



Meeting of Council

Monday 21 October 2019

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Monday 21 October 2019 at 6.30 pm, and you are hereby summoned to attend.

Yvonne Rees
Chief Executive

Friday 11 October 2019

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 - 2)

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

4 Petitions and Requests to Address the Meeting

The Chairman to report on any requests to submit petitions or to address the meeting.

5 Urgent Business

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

6 Minutes of Council (Pages 3 - 12)

To confirm as a correct record the Minutes of Council held on 22 July 2019.

7 Minutes

- a) Minutes of Executive, Lead Member Decisions and Executive Decisions not included in the 28 day notice

The Leader of the Council to formally propose that the minutes of the meetings of the Executive and Lead Member Decisions as set out in the Minute Book (circulated separately) be received and to report that since the last meeting of Council held on 22 July 2019 no key decisions have been taken by the Executive which were not included in the 28 day notice.

- b) Minutes of Committees

The Leader of the Council to formally propose that the minutes of committees as set out in the Minute Book (circulated separately) be received.

8 Questions (Pages 13 - 14)

- a) Written Questions

To receive any written questions and answers which have been submitted with advance notice in accordance with the Constitution.

Constitution.

At the time of agenda publication (11 October 2019), one written question has been submitted.

A written reply to the question will be circulated at the meeting. The Member who has received the written reply will be able to ask a supplementary question providing it is relevant to the reply and does not introduce new information. The Member to whom the question was addressed may reply to such supplementary question or may undertake to reply in writing.

- b) Questions to the Leader of the Council

The Chairman to invite questions to the Leader of the Council (including any matters arising from the minutes).

Following a response to their question being provided Members will be entitled to a follow up or supplementary question.

- c) Questions to Committee Chairmen on the Minutes

The Chairman to invite questions to Chairmen of Committees on any matter arising from the minutes of their committee (if any).

9 Motions (Pages 15 - 18)

To debate the following motions which have been submitted with advance notice, in accordance with the constitution. The motions are set in full in the agenda pack.

Proposer	Topic
Councillor Barry Wood	Oxcam Expressway
Councillor Katherine Tyson	Oxford-Cambridge Expressway
Councillor Andrew McHugh	Horton General Hospital
Councillor Ian Middleton	Oxfordshire Pension Fund Divestment

Council Business Reports

10 Local Government Ombudsman Annual Report 2018/19 (Pages 19 - 24)

Report of Director Law and Governance and Monitoring Officer

Purpose of report

To provide council with the Local Government Ombudsman's annual report on Cherwell District Council for the financial year 2018/19.

Recommendations

The meeting is recommended:

- 1.1 To note the report.

11 Calendar of Meetings 2020/2021 (Pages 25 - 32)

Report of Director: Law and Governance

Purpose of report

Council is asked to consider the calendars of meetings for the municipal year 2020/21.

Recommendations

The meeting is recommended:

- 1.1 To approve the calendar of meetings for Cherwell District Council (CDC) for the municipal year 2020/21 (Appendix 1).

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 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
democracy@cherwellandsouthnorthants.gov.uk, 01295 221589

CHAIRMAN'S ENGAGEMENTS

22 July 2019 – 20 October 2019

Date	Event
24 July	The Chairman, together with other Members, attended a dinner at the Whately Hall Hotel in Banbury to mark the retirement of Mr Bob Duxbury who had worked at the Council for over 34 years.
AUGUST	No invitations received or events attended during this month.
20 September	The Chairman and his wife, at the invitation of Col Kurt Wendt, Commander 501 st Combat Support Wing, RAF Croughton, attended a dinner at Whittlebury Hall to celebrate the United States Air Force Birthday.
29 September	The Chairman and his wife attended Bicester Town Council's Civic Service which was held at St. Edburg's Church, followed by a parade through the town.
16 October	The Chairman, together with the Mayor of Banbury, attended the annual opening of Banbury Fair where they used the power of the 'golden key' to give a free goes on various rides to local school children. This was done in conjunction Mr & Mrs Wilson, the owners of the fair.
16 October (unconfirmed)	<i>The Chairman attended the inaugural Jolanta Lis Memorial Lecture – 'Beyond tolerance: building a truly inclusive society'. The speaker was Iman Monawar Hussain, Honorary Fellow of the Edward Cadbury Centre, University of Birmingham and Founder of the Oxford Foundation at Eton College. The event was organised by the JLML Committee and was held to recognise the contributions made by Jolanta to the many schools and organisations around Bicester who benefited from her support.</i>
18 October	The Chairman and his wife attended the Chairman of Oxfordshire County Council's Civic Dinner which was held at The Holt Hotel. The dinner was held in aid of The Oxfordshire Music Service, Alexandra House of Joy and Age UK Oxfordshire.

