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Cherwell District Council

Council

Minutes of a meeting of the Council held in at Bodicote House, Bodicote, Banbury, OX15 4AA, on 19 July 2010 at 6.30 pm

Present: Councillor George Parish (Chairman)

Councillor Timothy Hallchurch MBE
Councillor Rick Atkinson
Councillor Ken Atack
Councillor Maurice Billington
Councillor Fred Blackwell
Councillor Norman Bolster
Councillor Nick Cotter
Councillor John Donaldson
Councillor Mrs Diana Edwards
Councillor Tim Emptage
Councillor Andrew Fulljames
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Simon Holland
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Tony Ilott
Councillor Victoria Irvine
Councillor James Macnamara
Councillor Nicholas Mawer
Councillor D M Pickford
Councillor G A Reynolds
Councillor Daniel Sames
Councillor Leslie F Sibley
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor Keith Strangwood
Councillor Lawrie Stratford
Councillor Rose Stratford
Councillor Lynda Thirzie Smart
Councillor Patricia Tompson
Councillor Nicholas Turner
Councillor Douglas Webb
Councillor Martin Weir
Councillor Douglas Williamson
Councillor Barry Wood

Also Present: Sonia Mills, Chief Executive, Oxfordshire Primary Care Trust
Dr Jonathan McWilliam, Director of Public Health, Oxfordshire

Apologies for absence: Councillor Luke Annaly
Councillor Alyas Ahmed
Councillor Ann Bonner
Councillor Colin Clarke
Councillor Margaret Cullip

Councillor Alastair Milne Home
Councillor Kieron Mallon
Councillor Nigel Morris
Councillor P A O'Sullivan
Councillor Neil Prestidge
Councillor Carol Steward

Officers: Mary Harpley, Chief Executive and Head of Paid Service
Ian Davies, Strategic Director - Environment and Community
John Hoad, Strategic Director - Planning, Housing and Economy
Liz Howlett, Head of Legal & Democratic Services and Monitoring Officer
Martin Henry, Chief Finance Officer / Section 151 Officer
James Doble, Democratic, Scrutiny and Elections Manager

9 **Declarations of Interest**

Members declared interests with regard to the proposed Eco-town, Bicester

Councillor Maurice Billington, Personal, as a County Councillor due to the County Council holding a land interest at Gowells Farm.

Councillor Norman Bolster, Personal, as a County Councillor due to the County Council holding a land interest at Gowells Farm.

Councillor Mrs Catherine Fulljames, Personal, as a County Councillor due to the County Council holding a land interest at Gowells Farm.

Councillor Michael Gibbard, Personal, as a County Councillor due to the County Council holding a land interest at Gowells Farm.

Councillor Timothy Hallchurch MBE, Personal, as a County Councillor due to the County Council holding a land interest at Gowells Farm.

Councillor G A Reynolds, Personal, as a County Councillor due to the County Council holding a land interest at Gowells Farm.

Councillor Lawrie Stratford, Personal, as a County Councillor due to the County Council holding a land interest at Gowells Farm.

Councillor Nicholas Turner, Personal, as a County Councillor due to the County Council holding a land interest at Gowells Farm.

Councillor Barry Wood, Personal, as persons known to him have a land interest in the area of, but outside the proposed eco-town.

10 **Communications**

The Chairman reported he had received a letter from the parish of the Immaculate Conception to thank the council for its grant of £10,000 towards a new community centre.

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

There were no petitions or requests to address the meeting.

12 **Urgent Business**

There were no items of urgent business.

13 **Public Health and Healthcare Services in Cherwell - Address by Chief Executive Oxfordshire Primary Care Trust and Director of Public Health Oxfordshire**

The Chairman welcomed Sonia Mills, Chief Executive, Oxfordshire Primary Care Trust and Dr Jonathan McWilliam, Director of Public Health for Oxfordshire to the meeting.

Sonia Mills and Dr Jonathan McWilliam addressed the meeting regarding the work of the Primary Care Trust and the Fourth Annual Report of the Director for Public Health. A number of members asked questions and answers were duly provided.

The Chairman thanked Sonia Mills and Dr Jonathan McWilliam for their attendance.

It was proposed by Councillor Wood and seconded by Councillor Reynolds that the recommendations as set out in the report be approved.

Resolved

- (1) That the fourth Annual Report of the Director of Public Health be received.
- (2) That the Council include in its annual service and financial planning process consideration of the Council's response to the key health issues for the Cherwell District.
- (3) That the Council continue to support the PCT in its healthcare service improvement activities in Cherwell, particularly in relation to the Horton General Hospital and Bicester Community Hospital.

