

# Meeting of Council

Tuesday 16 May 2017

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Tuesday 16 May 2017 at 6.30 pm, and you are hereby summoned to attend.



Ian Davies  
Interim Head of Paid Service

Monday 8 May 2017

## 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** (Pages 1 - 4)

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

4 **Urgent Business**

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

5 **Minutes of Council** (Pages 5 - 28)

To confirm as correct records the Minutes of Council held on 20 February 2017 and the Special Meeting of Council held on 22 March 2017.

6 **Election of Chairman for the Municipal Year 2017/2018**

7 **Investiture of Chairman**

8 **Chairman's Address**

9 **Vote of Thanks to the Immediate Past Chairman**

10 **Past Chairman's Response**

11 **Election of Vice-Chairman for the Municipal Year 2017/2018**

12 **Investiture of Vice-Chairman**

## **Council Business Reports**

13 **Annual Council Business Report** (Pages 29 - 36)

\*\* Appendix 1 and 2 to this report will follow as Political Groups are considering appointments to Committees \*\*

Report of Interim Chief Executive / Head of Paid Service

### **Purpose of report**

To note the constitution of Political Groups, note the appointment of the Deputy Leader and Executive for the Municipal Year 2017/18, consider and agree the suggested constitution of Committees for the Municipal year 2017/2018 and consider an amendment to the Constitution whereby training will be mandatory for members of the Accounts, Audit and Risk Committee.

### **Recommendations**

\*\* The recommendations are also included in the relevant section of the report\*\*

The meeting is recommended:

1.1 To note the constitution of Political Groups and notification of Group Leaders.

- 1.2 To note the appointment of Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2017/18 (Appendix 1 – to follow).
- 1.3 To agree the allocation of seats on committees that are subject to the political balance requirements as set out in Table 1.
- 1.4 To agree the allocation of seats on committees not subject to political balance requirements as set out in Table 2.
- 1.5 To appoint members (and where appropriate, substitute members) to serve on each of the committees and other bodies set out in Tables 1 and 2 in accordance with the nominations to be made by political groups (Appendix 2 - to follow).
- 1.6 To appoint a representative to the Oxfordshire County Council Health Overview and Scrutiny Committee.
- 1.7 To appoint a representative to the Police and Crime Commissioner Scrutiny Panel.
- 1.8 To agree that the Constitution be amended so that it is mandatory for members of the Accounts, Audit and Risk Committee to have received training before they can sit on the Committee.
- 1.9 To agree that authority be delegated to the Head of Law and Governance to update the Constitution to reflect recommendation 1.8.

#### **14 Appointment of Monitoring Officer (Pages 37 - 40)**

Report of Interim Head of Paid Service

##### **Purpose of report**

To appoint a monitoring officer in place of Kevin Lane, Head of Law and Governance, who leaves his employment with South Northamptonshire Council on 30 June 2017.

##### **Recommendations**

The meeting is recommended:

- 1.1 Pursuant to section 5 of the Local Government and Housing Act 1989 to appoint James Doble as the Council's monitoring officer with effect from 1 July 2017.

#### **15 Community Governance Review Update (Pages 41 - 52)**

Report of Interim Chief Executive

##### **Purpose of report**

To provide an update on the Community Governance Review (CGR), including the results of the first consultation with Upper Heyford, and to ask Council to approve amendments to the timetable.

### **Recommendations**

The meeting is recommended to:

- 1.1 Note the update;
- 1.2 Approve a change in the timetable regarding the second consultation stage of the review;
- 1.3 Delegate authority to the Assistant Director – Transformational Governance to make any further amendments to the timetable if required.

## **16 High Speed Rail - HS2 Determination of Schedule 17 Applications for Approval of Details (Pages 53 - 58)**

Report of Head of Development Management

### **Purpose of report**

To seek the agreement of the Council to the proposed revision to the Scheme of Delegation to the Head of Development Management to ensure the expedient determination of applications submitted pursuant to Schedule 17 of the High Speed Rail (London to West Midlands) Act 2017.

### **Recommendations**

The meeting is recommended:

- 1.1 To amend the Scheme of Delegation to the Head of Development Management, as set out in the Council's Constitution, to insert the following application type within the list of delegated application types set out in part A of the Scheme.

“Applications pursuant to Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017”.

## **17 Exclusion of the Press and Public**

The following item contains exempt information as defined in the following paragraphs of Part 1, Schedule 12A of Local Government Act 1972.

3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Members are reminded that whilst the following item has been marked as exempt, it is for the meeting to decide whether or not to consider it in private or in public. 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 make decisions in public, they are recommended to pass the following recommendation:

“That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraph 3 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

**18 Award of Contract for the Construction of the Eco Business Centre at NW Bicester** (Pages 59 - 64)

Exempt Report of Commercial Director

## **FIRST MEETINGS OF COMMITTEES**

At the conclusion of Council, Committees will meet to appoint their Chairmen and Vice-Chairmen. The agenda for these first meetings are included at the back of the Council agenda.

**Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.**

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwellandsouthnorthants.gov.uk](mailto:democracy@cherwellandsouthnorthants.gov.uk) or 01295 221589 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.

### **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.

### **Evacuation Procedure**

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

## **Access to Meetings**

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

## **Mobile Phones**

Please ensure that any device is switched to silent operation or switched off.

## **Queries Regarding this Agenda**

Please contact Natasha Clark, Democratic and Elections  
natasha.clark@cherwellandsouthnorthants.gov.uk, 01295 221589

# Agenda Item 3

## EVENTS ATTENDED BY THE CHAIRMAN AND VICE CHAIRMAN

From 19 February 2017 – 15 May 2017

### **Friday February 24**

The Chairman and Vice Chairman attended the Banbury Mayor's Civic Dinner and race night at Banbury Town Hall which was raising money for Citizen's Advice Bureau and The Lions Club of Banbury.

### **Saturday 4 March**

The Chairman and Vice Chairman attended the Didcot Mayor's Charity Dinner at the Civic Hall in Didcot which was raising money for The Tuberous Sclerosis Association and South & Vale Carers.

### **Tuesday 7 March**

At the invitation of the Rotary Clubs of Banbury and Banbury Cherwell, the Chairman attended one of the "Crocus Concerts" which were held at St. Mary's Church in Banbury. The concerts provide an opportunity for students from four of the local secondary schools to sing in front of a large audience. This is the fourth year of this venture and this year almost 50,000 crocuses (symbols of the Polio Eradication Campaign) have been planted in and around Banbury.

### **Monday 13 March**

At the invitation of Karcher and Katharine House Hospice, the Chairman attended the awards ceremony of the Karcher Accumulator Challenge which is a business enterprise challenge for local companies and schools. This year the award ceremony was held at the new Karcher headquarters in Banbury.

### **Friday 17 March**

The Chairman and Vice Chairman attended the Chairman of South Northamptonshire Council's civic dinner, Nearly the Last Night of the Proms, which was held at Plum Park Hotel in Towcester.

### **Friday 31 March**

The Chairman and Vice Chairman attended the Chairman of South Oxfordshire District Council's annual charity dinner which was held at Phyllis Court Club in Henley-on-Thames. The event was raising money for the British Heart Foundation, the British Liver Trust and the Mission Aviation Fellowship.

### **Saturday 1 April**

The Chairman and Vice Chairman attended the Mayor of Witney's Charity Dinner at The Witney Lakes Resort. The event was raising money for the Mayor's charity D.I.T.T.O. (Doing it Together to Overcome) which is a unique group that offers help, advice and support to a wide range of disabled, elderly and vulnerable people.

**Friday 7 April**

The Chairman and Vice Chairman attended the Mayor of Abingdon's Charity Spring Ball which was held at Frilford Heath Golf Club, Nr Abingdon.

**Saturday 8 April**

The Chairman hosted her own Charity Dinner at Cherwell Edge Golf Club. The event was very successful and will have raised a good amount of money for "Second Time Around" which is a local Banbury charity which restores donated wooden furniture and supports adults with learning disabilities. The Chairman will report further on this at the AGM.

**Friday 21 April**

The Chairman and Vice Chairman attended the Mayor of Carterton's St. George's Day Dinner at RAF Brize Norton. Entertainment was provided by the Military Wives Choir and Sisters of Swing and the event was held to raise money for the Chairman's chosen charities; SSAFA, RAFBF and local Carterton Organisations.

**Saturday 22 April**

The Chairman and Vice Chairman attended the Lord Mayor of Oxford's Charity Dinner which was held at Oxford Town Hall in aid of Crisis Skylight, Oxford, Quest for Learning and Oxford Centre for Islamic Studies. The event included a 3 course Asian banquet and traditional and modern Asian entertainment.

**Sunday 23 April**

The Chairman attended The Mayor of Bicester's St. George's Day lunch at Bicester Garrison Officer's Mess. The event was held to raise money for local scout groups in Bicester.

**Saturday 29 April**

The Chairman and Vice Chairman attended the Mayor of Brackley's Civic Dinner which was held at Winchester House School in Brackley. All proceeds from the event were donated to the Mayor's Charity – Dogs for Good.

**Friday 5 May**

The Chairman attended the Cherwell Business Awards Dinner which were sponsored by Cherwell's Economic Growth Team and held at Heythrop Park. This was the 6<sup>th</sup> year the event had been held.

**Monday 8 May**

The Chairman and Vice Chairman attended the Bicester Town Council Annual Meeting and Mayor Making which incorporated the presentations for the 2017 Good Citizen Awards and Grant Aid.

**Tuesday 9 May**

The Chairman and Vice Chairman attended the Banbury Town Council Inauguration of the Town Mayor and Annual Meeting at Banbury Town Hall.



**Saturday 13 May**

The Chairman and Vice Chairman attended the Brackley Town Council Annual Meeting and Mayor Making Ceremony at Magdalen College School, Brackley.

**Correct at time of printing.**

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## Cherwell District Council

### Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 20 February 2017 at 6.30 pm

Present: Councillor Chris Heath (Chairman)

Councillor Ken Atack  
Councillor Hannah Banfield  
Councillor Andrew Beere  
Councillor Claire Bell  
Councillor Hugo Brown  
Councillor Mark Cherry  
Councillor Colin Clarke  
Councillor Ian Corkin  
Councillor Nick Cotter  
Councillor John Donaldson  
Councillor Sean Gaul  
Councillor Timothy Hallchurch MBE  
Councillor Simon Holland  
Councillor David Hughes  
Councillor Shaida Hussain  
Councillor Tony Ilott  
Councillor Mike Kerford-Byrnes  
Councillor Alan MacKenzie-Wintle  
Councillor Nicholas Mawer  
Councillor Andrew McHugh  
Councillor Alastair Milne-Home  
Councillor Nigel Morris  
Councillor Richard Mould  
Councillor D M Pickford  
Councillor Lynn Pratt  
Councillor Neil Prestidge  
Councillor Barry Richards  
Councillor Dan Sames  
Councillor Les Sibley  
Councillor Nigel Simpson  
Councillor Jason Slaymaker  
Councillor Tom Wallis  
Councillor Douglas Webb  
Councillor Bryn Williams  
Councillor Barry Wood  
Councillor Sean Woodcock

Apologies  
for  
absence: Councillor Maurice Billington  
Councillor David Anderson  
Councillor Mike Bishop  
Councillor Surinder Dhesi  
Councillor Carmen Griffiths

Councillor Jolanta Lis  
Councillor James Macnamara  
Councillor Kieron Mallon  
Councillor G A Reynolds  
Councillor Sandra Rhodes

Officers: Sue Smith, Chief Executive  
Scott Barnes, Director of Strategy and Commissioning  
Karen Curtin, Commercial Director  
Ian Davies, Director of Operational Delivery  
Paul Sutton, Chief Finance Officer / Section 151 Officer  
James Doble, Interim Assistant Director Transformational Governance  
Natasha Clark, Interim Democratic and Elections Manager

## 82 **Declarations of Interest**

14. Appointment of Interim Head of Paid Service, Returning Officer and Electoral Registration Officer.

Ian Davies, Declaration, as he was to be proposed to be appointed as the Interim Head of Paid Service for Cherwell District and South Northamptonshire Councils and would leave the meeting for the duration of the item..

