



Meeting of Council

Monday 19 October 2020

Members of Cherwell District Council,

A meeting of Council will be held as a Virtual meeting on Monday 19 October 2020 at 6.30 pm, and you are hereby summoned to attend.

Yvonne Rees
Chief Executive

Friday 9 October 2020

AGENDA

1 **Apologies for Absence**

2 **Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.

3 **Communications**

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

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

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

Addresses may be presented by:

- A Local Government elector for the area,

- A person who is wholly or mainly resident in the area,
- A Council Taxpayer or National Non-Domestic Ratepayer for the area

Addresses must be on an item on the Agenda before the meeting and not exceed 5 minutes. No person may address more than one meeting on any particular issue.

Requests to address the meeting (including the reason for the address) should be submitted to democracy@cherwellandsouthnorthants.gov.uk The deadline for petitions and requests to address this meeting is noon on Friday 16 October 2020.

Full details of public participation at meetings is available in the Constitution.

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 7 - 16)

To confirm as a correct record the Minutes of Council held on 7 September 2020.

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 at which this was reported, 20 July 2020, one key decision has been taken which was not included in the 28 day notice relating to The Musketeer, Banbury.

- 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

- a) Written Questions

No written questions have been submitted with advance notice in accordance with the Constitution.

- 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.

** In line with the virtual meeting procedure rules, any Member wishing to ask a question of the Leader (including on the minutes of Executive) must notify democracy@cherwellandsouthnorthants.gov.uk by noon on the day of the meeting. It is not required for the topic to be notified. No questions without notice will be permitted **

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).

** In line with the virtual meeting procedure rules, any Member wishing to ask a question of a Chairman of a Committee on any matter arising from the minutes of their committee must notify democracy@cherwellandsouthnorthants.gov.uk by noon on the day of the meeting. It is not required for the topic to be notified. No questions without notice will be permitted **

9 Motions (Pages 17 - 18)

To debate the following motions which have been submitted with advance notice, in accordance with the Constitution (to be debated in the order submitted).

- Topic: Badger Culling
 - Proposer: Councillor Ian Middleton
 - Seconder: TBC

Please note that the deadline to submit motions has passed. The deadline for Members to submit amendments to motions is noon on Thursday 15 October 2020. No amendments will be permitted after this deadline.

Any amendments submitted will be published as a supplement to the agenda on the afternoon of Friday 16 October 2020. Amendments for motions will be dealt with in the order submitted.

Council Business Reports

10 Constitution Review (Pages 19 - 28)

Report Of Corporate Director – Commercial Development, Assets And Investment & Monitoring Officer

Purpose of report

This report invites Council to agree a set of 'areas for further consideration' in the Council's Constitution as part of a focused Constitution Review.

Recommendations

The meeting is recommended by the Overview and Scrutiny Committee:

- 1.1 to consider and endorse, as areas for further consideration, the suggestions outlined in paragraph 3.
- 1.2 to agree the establishment of a politically balanced, informal cross-party working group to review the proposed changes on the basis outlined in paragraph 3.7.

11 Community Governance Review for Adderbury - Results of First Consultation and Draft Recommendations (Pages 29 - 50)

Report of Chief Executive

Purpose of report

To report the results of the first consultation stage of the Community Governance Review (CGR) for Adderbury.

To consider the draft recommendations of the CGR Working Group that will form the basis of the second consultation stage, which will run from 2 November 2020 to 4 January 2021.

Recommendations

The meeting is recommended:

- 1.1 To note the results of the first consultation stage of the Adderbury Community Governance Review
- 1.2 To approve the draft recommendation that no separation of Adderbury Parish Council take place, and that consideration be given to the number of parish councillors on the parish and creating two wards for Adderbury Parish Council.

12 Local Government Ombudsman Annual Report 2019/20 (Pages 51 - 58)

Report of Corporate Director Commercial Development, Assets and Investments & Monitoring Officer

Purpose of report

To provide council with the Local Government Ombudsman's annual report on Cherwell District Council for the financial year 2019/20.

Recommendations

The meeting is recommended:

- 1.1 To note the report

13 **Calendar of Meetings 2020/2021** (Pages 59 - 66)

Report Of Corporate Director Commercial Development, Assets and Investment & Monitoring Officer

Purpose of report

Council is asked to consider the calendar of meetings for the municipal year 2021/2022.

Recommendations

The meeting is recommended:

- 1.1 To approve the calendar of meetings for Cherwell District Council for the municipal year 2021/2022 (Appendix 1).

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 221534 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.

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 221534

Cherwell District Council

Council

Minutes of a meeting of the Council held at Virtual meeting, on 7 September 2020 at 6.30 pm

Present:

Councillor David Hughes (Chairman)

Councillor Andrew Beere
Councillor Maurice Billington
Councillor Mike Bishop
Councillor John Broad
Councillor Hugo Brown
Councillor Phil Chapman
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Conrad Copeland
Councillor Ian Corkin
Councillor Surinder Dhese
Councillor John Donaldson
Councillor Sean Gaul
Councillor Carmen Griffiths
Councillor Timothy Hallchurch MBE
Councillor Chris Heath
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 Richard Mould
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor George Reynolds
Councillor Barry Richards
Councillor Dan Sames
Councillor Les Sibley
Councillor Jason Slaymaker
Councillor Katherine Tyson
Councillor Tom Wallis
Councillor Fraser Webster
Councillor Bryn Williams
Councillor Lucinda Wing

Councillor Barry Wood
Councillor Sean Woodcock

Apologies for absence:

Councillor Hannah Banfield
Councillor Nathan Bignell
Councillor Nick Cotter

Officers:

Yvonne Rees, Chief Executive
Stephen Chandler, Corporate Director Adults & Housing Services
Steve Jordan, Corporate Director Commercial Development, Assets & Investment & (Interim) Monitoring Officer
Lorna Baxter, Director of Finance & Section 151 Officer
Claire Taylor, Corporate Director Customers and Organisational Development
David Peckford, Assistant Director: Planning and Development
Maria Dopazo, Acting Planning Policy, Conservation & Design Manager
Chris Thom, Principal Planning Policy Officer
Yuen Wong, Principal Planning Policy Officer
Sharon Whiting, Principal Planning Policy Officer
Richard Hawtin, Team Leader Property & Contracts
Natasha Clark, Governance and Elections Manager

26 **Welcome**

The Chairman welcomed councillors, officers and members of the public and press to the virtual meeting of Full Council.

27 **Declarations of Interest**

There were no declarations of interest.

28 **Communications**

Special Meeting

The Chairman reminded Councillors that as this was a special meeting, the minutes of committees were not taken and there were no questions or motions on the agenda. These items would be included on the agenda at the next scheduled Council meeting on Monday 19 October.

The Chairman confirmed that the usual meeting procedure rules apply in terms of Members speaking on items, including the length of speeches were still applicable.

Housekeeping

The Chairman reminded Members of the protocol and etiquette for virtual meetings.

Former Councillors Maureen Hastings and Keith Mitchell CBE

The Chairman referred to the sad passing of former Cherwell Councillor Maureen Hastings on 25 July 2020 at the age of 92.

Mrs Hastings had been a valued member of the council, serving the Yarnton ward for over 26 years from 1982 to 2008.

Mrs Hastings served on numerous committees during her time as a councillor, including housing services, estates, economic development, planning, personnel, finance and appeals.

Mrs Hastings was elected the council's Vice-Chairman in May 2001 and became Chairman in 2002. She held this role for 2 years until 2004, when she was re-elected Vice-Chairman for a further year from 2004-2005.

As well as serving on Cherwell District Council, Mrs Hastings was also an elected member of Oxfordshire County Council.

On behalf of Council, the Chairman extended condolences to former Councillor Hasting's sons and their families.

The Chairman referred to the sad passing of former Cherwell Councillor Keith Mitchell CBE on 26 August 2020.

Mr Mitchell had been elected to Cherwell District Council in 1990, serving the Bloxham ward until he stood down in 2002.

Mr Mitchell served on numerous committees including, Housing, Estates, Finance, Policy, Banbury Town Council re-development working party, Appeals and the Personnel and General Committee.

Mr Mitchell was also an elected member of Oxfordshire County Council, representing Bloxham, Adderbury, Bodicote and the surrounding areas of north Oxfordshire between 1989 and 2013. Mr Mitchell served as Leader of the County Council from 2001-2012.

Mr Mitchell was appointed a CBE in Her Majesty The Queen's birthday honours in June 2007 for his services to local government.

The Chairman advised that due to the current restrictions, a private funeral would be held for former Councillor Keith Mitchell. In the meantime, on behalf of Council, the Chairman extended condolences to Keith's wife, Lynda, and family.

A number of Members paid tribute to former Councillor Maureen Hastings and former Councillor Keith Mitchell CBE.

Members held a period of silence in memory of former Councillor Maureen Hastings and former Councillor Keith Mitchell CBE.

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

The Chairman advised the meeting that there were no petitions but there were fifteen requests to address the meeting, on agenda item 11, Partial Review of the Cherwell Local Plan 2011-2031 – Oxford's Unmet Housing Need: Inspector's Report and Plan Adoption. The public speakers would each be able to speak for up to 5 minutes and would be called to address the meeting prior to the item being considered by Council.

30 **Urgent Business**

There were no items of urgent business.

31 **Minutes of Council**

The minutes of the meeting held on 20 July 2020 were agreed as a correct record, to be signed by the Chairman in due course.

32 **Update report from the Leader of the Council following a meeting of Oxfordshire Local Authority leaders and Chair of Oxfordshire LEP with Simon Clarke MP (Minister of State - Housing, Communities and Local Government) on the 7 September**

The Chairman advised that due to urgent Parliamentary business this meeting had been postponed and there was therefore no update report submitted to Council.

33 **Appointment of Monitoring Officer**

The Chief Executive submitted a report to appoint a permanent Monitoring Officer following the recruitment process for the vacant Director Law and Governance post.

Resolved

- (1) That Anita Bradley be appointed as the Council's Monitoring Officer with effect from the date of her taking up the post of Director of Law and Governance.

34 **Delegation of enforcement powers from Oxfordshire County Council to Cherwell District Council under Covid-19 legislation**

The Director of Public Health and Wellbeing submitted a report for Council to accept the delegation of powers granted to Oxfordshire County Council under The Health Protection (Coronavirus, Restriction) (England) (No.3) Regulations 2020 that give local authorities powers relating to the control and prevention of coronavirus.

Resolved

- (1) That the delegation of powers to enable Cherwell District Council to carry out enforcement actions detailed by The Health Protection (Coronavirus, Restriction) (England) (No.3) Regulations 2020 be accepted.
- (2) That the Assistant Director Regulatory Services, acting in consultation with the Director Law and Governance and the Corporate Director Finance, be authorised to enter into all necessary and appropriate contracts and agreements to implement the delivery of the enforcement work on behalf of Oxfordshire County Council (OCC).
- (3) That authority be delegated to the Assistant Director Regulatory Services to perform the enforcement duties of OCC set out in any such agreements referred to above.

