meadow car parks in Abingdon would have a separate car park order, as although the council owned these car parks, they fell within South Oxfordshire District Council's area. This required an agency agreement with South Oxfordshire to change the car park order for these sites. Cabinet noted that there would be a separate order for these car parks. In the interim period, these car parks would have to operate under the existing car park order.

The Cabinet member for property endorsed the report's recommendations. Cabinet noted that the order was likely to come into effect on 9 December.

RESOLVED:

- (a) Having considered the objections and representations received on the proposed car park order 2011, as attached to the report, to make no changes to the draft order; and
- (b) To authorise the head of legal and democratic services to make the car park order 2011 and determine the date it comes into effect.

Exempt information under section 100A(4) of the Local Government Act 1972

None

The meeting closed at 2.40 pm