14. Appointment of Interim Head of Paid Service, Returning Officer and Electoral Registration Officer.

Paul Sutton, Declaration, as he was to be proposed to be appointed as the Interim Returning Officer and Electoral Registration Officer for Cherwell District and South Northamptonshire Councils and would leave the meeting for the duration of the item.

## 83 **Communications**

### **Sue Smith**

The Chairman explained that this would be the Chief Executive's last Council meeting as she was leaving South Northamptonshire Council and Cherwell District Council at the end of March. On behalf of Council, the Chairman thanked the Chief Executive for the contribution she has made to the Council since her arrival in 2012 and wished her all the best for the future.

The Leader paid tribute to the Chief Executive recalling personal anecdotes and thanked and commended the Chief Executive for her hard work and achievements in leading projects which had improved the Council and the district over the past six years.

The Leader of the Labour Group, the Leader of the Independent Group and a number Councillors also paid tribute to the Chief Executive.

On behalf of all Members, the Leader presented the Chief Executive with a gift as a token of their gratitude and wished her every success for the future.

The Chief Executive responded to Members and expressed her gratitude to all current and former Members for their support during her time as Chief Executive explaining that she had taken the job as the first shared Chief Executive of Cherwell District Council and South Northamptonshire Council as she had been seeking a challenge and part of this was the implementation of joint working. The Chief Executive thanked Members for their gift and wished them, the authority and the district all the best for the future.

### **Recording at meetings**

The Chairman advised that members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

### **Chairman's Engagements**

The Chairman advised Council that a copy of the events attended by herself or the Vice-Chairman was published with the agenda pack.

### **Chairman's Charity Dinner**

The Chairman advised members that she was holding her Charity Dinner on Saturday 8 April. Members were asked to contact the Chairman's PA, Liz Matthews, to reserve a place

### **Post**

The Chairman reminded Members to collect any post from their pigeon holes.

### **Announcement by the Leader**

The Leader referred to the last meeting of Council when the Chief Executive had been instructed to write to the Secretary of State and the Permanent Secretary at DCLG making it clear that Cherwell District Council would not support a move to an Oxfordshire Unitary Council.

The Leader confirmed that the Chief Executive had duly written the letter and a response had been received from the Secretary of State. The Leader read an extract of the letter to Council and advised Members that they should contact him if they wanted a full copy of the letter.

### 84 **Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

### 85 **Urgent Business**

There were no items of urgent business.

### 86 **Minutes of Council**

The minutes of the meeting held on 19 December 2016 were agreed as a correct record and signed by the Chairman.

87 **Minutes**

a) **Minutes of the Executive, Lead Member Decisions and Executive Decisions made under Special Urgency**

**Resolved**

That the minutes of the meeting of the Executive and Lead Member decisions as set out in the Minute Book be received and that it be noted that since the last meeting of Council on to report that since the last meeting of Council held on 19 December 2016, one decision has been taken by the Executive which was not included in the 28 day notice relating to: Build! Award of Contract.

b) **Minutes of Committees**

**Resolved**

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

88 **Questions**

a) **Written Questions**

There were no written questions.

b) **Questions to the Leader of the Council**

Questions were asked and answers received on the following issues:

Councillor Richards: January Free Parking initiative in Cherwell District Council owned car parks

Councillor Brown: Cherwell District Council initiatives to counter the Oxfordshire County Council unitary proposal

Councillor Gaul: Cherwell District Council housing of Syrian refugees

Councillor Woodcock: Defeat of Dub's Amendment regarding unaccompanied child refugees

c) **Questions to Committee Chairmen on the Minutes**

There were no questions to Committee Chairman on the minutes of meetings.

89 **Motions**

There were no motions.

90 **Members Allowances 2017/2018**

The Head of Law and Governance submitted a report to determine the levels of the allowances to be paid to Members for the forthcoming 2017/2018

financial year following the submission of the report of the Council's Independent Remuneration Panel (IRP)

In presenting the report, Councillor Wood, Leader of the Council, thanked the Panel for their hard work in producing the report and acknowledged the recommendations and the Panel's reasoning.

Councillor Woodcock, Leader of the Labour Group, thanked the elected Members who had spoken with the Panel, the Panel members for the report and advised Council that the Labour Group were not in favour of the proposed increase.

Councillor Woodcock requested that a recorded vote be taken. Councillor Richards seconded the proposal.

Having been proposed and seconded, a recorded vote was duly taken with members voting as follows:

Councillor Atack	For
Councillor Banfield	Against
Councillor Beere	Against
Councillor Bell	Against
Councillor Brown	For
Councillor Cherry	Against
Councillor Clarke	For
Councillor Corkin	For
Councillor Cotter	Abstain
Councillor Donaldson	For
Councillor Gaul	For
Councillor Hallchurch MBE	For
Councillor Heath	For
Councillor Hughes	For
Councillor Hussain	Abstain
Councillor Ilott	For
Councillor Kerford-Byrnes	For
Councillor Lis	For
Councillor Mackenzie-Wintle	For
Councillor Mawer	Abstain
Councillor McHugh	For
Councillor Milne Home	For
Councillor Morris	For
Councillor Mould	For
Councillor Pickford	Abstain
Councillor Pratt	For
Councillor Prestidge	For
Councillor Richards	Against
Councillor Sames	For
Councillor Sibley	Abstain
Councillor Simpson	For
Councillor Slaymaker	For
Councillor Wallis	For
Councillor Webb	For
Councillor Williams	For

Councillor Wood  
Councillor Woodcock

For  
Against

### **Resolved**

- (1) That, having given due consideration to the levels of allowances to be included in the 2017/2018 Members' Allowances Scheme, the Panel's recommendations (annex to the Minutes as set out in the Minute Book) be adopted without modification.
- (2) That the Head of Law and Governance be authorised to prepare an amended Members' Allowances Scheme, in accordance with the decisions of the Council for implementation with effect from 1 April 2017.
- (3) That the Head of Law and Governance be authorised to take all necessary action to revoke the current (2016/2017) Scheme and to publicise the revised Scheme pursuant to The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended).
- (4) That the Independent Remuneration Panel (IRP) be thanked for its report and it be noted that in accordance with the fees for IRP Members agreed at the 8 November 2016 Special Council meeting, a fee of £300 would be paid to Panel Members for the work carried out on this consultation.

91

### **Budget, Corporate Business Plan and Cycle of Growth 2017/18**

Prior to consideration of the item, the Chairman sought the agreement of Members to suspend standing orders with regard to the duration of the speech by the proposer of the budget, or the speeches of the group spokesperson and group Leaders. Members indicated agreement.

The Chairman reminded Council that it was required in legislation that any motion or amendment to the budget or council tax setting reports be taken by recorded vote and this would be done at the appropriate time.

The Chief Finance Officer submitted a report to set the Council's General Fund Budget and to seek formal adoption of all parts of the Council's financial plans for the 2017/18 budget year.

The report also detailed the proposed strategic priorities, the underpinning key objectives and outcomes for 2017/18 which had now been converted into a proposed business plan for the Council, and the proposed new cycle of growth strategies.

The proposed business plan and cycle of growth strategies would sit alongside the proposed budget for 2017/18 to demonstrate that the Council adopted a strategic and integrated approach to managing all of its resources by aligning the development and delivery of the Council's strategic business priorities and key outcomes to the proposed budget.



Councillor Atack introduced and proposed the Budget, Corporate Business Plan and Cycle of Growth 2017/18. Councillor Wood seconded the adoption of the budget.

Councillor Woodcock, on behalf of the Labour Group, addressed Council in response to the budget.

Councillor Wood paid tribute to the Lead Member for Financial Management, the Budget Planning Committee, the Chief Finance Officer and the finance team who had worked hard on the budget process and submitted a balanced budget to Council.

A recorded vote was taken and members voted as follows:

Councillor Atack	For
Councillor Banfield	Against
Councillor Beere	Against
Councillor Bell	Against
Councillor Brown	For
Councillor Cherry	Against
Councillor Clarke	For
Councillor Corkin	For
Councillor Cotter	For
Councillor Donaldson	For
Councillor Gaul	For
Councillor Hallchurch MBE	For
Councillor Heath	For
Councillor Hughes	For
Councillor Hussain	Against
Councillor Ilott	For
Councillor Kerford-Byrnes	For
Councillor Mackenzie-Wintle	For
Councillor Mawer	For
Councillor McHugh	For
Councillor Milne Home	For
Councillor Morris	For
Councillor Mould	For
Councillor Pickford	For
Councillor Pratt	For
Councillor Prestidge	For
Councillor Richards	Against
Councillor Sames	For
Councillor Sibley	For
Councillor Simpson	For
Councillor Slaymaker	For
Councillor Wallis	For
Councillor Webb	For
Councillor Williams	For
Councillor Wood	For
Councillor Woodcock	Against

**Resolved**

- (1) That the contents of the report in approving the General Fund Revenue Budget and Capital Programme for 2017/18 be noted and that consideration be formally recorded.
- (2) That the 2017/18 General Fund Budget and 2017/18 Capital Programme (annexes to the Minutes as set out in the Minute Book) be approved.
- (3) That the Collection Fund Estimates (annex to the minutes as set out in the Minute Book) be approved.
- (4) That the 2017/18 business plan, public pledges and joint cycle of growth strategies (annexes to the Minutes as set out in the Minute Book) be approved and authority be delegated to the Director of Operational Delivery, in consultation with the Leader of the Council to make any minor amendments to the strategies and corporate values as required before final publication in March 2017.
- (5) That the contents of the section 25 statement from the Chief Finance Officer (annex to the Minutes as set out in the Minute Book) in relation to the robustness of the estimates and the adequacy of reserves.
- (6) That the impact of the proposed budget on reserves, including the use of reserves to fund a one-off pension fund contribution be noted and the list of reserves (annex to the Minutes as set out in the Minute Book) be approved.
- (7) That the Treasury Management Strategy (annex to the Minutes as set out in the Minute Book) including the Capital Prudential Indicators 2017/18 – 2019/20 be approved.
- (8) That the statement of pay policy for 2017/18 (annex to the Minutes as set out in the Minute Book) as required by the Localism Act be approved.
- (9) That it be noted that there is no change to the level of Empty Homes Premium for 2017/18, which will form a recommendation in the Council Tax Setting report.
- (10) That it be noted that there is no change to the council tax discounts for 2017/18, which will form part of the Council Tax setting report.
- (11) That agreement be given to opt-in to the LGA national Sector Led Body in order to negotiate a new External Audit Contract.
- (12) That the Business Rates 100% Rural Rate Relief Policy (annex to the Minutes as set out in the Minute Book) and the following formal resolutions that underpin the policy be approved:
  - The Council award 100% rural rate relief to eligible ratepayers from 1 April 2017.