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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 Mepham
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 21 October 2019

Agenda Item 8 (a), Written Questions

Question From: Councillor Mark Cherry

Question To: Leader of the Council, Councillor Barry Wood

Topic: Update on Climate Change Motion

Question

“Can the Leader of Cherwell District Council, Cllr Barry Wood, please update fellow District councillors by written response (report) the latest progress on the recent unanimous declaration of a climate change emergency at the last Cherwell District Council meeting on Monday 22 July 2019.”

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Council

Monday 21 October 2019

Agenda Item 9, Motions

Motion Proposer: Councillor Barry Wood

Motion Seconder: TBC

Topic: Oxcam Expressway

Motion

The Council notes that clarity on potential routes is due.

The Council therefore requests Officers to then assess the implications for Cherwell and the Oxon 2050 Plan and to provide recommendations for Members via Scrutiny and the Executive. In the meantime, the Council will maintain an open mind.

Motion Proposer: Councillor Katherine Tyson

Motion Seconder: Councillor Conrad Copeland

Topic: Oxford-Cambridge Expressway Motion: to oppose the Oxford to Cambridge Expressway while supporting rail connectivity

Motion

Council notes that, given all possible routes through the government's chosen corridor, the Oxford to Cambridge Expressway will have a direct impact on communities, businesses, and the environment across the south of Cherwell District. This council should therefore agree a position on this matter.

Council notes with concern the lack of public consultation and lack of clarity from Government on proposals about whether an Expressway is the most effective way to enhance connectivity within the Oxford to Cambridge Arc.

Council notes that published evidence on similar road building schemes, such as widening the M25, led to increased car and lorry use without any benefit in terms of congestion or journey time.

Council notes that the increased carbon emissions, damage to our countryside and biodiversity associated with road building would be significant.

Council notes our recent declaration of a Climate Emergency, and our commitment to reducing our carbon footprint through our policies, decisions and actions needs to be recognized with regards to the Expressway. The Expressway will have a serious negative impact on the achievement of climate change targets at a time when all public bodies are being actively encouraged to improve air quality and contribute to significant carbon reductions.

Therefore, Council resolves to oppose the Oxford to Cambridge Expressway while supporting the development of rail connectivity.

Council requests that the leader of the council, and members of the Executive, make our opposition to the road building scheme clear at relevant partnership meetings.

Council requests that the leader of the council write to Members of Parliament and to the Minister for Transport to make clear this council's position, as set out above, and to request that the following actions be taken:

- That the Expressway road proposal be abandoned;
- That the estimated £3-7billion cost of the scheme to be invested instead into completing and enhancing phase three of the East-West Rail link and to local government to enhance cycle infrastructure and public transport;
- That all new transport schemes proposed by Department for Transport be subject to full public consultation and environmental assessments be published from the beginning;
- That the government prioritise rail and sustainable active travel when developing policy and awarding grant funding for infrastructure

Motion Proposer: Councillor Andrew McHugh

Motion Seconder: TBC

Topic: Horton General Hospital

Motion

This Council deplores the decision of the Oxfordshire Clinical Commissioning Group ('CCG') on 26 September to downgrade maternity provision at the Horton General Hospital to a midwife-led unit for the foreseeable future.

