

Public Document Pack



Meeting of Council

Monday 19 July 2010

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Monday 19 July 2010 at 6.30 pm, and you are hereby summoned to attend.



Mary Harpley
Chief Executive

Friday 9 July 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 **Public Health and Healthcare Services in Cherwell - Address by Chief Executive Oxfordshire Primary Care Trust and Director of Public Health Oxfordshire** (Pages 1 - 10)

Report of Strategic Director Environment and Community

Summary

This agenda item is intended to permit all Members to consider and debate the relevant health issues of Cherwell residents and the provision of healthcare services in the District

Sonia Mills, Chief Executive of Oxfordshire Primary Care Trust (PCT) and Dr Jonathan McWilliam, Director of Public Health, Oxfordshire will be invited to address Council, following which Members will be able to ask questions.

Recommendations

Council is recommended:

- (1) To receive the fourth Annual Report of the Director of Public Health and consider the recommendations.
- (2) To 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) To 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.

7 **Minutes of Council** (Pages 11 - 20)

To confirm as a correct record the Minutes of Council held on 19 May 2010.

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 decisions have been taken by the Executive which were not included in the 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.

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 Chairmen 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 two motions which have been submitted with advance notice, in accordance with the constitution.

Wind Turbines and Distance to Dwellings

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

Proposer: Cllr Macnamara

Secunder: Cllr Mrs Fulljames

Housing Numbers

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.

Proposer: Cllr Gibbard
Seconder: Cllr Wood

Council Business Reports

11 Bicester Town Centre Redevelopment - Compulsory Purchase Proposals (Pages 21 - 38)

Report of Head of Regeneration and Estates, Head of Legal and Democratic Services and Head of Development Control and Major Developments

Summary

1. 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
2. To 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
3. To approve the appropriation of the land edged red on the plan at Appendix Two, being land in the Council's ownership, for planning purposes.
4. To 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.

Recommendations

Council is recommended by the Executive:

- (1) To confirm 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 Appendix One 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) To authorise the Head of Legal and Democratic Services 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) To authorise the Head of Regeneration and Estates 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 Appendix Two 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) To authorise the acquisition of the land edged green on the plan attached at Appendix Three for planning purposes in accordance with section 227 of the Town and Country Planning Act 1990 (as amended).

12 Standards Committee Annual Report 2009/10 (Pages 39 - 48)

Report of Head of Legal and Democratic Services / Monitoring Officer

Summary

This report presents the Standards Committee Annual Report for 2009/10 which was approved by the Standards Committee on 8 July 2010.

Recommendations

Council is recommended:

- (1) To note the contents of the Standards Committee Annual Report 2009/10.
- (2) To delegate to the Head of Legal and Democratic Services 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.

13 Overview and Scrutiny Annual Report 2009/10 (Pages 49 - 62)

Report of Head of Legal and Democratic Services

Summary

This report presents the Overview and Scrutiny Annual Report 2009/10 which was approved by the Overview and Scrutiny Committee on 22 June 2010.

Recommendations

Council is recommended:

- (1) To note the contents of the Overview and Scrutiny Annual Report 2009/10.

14 **Amendment to Committee Membership**

Council is asked to agree the following request of the Conservative Group:

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

15 **Petitions and E-Petitions** (Pages 63 - 76)

Report of Head of Legal and Democratic Services

Summary

The Local Democracy, Economic Development and Construction Act 2009 introduced a duty to respond to petitions and the requirement to provide a facility for the electronic submission of petitions on the Council website. This report is the first of two reports to enable the Council to implement this legislation.

Recommendations

Council is recommended:

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

16 **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”.

17 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 Part 5 Section A of 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

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Council

Public Health and Healthcare Services in Cherwell

19 July 2010

Report of Strategic Director Environment & Community

PURPOSE OF REPORT

This agenda item is intended to permit all Members to consider and debate the relevant health issues of Cherwell residents and the provision of healthcare services in the District.

Sonia Mills, Chief Executive of Oxfordshire Primary Care Trust (PCT) and Dr Jonathan McWilliam, Director of Public Health, Oxfordshire will be invited to address Council, following which Members will be able to ask questions.

This report is public

Recommendations

The meeting is recommended:

- (1) To receive the fourth Annual Report of the Director of Public Health and consider the recommendations.
- (2) To 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) To 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.

Executive Summary

Introduction

- 1.1 The health of the people of the Cherwell District is vital to the wellbeing of the District. Good health is closely related to a wide range of factors such as employment, quality of neighbourhoods, education etc. These factors are, in turn, linked to issues of housing, skills and employment and all contribute to the general prosperity of the District.
- 1.2 The Oxfordshire PCT is the major commissioner of local health care services and the lead body for the prevention of ill health. However, given the wide range of factors which affect good health, the role and services of the District

Council have a major part to play.

Proposals

- 1.3 The PCT and the Director of Public Health for Oxfordshire will present on these matters, highlighting current issues and activities and providing a proposed direction for the future.

Conclusion

- 1.4 Improved health of local people can only be achieved through common purpose and the collective effort of many organisations. The presentations from the PCT and the Director of Public Health will reaffirm their commitment in this respect and provide the strategic framework for local action.

Background Information

- 2.1 One of the Council's strategic priorities is a Safe and Healthy Cherwell. To achieve this, much of what the Council undertakes is in partnership with the local health agencies. Its own activities, as outlined later in this report, and its partnership working with the PCT are consistent with the Council's policy framework.

Oxfordshire PCT

- 2.2 Sonia Mills, Chief Executive of the Oxfordshire PCT will present her organisation's position and challenges in relation to their finances, the Horton General Hospital, Bicester Hospital and other county and local healthcare issues and developments.

Director of Public Health for Oxfordshire Fourth Annual Report

- 2.3 Dr Jonathan McWilliam will present his fourth Annual Report. His recommendations are made for all organisations in Oxfordshire and for the public and these are listed in Annex 1. The full 54 page report can be found on the Oxfordshire PCT website via <http://www.oxfordshirepct.nhs.uk/about-us/publications/documents/DPHARIVMay2010.pdf>.
- 2.4 The aims of the annual report are:
- (a) To report on progress made in the last year and set out challenges for the next year;
 - (b) To galvanise action on five main threats to the future health, wellbeing and prosperity of Oxfordshire.
 - (c) To add an emphasis on two strongly emerging threats, namely those posed by dementia and alcohol abuse.
- 2.5 The five main long-term threats are:
- Breaking the cycle of deprivation;
 - An Ageing population – the 'demographic time bomb';
 - Mental health and wellbeing: avoiding a Cinderella service;
 - The rising tide of obesity;
 - Fighting killer infections.

Cherwell District Council's Health Improvement Activities and Partnership Work

- 2.6 The policy framework which shapes the range of service actions the Council undertakes is set out in the Public Health Strategy for Oxfordshire and the Cherwell-specific Action Plan. This approach provides an excellent basis for the Council's partnership working and targeted annual actions.
- 2.7 Most of the Council's health promotion and improvement work is undertaken in partnership which include: Oxfordshire County Council departments: Social Community Services, Fire & Rescue, Trading Standards, Age UK Oxfordshire and other voluntary organisations; Parish Councils; Town Councils and the Cherwell Community Sports Network. The Council also hosts two externally funded Health Trainers and their co-ordinator. The 2010/11 annual programmes and resources employed include:
- Eat Well in Cherwell healthy food award for food businesses
 - Junior Citizen
 - Safety Equipment Loan Scheme
 - Electric Blanket Testing
 - Practical cookery for Asian women and young mothers
 - Weight Management and Smoking Cessation classes
 - Co-ordination of Health Walks in North Oxfordshire
 - Delivery of accredited Food Hygiene courses
 - GP Referrals Scheme
 - Interagency Referrals for Prevention Scheme
 - The Health Bus, which is jointly owned by CDC and the PCT and used for health promotion initiatives and as a clinic.
- 2.8 The Council also offers significant services to older people largely around encouraging independent living and having healthy later years i.e. ageing successfully. These again fall into the following service categories across the Council:
- recreation activity programmes
 - supporting over 230 older people groups
 - providing information and advice
 - addressing housing need through a specific Older People's Housing Strategy
 - a major Disabled Facilities Grants programme along with other home adaptation services
 - health promotion and healthy lifestyles initiatives
 - volunteering support
 - local transport scheme
- 2.9 The final most significant area of health improvement activity is to address some of the key areas of health inequalities in the District. Despite the general picture of good and above average health, the gap between the worst and best areas of the District in terms of life expectancy is widening. This means that a focus must be given to improving the worst areas to reduce this gap. These areas are in certain parts of Banbury and are the subject of the long-term, multi-agency Brighter Futures in Banbury Programme. This programme covers many aspects of wider social, economic and

environmental issues, all of which affect general health and life expectancy.

- 2.10 Members will be aware of the strong support the Council is providing the PCT in delivering the Better Healthcare Programme for Banbury and Surrounding Areas. This is essentially about the future service make up of the Horton General Hospital. Most of this support is provided through the Chief Executive and Strategic Director in the form of hosting and membership of the Programme Board and the Community Partnership Forum.
- 2.11 It is very pleasing to note that the recent decisions by the PCT and the Oxford Radcliffe Hospitals Trust have agreed a consultant delivering obstetric and paediatric operating model and the £2.4m extra cost of this has been split £1.5m/£0.9m respectively between the two Trusts. Subject to successful implementation over the next 9/12 months, this will secure the future of the Horton.
- 2.12 In 2008, the Revenues and Benefits service vacated the Town Centre offices in Banbury which meant the Council were seeking a tenant. This was also at a time when the PCT were seeking appropriately located premises for their new GP led Health Centre. As a consequence, the Council supported the PCT with the reuse of its premises for this new function with a design and build contract procurement, project management, on site construction, procuring equipment and providing facility management to include security, cleaning and maintenance. The new service is commenced in September 2009.
- 2.13 The Council's Strategic Director Environment and Community sits on the Bicester Community Hospital Project Group as a means of supporting the PCT in the re-provision of Bicester Hospital. Councillor David Hughes also sits on the Community Forum which represents local people and stakeholders.
- 2.14 Recently, the PCT decided that the procurement plan needs to be altered. The plan is now to restart the procurement process and make it clearer and more straightforward. In particular the PCT is streamlining the process so that it only involves one integrated solution with health and social care services provided from one place.
- 2.15 The Council plays a full and active part in the Oxfordshire Health and Well Being Partnership. This is attended by the Portfolio Holder for Environment, Recreation and Health accompanied by the Strategic Director Environment and Community. In addition, the Council's Health Strategy and Improvement Officer play a very active part in the officer group supporting and delivering the many Cherwell health initiatives in partnership with many others. This is important as it is through this partnership that the strategic and priority issues outlined above by the Director of Public Health and the PCT are addressed plus any resource issues determined.

Implications

Financial: There are no direct financial consequences arising from this report. Additional county-wide funding is being secured for the targeted health inequalities work in Banbury with the expectation that the Council will direct its

current activity and resources to supplement

Comments checked by Joanne Kaye, Service Accountant, 01295 221545

Legal:

There are no specific legal implications arising from this report.

Comments checked by Liz Howlett, Head of Legal & Democratic Services, 01295 221686

Risk Management:

There are no direct risks associated with the content of the report. Failure to address over the long term issue of the declining health issues in the District is likely to worsen the current health inequalities gap.

Comments checked by Rosemary Watts, Risk Management & Insurance Manager, 01295 221566

Wards Affected

All wards

Document Information

Appendix No	Title
Annex 1	<i>Recommendations of the Director of Public Health's Fourth 2010/11 Annual Report</i>
Background Papers	
<i>Director of Public Health's Fourth Annual Report 2010/11</i>	
Report Author	Ian Davies, Strategic Director Environment & Community
Contact Information	01295 221689 Ian.Davies@Cherwell-dc.gov.uk

Annex 1

Director of Public Health for Oxfordshire Fourth Annual Report 2010/11 Recommendations

Older People and the Demographic Time Bomb

Recommendation 1

By December 2010 the Ageing Successfully strategy should be completed with agreed overall direction and clear outcome measures, process measures and action plans, through the PCT Director of Service Redesign and County Council Director for Social and Community Services.

These outcomes measures and process measures should be monitored vigorously by the Health and Wellbeing Partnership Board.