35 **Revised Budget 2020/21**

The Director of Finance submitted a report which proposed a revised budget for 2020/21 to reflect the financial impact of COVID-19 and includes proposed savings required in order to achieve a balanced budget

Resolved

- (1) That the savings as set out in the Annex to the Minutes (as set out in the Minute Book) be approved.
- (2) That a £1.2m use of the reserves as identified in Table 1 below be approved.
- (3) That the revised budget as set out in Table 1 below be approved:

Table 1 - Proposed Budget Reset Budget Virement						
Directorate	Covid-19 Virement £m	BAU Pressures £m	Total Savings £m	Overall Virement £m	Original Budget £m	Revised Budget £m
Place and Growth	0.650	0.176	(0.426)	0.400	3.506	3.906
Customer and OD	0.202	0.000	(0.301)	(0.099)	3.918	3.819
Adults and Housing Services	0.364	0.000	(0.272)	0.092	2.932	3.024
Public Health and Wellbeing	0.326	0.000	(0.484)	(0.158)	3.066	2.908
CDA&I	2.617	0.000	(0.694)	1.923	2.115	4.038
Communities	1.393	0.310	(0.195)	1.508	6.429	7.937
Corporate	1.163	0.000	0.000	1.163	0.000	1.163
Sub Total - Directorate	6.715	0.486	(2.372)	4.829	21.966	26.795
Executive Matters:						
Treasury	0.000	0.000	(0.472)	(0.472)		
Government Grant	(3.175)	0.000	0.000	(3.175)		
Application of Reserves	0.000	0.000	(1.182)	(1.182)		
Sub Total - Executive Matters	(3.175)	0.000	(1.654)	(4.829)	3.638	(1.191)
Total	3.540	0.486	(4.026)	0.000	25.604	25.604

36

Partial Review of the Cherwell Local Plan 2011-2031 - Oxford's Unmet Housing Need: Inspector's Report and Plan Adoption

The Assistant Director - Planning and Development submitted a report to consider the Inspector's Report on the Examination of the Partial Review of the Cherwell Local Plan 2011-2031 - Oxford's Unmet Housing Need (the Partial Review Plan), to consider whether to approve Main Modifications to the Plan as recommended by the Inspector together with minor modifications, and to consider whether to adopt the Plan, as modified.

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:

Richard Jurd, local resident
 Rob Ruck, local resident
 Sir David Gilmour, Chairman of Cherwell District CPRE
 Margaret Eynon, representing Greenway, a group of golfers opposed to the closure of North Oxford Golf Club
 Jackie Hoyle, local resident
 Keith Johnston, local resident
 Linda Ward, Secretary of Cherwell Development Watch Alliance (CWDA) and Chair of Kidlington Development Watch, speaking on behalf of the CDWA, representing several neighbourhood communities
 Graham Thompson, local resident and Chairman of Yarnton Parish Council
 David Brown, local resident and Yarnton Parish Councillor with responsibility for highways
 Mr Lindsay Gregory, local resident
 Catherine Henderson, local resident

Dr Padraig Looney, local resident
Diane Taylor, local resident

In introducing the report, the Lead Member for Planning, Councillor Clarke, commended the Assistant Director Planning and Development and the Planning Policy team for their hard work on the main modifications to the Partial Review of the Local Plan.

In the course of the debate it was proposed by Councillor Middleton and seconded by Councillor Copeland that a recorded vote be taken on the report.

Having been proposed and seconded, a recorded vote was duly taken, and Members voted as follows:

Councillor Andrew Beere	Against
Councillor Maurice Billington	Against
Councillor Mike Bishop	For
Councillor John Broad	Against
Councillor Hugo Brown	For
Councillor Phil Chapman	For
Councillor Mark Cherry	Against
Councillor Colin Clarke	For
Councillor Conrad Copeland	Against
Councillor Ian Corkin	For
Councillor Surinder Dhesi	Against
Councillor John Donaldson	For
Councillor Sean Gaul	For
Councillor Carmen Griffiths	Against
Councillor Timothy Hallchurch	For
Councillor Chris Heath	For
Councillor Simon Holland	For
Councillor David Hughes	For
Councillor Shaida Hussain	For
Councillor Tony Ilott	For
Councillor Mike Kerford-Byrnes	For
Councillor James Macnamara	For
Councillor Kieron Mallon	For
Councillor Nick Mawer	For
Councillor Andrew McHugh	For

Councillor Tony Mepham	For
Councillor Ian Middleton	Against
Councillor Perran Moon	Against
Councillor Richard Mould	For
Councillor Cassi Perry	Against
Councillor Lynn Pratt	For
Councillor George Reynolds	For
Councillor Barry Richards	Against
Councillor Dan Sames	For
Councillor Les Sibley	Against
Councillor Katherine Tyson	Against
Councillor Tom Wallis	For
Councillor Douglas Webb	For
Councillor Fraser Webster	Against
Councillor Bryn Williams	For
Councillor Lucinda Wing	For
Councillor Barry Wood	For
Councillor Sean Woodcock	Against

Resolved

- (1) That the conclusions of the Inspector's Report be noted and the Inspector's recommended Main Modifications (Annex to the Minutes as set out in the Minute Book) be endorsed.
- (2) That the incorporation of the minor modifications set out in the Annex to the Minutes (as set out in the Minute Book) be endorsed.
- (3) That the necessary changes to the Housing Trajectory and Infrastructure Schedule (Annexes to the Minutes as set out in the Minute Book) arising from the Inspector's recommendations and Main Modifications be noted.
- (4) That the Equalities Impact Assessment (Annex to the Minutes as set out in the Minute Book) be noted.
- (5) That the final Policies Maps (Annexes to the Minutes as set out in the Minute Book) be noted.
- (6) That the Partial Review of the Cherwell Local Plan as presented in the Annex to the Minutes (as set out in the Minute Book) be adopted as part of the statutory development plan.

- (7) That the publication of an updated Adopted Policies Map to illustrate graphically the application of policies contained in the adopted development plan be delegated to the Assistant Director – Planning and Development
- (8) That the correction of minor spelling, grammatical or typographical errors and any minor improvements from a presentational perspective prior to the publication of the Local Plan be delegated to the Assistant Director – Planning and Development.
- (9) That the Assistant Director – Planning and Development be authorised to publish the Sustainability Appraisal Adoption Statement and Local Plan Adoption Statement (Annexes to the Minutes as set out in the Minute Book).

The meeting ended at 10.36 pm

Chairman:

Date:

This page is intentionally left blank



Council

Monday 19 October 2020

Agenda Item 9, Motions

Motion Proposer: Councillor Ian Middleton

Motion Seconder: TBC

Topic: Badger Culling

Motion

At the beginning of September, Natural England began licencing the culling of badgers in Oxfordshire.

Evidence suggests that only 5.7% of incidences of bovine tuberculosis is caused by badgers. An independent review said that badger culling can only have a "modest" effect in reducing tuberculosis in cattle, and urged the government to accelerate the development of non-lethal controls and an increased focus on cow to cow transmission.

Whilst we need to support our farming communities in tackling Bovine TB, this council believes that the mass slaughter of badgers without a proven scientific rationale is unjustified. The extermination of a native species against the advice of major wildlife organisations is also incompatible with the council's environmental policies.

At least 30% of all badgers shot will be cage trapped and could instead be vaccinated which is a far cheaper, more humane, targeted and effective alternative. Shooting is more than seven times more expensive, less controllable and can actually disperse an infected population over a wider range.

This council therefore resolves :

1. That the leader write to DEFRA expressing our opposition to the badger cull across Oxfordshire.
2. Not to permit the culling of badgers on any land owned or controlled by the council
3. To instead allow and support participation in licenced badger vaccination programmes on council owned or controlled land where these are applied for
4. To encourage all parish councils in Cherwell to take the same approach on their land

This page is intentionally left blank

Cherwell District Council

Council

19 October 2020

Constitution Review

Report of Corporate Director – Commercial Development, Assets and Investment & Monitoring Officer

This report is public.

Purpose of report

This report invites Council to agree a set of 'areas for further consideration' in the Council's Constitution as part of a focused Constitution Review.

1.0 Recommendations

The meeting is recommended by the Overview and Scrutiny Committee:

- 1.1 to consider and endorse, as areas for further consideration, the suggestions outlined in paragraph 3.
- 1.2 to agree the establishment of a politically balanced, informal cross-party working group to review the proposed changes on the basis outlined in paragraph 3.7.

2.0 Introduction

- 2.1 It is essential, from time to time, that the Council's Constitution is reviewed so that it remains fit for purpose. It's important that the Constitution gives clarity to the public, to members and to officers about who can make decisions and how business is conducted. The Constitution is available on the website: [Constitution](#)
- 2.2 Understanding how members experience the Constitution is crucial. Achieving a fluidity of democratic debate and decision making is integral to promoting democratic engagement and representation. All councillors were asked to provide the top two or three changes they would wish to see made to the Constitution. All responses received are set out at Appendix 1.
- 2.3 Similarly, in reviewing our Constitution, it makes sense to do so in the context of examples from other councils. This opens the potential for learning from other approaches. A review of other practices has been undertaken whilst recognising that any outcome needs to reflect the individuality of this Council.

3.0 Report Details

3.1 Feedback from members, officers and the wider review of local authority constitutions, supported by Bevan Brittan, suggests the potential for positive change in several areas. These are set out in this paragraph. They are changes which would have a productive and equitable effect on Council business. It is not intended that the review would revisit provisions already determined by the Council within the last year. As such, it is recommended by the Overview and Scrutiny Committee that the following areas are those that Full Council should be asked to endorse so that an informal cross-party working group could work through them in more detail.

- Constitution Section 1: Committee Terms of Reference and Scheme of Delegation
 - The Officer Scheme of Delegation will be reviewed and updated to reflect the current senior management scheme.
 - If there are any consequential changes to Committee terms of reference, these would be reviewed with the relevant Committee Chairman.
- Constitution Section 2: Meeting Procedure Rules (and 2a: Virtual Meeting Procedure Rules)
 - Rules of Debate
 - Clarity on order of speaking and seconder “reserving right to speak”
 - Speeches - reduce the time limits for all aspects on speaking on items (proposer, seconder, proposer/seconder of amendment, all other speakers) NB. With some exceptions for Planning Committee
 - Review the process for dealing with motions with budgetary implications
 - Review the deadline for submitting amendments and clarify that this applies to amendments to motions only but notification in advance of proposed amendments to agenda items is encouraged
 - Public Addresses
 - Review the deadline for members of the public to register to speak and provide more clarity about the public participation process
 - Review the current 5-minute time limit for public addresses and/or consider introducing a limit on speakers per item and/or add a maximum time for public addresses (NB. Separate Planning Committee public speaking arrangements to remain)
- Constitution Section 2.1 – Council Procedure Rules
 - Change the order of Council business:
 - Questions and motions occur as the last items on the agenda
 - Put a finish time for Full Council with any items not considered to roll forward to the next meeting
- Constitution Section 2.6: Planning Committee Procedure Rules
 - Site visits: add the use of remote tools to view sites
 - Public Participation at Planning Committee
 - Consider allowing county councillors to speak on planning applications in their division (with time limit)

- Consider introducing a time limit for ward councillors (non-Committee members) speaking on a planning application