The decision follows public consultation and evidence-gathering exercises in which neither the public, nor this Council, have confidence. Public trust in the CCG and in Oxfordshire University Hospitals NHS Foundation Trust ('OUHFT') was damaged when the temporary downgrade was enforced, without consultation, in August 2016 and has since been further eroded by the persistent lack of meaningful engagement, which speaks to their Oxford-centric agenda.

Council endorses the recent conclusions of the Horton Joint Health Overview & Scrutiny Committee ('Horton HOSC'), in bringing OUHFT and CCG shortcomings

to the fore and resolves to fully support Horton HOSC's efforts to continue to hold the CCG and OUHFT to account and pursue an appropriate course of action.

This Council recognises the vital importance of the Horton General Hospital in providing first-class care to patients across Oxfordshire, Northamptonshire and Warwickshire and welcomes the commitment from OUHFT and the CCG to invest significantly in the Horton site. After years of talk and hollow promises, now is the time for action and that commitment needs to be tangibly demonstrated. Council also notes the pledge of OUHFT and the CCG to "regularly review" the viability of reinstating an obstetric-led maternity unit in Banbury. The real-life birthing experiences of local mothers cannot continue to be overlooked and Council will do all it can to ensure their voices are heard.

Motion Proposer: Councillor Ian Middleton

Motion Seconder: TBC

Topic: Oxfordshire Pension Fund Divestment: to call on the Oxfordshire Pension Fund to divest from non-renewable energy and explore reinvestment in renewable energy companies

Motion

As council is no doubt aware, the Intergovernmental Panel on Climate Change last year warned that to avoid the most catastrophic consequences of global warming, carbon emissions must fall to zero by 2050. As a result, Parliament has imposed a binding target of net zero by 2050, and in July this Council declared a Climate Emergency.

The Oxfordshire Local Government Pension Fund (OLGPS), which this council contributes to, has more than £132m of local council workers' money invested in fossil fuel companies. These investments are described by The London Stock Exchange as "non-renewables" and represent around 6% of the Oxfordshire LGPS total portfolio funds.

Fossil fuels are the primary drivers of the climate crisis threatening our planet and support for such investments are contrary to the council's stated aim of becoming a net zero carbon producer by 2030. Whilst fossil fuel companies have made speculative noises about reducing output, research by industry experts have found that none of the ten largest publicly listed oil and gas producers are on track to achieve net zero emissions by 2050.

Lloyds of London and Bank of England Governor Mark Carney have both warned that legislation necessary to limit warming combined with the development of renewables would mean that fossil fuel assets could result in large-scale asset write-downs. These companies face a potential wave of third-party liability claims brought by the victims of climate change, including from sovereign states.

As a result, a growing number of investment funds have already announced plans to fully or partially divest from fossil fuels. These include councils such as

Southwark, Islington, and South Oxfordshire as well as the United Reform Church, The Church of England, the National Trust and many others. Globally, £6.3 trillion has now been removed from funds supporting fossil fuels and the industry now faces serious financial, legal and regulatory challenges.

The OLGPS has defended its continued investment in fossil fuels, arguing that to divest would mean losing its influence. This makes no sense. The strongest form of positive influence that can be exerted on these companies is the reduction in available financial support to continue exploiting carbon generating fuels.

The continued use of fossil fuels threatens our planet and its most vulnerable inhabitants through droughts, heat waves, crop failures, floods, and rising sea levels. Every climate change expert says that the only way to avoid climate catastrophe is to leave fossil fuels in the ground. Divestment from such activities must therefore be a priority for any organisation declaring a climate emergency.

As one of the OLGPS employers, Cherwell District Council calls on the Oxfordshire Pension Fund Committee to act in line with this council's declaration of Climate Emergency and with prudent exercise of its fiduciary duties by divesting its investment in an industry whose long-term risk profile in the current political and environmental climate is unacceptably high.