The Oxfordshire Health Overview and Scrutiny Committee should also consider scrutinising progress made as part of its annual plan.

Recommendation 2

By December 2010 Oxfordshire PCT, through its Director of Public Health, should have identified 20% more carers in primary care.

Recommendation 3

Work on Dementia in Oxfordshire should be formalised in a joint strategy, led by Oxfordshire PCT and Oxfordshire County Council through their Directors for Service Redesign and Director of Social and Community Services. It should include on the identification of people with dementia and support of carers for people with dementia. It should contain clear outcome measures, process measures and a clear timescale for implementation. This strategy should be completed by March 2011 and should be monitored vigorously by the Health and Wellbeing Partnership Board.

The Oxfordshire Health Overview and Scrutiny Committee should also consider scrutinising progress made as part of its annual plan.

Breaking the Cycle of Deprivation (County)

Recommendation 1

Oxfordshire County Council, Oxfordshire PCT and Local Authorities should continue to drive forward plans to further integrate children's services planning and commissioning across the county under the Children and Young People's Trust through the Directors for Children, Young People and Families and the PCT Director of Service Redesign so that clear process and outcome measures for commissioning plans are agreed by March 2011.

Recommendation 2

The Oxfordshire Children and Young People's Trust should ensure that all community services and community resources for children living in localities with high levels of social deprivation (including schools) are better coordinated so as to target those who need the services the most, with the aim of bringing

the areas with the lowest outcome measures up to the county average. This work should show demonstrable progress by March 2011.

Recommendation 3

The Children and Young People's Trust should review initiatives aimed at preventing and treating obesity in children across Oxfordshire and should consider re-directing resources towards primary prevention of obesity by March 2011.

Recommendation 4

The Oxfordshire Children's Trust Board should receive regular progress reports from the '6 Chiefs' work which overlaps with the Children's Trust programme of work called 'Narrowing the Gap', with a view to integrating work into Children and Young People's Trust planning by March 2011.

Breaking the Cycle of Deprivation in the Most Deprived Wards of Banbury and Oxford

Recommendation 1

By March 2011, the six chiefs should ensure that this project has work plans in place which concentrate on:

- Joining up existing core services
- Identifying simple and definable service improvements that can be measured, focused primarily on getting a better start in life
- Beginning to evaluate this work

Recommendation 2

By October 2010, the six chiefs should have agreed a clear 'basket' of measures which will tell them accurately whether or not this work is on track to break the cycle of deprivation in the long term.

Recommendation 3

By December 2010 The Oxfordshire Partnership should have received a specific progress report on this work and should seek evidence of progress in line with the three points in recommendation 1 above.

Recommendation 4

By December 2010 Oxfordshire Partnership and/or Public Services Board should have considered whether this work could be part of a "Total Place" initiative (or a similar approach under the new Government) focussing on increasing the number of people in education, training or employment (and thus reducing NEETS). This work should seek to coordinate the effort and spending of public sector organisations to achieve more while being more efficient. The focus could be either on specific wards or on specific families who have particularly high needs.

Mental health in adults: avoiding a Cinderella service

Recommendation 1

The PCT Director of Service Redesign should continue to drive progress forward until improvements to outcomes are achieved. Further demonstrable progress should be in evidence by March 2011.

Recommendation 2

The Director of Service Redesign and the Director for Social and Community Services should ensure that a commissioning strategy for older people's mental health is produced by March 2011 and this should form a part of the Ageing Successfully strategy. This should include a section on the care of people with dementia.

The Rising Tide of Obesity

Recommendation 1

The County strategy for prevention of obesity should be reviewed and refreshed by March 2011 through the Director of Public Health. The new strategy should be a true partnership effort and should have an emphasis on the prevention of obesity rather than its treatment. It should include a focus on the important role of GPs. Work with children and adults should be seamless. Those at increased risk should be targeted.

Fighting Killer Diseases

Recommendation 1

The Director of Public Health and the local Health Protection Agency must work closely to maintain surveillance of communicable diseases during 2010/11 and take appropriate steps to control these diseases and any new emerging killer diseases.

Recommendation 2

Oxfordshire PCT should continue to be ready and prepared to make investment in infection control services and health protection, through 2010/11.

Recommendation 3

The Director of Public Health should report on killer infections and infectious diseases in the DPH annual report in April 2011.

Alcohol: What's your poison?

Recommendation

The revision of the Alcohol Strategy in the next year will give a great opportunity for a further step-change. We need a strong strategy which should include the following key elements by March 2011.

1. Powerful and far reaching information about the potentially toxic effects of alcohol to health, community safety and family life that make it a personal issue for all of us.
2. Further reductions in alcohol related crime and disorder in our towns and City with targeted approaches and a firm resolve to enforce action against premises and people causing problems. This is a lead area for Nightsafe partnerships around the county who should continue to develop their role.
3. Joined up and effective advice and treatment services are needed, including in primary care. The NHS and Drug and Alcohol Action Team should work together to commission prevention and treatment services proportionate to the size of the issue.

4. Involvement of young people is essential in devising and rolling out campaigns and activities to tackle the youth drinking culture. This will need to be part of the planning carried out by the Children's Trust
5. Enforcement of the law to prevent sales of alcohol to under 18s (or people buying it for them). Trading Standards and the Police Licensing Officers can work together to ensure consistent coverage on this issue across the country.
6. A comprehensive set of process and outcome measures should be set, monitored and reported regularly so that the impact of this step change can be seen. This responsibility should fall to the Alcohol Strategy Group who should make sure their results are reported to the Health and Wellbeing Partnership and the Children's Trust as well as to the Community Safety Partnership.
7. The Health Overview and Scrutiny Committee should consider scrutinising progress made as part of their work plan for 2011/12.

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Agenda Item 7

Cherwell District Council

Council

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

Present: Councillor Mrs Diana Edwards (Chairman)
Councillor George Parish (Vice-Chairman)

Councillor Rick Atkinson
Councillor Luke Annaly
Councillor Ken Atack
Councillor Alyas Ahmed
Councillor Maurice Billington
Councillor Fred Blackwell
Councillor Norman Bolster
Councillor Ann Bonner
Councillor Colin Clarke
Councillor Nick Cotter
Councillor Margaret Cullip
Councillor Tim Emptage
Councillor Andrew Fulljames
Councillor Mrs Catherine Fulljames
Councillor Timothy Hallchurch MBE
Councillor Chris Heath
Councillor Simon Holland
Councillor Alastair Milne Home
Councillor David Hughes
Councillor Russell Hurle
Councillor Tony Ilott
Councillor Victoria Irvine
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor P A O'Sullivan
Councillor D M Pickford
Councillor Neil Prestidge
Councillor Daniel Sames
Councillor Leslie F Sibley
Councillor Chris Smithson
Councillor Trevor Stevens
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

Apologies for absence: Councillor John Donaldson
Councillor Michael Gibbard
Councillor Nigel Morris
Councillor G A Reynolds
Councillor Carol Steward
Councillor Keith Strangwood

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
James Doble, Democratic, Scrutiny and Elections Manager
Martin Henry, Chief Finance Officer / Section 151 Officer

1 **Declarations of Interest**

There were no declarations of interest.

2 **Minutes of Council**

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

3 **Councillor John Wyse**

The Chairman noted the sad passing of Councillor John Wyse who had been as councillor since 1998, representing Kidlington North Ward.

Members of the Council joined the Chairman in remembering Councillor Wyse by observing one minute's silence.

4 **Election of Chairman**

The outgoing Chairman of the Council Councillor Edwards presided for the consideration of this matter.

It was moved by Councillor Wood and seconded by Councillor Cotter, that Councillor Parish be elected Chairman of the Council for 2010/11. There were no other nominations.

Resolved

That Councillor Parish be elected Chairman of the Council for 2010/11.

(Councillor Parish made his declaration of acceptance of office and took the Chair).

5 **Election of Vice-Chairman**

It was moved by Councillor Wood and seconded by Councillor Macnamara, that Councillor Hallchurch be elected Vice-Chairman of the Council for 2010/11. There were no other nominations.

Resolved

That Councillor Hallchurch be elected Vice-Chairman of the Council for 2010/11.

(Councillor Hallchurch made his declaration of acceptance of office and took the Chair).

6 **Communications**

Outgoing Chairman

The Chairman of the Council presented Councillor Edwards with her past Chairman's badge as a token of the Council's appreciation of her term of office.

Chairman's Consort

The Chairman of the Council named his granddaughter Rosie and his daughter in law Maria as his consorts for the year.

Chairman's Charities

The Chairman named the children's ward and the special care baby unit in the maternity ward at the Horton Hospital and the Friends of Bicester Hospital as his charities for the year.

7 **Annual Business**

Results of District Election

The Chief Executive reported that 17 council seats were up for election this year. The seats in Kirtlington and Otmoor wards were unopposed. Councillors returned following the election were as follows:

Astons and Heyfords – Councillor James Macnamara
Banbury Calthorpe – Councillor Colin Clarke
Banbury Easington – Councillor Kieron Mallon
Banbury Grimsbury and Castle – Councillor Margaret Cullip
Banbury Hardwick – Councillor Tony Ilott
Banbury Neithrop – Councillor Alyas Ahmed
Banbury Ruscote – Councillor George Parish
Bicester West – Councillor Norman Bolster
Bloxham and Bodicote – Councillor Chris Heath
Deddington – Councillor Paul O'Sullivan

Fringford – Councillor Barry Wood
Kidlington North – Councillor Douglas Williamson
Kidlington South – Councillor Tim Emptage
Kirtlington – Councillor Simon Holland
Otmoor – Councillor Timothy Hallchurch
Sibford – Councillor George Reynolds
Wroxton – Councillor Douglas Webb

Constitution of Political Groups

The Chief Executive reported that there was one vacancy and that at present there were 44 members of the Conservative Group, 3 members of the Liberal Democrat Group and 2 members of the Labour Group.

Leader of the Council

The Chief Executive reported that, as there had been no change in the political control of the Council or to the leadership of the controlling political group therefore Councillor Wood continued to hold the office of Leader of the Council.

Deputy Leader of the Council

The Leader of the Council reported that he had reappointed Councillor Reynolds as Deputy Leader of the Council.

Executive 2010/11

Policy, Community Planning and Community Development	Cllr Barry Wood
Resources and Communications	Cllr James Macnamara
Breaking the Cycle of Deprivation	Cllr Colin Clarke
Performance Management, Improvement and Organisational Development	Cllr Ken Atack
Customer Service and ICT	Cllr Nicholas Turner
Economic Development and Estates	Cllr Norman
Bolster	
Planning and Housing	Cllr Michael
Gibbard	
Environment, Recreation and Health	Cllr George
Reynolds	
Community Safety, Street Scene and Rural	Cllr Nigel Morris
Democratic Services and Member Development	Cllr Miss
Pickford	

Allocation of Seats to Proportional Committees

Committees	Con	Lab	LD	TOTAL
Overview and Scrutiny Committee	11	0	1	12

Council - 19 May 2010

Resources and Performance Scrutiny Board	11	0	1	12
Planning Committee	16	1	1	18
Licensing Committee	11	0	1	12
Personnel Committee	11	1	0	12
Appeals Panel	9	1	0	10
Accounts, Audit and Risk Committee	7	0	1	8
Proportional Total by Committee	76	1	7	84
Aggregate Entitlement Totals	76	3	5	84
Adjustment Required		+ 2	- 2	

The Leader of the Liberal Democrat Group has informed the Chief Executive that the seats to be offered to the Labour Group are on the Personnel Committee and Appeals Panel. The above figures marked by an asterisk take account of this adjustment.