- The Council through the National Non-Domestic Rate return process seeks full reimbursement of the actual cost under the rates retention scheme of granting this relief.
- (13) That the Local Newspapers Policy (annex to the Minutes as set out in the Minute Book) and the following formal resolutions that underpin the policy be approved:
- The Council award a £1,500 business rates discount for office space occupied by local newspapers, up to a maximum of one discount per local newspaper title and per hereditament, up to state aid limits for 2 years from 1 April 2017.
  - The Council through the National Non-Domestic Rate return process seeks full reimbursement of the actual cost under the rates retention scheme of granting this relief.
- (14) That the Discretionary Rate Relief Policy (annex to the Minutes as set out in the Minute Book), effective from 1 April 2017, be approved.

92 **Adjournment of Council Meeting**

The Leader of the Council confirmed that he did not require Council to adjourn to allow Executive to meet discuss any issues arising from the budget.

93 **Calculating the amounts of Council Tax for 2017/18 and setting the Council Tax for 2017/18**

The Chief Finance Officer submitted a report to detail the Calculations for the amounts of Council Tax for 2017/18 and the setting of Council Tax for 2017/18.

Councillor Atack introduced and proposed the Council Tax for 2017/18, which was duly seconded by Councillor Wood.

A recorded vote was taken and members voted as follows:

Councillor Atack	For
Councillor Banfield	Abstain
Councillor Beere	Abstain
Councillor Bell	Abstain
Councillor Brown	For
Councillor Cherry	Abstain
Councillor Clarke	For
Councillor Corkin	For
Councillor Cotter	For
Councillor Donaldson	For
Councillor Gaul	For
Councillor Hallchurch MBE	For
Councillor Heath	For
Councillor Hughes	For
Councillor Hussain	Abstain
Councillor Ilott	For

Councillor Kerford-Byrnes	For
Councillor Mackenzie-Wintle	For
Councillor Mawer	For
Councillor McHugh	For
Councillor Milne Home	For
Councillor Morris	For
Councillor Mould	For
Councillor Pickford	For
Councillor Pratt	For
Councillor Prestidge	For
Councillor Richards	Abstain
Councillor Sames	For
Councillor Sibley	For
Councillor Simpson	For
Councillor Slaymaker	For
Councillor Wallis	For
Councillor Webb	For
Councillor Williams	For
Councillor Wood	For
Councillor Woodcock	Abstain

## Resolved

- (1) That it be noted that at the Executive meeting held on 9 January 2017 the Council calculated the Council Tax Base 2017/18:
  - a) for the whole Council area as 51,639.5 [item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
  - b) For dwellings in those parts of its area to which a Parish Precept relates as in the annex to the Minutes (as set out in the Minute Book).
- (2) That the Council Tax requirement for the Council's own purposes for 2017/18 (excluding Parish Precepts and Special Expenses) is £6,377,478.
- (3) That the following amounts be calculated for the year 2017/18 in accordance with Sections 31 to 36 of the Act:-
  - a) £79,667,229 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act, taking into account all precepts issued to it by Parish Councils and any additional special expenses.
  - b) £68,589,401 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.  
  
£11,077,828 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its

Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).

- c) £214.52 being the amount at 3(c) above (Item R), all divided by Item T (6(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish Precepts and Special Expenses);
  - d) £4,700,350 being the aggregate amount of all special items (Parish Precepts and Special Expenses) referred to in Section 34(1) of the Act as per the attached Schedule 2 (annex to the Minutes as set out in the Minute Book).
  - e) £123.50 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T(1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish Precept or special item relates;
- (4) It be noted that for the year 2017/18 the Oxfordshire County Council and the Police and Crime Commissioner for Thames Valley have issued precepts to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each category of dwellings in the Council's area as indicated below :-

<u>Valuation Band</u>	<b>Oxfordshire County Council</b> £	<b>Police and Crime Commissioner for Thames Valley</b> £
<b>A</b>	897.06	113.52
<b>B</b>	1,046.57	132.44
<b>C</b>	1,196.08	151.36
<b>D</b>	1,345.59	170.28
<b>E</b>	1,644.61	208.12
<b>F</b>	1,943.63	245.96
<b>G</b>	2,242.65	283.80
<b>H</b>	2,691.18	340.56

- (5) That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts shown in the annex to the Minutes (as set out in the Minute Book) as the amounts of Council Tax for the year 2017/18 for each part of its area and for each of the categories of dwellings.
- (6) That the Council's basic amount of Council Tax for 2017/18 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.
- (7) That the following discounts and exemptions be approved:
  - 1 In respect of properties within Class A and B as defined by the Council Tax (Prescribed Classes of Dwellings) (England)

(Amendment) Regulations 2012 (furnished chargeable dwelling that are not the sole or a main residence of an individual) the discount provided by Section 11a of the Local Government Finance Act 1992 shall be zero.

- 2 In respect of properties within Class C as defined by the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (a property that is unoccupied and substantially unfurnished) the discount provided by the Section 11A of the said Act shall be 25% for a period of 6 months and thereafter zero.
- 3 In respect of properties within Class D as defined by the said Regulations (chargeable dwellings that are vacant and undergoing major repair work to render them habitable) the discount provided by Section 11A of the said Act shall be 25%
- 4 No council tax discount shall be applied to dwellings that are unoccupied and unfurnished for more than two years and that council tax payable on such properties is 150% (except for those properties which fall into prescribed Classes E and F).

94

#### **Appointment of Interim Head of Paid Service, Returning Officer and Electoral Registration Officer**

The Chief Executive submitted a report to appoint an Interim Head of Paid Service, Interim Returning Officer and Interim Electoral Registration Officer.

#### **Resolved**

- (1) That in accordance with Section 4 of the Local Government and Housing Act 1989 Ian Davies be appointed as Interim Head of Paid Service for Cherwell District and South Northamptonshire Councils with effect from 13 March 2017.
- (2) That, in accordance with Section 8 of the Representation of the People Act 1983 and all related legislation, and with effect from 13 March 2017, Paul Sutton be appointed as Interim Electoral Registration Officer for Cherwell District and South Northamptonshire Councils.
- (3) That, in accordance with Section 35 of the Representation of the People Act 1983 and all related legislation, and with effect from 13 March 2017, Paul Sutton be appointed as Interim Returning Officer for Cherwell District and South Northamptonshire Councils with authority to act in that capacity for elections to the Council and all parish and town councils within the area of both councils.
- (4) That Paul Sutton be also appointed or authorised to act in respect of all related electoral, polling or referendum duties, including in relation to County Council elections, elections to the European Parliament, and for national and regional polls or referendums and be authorised to exercise all delegated powers of the Returning Officer and Electoral Registration Officer as set out in the constitution.

- (5) That, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such appointment, the Returning Officer shall be entitled to be remunerated in accordance with the scale of fees approved from time to time by Council for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referendums.
- (6) That in all cases where it is a legal requirement or normal practice to do so, the Returning Officer may elect for such fees to be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contributions from central government or other local authorities or agencies where this can be done.
- (7) That, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Councils are entitled by law to do so, they shall take out and maintain in force insurance indemnifying the Councils, the Electoral Registration Officer and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Councils, Electoral Registration Officer or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the inadvertent contravention of the Representation of the People Acts or other legislation governing the electoral process, and ( provided that, in the case of the Electoral Registration Officer and the Returning Officer, such proceedings or invalidation arise from an act or omission which the Officer reasonably believes is within the Officer's powers).
- (8) That, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Councils, through their internal insurance fund or otherwise, will indemnify the Electoral Registration Officer and Returning Officer up to the value of such excess.
- (9) That the Councils note their duty to provide support to the Electoral Registration Officer and Returning Officer
- (10) That the Joint Commissioning Committee be asked to consider the payment of an honorarium to the interim Head of Paid Service, in recognition of the additional responsibilities and duties of the role.

95

### **Community Governance Review Update**

The Chief Executive submitted a report to provide an update on the Community Governance Review (CGR) being undertaken.

**Resolved**

- (1) That the update be noted.

96 **Exclusion of the Press and Public**

**Resolved**

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraphs 3 and 5 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

97 **Questions on Exempt Minutes**

There were no questions on exempt minutes.

98 **Castle Quay Phase Two Redevelopment - Funding Requirements**

The Chief Finance Officer submitted an exempt report relating to funding requirements for the Castle Quay Phase Two Redevelopment.

**Resolved**

- (1) As set out in the exempt minutes.

99 **Responding to Local Healthcare Changes**

The Director – Operational Delivery submitted an exempt report to seek approval of the provision of an earmarked reserve to enable the Council to ensure that it receives appropriate specialist advice to enable it to respond effectively at short notice to the various events associated with the proposed changes to local healthcare services.

**Resolved**

- (1) As set out in the exempt minutes.
- (2) That the Director of Operational Delivery, in consultation with the Leader of the Council, the Head of Law and Governance and the Chief Financial Officer be authorised to use the earmarked reserve to obtain specialist advice and support as necessary to ensure the Council both challenges and responds to the consultation proposals in a robust manner as approved by the Executive at its meeting on 6 February 2017.



The meeting ended at 8.45 pm

Chairman:

Date:

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## **Cherwell District Council**

### **Council**

Minutes of a special meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 22 March 2017 at 5.00 pm

Present: Councillor Chris Heath (Chairman)  
Councillor Maurice Billington (Vice-Chairman)

Councillor Ken Atack  
Councillor Hannah Banfield  
Councillor Andrew Beere  
Councillor Mike Bishop  
Councillor Hugo Brown  
Councillor Mark Cherry  
Councillor Colin Clarke  
Councillor Ian Corkin  
Councillor Surinder Dhesi  
Councillor John Donaldson  
Councillor David Hughes  
Councillor Shaida Hussain  
Councillor Tony Ilott  
Councillor Mike Kerford-Byrnes  
Councillor Jolanta Lis  
Councillor Alan MacKenzie-Wintle  
Councillor James Macnamara  
Councillor Kieron Mallon  
Councillor Andrew McHugh  
Councillor Alastair Milne-Home  
Councillor Nigel Morris  
Councillor D M Pickford  
Councillor Lynn Pratt  
Councillor G A Reynolds  
Councillor Barry Richards  
Councillor Les Sibley  
Councillor Nigel Simpson  
Councillor Jason Slaymaker  
Councillor Douglas Webb  
Councillor Barry Wood  
Councillor Sean Woodcock

Apologies  
for  
absence: Councillor David Anderson  
Councillor Claire Bell  
Councillor Nick Cotter  
Councillor Sean Gaul  
Councillor Carmen Griffiths  
Councillor Timothy Hallchurch MBE  
Councillor Simon Holland  
Councillor Nicholas Mawer  
Councillor Richard Mould

Councillor Neil Prestidge  
Councillor Sandra Rhodes  
Councillor Dan Sames  
Councillor Nicholas Turner  
Councillor Tom Wallis  
Councillor Bryn Williams

Officers: Ian Davies, Interim Chief Executive and Head of Paid Service  
Scott Barnes, Director of Strategy and Commissioning  
Paul Sutton, Chief Finance Officer / Section 151 Officer  
Kevin Lane, Head of Law and Governance / Monitoring Officer  
Natasha Clark, Interim Democratic and Elections Manager

100 **Declarations of Interest**

There were no declarations of interest.