14 **Minutes of Council**

The minutes of the meeting held on 19 May 2010 were agreed as a correct record and signed by the Chairman.

15 **Minutes**

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

Resolved

That the minutes of the meeting of the Executive and Portfolio Holder decisions as set out in the Minute Book be received and that it be noted that since the last meeting

of Council, one Executive decision had been taken that was subject to the special urgency provisions of the Constitution.

b) Minutes of Committees

Resolved

That the minutes of Committees as set out in the Minute Book be received.

16

Questions

a) Written Questions

There were no written questions.

b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Bicester Town Centre Highway Improvement Scheme: Councillor Sibley
Eco-town – Local Authority Funding Arrangements: Councillor Mrs Fulljames

c) Questions to Committee Chairmen on the minutes

There were no questions to the Committee Chairman on minutes.

17

Motions

a) Wind Turbines and Distance to Dwellings

It was moved by Councillor Macnamara, and seconded by Councillor Mrs Fulljames, that the following motion be adopted:

‘That this Council develops, as a matter of urgency, a policy setting minimum acceptable distances between proposed wind turbines and dwellings.’

The motion was debated and subsequently agreed.

Resolved

That the motion as set out above be adopted.

b) Housing Numbers

It was moved by Councillor Gibbard, and seconded by Councillor Wood, that the following motion be adopted:

‘This Council welcomes the letter from Eric Pickles MP signalling a clear intent to release us from the constraints of the SE Plan. The Council instructs Officers to continue work on a Local Development Core Strategy, but to progress on the basis of meeting the locally proposed housing target originally endorsed by Councillors and included in the submission of the draft plan to the Government (11,800 to 2026). In general terms the Council anticipates this may result in a Core Strategy that creates less pressure on Banbury to expand beyond its natural boundaries, less pressure on Rural Areas to accept housing growth, and a firming up of housing growth for Bicester in line with its Eco Town status.’

The Council will welcome any proposals from Government that can incentivise District Council Planning Authorities to encourage economic and housing growth.

The Council instructs Officers to write to the LGA and the CLG welcoming local decision making in respect of housing numbers and calls on the Government not to introduce surrogates for Regional Plans such as County Structure Plans.'

The motion was debated and subsequently agreed.

Resolved

That the motion as set out above be adopted.

18

Bicester Town Centre Redevelopment - Compulsory Purchase Proposals

The Head of Regeneration and Estates, Head of Legal and Democratic Services and Head of Development Control and Major Developments submitted a joint report to:

- Advise Council of the possible need to use compulsory purchase powers to secure the necessary land and rights to complete the Bicester town centre redevelopment
- Ask for approval to the use of compulsory purchase powers to facilitate the implementation of the redevelopment as proposed by Town Centre Retail (Bicester) Ltd in planning permission 07/00422/F, as amended in relation to the central part of the redevelopment site by planning permission 09/01687/F, to assemble the land interests required for the redevelopment, such land interests being shown for indicative purposes only edged red and, in the case of new rights, hatched blue on the plan at Appendix One
- Approve the appropriation of the land edged red on the plan at Appendix Two, being land in the Council's ownership, for planning purposes.
- Approve the acquisition of the existing service yard to the Crown Walk shopping centre shown edged green on the plan at Appendix Three for planning purposes so that, if necessary, the powers in section 237 of the Town and Country Planning Act 1990 may be relied upon to override legal interests which might impede the implementation of the redevelopment.

Resolved

- (1) That it be confirmed that Cherwell District Council is minded to make a compulsory purchase order in respect of:
 - (a) the land shown edged red on the plan attached at Annex 1 to these minutes (as set out in the minute book) under Section 226(1) (a) of the Town and Country Planning Act 1990 (as amended) because it thinks that the acquisition will facilitate the carrying out of the redevelopment, and the redevelopment is likely to contribute to the promotion or improvement of the economic, social and environmental well-being of Bicester and the surrounding district; and
 - (b) new rights in relation to the land shown hatched blue on the same plan as are required to facilitate the redevelopment under Section 13 of the Local Government Act (Miscellaneous Provisions) Act 1976
- (2) That the Head of Legal and Democratic Services be authorised to take all necessary steps as considered appropriate to secure the making of a

compulsory purchase order including the publication and service of all relevant notices