Allocation of Seats to Non-Proportional Committees

	Con	Lab	LD	TOTAL
Standards Committee	6	1	1	8
Council and Employee Joint Committee	11	0	1	12

Committee Membership

Overview and Scrutiny Committee

Conservative (11)

Councillors Bonner, Donaldson, A Fulljames, Milne-Home, Sames, Smithson, Stevens, Strangwood, L Stratford and Thirzie Smart

1 Vacancy

Substitutes: Councillors Holland, Hallchurch and R Stratford

Labour (0)

None

Liberal Democrats (1)

Councillor Cotter

Substitutes: Councillors Emptage and Williamson

Resources and Performance Scrutiny Board

Conservative (11)

Councillors Ahmed, Atkinson, Billington, Cullip, Hughes, Mawer, Prestidge, Steward, Tompson, Webb and Weir

Substitutes: Councillors Edwards and L Stratford

Labour (0)

None

Liberal Democrats (1)

Councillor Emptage

Substitutes: Councillor Cotter and Williamson

Planning Committee

Conservative (16)

Councillors Atack, Billington, Blackwell, Clarke, Edwards, C Fulljames, Gibbard, Heath, Macnamara, Milne-Home, Pickford, Reynolds, Smithson, Stevens, L Stratford and R Stratford

Substitutes: Councillors Annally, Bolster, A Fulljames, Hallchurch, Hughes, Hurle, Mallon, O'Sullivan, Turner and Wood

Labour (1)

Councillor Sibley

Substitute: Councillor Parish

Liberal Democrats (1)

Councillor Cotter

Substitute: Councillor Williamson

Licensing Committee

Conservative (11)

Councillors Blackwell, Gibbard, Hallchurch, Ilott, Mallon, O'Sullivan, Reynolds, L Stratford, R Stratford and Webb

1 Vacancy

Substitutes: Councillors Cullip, Edwards and Pickford

Labour (0)

None

Liberal Democrats (1)

Councillor Cotter

Substitutes: Councillor Williamson

Personnel Committee

Conservative (11)

Councillors Atack, Atkinson, Bolster, Hurle, Irvine, Reynolds, Smithson, L Stratford, R Stratford Thirzie Smart and Wood

Substitutes: Any member of the Conservative Group except members of the Appeals Panel

Labour (1)

Councillor Parish

Liberal Democrats (0)

None

Accounts, Audit and Risk Committee

Conservative (7)

Councillors Atack, Donaldson, Mawer, L Stratford, R Stratford, Stevens, and Wood

Substitutes: Any member of the Conservative Group

Labour (0)

None

Liberal Democrats (1)

Councillor Emptage

Substitutes: Any member of the Liberal Democrat Group

Appeals Panel

Conservative (9)

Councillors Annaly, Blackwell, Clarke, Edwards, Holland, Ilott, Macnamara O'Sullivan and Webb

Labour (1)

Councillor Sibley

Liberal Democrats (0)

None

Standards Committee

Conservative (6)

Councillors Blackwell, Hallchurch, Heath, Hurle, Macnamara and R Stratford

Substitutes: Councillors Atack, Clarke, Cullip, Edwards, O'Sullivan and L Stratford

Labour (1)

Councillor Parish

Substitute: Councillor: Sibley

Liberal Democrats (1)

Councillor Williamson

Substitute: Councillor Cotter

Council and Employee Joint Committee

Conservative (11)

Councillors Annaly, Cullip, Hurle, Ilott, Mallon, Mawer, Steward, Strangwood, Ilott, Tompson, Weir and Wood

Substitutes: Any member of the Conservative Group

Labour (0)

None

Liberal Democrats (1)

Councillor Williamson

Substitutes: Any member of the Liberal Democrat Group

Appointment of Representative to Joint Health Overview and Scrutiny Committee

It was proposed by Councillor Sames and seconded by Councillor Thirzie Smart that Councillor Rose Stratford represents the Council on the County Council Health Overview and Scrutiny Committee for 2010/11.

Meeting Attendance

The Council received and noted a report showing the attendances of Members at meetings during 2009/10.

Resolved

- 1) That the Executive portfolios as set out in the above minute be agreed.
- 2) That the appointments to committees as set out in the above minute be approved.
- 3) That Councillor Rose Stratford be appointed as the representative to the Joint Health Overview and Scrutiny Committee.
- 4) That the meeting attendance for 2009/10 be noted.

8 Appointment of New Independent Member to Standards Committee

The Head of Legal and Democratic Services submitted a report to confirm the appointment of Derek Bacon as the new Independent Member of the Standards Committee and to confirm the remaining terms of the other three Independent members.

Resolved

- (1) That Derek Bacon be approved as an Independent Member of the Standards Committee for an initial two year term
- (2) That the continued appointment of Dr Sadie Reynolds for a further two years be approved, at the end of which Dr Reynolds will no longer be able to serve having completed eight years
- (3) That the continued appointment of Mr James McBeth for a further four years be approved.

- (4) That it be confirmed that the initial two year appointment of Mr Ken Hawtin will end at the end of the 2010/2011 municipal year.

(Note: at the conclusion of the Council meeting, committees met to appoint their Chairman and Vice-Chairman).

The meeting ended at 7.22 pm

Chairman:

Date:

Council

Bicester Town Centre Redevelopment – Compulsory Purchase Proposals

19 July 2010

Report of Head of Regeneration and Estates, Head of Legal and Democratic Services and Head of Development Control and Major Developments

PURPOSE OF REPORT

1. 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
2. To 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
3. To approve the appropriation of the land edged red on the plan at Appendix Two, being land in the Council's ownership, for planning purposes.
4. To 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.

This report is public

Recommendations

Council is recommended by the Executive:

- (1) To confirm 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 Appendix One 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) To authorise the Head of Legal and Democratic Services 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) To authorise the Head of Regeneration and Estates 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 Appendix Two 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) To authorise the acquisition of the land edged green on the plan attached at Appendix Three for planning purposes in accordance with section 227 of the Town and Country Planning Act 1990 (as amended).

Executive Summary

- 1.1 The proposed redevelopment of Bicester town centre will improve the range of facilities available. It will provide better shopping, leisure and car parking facilities. Over the last 15 years or so, Bicester has experienced very substantial population growth, but this has not been matched by any growth in town centre facilities. There is a significant unsatisfied demand for additional retail space, and in particular an additional foodstore. Applications have been received to provide this on the edge of the town, but these have been refused as the opportunity exists to locate the required facilities in the town centre. In addition, Bicester is poorly served with leisure facilities, and in particular has no cinema. Since 2005 the Council has been working to secure a town centre redevelopment scheme which will address these deficiencies.
- 1.2 The development is one of the key priorities for the Council and complements the development of the eco-town on the edge of Bicester. The development of the eco-town will reinforce the need for a town centre with a scale and range of facilities to match the enlarged area of the town and ensuring that the needs of that population are better met locally without the need for car-borne travel.
- 1.3 Given that there are a number of land interests still to be acquired, it is appropriate that the Council should signal its resolve to make a compulsory purchase order to facilitate the redevelopment. This is consistent with the advice of the Secretary of State, which gives positive encouragement to local authorities to use their compulsory purchase powers to ensure real gain for residents and the business community without delay.

- 1.4 It is expedient to appropriate land in the Council's ownership and to acquire the Crown Walk service yard (both for planning purposes) in order to rely upon the power in Section 237 of the 1990 Act to override existing interests and rights.
- 1.5 The Executive considered this issue at their meeting on 5 July 2010 and endorsed the recommendations as set out above for approval by Council.

Background Information

2.1 History

On 3 November 2003 the Executive resolved to progress the redevelopment of Bicester town centre by retaining consultants to undertake a study, in order to establish the capacity of the site identified in the draft Local Plan to accommodate the proposed redevelopment, and the financial viability of such a scheme. It also instructed officers to prepare draft supplementary planning guidance (SPG) for these proposals for public consultation.

On 4 May 2004 the Executive approved the conclusions of the consultants' viability study and authorised officers to proceed with public consultation on the draft SPG.

On 1 November 2004 the Executive considered the outcome of the public consultation and approved the final version of the SPG for formal adoption.

Also on 1 November 2004 the Executive considered a report setting out proposals suggesting how this redevelopment might be brought forward and approved a development brief to be issued to potential development partners, setting out a proposed legal framework under which a scheme could be delivered. The Executive confirmed at that time that, if the chosen development partner were not to be able to secure all the necessary land and property for the scheme, having used reasonable endeavours to do so, subject to any pre-conditions having been satisfied, the Council would be willing to consider making a Compulsory Purchase Order to enable the redevelopment to proceed.

2.2 Tender process and Development Agreement

The Council undertook a two stage process to choose a development partner for this project. A Project Board was established early in 2005, in accordance with the Council's normal project management procedures. The Board originally comprised the Portfolio Holder for Property and Regeneration Schemes, the Leader of the Council, the Portfolio Holder for Resources, the Chief Executive, and the Head of Planning and Development Services, with the Property and Technical Services Manager acting as project manager. Since being established, Executive Portfolios have changed, and officer posts have been subject to restructuring, but the Board continues to comprise the equivalent positions.

Early in 2005 the development opportunity was advertised in the property press, and details were mailed to a list of potential developers and agents by the Council's retained retail development consultants. Over 100 copies of the SPG and development brief were sent to companies responding to this

marketing. Eleven companies responded to the development brief by submitting initial proposals for redevelopment of the site, and these were considered by the Project Board on 21 March 2005. The Project Board shortlisted four developers, who were invited to submit detailed proposals for the Council's consideration. One of these developers subsequently decided to withdraw, and consequently three detailed submissions were received.

The detailed schemes and associated financial proposals were considered by the Project Board on 22 July, when presentations were made by the three developers. The outcome was that the Board recommended that Stockdale Land/Sainsbury's be appointed as the Council's development partner.

Stockdale Land and Sainsbury's formed a company, Town Centre Retail (Bicester) Ltd (TCR) to undertake the redevelopment. TCR is now owned by Sainsbury's whilst Stockdale Land continue to act as development manager. TCR then embarked on the process of working up their proposals, taking on board feedback made by the Council, whilst negotiating the terms of a formal development agreement with the Council.

A Development Agreement was completed earlier this year. It is conditional on all the land interests required for the scheme being acquired, and permits TCR to request the Council to consider making a CPO, in the event that TCR is unable to acquire any of these land interests on reasonable terms. A significant part of the site was owned at the outset by the Council and by Sainsbury's. Other properties have been acquired or options secured by TCR over the period since they were appointed. However, a number of land interests essential for the delivery of the scheme remain to be acquired. The land affected is shown on the plan at Appendix One, but this is presently subject to review involving a detailed land referencing exercise.

The Development Agreement provides for the freehold of part of the site, currently owned by Sainsbury's/TCR, to be transferred to the Council, and leased back to TCR for a term of 999 years. Other properties are to be held by TCR freehold. The site is affected by various rights of way which must be terminated or diverted in order for the scheme to proceed. If it is not possible to reach agreement for the termination or variation of all these rights, they can be extinguished by compulsory acquisition under Section 236 of the Town and Country Planning Act 1990. However, if it transpires that it is not necessary to complete the process of making a CPO, because all necessary freehold and leasehold interests are secured by agreement, the rights can be overridden under the power contained in Section 237 of the 1990 Act. In the event that the CPO is not required as described above, it is proposed that this power be relied upon. In order to ensure that this power is available, it is necessary to appropriate the Council's existing land ownership for planning purposes.

The existing service yard to Crown Walk shopping centre is affected by rights which must be varied in order for the entire scheme to be delivered. In order that the Council and, in turn, TCR can rely upon the power in Section 237, it is necessary for this land to be acquired by the Council for planning purposes. As this land is not part of the area to be transferred under the Development Agreement, it will be transferred to the Council at nil cost and then transferred back to TCR, also at nil cost, prior to commencement of the redevelopment.

2.3 Planning Policy Context

The planning policy context for town centre redevelopment has evolved over the past few years. Set out below is the relevant planning policy guidance framework.

At a national level, guidance on town centre uses is provided by the recently published PPS4 “Planning for Sustainable Economic Growth”. This replaces early guidance on retail development contained in PPS6. PPS4 contains town centre policies relating to retail development, leisure and entertainment facilities (including cinemas, restaurants and health and fitness centres) offices and arts, culture and tourism development. The policies still require a sequential assessment for applications of the above types with a focus on providing the development as centrally as possible in the interests of sustainability and ease of access.

Other relevant national guidance is contained in PPS9 Biodiversity (with regards to the intended re-alignment of the Town Brook), PPS5 Planning for the Historic Environment (which provides advice/policies with regards to development affecting heritage assets i.e. listed buildings and Conservation Areas) and the archaeology, PPG13 Transport (town centre location and parking levels), and PPS25 Development and Flood Risk.

At the time of writing the South East Plan remains in place. It contains policies which state that the prime focus for development in the South East should be urban areas; in a sustainable way; and with retail development concentrated in town centres; and that community facilities should be located to reduce travel impacts. The specific policy for Central Oxfordshire in the South East Plan identifies Bicester as a main location for development.