- 3.2 A full set of responses from members is attached as an Appendix to this report. These responses have informed the areas to be included in the review, as set out above in, and will be used as a starting point for consideration by the working group.
- 3.3 The Constitution will also be reviewed generally to ensure that the format is easily accessible and can be navigated through easily.
- 3.4 The following sections of the Constitution will be reviewed administratively to ensure that they are up-to-date and reflect current legislation, best practice and arrangements:
- Introduction
 - 2.2: Executive Procedure Rules
 - 2.3: Overview and Scrutiny Procedure Rules
 - 2.4 Appeals Panel Procedure Rules
 - 2.5: Licensing Committee Procedure Rules
 - 2.7: Roles and Appointments
 - 3.3: Respective Roles of Members and Officers and Dealing with Conflicts of Interest
 - 3.4: Conventions for the Management of Council Business and a Protocol on Member-Officer relations
 - 3.5: Members' Planning Code of Conduct
 - 3.6: Bias and Predetermination – A Guidance Note for Members
- 3.5 The following sections are out scope of this review for the reasons set out:
- 2.8: Officer Employment Procedure Rules – HR confirm no review required at this time
 - 3.1: Members' Code of Conduct – CDC agreed the same code as other principal authorities in Oxfordshire and this has been adopted by the majority of parishes in Cherwell. Any change would remove this Oxfordshire consistency which is beneficial to the twin and triple hatters and the Monitoring Officer. Additionally, a national review of the Code of Conduct is being undertaken and any changes arising from this review will be addressed across the county at the appropriate time.
 - 3.2: Officers' Code of Conduct – HR confirm no review required at this time
 - 3.7: An Advice Note for Elected Councillors Serving on Outside Organisations – This is a county wide note applicable to all Oxfordshire authorities
 - 3.9: Financial Procedure Rules – The Director of Finance confirms no review required at this time
 - 3.10: Contract Procedure Rules – The Director of Finance confirms no review required at this time.
- 3.6 As part of this process, Bevan Brittan, a firm with specialist experience in the review of local authority constitutions nationally, has been asked to take a view of our Constitution and to place it with the context of national experience and best practice. This helps achieve both a local and a national perspective on the

Constitution. Bevan Brittan's feedback supports the scope above and endorses the best practice approach of seeking clarity of responsibilities and terms of reference; providing a more defined structure around speaking times and making the Constitution easier to navigate.

3.7 The Overview and Scrutiny Committee is recommending that a cross-party working group be established to review the proposed changes prior to consideration by this Committee and subsequently Full Council. In line with the cross-party membership make-up of other working groups, it is proposed that the working group reflect a political balance (5 Conservative members, Labour 2 members and one member each from Progressive Oxfordshire and the Independent Groups, which would provide an equitable representation across the Council's political spectrum). As representatives of their Groups, it will be important that representatives should present the agreed views and comments of their Group, not just their own perspective. The operating principles for the working group would therefore be:

- a) Working group members to appoint a person to chair the working group
- b) Consider the 'areas of focus' agreed by Council
- c) Members of the working group to actively engage with councillors in their political group and to represent the views of their Group
- d) Make recommendations on those 'areas of focus' to the Overview and Scrutiny Committee

3.8 The next steps in the process are:

- a) The working group is appointed with nominations from political Groups
- b) The working group meets to review the areas of focus and to frame some proposals for consideration by the Overview and Scrutiny Committee
- c) The Overview and Scrutiny Committee meets 1 December to consider the working group proposals and make recommendations to Full Council
- d) Full Council on 14 December considers the proposed changes with a view to their adoption

4.0 Conclusion and Reasons for Recommendations

4.1 It is essential to review the Constitution to ensure it remains fit for purpose. Using feedback from Members and national best practice has identified areas for change which would potentially improve the business of council meetings and the experience of them for members and the public. They would give greater clarity of clarity of expectation for everyone on their rights of participation. It's suggested that, together, these relatively modest changes will have positive impact on the productivity of the meetings and the pre-meeting preparations.

5.0 Consultation

All Cherwell District Councillors
Senior managers – members of CEDR (Chief Executive's Direct Reports)
Democratic and Elections Team
Monitoring Officer
Bevan Brittan, experts in local government constitutions

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: Do not make any changes – this is not recommended as, currently, there are impracticalities and confusions that cause a disproportionately negative effect on the productivity of the Council's decision making

Option 2: Align the Constitution to that of the Council's partner, Oxfordshire County Council – while it is appropriate to harmonise where possible (and several of the areas for further consideration above are already in place for Oxfordshire County Council) it is important that this Council's Constitution reflects the democratic decision-making culture of this Council

Option 3: Align the Constitution to the 'model constitution' circulated nationally – this is not recommended as the national model is several years' old now and it is important that this Council's Constitution reflects the democratic decision-making culture of this Council

7.0 Implications

- 7.1 There are no financial or resource implications consequent on these recommendations.

Comments checked by: Michael Furness, Assistant Director – Finance, 01295 221845, michael.furness@cherwell-dc.gov.uk

Legal Implications

- 7.2 The Council is required to have and to publish a Constitution and to keep it under review.

Comments checked by: Richard Hawtin, Team Leader – Non-Contentious, 01295 221695, richard.hawtin@cherwell-dc.gov.uk

Risk Implications

- 7.3 The risk of not making changes is that the decision-making of the authority, and its reputation as a business-like and transparent organisation suffers through a lack of challenge and development.

Comments checked by: Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786, louise.tustian@cherwell-dc.gov.uk

Implications for equality and diversity

- 7.4 The Constitution will be reviewed generally to ensure that the format is easily accessible. This is an important step in ensuring that access to the democratic process is equitable. However, the inclusivity of opportunity to engage with the authority – as members or members of the public – is enhanced by the clarity of

expectation represented by the recommended areas for further consideration. As set out in paragraph 3.4, as possible, when considering the review and application of procedure rules, officers and committee chair persons will take into account the specific requirements of individuals and will make reasonable adjustments where necessary within the constitution to ensure that no councillor or member of the public is unfairly discriminated against. Sufficient flexibility will be retained after any changes to ensure that this will remain the case. The report does not otherwise raise any implications for equality and diversity.

Comments checked by: Robin Rogers, Head of Strategy, 07789 923206
robin.rogers@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision (only applicable to Executive decisions)

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

All aspects as the Constitution sets out how the Council operates

Document Information

Appendix number and title

- Responses from members of the Council

Background papers

None

Report Author and contact details

Glenn Watson, Principal Governance Officer 07776 997946
glenn.watson@cherwell-dc.gov.uk

Appendix 1 - CDC Constitution Review Consultation Comments from Elected Members

Section of Constitution	Comment / Proposal
1 - Committee Terms of Reference and Scheme of Delegation	Scheme of delegation - there are a number of items which should not have to come to Planning Committee, especially minor amendments and condition discharges to Council applications. These waste extra time as the Executive have to leave and return. I also find it odd that councillors have to judge fellow councillor's applications. I think these should be done under delegated powers but perhaps be specially published to ensure transparency.
2 - Meeting Procedure Rules - Address by public	Addresses by members of the public - I believe there should be an overall time limit - say half an hour - for Addresses on any one agenda item at Council. Individuals would be limited, as now, to five minutes, first come first served. This should be enough to hear all points of view: the 16 speakers registered at the last Council could have taken an hour and a half, with the inevitable gaps and overruns, which is disproportionate and could potentially result in organised filibustering to "talk out" unpopular items.
2 - Meeting Procedure Rules - Rules of debate	If a seconder reserves their right to speak at the end of a debate no further speakers to be allowed
2 - Meeting Procedure Rules - Rules of debate	Secunder, reserved rights: the seconder may speak "later in the debate". It should be clarified if this means they have the right to speak last (before the proposer) or whether anyone can then indicate. I suggest the seconder should have the right to go last before the proposer.
2 - Meeting Procedure Rules - Rules of debate	- Indication to speak: at the end of debate, when there are no further indications and the Chairman has asked if anyone else wishes to speak, no further speakers should be allowed. This prevents the "...and another thing" tendency prolonging matters unduly.
2 - Meeting Procedure Rules - Rules of debate	Reduce speaking time - 5 minutes for proposer and seconder and 3 minutes for all other speakers
2 - Meeting Procedure Rules - Rules of debate	Speeches on motions and recommendations to be limited to 5 minutes for proposer and seconder, 3 minutes for the other speakers including the summing up. As usual the budget debate usually suspends standing orders if requested.

2 - Meeting Procedure Rules - Rules of debate	Speeches time limit to apply to full council and all committees and sub committees except planning (ward member addresses)
2 - Meeting Procedure Rules - Address by public	Limit public participation - number of speakers and length of speeches
2 - Meeting Procedure Rules - Rules of debate	Cut speaking times
2 - Meeting Procedure Rules - Rules of debate	Speaking order - confirm that when the seconder reserves their right to speak, they are the final speaker before the proposer sums up
2 - Meeting Procedure Rules - Rules of debate (Motions without Notice)	When a procedural motion is proposed a vote is taken immediately
2 - Meeting Procedure Rules	The word limit for motions with amendments should be increased in order to allow additions to motions by amendments. The word limit for original motions can remain the same
2 - Meeting Procedure Rules - Rules of debate	Motions and amendments from the floor should be permitted in full council. This would allow for debate to actually influence outcomes and positions of motions to evolve as discussion occurs, creating better policy and resolutions.
2 - Meeting Procedure Rules - Recorded Vote	5 members needed for a named vote
2 - Meeting Procedure Rules, Quorum	Quorum: we have often come perilously close to inquorate where Executive members have to withdraw and others have conflicts, or there is another meeting that evening. I suggest that quoracy is established at the start of the meeting and that withdrawals due to conflicts of interest do not result in inquoracy.
2 - Meeting Procedure Rules - Rules of debate - Voting & 3.5 - Members'	Voting: there is a mistaken belief, which sometimes gets put in writing, that a member not present for an entire debate should not vote. In fact, the member must simply satisfy themselves that they have sufficient information to vote. This should not be changed (or else it potentially weaponises site visits, which could be used to disenfranchise members) and should be clarified.

Planning Code of Conduct	
2 - Meeting Procedure Rules & 2.7 - Roles and Appointments, The Chairman	There needs to be a mechanism to overrule the chair of council and committees (a threshold vote of members for example).
2.1 - Council Procedure Rules	Review the order of business so reports are before questions and motions
2.1 - Council Procedure Rules	Introduce a time limit for questions
2.1 - Council Procedure Rules	Introduce a cut off time for Full Council
2.6 - Planning Committee Procedure Rules	Planning. Speeches by Ward members should be limited to 10 minutes. Members should be allowed to ask questions in an agreed slot either after the officer has spoken or after the public speaking. No questions to the public to remain.
2.6 - Planning Committee Procedure Rules	Allow county councillors to speak on applications in their division
2 - Meeting Procedure Rules - Rules of debate & 2.6 - Planning Committee Procedure Rules	Planning 1: it has become the custom to invite the ward members, if present on the committee, for the application site to speak first. I would like to see this invitation (which does not have to be taken up, they can still speak later instead) codified as a right.
2 - Meeting Procedure Rules - Rules of debate & 2.6 - Planning Committee Procedure Rules	Planning 2: I suggest splitting the member section of each decision into two. Firstly, questions to the Officers. This would enable members to clarify points of fact or law. Then have the debate proper when members, in possession of all the facts, can try to convince the committee. It would make things easier for members and officers and, I think, make the debate more effective and easier to chair.
2.6 - Planning Committee Procedure Rules, Site Visits	Site visits: we had a very successful drone presentation in lieu of a site visit. This could be formalised.

