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Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 30 October 2018 at 6.30 pm

Present: Councillor Maurice Billington (Chairman)
Councillor David Hughes (Vice-Chairman)

Councillor Hannah Banfield
Councillor Andrew Beere
Councillor Mike Bishop
Councillor John Broad
Councillor Hugo Brown
Councillor Phil Chapman
Councillor Mark Cherry
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor John Donaldson
Councillor Carmen Griffiths
Councillor Shaida Hussain
Councillor Tony Ilott
Councillor Mike Kerford-Byrnes
Councillor Alan MacKenzie-Wintle
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Andrew McHugh
Councillor Richard Mould
Councillor Cassi Perry
Councillor D M Pickford
Councillor Lynn Pratt
Councillor Neil Prestidge
Councillor G A Reynolds
Councillor Barry Richards
Councillor Alaric Rose
Councillor Dan Sames
Councillor Les Sibley
Councillor Jason Slaymaker
Councillor Tom Wallis
Councillor Douglas Webb
Councillor Lucinda Wing
Councillor Barry Wood
Councillor Sean Woodcock

Also Present: Nick Graham, Director: Law and Governance (Oxfordshire County Council)

Apologies for absence: Councillor David Anderson
Councillor Claire Bell
Councillor Colin Clarke
Councillor Sean Gaul
Councillor Timothy Hallchurch MBE
Councillor Chris Heath
Councillor Simon Holland
Councillor Tony Mepham
Councillor Sandra Rhodes
Councillor Nicholas Turner
Councillor Bryn Williams

Officers: Yvonne Rees, Chief Executive
Adele Taylor, Interim Executive Director: Finance and Governance
Claire Taylor, Director: Customers and Service Development
James Doble, Assistant Director: Law and Governance / Monitoring Officer
Natasha Clark, Governance and Elections Manager

50 **Welcome**

The Chairman welcomed the Deputy Police and Crime Commissioner, Matthew Barber, the Chief Constable, Frances Habgood, and Superintendent Mark Johns, LPA Commander for Cherwell to the meeting advising they would be giving a presentation to Council.

The Chairman welcomed members of the Heyford and Bicester Veterans Group to the meeting.

The Chairman also welcomed Nick Graham, Director of Law and Governance, to his second Council meeting.

51 **Declarations of Interest**

10. Motions.

Councillor James Macnamara, Declaration, as a Magistrate and would leave the meeting for the duration of the item.

Councillor Surinder Dhesi, Declaration, as she was in independent custody visitor at Banbury Police Station.

13. Appointment of Monitoring Officer and Deputy Electoral Registration Officer.

Natasha Clark, Declaration, as she was to be proposed to be appointed Deputy Electoral Registration for Cherwell District Council and would leave the meeting for the duration of the item.

Nick Graham, Declaration, as he was to be proposed to be appointed Monitoring Officer for Cherwell District Council and would leave the meeting for the duration of the item.

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Communications

The Chairman and Chief Executive made the following announcements.

Chairman's Engagements

The Chairman advised that a copy of the events attended by himself or the Vice-Chairman was included in the published agenda pack. The Chairman advised Council that he was hosting a Bingo night on 7 December and encouraged Members to attend as all proceeds from the event would go towards the Chairman's charities for the year, Kidlington Youth Football, Garden City Football Club, Evans Lane FC and the St John's Hall Children's Centre in Kidlington

Heyford & Bicester Veterans Association

The Chief Executive referred to the remembrance memorial the Association had put in in the chamber and invited Martin Brimacombe from the Heyford & Bicester Veterans Association to say a few words.

Martin Brimacombe introduced Ian Ridley and Tracey Ridley, who had started the Group with him in 2016. Martin gave an overview of the group, which meets in Upper Heyford community centre, on the First Friday of each month. The meeting is a chance for local veterans to meet and a catch up with friends. While at the meeting veterans can also get help filling out forms and applications, get advice and confidential support from relevant service charities and organisations.