The adopted Cherwell Local Plan contains a policy (S15) relating to the northern end of the site (Franklins Yard) promoting comprehensive redevelopment of that area for retail financial and professional services.

The Non-Statutory Cherwell Local Plan contains Policy S14 which states:

(a) **SITES IN THE TOWN CENTRE WITH REDEVELOPMENT POTENTIAL**

S14 LAND TO THE WEST OF SHEEP STREET AND EAST OF MANORSFIELD ROAD, AS DEFINED ON THE PROPOSALS MAP WILL BE SAFEGUARDED TO FACILITATE THE PROMOTION AND IMPLEMENTATION OF A COMPREHENSIVE MIXED-USE DEVELOPMENT THAT COMPRISES USES FALLING INTO CLASS A1, A2, B1, D1 AND D2 OF THE TOWN AND COUNTRY PLANNING USE CLASSES ORDER 1987 (AS AMENDED) THAT WILL ENHANCE THE STATUS, VITALITY AND VIABILITY OF BICESTER TOWN CENTRE. DEVELOPMENT THAT PREJUDICES THE IMPLEMENTATION OF THIS POLICY, PARTICULARLY PIECEMEAL DEVELOPMENT WITHIN THE AREA WILL NOT BE PERMITTED.

The policy is explained as follows

It is acknowledged in this chapter that the Town Centre serves the day to day needs of the local population who also travel to neighbouring centres for higher order comparison goods, higher order services and leisure facilities. The rate of residential growth in the town over the last two plan periods has significantly overtaken the rate of commercial investment. This issue was raised at consultation meetings with the public prior to the preparation of the deposit draft plan. Many local people consider that further residential development should be restricted until improved shopping and leisure facilities have been provided.

To address the imbalance, land between Sheep Street and Manorsfield Road, and anchored by Franklin's Yard to the north and Crown Walk to the south, will be promoted for redevelopment for a mix of uses comprising, inter alia, food and comparison shopping, cinema, library and art centre, offices, and improved car parking, bus station and shopmobility facilities. This mix of uses and improvements is consistent with the Council's consultant's recommendations as set out in the Urban Design Study (1996), Bicester shopping and commercial leisure study (1998) and Bicester Integrated Transport and Land Use Study (2000). The Council commissioned further studies during 2003 and 2004 to confirm the feasibility and viability of the proposals set out in Policy S14.

The area is in multiple ownership, and about 50% of it is owned by the Council. The Council reserves the right to exercise its compulsory purchase powers to implement the regeneration of the area.

The redevelopment must accommodate all buildings fronting Sheep Street between Tesco and Crown Walk. Elsewhere a selective approach to retention and development will be considered.

The redevelopment must protect and improve the network of lanes between Sheep Street and Bure Place. Where appropriate the lanes will be extended to Manorsfield Road, constructed to accommodate cyclists and adopted as public highway. The development must be outward looking providing positive frontages with public access to Sheep Street, St John Street and Manorsfield Road.

Supplementary planning guidance will be prepared by the Council to establish detailed land use planning, transport and design requirements. The Council will aim to have granted planning permission for a comprehensive development and attain all the necessary consents by the end of the plan period.

In November 2004 the Council adopted a supplementary planning guidance (SPG) document with regard to the redevelopment of this area. This document promotes a comprehensive redevelopment including additional retail floorspace (comparison and convenience) a cinema, improved bus facilities, library, car parking, relocated shopmobility and pop-in centres, residential and public space.

2.4 Planning Position

In July 2007 the South Area Planning Committee considered TCR's initial application for planning permission (ref no. 07/00422/F) for a supermarket, cinema, civic building including library, bus interchange, 25 shops/restaurants 526 car parking spaces, 19 residential units and the division of Town Brook. The Committee decided to grant planning permission subject to a legal agreement in respect of off-site infrastructure. That permission was issued following the completion of the agreement in September 2009.

A revised application for the central part of the site (ref no 09/01687/F) was submitted in November 2009. That application was for a food store, further non-food retail units, cinema, car parking and other general town centre uses. At their meeting held on 17 February 2010 the Planning Committee resolved to approve that proposal subject to necessary and appropriate amendments to the previous legal agreement. ~ A revised agreement is in the process of being concluded and planning permission should be granted shortly.

3 Compulsory Purchase Powers

- 3.1 The Council has the power in section 226 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) to make a compulsory purchase order for any land in their area if the Council thinks that the purchase of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land.
- 3.2 The Council may not exercise the power unless it considers that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:
- The promotion or improvement of the economic well-being of their area
 - The promotion or improvement of the social well-being of their area
 - The promotion or improvement of the environmental well-being of their area.
- 3.3 It is immaterial that the development, redevelopment or improvement may be carried out by a third party.
- 3.4 Section 13 of the Local Government (Miscellaneous) Provisions Act 1976 enables the Council to compulsorily acquire new rights.
- 3.5 ODPM Circular 06/2004 (Compulsory Purchase and the Crichel Down Rules) provides guidance to acquiring authorities in England on the use of compulsory purchase powers. Paragraph 1 states:

“Ministers believe that Compulsory Purchase Powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life. Bodies possessing compulsory purchase powers – whether at local, regional or national level – are therefore encouraged to consider using them proactively wherever appropriate to ensure real gains are brought to residents and the business community without delay”.

- 3.6 Particular guidance on orders made by local authorities under Section 226 of the Town and Country Planning Act 1990 is contained in Appendix A of the Circular. Paragraph 2 states:
- “the powers in Section 226 as amended by Section 99 of the Planning and Compulsory Purchase Act 2004 are intended to provide a positive tool to help acquiring authorities with their planning powers to assemble land where this is necessary to implement the proposals in their community strategies and Local Development Documents. These powers are expressed in wide terms and can, therefore, be used by such authorities to assemble land for regeneration and other schemes where the range of activities or purposes proposed means that no single specific compulsory purchase power would be appropriate.”*
- 3.7 Importantly, this Circular requires that a compulsory purchase order should only be made where there is a compelling case in the public interest.
- 3.8 A compulsory purchase order to which there are objections will require confirmation by the Secretary of State to become effective. The Circular provides that any decision by the Secretary of State about whether to confirm an order under Section 226 will be made on its own merit, but the factors that the Secretary of State can be expected to consider include:-
- (a) whether the purpose to which the land is being acquired fits in with the adopted planning framework for the area;
 - (b) the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area;
 - (c) the potential financial viability of the scheme for which the land is being acquired; and
 - (d) whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by other means, for example any alternative proposals put forward by the owners of the land.
- 3.9 The Circular also requires the Council to have regard to the following when considering making a Compulsory Purchase Order;
- (a) that the purposes for which the Order is being made sufficiently justify interfering with human rights of those with any interest in the land affected;
 - (b) the degree to which other bodies (including the private sector) have agreed to make financial contributions to underwrite the scheme and on what basis such contributions or underwriting is to be made;
 - (c) evidence relating to financial viability; and
 - (d) where the scheme is likely to be blocked by other impediments to implementation.
- 3.10 The Circular looks to acquiring authorities to seek to acquire land by agreement wherever practicable. However, the Circular recognises that it may be sensible for acquiring authorities to start formal compulsory purchase procedures in parallel with their efforts to acquire by agreement. The Circular

notes that this has the advantage of making the seriousness of the acquiring authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.

4 Case for Making a Compulsory Purchase Order

- 4.1 As set out above, it is an important policy objective of the Council to secure the redevelopment of Bicester town centre and in particular the part of the town the subject of TCR's proposed redevelopment scheme.
- 4.2 Besides the encouragement given to local authorities to exercise their compulsory purchase powers in the CPO Circular to promote effective and efficient urban regeneration schemes, paragraph EC5.6 of Planning Policy Statement 4 (PPS4) Planning for Sustainable Economic Growth, states:
- "Local authorities should make full use of planning tools to facilitate development, including compulsory purchase orders...."*
- 4.3 With reference to the statutory criteria for the exercise of compulsory purchase powers, it is considered that use by the Council of its compulsory purchase powers to facilitate the TCR scheme will contribute to the achievement of the promotion or improvement of the economic, social and environmental well-being of the Council's area.
- 4.4 In particular, it is considered that the proposed scheme will provide a high quality extension to the town centre including greater food and non-food retail floorspace, an efficient new bus interchange facility, all of which will contribute to the centre and complement its conservation area status.
- 4.5 As set out in Section 3 above, the scheme accords directly with national, regional and local policies. Planning permission has been granted for the scheme and it is not considered, therefore, that there would be any planning or other impediments to the implementation of the scheme.
- 4.6 Importantly, the scheme will fulfil the Council's specific aspirations for redevelopment of the site in accordance with the Council's development brief and the approved SPG.
- 4.7 As explained above, in deciding to make a CPO, the Council should be satisfied that there is sufficient justification for interfering with human rights of those with an interest in the land affected. In this respect the Human Rights Act 1998 incorporates certain provisions of the European Convention on Human Rights, namely:

Article 1 – the right of everyone to peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

Article 8 – private and family life, home and correspondence. No public authority can interfere with these rights except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of a country.

Article 14 – the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion,

political or other opinion, or national or social origin.

In the case of each of these articles under the Convention the Council should be conscious of the need to strike a balance between the rights of the individual and the interests of the public. In the light of the significant public benefit which would arise from the implementation of the proposed redevelopment scheme, it is considered that the use of compulsory purchase powers is necessary and proportionate. In particular, it is considered that the CPO would not constitute any unlawful interference with individual property rights. The CPO process provides the opportunity for representations to be made and the holding of a public inquiry in the case of statutory objections. Those directly affected would be entitled to compensation proportionate to the loss which they incur as a result of the acquisition of their interest.

- 4.9 In light of the facts and considerations set out above it is concluded that there is a compelling case in the public interest for the exercise by the Council of its compulsory purchase powers.

5 Appropriation

- 5.1 As explained at 2.2 above, it is expedient to appropriate the land owned by the Council for planning purposes in order to be able to rely on the power in Section 237 of the 1990 Act to override existing interests or rights, notably rights of way over the site.
- 5.2 Section 237 authorises a local authority (and its successors in title – here TCR) to erect, construct or carry out or maintain any building or works on land which has been acquired or appropriated for planning purposes, notwithstanding that a third party interest or rights may be interfered with,
- 5.3 The effect of the use of the power in section 237 is to override such interests or rights and to convert them into an entitlement to compensation.
- 5.4 As in relation to its decision to make a CPO, the Council should take into account the fact that appropriation of land may lead to existing interests or rights being overridden. The human rights of affected parties should therefore be considered, as set out in paragraph 4.8 above.

6 Acquisition of Crown Walk Service Yard

- 6.1 Again as explained at 2.2 above, it is expedient to acquire this service yard by agreement in order to rely upon the power in Section 237.
- 6.2 The acquisition would be at nil cost with the land being transferred back to TCR, also at nil cost prior to commencement of the redevelopment.
- 6.3 Again, because private interests or rights may be overridden, the Council should take account of human rights considerations, as set out at paragraph 4.8 above.

7 Key Issues for Consideration/Reasons for Decision and Options

- 7.1 Negotiations with landowners, and those with the benefit of rights affected by the development, are continuing. The Council hopes to be able to reach agreement. However, in order to be confident of taking this redevelopment

forward in a reasonable timescale the Council needs to consider the use of compulsory purchase powers at this stage. The Development Agreement also obliges the Council to consider the use of compulsory purchase powers, if necessary.

- 7.2 Appropriation of the land owned by the Council for planning purposes within the development site is a key step in land assembly. Acquisition of the Crown Walk Service Yard is also expedient.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One** To recommend that Council agree, in principle, to use its compulsory purchase powers to facilitate this redevelopment
- Option Two** To delay a decision on compulsory purchase in the hope that negotiations will progress and agreement can be reached

Consultations

- General public** Consultation has taken place on this scheme in the context of the planning policies referred to at 2.3 above and the planning applications referred to at 2.4 above.