Council therefore:

- 1) Asks the Oxfordshire Pension Fund to acknowledge that shareholder engagement has failed to bring about the pace of change required to limit catastrophic global warming.
- 2) Calls on the Oxfordshire Pension Fund to follow the lead of Councils, sovereign wealth funds and other pension and investment funds around the world to divest from non-renewable energy companies or any organisation whose main purpose is the exploration and/or extraction of fossil fuels.
- 3) Calls on the Oxfordshire Pension Fund to explore reinvestment of its funds into appropriate renewable energy companies at the earliest opportunity.

Cherwell District Council

Council

21 October 2019

Local Government Ombudsman Annual Report 2018/19

Report of Director Law and Governance and Monitoring Officer

This report is public

Purpose of report

To provide council with the Local Government Ombudsman's annual report on Cherwell District Council for the financial year 2018/19.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the report.

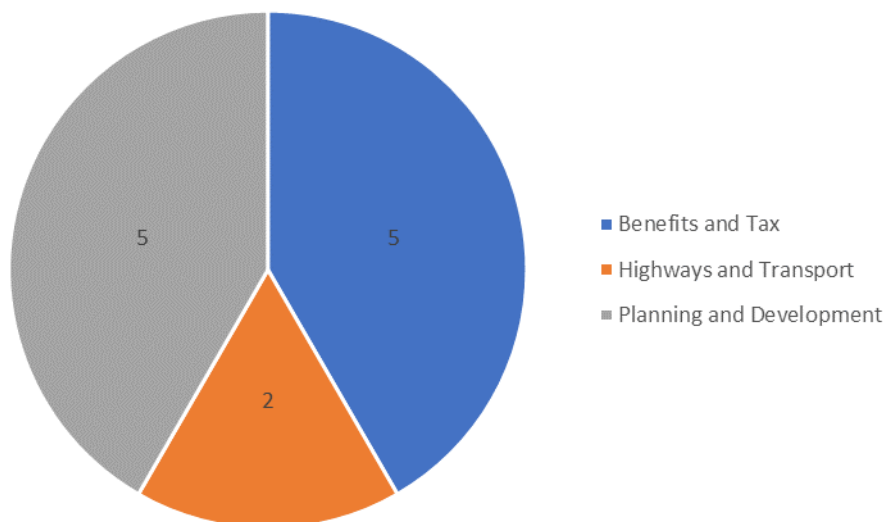
2.0 Introduction

- 2.1 The Local Government and Social Care Ombudsman (LGO) provides the final stage for complaints about councils and social care after the Council's own complaints procedure has been exhausted. Annually the LGO issues an annual report covering complaints that have been received and their outcome. This report provides their findings for 2018/19.

3.0 Report Details

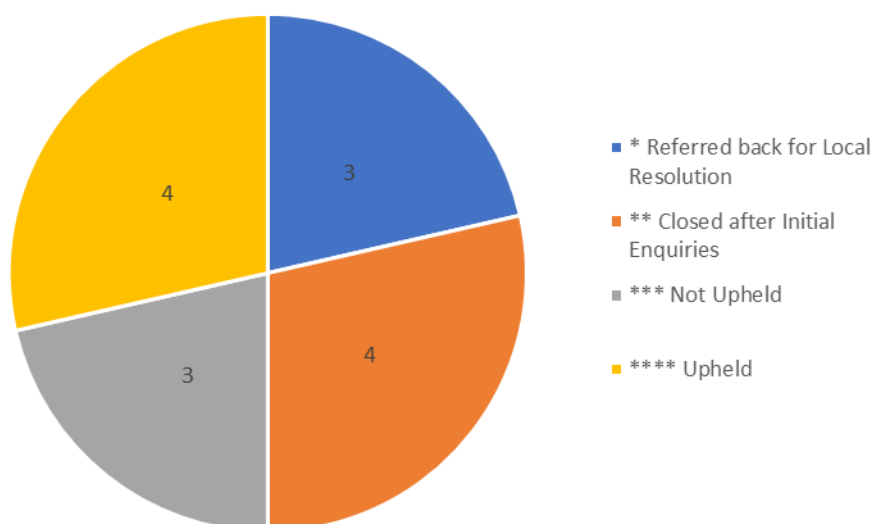
- 3.1 The LGO is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. They are a free service provided to people that have completed all stages of the Council's own complaints procedure and remain unhappy with the outcome. The LGO have guidelines regarding what they can investigate. Complainants must have complained to the council within 12 months of becoming aware of the matter and been directly affected by the matter resulting in 'personal injustice'. Not all complaints will be investigated, for example if the Ombudsman does not feel they will find fault regarding the Council.