101 **Communications**

The Chairman made the following announcements:

**Special Executive – 22 May 2017**

The Chairman advised Council that the Leader had agreed to hold a special Executive on 22 May 2017 to consider the Local Plan Part 2 'Options' Paper.

**Recording at meetings**

The Chairman advised that members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

**Chairman's Charity Dinner**

The Chairman reminded Councillors that she was holding her Charity Dinner on Saturday 8 April and explained that members should contact her PA, Liz Matthews, to reserve a place

**Post**

The Chairman reminded Members to collect any post from pigeon holes.

102 **Urgent Business**

The Chairman advised Council that she had agreed to add one item of urgent business, which related to "Land in Banbury – Proposed Acquisition" and needed to be considered at this meeting to ensure that the project could progress without delay. As the item was exempt it would be taken as agenda item 8.

## **Appointment of Chief Executive / Head of Paid Service**

The Interim Head of Paid Service submitted a report to seek Council's approval of the recommendations of the Joint Commissioning Committee that Yvonne Rees be appointed to the posts of Joint Chief Executive, Head of Paid Service, Returning Officer and Electoral Registration Officer with effect from a date to be agreed in June/July 2017 with the new post holder by the Interim Head of Paid Service in consultation with the Chief Finance Officer, Head of Law and Governance, Chairman and Vice-Chairman of the Joint Commissioning Committee.

### **Resolved**

That, subject to South Northamptonshire Council resolving in similar terms at its meeting on 23 March 2017:

- (1) The recommendation of the Joint Commissioning Committee that Yvonne Rees be appointed Joint Chief Executive from a date to be agreed in June/July 2017 with the new post holder by the Interim Head of Paid Service in consultation with the Chief Finance Officer, Head of Law and Governance, Chairman and Vice-Chairman of the Joint Commissioning Committee be agreed.
- (2) The recommendation of the Joint Commissioning Committee that Yvonne Rees be appointed the Council's Head of Paid Service for the purposes of Section 4 of the Local Government and Housing Act 1989 with effect from a date to be agreed in June/July 2017 with the new post holder by the Interim Head of Paid Service in consultation with the Chief Finance Officer, Head of Law and Governance, Chairman and Vice-Chairman of the Joint Commissioning Committee be agreed.
- (3) It be agreed that, in accordance with Section 8 of the Representation of the People Act 1983 and all related legislation, Yvonne Rees be appointed as Electoral Registration Officer for Cherwell District and South Northamptonshire Councils from a date to be agreed in June/July 2017 with the new post holder by the Interim Head of Paid Service in consultation with the Chief Finance Officer, Head of Law and Governance, Chairman and Vice-Chairman of the Joint Commissioning Committee.
- (4) It be agreed that, in accordance with Section 35 of the Representation of the People Act 1983 and all related legislation Yvonne Rees be appointed as Returning Officer for Cherwell District and South Northamptonshire Councils with authority to act in that capacity for elections to the Council and all parish and town councils within the area of both councils; from a date to be agreed in June/July 2017 with the new post holder by the Interim Head of Paid Service in consultation with the Chief Finance Officer, Head of Law and Governance, Chairman and Vice-Chairman of the Joint Commissioning Committee.
- (5) It be agreed that Yvonne Rees be also appointed or authorised to act in respect of all related electoral, polling or referendum duties, including in relation to County Council elections, elections to the European

Parliament, and for national and regional polls or referendums and be authorised to exercise all delegated powers of the Returning Officer and Electoral Registration Officer as set out in the constitution; from a date to be agreed in June/July 2017 with the new post holder by the Interim Head of Paid Service in consultation with the Chief Finance Officer, Head of Law and Governance, Chairman and Vice-Chairman of the Joint Commissioning Committee.

- (6) It be agreed that, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such appointment, the Returning Officer shall be entitled to be remunerated in accordance with the scale of fees approved from time to time by Council for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referendums.
- (7) It be agreed that in all cases where it is a legal requirement or normal practice to do so, the Returning Officer may elect for such fees to be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contributions from central government or other local authorities or agencies where this can be done.
- (8) It be agreed that, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Councils are entitled by law to do so, they shall take out and maintain in force insurance indemnifying the Councils, the Electoral Registration Officer and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Councils, Electoral Registration Officer or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the inadvertent contravention of the Representation of the People Acts or other legislation governing the electoral process, and provided that, in the case of the Electoral Registration Officer and the Returning Officer, such proceedings or invalidation arise from an act or omission which the Officer reasonably believes is within the Officer's powers).
- (9) It be agreed that, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Councils, through their internal insurance fund or otherwise, will indemnify the Electoral Registration Officer and Returning Officer up to the value of such excess.
- (10) The Councils duty to provide support to the Electoral Registration Officer and Returning Officer be noted.
- (11) It be agreed that the terms of appointment of Ian Davies as Interim Joint Head of Paid Service and Paul Sutton as Interim Returning Officer and Interim Electoral Registration Officer end on the date on which the new permanent Joint Chief Executive takes up her post.



Following the decision of Council, the Interim Head of Paid Service read the following message from Yvonne Rees:

“Firstly, I apologise I cannot be with you this evening. I unfortunately have surgery on my knee tomorrow so should be preparing! When I am back mobile I will contact the Leader to arrange a visit - and perhaps meet some of you? I am truly delighted to be joining you – it is a fantastic opportunity for me and one I am really looking forward to. We have an exciting agenda ahead of us; full of both real challenges and opportunities, but with the firm foundations you have in place, your track record of innovation and achievement coupled with the new perspective I bring to the role, I am confident we will be successful in addressing them together. My style is one of openness and I hope I will be able to get to know all of you. However, I also have an ask of you - please help me to get to know your wards and the communities we all service.

As I am sure you will understand I need to leave my two current organisations in a good place for my successors, so I am working on the transition and the best possible start date for all concerned.

Thank you for affording me this opportunity – I am sure together we will deliver for our residents and communities.”

104 **Exclusion of the Press and Public**

**Resolved**

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraph 3 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

105 **Franklins House Ground Floor Business Incubator**

The Commercial Director submitted an exempt report to enable Members to consider the request to approve an additional supplementary capital cost of £145k to fit out Unit 2, Ground Floor, Franklins House, Bicester as a business incubator.

**Resolved**

- (1) That the additional supplementary capital cost of £145k be approved and commitment to running a business incubator in Unit 2, Franklins House, Bicester be agreed.

**Urgent Business: Land in Banbury - Land Acquisition**

The Commercial Director submitted an exempt report which sought consideration of the acquisition of land in Banbury.

**Resolved**

- (1) That the acquisition of the premises shown on the plan (exempt annex to the Minutes as set out in the Minute Book) subject to contract and the inclusion of the costs (as set out in the exempt annex to the Minutes as set out in the Minute Book) in the Capital Programme be approved and also subject to the Chief Finance Officer in consultation with the Lead Member for Financial Management confirming that the acquisition is financially prudent following receipt of the independent Red Book valuation report.
- (2) That the Commercial Director be given delegated authority to negotiate and finalise the terms for the acquisition in consultation with the Lead Member, the Chief Finance Officer and the Head of Law and Governance.

The meeting ended at 5.45 pm

Chairman:

Date:

## Cherwell District Council

### Council

16 May 2017

#### Annual Council Business Report

#### Report of Interim Chief Executive

This report is public

#### Purpose of report

To note the constitution of Political Groups, note the appointment of the Deputy Leader and Executive for the Municipal Year 2017/18, consider and agree the suggested constitution of Committees for the Municipal year 2017/2018 and consider an amendment to the Constitution whereby training will be mandatory for members of the Accounts, Audit and Risk Committee.

#### 1.0 Recommendations

\*\* The recommendations are also included in the relevant section of the report \*\*

The meeting is recommended:

- 1.1 To note the constitution of Political Groups and notification of Group Leaders.
- 1.2 To note the appointment of Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2017/18 (Appendix 1 – to follow).
- 1.3 To agree the allocation of seats on committees that are subject to the political balance requirements as set out in Table 1.
- 1.4 To agree the allocation of seats on committees not subject to political balance requirements as set out in Table 2.
- 1.5 To appoint members (and where appropriate, substitute members) to serve on each of the committees and other bodies set out in Tables 1 and 2 in accordance with the nominations to be made by political groups (Appendix 2 - to follow).
- 1.6 To appoint a representative to the Oxfordshire County Council Health Overview and Scrutiny Committee.
- 1.7 To appoint a representative to the Police and Crime Commissioner Scrutiny Panel.

- 1.8 To agree that the Constitution be amended so that it is mandatory for members of the Accounts, Audit and Risk Committee to have received training before they can sit on the Committee.
- 1.9 To agree that authority be delegated to the Head of Law and Governance to update the Constitution to reflect recommendation 1.8.

## **2.0 Introduction**

- 2.1 The Council's Constitution requires that at the annual meeting, Council shall:
- Note the results of the District Elections, if held, and the constitution of Political Groups and Group Leaders and elect the Leader of the Council if required
  - Conduct any business concerning the establishment of and appointments to the Executive, including the appointment of Deputy Leader and the allocation of functions to Lead Members
  - Conduct any business concerning the establishment of, and appointment to:
    - The Overview and Scrutiny Committee
    - The Standards Committee
    - Such other Committees as the Council consider appropriate

## **3.0 Report Details**

### **Constitution of Political Groups**

- 3.1 There have been no further Cherwell District Council district elections since the last proportionality calculation and no change to the constitution of Political Groups.
- 3.2 The current constitution of the Council is 38 (79%) Conservative, 8 (17%) Labour and 2 (4%) Independent councillors.
- 3.3 Group Leaders have been appointed as follows:

Conservative Group: Councillor Barry Wood  
Labour Group: Councillor Sean Woodcock  
Independent Group: Councillor Les Sibley

### **Recommendation**

- 1.1 To note the constitution of Political Groups and notification of Group Leaders.

### **Deputy Leader of the Council and Executive 2017/18**

- 3.4 The Leader of the Council, Councillor Barry Wood, will table a report (Appendix 1 – to follow) appointing a Deputy Leader and setting out the Executive Portfolios for the Municipal Year 2017/18.

### **Recommendation**

- 1.2 To note the appointment of Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2017/18 (Appendix 1 – to follow).