2.6 - Planning Committee Procedure Rules - Call in (of planning applications)	this area needs more work as it is not clear and needs discussion with councillors. I note that it changed between my 2010 Constitution, where call in was to be accepted "on the advice of the committee chairman" and 2015 where it was decided by an Officer "in consultation with" the Chairman. I prefer the former...
General comment	some discretion to be allowed for Chairmen in the committees and sub committees.
Not currently in Constitution	All council meetings should end at a given time i.e. 10.30 or 11.00 pm
N/A - virtual meetings	given the Covid experience, it would be useful to incorporate the extra provisions for video meetings. The protocols for admitting outside speakers by video or telephone would be most useful. Also clarification of the role of Deputy Chairman in video meetings and taking (non-recorded) votes by roll call if disputed or negative indication if trivial. A new provision to allow Minutes to be signed remotely would prevent me getting RSI when I finally confront the backlog of Planning minutes! Guidance on muting mikes, blurring backgrounds, use of chat and raised hands etc is useful but more suitable to an appendix.
N/A - general re. dsitribution	the key sections of the constitution should be printed and given to every councillor. This has a cost but an invisible set of rules on a website is no use. We need to have them to hand in meetings.
N/A - hard copy agendas	Hard copy Agenda documents should be supplied to all who need them. This is both because they are easier to work with and can be used in remote meetings where the screen is in use. This is a necessity not a luxury.
N/A	get rid of 'southnorthants from the email address

Cherwell District Council

Council

19 October 2020

Community Governance Review for Adderbury – Results of First Consultation and Draft Recommendations

Report of Chief Executive

This report is public

Purpose of report

To report the results of the first consultation stage of the Community Governance Review (CGR) for Adderbury.

To consider the draft recommendations of the CGR Working Group that will form the basis of the second consultation stage, which will run from 2 November 2020 to 4 January 2021.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the results of the first consultation stage of the Adderbury Community Governance Review
- 1.2 To approve the draft recommendation that no separation of Adderbury Parish Council take place, and that consideration be given to the number of parish councillors on the parish and creating two wards for Adderbury Parish Council.

2.0 Introduction

- 2.1 At the May 2020 Extraordinary Council meeting, Terms of Reference were approved for a Community Governance Review (CGR) to be carried out in Adderbury. This followed the receipt of a valid CGR petition in April 2020, which requested Cherwell District Council give consideration to separating Adderbury Parish into two separate Parish Councils.
- 2.2 A cross party member CGR Working group was established, which met in June to discuss the document for the first consultation stage.
- 2.3 The first consultation stage ran from Monday 29 June to Friday 28 August.

3.0 Report Details

- 3.1 A consultation document was produced (appendix 1) and posted to every address on the electoral register in Adderbury parish, a total of 1,387 properties, and was also published on the CGR page of the Council's website.
- 3.2 The document outlined the request that had been made in the petition submitted requesting the CGR, and gave information about some of the implications of separating the parish.
- 3.3 A reply slip with three questions and space to provide general comments was also included with the document. Responses could be completed using the reply slip and returning in the pre-paid envelope provided; submitted online through a Survey Monkey version of the reply slip; or by email.
- 3.4 739 responses were received, with the results breakdown as follows:
 - Those agreeing with the proposal to separate the parish council – 181 (24.7% of responses received). Of these responses, 165 agreed with the proposed location of the parish boundary along the Sor Brook. 8 disagreed with the proposed boundary, and suggested the A4260 road as an alternative boundary.
 - Those disagreeing with the proposal to separate the parish council – 553 (75.3% of responses received).
 - Five responses were marked as 'undecided'.
- 3.5 All responses received, including letters, hand annotated maps, newspaper cuttings and the West Adderbury Residents Association leaflet are available to view on the Council's [CGR webpage](#)
- 3.6 Responses submitted by West Adderbury Residents Association, who arranged and submitted the initial petition and Adderbury Parish Council, who oppose the proposal, are included at appendix 2 to the report.
- 3.7 Appendix 3 to the report details the recurring themes and queries raised in the consultation responses. Officers have provided responses to these themes and queries.
- 3.8 The CGR working group met during September to consider the consultation responses, and to agree draft recommendations to form the basis of the second consultation phase.
- 3.9 In considering the responses, the working group expressed disappointment with the tone, language and content of some of the responses that had been submitted, noting that comments of a personal nature had been made from both sides. The working group felt that these comments detracted from the key purpose of the consultation.

- 3.10 Whilst the working group does not intend, and has no power, to prevent respondents from expressing their personal opinion, they unanimously agreed that as part of the second consultation stage, the consultation document and CGR page of the website should include a note advising that comments of a personal nature should not be submitted. Any responses or parts of responses which it felt were inappropriate would not be published in the consultation log.
- 3.11 The working group noted the responses in favour of separating the parish highlighted the need for West Adderbury to have its own voice. Some respondents felt this was not currently the case with the existing parish council and it was under-represented due to a low number of residents from West Adderbury being elected or co-opted on to the current parish council.
- 3.12 The working group also noted that some of the reasoning given for supporting a separation of the parish council related to dissatisfaction with decisions made by the existing parish council.
- 3.13 Whilst recognising the points raised regarding West Adderbury being acknowledged and represented on the existing parish council, the working group felt that separating the existing parish into two separate parishes was not a viable solution and would not achieve the outcome that the petitioners desired.
- 3.14 The working group gave the following reasons for their decision
- Separation would be detrimental to the identity of Adderbury village
 - Concern over the sustainability of separate parishes
 - Disproportionate costs on residents in the event of a separation
 - Community services in the existing parish being well used by all residents, possibly making ongoing running of these services impractical if it were done across two parishes
- 3.15 With regard to the responses received that were not in favour of a separation, the working group noted that the common theme amongst them was a wish for community cohesion and unity, particularly against the backdrop of the current Covid-19 situation. A number of responses had made reference to communities coming together and becoming more integrated during the crises.
- 3.16 The working group also acknowledged that creating a new parish for West Adderbury would not automatically mean it would consist of residents solely from West Adderbury.
- 3.17 Criteria for prospective candidates at parish elections allows for people who live within 4.8km/3 miles of a parish to stand as a candidate. In the case of a separated Adderbury this would mean that residents living in 'East' Adderbury could stand for West Adderbury, and vice-versa.
- 3.18 In order to address the comments of residents of West Adderbury to have representation and a voice on the parish council, the working group have recommended that consideration be given to increasing the overall number of Councillors on the existing Parish Council, and making it a warded council.
- 3.19 There are several warded parish councils across Cherwell already, in large parishes such as Banbury, Bicester and Kidlington.

- 3.20 Whilst the candidate eligibility criteria would remain the same and it would still be possible for residents from the other ward in Adderbury to stand for the West ward and vice-versa, having a ward would give residents a number of elected representatives whose primary role would be to represent the views of their ward electorate on the wider parish council.
- 3.21 Government guidance on CGRs, which the working group has to adhere to, states that parish warding is something that can be considered as part of a CGR, and whilst there is likely to be a stronger case for warding of urban parishes, principal councils should consider each case on its merits having regard to information and evidence generated during the review.
- 3.22 The working group would therefore like the second consultation to proceed with views sought on creating two wards within Adderbury Parish Council, with the ward boundary following the Sor Brook as identified in the initial CGR petition from West Adderbury Residents Association.
- 3.23 The West Adderbury Ward would have 422 properties, with an approximate electorate of 690. 'East' Adderbury (name of ward yet to be agreed) would have 965 properties, and an approximate electorate of 1750.
- 3.24 The total number of seats for the Parish Council is currently 12. The working group will review this number following the second consultation and will use the responses submitted, as well as the projected electorates for each ward, to determine the proposed split of seats across the parish wards should consultation results indicate support for Parish wards.

4.0 Conclusion and Reasons for Recommendations

- 4.1 Council is requested to approve the recommendations as set out in section 1 of this report, as the CGR working group feel they are in the best interests of the parish of Adderbury.

5.0 Consultation

Residents of Adderbury
Responses as detailed on the [CGR page](#) of the CDC website.

CGR Working Group
Responses as set out in this 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.

Option 1: To recommend that Adderbury Parish be separated into two parishes. This is rejected for the reasons set out in paragraph 3.14 above

Option 2: To recommend that Adderbury Parish remain unchanged. This is rejected at this stage, as the views of the parish on warding have not been sought.

7.0 Implications

Financial and Resource Implications

- 7.1 Costs associated with the second consultation stage for the review will be met from existing Democratic and Elections budget.

Comments checked by: Michael Furness, Assistant Director of Finance. 01295 221845, michael.furness@cherwell-dc.gov.uk

Legal Implications

- 7.2 Following receipt of a valid petition and Full Council agreeing to the Terms of Reference (ToR) of the Community Governance Review, it is being run in accordance with these ToR and Local Government and Public Involvement in Health Act 2007 and will continue to do so.

Comments checked by: Christopher Mace, Solicitor. 01295 221808, Christopher.mace@cherwell-dc.gov.uk

Risk Implications

- 7.3 The proposals in this report are in line with the powers of the council as set out in the Local Government and Public Involvement in Health Act 2007 and propose a pragmatic and proportionate way forward.

Comments checked by: Louise Tustian, Head of Insight and Corporate Programmes. 01295 221786, louise.tustian@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision N/A

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

Adderbury, Bloxham and Bodicote.

Links to Corporate Plan and Policy Framework

N/A – statutory obligation to undertake a Community Governance Review following receipt of a valid petition.

Lead Councillor

N/A

Document Information

Appendix number and title

- 1 – First stage consultation document
- 2 – consultation responses from West Adderbury Residents Association and Adderbury Parish Council
- 3 – Recurring themes and queries raised in consultation responses, with answers

Background papers

None

Report Author and contact details

Emma Faulkner, Democratic and Elections Officer.

democracy@cherwellandsouthnorthants.gov.uk, 01295 221534



The Householder

Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

www.cherwell.gov.uk

Please ask for:	Democratic and Elections	Direct Dial:	01295 221534
Email:	democracy@cherwellandsouthnorthants.gov.uk	Our Ref:	Adderbury CGR

29 June 2020

Dear Resident

Possible split of Adderbury Parish into two new Parishes – please tell us what you think

Cherwell District Council (CDC) has received a petition from West Adderbury Residents Association, signed by 188 electors in the parish, requesting that consideration be given to separating the existing parish into two. We are therefore writing to every household in the parish, to explain what we have been asked to consider and to get the views of residents.

It is very important at this stage to be clear that it is not a foregone conclusion that the split will take place. Under the regulations relating to parish matters, when a valid petition is received the local council, CDC in this case, has to carry out a review. The views of local residents are an important part of the review process, and this first consultation stage will help CDC to find out what residents across the Parish think of the suggestion.

What would this split mean?

A split would create two parishes in Adderbury, and a new Parish Council would be formed.

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

What are Parish Councils?