Implications

- Financial:** The Development Agreement provides that all costs associated with the compulsory purchase will be reimbursed by the developer
Comments checked by Eric Meadows, Service accountant PH&E, 01295 221552
- Legal:** The Council must be satisfied that the public interest in taking forward this redevelopment outweighs expropriation of private interests including human rights.
Comments checked by Liz Howlett, Head of legal and Democratic Services 01295 221686
- Risk Management:** The risk of not pursuing a CPO is that the redevelopment scheme may not then proceed.
Comments checked by Rosemary Watts, Risk Management and Insurance officer 01295 221566

Wards Affected

All Bicester wards

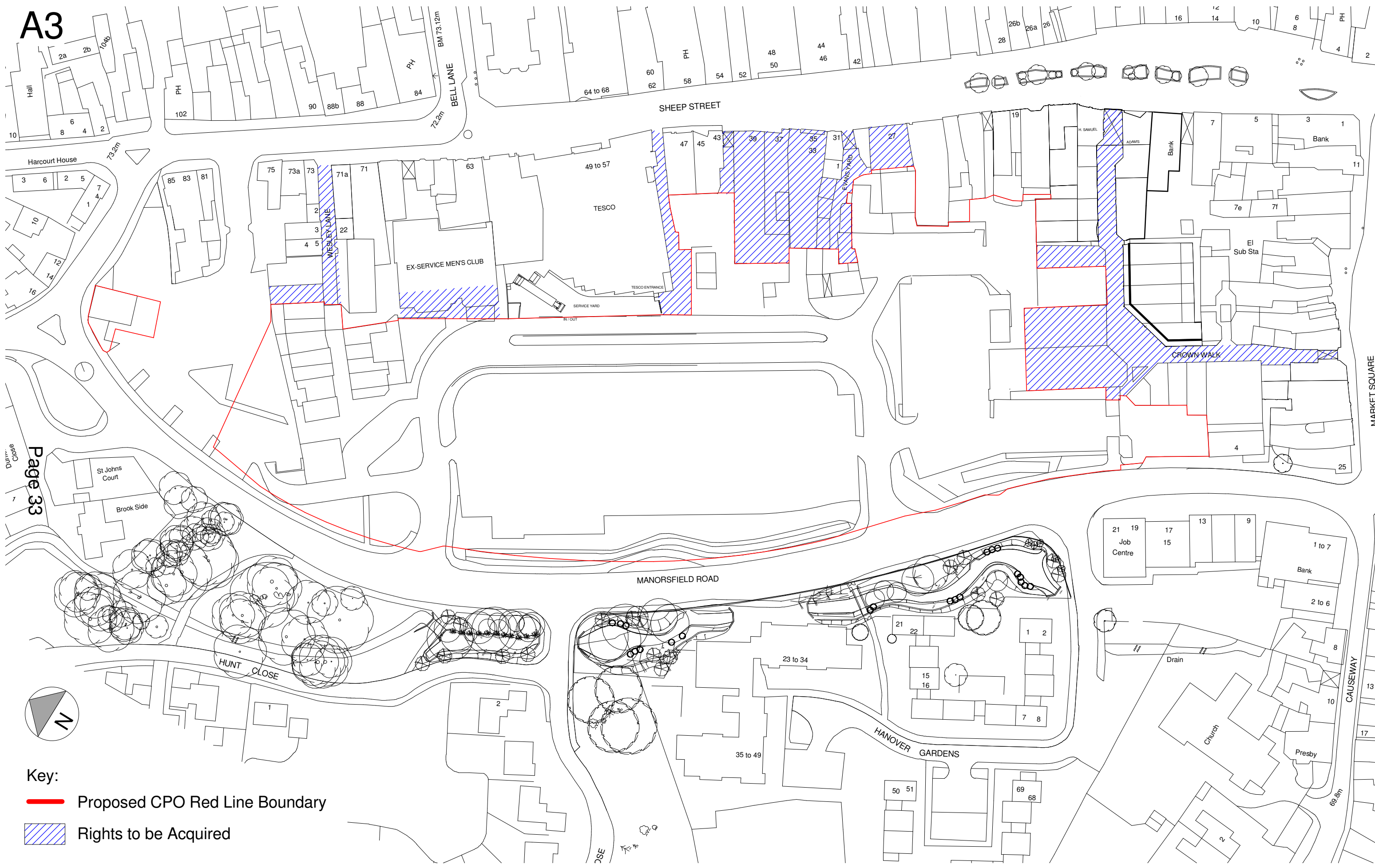
Corporate Plan Themes

**All
Executive Portfolio**

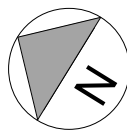
**Councillor Norman Bolster
Portfolio Holder for Economic Development and Estates**

Document Information

Appendix No	Title
Appendix One	Plan showing land edged red and rights hatched blue subject to compulsory purchase
Appendix Two	Plan showing Council owned land edged red being Council land to be appropriated for planning purposes
Appendix Three	Plan showing land edged green to be acquired by the Council for planning purposes
Background Papers	
Planning Committee report 18 th February Planning Application Ref No 07/00422/F Planning Application Ref no 09/01687/F PPS4 Planning for Sustainable Growth PPS9 Biodiversity and Geological Conservation PPG13 Transport PPS25 Development and Flood Risk South East Plan Cherwell Local Plan (1996) Non-Statutory Cherwell Local Plan (2004) SPG "Land between Sheep St. and Manorsfield Rd	
Report Author	Liz Howlett, Head of Legal and Democratic Services
Contact Information	01295 221686 liz.howlett@cherwell-dc.gov.uk



Page 33



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

LYONS+SLEEMAN+HOARE
Architects

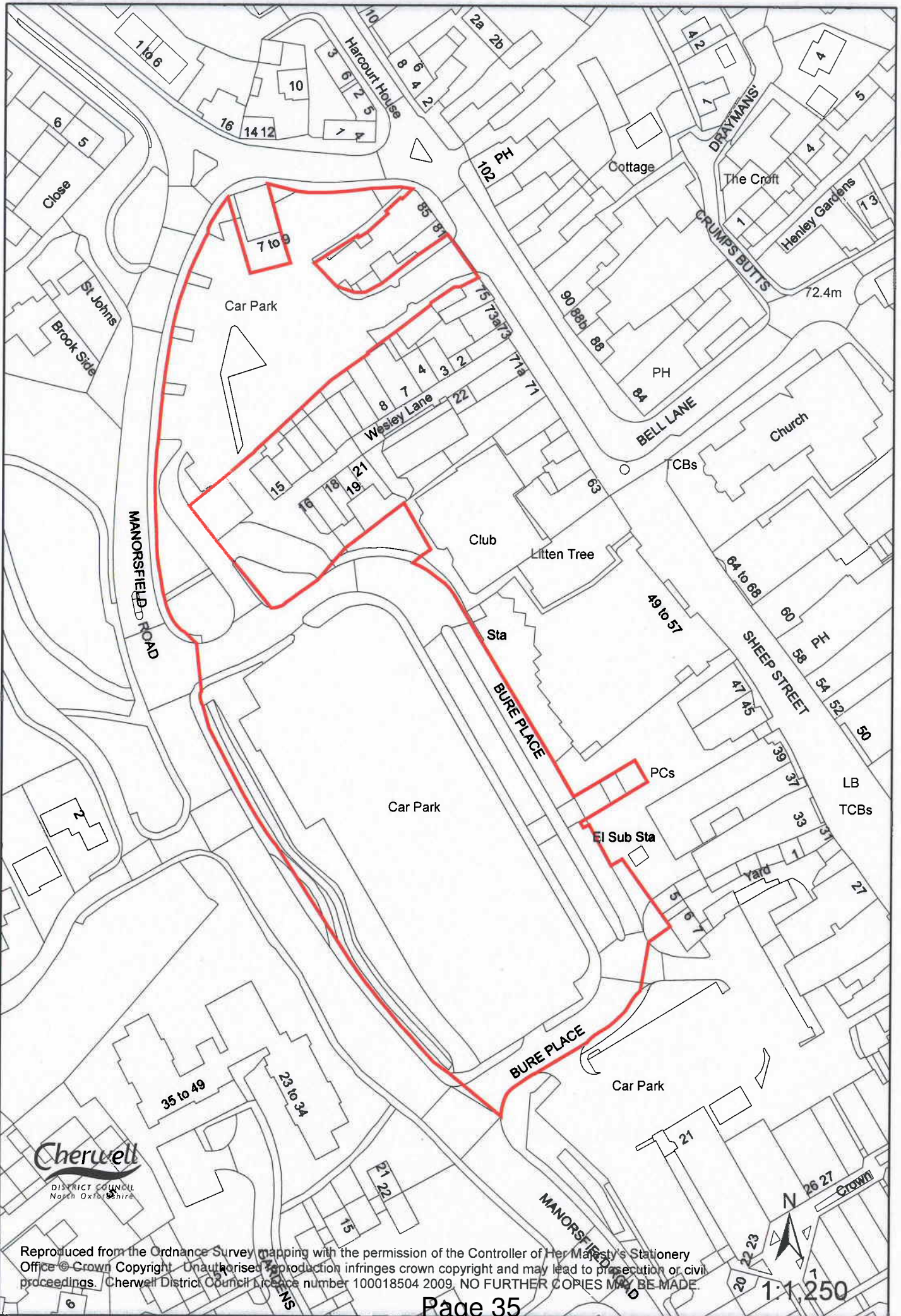
Nero Brewery, Cricket Green, Hartley Wintney, Hants, RG27 8QA
Tel: 01252 844144 Fax: 01252 844800

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.
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Cherwell
DISTRICT COUNCIL
North Oxfordshire

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A3

SHEEP STREET

49 to 57

TESCO

TESCO ENTRANCE

SERVICE YARD

IN / OUT

Page 37

47 45 43

39

37

35
33

31

EVANS YARD

1

27

19

H. SAMUEL

ADAM'S

Bank

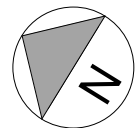
7

7e

Sub

CROWN WALK

4



21 19 17 13

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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
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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Council

Standards Committee Annual Report 2009/10

19 July 2010

Report of Head of Legal and Democratic Services / Monitoring Officer

PURPOSE OF REPORT

The report presents the Standards Committee Annual Report 2009/10, which was approved by the Standards Committee on 8 July 2010.

This report is public

Recommendations

The meeting is recommended:

- (1) To note the contents of the Standards Committee Annual Report 2009/10.
- (2) To delegate to the Head of Legal and Democratic Services 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.

Executive Summary

Introduction

- 1.1 The Standards Committee Annual Report 2009/10 is attached (Appendix 1). The Annual Report contains information relating to the work of the Standards Committee in monitoring the ethical framework.
- 1.2 The Standards Committee considered and approved the Annual Report 2009/10 at its meeting on 8 July 2010.
- 1.3 Once the content of the report is noted, it will be formatted into the corporate style for distribution. The Standards Committee agreed the publicity arrangements for the Annual Report: there will be a press release, it will be published on the Council's website and it will be emailed to every Parish Council.

Key Issues for Consideration/Reasons for Decision and Options

3.1 The Standards Committee has an important role in seeking to ensure high standards of behaviour amongst Councillors in the District. It is important for their role to be understood by the public. This annual report is part of that engagement process.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

Option One To agree the recommendations as set out in the report.

Option Two To amend the recommendations.

Implications

Financial: The cost of printing and distributing the Annual Report will be met from existing budgets.

Comments checked by Denise Westlake, Service Accountant, 01295 221982

Legal: There are no legal implications arising from this report.

Comments checked by Liz Howlett, Head of Legal and Democratic Services, 01295 221686

Risk Management: There are no risk implications arising from this report.

Comments checked by Rosemary Watts, Risk Management & Insurance Officer 01295 221566

Wards Affected

All

Document Information

Appendix No	Title
Appendix 1	Standards Committee Annual Report 2009/10
Background Papers	
None	
Report Author	Natasha Clark, Senior Democratic and Scrutiny Officer
Contact Information	01295 221589 natasha.clark@cherwell-dc.gov.uk

The Cherwell Standard

A review of the work of Cherwell District Council's Standards Committee in 2009/10

The Local Government Act 2000 established standards committees in local authorities to promote good conduct by Councillors and Staff.

Local Assessment of Complaints

All cases involving misconduct allegations have been dealt with locally by the Standards Committee since 2008. The Standards Committee can investigate cases, refer cases to the Standards for England or resolve cases through other means such as mediation or training.