### **Committee Appointments 2017/18**

- 3.5 As reported in paragraphs 3.1 and 3.2, there has been no change to the constitution of the Council which remains 38 (79%) Conservative, 8 (17%) Labour and 2 (4%) Independent councillors.
- 3.6 Under the Local Government (Committees and Political Groups) Regulations 1990 made pursuant to the Local Government and Housing Act 1989, allocations of committee seats are made to political groups and any member not in a political group is consequently not automatically entitled to seats on committees. The two Independent councillors have advised that they will be forming a political group. The proportionality calculations therefore take account of this.
- 3.7 The proportionality calculations require the Conservative Group to release one seat to the Independent Group. The Conservative Group has yet to advise which seat will be released. Once known, this will be published in an addendum to this report.
- 3.8 The proportionality calculations require the Labour Group to release two seats to the Independent Group. The Labour Group has yet to advise which seats will be released. Once known, this will be published in an addendum to this report.
- 3.9 **Table 1: Allocation of Seats of Proportional Committees**

	<b>TOTAL</b>	<b>CON</b>	<b>LAB</b>	<b>IND</b>
Accounts, Audit & Risk Committee	<b>8</b>	<b>6</b>	<b>2</b>	<b>0</b>
Appeals Panel	<b>10</b>	<b>8</b>	<b>2</b>	<b>0</b>
Budget Planning Committee	<b>12</b>	<b>10</b>	<b>2</b>	<b>0</b>
Joint Appeals Panel	<b>3</b>	<b>2</b>	<b>1</b>	<b>0</b>
Joint Commissioning Committee	<b>6</b>	<b>5</b>	<b>1</b>	<b>0</b>
Joint Scrutiny Committee	<b>5</b>	<b>4</b>	<b>1</b>	<b>0</b>
Licensing Committee	<b>12</b>	<b>10</b>	<b>2</b>	<b>0</b>
Overview & Scrutiny	<b>12</b>	<b>10</b>	<b>2</b>	<b>0</b>
Personnel Committee	<b>12</b>	<b>10</b>	<b>2</b>	<b>0</b>
Planning Committee	<b>18</b>	<b>14</b>	<b>3</b>	<b>1</b>
Standards Committee	<b>8</b>	<b>6</b>	<b>2</b>	<b>0</b>
<b>Proportional Total by</b>	<b>106</b>	<b>85</b>	<b>20</b>	<b>1</b>

<b>Committee</b>				
<b>Aggregate Entitlement</b>	<b>106</b>	<b>84</b>	<b>18</b>	<b>4</b>
<b>Adjustment Required</b>	<b>N/A</b>	<b>-1</b>	<b>- 2</b>	<b>+3</b>

### 3.10 Table 2: Allocation of Seats of Non-Proportional Committees

	<b>TOTAL</b>	<b>CON</b>	<b>LAB</b>	<b>IND</b>
Joint Councils Employee Engagement Committee	<b>3</b>	<b>2</b>	<b>1</b>	<b>0</b>

### 3.11 Notes:

**Overview and Scrutiny Committee** must not include any members of the Executive.

**Personnel Committee** must include at least one member of the Executive and may not include members of the Appeals Panel

**Appeals Panel** members may not serve as members or substitute members of the Personnel Committee.

**Joint Commissioning Committee** members may not serve as members or substitute members of the Joint Appeals Committee

**Joint Appeals Committee** members may not serve as members or substitute members of the Joint Commissioning Committee

**Joint Scrutiny Committee** must not include any members of the Executive or Joint Commissioning Committee

3.12 Appendix 2 (to follow) sets out members (and where appropriate, substitute members) to serve on each of the committees and other bodies set out in Tables 1 and 2 in accordance with the nominations to be made by political groups.

### Recommendations

1.3 To agree the allocation of seats on committees that are subject to the political balance requirements as set out in Table 1.

1.4 To agree the allocation of seats on committees not subject to political balance requirements as set out in Table 2.

1.5 To appoint members (and where appropriate, substitute members) to serve on each of the committees and other bodies set out in Tables 1 and 2 in

accordance with the nominations to be made by political groups (Appendix 2 - to follow).

### **Appointment of Representatives**

- 3.13 Council is asked to appoint representatives to the Oxfordshire County Council Health Overview and Scrutiny Committee and to the Police and Crime Commissioner Scrutiny Panel.
- 3.14 The current representative on the County Council Health Overview and Scrutiny Committee is Councillor Andrew McHugh and on the Police and Crime Commissioner Scrutiny Panel is Councillor Tony Ilott.

### **Recommendations**

- 1.6 To appoint a representative to the Oxfordshire County Council Health Overview and Scrutiny Committee.
- 1.7 To appoint a representative to the Police and Crime Commissioner Scrutiny Panel.

### **Amendment to the Constitution for the Accounts, Audit and Risk Committee**

- 3.15 Following discussions between the former and current Chairmen of the Accounts, Audit and Risk Committee, the Chief Finance Officer and the Head of Law and Governance, it is recommended that the Constitution be amended so it is mandatory for members of that Committee to be trained. The exact nature of the training will be determined by the Chief Finance Officer in consultation with the Chairman of the Committee and align with the work programme of the Committee.

### **Recommendations**

- 1.8 To agree that the Constitution be amended so that it is mandatory for members of the Accounts, Audit and Risk Committee to have received training before they can sit on the Committee.
- 1.9 To agree that authority be delegated to the Head of Law and Governance to update the Constitution to reflect recommendation 1.8.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The Council is required to agree the allocation of seats on committees that are subject to the political balance requirements and also on committees not subject to political balance requirements and to agree the appointments to each of the Committees in accordance with the nominations made by political groups.

## **5.0 Consultation**

Group Leaders

Nominations and information from group leaders has been included in the report and appendices

## **6.0 Alternative Options and Reasons for Rejection**

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To amend the appointments to Committee.

## **7.0 Implications**

### **Financial and Resource Implications**

7.1 There are no financial implications arising from the report.

Comments checked by:

Paul Sutton, Chief Finance Officer, 0300 003 0106,  
[paul.sutton@cherwellandsouthnorthants.gov.uk](mailto:paul.sutton@cherwellandsouthnorthants.gov.uk)

### **Legal Implications**

7.2 It is a legal requirement for Council to agree proportionality and appoint committees. It is for the Council Leader to appoint the Deputy Leader and the other Executive members, and to allocate Lead Member responsibilities. The amendment to the Constitution contained in recommendation 1.8 requires full council approval.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 003 0107,  
[kevin.lane@cherwellandsouthnorthants.gov.uk](mailto:kevin.lane@cherwellandsouthnorthants.gov.uk)

### **Risk Implications**

7.3 In ensuring the legal requirements are met risk to the authority is mitigated.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 003 0107,  
[kevin.lane@cherwellandsouthnorthants.gov.uk](mailto:kevin.lane@cherwellandsouthnorthants.gov.uk)

## **8.0 Decision Information**

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

All



## Lead Councillor

None

## Document Information

<b>Appendix No</b>	<b>Title</b>
One	Executive Portfolios 2017/18 – to follow
Two	Committee Membership – to follow
<b>Background Papers</b>	
None	
<b>Report Author</b>	Natasha Clark, Interim Democratic and Elections Manager
<b>Contact Information</b>	01295 221589 natasha.clark@cherwellandsouthnorthants.gov.uk

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## Cherwell District Council

### Council

16 May 2017

#### Appointment of Monitoring Officer

#### Report of Interim Head of Paid Service

This report is public

#### Purpose of report

To appoint a monitoring officer in place of Kevin Lane, Head of Law and Governance, who leaves his employment with South Northamptonshire Council on 30 June 2017.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 Pursuant to section 5 of the Local Government and Housing Act 1989 to appoint James Doble as the Council's monitoring officer with effect from 1 July 2017.

#### 2.0 Introduction

- 2.1 The Local Government and Housing Act 1989 requires the Council to appoint a monitoring officer to be responsible for specified statutory functions.
- 2.2 As the current monitoring officer is leaving his employment on 30 June 2017 it is legally necessary for the Council to appoint a replacement with effect from 1 July 2017.

#### 3.0 Report Details

- 3.1 Section 5 of the Local Government and Housing Act 1989 requires the Council to designate one of its officers to be the monitoring officer. The monitoring officer cannot be the Council's Head of Paid Service or its chief finance (section 151) officer. The Council is obliged to provide the monitoring officer with such staff, accommodation and other resources as he, in his opinion, requires to fulfil his statutory duties.
- 3.2 It is the duty of the monitoring officer to prepare a report to full council or Executive in relation to non-executive and executive functions respectively where he is of the opinion that any proposal, decision or omission by the council has given rise to, or

is likely to or would give rise to a contravention of any enactment or rule of law, or to maladministration. Such a report must be considered by members within 21 days and the implementation of any relevant decision must be held in abeyance until the report is considered.

- 3.3 The monitoring officer also has responsibility pursuant to sections 27-34 of the Localism Act 2011 to administer the ethical regime for members of the Council and all parish councillors in the Council's district, as well as acting as the monitoring officer for all such parish councils.
- 3.4 In addition the monitoring officer, as one of the three statutory officers, has a general role in ensuring and advising on the lawfulness the Council's actions.
- 3.5 The current monitoring officer, Kevin Lane, Head of Law and Governance, is leaving his employment with South Northamptonshire Council on 30 June 2017. Mr Lane acts as monitoring officer for Cherwell District Council, as well as South Northamptonshire Council, pursuant to the shared working agreement entered into by the two councils pursuant to section 113 of the Local Government Act 1972.
- 3.6 Accordingly it is necessary for another officer to be designated as monitoring officer with effect from 1 July 2017. My recommendation is that James Doble, Assistant Director – Transformational Governance, should be appointed to this role while the councils have interim senior management arrangements pending the implementation of phase 2 of the senior management restructure in due course.
- 3.7 A similar recommendation is being made to South Northamptonshire Council at its meeting on 17 May 2017.
- 3.8 Subject to his appointment Mr Doble will be requested to appoint at least one deputy monitoring officer to act in his absence or where there might be a conflict of interest between the two councils.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 In accordance with statutory requirements it is recommended that James Doble be appointed as the Council's monitoring officer for the interim period between Mr Lane's departure and the implementation of phase 2 of the senior management restructure.

## **5.0 Consultation**

- 5.1 None other than with the proposed appointee.

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To appoint an alternative officer. This is rejected because Mr Doble has the necessary skills and experience to fulfil the role.

Option 2: not to appoint a monitoring officer. This is rejected as the Council is legally required to appoint.

## 7.0 Implications

### Financial and Resource Implications

- 7.1 A special responsibility payment of £2,500pa is paid to the monitoring officer and this cost is shared with South Northamptonshire Council. The amount is available in approved budgets.

Comments checked by:

Paul Sutton, Chief Finance Officer, 0300 0030106,  
[paul.sutton@cherwellandsouthnorthants.gov.uk](mailto:paul.sutton@cherwellandsouthnorthants.gov.uk)

### Legal Implications

- 7.2 These are set out in the body of the report. It is necessary for full council to approve the appointment of a monitoring officer.

Comments checked by:

Kevin Lane, Head of Law & Governance, 0300 003 0107,  
[kevin.lane@cherwellandsouthnorthants.gov.uk](mailto:kevin.lane@cherwellandsouthnorthants.gov.uk)

## 8.0 Decision Information

### Wards Affected

All.

### Links to Corporate Plan and Policy Framework

Not applicable – this report is made pursuant to a statutory requirement.

### Lead Councillor

Councillor Barry Wood, Leader of the Council.

### Document Information

Appendix No	Title
N/A	N/A
<b>Background Papers</b>	
N/A	
<b>Report Author</b>	Kevin Lane Head of Law and Governance
<b>Contact Information</b>	0300 003 0107 <a href="mailto:Kevin.lane@cherwellandsouthnorthants.gov.uk">Kevin.lane@cherwellandsouthnorthants.gov.uk</a>

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## Cherwell District Council

### Council

16 May 2017

#### Community Governance Review Update

#### Report of Interim Chief Executive

This report is public

#### Purpose of report

To provide an update on the Community Governance Review (CGR), including the results of the first consultation with Upper Heyford, and to ask Council to approve amendments to the timetable.

