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Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 22 July 2019 at 6.30 pm

Present: Councillor David Hughes (Chairman)
Councillor Hannah Banfield (Vice-Chairman)

Councillor Andrew Beere
Councillor Nathan Bignell
Councillor Maurice Billington
Councillor John Broad
Councillor Phil Chapman
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Conrad Copeland
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor John Donaldson
Councillor Sean Gaul
Councillor Carmen Griffiths
Councillor Timothy Hallchurch MBE
Councillor Simon Holland
Councillor Shaida Hussain
Councillor Tony Ilott
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Andrew McHugh
Councillor Tony Mephram
Councillor Ian Middleton
Councillor Perran Moon
Councillor Cassi Perry
Councillor G A Reynolds
Councillor Barry Richards
Councillor Dan Sames
Councillor Jason Slaymaker
Councillor Katherine Tyson
Councillor Tom Wallis
Councillor Douglas Webb
Councillor Fraser Webster
Councillor Bryn Williams
Councillor Lucinda Wing
Councillor Barry Wood
Councillor Sean Woodcock

Apologies for Councillor Mike Bishop
Councillor Hugo Brown

absence: Councillor Nick Cotter
Councillor Chris Heath
Councillor Richard Mould
Councillor Lynn Pratt
Councillor Sandra Rhodes
Councillor Les Sibley

Officers: Yvonne Rees, Chief Executive
Nick Graham, Director of Law and Governance / Monitoring Officer
Adele Taylor, Executive Director: Finance (Interim) & Section 151 Officer
Paul Feehily, Executive Director: Place and Growth (Interim)
Natasha Clark, Governance and Elections Manager

15 **Declarations of Interest**

There were no declarations of interest.

16 **Communications**

Housekeeping

The Chairman welcomed the members of the public in attendance at our Council meeting and advised:

- 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.
- Only those people who had registered to speak could do so and Members of the public were requested not to call out during Council's discussions on any item.
- There were no planned fire drills so if the alarm did sound, evacuation instructions given by officers should be followed.
- To all meeting attendees, to ensure mobile phones were switched off or on silent.

Former Councillors Wendy Humphries and Duncan Ainsworth

The Chairman referred to the recent sad passing of two former councillors.

Former Councillor Wendy Humphries passed away on 29 June at her home in Swansea, Wales. Wendy served as a district councillor in Cherwell from 1988 to 2000, representing the Banbury Ruscote ward. She was chairman of the council during the municipal years 1997 to 1998 and 1998 to 1999 and vice chairman during 1995 to 1996, 1996 to 1997, and 1999 to 2000.

Mrs Humphries was also a Banbury town and Oxfordshire county councillor and she served on a wide range of district council committees over the years. She was involved economic development; environmental services; planning and the redevelopment of Banbury town centre. She chaired the appeals committee in 1998 to 1999.

Wendy and her husband Tony Humphries, who was leader of Cherwell District Council from 1995 to 2000, were well known figures in Banbury and the wider district.

Former Councillor Duncan Ainsworth passed away on 28 June 2019. Duncan was the district councillor for the Banbury Easington ward from 1987 to 1995 during which time he served on numerous committees including Housing Services, Housing Management, Recreation and Amenities, Direct Services, Environmental and the Northern Area Planning Committee. He was Vice-Chairman of the Environmental Committee in 1991-1992 and Vice-Chairman of Northern Area Planning Committee from 1993-1994

Duncan was also a Banbury Town Councillor and served as Mayor of the Town Council in 1992/1993.

Council extended its condolences to the family and friends of former councillors Wendy Humphries and Duncan Ainsworth and observed a period of silence in their memory.

Chairman's Engagements

A copy of the events attended by the Chairman or the Vice-Chairman had been included in your agenda pack.

Joint CDC / OCC Event

The Chairman referred to the emailed invitation from Councillor Corkin and Councillor Brighthouse at OCC on behalf of the Partnership Working Group to a meeting of all Members of both Oxfordshire County Council and Cherwell District Council on Wednesday 4 September at County Hall.

As well as meeting each other in an informal setting, the purpose of the meeting was to look at the work we have done on joint working so far and to consider future joint working proposals.

The Chairman reminded Members to respond to confirm if you are able to attend or not and to advise of any dietary requirements

Post

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

Leader Announcement

The Chairman invited the Leader, Councillor Wood, to notify Council of a change to the Conservative Group named substitutes for Planning Committee

Councillor Wood advised Council that Councillor Mould would replace Donaldson as a Conservative Group named substitute on Planning Committee.