All code of conduct complaints must be sent to Liz Howlett, Monitoring Officer, Bodicote House, Bodicote, Banbury, OX15 4AA

Meetings of the Standards Committee 2009/10

Number of times a general meeting of the Standards Committee has been held	6
Number of times an Assessment Sub-Committee has met	3
Number of times a Review Sub-Committee has met	1
Number of Hearings	0

Appointments to the Standards Committee

At the end of 2009/10 Mr Douglas Frewer (Independent Member) and Cllr Bernard Lane (Parish Representative) both stepped down from the Standards Committee. The District Council thanks them for their service to the District.

Standards for England Guidance states that at least 25% of a Standards Committee's members should be independent; for Cherwell District Council this means there must be at least four independent members on the committee. It is important to have independent members present for an Assessment Sub-Committee to consider a complaint. In May 2010 the Council appointed Derek Bacon to serve as the fourth independent member on the Standards Committee.

The legal minimum number of parish representatives on the Committee is two. The parish representatives carry out an extremely important role on the Committee and particularly on the Assessment Subcommittees. If the Assessment Subcommittee is considering a complaint relating to a Parish Council there must be a parish representative on the Subcommittee. Councillor David Carr, who was previously a substitute Parish Representative, was appointed by the Standards Committee and approved by Council in April 2010 to serve as a full member on the Committee. The Committee will be seeking to appoint a further parish representative substitute after the parish elections in May 2010.

Complaints

During 2009/10 three complaints were received. All of these complaints have been made against parish councillors and related to alleged breaches of the Weston-on-the-Green Parish Council's Code of Conduct. Standards Assessment Sub-Committee meetings were arranged to consider each complaint. The Sub-Committee felt that none of the complaints warranted further action.

Cost of Complaints

The cost of holding three Assessment Sub-Committees and one Review Sub-Committee in 2009/10 was £956. The cost of an investigation which was completed in 2008/09 was paid in 2009/10. This amounted to £4831.20. There is a lot of other work surrounding complaints not reflected in these figures and they do not take account of the time spent mediating Parish Councils.

There is no power in the legislation to reallocate the cost to Parish Councils for investigating complaints about them. There is also little scope at present to reject repetitive complaints. Standards for England request that every complaint be looked at. They do recognise that dealing with repetitive complaints is a problem nationally and will be proposing to the new coalition government that the discretion of Monitoring Officers to reject repetitive or vexatious complaints should be increased.

Training

During 2009/10 the Standards Committee arranged training in a number of different areas.

Governance, Code of Conduct and Declaring Interests

In June 2009 Liz Howlett, Monitoring Officer held a training session for all Councillors providing guidance on the Code of Conduct and explaining what personal and prejudicial interests are and when they should be declared. The session also covered the role of the Standards Committee, Standards for England and the Corporate Governance framework. It also covered the Annual Governance Statement, the governance framework and how Standards Committee and Accounts, Audit and Risk Committee work together.

Planning Training

In order for Councillors to participate in planning decisions they must attend Planning Training. Planning training sessions were held in May and June 2009. The sessions aimed to explain and guide Councillors through the often complex planning system so that they can make sound decisions, and explain them to their constituents.

Standards for England DVD – 'Assessment Made Clear'

Standards for England produced a DVD 'Assessment Made Clear' to help Standards Committee members and local authority officers to understand the

local assessment of complaints. The Standards Committee viewed the DVD in January 2010 and it is available for all Councillors to borrow.

Standards for England Training

The County hosted an Oxfordshire wide training session on the Local Assessment of complaints, in March 2010, facilitated by Standards for England. This was an opportunity for members of the Standards Committee to take part in a training session on the local assessment of complaints.

Training for Parish Councils

At the November meeting of the Standards Committee members considered how the committee supports Parish Councils and how a more active role in promoting high ethical standards might be undertaken. Members of the committee felt it was important to meet with Parish Councils who had requested help to provide advice and guidance on the ethical framework. It was also noted that many Parish Councils were struggling to find experienced parish clerks and that clerks could also benefit from assistance and guidance from the committee. The independent members of the Standards Committee are arranging to visit a number of Parish Councils to provide support and information in the coming year.

The Oxfordshire Association of Local Councils is supporting the five district councils who have set up a training forum for new parish clerks. The aim of the forum is to provide training and guidance so new parish clerks are equipped to carry out their role with confidence. The first meeting of the forum was held at West Oxfordshire District Council on 9 March 2010 and was attended by over 20 parish clerks and councillors. Cherwell will host the second meeting of the forum on 8 July 2010 which will focus on data protection and freedom of information. The third meeting will be held at South Oxfordshire District Council on 12 October 2010 and will cover the Code of Conduct.

Standards for England

The Queen's Speech on the 25 May 2010 proposed the Decentralisation and Localism Bill covering the new Coalition Government's proposals to "devolve greater powers to councils and neighbourhoods" and includes a proposal to "abolish the Standards Board regime". It is not yet clear exactly what this will mean.

Standards for England (formerly known as the Standards Board for England) was established by the Local Government Act 2000. It is responsible for promoting high ethical standards in local democracy. It oversees the Code of Conduct, which covers elected and co-opted members who serve on a range of authorities. Standards for England maintains an independent national overview of local investigations into allegations that Members' conduct may have fallen short of the required standards.

The majority of investigations into complaints that Members of local authorities have breached their authority's Code of Conduct are conducted locally. However, in certain cases Standards for England investigates allegations itself. These are the most serious cases where the local Standards Committee believes it is not best placed to deal with the matter and refer it to Standards for England.

There are no clear details as yet about what is proposed for the future and for now the local standards framework remains in place pending legislative change. Standards for England have said that they are disappointed with the Government's decision and their current priorities are to fulfil their statutory duties, to support local authorities in maintaining high standards and to assist the government in developing and implementing any new arrangements. The majority of District Councillors welcome the decision to save the cost of running Standards for England in the current difficult economic climate.

Annual Assembly

The Eighth Annual Assembly of Standards for England was held on 12 and 13 October 2009. The theme of the Assembly was "Bringing Standards into Focus". Dr Reynolds and Mr McBeth, independent members of the committee, attended the conference. The 2010 Annual Assembly has been cancelled following the Government proposals in the Decentralisation and Localism Bill to "abolish the Standards Board regime".

Operation of Ethical Framework

38 of 66 Parish Councils in the District responded to the ethical framework questionnaire sent out in November 2009. The questionnaire was designed to judge how well the ethical framework is being applied across the District and provides Parish Councils with the opportunity to identify areas where they require help or assistance with matters relating to the Code of Conduct.

30 parishes felt the Code of Conduct helped the way they worked and 22 parishes provided new Parish Councillors with a copy of the Code. A number of Parish Councils indicated that they would be interested in receiving more training from the Standards Committee on the Code of Conduct, particularly registering and declaring interests.

General code of conduct training for parishes was delayed in 2009/10 as a revised code of conduct was expected imminently and it was seen to be more practical to wait for this before offering training to parish councils. Despite consultation on a new Code in November 2008 the revised Code has not been published by the Government. Training will be arranged for parishes a new Code is issued or the situation becomes clearer.

All 38 respondents stated that no annual allowances are paid to their Members, although 12 parishes pay a travel and subsistence allowance to their Members.

Public Perceptions of Ethics

Every two years Standards for England measures and monitors the public's perceptions of local councillors' ethical standards and their confidence in the redress mechanisms for shortcoming in individuals' behaviour. The latest findings were published in July 2009.

The Standards for England research suggests that the impact of the MPs expenses scandal was not as marked as expected on perceptions of local councillors. The evidence suggests that whilst there has been a negative impact on public perceptions of councillors, there has been a more marked effect on perceptions of MPs and government ministers. The extent to which it is perceived that local councillors tell the truth 'always' or 'most of the time has not changed significantly since 2007 (30% in 2007 and 28% in 2009.) The report states that although there has been a rise in the proportion of the public who think that the behaviour of local councillors has got worse this has not translated into a rise in the number of complaints the public say they have made against local councillors.

The report concludes that the perceptions of local councillors have for the most part held up against the recent expenses scandal. This would suggest the public have been able to distinguish between the behaviour of local and national politicians. Confidence in the ability of local authorities to address standards breaches is low with only 28% saying they would prefer the council to deal with a complaint. The report suggests that satisfaction levels with the performance of local authorities generally has dropped and that other factors such as experience of council services, the political party in control and identification with the local area can influence public perceptions.

The full report is available on Standards for England's website, www.standardsforengland.gov.uk

Complaints to the Local Government Ombudsman

A total of 19 enquiries and complaints were received about the Council in 2009/2010.

- 10 related to Planning and Building Control, of which 6 were passed for investigation
- 2 related to housing, both of which were passed for investigation
- 1 related to local taxation and was referred for investigation
- 2 related to transport and highways, one of which was investigated
- 4 other contacts, of which one was about taxi licensing, were passed for investigation.

Of the 12 decisions taken during 2009/2010:

- In 9 cases the Ombudsmen found no evidence of maladministration
- One complaint was resolved by way of a local settlement between the Council and the complainant
- One complaint was not pursued at the Ombudsman's discretion
- One complaint was outside of the Ombudsman's jurisdiction

The local settlement was in respect of a complaint about Planning received in 2009/10. The complaint was considered and the Council agreed that they and their agents were misled by the Council about the need for conservation consent for the demolition of a public house once the conservation area had been extended to include that location. They were led to believe that the conservation area consent for demolition was not required and proceeded on that basis. The complainants advised the Ombudsman that they incurred estimated losses of £78k wholly attributable to failings by the Council arising from the aborted sale of the pub and purchase of a new home. They also considered that the Council should compensate them for the loss of the value of the public house of £325k, being the difference between its value at the time of the abortive sale in 2007 when contracts were exchanged for £500,000 to its current value of £175,000).

Although officers agreed that an error had been made, they considered that the Council could only be held liable for losses incurred by the complainants which are directly attributable to the error. They argued and the Ombudsman agreed that the developer's breach of contract superseded the Council's officers' mistake and therefore they were responsible in law for all losses associated with the breach of contract. In the circumstances the Council admitted maladministration and paid £11,274.35 compensation to the complainants, made up of £8,774.35 in reimbursement of the complainants' costs together with £2500.00 for the stress and inconvenience caused.

Internal Audit Report: Assessment of Governance Arrangements

Governance is how we administer ourselves and hold ourselves accountable. It is very important that local authorities have effective governance arrangements to maintain public trust. As part of the Council's 2009/10 Internal Audit Plan, a review of the Council's governance arrangements was undertaken. In order to understand the design and effectiveness of governance arrangements at the Council, the Internal Auditors conducted a survey of all Councillors, Strategic Directors and Heads of Service.

The findings of the survey were very positive and highlighted that elected Members have a good understanding of their roles and responsibilities and that they demonstrated good leadership. Documents such as the Constitution and Code of Conduct were cited as key documents which help to define roles.

93% of officers and 95% of Members agreed with the statement "We promote values for the whole Council and demonstrate the values of good governance through behaviour." Positive comments were made around Members' awareness of the value of good governance and their willingness to keep their understanding up to date through regular reporting of standards, monitoring of performance and involvement in committee work. Again the Code of Conduct was mentioned as a key document which supports strong values.

Member Expenses

Each year the Council is required to publish information relating to allowances received and expenses claimed by Councillors. Since 2009 the information is published on the Council website (www.cherwell.gov.uk) and updated monthly making the information more accessible to members of the public. The levels of the allowance and expenses are set by an Independent Remuneration Panel who meet in the autumn and report to Council each year as part of the budget setting process.

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Council

Overview and Scrutiny Annual Report 2009/10

19 July 2010

Report of Head of Legal and Democratic Services

PURPOSE OF REPORT

This report presents the Overview and Scrutiny Annual Report for 2009/10. Councillor Sames, Chairman of Overview and Scrutiny in 2009/10, will present the report.

This report is public

Recommendations

The meeting is recommended:

- (1) To note the contents of the Overview and Scrutiny Annual Report 2009/10.

Executive Summary

Introduction

- 1.1 The Overview and Scrutiny Annual Report 2009/10 is attached at Appendix 1.
- 1.2 The Annual Report contains information relating to the work of the Overview and Scrutiny Committee, the Resources and Performance Scrutiny Board and various task and finish group reviews during 2009/10.