#### 1.0 Recommendations

The meeting is recommended to:

- 1.1 Note the update;
- 1.2 Approve a change in the timetable regarding the second consultation stage of the review;
- 1.3 Delegate authority to the Assistant Director – Transformational Governance to make any further amendments to the timetable if required.

#### 2.0 Introduction

- 2.1 In December 2016, Council approved a timetable for a limited scope Community Governance Review (CGR) to be carried out, focussing on a possible split of Upper Heyford Parish and requests from five parish councils for a review of their number of Parish Councillors.
- 2.2 The first stage of consultation relating to Upper Heyford has now taken place, and results are available.

#### 3.0 Report Details

##### Upper Heyford

- 3.1 A consultation document (appendix 1) was produced and delivered to every address in the existing Upper Heyford parish (approximately 1000 households). The

consultation ran from 16 January to 17 March 2017, and residents were able to respond on paper or online.

- 3.2 Somerton and Ardley with Fewcott Parish Councils were also notified of the consultation and invited to respond, due to sharing boundaries with Upper Heyford.
- 3.3 177 responses were received to the consultation. 139 responses felt it was a good idea for the existing parish to be split in two, with 38 saying they didn't think it was a good idea.
- 3.4 With regards to name of the new parishes if a split were to take place, 92 responses suggested Upper Heyford (the 'village' area) and Heyford Park (the former airbase area).
- 3.5 Regarding positioning of boundaries, 86 responses were received in favour of the boundary on Map 2 of the consultation document. 43 responses favoured Map 3.
- 3.6 Responses received from Somerton Parish have expressed concern over the suggestion of moving the boundary so that it is coterminous with the outer boundary of the airfield.
- 3.7 The timetable published on 3 January 2017 as part of the Terms of Reference for the review stated that a report would be submitted to Council in May, with recommendations to form the basis of the second consultation stage.
- 3.8 Due to the Prime Minister's announcement in April regarding a UK Parliamentary General Election on 8 June 2017, officers have had to consider the implications on the CGR timetable, as the administration of the CGR process sits with the Democratic and Election team.
- 3.9 Officers are therefore proposing to amend the timetable as follows:

<b>Activity</b>	<b>Original date proposed</b>	<b>New date proposed</b>
Report to Council with recommendations	16 May 2017	17 July 2017
Consultation on recommendations	19 June to 4 August	31 July to 8 September
Meeting with working group to discuss consultation responses and finalise recommendations	Between 21 August and 8 September	During w/c 11 September

The rest of the timetable remains unchanged, with the review concluding in October 2017.

- 3.10 Five parish councils – Fritwell, Stratton Audley, Tadmarton, Weston-on-the-Green and Yarnton – requested involvement in the review, regarding a review of their number of Parish Councillors. Consultation on this aspect of the review will be included in the revised second stage consultation.



## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 Cherwell District Council committed to undertake a further CGR relating to Upper Heyford at the conclusion of the previous review in 2013. Officers feel that due to the importance of the CGR, it is necessary to change the timetable to ensure adequate time and resource is applied to the process.

## **5.0 Consultation**

None specifically for this stage of the CGR. Details of consultation as part of the review are included in the Terms of Reference document.

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to change the timetable. This is rejected, as officers would not be able to complete the work in line with the previously published timetable.

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 There are no financial implications arising directly from this report.

Comments checked by:  
Paul Sutton, Chief Finance Officer, 0300 0030106,  
paul.sutton@cherwellandsouthnorthants.gov.uk

### **Legal Implications**

- 7.2 The Council is empowered to undertake a Community Governance Review by the Local Government and Public Involvement in Health Act 2007. In undertaking the review it must take steps to ensure that the outcome of the review reflects the identities and interests of the area being reviewed and the need to ensure effective and convenient community governance. Statutory guidance on the process can be found at <https://www.gov.uk/government/publications/community-governance-reviews-guidance>

Comments checked by:  
Kevin Lane, Head of Law and Governance – 0300 0030107  
kevin.lane@cherwellandsouthnorthants.gov.uk

## **8.0 Decision Information**

### **Wards Affected**

All

## Links to Corporate Plan and Policy Framework

N/A

## Lead Councillor

None

## Document Information

<b>Appendix No</b>	<b>Title</b>
Appendix 1	Consultation document for Upper Heyford CGR
<b>Background Papers</b>	
None	
<b>Report Author</b>	Emma Faulkner – Democratic and Elections Officer
<b>Contact Information</b>	Tel: 01327 322043 Email: emma.faulkner@cherwellandsouthnorthants.gov.uk



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

*Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA*

*[www.cherwell.gov.uk](http://www.cherwell.gov.uk)*

16 January 2017

Dear Resident

**Possible split of Upper Heyford Parish into two new Parishes – please tell us what you think**

Upper Heyford Parish Council has asked Cherwell District Council to consider dividing the parish to create two new parishes. We are therefore writing to every household in the parish, to explain what we have been asked to consider and to get the views of residents.

**What would this split mean?**

Essentially a split would create two parishes. Where a parish is created with between 150 and 1000 electors, a decision has to be made as to whether a parish council is formed.

If a new parish council is formed, in order to be able to carry out its functions the new Parish Council would have the power to decide whether or not to levy a precept.

**What are Parish Councils?**

Parish councils make local decisions and introduce policy that is relevant to the public interest of the parish. This is done at meetings of the Parish council, by parish councillors who are elected to serve for a four year term. Parish councillors are unpaid. Upper Heyford Parish Council has six parish councillors. If the Parish is split into two, each Parish Council would have its own Parish Councillors (numbers to be determined)

Parish councils represent the local community, for example, by providing responses to planning or licensing consultations, they also deliver services to meet local needs and improve the quality of life and community well-being. Parish councils have powers to provide and maintain a variety of important local services, such as allotments, burial grounds, bus shelters, open spaces and village halls.

Parish councils are funded by a "precept" which forms part of the council tax residents pay. Cherwell District Council collects the precept on behalf of Upper Heyford Parish Council and gives this money to the Parish Council who use it to support its operations and carry out local projects. The precept that each household pays depends on which Band of Council Tax you fall into. For a Band D property the amount paid in 2016/2017 was £44.37 for the year. The Parish Council review this amount every year.

**Where would the parish be split?**

The map on page 4 shows the current parish boundary. Upper Heyford Parish Council has suggested that the new boundary could be along the length of the Kirtlington Road/Portway bridleway, as shown on the map on page 5. When a new boundary is considered, it needs to be something physical that is easy to identify, such as a road, hedge or a river for example.

As well as deciding where the boundary between the two parishes should be created, the boundary with the existing parishes of Somerton and Ardley with Fewcott also needs to be considered. At the moment these boundaries run through the middle of the old airfield. Consideration should be given to whether there is a better place to put them, so that they follow real boundaries rather than historic field boundaries which were destroyed when the base was created. The map on page 6 shows where the edge of the airfield is, and where the boundary could be moved to. We are also speaking to Somerton Parish Council and Ardley with Fewcott Parish Council about the position of the boundary.

Please let us know which of the options you prefer

**Will the amount of Council Tax I pay change?**

It might do. If the split goes ahead, both parish councils will need to decide how much money they need to raise via their precepts, collected as part of your Council Tax bill, to help run their respective parishes. Therefore, whichever parish you live in, your Council Tax bill could go up or down.

Upper Heyford Parish Council currently spends the majority of its precept in the village and not in Heyford Park, as historically the park has been provided with facilities by the airbase and now the developer. Currently, Upper Heyford Parish Council can spread its running costs across the whole parish. However should there be a separation into two parishes, there would be fewer properties to meet these costs, therefore the parish council will either have to increase its precept, reduce its running costs or its level of service provision.

**What would the name of the parishes be?**

If two new parishes were created, consideration would also need to be given to the names of these parishes. It is not possible for both parishes to be called Upper Heyford, as this would cause confusion for residents as well as Royal Mail, utility companies, delivery companies and the emergency services.

So far the following suggestions have been made;

The village could be called Heyford Warren, due to historic links with the de la Warrenne family, and the park could be called Upper Heyford, due to it physically being higher.

Alternatively, the village could remain Upper Heyford, and the park could be called Heyford Leys or Heyford Park.

Please let us know if you have any other suggestions.

It is possible that your postal address could change slightly to reflect the names of the parishes, but there would be no change to postcodes.

### **What else could change?**

If two new parishes were created, it would be necessary for Cherwell District Council to find a new building to be used as a polling station in the park area of the parish. This would facilitate the running of elections.

### **History of Upper Heyford Parish**

Upper Heyford Parish is made up of two areas, known locally as the village and the park.

The village has around 170 houses, as well as allotments, a sports ground, village hall and children's play area. There is also a church, St Mary's, which dates back to AD 1074.

The park is the area that was previously RAF Upper Heyford. After World War II, the site was leased to the US Air Force until 1994. It is now owned by the Dorchester Group, who have been developing the site and building new houses.

### **What happens now?**

Cherwell District Council is consulting every household in Upper Heyford to ensure that everybody in the parish has an opportunity to give their views on the suggestion put forward by the Parish Council.

On page 7 you will find a reply slip. Please take a few minutes to fill this in and return it using the envelope supplied. You don't need to use a stamp as Cherwell District Council will pay the postage.

Alternatively, you can send an email to [democracy@cherwellandsouthnorthants.gov.uk](mailto:democracy@cherwellandsouthnorthants.gov.uk) or visit our webpage [www.cherwell.gov.uk/communitygovernance](http://www.cherwell.gov.uk/communitygovernance) and click on the survey monkey link to reply electronically.

