

Meeting of Council

Monday 18 January 2010

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Monday 18 January 2010 at 6.30 pm, and you are hereby summoned to attend.



Mary Harpley
Chief Executive

Friday 8 January 2010

AGENDA

1 **Apologies for Absence**

2 **Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.

3 **Communications**

To receive communications from the Chairman and/or the Leader of the Council.

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

The Chairman to report on any requests to submit petitions or to address the meeting.

5 **Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

6 **Minutes of Council** (Pages 1 - 6)

To confirm as a correct record the Minutes of Council held on 19 October 2009.

7 **Protecting and improving your environment - Presentation by Simon Hughes of the Environment Agency**

Simon Hughes (Area Manager) of the Environment Agency will be invited to address Council, following which members will be able to ask questions.

8 **Minutes**

- a) Minutes of Executive, Portfolio Holder Decisions and Executive Decisions made under Special Urgency

The Leader of the Council to formally propose that the minutes of the meetings of the Executive and Portfolio Holder decisions as set out in the Minute Book (circulated separately) be received and to report that since the last meeting of Council, no urgent Key Decisions have been taken by the Executive that were not included in a Forward Plan.

- b) Minutes of Committees

The Leader of the Council to formally propose that the minutes of committees as set out in the Minute Book (circulated separately) be received.

9 **Questions**

- a) Written Questions

To receive any written questions and answers which have been submitted with advance notice in accordance with the constitution. A written response to the question will be circulated at the meeting.

After receiving the written response the member submitting the question will be entitled to ask a follow up or supplementary question.

- b) Questions to the Leader of the Council

The Chairman to invite questions to the Leader of the Council (including any matters arising from the minutes).

Following a response to their question being provided members will be entitled to a follow up or supplementary question.

- c) Questions to Committee Chairman on the minutes

The Chairman to invite questions to Chairmen of Committees on any matter arising from the minutes of their committee (if any).

10 Motions

To debate any motions which have been submitted with advance notice, in accordance with the constitution.

Recommendations from Committees

11 Crime and Disorder Scrutiny ~ amendment to Constitution (Pages 7 - 24)

Report of Head of Legal and Democratic Services

Summary

To agree an amendment to the Constitution in relation to the terms of reference of the Overview and Scrutiny Committee regarding crime and disorder scrutiny.

Recommendations

Council is recommended:

- (1) To agree that the Overview and Scrutiny Committee should be formally designated as Cherwell District Council's crime and disorder scrutiny committee; and
- (2) To agree that the Constitution be amended to reflect the change in the terms of reference of the Overview and Scrutiny Committee as set out below:
 - Terms of Reference and Scheme of Delegation
 - Overview and Scrutiny Committee (page 16 – 17)
 - Insert new bullet point (# 7):

To exercise the powers assigned to a crime and disorder scrutiny committee (under the Local Government and Public Involvement in Health Act, 2007 and Police and Justice Act, 2006)

12 Constitutional Amendments - Planning and Licensing (Pages 25 - 38)

Report of Head of Legal and Democratic Services

Summary

To consider the constitutional amendments recommended to Council by Planning and Licensing Committees.

Recommendations

Council is recommended:

- (1) To approve the constitutional amendments recommended to Council by the Planning committee relating to the Scheme of Delegation and Public Speaking Procedure Rules as set out in appendices 1 and 2.
- (2) To approve the constitutional amendments recommended to Council by the Licensing committee relating to the Scheme of Delegation and Committee Terms of Reference as set out in Appendices 3 and 4.

13 Calendar of Meetings (Pages 39 - 44)

Report of Head of Legal and Democratic Services

Summary

Council is asked to consider the calendar of meetings for 2010/2011.

Recommendations

Council is recommended:

- (1) To consider any amendments proposed by the Executive and agree a calendar of meetings for 2010/11.
- (2) To agree that the Chief Executive in consultation with the Leader of the Council be delegated to make amendments to the calendar of meetings as and when the general election is called.

Council Business Reports

14 Exclusion of the Press and Public

The Chairman will if necessary move the exclusion of the press and public if members have indicated (under the relevant agenda item) they wish to ask a question on any matter arising from an exempt minute.

In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

Should Members decide not to discuss the issue in public, they are recommended to pass the following recommendation:

“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 of Schedule 12A of that Act, as set out on in the Minute Book”.

15 Questions on Exempt minutes

Members of Council will ask questions on exempt minutes, if any.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or (01295) 221587 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

Personal Interest: Members must declare the interest but may stay in the room, debate and vote on the issue.

Prejudicial Interest: Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Queries Regarding this Agenda

Please contact James Doble, Legal and Democratic Services james.doble@cherwell-dc.gov.uk, (01295) 221587