Parish councils make local decisions and introduce policy that is relevant to the public interest of the parish. This is done at meetings of the Parish Council, by Parish Councillors who are elected to serve for a four year term. Parish Councillors are unpaid. The existing Adderbury Parish Council has 12 Parish Councillors. If the Parish is split into two, each Parish Council would have its own Parish Councillors (numbers to be determined)

Parish Councils represent the local community, for example, by providing responses to planning or licensing consultations, they also deliver services to meet local needs and

improve the quality of life and community well-being. Parish councils have powers to provide and maintain a variety of important local services, such as allotments, burial grounds, bus shelters, open spaces and village halls.

Parish councils are funded by a “precept” which forms part of the council tax residents pay. Cherwell District Council collects the precept on behalf of Adderbury Parish Council and gives this money to the Parish Council who use it to support its operations and carry out local projects. The precept that each household pays depends on which Band of Council Tax you fall into. For a Band D property in Adderbury the amount paid in 2020/2021 is £36.98 for the year. The Parish Council review this amount every year.

Where would the parish be split?

The map on page 4 shows the current parish boundary. As part of the submitted petition, West Adderbury Residents Association suggested that the Sor Brook be used as a boundary line, as shown on page 5. Historically, there was an East and West Adderbury, with the Sor Brook being used as the boundary line. During the 1970s the parish was brought together, along with Twyford, to form the current parish of Adderbury. When a new boundary is considered, it needs to be something physical that is easy to identify, for example a road, hedge or a river.

There are no plans to make any amendments to the external parish boundary. As Adderbury sits on the county border with Northamptonshire it would not be possible to make any amendments to the border with King’s Sutton. No request has been made to review the neighbouring boundaries with Banbury, Bodicote, Milton, Barford St John and St Michael or Deddington.

Will the amount of Council Tax I pay change?

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

Currently, Adderbury Parish Council can spread its running costs across the whole parish. Should there be a separation into two parishes, there would be fewer properties to meet these costs, however there might be fewer services to provide. For example, if the parish council currently mows the grass in open spaces, insures bus shelters and pays someone to empty dog bins, and half of these assets were located in the new parish area, the new parish council would take responsibility for providing the services in their area.

What would the name of the parishes be?

If the parish was separated, consideration would also need to be given to the names of these parishes. It is not possible for both parishes to be called Adderbury, as this would cause confusion for residents as well as Royal Mail, utility companies, delivery companies and the emergency services.

West Adderbury Residents Association have suggested in their petition that the new area be called West Adderbury. The remaining area could be called East Adderbury, or East Adderbury and Twyford, this would also need to be decided.

Please let us know if you have any other name suggestions.

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

What else could change?

If two new parishes were created, it would be necessary for Cherwell District Council to find a new building to be used as a polling station in the West Adderbury area, as the Institute and Adderbury Methodist Church (the regular venues used for elections) would be outside the new parish area.

What happens now?

Cherwell District Council is consulting every household in Adderbury to ensure that everybody in the parish has an opportunity to give their views.

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

Alternatively, you can reply electronically. You can visit our webpage www.cherwell.gov.uk/communitygovernance and click on the link to answer the questions through an online version of the reply slip, or send an email to democracy@cherwellandsouthnorthants.gov.uk.

All written or emailed responses should reach us by Friday 28 August 2020 to be taken into consideration. The online survey will close at 11:59pm on the same date.

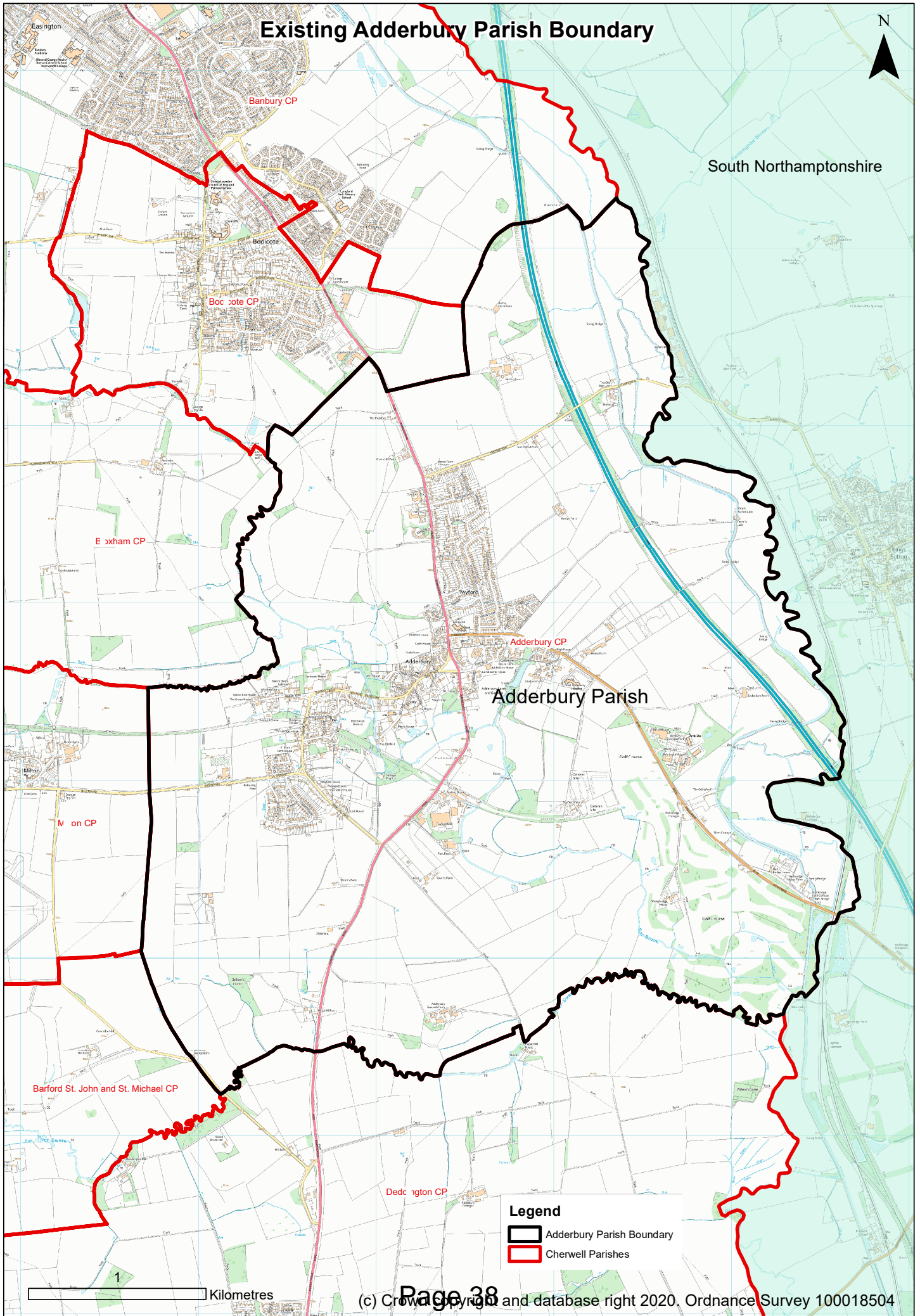
Responses will be considered by a working group of District Councillors, who will come up with a set of recommendations to be considered by full Council in October 2020. There will then be a second consultation on proposals for the area.

Yours sincerely,

Democratic and Elections Team
Cherwell District Council

If you require this document in a different format (such as a large print version or special access facilities) please contact the Democratic and Elections Team, democracy@cherwellandsouthnorthants.gov.uk

All information collected through this consultation will be treated appropriately to conform with data protection legislation. The Council has to publish all comments received in connection with a community governance review. If we receive a comment on behalf of a group, such as a parish council, political party or disability access group, we will name the group, but we will not publish the names of individuals who have commented.



DRAFT - Proposed West Adderbury Parish Boundary



South Northamptonshire

Banbury CP

Bodcote

Bodcote CP

Easingham CP

Remain as Adderbury Parish

Adderbury CP



New West Adderbury Parish

Milton CP

Barford St John and St Michael CP

Deddington CP

Legend

-  Proposed West Adderbury Parish Boundary (as April 2020)
-  Cherwell Parishes

1 Kilometers

**Adderbury Community Governance Review –
Tell us what you think of these suggestions**

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

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

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

Do you think it is a good idea for Adderbury parish to be split in two?

Yes

No

Please give brief reasons for your answer

.....
.....
.....
.....

If you agree that it is a good idea, do you agree with the proposed boundary location as shown on the map?

Yes

No

If you answered no, please give a brief description of where the boundary could be

.....
.....
.....

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

.....
.....

Do you have any further comments to make? (feel free to use the reverse side of the paper)

.....
.....
.....

West Adderbury Residents Association Submission on Community Governance Review

The law requires parish council governance to be 'reflective of the identity and interests' of the community in the area and to be 'effective and convenient.'

Adderbury Parish Council is none of these things. It fails on all counts. The Community Governance Review now underway is not about splitting a village – the Council has already done that – it is about creating a separate civil administration to deliver the services the residents of West Adderbury need. We are currently at the mercy of an administration fixated on pursuing its agenda to the detriment of issues we consider far more pressing and important. When a majority systematically uses its power to deny a minority its rights, this becomes tyranny and is not democracy.

The failure to reflect identity and interests

The true measure of democracy is its inclusivity- how well it accommodates the legitimate aspirations of diverse and competing minorities. It is not just a numbers game where it is all right to impose the will of the majority whatever. Might is not right – to routinely exclude, neglect or ignore minority interests is intolerable and a form of discrimination. But that is precisely the fate suffered by residents in West Adderbury under Adderbury Parish Council (APC).

Benjamin Franklin once described democracy as two wolves and a lamb voting on what to have for lunch. West Adderbury is tired of feeling like a lamb to the wolves of East Adderbury and Twyford.

West Adderbury is historically and geographically a separate village from East Adderbury and Twyford. The sleepy and peaceful character of West Adderbury is in stark contrast to the bustling, suburban nature of the rest of the Parish. Many residents chose to live in West Adderbury because they value its distinctive and unique character. Many residents identify first and foremost with West Adderbury and want to keep our special identity. It is an essentially residential area with a rural character but only makes up 23% of the total parish population. It is this fundamental arithmetical fact which has effectively disenfranchised us and continues to do so. And yet West Adderbury has existed as an independent community for a thousand years and successfully ran its own parish council right up to 1972.

Because it forms a minority within APC, the interests and aspirations of its population have never been, and will never be, accommodated by a council dominated by a clique under the same chairperson for 20 years. APC's vision does not include West Adderbury beyond using it as somewhere to site new development or facilities it finds too noisy or otherwise unacceptable in their current location.

The failure to be effective and convenient

APC's long history of dysfunctional conduct makes a powerful case for change. In 2017 Cherwell District Council felt the need to appoint an independent management consultant to review APC practices. They found: "a high level of animosity between a number of councillors. Mutual distrust between a group of members and the chair and her supporters. The way that these disagreements are articulated on both sides goes way beyond legitimate disagreements about policy or procedures and has descended at times into disruptive behaviour, allegations being made which question the integrity of individuals and an unwillingness to engage in debate or allow legitimate concerns to be raised." (Hoey Ainscough Report 3.8)

APC did not listen and has not learned to mend its ways. The poisonous atmosphere of council meetings persists as does the chair's totalitarian approach to running things, rudely and abruptly closing down debate on issues which do not further APC interests.