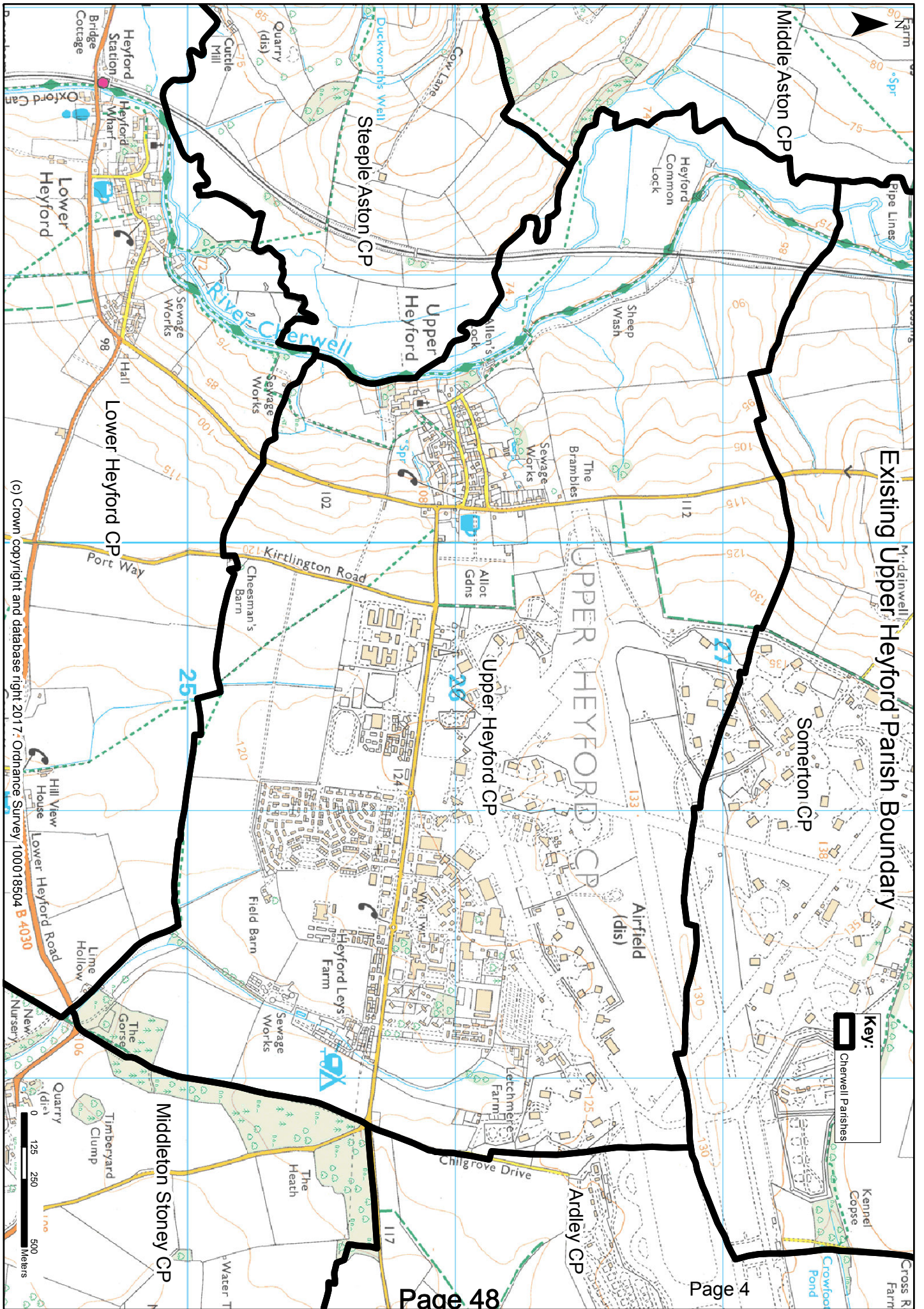
All written or emailed responses should reach us by **Friday 17 March 2017** to be taken into consideration. The online survey will close at 11:59pm on the same date.

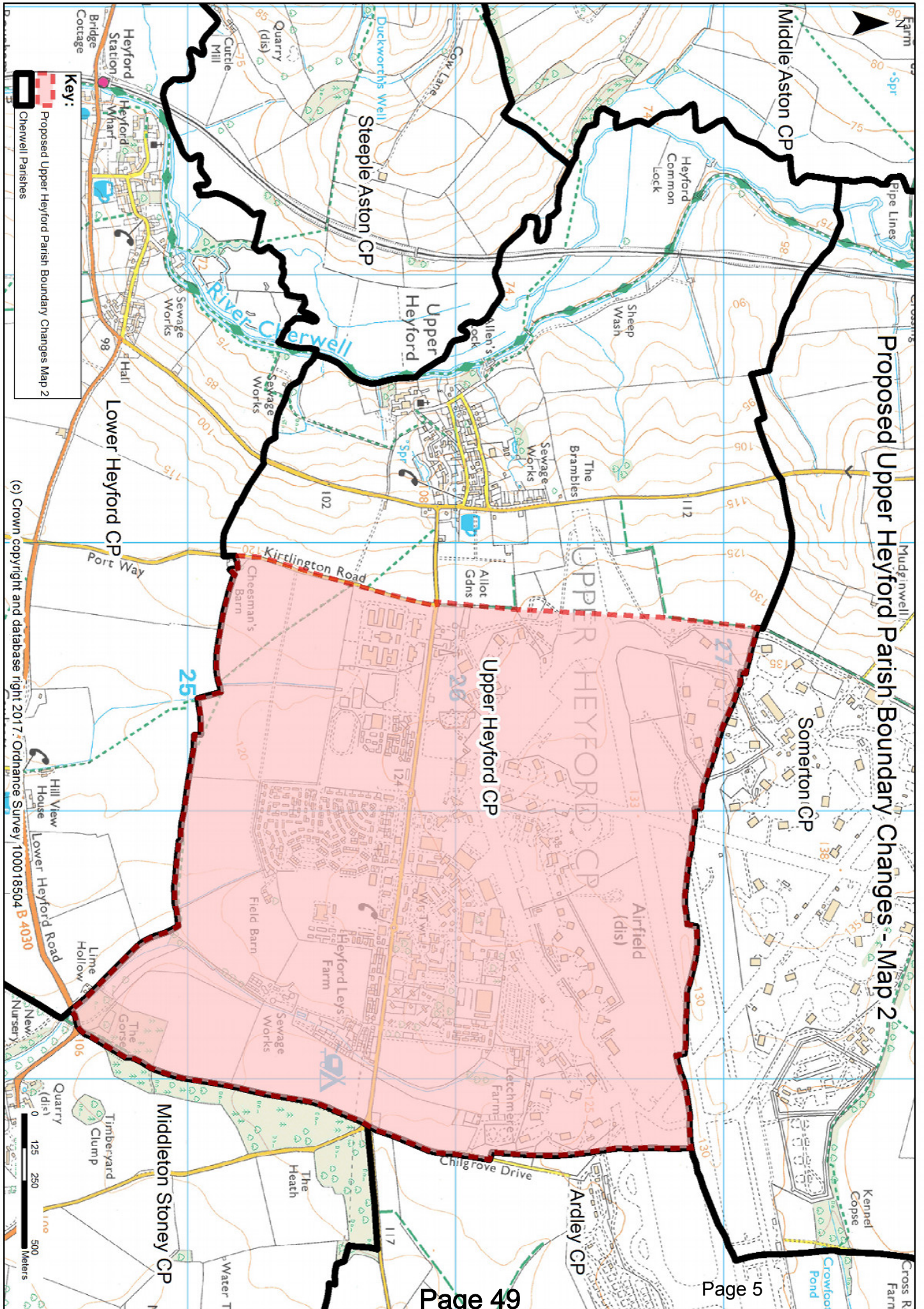
Responses will be considered by a working group of District Councillors, who will come up with a set of recommendations to be considered by full Council in May 2017. There will then be a second consultation on proposals for the area.

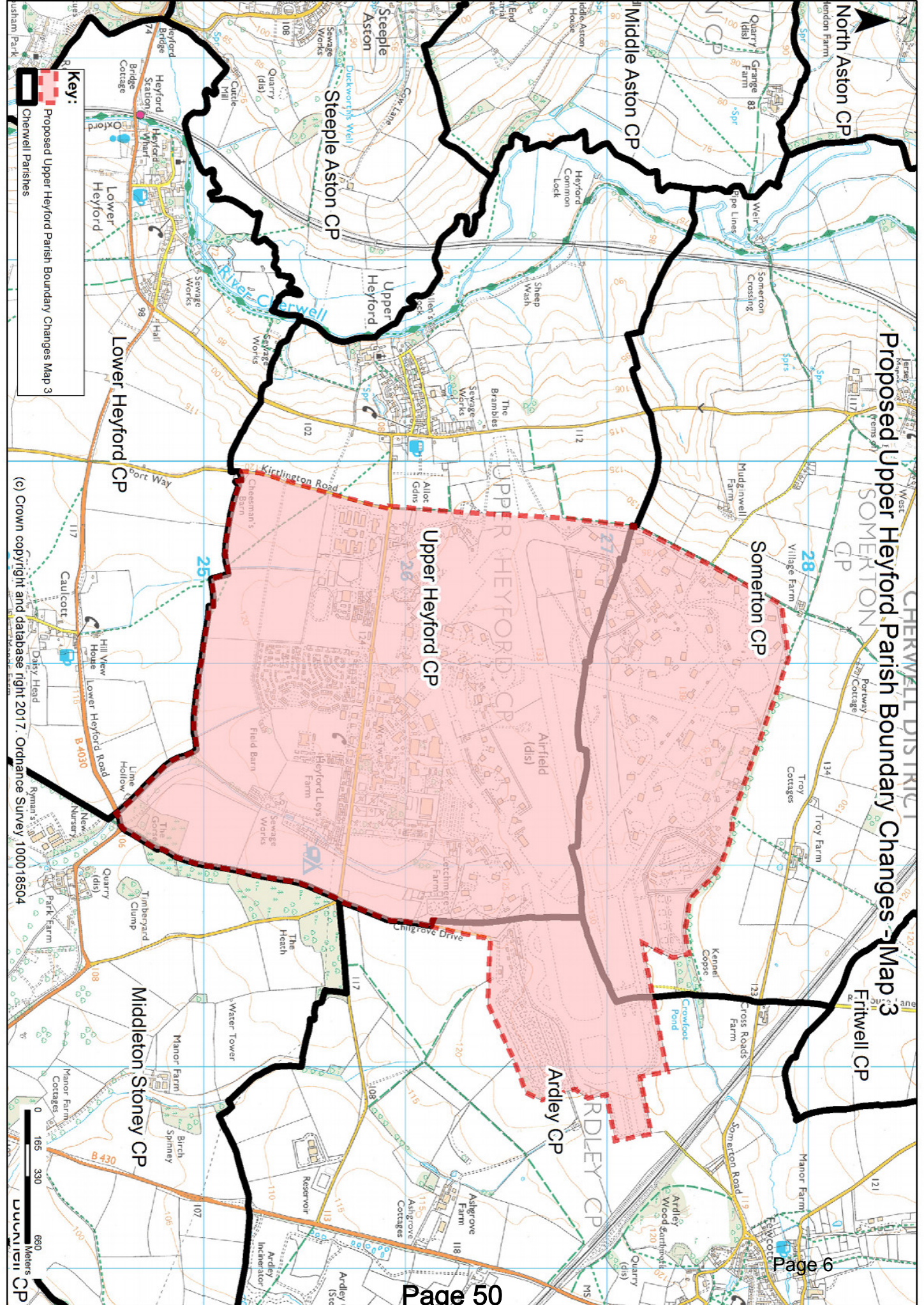
As well as this consultation document, we will be attending events in the parish to answer any questions residents have:

Wednesday 25 January – Upper Heyford Residents Association meeting

Thursday 9 February – Upper Heyford Parish Council meeting







Proposed Upper Heyford Parish Boundary Changes - Map 3

(c) Crown copyright and database right 2017. Ordnance Survey 1000186504

Key:

-  Proposed Upper Heyford Parish Boundary Changes Map 3
-  Cherwell Parishes

0 165 330 660  
Meters



**Tell us what you think of these suggestions**

Name.....  
.....  
.....

Address.....  
.....  
.....

We will not share your name and address with anyone, we have only asked for these details so that we can monitor which areas of the parish have replied. If you would prefer, you can just tell us the street you live on, or simply put 'village' or 'park'.

Do you think it is a good idea for Upper Heyford to be split in two?

Yes

No

If you agree that it is a good idea, which of the proposed boundaries do you prefer?

The boundary on Map 2

The boundary on Map 3

If two parishes were to be created, what do you think they should be called?

.....  
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Do you have any further comments to make?