Resolved

- (1) That the following amendment to the Planning Committee named substitutes for the Conservative Group be noted:

Remove: Councillor John Donaldson
Add: Councillor Richard Mould

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

The Chairman advised the meeting that there were no petitions but there were four requests to address the meeting on agenda 9, Motions. One request related to speaking on the motion on Climate Change and three requests related to speaking on the motion on the Local Plan. Each speaker would be able to speak for up to 5 minutes and would be called to address the meeting prior to the start of the respective motions.

18 **Urgent Business**

There were no items of urgent business.

19 **Minutes of Council**

The minutes of the meeting held on 24 May 2019 were agreed as a correct record and signed by the Chairman.

20 **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 at which this was reported on 25 February 2019, two decisions had been taken that were not included in the 28 day notices relating to Castle Quay Tenant Update and the OVO Ladies Cycling Tour.

b) **Minutes of Committees**

Resolved

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

21 **Questions**

a) **Written Questions**

The Chairman advised Council that two written questions had been submitted with advance notice in accordance with the Constitution.

The first question was from Councillor Cherry and addressed to the Leader of the Council, Councillor Wood, and was in relation to Parking Enforcement. A written answer had been tabled at the meeting (annex to the Minutes as set out in the Minute Book). Councillor Cherry thanked Councillor Wood for the extensive response and confirmed he did not have a supplementary question.

The second question was from Councillor Brown and addressed to the Leader of the Council, Councillor Wood, and was in relation to the Local Plan. A written answer had been tabled at the meeting (annex to the Minutes as set out in the Minute Book). As Councillor Brown had submitted apologies for the meeting, there was no supplementary question.

b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Councillor Richards: Progress on the setting up of a tenants and landlord forum

Councillor Billington: The bollard in Kidlington High Street

Councillor Hallchurch: Sainsburys in Kidlington pioneering package free shopping

Councillor

Councillor Woodcock: Fire in Mascord Road, Banbury

Councillor Dhesi: Replacement of bins in Castle Quay

c) Questions to Committee Chairmen on the Minutes

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

22

Motions

The Chairman advised that two motions had been submitted and would be debated in the order submitted. Members of the public who had registered to speak on either of the motions would be invited to address Council at the start of the relevant motion prior to the proposer of the motion presenting their motion to Council.

a) Climate Change

The Chairman invited Bicester Town Councillor, Robert Nixon, who had registered to speak on the motion, to address Council.

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

“The Intergovernmental Panel on Climate Change (IPCC) in their October report stated that if the planet wants to avert dangerous climate breakdown, we need to cut emissions in half by 2030, and hit zero by the middle of the century.

Oxfordshire is already doing its bit: we are committed to reducing emissions from our own estate and activities by 3% a year. Unfortunately, our current

plans are not enough. The IPCC's report suggests that the world has just a dozen years left to restrict global warming to 1.5° above pre-industrial levels. Should they increase by 2°, humanity's capacity to prevent catastrophic food shortages, floods, droughts, extreme heat and poverty will be severely impaired. Limiting Global Warming to 1.5° may still be possible, but only with ambitious action from national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities. Furthermore, bold climate action can deliver economic benefits in terms of new jobs, economic savings and market opportunities.

Cherwell District Council calls on the Leader to:

- 1. Declare a 'Climate Emergency';*
- 2. Pledge to make Cherwell District Council carbon neutral by 2030, taking into account both production and consumption emissions;*
- 3. Call on Westminster to provide the powers and resources to make the 2030 target possible;*
- 4. Continue to work with partners across the Cherwell and region to deliver this new goal through all relevant strategies;*
- 5. Report to Council within six months with the actions the Council will take to address this emergency."*

The Chairman referred to the amendment submitted by Councillor McHugh which had been circulated prior to the meeting.

Councillor McHugh proposed the following amendment to the motion, which was duly seconded by Councillor Sames.

Add the following after point "4" as "5" and the current "5" will become "6",

"endorse the cross party position taken by the LGA, in particular to call on HMG to explore supporting domestic implementation of Sustainable Development Goals through funded partnership roles within each local authority area."

Councillor Cherry confirmed that he was happy to accept the amendment to the motion. The Chairman advised that being the case, as proposed and seconded at the very start of the debate and the proposer of the motion having accepted it, the amendment was taken as a friendly amendment and would not be debated but included with the submitted motion for Council to debate.