The issues of real concern to most people in West Adderbury are –

- The dangerous growth of speeding traffic
- The costly plans for a new sports and community project unrelated to local need
- The threat of overdevelopment
- The provision of adequate drainage to protect homes from flood risks.
- The lack of a decent, dignified burial provision

We want full implementation of traffic calming measures within the major roads in West Adderbury, including a 20mph zone. The installation of proper drainage to ensure against the flooding of West Adderbury homes and that our cemetery will not flood or be liable to pollute our water courses.

The initial response from APC to such issues is first to deny that there is a problem. If it will not go away then they kick it into the long grass. It is farmed out to a specially appointed ad hoc subcommittee to be endlessly

debated and reported on, only to be forgotten or ignored if the findings do not suit the APC agenda. This modus operandi is calculated to create the illusion of ongoing public consultation and community involvement but involves no commitment of any kind. Inconvenient recommendations can be dismissed on the ground that they are merely 'advisory'.

The Council's claims to have overwhelming public support for its policies are wholly misleading. It maintains its core support by a deliberate policy of divide and rule. Inevitably this has set communities against each other, destroyed trust and undermined community cohesion.

Time and again APC has proved itself to be secretive, mendacious and manipulative.

In 2017 it was forced to make a public apology for attempting to improperly influence a parish poll on the Neighbourhood Plan by campaigning for a Yes vote. Parish councils are not permitted to campaign in the 28 days before a referendum. APC broke the law but pleaded ignorance of the rule. This is curious given that the parish clerk was a Democratic and Scrutiny officer for Cherwell District Council and the Chair has been in position for 20 years.

APC misrepresented the result of another parish poll on whether to call in Oxford County Council to consult on traffic measures. It claimed the poll showed overwhelming public support for its policy against calling in the county council. In fact, the turnout was just 19.4% and the votes was 2 to 1 against - putting support for APC around 13% of the parish population - a less than ringing endorsement.

Even that was only achieved after APC contrived to insert a last-minute wrecking question on whether section 106 monies from its sports and community project should be diverted for traffic improvements. This ploy effectively turned the poll into a referendum on APC's pet project rather than the traffic problem it will exacerbate.

In 2017 a 200-signature petition from West Adderbury to the Parish Council on traffic dangers was unaccountably lost. A traffic planning subcommittee was set up but then dissolved because its raft of recommendations looked too expensive. It was subsumed into an Environment committee which continues to produce voluminous reports with very little to show on the ground. For the last two years APC has insisted it has £40,000 earmarked for traffic calming measures but nothing substantive has been done. Traffic calming is more than white painted gates and a few signs, it requires physical measures to force drivers to slow down within a 20mph speed zone.

APC will not spend on our priorities because it has its own - a hugely expensive sports and community project. For political reasons it persists in misrepresenting our views on the project. WARA has repeatedly stated that **we do not oppose the provision of new community sports facilities on the Milton Road site**. Our objection is based on the sheer scale of the scheme. What began as a modest community hall with 40 parking spaces has by stealth morphed into a major venue with bars, cafe, restaurant, meeting rooms, and parking for 140 cars. The scale of the £2M plus project bears no relation to local needs and certainly exceeds local resources. 90% of residents in West Adderbury say they are unlikely to use this facility. APC promised the public a detailed, fully costed business plan 2 years ago. It has yet to materialise. We fear being left with an expensive white elephant.

APC set up Working for Adderbury Community -WFAC - to find out what facilities the public wanted and generally involve the community in funding and planning for Milton Road but two key figures, including the Chairman of WFAC, suddenly resigned because APC rejected their recommendations and unilaterally redrew their pitch plan. The WFAC Chairman's letter of resignation is instructive. It highlighted 'breaches of the basic level of civil operation within the group which we had always agreed were: offering respect to others, work for the positive outcome of the mission statement, operate with integrity and be independent of political lobbying.'

It should be noted that WFAC membership is conditional on signing a mission statement committing the applicant to supporting APC's aims. How to contain opposition and maintain tight control are clearly a high priority. The Chair has in the past exercised her casting vote to ensure her own re-election.

The transparency of the relationship between WFAC and APC is not clear. Is WFAC a de facto subcommittee of APC.

There is also clear evidence that she sought to improperly influence a controversial planning application in West Adderbury in which the developer was offering the parish council a cash incentive of £100,000 to maintain the Friends Meeting House and crucially land linking Adderbury to the Milton Road project which could also be used to extend the adjacent burial ground. She breached the Code of Conduct by lobbying widely on his behalf and even offered to consider extending the residential settlement boundary to accommodate the application. Planning approval has since been granted – the money was not a condition.

This is how APC has destroyed community cohesion and lost the trust of residents in West Adderbury. APC bends the rules and is increasingly a law unto itself. Despite being warned in advance, it is currently in breach of

3 conditions imposed on the Milton Road development with regard to wildlife and drainage, breaches which expose West Adderbury's cemetery and homes to increased risk of flooding.

It is undeniable and documented fact that APC has both in the past and recently attempted to manipulate Planning Officers, Consultees in the planning process, Councillors and politicians to get what they want whatever the cost to their own integrity or that of others. The losers in all this have too often been the residents of West Adderbury. APC has form and we see no prospect of change without separation. The present governance is intolerable.

We consider APC to be in clear breach of at least 4 of the 7 Nolan Principles of Public Life.

Objectivity - holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Openness – holders of public office should act and take decisions in an open and transparent manner.

Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty – holders of public office should be truthful

Leadership – holders of public office should exhibit these principles in their own behaviour.

They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

It is APC's calculated policy of divide and rule that has split the community. It has set Twyford and East Adderbury against West Adderbury. Appeals to build bridges rather than burn them have been ignored. APC's leadership has developed a boundless sense of entitlement and intolerance. It has discriminated against and denigrated West Adderbury, resorting to social media to brand us 'selfish snobs', 'elitist and divisive' Derogatory and insulting comments have been posted by former councillors – one the worst offenders being the spouse of APC's chairperson. This has fuelled divisions within Adderbury and contributed to the breakdown in community relations.

APC's claim that we do not have a high street or a centre and are, therefore, not a community is nonsense. Adderbury is a series of ribbon developments two miles in length that does not lend itself to having a centre. West Adderbury existed before the creation of Adderbury and as part of the ecclesiastical parish including Milton, Barford St Michael and Barford St John. There are many examples of villages being categorised as satellite villages in the Cherwell Local Plan i.e. Blackthorn, Claydon, Clifton, Great Bourton, Hempton, Lower Heyford, Middle Aston, Milton, Mollington, South Newington, and Wardington. There are other villages that demonstrate similar characteristics to West Adderbury

Our own West Adderbury Parish Council will:

Seek broad agreement on policy issues

Practise open book accountancy where voters have a say in spending

Maintain high standards of conduct

Refuse to tolerate bullying behaviour

Set a limit to the chair's powers and term of office.

We have many intelligent, trustworthy and capable individuals willing to step up to provide the fair and effective governance we deserve. Men and women with a wealth of experience of local government who can guide and advise us in establishing a new council and make it happen. The clerk to Heyford Park Parish Council, Lorraine Watling is among those offering their services to help us establish an effective parish council.

The time for change is now. Justice delayed is justice denied. We believe this is the only way that trust and harmony can be restored. We have no hidden agenda. We simply want the right to deal with the issues that affect our part of the village and use the precept collected from West Adderbury to benefit West Adderbury residents.

The continued absence of fair, efficient or effective governance at the parish level subjects us to grave injustice. Our voice has been silenced. Our right to consideration and representation has been denied. We are simply asking for the opportunity to once again take responsibility for our own affairs and fulfil our potential as a community. East Adderbury and Twyford have a parish council which caters for their needs and interests. All West Adderbury wants is what the rest of the parish already has.

For all the reasons above we submit that only separation now can put an end to the irreconcilable differences poisoning our community – that only separation can restore community cohesion and, above all, secure for us the effective representation the law requires.

West Adderbury Residents Association

Response from Adderbury Parish Council on the Community Governance Review

Adderbury Parish Council (APC) is against this split of the village to form a new parish in the west. These are the reasons why Councillors believe a separate Parish would not be a good idea or benefit the community.

- The area of the west of Adderbury is not separate, it is part of the existing village of Adderbury. It does not have a clear identity nor any central focal point to delineate it as a village. There is a clear centre for the whole of Adderbury village as being the area around the Church and High Street and the Green. Despite WARA recalling the previous 2 parishes (prior to 1971) they still had shared facilities like the Church, schools and meeting places.
- There is no clear separate geographical identity for west Adderbury. Someone crossing the Sor Brook would not believe themselves to be in a separate village.
- The current Parish Council supports many village organisations, financially and practically, such as Morris Men and Woman with Day of Dance, Party in the Park, Photographic Society, Adderbury Library, Christopher Rawlins Primary School, Adderbury Park Football Club, Adderbury Institute and many more. Many Councillors also support village societies and attend events for village charities like FOCAL and FOSMA and WFAC. These are events, clubs and societies which spread across the whole community.
- There is no separate identifiable community of West Adderbury. There are no separate West Adderbury societies or groups and no separate community events have been held. The west of Adderbury is not socially or politically distinct from the rest of Adderbury in any way at all. Both East and West Adderbury do have a good community cohesion – it is a wonderful village for community events which are shared by all residents. It is untrue to claim as the petitioners do that the “residents of west Adderbury have no sense of belonging” or that APC “prevents West Adderbury from fulfilling its potential as a community”. The residents of west Adderbury are already doing this as part of the community of Adderbury as a whole and the Parish Council is supporting them.
- The petitioners claim they speak for 250 west Adderbury residents who are its ‘members’. However, by their own admission, there are 750 residents in the west of Adderbury so they will still be a minority view and cannot therefore be speaking from a majority position. Also this group has no evidence that it does speak even for 250 residents as there appears to be no constitution, no membership list and no public meetings have been held for consultation to assess what residents in west Adderbury might want. Therefore claims that west Adderbury residents ‘do not share a vision of the future with APC’ have no evidence behind them. In fact the APC’s vision statement for all the community is clearly stated in the Adderbury Neighbourhood Plan and this received resounding support from residents at the Referendum, suggesting the majority of residents do support the APC’s vision. Many of those residents are from west Adderbury and in fact the Neighbourhood Plan Chairman and the majority of the members of the steering group are residents of West Adderbury.
- The Parish Council has twelve Councillors who are from all parts of the village. They are all hard working volunteers, who represent the interests of all of Adderbury, irrespective of which particular part they live in. WARA has claimed the current PC is not representative of the population of west Adderbury. This is contradicted by the fact that the PC always has a good number of west Adderbury residents as councillors. At the last election in 2016, 8 out of 11 councillors were from west Adderbury and in the last two council terms

(from May 2018) the number has ranged from 7 to 4, which there currently are. Therefore the claims made by the petitioners that “APC does not allow west Adderbury residents a voice” or “to solve their own problems and meet their own needs” or west Adderbury residents “have no stake in deciding their own future” are simply not true. West Adderbury has always been very well represented on the APC.