3.2 The LGO received a total of 12 complaints and enquiries against Cherwell District Council for the period 1 April 2018 – 31 March 2019, the numbers received by service area as categorised by the LGO are as follows:



3.3 The LGO returned decisions on 14 complaints in the period 1 April 2018 – 31 March 2019. It should be noted that decisions may relate to complaints made in the previous year and investigations may not have been completed on all complaints received during 2017/18 and therefore a decision may not have been reached and the number of complaints received, and decisions made will always differ.

3.4 Decisions by the LGO are divided into different categories dependent on their findings, the 14 received about Cherwell District Council were categorised as follows:



* Complaints that had not completed the CDC Complaints Procedure

** Complaint assessed by LGO Assessment team and not passed for further investigation

*** Complaints assessed and forwarded to investigator for investigation and no fault found

**** Complaints assessed and forwarded to investigator for investigation and fault found

3.5 Of the 14 decisions, 4 of the complaints investigated were upheld, details of the complaints are as follows, as well as the actions the council has taken to address the specific cases to ensure we improve services for the future

1. Complaint. 1

Mrs X complained via her representative (Mrs Y) about the Council approving a planning application for her neighbour to build an extension, and the action it took when there was a breach of planning control.

LGO Decision

The Council was at fault for not measuring the site when it considered the application. However, this did not cause an injustice, and it properly considered how the extension would affect Mrs X. The Council was not at fault in how it considered enforcement against the breach. There was some fault in the Council's communications with Mrs Y, which caused frustration and confusion for Mrs X and Mrs Y. The Council should apologise.

Lesson Learnt

Officers should measure dimensions on site, where there is (or is reasonably likely to be) an issue such as with proximity to a neighbouring property. To that end, we have reminded officers of the importance of thorough record keeping and made sure everyone in the team has access to a tape measure.

We also need to make sure our record keeping is sufficiently thorough to enable colleagues to pick up a case fresh and to understand it. We need to make sure we communicate clearly with interested parties, and to give realistic timescales within which people can expect a response from us. To that end, a Local Enforcement Plan has been published which provides information to interested parties on how planning enforcement operates, what it can and cannot do, and how cases are prioritised and their respective response times.

2. Complaint 2

Mr B complains that the Council failed to follow the correct procedure when he objected to an application for a mobile food van to extend its trading hours.

LGO Decision

The Council failed to clearly explain why it rejected Mr B's representations about an application for a mobile food van to extend its trading hours. The Council has agreed to apologise to Mr B and take action to ensure similar failings do not occur in future.

Lesson Learnt

A clear procedure has now been put in place for dealing with representations. The licensing team are now fully aware of the need for clarity and openness when responding to representations and will fully explain the reasons behind their decision making in line with legislation and guidance.

3. Complaint 3

Ms K complains the Council wrongly advised that she could claim housing benefit after she claimed universal credit. Therefore, she says she lost out on benefits of more than £350.

LGO Decision

The Council's incorrect advice led to injustice to Ms K, because she stopped her claim for UC. However, as the Council gave the correct advice from 24 January 2018 the injustice did not continue. Recommended that the Council pays Ms K £200 to take account of distress and her time and trouble as well as potential lost benefit.

Lesson Learnt

- We need to review our Customer Services online learning/training tool on a more regular basis and with input from the service areas. This will help to prevent this kind of issue in the future.
- A review of the UC awareness and training for both CS and Benefits teams. The Regulations are frequently changing and this makes it a challenge for the teams to keep updated.
- We also need to engage with Job Centre Plus as I feel their staff should be equally aware of the UC regulations. We will feed this back at our next meeting.