The motion as amended was debated and on being put to the vote was carried.

b) Cherwell Local Plan

The Chairman invited those people who had registered to address Council on the item to speak prior to Council's consideration of the item. Council heard from the following public speakers:

Graham Thompson, Chairman of Yarnton Parish Council
Pam Roberts, on behalf of CPRE Oxfordshire

Giles Lewis, on behalf of Cherwell Development Watch, of which he was Chair, and Begbroke & Yarnton Green Belt Campaign, of which he was Chair

It was moved by Councillor Middleton and seconded by Councillor Copeland that the following motion be adopted:

“This council notes:

- 1. That when he approved the Cherwell Local Plan 2011 – 2031, the planning inspector stated that a review of the plan should be carried out **“once the specific level of help required by the city of Oxford to meet its needs that cannot reasonably be met within its present confines, is fully and accurately defined”***
- 2. That questions and comments raised recently by Jonathan Bore and Nick Fagan, the inspectors reviewing the Oxford Local Plan 2036, along with other recent studies, have cast doubt on the assumptions underlying Oxford’s housing need, suggesting that it has not been **“fully and accurately defined”** and may have been over-estimated and based on outdated data.*
- 3. That recent announcements from the University of Oxford as to their plans for development as part of the partial review raises concerns that removal of substantial amounts of the green belt will not in fact deal with unmet housing need in Oxford.*
- 4. That as a result of the above, the Cherwell Local Plan 2011 – 2031 (Part1) Partial Review – Oxford’s Unmet Housing Need could be premature, based on potentially inaccurate information, and could lead to outcomes which differ significantly from expectations.*

This council therefore agrees:

- 1. The ‘working assumption’ of Oxford’s housing need can no longer be relied on as an accurate figure and should be urgently reviewed.*
- 2. That the planning inspector’s report into the Cherwell partial review should only be considered alongside the Oxford City local plan once it has been examined and published, and Oxford’s need is **“fully and accurately defined”**.*
- 3. That in the meantime, the Cherwell Local Plan 2011 – 2031 (Part1) Partial Review should be suspended, and no land under consideration as part of the review should be removed from green belt protection.*
- 4. That expansion of the Begbroke Science Park and the building of reserved housing for the university on green belt land has no bearing on Oxford’s unmet housing need and should be subject to a separate and specific planning policy review and inquiry.”*

The Chairman referred to the amendment submitted by Councillor Woodcock which had been circulated prior to the meeting.

Councillor Woodcock proposed the following amendment to the motion, which was duly seconded by Councillor Richards.

“This council notes:

- 1. That when he approved the Cherwell Local Plan 2011 – 2031, the planning inspector stated that a review of the plan should be carried out*

“once the specific level of help required by the city of Oxford to meet its needs that cannot reasonably be met within its present confines, is fully and accurately defined”

2. *That recent announcements from the University of Oxford as to their plans for development as part of the partial review raises concerns that removal of substantial amounts of the green belt will not in fact deal with unmet housing need in Oxford.*
3. *That as a result of the above, the Cherwell Local Plan 2011 – 2031 (Part1) Partial Review – Oxford’s Unmet Housing Need could lead to outcomes which differ significantly from expectations.*

This council therefore agrees:

1. *That in line with the Inspector’s most recent letter, the Cherwell Local Plan 2011 – 2031 (Part1) Partial Review should be subject to an urgent review so that no land under consideration as part of the review should be removed from green belt protection without consideration of all potential sites.*
2. *That expansion of the Begbroke Science Park and the building of reserved housing for the university on green belt land has no bearing on Oxford’s unmet housing need and should be subject to a separate and specific planning policy review and inquiry.”*

The amendment to the motion was debated and on being put to the vote, the amendment was approved.

The motion as amended was debated and on being put to the vote, was lost.

Resolved

- (1) That the following motion, as amended, be adopted:

“The Intergovernmental Panel on Climate Change (IPCC) in their October report stated that if the planet wants to avert dangerous climate breakdown, we need to cut emissions in half by 2030, and hit zero by the middle of the century.

Oxfordshire is already doing its bit: we are committed to reducing emissions from our own estate and activities by 3% a year. Unfortunately, our current plans are not enough. The IPCC’s report suggests that the world has just a dozen years left to restrict global warming to 1.5° above pre-industrial levels. Should they increase by 2°, humanity’s capacity to prevent catastrophic food shortages, floods, droughts, extreme heat and poverty will be severely impaired. Limiting Global Warming to 1.5° may still be possible, but only with ambitious action from national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities. Furthermore, bold climate action can deliver economic benefits in terms of new jobs, economic savings and market opportunities.