Proposals

- 1.3 The Overview and Scrutiny Committee has a constitutional obligation “to produce a unified annual report for the whole scrutiny process” and present it to Council.
- 1.4 The Annual Report 2009/10 was approved by the Resources and Performance Scrutiny Board on 15 June 2010 and the Overview and Scrutiny Committee on 22 June 2010.

Conclusion

- 1.5 Council is invited to note the content of the Overview and Scrutiny Annual Report 2009/10.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The Overview and Scrutiny Committee has a constitutional obligation “to produce a unified annual report for the whole scrutiny process” and present it to Council.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

Option One To agree the recommendations as set out in the report.

Option Two To amend the recommendations.

Consultations

Overview and Scrutiny Committee No comments

Resources and Performance Scrutiny Board No comments

Implications

Financial: There are no financial implications arising from this report.
Comments checked by Denise Westlake, Service Accountant, 01295 221982

Legal: There are no legal implications arising from this report.
Comments checked by Nigel Bell, Solicitor, 01295 221687

Risk Management: Failure by Council to consider an annual report from the Overview and Scrutiny Committee would be a breach of the Constitution.
Comments checked by Rosemary Watts, Risk Management & Insurance Officer 01295 221566

Wards Affected

All

Document Information

Appendix No	Title
Appendix 1	Overview and Scrutiny Annual Report 2009/10
Background Papers	
None	
Report Author	Natasha Clark, Senior Democratic and Scrutiny Officer
Contact Information	01295 221589 natasha.clark@cherwell-dc.gov.uk

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Overview and Scrutiny Annual Report 2009/10



Students meet Tony Baldry MP at the Houses of Parliament as part of the Local Democracy Week activities in October 2009

Foreword



This year the overview and scrutiny procedures at Cherwell District Council have worked extremely well as you will see from this report. We have continued to build on the work that has been done over the last few years and undertaken scrutiny in new areas as well as monitoring work that has previously been carried out.

This year, overview and scrutiny work has attempted to be as much pre-decision as it has been reviewing what has already taken place. By and large this has been successful with many recommendations being made to the Executive that have subsequently been acted upon.

Major reviews have taken place into youth engagement in local democracy, the impact of the 2012 Olympics on the district, the Older Person's Housing Strategy, the Private Sector Housing Strategy, the Council's Budget, Registered Social Landlords and the management of social housing, the Council's partnership with Oxford Rural Community Council, conservation areas and houses of multiple occupancy and anti social behaviour.

In carrying out these reviews, both the Overview and Scrutiny Committee and the Resources and Performance Scrutiny Board have called on witnesses from our partners and outside groups. This has ensured that the evidence collected is as relevant and current as possible.

The Overview and Scrutiny Committee has continued to monitor existing Council activities. During the year Residents' Parking schemes, concessionary travel, markets and RAF Bicester, amongst others, were revisited to ensure that action was being taken as had been previously agreed.

Over the coming year both the Overview and Scrutiny Committee and the Resources and Performance Scrutiny Board will continue their work to ensure that relevant topics will be reviewed and newly scrutinised thus providing checks and balances as well as helping the Executive to make decisions.

Councillor Dan Sames
Chairman
Overview and Scrutiny Committee 2009/10

Overview & Scrutiny Committee

Membership

Councillor Dan Sames (Chairman)
Councillor Ann Bonner
Councillor John Donaldson
Councillor Alastair Milne Home
Councillor Les Sibley
Councillor Lawrie Stratford

Councillor Lynda Thirzie Smart (Vice Chairman)
Councillor Nick Cotter
Councillor Tony Ilott
Councillor Paul O'Sullivan
Councillor Chris Smithson
Councillor Trevor Stevens

Youth Engagement

The Committee considered that undertaking a review into how the Council engages with young people was timely given the growing emphasis placed on involving young people in decision making and national concerns about electoral apathy.



Students question Tony Baldry MP as part of the Local Democracy Week activities in October 2009

The review encompassed a visit to Westminster as part of Local Democracy Week, attendance at local Youth Councils and discussions with representatives from the local Youth Councils and the Youth Parliament. On the basis of these observations the Committee concluded that the Council should introduce a formal policy for youth engagement, which encouraged more involvement with local schools and youth groups.

2012 Olympics

In the autumn of 2009 the Committee reviewed the Council's involvement with the 2012 Olympics and in particular the links to tourism in the district. They noted that the latest projections indicate that there would be 900,000 more visitors to Britain and in the period 2007 – 2017 some £2.1 billion additional income to tourism businesses.

The Committee noted that the 2012 Olympics presented a unique opportunity for the district to increase participation in sport and the arts and to maximise the economic benefits from tourism. However, the Council would need to take positive action in 2010 or it would be too late. They agreed that this was a significant issue which needed to be properly and professionally managed. They felt that, notwithstanding the budgetary and resource constraints facing the authority the Council should identify someone to take the lead on promoting and co-ordinating the Council's interests in the 2012 Olympics in order to maximise the potential benefits to the district.



Older Person's Housing Strategy

In their consideration of the Older Person's Housing Strategy the Committee was conscious of the projected increase in the number of older people living in Cherwell District, which would be significantly higher than other parts of the county. In particular the Committee recognised the importance of ensuring that suitable accommodation is provided for elderly residents to allow them to continue living in rural areas. The Committee suggested that the Council should promote mixed housing provision in all new housing developments, for example, via the Local Development Framework and in North West Bicester.

Resources & Performance Scrutiny Board

Membership

Councillor Colin Clarke (Chairman)
Councillor Alyas Ahmed
Councillor Margaret Cullip
Councillor Devena Rae
Councillor Keith Strangwood
Councillor Doug Webb

Councillor Nick Mawer (Vice Chairman)
Councillor Maurice Billington
Councillor Victoria Irvine
Councillor Carol Steward
Councillor Pat Tompson
Councillor Martin Weir

2010/11 Budget scrutiny

As part of the 2010/11 budget process, the Board undertook a review of the Council's prioritisation matrix, revenue expenditure by service and reviewed the capital bids received as part of the 2010/11 process. Relevant officers and Heads of Service attended each meeting to answer Members' questions.

Group 1 met twice to consider non-consulted service areas, including Member Services, Democratic Services and Communications. Group 2 met on one occasion and focused on services areas that had been raised by Members at the Resources and Performance Scrutiny Board meeting on 22 October 2009 and were not related to the non-consulted services or capitals bids. Group 3 met on three occasions to consider the capital bids 2010/11.



The Board met formally on 1 December 2009 to consider the 15 draft recommendations that had evolved from the working group meetings. The Board agreed to submit 14 of these recommendations to the Executive, 10 related to non consulted and miscellaneous services and 4 to the capital programme.

All of the Board's recommendations and observations were welcomed and accepted by the Executive and Council as part of the 2010/11 Budget.

Partnership Scrutiny – Registered Social Landlords and the management of social housing

In February 2010 the Resources and Performance Scrutiny Board undertook a "light touch" review of the partnership between the Council's Housing Services and the Registered Social Landlords responsible for social housing in the district. In particular the Resources and Performance Scrutiny Board wanted to explore strategic and operational issues relating to the management of housing stock across the district.

The Resources and Performance Scrutiny Board concluded that this was an excellent example of effective partnership working. They saw evidence of significant progress on the provision of decent homes and the delivery of the traditional elements of local authority housing (rents /repairs). They were pleased to note that the group was now turning its attention to the wider housing agenda and looking at community based issues such as availability, affordability, deprivation and regeneration.

Partnership scrutiny ~ Oxfordshire Rural Community Council

Cherwell District Council's Constitution delegates responsibility for the scrutiny of partnerships to the Resources and Performance Scrutiny Board. As part of its annual work programme the Board will scrutinise at least one partnership per year.

The Resources and Performance Scrutiny decided to focus their first partnership scrutiny review on the Council's partnership with Oxfordshire Rural Community Council, a 'medium priority' partnership.¹

The Council's partnership with Oxfordshire Rural Community Council covers three service areas: housing; rural community development; and, community transport. As the housing element of the partnership had been the subject of a scrutiny review early in 2009,² the Board agreed that they would consider rural community development and community transport. The Board chose to focus their review on a number of issues principally pertaining to establishing a better understanding of the relationship between Cherwell District Council and Oxfordshire Rural Community Council, reviewing the funding arrangements, determining whether the partnership provides value for money for Cherwell and meets the goals of both partners and determining the extent to which the partnership meets the needs of the residents, businesses and parish councils in the rural areas

The review included briefing and witness sessions. These were supplemented by 3 site visits to meet with Parish Council representatives to obtain their views and experience of working with Oxfordshire Rural Community Council. Representatives from Oxfordshire Rural Community Council also joined each of the site visits.

The Board observed that the Council and Oxfordshire Rural Community Council have a shared vision of rural community development and community transport provision which is delivered by Oxfordshire Rural Community Council with support from Cherwell District Council. The partnership plays a significant role in the delivery of services to rural communities across Cherwell district.

The Board's recommendations focused on the actions Cherwell District Council could take to improve the partnership, such as the development of a Service Level Agreement for the rural community development and community transport elements of the partnership, an annual programme of aims and objectives for the partnership and for the role and involvement of elected Members in the partnership to be clarified and strengthened. The Executive accepted the Board's recommendations in April 2010 and agreed that they would add value to the partnership.



Councillor Nigel Morris and Linda Watson (Chief Executive, Oxfordshire Rural Community Council) at the launch of the first rural Linkpoint machine at Cropredy Bridge Stores -23 March

¹ Cherwell District Council Partnership Register 2009

² 'Rural Affordable Housing and Exception Sites', Overview and Scrutiny Committee, April 2009

Resources & Performance Scrutiny Board ~ Working Groups

The members of the Board have divided into two informal working groups that each meet about five times per year to undertake more detailed assessments of the Board's areas of responsibility, in particular, review of the management of resources and scrutiny of the financial management, treasury management, property and asset acquisition and disposal, capital programme and monitoring of year-on-year performance indicators.

Finance Scrutiny Working Group

Membership: Cllr Clarke (Chairman), Cllrs Mawer, Rae, Strangwood, Tompson, Webb, Weir.

The Group's role is to carry out detailed consideration of the Council's finances and budgets. At every meeting the Group reviews the Council's performance against a range of financial indicators covering income, debt, investment, creditors and risk. In 2009/10 the Group continued to focus attention on the Council's response to the Icelandic banking crisis and to the recession. It also reviewed the impact of the recommendations from the scrutiny review into the Council's fees and charges in 2008/09.

Performance Scrutiny Working Group

Membership: Cllr Clarke (Chairman), Cllrs Ahmed, Billington, Cullip, Irvine, Steward.

The Group carries out detailed scrutiny of corporate and service performance, considers performance where targets are not being met or over performance, considers targets, their relevance and future targets considers performance based on what it means to the public. At every meeting the Group reviews the Council's performance, using the Performance Management Framework data as its baseline evidence. During 2009/10 the Group looked at the Council's performance across a number of areas including: customer service standards, CO₂ emissions from Council activities, fly tipping and the mobile camera unit.

Task and Finish Groups

Crime and Anti-Social Behaviour

Membership: Cllr Irvine (Chairman), Cllrs Ahmed, Billington, Clarke, Cullip, Sibley, Smithson, Tompson

The Crime and Anti-Social Behaviour Task and Finish Group was formed to gain a better understanding of the levels of crime and anti-social behaviour in the District. A fundamental issue that Council faces is that whilst crime levels in the District are low the level of fear of crime is high and the perception of young people in the District contributes to this issue. The Group felt that this review was a starting point in addressing the fear of crime and the perception of young people.

The review encompassed briefings with Officers, walkabouts with the Street Wardens in Bicester and Banbury, meetings with representatives from Banbury Youth Forum and Bicester Youth Council, who also produced a video project on their perspectives of anti-social behaviour, meetings with Age Concern, a visit to the Bicester Youth Bus and a round table discussion with representatives from the National Youth Agency, Banbury Youth Forum, Oxfordshire County Council and Cherwell District Council.

The review identified some key issues including: the need to challenge the negative perception of young people, the role of the media in forming the fear of crime and the relationship between different generations and how this contributes to the fear of crime. The scope and timing of the review did not allow the Group to look in any great detail at youth engagement and the provision of facilities for young people. The Group acknowledged that the Overview and Scrutiny Committee may wish to look at these issues in more detail.