4. Complaint 4

Miss X and Mr Y complain the Council failed to tell them about a planning application and failed to consider the impact on them of agreeing it. They say this has caused reduced light, noise problems and a lack of privacy which is ongoing.

LGO Decision

There was fault in the way the Council made its planning decision that caused an injustice to Miss X and Mr Y. The Council missed an opportunity to resolve the complaint using its complaints handling process so I am also recommending a payment to the complainants for their time and trouble complaining to us.

The Council will, within one month of the date of the final decision:

- Apologise to Miss X and Mr Y for the failure to consider their amenity and the possible use by the neighbour of the outside space;
- Pay them £600 to reflect the impact on their amenity since the neighbour began using the outside space in late August 2018
- Pay them £150 for the time and trouble of making a complaint to us.

The Council will, within three months of the date of the final decision:

- Contact the landlord of the complainants' property and offer to pay for improvements to the property.

Lesson Learnt

In specific reference to this case the LGO recommendations contained a number of elements but the subsequent action plan to deal with the recommendations was not sufficiently detailed, particularly in relation to the all the steps needed to investigate the option of installing secondary double glazing. The action plan should have included all steps necessary, a clear timeline, who was responsible for each element and what the alternatives were if the preferred option failed. In addition, as the matter required the input of more than one Council service, there needed to be greater clarity and proactive oversight by a senior officer especially given the original lead officer left the Council. In order to prevent such a situation that gave rise to the complaint occurring again a clear sign off record is needed to provide evidence that all material issues have been addressed; and that reports have been checked and recommendations authorised.

4.0 Conclusion and Reasons for Recommendations

- 4.1 This is an Annual report and provides members with information with regard to the number of complaints received by the ombudsman against the Council, the decisions regarding complaints and the lessons learnt.

5.0 Consultation

Senior Manager of Development Management Place and Growth Directorate, comments included within the report

Licensing Manager, comments included within the report.

Benefits Manager, comments included within the report.

Interim Senior Management Planning – comments included within the report.

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.

None

7.0 Implications

Financial and Resource Implications

- 7.1 There are no direct financial implications arising from this report except for those highlighted in the remedies in section 3.3 Learning lessons from complaints brought against the council should ensure both an improved service for the future as well as minimise retrospective payments to address concerns brought to our attention by the LGO.

Comments checked by:
Adele Taylor, Interim Executive Director of Finance, 0300 003 0103
Adele.taylor@cherwell-dc.gov.uk

Legal Implications

7.2 There are no Legal implications arising from this report.

Comments checked by:
Chris Mace, Solicitor, 01295 221822,
Christopher.mace@cherwell-dc.gov.uk

Risk Implications

7.3 There are no Risk implications arising directly from this report. It is important for the Council to capture and implement the lessons learnt from each LGO decision to ensure we improve the service delivered to our customers and to reduce the risk of such issues occurring again.

Comments checked by:
Hedd Vaughan-Evans, Assistant Director: Performance and Transformation, 0300 003 0111, hedd.vaughanevans@cherwell-dc.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

Councillor Tony Ilott, Lead member for Financial Management and Governance

Document Information

Appendix No	Title
None	None
Background Papers	
None	
Report Author	Sharon Hickson, Democratic and Elections Officer
Contact Information	01295 221554 Sharon.hickson@cherwellandsouthnorthants.gov.uk

Cherwell District Council

Council

21 October 2019

Calendar of Meetings 2020/21

Report of Director: Law and Governance

This report is public

Purpose of report

Council is asked to consider the calendars of meetings for the municipal year 2020/21.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the calendar of meetings for Cherwell District Council (CDC) for the municipal year 2020/21 (Appendix 1).