Cherwell District Council calls on the Leader to:

1. *Declare a ‘Climate Emergency’;*

2. Pledge to make Cherwell District Council carbon neutral by 2030, taking into account both production and consumption emissions;
3. Call on Westminster to provide the powers and resources to make the 2030 target possible;
4. Continue to work with partners across the Cherwell and region to deliver this new goal through all relevant strategies;
5. Endorse the cross party position taken by LGA, in particular to call on HMG to explore supporting domestic implementation of Sustainable Development Goals through funded partnership roles within each local authority area;
6. Report to Council within six months with the actions the Council will take to address this emergency.”

23 **Cherwell District Council / Oxfordshire County Council Signage Agency Agreement**

The Assistant Director: Environmental Services submitted a report to agree to enter into agency agreements with Oxfordshire County Council regarding unauthorised signs, sponsorship of roundabouts and maintenance of the roundabouts outside Bicester Village.

Resolved

- (1) That the progress on partnership working with Oxfordshire County Council be noted.
- (2) That the entering into Section 101 agreements with Oxfordshire County Council for the purpose of transferring to the district council the following responsibilities be approved:
 - i. Removal of unauthorised signs
 - ii. the landscape maintenance of roundabouts outside Bicester Village and
 - iii. the sponsorship of roundabouts
- (3) That negotiation and final agreement of the Section 101 agreements be delegated to the Assistant Director: Environmental Services in consultation with the Lead Member for Clean and Green, the Director: Law and Governance and the Executive Director: Finance.

24 **Police and Crime Panel Annual Report**

The Chief Operating Officer (Deputy Chief Executive) submitted a report which presented the Thames Valley Police and Crime Panel Annual Report for 2018/2019 and provided members with background to the role of the Police and Crime Panel.

In introducing the report, the Lead member for Health and Wellbeing, Councillor McHugh, advised Council that at the June meeting of the Panel it was agreed that the membership rules of the Panel be changed to enable all authorities to appoint a named substitute member. It was proposed by

Councillor McHugh and seconded by Councillor Wood that Councillor Ilott be appointed the substitute for Cherwell District Council.

Resolved

- (1) That the Annual Report of the Police and Crime Panel and the manner in which this panel provides oversight and scrutiny of Thames Valley Police by holding the office of the Police and Crime Commissioner to account be noted.
- (2) That Councillor Tony Ilott be appointed as Cherwell District Council's named substitute member to the Police and Crime Panel.

25

Revised Scheme of Officer Delegations

The Director of Law & Governance submitted a report to enable the Council to adopt a revised scheme of officer delegations that reflects the recent revision to various Senior Officer responsibilities.

Resolved

- (1) That the revised scheme of officer delegations (annex to the Minutes as set out in the Minute Book) be adopted with immediate effect.
- (2) That authority be delegated to the Director of Law & Governance, in consultation with the Chief Executive, to make any amendments that are consequential on the current allocation of service responsibilities being revised, new service responsibilities being introduced or post titles changing.

The meeting ended at 10.20 pm

Chairman:

Date:

Council

Monday 22 July 2019

Agenda Item 8 (a), Written Questions

Question From: Councillor Mark Cherry

Question To: Leader of the Council, Councillor Barry Wood

Topic: Parking Enforcement

Question

Currently, our district's parking enforcements are carried out by Thames Valley Police at some expense to the council. Using our newly created partnership with Oxfordshire County Council, is the leader going to push for decriminalisation of parking across the district and the county as advised by the former Thames Valley Chief Constable?

Response

Currently this Council, in partnership with Oxfordshire County Council, South Oxfordshire District Council and Vale of White Horse, is exploring the possibility of introducing Civil Parking Enforcement.

The partnership is commissioning a feasibility study to fully explore all the implications and costs associated with introducing and operating Civil Parking Enforcement. The study will also outline the likely timelines for implementation, should the Council decide to proceed. A partnership meeting is happening tomorrow to commence the feasibility study and agree timescales for the study to be completed.

Once the study is completed, Members will receive a report with recommendations on whether to proceed with Civil Parking Enforcement.

In the meantime, this Council has agreed with Thames Valley Police to continue funding parking enforcement activities while Civil Parking Enforcement is explored.

Question From: Councillor Hugo Brown

Question To: Leader of the Council, Councillor Barry Wood

Topic: Local Plan

Question

On 29th May, the Joint Planning Inspectors examining the Oxford Local Plan 2036 published their "Initial Questions and Comments". These suggest that Oxford is over-stating its need for houses (1,400 dpa vs 1,004 dpa as found by the Inspectors citing GL Hearn, 2018) and simultaneously under-stating its own capacity to accommodate them (8,620 to 2036 vs 10,000 to 2031 as found by the Oxon Housing and Growth Deal). The Joint Inspectors clearly have significant concerns about the "soundness" of Oxford's Local Plan especially as it is based on the 2014 SHMA figures which they themselves state "are now quite a few years old". They further make the point that the over-statement of housing need and the under-statement of the City's own ability to accommodate it "could have a bearing on the level of unmet need which would have to be accommodated by neighbouring local authorities". In light of these observations, should CDC not, at the very least, halt the Partial Review process until Oxford City's Local Plan has been adopted and in addition revisit the housing numbers for CDC as contained in Local Plan Part 1?