- (3) That the Head of Regeneration and Estates be authorised to approve the terms for the acquisition of legal interests by agreement including for the purposes of resolving any objections to the compulsory purchase order
- (4) To confirm the appropriation of the land edged red on the plan attached at Annex 2 to these minutes (as set out in the minute book) for planning purposes as described in section 226 and 246 of the Town and Country Planning Act 1990 (as amended) on the commencement of Phase 2 of the redevelopment scheme (i.e. following the initial highway and other enabling works within Phase 1) in accordance with Section 122 of the Local Government Act 1972.
- (5) That the acquisition of the land edged green on the plan attached at Appendix 3 to these minutes (as set out in the minute book) be authorised for planning purposes in accordance with section 227 of the Town and Country Planning Act 1990 (as amended).

19 **Standards Committee Annual Report 2009/10**

The Head of Legal and Democratic Services and Monitoring Officer submitted the Standards Committee Annual Report for 2009/10 which was approved by the Standards Committee on 8 July 2010.

In response to a question, the Chief Executive undertook to provide members with information on the future of the standards regime as soon as it was available.

Resolved

- (1) That the contents of the Standards Committee Annual Report 2009/10 be noted.
- (2) That the Head of Legal and Democratic Services be given delegated authority to update the Standards Committee Annual Report 2009/10 in light of any announcements about the Standards Board regime by the Government prior to the publication of the Annual Report.

20 **Overview and Scrutiny Annual Report 2009/10**

The Head of Legal and Democratic Services submitted the Overview and Scrutiny Annual Report 2009/10 which was approved by the Overview and Scrutiny Committee on 22 June 2010.

Resolved

That the contents of the Overview and Scrutiny Annual Report 2009/10 be noted.

21 **Amendment to Committee Membership**

Council was asked to consider the following committee membership change as requested by the Conservative Group:

Committee	Members		Substitutes	
	Delete	Add	Delete	Add
Standards	Cllr Hurle	Cllr L Stratford	Cllr L Stratford	Cllr Hurle

Resolved

That the Standards Committee membership be amended as set out above.

22 **Petitions and E-Petitions**

The Head of Legal and Democratic Services submitted a report to enable the Council to implement the Local Democracy, Economic Development and Construction Act 2009 with regard to the duty to respond to petitions and the requirement to provide a facility for the electronic submission of petitions on the Council website.

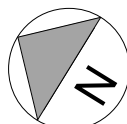
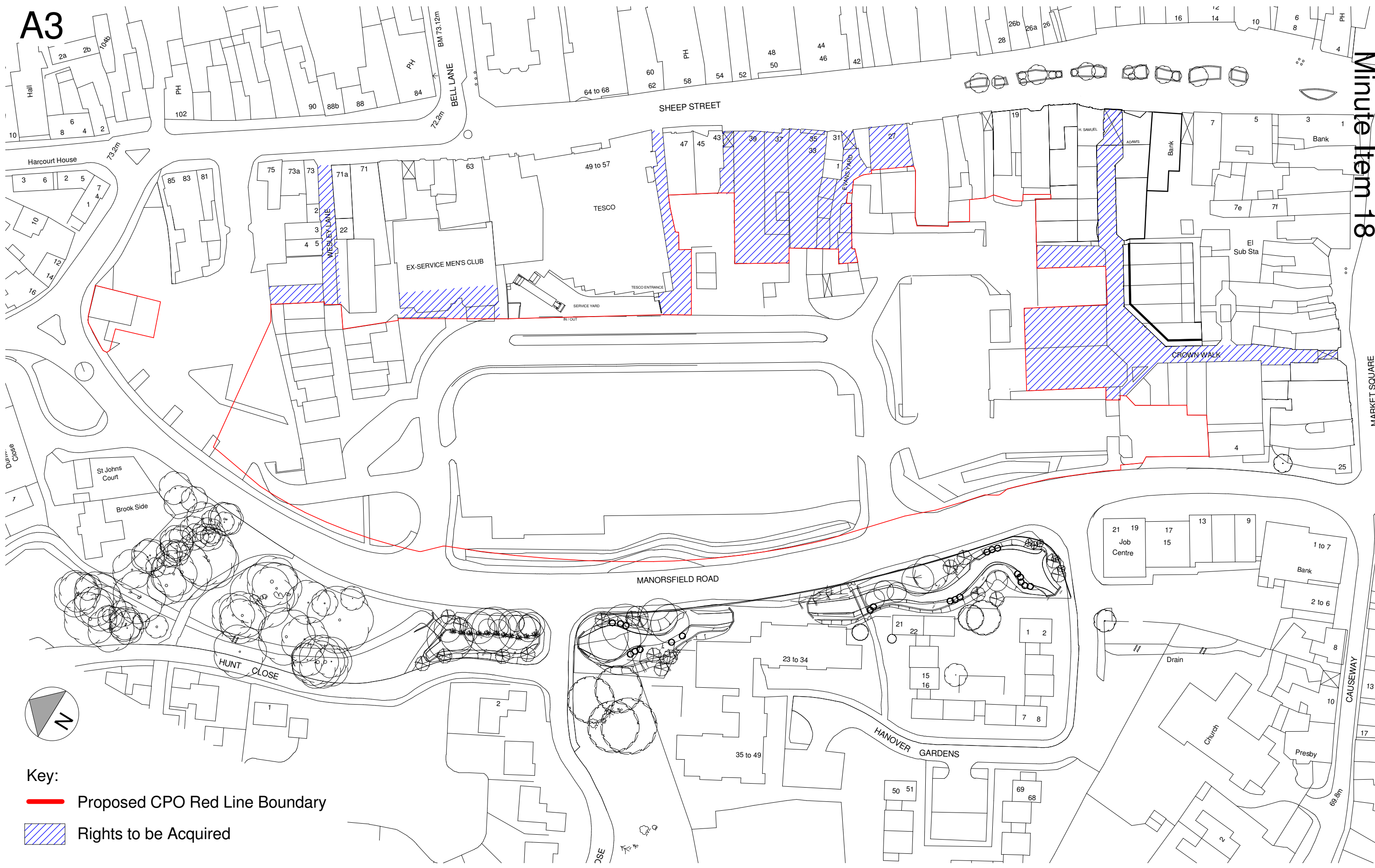
Resolved