2.0 Introduction

- 2.1 It is necessary for the Council to agree a Calendar of Meetings to enable the business of the Council to be programmed appropriately in conjunction with its statutory requirements and the Executive's and Committee's work programmes and to enable senior managers and officers to programme key dates into their work plans.
- 2.2 The proposed Cherwell District Council (CDC) 2020/21 calendar of meetings is attached at Appendix 1.
- 2.3 In light of the shared working arrangements with Oxfordshire County Council (OCC), agreed by Council in July 2018 and the subsequent signing of a Section 113 Agreement between the two councils, the calendar of meetings has also been prepared giving consideration to the calendar of meetings for OCC to ensure that officers working for both councils are able to attend relevant meetings at either authority.

3.0 Report Details

Cherwell District Council Meeting Calendar

3.1 The Cherwell District Council calendars of meetings have been prepared on the basis of the considerations set out below:

- Meeting dates for Committees reflecting the dates in previous years as far as possible, with the exception of Budget Planning Committee. The dates for this Committee have been adjusted to better reflect the budget setting timetable, a core component of the work of the Committee.
- Meeting dates are set to ensure linked committees follow in a timely manner for items that will be considered by more than one Committee.
- Council meetings being held on Mondays with the exception of the 2020/21 Annual Council meeting which will be held on Wednesday 20 May 2020. This had originally been scheduled for Tuesday 19 May 2020, however the later date allows for the inclusion of proportionality calculations following the local elections on Thursday 7 May 2020 and additional time for political groups to consider committee appointments. The 2021/2022 is provisionally scheduled for Monday 17 May 2021, given there are no district elections as it is the year for elections to Oxfordshire County Council.
- Meetings of Executive being held on the first Monday of each month with the following exceptions: August and May when no meetings are scheduled.
- Planning Committee meetings scheduled every four weeks as far as practicable with exceptions during the festive season and elections period.
- Meetings of the Overview and Scrutiny Committee and the Budget Planning Committee are scheduled to tie in with key activities undertaken by each Committee. The scheduling ensures that meetings enable feedback between the Executive and the respective Committee.
- The Accounts, Audit and Risk Committee meeting six times plus an informal meeting prior to the May meeting in 2020/21 to review the accounts. Training for Accounts, Audit and Risk Committee will continue to be scheduled prior to or at the conclusion of scheduled meetings as this has been received favourably by Committee members.
- Licensing Committee, Licensing Sub-Committee, Personnel Committee, Standards Committee and Appeals Committee meetings will be arranged as business requires.
- Dates for all Member briefings have been included on the calendar of meetings. The briefings are scheduled monthly and the day of the week varies in acknowledgement of other commitments Members have. Details of what each session will cover will be notified to members closer to the date. In addition to the scheduled dates, there will be committee specific training for Planning and Scrutiny members prior to the first meetings of the municipal year. An all

member briefing on Local Government Finance is scheduled for 25 May 2020, which will be of particular interest to members of the Budget Planning Committee and Accounts, Audit and Risk Committee.

- Two Parish Liaison meetings being held in the 2020/21 municipal year:

Wednesday 10 June 2020

Wednesday 11 November 2020

These meetings are arranged by the Healthy Communities Manager.

Joint Committees with Oxfordshire County Council (OCC)

- 3.2 There are currently two formal committees with OCC: The Joint Shared Services and Personnel Committee, and the Joint Appeals Committee. Meetings of these committees will be arranged as business requires.
- 3.3 In addition to the above formal joint committees, there is one informal working group with OCC: the Cherwell District Council and Oxfordshire County Council Partnership Working Group. Meeting dates are notified to members of the groups.

Addition of Meeting Dates to Calendars and Amendments to the Calendars of Meetings

- 3.4 Once agreed, all committee meeting dates listed on Appendix 1 will be added to the Council's website from where Members are able to import dates into their personal calendars. Outlook meeting requests will be sent to Members for the All Member Briefings. For ad-hoc meetings and additional meetings, relevant Members will be notified via email and outlook meeting requests sent.
- 3.5 Members are reminded that the Council's Constitution sets out that no alterations to the dates and times of meetings shall take place unless Council, the Committee or Sub-Committee agrees an ad-hoc change or the Chairman of the relevant Committee or Sub-Committee, after consultation with the Director: Law and Governance, concurs with either a cancellation, or an alternative date or time. If there are any changes to meeting dates Members will be notified via email and the website updated accordingly.