Response

Officers have seen the questions put to the City Council and the Local Plan Inspector is aware of them. The Oxford Local Plan is at a relatively early stage in its Examination. The City Council has recently submitted its response further explaining its position

(https://www.oxford.gov.uk/info/20286/local_plan_examination/1312/oxford_local_plan_2016-2036_examination). Public hearings need to be held and it is likely to be some significant time before the outcome is known.

It will not be until Cherwell District Council Members have considered the Partial Review's Examination Report that the Plan's formal adoption would be considered. Nonetheless, it would not be helpful if the Partial Review process was delayed further while Oxford Local Plan is completed. This could lead to significant uncertainty and unplanned, speculative development proposals.

Furthermore, the implications of the completed Oxford Local Plan would subsequently need to be considered cooperatively by all the Oxfordshire Councils. This could occur through the on-going preparation of the Oxfordshire Plan 2050 but will take time.

The Council continues to rely on its submitted evidence demonstrating the robustness of the Growth Board work, the agreed housing need assessment and how it was produced cooperatively by the Oxfordshire Councils. That work has been tested at local plan examinations and is considered to be compelling. The Examination Report for the Vale of White Horse Local Plan Part 2 which was published on 26 June supports this view. The Vale Inspector's observations include:

"...The examination of the Oxford City Local Plan has only recently commenced, but the OGB has overseen an objective and robust work programme to determine

both the quantum of this unmet need and its apportionment between the relevant districts...” (para. 25);

“The starting point for this work was the Oxfordshire SHMA and the Cundall report, a critical review of the housing potential of Oxford City. Together these enabled the OGB to agree a ‘working assumption’ that the housing needs of Oxford City which needed to be met in adjacent districts was 15,000 over the plan period. The Oxford Spatial Options Assessment, supported by a range of other evidence including a Green Belt study, was then undertaken to inform the apportionment of this figure between the districts. This work was necessarily high level and strategic in nature, only looking at large site options, but was only intended to provide district figures for subsequent local plans to take forward. The culmination of this work programme was agreement by the OGB in September 2016 as to how the 15,000 figure was to be apportioned...” (para. 26);

“Whilst criticised in representations, there is no relevant guidance in place and the process was both logical and comprehensive, considering an appropriate range of assessment criteria. The exercise was carried out jointly with full agreement between the Councils concerned and overseen by the OGB. There is no reason to depart from the conclusions of the OGB which provide a robust basis to prepare and adopt the LPP2 to provide additional housing land to meet the needs of Oxford as soon as possible as required by LPP1...” (para. 27);

“The figure of 2,200 dwellings [Vale’s apportionment] is therefore justified as the basis for meeting the housing needs of Oxford City in the LPP2. However, this figure has the status of a working assumption at this stage to be confirmed or adjusted through examination of the Oxford City Local Plan and then the preparation of the Oxfordshire Joint Spatial Strategy....” (para. 28);

These conclusions of the Vale Inspector were reached notwithstanding the fact that the Oxford City Local Plan had been submitted and is being examined. The Cherwell Inspector’s Post-Hearing Advice Note was received on 13 July 2019. It is appended to the tabled information note and published on-line at <https://www.cherwell.gov.uk/info/83/local-plans/515/local-plan-part-1-partial-review---examination/11>.

The Inspector observes, “...there can be no reasonable justification for suspending the examination to allow the Oxford examination to be advanced to its final stages.”

The Inspector also observes, “All in all, like my colleagues who examined Local Plans in West Oxfordshire, and the Vale of White Horse, I find nothing problematic in the Plan’s reliance on the figures produced and agreed through the OGB [Oxfordshire Growth Board]. I consider that the 4,400 figure provides a sound basis for the Plan.”

The Inspector expresses concerns about one of the proposed allocations in the Partial Review (site PR10 – land south east of Woodstock) and has invited the Council to propose Main Modifications to address this. These modifications will be presented to the Council for consideration and approval before they are submitted to the Inspector.

It is considered that there is no justification for delaying the Partial Review pending the outcome of the Oxford City Local Plan examination.