- (1) That the Petition Scheme set out at Annex 4 to the minutes (as set out in the minute book) as recommended by the Executive be approved.
- (2) That the constitutional amendments as set out at Annex 5 to the minutes (as set out in the minute book) be agreed.
- (3) That Council receive a further report on e-petitions in October.

The meeting ended at 9.14 pm

Chairman:

Date:



- Key:**
- Proposed CPO Red Line Boundary
 - Rights to be Acquired

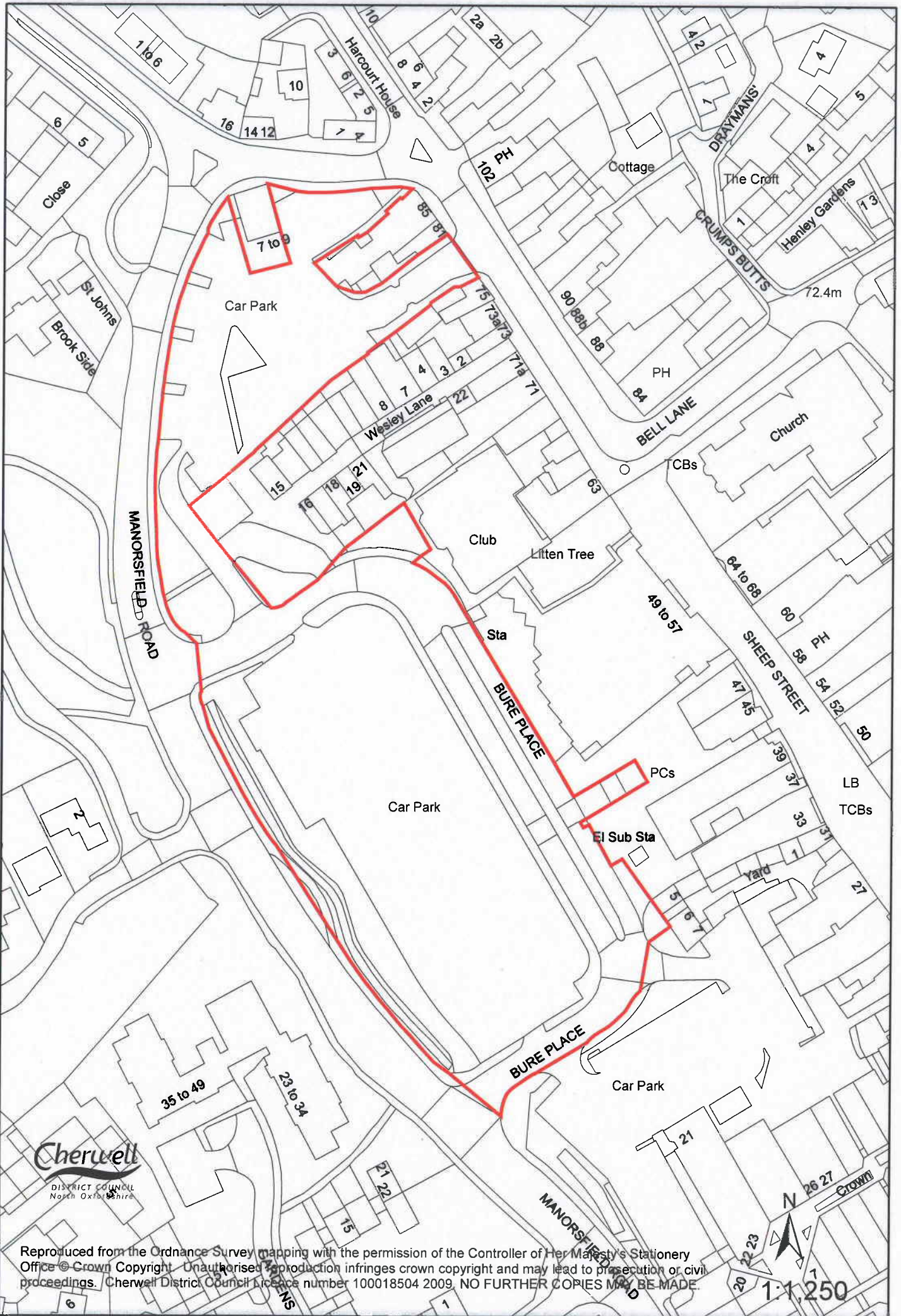
LYONS+SLEEMAN+HOARE
Architects

Nero Brewery, Cricket Green, Hartley Wintney, Hants, RG27 8QA
Tel: 01252 844144 Fax: 01252 844800

NOTE: All figures are approximate and have been measured and expressed in a manner as defined by the current edition of the RICS/ISVA Code of Measuring Practice. Figures relate to the current stage of the project and any development decisions to be made on the basis of this information should include due allowance for the increases and decreases inherent in the design and building processes.

Job BICESTER TOWN CENTRE EXPANSION	Scale As indicated	Date 05/20/10	Partner ML	Author JR
Drawing Proposed CPO Red Line Plan	Job N° / Drg N° 04075 / L-50		Rev E	Checked SA

This drawing may be scaled or cross referenced to the scale bar for Planning Application purposes only. Do not scale for any other purpose, use figured dimensions only. Subject to site survey and all necessary consents. All dimensions to be checked by user and any discrepancies, errors or omissions to be reported to the Architect before work commences. This drawing to be read in conjunction with all other relevant materials. 23/06/2010 14:36:04



Cherwell
DISTRICT COUNCIL
North Oxfordshire

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1:1,250

A3

SHEEP STREET

49 to 57

TESCO

TESCO ENTRANCE

SERVICE YARD