Kidlington Girl Guides

The Chairman reported that he was pleased to let Council know that the Kidlington Girl Guides' new building was nearly finished. This wouldn't have been possible without the loan from Cherwell District Council and he and the Guides were extremely grateful to the council.

James Doble, Assistant Director: Law and Governance / Monitoring Officer

The Chairman explained that whilst James wasn't leaving his employment with Cherwell District Council until December, this was the last Full Council meeting he would be attending so the Chairman was taking the opportunity to thank James for his hard work for CDC since he joined in March 2008, and also SNC since the shared working arrangements from 2010. The Chairman also paid particular thanks to James for the help and support he had provided to him personally.

The Leader of the Labour Group, Councillor Woodcock, and the Leader of the Council, Councillor Wood, extended their gratitude and best wishes to James

On behalf of Council, the Chairman wished James all the best in his new role at Stoke-on-Trent Council.

Member Allowance Survey

The Chief Executive reminded councillors of the Members' Allowance Survey requesting that if they hadn't already done so, to complete the survey via Survey Monkey or a paper copy. The responses received were valued by the Independent Remuneration Panel who use the information when forming their recommendations on member allowances for the next financial year.

Staff Choir Performance

The Chief Executive advised Council that before the next meeting of Full Council on Monday 17 December, from 5.45pm, the staff choir will be putting on a performance of Christmas carols for Members. Members will be able to join in the singing as the words will be on the screens and the Leader has also agreed to provide mince pies.

Post

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

53 Petitions and Requests to Address the Meeting

There were no petitions or requests to address the meeting.

54 Urgent Business

There were no items of urgent business.

55 Minutes of Council

The minutes of the meeting held on 3 September 2018 were agreed as a correct record and signed by the Chairman.

56 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 3 September 2018 no decisions had been taken by the Executive which were not included in the 28 day notice.

b) Minutes of Committees

Resolved

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

57 **Thames Valley Police - Address by Deputy Police and Crime Commissioner and Chief Constable**

The Chairman invited the Deputy Police and Crime Commissioner for Thames Valley, Matthew Barber, and the Chief Constable of Thames Valley Police, Francis Habgood, to address the meeting regarding policing in Thames Valley.

Following the presentation, a number of Members asked questions and answers were duly provided by the Deputy Police and Crime Commissioner, the Chief Constable and the LPA Commander for Cherwell, Superintendent Mark Johns.

The Chairman thanked the Deputy Police and Crime Commissioner, the Chief Constable and Superintendent Johns for their attendance.

58 **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 Rose: Advertising of properties in Bicester

Councillor Rose: Local Plan review

Councillor Sibley: Bicester Gateway 1

Councillor Woodcock: Oxfordshire County Council savings and staff cuts

Councillor Dhesi: Rubbish bins in Castle Quay

Councillor Richards: Complaints against private landlords

c) Questions to Committee Chairmen on the Minutes

Councillor Beere asked a question to Councillor Prestidge, Chairman of the Overview and Scrutiny Committee in relation to minutes of the Overview and Scrutiny Committee minutes and the addition of Emergency Planning to the work programme. Councillor Prestidge confirmed that the item would be considered by the Committee in the spring.

59 **Motions**

a) Banbury Magistrates Court

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

“This council deplores the Ministry of Justice decision to close the Banbury Magistrate’s and County Court.

This council notes that “The Banbury Court” is an integral part of the fabric of the Town, and is already a combined justice centre for hearing both civil and criminal cases. The Council therefore rejects any suggestion that it is underused and further observes that the Banbury Magistrates’ and County Court provides an important alternative venue for criminal and civil justice, both in Oxfordshire and the surrounding counties, given the high volume of cases now heard out of Oxford.

This council places the highest importance upon access to justice for all defendants, plaintiffs and for the families of those accused. The present proposals will hit the poorest especially hard, as the current rules will prevent local Solicitors in Banbury from representing legally aided clients, due to the archaic rules which require such firms to be located in close proximity to the court where the hearing is to take place.