- The current Parish Council has an excellent working relationship with Oxfordshire County Council, Cherwell District Council, Thames Valley Police and many other organisations which support the Council’s work on behalf of the whole community.
- The existing Parish Council is pro-active in working with residents to benefit the community and there are a number of successful on-going projects in the village, supported by many residents who are actively involved. These include traffic calming, Adderbury Lakes Local Nature Reserve, the Biodiversity village project, the Forest School project with Christopher Rawlins Primary School and the Milton Road community pavilion and sports pitches. All of these were initiated by the current Parish Council and create many benefits for the residents of the whole village.
- The Adderbury Neighbourhood Plan (ANP) was also initiated by the Parish Council and involved residents from all parts of the village working together to produce a Plan. The ANP includes policies specific to the west of Adderbury as well as those which apply to the whole community. As stated above the ANP team, including its Chairman were largely from west Adderbury.
- One of WARA’s claims is that the PC has not progressed any traffic calming in Adderbury, especially none in west Adderbury. However the Parish Council is working with the County Highways Authority to: paint new road markings; investigate the closure of the western arm of the Oak Tree junction to reduce traffic speed into the village on Milton Road and potential chicanes for Milton Road and Berry Hill Road; provide 30mph repeater signs; and move some of the VAS signs. The PC has also purchased a fixed camera to record those who speed in the village and we use volunteers as part of the 'Adderbury Speedwatch' initiative, in conjunction with Thames Valley Police. The majority of these measures are in west Adderbury and many have already been instigated.
- The Parish Council provides support to local residents who live within the flood plain, which includes the sourcing of sandbags and checking on residents who are affected by adverse weather. Councillors are also recruiting volunteers to be ‘Snow Wardens’ for the village to clear footpaths in poor weather and the Council has established an efficient system for the refilling of grit bins in the winter. These measures include areas of west Adderbury.
- Adderbury Cemetery is managed by the Parish Council. WARA have circulated rumours to the contrary, but there is plenty of space for further burials and the Parish Council has managed this well. The Parish Clerk has put a statement on the PC website as the rumours were completely untrue.
- Parish Council meetings are well run and give all residents of the Parish the opportunity to address the Councillors regarding issues which affect them and the community. All residents who contact the Clerk, Chairman or any Councillor receive an answer and action is taken where possible. Residents are never ignored. The petitioners have suggested that this is not the case. However they fail to point out that any disruption at meetings in the past was due to their own actions. Some members of the group calling themselves WARA have engaged in a long campaign against the APC for a number of years. This has involved two applications for JRs,

complaints against councillors to the CDC Monitoring Officer and unfounded allegations to the PC's auditors. WARA still refer to such actions despite the fact that they have all been firmly dismissed by the authorities applied to at every level. This is clearly vexatious on WARA's part. They also claim the APC has not taken notice of the Hoey Ainscough Report but the APC agreed an 'action plan' soon after the Report and has followed the advice of the Report, including tightening up procedures at meetings and using Standing Orders properly and effectively.

- The Lucy Plckett Playing Field (LPF) was bequeathed to the 'youth and others of the Parish of Adderbury'. At that time there were two Parish Councils which then had to work together. The current Parish Council sees no benefit in returning to this sort of arrangement for its continued maintenance. Current Councillors spend a lot of time looking after the Lucy Plckett Playing Field, including undertaking minor works like cutting back bushes, watering newly planted trees, litter picking, inspecting the play area and zip wire. This may be a potential extra expense for both parishes and it may also be a cause of delays if agreement has to be achieved at every decision.
- The issue with the Lucy Plckett Playing Field and the sharing of one facility across two parishes also applies to other areas such as the Church, Methodist Hall, Adderbury Institute, Adderbury Cemetery, library, School and community events such as Day of Dance, Party in the Park, School and Church fete (held in the Lucy Plckett) and the Community Days. How would use of these facilities and the fundraising for these village events be affected? The PC does not believe there can be any benefit in such a case.
- There is potential for an increase in Council Tax for all residents of the Parish – the splitting of responsibilities will not automatically translate into an exact split of costs. Often it is better for costs to be shared across a larger number of residents. Other costs may also occur for instance the upkeep of the historic Friends Meeting House (FMH) and The Pound, both in the west of Adderbury. The FMH has to be maintained by the Parish and as a Grade 2* listed building, the work can be costly. In the last 5 years the APC has spent approximately £45,000. Would a smaller Parish of west Adderbury have enough funds to provide for such upkeep?
- The case for a new West Adderbury Parish Council is based mainly on the grand gestures of stopping the Milton Road project and implementing traffic calming measures, on which the Parish Council is currently working with OCC to achieve (see above and the statement on the PC website for more details). The petitioners promoting the CGR have said they would like to use the Milton Road site for community uses 'better suited to the residents of West Adderbury', but with no details. However, this project is for the whole of the community of Adderbury and the land has been provided for all of Adderbury to use for 'Sports pitches and a community facility' under clear legal S106 agreements. There has been considerable support for this facility in two Parish Polls and as a policy in the Adderbury Neighbourhood Plan, including from many residents in the west of Adderbury who want the land to be used to provide an exciting venue for village sport and for the whole community to use for a range of activities.
- In their justification for the CGR, there does not appear to be any consideration of the many other day-to-day tasks carried out by Councillors; meetings with residents, meetings with contractors, litter picking, checking play equipment, liaising with other bodies, arranging the installation/filling of grit bins, arranging repairs/replacement of street furniture, ensuring dog bins are emptied...plus many more. This lack of forethought could have a serious detrimental impact on residents of all areas of the Parish, not just in the west of Adderbury.

- There is no evidence that the proposers of a West Adderbury Parish Council have considered the costs of running a Parish Council, including staffing costs, or the many polices they would need for employing a Clerk and how services such as grass cutting, weed control, dog waste collection, litter collection, plus many more, would be accounted for and split between the two. This would all take time and effort from Councillors willing to undertake such matters.
- In their most recent submission to the Consultation Working Group the Petitioners have claimed:
“The issues of real concern to most people in West Adderbury are –
The dangerous growth of speeding traffic,
The costly plans for a new sports and community project unrelated to local need,
The threat of overdevelopment,
The provision of adequate drainage to protect homes from flood risks,
The lack of a decent, dignified burial provision”.

In answer to these suggestions the Parish Council has shown above that:

APC is working with the relevant authorities and the community to deal with traffic issues.

The plans for a new sports and community project are based on local need. CDC has provided both the land and funds towards this project through S106 legal agreements with developers. If there were no local need then such agreements would not be possible.

The matter of potential ‘overdevelopment’ can only be dealt with through the Planning process and APC always engages with CDC when applications come forward.

Adequate drainage is a matter for OCC and the APC have been working with OCC Highways in particular on this issue. Also APC has a Flood Risk Policy and procedure in place, as mentioned above, and has worked hard in the past to ensure residents’ property is safeguarded against flooding.

Finally, there is ample room in Adderbury’s cemetery for “a decent, dignified burial” and it is both untrue and insensitive of WARA to have claimed otherwise.

- The proposed divide of the village would not be as straightforward and easy as the proposers are suggesting and the Parish Council believes there would be no benefit to the residents of the community. It is not clear that the proposers have the best interests of residents at heart. They merely appear to be focussed on two main projects and have wrongly criticised the Parish Council on other issues including Adderbury Cemetery. There appears nothing positive in their campaign which has been not only negative but spiteful and vicious. It is difficult to see how the petitioners believe such a campaign can advance their cause with residents. Nor does the Parish Council believe that, should a separate council be set up it could lead to harmony or “promote cohesion for the whole of Adderbury”, as the petitioners have suggested.

The Parish Council believes that if a separate Parish Council for the west of the village is established, the whole community will be the poorer for its creation.

21 August 2020

This page is intentionally left blank

Adderbury Community Governance Review – Appendix 3

Across the consultation responses there were a number of recurring themes and queries raised.

These themes and queries are detailed here, along with responses.

1. The cost of the Community Governance Review – who is paying for this?

Cherwell District Council has a responsibility to carry out Community Governance Reviews (CGR). The costs of carrying out the reviews can be met from existing budgets.

2. Two parish councils would cost more for the residents, I would like to know more about the possible increase in my Council Tax

Each parish council has to decide how much money it needs to run the parish, and how much of this would be raised from residents via the council tax.

If Adderbury Parish were separated into two parish councils, discussions would need to take place about the separation of services within the existing parish. Only then could each side calculate their budget, and possible changes to the council tax. It is not possible for Cherwell District Council to provide any information relating to this at this time.

3. The process for electing Councillors to the parish council needs changing, and we need to limit the length of time a person can serve on a parish council and be Chairman

Elections to parish councils are run in accordance with requirements of the Electoral Commission. Each parish council has an election every four years, and people wishing to stand must meet one of the four criteria for being a candidate. Each prospective candidate completes a form, that has to be supported by two people in the parish.

If there are more candidates than available seats, a contested election takes place. If there are fewer candidates than seats, those who have completed a form are automatically elected to the council.

Cherwell District Council has no power to limit the amount of time a person serves on a parish council or as Chairman. If a person continues to meet the criteria for standing as a candidate they are eligible to stand.

More information relating to parish elections can be found on the [Electoral Commission website](#)

4. The petition submitted to the Council had been supported by a small proportion of the parish, was it a valid petition?

The Local Government and Public Involvement in Health Act 2007 is the legislation that gives Councils the power to carry out a CGR.

This Act also allows electors to submit a petition to their local Council, requesting that a CGR takes place.

A CGR petition has to be signed by a certain proportion of the electors for a parish. Electors are the people who are eligible to vote in local elections and appear on the Electoral Register.

Adderbury Parish has an electorate of 2,458. In line with the requirements of the Act, a CGR petition had to be signed by at least 187 electors. Democratic and Elections Officers checked the signatures on the petition against the Electoral Register, and there were 188 valid signatures. The Council therefore had an obligation to carry out the CGR.

5. We have concerns over the Milton Road planning application

Issues regarding Planning do not have an impact on CGRs. The Milton Road planning application has been considered by the Planning Committee and approved, therefore any concerns relating to the application should be raised with the planning department.

6. There are issues with traffic calming and flooding in Adderbury that need addressing

These issues would need to be raised with Oxfordshire County Council, as the relevant Council for highway and flooding issues in Oxfordshire. Adderbury Parish Council does not have the power to address issues of this nature themselves.

Cherwell District Council

Council

19 October 2020

Local Government Ombudsman Annual Report 2019/20

Report of Corporate Director Commercial Development, Assets and Investments & 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 2019/20.