IN / OUT

47 45 43

39

37

35
33

31

EVANS YARD

27

19

H. SAMUEL

ADAM'S

Bank

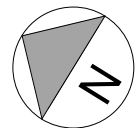
7

7e

Sub

CROWN WALK

4



21 19 17 13

LYONS+SLEEMAN+HOARE
Architects

Nero Brewery, Cricket Green, Hartley Wintney, Hants, RG27 8QA
Tel: 01252 844144 Fax: 01252 844800

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Job
BICESTER TOWN CENTRE EXPANSION

Scale
1 : 500

Date
05/20/10

Partner
ML

Author
JR

Drawing
S237 Land Transfer Plan

Job N° / Drg N°
04075 / L-51

Rev
F

Checked
SA

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23/06/2010 09:00:12

Cherwell District Council Petitions Scheme

Cherwell District Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns or the strength of public feeling. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

Democratic Services
Bodicote House
Bodicote
Banbury
OX15 4AA

Petitions can also be presented to a meeting of the council, except planning, licensing and Standards Committees. These meeting dates and times can be found at www.cherwell.gov.uk If you would like to present your petition, or would like your councillor or someone else to present it on your behalf, please contact Democratic Services democracy@cherwell-dc.gov.uk or 01295 221587 at least 10 working days before the meeting and they will talk you through the process. If your petition has received 1500 signatures or more it will also be scheduled for a council debate and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the council.

What are the guidelines for submitting a petition?

Petitions submitted to the council must:

- consist of 10 or more signatories
- include a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- include the name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to the petition organiser to explain the reasons.