This council further notes the additional pressure that the closure would place on the Oxford Combined Court Centre and considers that further centralisation of services to Oxford will put additional strain on Oxford City congestion. This proposed closure would also adversely impact on those people within the Banbury catchment area without independent means of transport or access to public transport.

Accordingly, this Council instructs the Leader to write to the Ministry of Justice to engage with local councils, particularly in light of the emerging partnership arrangements between Oxfordshire County Council and Cherwell District Council, with a view to exploring the options of utilizing public buildings to continue supporting locally administered justice and the needs of the people of North Oxfordshire, and the Neighbouring counties.”

The motion was debated and subsequently agreed.

b) Banbury Police Station

It was moved by Councillor Cherry, and seconded by Councillor Beere that the following motion be adopted:

“This council condemns the retrograde decision to close the Magistrates’ and County Court in Banbury. This council calls on the Leader of Cherwell District Council Barry Wood to write to the Minister for Policing, the Lord Chancellor & Secretary of State for Justice and the Home Secretary seeking assurance that Banbury police station will remain open for the foreseeable future.”

The motion was debated and on being put to the vote was lost and subsequently fell.

Resolved

(1) That the following motion be adopted:

Banbury Magistrates Court

“This council deplores the Ministry of Justice decision to close the Banbury Magistrate’s and County Court.

This council notes that “The Banbury Court” is an integral part of the fabric of the Town, and is already a combined justice centre for hearing both civil and criminal cases. The Council therefore rejects any suggestion that it is underused and further observes that the Banbury Magistrates’ and County Court provides an important alternative venue for criminal and civil justice, both in Oxfordshire and the surrounding counties, given the high volume of cases now heard out of Oxford.

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60

Community Governance Review - Graven Hill - Results of Second Consultation and Final Recommendations

The Chief Executive submitted a report to consider the final recommendations from the Community Governance Review (CGR) Working group, following the second consultation phase.

Resolved

- (1) That the boundary between Bicester Town Council and Ambrosden being moved to incorporate Graven Hill into Bicester Town Council – Bicester South Ward (annex to the Minutes as set out in the Minute book) be approved.
- (2) That the boundary between Ambrosden and Chesterton being moved to include the orphan area into Chesterton (annex to the Minutes as set out in the Minute book) be approved.
- (3) That it be agreed that the number of councillors on Bicester Town Council (BTC) remain at 15 with the allocation of councillors amended

to increase BTC – Bicester South Ward by one councillor and decrease BTC – Bicester East Ward by one councillor.

61 **Constitutional Update Report: Scheme of Delegation**

The Assistant Director Law and Governance submitted a report to request Council to approve minor amendments to the officer scheme of delegation.

Resolved

- (1) That the proposed amendments to the officer scheme of delegation (annex to the Minutes as set out in the Minute Book) be approved and the Monitoring Officer be requested to update the constitution accordingly.

62 **Appointment of Monitoring Officer and Deputy Electoral Registration Officer**

The Chief Executive submitted a report to appoint a Monitoring Officer and a Deputy Electoral Registration officer in place of James Doble, Assistant Director Law and Governance, who would be leaving his employment with Cherwell District Council in December 2018.

Resolved

- (1) That Nick Graham be appointed as the Council's Monitoring Officer with effect from 7 November 2018 and that he be requested to appoint a suitably qualified and experienced Deputy Monitoring Officer with effect from the same date.
- (2) That Natasha Clark be appointed as Deputy Electoral Registration Officer with immediate effect.

63 **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, 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.

64 **Castle Quay 2**

The Interim Executive Director Finance and Governance submitted an exempt report relating to Castle Quay 2.