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is believed that the proposed calendars of meetings for the municipal year 2020/21 as set out in the appendices will provide a suitable decision making framework for Cherwell District Council.

5.0 Consultation

Senior Management Team

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 dates in the proposed calendar. It should be noted that any changes to the calendar of meetings may have a knock-on effect to the meeting cycle or performance targets / statutory deadlines which may in turn require the whole calendar to be redrafted.

7.0 Implications

Financial and Resource Implications

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

Comments checked by:

Dominic Oakeshott, Assistant Director: Finance (Interim), 07920 283473

dominic.oakeshott@cherwell-dc.gov.uk

Legal Implications

- 7.2 There are no legal implications arising directly from this report.

Comments checked by:

Nick Graham, Director: Law and Governance, 01865 323910,

nick.graham@cherwell-dc.gov.uk

Risk Implications

- 7.3 The Council needs to have in place a programme of meetings to ensure effective and efficient decision making.

Comments checked by:

Hedd Vaughan-Evans, Assistant Director: Performance and Transformation,

1295227978, hedd.vaughan-evans@cherwell-dc.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

Agreement of a calendar of meetings has significant implications for the Council's business planning and the programming of work.

Lead Councillor

None

Document Information

Appendix No	Title
1	Proposed CDC calendar of meetings for the municipal year 2020/21
Background Papers	
None	
Report Author	Natasha Clark, Governance & Elections Manager
Contact Information	01295 221589 Natasha.clark@cherwell-dc.gov.uk

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Cherwell District Council Calendar of Meetings 2020/21¹

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Council	Executive	Accounts, Audit & Risk Committee	Budget Planning Committee	Overview & Scrutiny Committee	Planning Committee	All Member Briefng
Mon, 6.30pm	Mon, 6.30pm	Weds, 6.30pm	Tues, 6.30pm	Tues, 6.30pm	Thurs, 4pm <i>(Member briefing generally held before each meeting)</i>	Monthly, 6.30pm - 8.30pm
2019 Wednesday 20 May - Annual Council ² 20 July 19 October 14 December 2020 22 February 2021/22 Monday 17 May 2021 - Annual Council <i>(No scheduled Cherwell local elections in 2021)</i>	2020 1 June 6 July 7 September 5 October 2 November 7 December 2021 4 January 1 February 1 March 6 April (due to Easter Monday – 5 April)	2020 <i>Local Government Finance seminar – 25 May: 6.30pm-8.30pm</i> 27 May 6.30pm - informal review of accounts 27 May (7.30pm) 29 July 23 September 18 November 2021 20 January 17 March	2020 <i>Local Government Finance seminar – 25 May: 6.30pm-8.30pm</i> 9 June 21 July 29 September 10 November 15 December 2021 19 January 9 March	2020 26 May (Scrutiny training 6-7pm, meeting at 7pm) 7 July 1 September 13 October 1 December 2021 12 January 16 March	2020 21 May (Planning training at 2pm) 18 June 16 July 13 August 10 September 8 October 5 November 10 December 2021 14 January 11 February 11 March 15 April	2020 Thursday 14 May – Member welcome event (5pm – 8.30pm) Monday 15 June Tuesday 14 July Thursday 17 September Tuesday 10 November Tuesday 8 December 2021 Thursday 21 January Wednesday 10 February Wednesday 10 March Tuesday 13 April

NOTES: Chairman and Vice-Chairman for all Committees for the municipal year 2020/21 will be appointed at the first meetings of Committees held at the conclusion of the Annual Council meeting on Wednesday 20 May 2020.

Licensing Committee, Licensing Sub-Committees, Personnel Committee, Appeals Panel and Standards Committee meetings will be arranged as required.

Parish Liaison Meeting: Wednesday 10 June 2020 and Wednesday 11 November 2020

Parish Liaison Meeting Contact: Kevin Larnar, Healthy Communities Manager

¹ Dates may be subject to change. The website will be updated and Members notified accordingly.

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