What will the council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. The Council may decide to verify the authenticity of the petition by performing a check (where possible) to ensure that those who have signed the petition are real signatories. The petition will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Please contact us for more information.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's overview and scrutiny committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

*Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council's decision makers to account.

Appropriate steps

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible at www.cherwell.gov.uk.

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full council debates

If a petition contains more than 1500 signatures it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision. If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of the council's overview and scrutiny committee. Senior staff refers to Service Heads, Strategic Directors and the Chief Executive, a list of these staff can be found on the Council website www.cherwell.gov.uk. You should be aware that the overview and scrutiny committee may decide that it would

be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call a relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chairman of the committee by contacting Democratic Services democracy@cherwell-dc.gov.uk up to three working days before the meeting.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's overview and scrutiny committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

Petitions

The Council welcomes petitions and recognises them as a way in which people can let us know their concerns or the strength of public feeling.

Petitions may be submitted regarding any matter which relates to an improvement in the economic, social or environmental well-being of the authority's area and/or to which its partner authorities could contribute.

The following issues are excluded and outside the scope of petitions as defined above:

- matters under any other enactments e.g. petitions requesting and elected Mayor
- any matter relating to a planning decision, including about a development plan document or the community infrastructure levy
- any matter relating to an alcohol, gambling or sex establishment licensing decision
- any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to review or right of appeal conferred by or under any enactment.

The council will publish a petitions scheme setting out guidance for petitioners and the procedure which will be used for dealing with petitions.

Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- the name and address and signature of any person supporting the petition

Petitions should be accompanied by the contact details including an address, for the petition organiser. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate by the Monitoring Officer will not be accepted.

The Monitoring Officer shall determine whether a petition is valid,

The Monitoring Officer or full council may at their discretion decide to instruct officers to verify the signatures on a petition, in order to ensure that they are genuine.

In the period immediately before an election or referendum the Monitoring Officer may decide that petitions will be dealt with differently in order to comply with guidance on purdah.

The council will acknowledge receipt of a petition to the petition organiser within 10 working days and details of received petitions will be published on the council's website. The council will inform the petition organiser if the council can do or has done what is request or what steps the council plans to take.

Full Council Debates and Officer Evidence

Petitions that have 1500 or more signatures will trigger a debate at full council. This will normally take place at the first available meeting. Petition organisers will be given 5 minutes to present their petition and the petition will be discussed by council for a maximum of 15 minutes. Council may decide:

- to take the action as set out in the petition
- not to take the action for the reasons put forward in the debate
- to commission a further investigation
- to make recommendations to the Executive

Petition organisers will receive written confirmation of decisions which will also be published on the council website.

Petitions that request a senior officer (Service Heads, Strategic Director and Chief Executive) to give evidence to a scrutiny committee must receive 750 or more signatures. The Overview and Scrutiny Committee may decide to ask a more appropriate officer as well as a relevant councillor to attend. Petition organisers may up to three working days before the meeting submit questions to the Chairman of the meeting.

Right of Review

The petition organiser has the right to request the Council's Overview and Scrutiny Committee to review the way the council has dealt with a petition if they feel this has not been appropriate. In the case of the petition having been presented to the Overview and Scrutiny Committee the Resources and Performance Scrutiny Board will carry out this function. This review will normally take place at the first available meeting.

The Overview and Scrutiny Committee may decide to:

- take no further action
- instigate an investigation
- make recommendations to the Executive
- refer the issue to Council for consideration

The petition organiser will be informed of the results within 5 working days.

Presenting Petitions to meetings

Petitions may be presented to all Council meetings except Appeals, Planning, Licensing and Standards Committees.

A request to present a petition must be received by the Head of Legal and Democratic Services at least 10 working days before the meeting.

Any question as to the relevance of any petition shall be determined by the Chairman of the meeting without debate.

When petitions are presented the presenter shall have the right to briefly announce the subject of the petition (5 minutes).

If the petition is directly relevant to an item before the meeting or that is due to come before the meeting it shall be referred without debate for consideration to a relevant council meeting or officer, who shall respond to the petition and report back to the referring body:

- taking the action requested in the petition
- considering the petition at a Council meeting.
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's overview and scrutiny committee
- calling a referendum (where legislation permits)
- writing to the petition organiser setting out our views about the request in the petition.

In the case of referral to another council meeting the person who presented the petition shall be able to address the meeting when the matter referred to in the petition is considered.