Resolved

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

65

Questions on Exempt Minutes

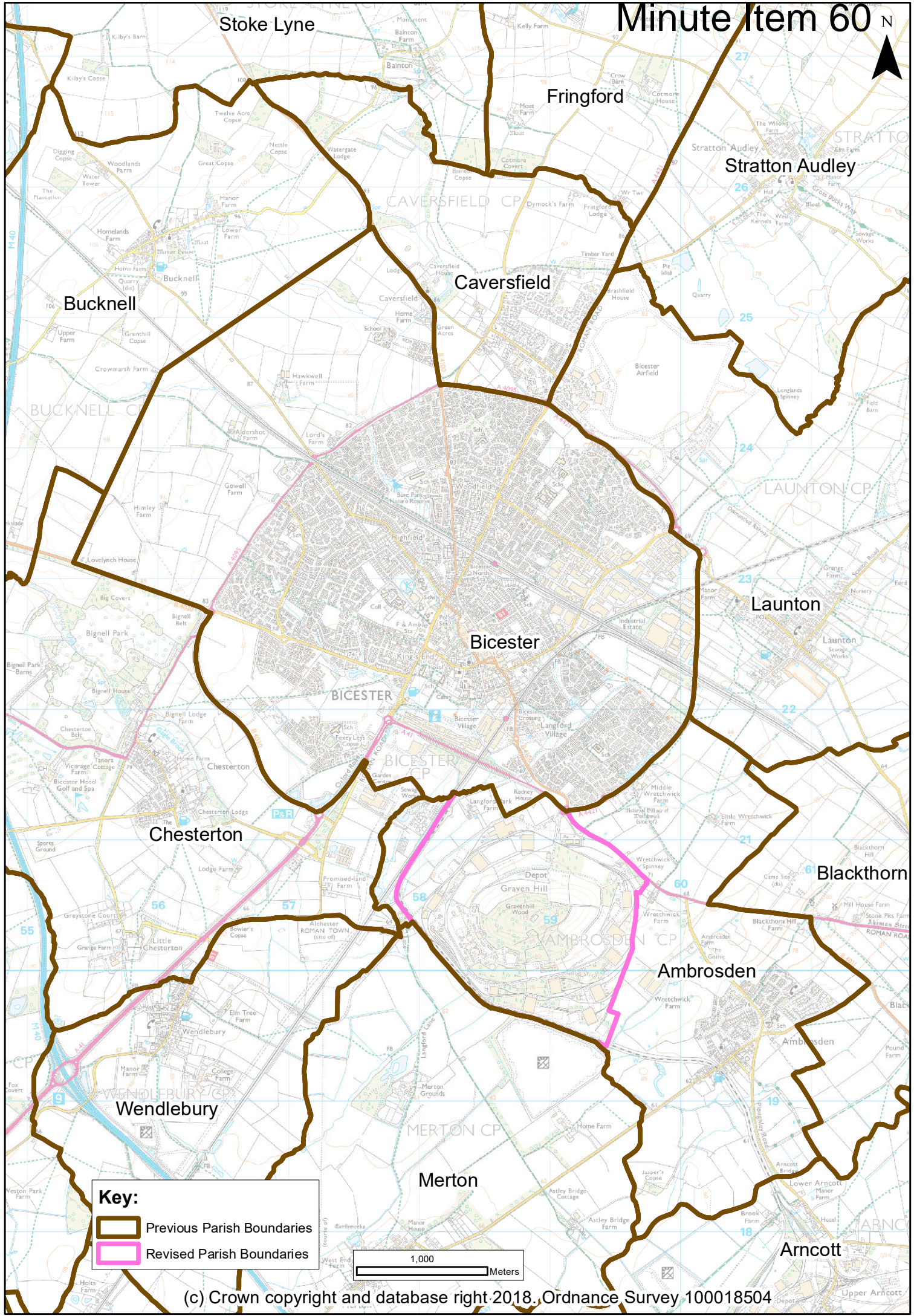
There were no questions on exempt minutes.

The meeting ended at 9.30pm



Chairman:

Date:

Minute Item 60



Key:

-  Previous Parish Boundaries
-  Revised Parish Boundaries

1,000 Meters

Minute Item 61

General Delegations to Chief Executive, Directors and Assistant Directors

Human resources

- To manage the performance of officers including the performance appraisal process and authorising incremental progression.