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## Cherwell District Council

### Council

16 May 2017

<p style="text-align: center;"><b>High Speed Rail - HS2</b> <b>Determination of Schedule 17 Applications for</b> <b>Approval of Details</b></p>
---

### Report of Head of Development Management

This report is public

#### Purpose of report

To seek the agreement of the Council to the proposed revision to the Scheme of Delegation to the Head of Development Management to ensure the expedient determination of applications submitted pursuant to Schedule 17 of the High Speed Rail (London to West Midlands) Act 2017.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To amend the Scheme of Delegation to the Head of Development Management, as set out in the Council's Constitution, to insert the following application type within the list of delegated application types set out in part A of the Scheme.

"Applications pursuant to Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017".

#### 2.0 Introduction

- 2.1 High Speed Rail (London to West Midlands) Act 2017 (The Act) grants the planning permission for the construction of a high speed railway between London and the West Midlands.
- 2.2 The Act requires the nominated undertaker (the party or parties who will construct the railway) to obtain the further approval of the Local Planning Authorities along the route for certain matters relating to the design and construction of the railway. Approval is required for plans and specifications; matters ancillary to development; road transport; and for bringing into use.

- 2.3 The provisions and the procedure for obtaining further approvals are set out in the Schedules to the Act; Schedule 17 (Conditions of Deemed Consent) refers specifically to the approval of details reserved by the conditions attached to the deemed planning permission.
- 2.4 Local Planning Authorities were offered a choice of a wider or narrower range of control over the approval of details. Authorities who desired to exercise the wider range of control must first become a Qualifying Authority and give satisfactory undertakings concerning the handling of planning matters; these are set out in the HS2 Planning Memorandum which sets out the rules of conduct and the administrative arrangements that both the Qualifying Authority and the nominated undertaker will adhere to during the construction of the railway.
- 2.5 The Council agreed to become a Qualifying Authority in July 2017. The Planning Memorandum was signed on 20/10/2016 and CDC became a Qualifying Authority on 24/2/2017 when the High Speed Rail (London-West Midlands) (Qualifying Authorities) Order 2017 came into effect.
- 2.6 A Qualifying Authority is responsible for issuing approvals in respect of details of the design and appearance of key structures and other elements of the scheme, but that responsibility does not extend to the principle of the construction which is permitted by the Act itself. Structures and features that the appropriate Qualifying Authority will be able to consider details for include
- Buildings and vehicle parks
  - Terracing
  - Cuttings
  - Embankments and other earthworks
  - Fences and walls
  - Telecommunication masts
  - Power take-off compounds
  - Artificial lighting
  - Bridges and viaducts
  - Borrow pits and waste disposal sites
  - Site restoration
- 2.7 A Qualifying Authority can only refuse to approve plans or specifications or impose conditions on the specific grounds set out in Schedule 17, these are :-
- i) That the design or external appearance of the works ought to be modified, and is reasonably capable of being so modified,
    - a) to preserve the local environment or local amenity;
    - b) to prevent or reduce prejudicial effects on road safety or the free flow of traffic in the local area; or
    - c) to preserve a site of archaeological interest or nature conservation value,
  - ii) That the development ought to, and could reasonably be carried out elsewhere on land within the development's permitted limits, (i.e. on the land identified within The Act to which the planning permission granted has effect).

- 2.8 The Council has thus accepted obligations concerning the process and the timeliness with which it will determine applications submitted under Schedule 17 of the Act.
- 2.9 It will be expected to determine these applications within the eight week period prescribed in the Act, this begins on the day the application is received by the Council. This differs from applications submitted under the Town & Country Planning Acts where the statutory eight week period only begins after the application is accepted as a valid application by the Council.
- 2.10 It is necessary to ensure the Council has in place a decision making process that will ensure the timely determination of these applications.
- 2.11 If the Council fails to determine an application within the prescribed period, the application will be deemed to have been refused the applicant may then appeal to the Secretary of State who will then determine the application.
- 2.12 If a Qualifying Authority repeatedly fails to expedite requests for approval or seriously fails to act in accordance with the Planning Memorandum the Secretary of State may order that an authority shall cease to have the powers of a Qualifying Authority.

### **3.0 Report Details**

- 3.1 The Act establishes the principle of the railway development grants the planning permission for the railway. The expressed purpose of Schedule 17 is to allow final details for specified railway works to be considered by the local planning authority but not to delay or unduly add to the cost of the project. Applications must be determined in accordance with the requirements of the Planning Memorandum (March 2016) and the recently published Schedule 17 Statutory Guidance
- 3.2 Schedule 17 applications will be similar in scope and content to applications submitted under the T&C Planning Acts for the approval of details reserved by condition following the grant of (full) planning permission or for approval of reserved matters following the grant of outline planning permission.
- 3.3 The Council has already adopted a Scheme of Delegation to the Head of Development Management to facilitate the timely determination for some types of planning applications. This currently delegates the determination of applications for the approval of reserved matters and approval of details required by condition. This scheme includes the provision whereby a significant or contentious application may be referred to the Planning Committee. The Scheme thus provides an appropriate flexible process to enable applications to be determined expediently.
- 3.4 The programme of HS2 railway works is divided into two categories, the Enabling Works and the Main Construction Works, the latter will include the submission of applications for the details relating to the design and appearance of key structures including buildings, bridges, embankments and tunnel portals.

- 3.5 The intention is for Enabling Works to proceed along the whole route as soon after Royal Assent as is possible. Local enabling works could include small scale development works required for environmental mitigation measures such the creation of new habitats for species relocation, e.g. ponds, or with replacement tree planting.
- 3.6 The overall number of applications likely to be submitted under Schedule 17 and the frequency and timing of submissions remains uncertain at present. The details for the railway works and the construction programme will be developed by the appointed contractors who will undertake the final design and then obtain any further approval required.
- 3.7 Information provided by HS2 Ltd indicates that following Royal Assent work on only a few Enabling Works projects within the CDC area are expected during 2017. It is currently expected that 25-30 Schedule 17 applications are expected for the main construction phase
- 3.8 It is essential the Council has in place an appropriate process to ensure Schedule 17 applications can be determined in a timely manner before applications are received. The inclusion of this category of application within the current scheme of delegation will allow for such applications to be determined timely and expediently.
- 3.9 It is therefore recommended that the Scheme of Delegation be amended to include within the list of applications where the determination is delegated to the Head of Development Management, the following additional category of application namely :-

“Applications pursuant to Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017.”

#### **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The Council is required to determine Schedule 17 applications in a timely manner. Failure to do so could result in the removal of Qualifying Authority status and the consequent loss of the opportunity to influence the final design of key railway structures, works and mitigation measures.
- 4.2 The Council has an effective scheme of delegation to the Head of Development Management through which it already determines applications similar in scope and content to those that will be submitted under Schedule 17. Amending the scheme of delegation to include Schedule 17 applications is considered a proportionate measure to enable these applications to be determined expediently and within the statutory period prescribed.

#### **5.0 Consultation**

- 5.1 None

## **6.0 Alternative Options and Reasons for Rejection**

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

### **Option 1:**

6.2 To not include Schedule 17 applications within the scheme of delegation to the Head of Development Management. This is not recommended.

6.3 If an application can only be determined at a meeting of the Planning Committee, the monthly cycle for meetings will increase the risk an application may not be determined within the prescribed statutory timescale. This would then result in an appeal process for non-determination which would add to the burden on Council resources.

6.4 If the Council should repeatedly fail to determine applications within time or otherwise seriously fail to act in accordance with the Planning Memorandum, the Secretary of State may order that the Council authority shall cease to have the powers of a Qualifying Authority.

### **Option 2:**

6.5 To invoke other constitutional change to establish a process whereby Councillors will convene as and when required to determine an application submitted under Schedule 17. This is not recommended.

6.6 This would increase the burden on Councillors. It is not recommended at this time given the number of applications or the frequency of submissions is not clear, the full impact cannot therefore be assessed.

## **7.0 Implications**

### **Financial and Resource Implications**

7.1 HS2 will pose a new burden for Council services. A Service Level Agreement is being negotiated with HS2 Ltd to ensure that the Council is fully reimbursed for the additional work generated through the consents and approvals process.

Comments checked by:

Sanjay.Sharma, Corporate Finance Manager, 01295 221564,  
Sanjay.sharma@cherwellandsouthnorthants.gov.uk

### **Legal Implications**

7.2 The proposed amendment to the scheme of delegation requires the approval of full council and will enable the expedient and expeditious determination of applications submitted relating to the HS2 railway. This will reduce the risk associated with persistent non-fulfilment of the obligations set out within the Planning Memorandum which could result in the removal of the Council's status as a Qualifying Authority and the consequent loss of the opportunity to influence the final design of railway works.

Comments checked by:  
Kevin Lane, Head of Law and Governance – 0300 0030107  
kevin.lane@cherwellandsouthnorthants.gov.uk

## 8.0 Decision Information

### Wards Affected

Fringford and Heyfords

### Links to Corporate Plan and Policy Framework

The Council's 2016/17 Business Plan strategic priority of Protect the District, via the key objectives of; (1) ensuring the character of the district is preserved; (2) protect the built heritage; (3) preserve the environmental quality of the District; (4) mitigate the effects of High Speed 2 construction.

### Lead Councillor

Councillor Colin Clarke (Lead Member for Planning t)

### Document Information

Appendix No	Title
None	
<b>Background Papers</b>	
None	
<b>Supporting Information</b>	
High Speed Rail HS2 - Qualifying Authority Status - Report of Head of Development Management	
High Speed Rail (London-West Midlands) Draft Environmental Minimum Requirements Annex 2: Planning Memorandum March 2016	
High Speed Rail (London-West Midlands) Act 2017 Schedule 17 Statutory Guidance	
<b>Report Author</b>	Bob Duxbury Development Control Team Leader Major Projects
<b>Contact information</b>	01327 3222109 bob.duxbury@cherwell-dc.gov.uk



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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**Committee:** First Meetings of Committees  
**Date:** Tuesday 16 May 2017  
**Time:** 6.35pm or on the rising of Council which ever is later  
**Venue:** Bodicote House, Bodicote, Banbury, Oxon OX15 4AA

## AGENDA

Meetings of various Committees will be held immediately on the rising of the Council Meeting, in order to elect their Chairman and Vice-Chairman for 2016/17, and to conduct any other business as may be specified.

Members are asked to remain in their places at the conclusion of the Council Meeting and to stand for the period during which Committees of which they are a member are called into session.

The Chairman of the Council will preside over the election of the Chairman of each Committee who, once appointed, will preside over the election of the Vice-Chairman. In each case, the names of Members moved and seconded will be put to the vote, unless only one name is submitted, in which case that Member will be declared appointed unopposed.

### 1. Accounts, Audit and Risk Committee

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

### 2. Appeals Panel

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

**3. Budget Planning Committee**

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

**4. Licensing Committee**

- b) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

**5. Overview and Scrutiny Committee**

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

**6. Personnel Committee**

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

**7. Planning Committee**

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

**8. Standards Committee**

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to Natasha Clark, 01295 221589  
[natasha.clark@cherwellandsouthnorthants.gov.uk](mailto:natasha.clark@cherwellandsouthnorthants.gov.uk) prior to the start of the meeting.

### **Queries Regarding this Agenda**

Please contact Natasha Clark, Team Leader – Democratic and Elections, 01295 221589,  
[natasha.clark@cherwellandsouthnorthants.gov.uk](mailto:natasha.clark@cherwellandsouthnorthants.gov.uk)

**Ian Davies**

**Interim Head of Paid Service**

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