Members of the Task and Finish Group visited the Bicester Youth Bus and met with young people who use the bus

Private Sector Housing Strategy

Membership: Cllr Rose Stratford (Chairman), Cllr Stevens (Vice-Chairman), Cllrs Rae, Sibley, Smithson, Lawrie Stratford, Tompson

In April 2009 in response to a request from the Portfolio Holder for Planning and Housing, the Overview and Scrutiny Committee established a Task and Finish Group to contribute to the production of the Private Sector Housing Strategy. This represented an opportunity for scrutiny to get involved in policy development from the outset of the project.

The approach taken differed from the normal Task and Finish Group approach in so far that members of the Task and Finish Group worked directly with officers to help develop the strategy and policies. This was done through a series of meetings on specific topics with the conclusions from these sessions consolidated into the overall report. The whole process was managed by the Private Sector Housing Strategy Steering Group chaired by the Portfolio Holder Planning and Housing. This Steering Group was responsible for the delivery of the strategy.

The Task and Finish Group met on two occasions and the Chairman and Vice-Chairman attended meetings of the Steering Group. Members of the Group also attended the public consultation events. Given the strategic importance of this topic the Task and Finish Group felt that it would be appropriate to discuss the draft document at a full Overview and Scrutiny Committee meeting prior to its consideration at Executive.

In January 2010 the Overview and Scrutiny Committee endorsed the Private Sector Housing Strategy and Action Plan prior to Executive approval in February 2010. The Committee added the item to its work programme for review in spring 2011.

Call-in

There were no Call-ins during the municipal year 2009/10.

Training and Development

There were 2 scrutiny related training events for members in 2008/09:

- 6 councillors attended the introduction to overview and scrutiny on 30 June 2009 as part of the induction programme.
- 14 councillors attended one of the two questioning skills sessions held on 19 January 2010. 6 councillors from other districts also

In addition members and officers attended a number of conferences and seminars during the year:

Event (start from June 2009)	Members	Officers
Centre for Public Scrutiny Conference (CfPS) June 2009	1	2
LGA seminar October 2009 (CDRP Scrutiny)		1
CfPS seminar October 2009 (CDRP Scrutiny)		1
Scrutiny visit by Oxfordshire councillors to Select Committee seminar in December 2009	1	1
CfPS / Parliamentary Select Committee seminar	1	1
CfPS seminar January 2010 (Performance Management)		1

Statistics

Statistic	2006/07	2007/08	2008/09	2009/10
Number of scrutiny committee meetings	25	20	20	17
% attendance at scrutiny committee meetings	76%	78%	82%	76%
Number of completed reviews	7	6	6	5
Number of committee reviews undertaken	1	1	4	6
Number of Task & Finish Groups established	12	2	2	1
Number of Call-ins	0	1	0	0
% scrutiny recommendations accepted by Executive or other body	-	90%	97%	100%

Corporate priorities checklist

How does the overview and scrutiny function contribute to the Council's corporate priorities?

Strategic priority: aim	Completed reviews 2009/2010							
	Youth Engagement	Olympics 2012	Older Persons Housing Strategy	Budget 2010/11	Registered Social Landlords	ORCC	Anti Social Behaviour	Private Sector Housing
A district of opportunity								✓
<ul style="list-style-type: none"> Balance employment and housing growth by developing businesses and homes that meet local need within an overall robust planning policy framework. 								
<ul style="list-style-type: none"> Provide business land and premises opportunities to support local economic development. 				✓				
<ul style="list-style-type: none"> Support business success by fostering innovation and helping businesses to recruit and retain skilled employees 								
<ul style="list-style-type: none"> Make it easier for you to get where you need to go 			✓					
<ul style="list-style-type: none"> Secure housing growth that meets Government targets and the needs of the District through an appropriate mix of market and affordable housing. 			✓	✓		✓		✓
<ul style="list-style-type: none"> Give you advice and support to find a home if you are without one. 					✓			✓
<ul style="list-style-type: none"> Improve the standard of housing particularly for vulnerable people. 			✓		✓			✓
<ul style="list-style-type: none"> Improve local services and opportunities in rural areas. 	✓			✓		✓	✓	
<ul style="list-style-type: none"> Develop safe and pleasant urban centres which provide you with good facilities. 				✓	✓		✓	
A safe and healthy Cherwell							✓	
<ul style="list-style-type: none"> Help you feel safe in your home and community, working to reduce further our very low level of crime 			✓	✓	✓			
<ul style="list-style-type: none"> Involve you in making your community stronger through Neighbourhood Management 								
<ul style="list-style-type: none"> Help to deliver improved healthcare for Bicester and Banbury. 			✓					
<ul style="list-style-type: none"> Make it easy for you to lead a healthy and active life through our countryside, leisure facilities and tourist attractions 		✓		✓		✓		

Strategic priority: aim	Youth Engagement	Olympics 2012	Older Persons Strategy	Budget 2010/11	Registered Social Landlords	ORCC	Anti Social Behaviour	Private Sector Housing
<ul style="list-style-type: none"> • Make big improvements to our sports centres. 								
<ul style="list-style-type: none"> • Provide community facilities and activities to meet local need. 	✓	✓	✓	✓		✓	✓	
A cleaner, greener Cherwell								
<ul style="list-style-type: none"> • Keep streets and open spaces clean and free from litter, graffiti and abandoned vehicles and well maintained 	✓			✓			✓	
<ul style="list-style-type: none"> • Help you recycle so we can reduce the amount of landfill waste. 								
<ul style="list-style-type: none"> • Protect our environment, wildlife habitats and the country side, by working with others. 		✓						
<ul style="list-style-type: none"> • Maximise energy efficiency and minimise carbon emissions in our own buildings, and developments. 								
<ul style="list-style-type: none"> • Keep you informed about climate change and what we can all do to help. 								
<ul style="list-style-type: none"> • Significantly improve green spaces and public places so that you really notice the difference where you live and work. 								
An accessible, value for money Council								
<ul style="list-style-type: none"> • Be easy to contact, approachable and responsive. 	✓							
<ul style="list-style-type: none"> • Always treat everyone with dignity and respect and meet the specific needs of young people, older people, disabled people and ethnic minorities. 	✓		✓	✓	✓		✓	
<ul style="list-style-type: none"> • Put things right quickly if they go wrong. 								
<ul style="list-style-type: none"> • Deliver value for money by achieving the optimum balance between cost, quality and customer satisfaction for all services. 				✓				
<ul style="list-style-type: none"> • Reduce financial burden to local taxpayers. 				✓				
<ul style="list-style-type: none"> • Explain how your council tax is spent and why. 				✓				
<ul style="list-style-type: none"> • Work with others to provide you with local services and access to information about them. 	✓		✓					
<ul style="list-style-type: none"> • Demonstrate that we can be trusted to act properly for you 								
<ul style="list-style-type: none"> • Improve the way we communicate with the public, partners and other stakeholders in order to explain what the Council is doing and why. 	✓	✓			✓		✓	
<ul style="list-style-type: none"> • Listen to your views and comments, however you want to make them 	✓		✓	✓			✓	

Council

Petitions and E-Petitions

19 July 2010

Report of Head of Legal and Democratic Services

PURPOSE OF REPORT

The Local Democracy, Economic Development and Construction Act 2009 introduced a duty to respond to petitions and the requirement to provide a facility for the electronic submission of petitions on the Council website. This report is the first of two reports to enable the Council to implement this legislation.

This report is public

Recommendations

Council is recommended:

- (1) That the Petition Scheme set out at Appendix 1 as recommended by the Executive be approved,
- (2) That the constitutional amendments as set out at Appendix 2 be agreed.
- (3) That Council receive a further report on e-petitions in October.

Executive Summary

Introduction

- 1.1 The Local Democracy, Economic Development and Construction Act 2009 introduced a duty to respond to petitions and the requirement to provide a facility for the electronic submission of petitions on the Council website.
- 1.2 The Department for Communities and Local Government consulted on the proposal in the 2009 Act between December 2009 and February 2010. Cherwell District Council fed comments into the Association of Democratic Services Officers response. A number of concerns relating to: definition of a petition, role of O&S and referral route of petitions were raised in the consultation responses. Most of these concerns have been addressed in the guidance and model scheme.

Proposals

- 1.3 The Local Authorities (Petitions) (England) Order 2010 brings the petition element of the act into force on 15 June 2010. The e-petitions element will come in to force on 15 December 2010. The council's committee management system, modern.gov has an e-petition module and has been used successfully by Councils such as Lambeth and Brighton and Hove. This module is included as part of the system and therefore can be rolled out at no additional cost. However some work will be required in testing the system and ensuring staff are trained on its operation.
- 1.4 The act requires Council to have a scheme for dealing with petitions. The scheme:
 - Must be approved by full council before it comes into force
 - Must be published on the council website and publicised by other appropriate means to bring to the attention of those who live, study or work in the area
 - Can be revised but approved and publicised as detailed above
- 1.5 The Department of Communities and Local Government has produced a model scheme, which has been adapted for Cherwell and is set out at Appendix 1 and following consideration by the Executive will be forwarded to July Council to enable the constitution to be amended. The proposed scheme, which follows the proposed national model scheme deals with paper based petitions and it is intended that following development of the e-petition software a revised scheme (including the electronic facility) will be brought to the Executive and Council in October for implementation in December 2010.

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 any of its partner authorities could contribute. However the following issues are excluded and outside the scope of petitions under this legislation:

- Matters under other enactments e.g. petitions requesting an 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 a review or right of appeal conferred by or under any enactment

Thresholds

- 1.6 The model scheme suggests a threshold of 1500 signatories to trigger a debate at full council and 750 signatories to call for evidence from a senior officer. It is recommended that these thresholds are adopted at this time and that the Executive may request this to be reviewed after the scheme has been in operation.

Administration of the Scheme

- 1.7 Due to their link to the democratic process it is recommended that petitions be administered by Democratic Services, with the Monitoring Officer giving final decision on whether a petition is valid and which committee it should be referred to if it is under the threshold for full council debate.
- 1.8 Democratic Services will be responsible for petition acknowledgement, regardless of whether a petition is received by a member, committee or officer and with the Monitoring Officer dealing with petitions if they are considered vexatious. Democratic Services will also co-ordinate a response with other departments where necessary for example if the petition needs to be referred to another body such as Oxfordshire County Council or the PCT.

Consultation

- 1.9 The Executive considered this report at their meeting on 7 June 2010, a number of observations were made and where possible these have been included in the report., additionally officers were asked to begin testing and developing the e-petitions software.

Conclusion

- 1.9 It is a legal requirement for the council to adopt a scheme for dealing with petitions. Through adoption of the recommendations set out in this report and the scheme set out at Appendix 1 the council will meet this requirement and be well placed to meet the requirements regarding e-petitions when they are implemented in December 2010.

Key Issues for Consideration/Reasons for Decision and Options

The following options have been identified. The approach in the recommendations is believed to be the best way forward

Option One	To agree the recommendations
Option Two	Not to agree the recommendations
Option Three	To amend the recommendations

Consultations

Executive	Comments have been included in the guidance.
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Implications

Financial: There are no direct financial implications arising from the report, as the e-petitions module is included as part of the committee management system which the council has purchased.

Comments checked by Denise Westlake, Service Accountant 01295 221982

Legal: It is a legal requirement to agree a process for petitions by 15 June 2010 and for this process to be approved by full Council. The recommendations in this report and the attached protocol meet these requirements.

Comments checked by Liz Howlett, Head of Legal and Democratic Services 01295 221686

Risk Management: The adoption of a procedure for petitions is a legal requirement and this report mitigates that risk.

Comments checked by Rosemary Watts, Risk and Insurance Manager 01295 221566

Wards Affected

All

Corporate Plan Themes

An accessible value for money council

Executive Portfolio

Councillor Barry Wood
Leader of the Council and Portfolio holder for Policy, Community Planning and Community Development

Document Information

Appendix No	Title
Appendix 1	Petitions Scheme
Appendix 2	Constitutional Amendment
Background Papers	
None	
Report Author	James Doble, Democratic, Scrutiny and Elections Manager
Contact Information	01295 221587 james.doble@Cherwell-dc.gov.uk

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.

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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.

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