Delegations to specific officers

Executive Director Place and Growth

- To maintain an up to date Local Plan and other development plan documents, Brownfield site register, Self-build register.
- To maintain Community Infrastructure Levy and Developer Contributions policies.

Executive Director Wellbeing

- To carry out and determine reviews of Assets of Community Value as required.

Assistant Director Communities

- To determine and list Assets of Community Value (ACV).
- To appoint inspectors and authorised officers (including for the issue of fixed penalty notices) as required by legislation for the purposes of public protection and protecting public space.

Assistant Director Economic Development and Regeneration

- To serve notices seeking possession of residential Council tenancies in consultation with the Assistant Director: Housing. **[CDC only]**
- To provide business and employment services, including apprenticeships, job clubs and business advice.
- To acquire and manage properties for the purpose of residential housing accommodation subject to the Assistant Director: Property, Investment and Contract Management being satisfied as to the consideration payable for such acquisition **[CDC only]**

Assistant Director Environmental Health and Licensing

- In accordance with the Civil Contingencies Act 2004 to develop plans to help prevent emergencies or control or mitigate their effects.
- Taking action under the Anti-Social Behaviour Act 2003 and any subsequent legislation falling within the service area, where necessary in consultation with the Assistant Director Law and Governance.

Assistant Director Environmental Services

- To exercise the Council's powers with respect to seizure of stray dogs and dog control orders.
- To take action under the Control of Pollution (Amendment) Act 1989 to deal with waste licence offences.
- To exercise the Council's powers in respect of dogs considered to be dangerous or dangerously out of control under all relevant legislation including but not limited to the Dogs Act 1871 and Dangerous Dogs Act 1991. Authority to institute legal proceedings to be exercised subject to the Assistant Director Law and Governance being satisfied as to the evidence and the process being followed.
- To authorise officers to act for the purpose of enforcing the Microchipping of Dogs (England) Regulations 2015.
- Taking action under the Anti-Social Behaviour Act 2003 and any subsequent legislation falling within the service area, where necessary in consultation with the Assistant Director Law and Governance.

Assistant Director Finance and Procurement

- To make amendments to the Councils discretionary rate relief criteria and policies in consultation with the Cabinet/Executive Portfolio Holder/Lead Member.

Assistant Director Housing

- To amend the Council's Housing Allocations Policy in consultation with the Cabinet/ Executive Portfolio Holder/Lead Member and associated documents as necessary and which do not trigger the statutory obligation to consult the persons affected by the changes pursuant to section 168(3) of the Housing Act 1996.
- To enter into leases of private sector housing accommodation to provide accommodation for homeless persons.

Assistant Director Leisure and Sport

- To provide, maintain and develop a wide range of play, sporting and cultural activities for the benefit of the community.

Assistant Director Planning Policy and Development

- To serve notices under the Building Act 1984 in respect of breaches of building regulations and in respect of making safe dangerous structures.
- To sign Completion Certificates and Occupation Certificates
- To undertake street naming and numbering

- To make revisions to the Local List of Buildings of Architectural or Historic Interest and undertake public consultation on such revisions.
- To maintain a register of Buildings at Risk
- To undertake listed building surveys
- To issue community protection notices
- To agree statements of common ground that may be necessary with developers and statutory bodies as part of the 'development consent' process.
- To arrange planning site visits as required in consultation with the Chairman of Planning Committee.
- All functions under Part 8 of the Anti-social Behaviour Act 2003 relating to high hedges.

Assistant Director Property, Investment and Contract Management

- To take any necessary steps to secure the health and safety of employees, contractors, members and visitors when on the Council's premises or otherwise conducting the business of the Council.

Proper Officer and Authorised Officer Appointments

Legislation Act	Section	Purpose of Appointment	Proper Officer/ Authorised Officer
Environment Act 1995	Section 108	To carry out registered keeper detail checks	Assistant Director Environment