1.0 Recommendations

The meeting is recommended:

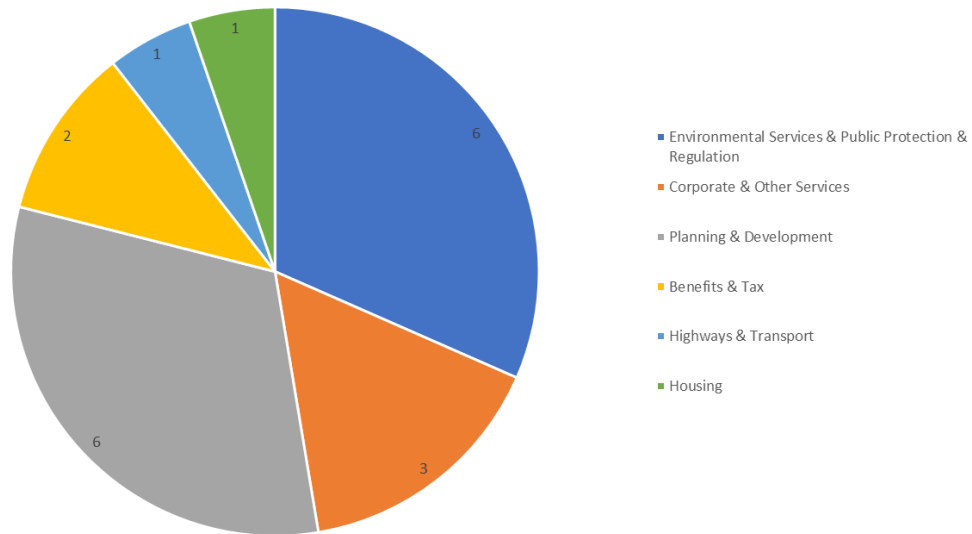
- 1.1 To note the report

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. The LGO issues an annual report covering complaints that have been received and their outcome. This report provides their findings for 2019/20.

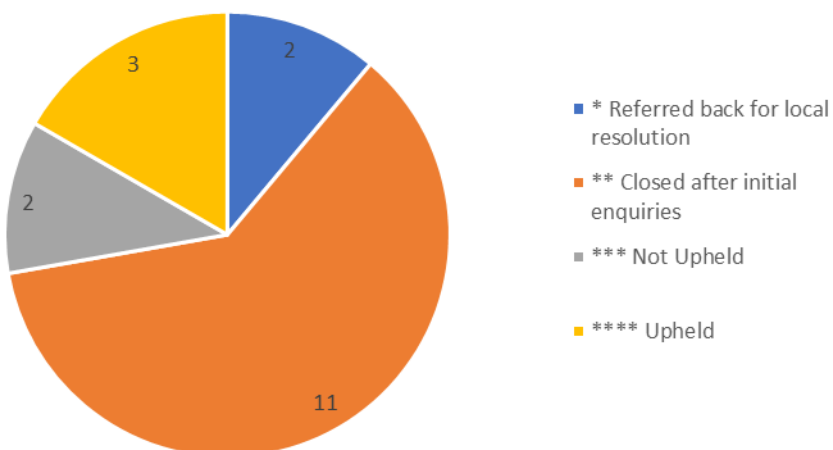
3.0 Report Details

- 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 19 complaints and enquiries against Cherwell District Council for the period 1 April 2019 – 31 March 2020, the numbers received by service area as categorised by the LGO are as follows:



3.3 The LGO returned decisions on 18 complaints in the period 1 April 2019 – 31 March 2020. It should be noted that decisions may relate to complaints made in the previous year 2018-2019, investigations may not have been completed on all complaints received during the 2019/20 period therefore a decision would not have yet been received. The number of complaints received and decisions made in the one year period will always differ.

Decisions by the LGO are divided into different categories dependent on their findings, the 18 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

Of the 18 decisions, 3 complaints were upheld by the LGO, details of these complaints are as follows, as well as the actions the Council has taken to address the specific cases to ensure it improves services for the future

1. Complaint. 1

Mrs X complained that APCOA, the operator working on behalf of the Council, unfairly issued her a parking ticket, and about the way APCOA handled the case.

LGO Decision

In considering the complaint we have identified APCOA is enforcing parking tickets using the wrong legislation and therefore the wrong process.

Finding

The Council is responsible for the acts and omissions of its operator.

The Council is at fault for:

- not providing a reasonable means for Mrs X to pay the parking charge;
- issuing the wrong type of ticket;
- failing to reset the discount period after refusing the “appeal”;
- not handling an on-line chat appropriately;
- not refunding the excess money paid as promised until our involvement;
- not dealing properly with Mrs X’s complaint about its failure to refund the money; and
- not complying with the law when it enforces Excess Charge Notices (ECNs).

Lesson Learnt

As a result of this LGO Investigation a number of service improvements were made:

1. Car Parking Enforcement Policy received a root to branch review, amendments have been made to ensure that the correct legal procedures are documented and available to the public.
2. The Council has amended the wording on the Excess Charge Notices issued by its car park management provider APCOA Parking Services in line with the new adopted policy.
3. Cancellation of the debt recovery agreement with an outside agency who had previously being engaged to chase unpaid Excess Charge Notices.
4. A review of APCOA Parking Services internal procedures regarding the processing of Excess Charge Notices and the introduction of

additional stringent checks on correspondence sent out to Cherwell customers ensuring the wording relates only to Excess Charge Notices not Penalty Charge Notices.

5. All new hand held ticket issuing machines will be fully tested by APCOA Parking Services to ensure that tickets display the correct information in line with the Council's new adopted policy.
6. A review of the CDC Customer Services Knowledge Hub which refers to the APCOA/CDC PARKING arrangements and who deals with which type of enquiry. Staff were reminded of the arrangements and that any reference to complaints about APCOA are forwarded to the CDC Parking Services Officer and not referred back to APCOA.

2. Complaint 2

The complainant says the Council is seeking recovery of an overpayment of housing benefit from 2017. Mr B complains the overpayment was the result of administrative failure, and so he should not be required to repay it.

LGO Decision

There was fault in the Council's handling of the recovery of a housing benefit overpayment. However, it says it will now offer the complainant a fresh appeal right to the Tribunal, which is a suitable remedy. The Ombudsman therefore proposes to complete his investigation.

Lesson Learnt

1. The need to ensure that letters clearly give customers the right of appeal. We are currently reviewing some of our templates so will ensure that this is reflected.
2. Our communication with the customer needs to be by the most appropriate method. This was a complex enquiry and picking up the phone may have made the situation much better and less confusing for the customer.
3. There is an element of staff awareness throughout this and to try to help with this and other issues we have carried out a lot of staff training over the last 6 months.

3. Complaint 3

I paid to park in a Cherwell District Council car park for 2 hours using the automated phone number displayed on the parking signs. My work mobile was used in order to make this call. Following the phone call I received a text message from APCOA stating that I need to send a text message with my vehicle registration number. I tried to do this but for some reason my work mobile wouldn't allow me to send the message. Therefore, with no other alternative I used my personal number to reply to the text message with

details of my vehicle registration number. I can only assume that my vehicle was not linked to the payment, hence why the ECN was issued to me. I followed APCOA's appeals process attaching the following evidence: - Screenshot of failed text message from work mobile - Successful text message from personal mobile - Proof of parking payment. Despite this APCOA has decided to uphold their ECN. I feel that they have not properly considered my statement outlining the difficulty that I experienced paying for parking, the steps that I took to remedy this and the fact that parking was paid for.

LGO Decision

The Ombudsman will not investigate Miss X's complaint about an Excess Charge Notice issued by the Council's contractor. The Council has agreed to cancel the notice and refund Miss X's payment and this provides a suitable remedy for the complaint.

Lesson Learnt

1. A full review of the procedures at the APCOA Parking Services Customer Contact Centre was undertaken. Changes were made from the previously automated responses sent out by a range of customer services staff to ensure that all appeals and all correspondence are reviewed by the Manager for the Cherwell Contract and responses are now checked for relevance, accuracy and appropriateness.
2. Additionally any appeals for customers of Cherwell Car Parks are channelled to only a limited number of APCOA customer services staff for processing who have the knowledge of Cherwell District Council Excess Charge Notice appeal procedures.
3. The CDC Customer Services staff were also reminded of the information held in the Knowledge Hub which refers to the APCOA/CDC Parking arrangements and who deals with which type of enquiry. Staff were reminded of the arrangements and that any reference to complaints about APCOA are forwarded to the CDC Parking Services Officer and not referred back to APCOA.

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

Benefits Manager, comments included within the report.
Street Scene and Landscape Services Manager, 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 financial implications within this report.

Comments checked by:

Michael Furness, Assistant Director of Finance, 01295 221845,
michael.furness@cherwell-dc.gov.uk

Legal Implications

7.2 There are no legal implications directly arising from the contents of this report.

Comments checked by:

Christopher Mace, Solicitor, 01295 221808, christopher.mace@cherwell-dc.gov.uk

Risk Implications

7.3 There are no risk implications within this report.

Upheld LGO complaints are reviewed alongside the corporate complaints process to ensure lessons are learned etc.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786,
Louise.tustian@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

N/A

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 number and title

None

Background papers

None

Report Author and contact details

Sharon Hickson, Democratic and Elections Officer, 01295 221554
Sharon.hickson@cherwell-dc.gov.uk

This page is intentionally left blank

Cherwell District Council

Council

19 October 2020

Calendar of Meetings 2020/2021

Report of Corporate Director Commercial Development, Assets and Investment & Monitoring Officer

This report is public

Purpose of report

Council is asked to consider the calendar of meetings for the municipal year 2021/2022.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the calendar of meetings for Cherwell District Council for the municipal year 2021/2022 (Appendix 1).

2.0 Introduction

- 2.1 It is necessary for 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 the senior leadership team and senior managers to programme key dates into their work plans.
- 2.2 The proposed Cherwell District Council (CDC) 2021/2022 calendar of meetings is attached at Appendix 1.
- 2.3 In light of the shared working arrangements with Oxfordshire County Council (OCC) the calendar of meetings has also been prepared giving consideration to the calendar of meetings for OCC

3.0 Report Details

3.1 The Cherwell District Council calendar of meetings has 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
- Meeting dates are set to ensure linked committees follow in a timely manner for items to be considered by more than one committee
- Council meetings being held on Mondays with the exception of the 2021/2022 Annual Council meeting which will be held on Wednesday 19 May 2021. This had originally been scheduled for Monday 17 May 2021, however the later date allows for the inclusion of proportionality calculations following the local elections taking place on Thursday 6 May 2021 (postponed from 7 May 2020) and additional time for political groups to consider committee appointments. The 2021/2022 Annual Council is scheduled for Wednesday 18 May 2020 due to the local elections on Thursday 5 May 2022.
- Meetings of Executive being held on the first Monday of each month with the following exceptions: August and May when no meetings are scheduled and January, as the first Monday is a Bank Holiday.
- 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 2021/2022 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, a Member Welcome Event will be held on Monday 17 May 2021 and 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 Monday 24 May 2020 which will be of particular interest to members of the Budget Planning Committee and Accounts, Audit and Risk Committee.

Joint Meetings with Oxfordshire County Council (OCC)

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

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

- 3.4 Once agreed, all committee meeting dates listed at 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.

Format of Meetings

- 3.6 In response to the Covid-19 pandemic and the Government measures in response to the crisis, to enable the holding and attending of meetings, the Government included s.78 in the Coronavirus Act 2020 which enabled the Secretary of State the power to make The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which came into force on 4 April 2020. These Regulations make provision for the conduct of local authority meetings held before 7 May 2021, and for public and press access to these meetings.
- 3.7 In light of these Regulations and ongoing Government restrictions, all Cherwell District Council committee meetings are currently being held virtually. It is not known at this stage if there will be an extension to the existing Regulations or alternative Regulations. Members will updated when information is available.

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is believed that the proposed calendar of meetings for the municipal year 2021/2022 as set out at Appendix 1 will provide a suitable decision making framework for Cherwell District Council.

5.0 Consultation

Senior Leadership Team

Support and recommend the adoption of the proposed calendar of meeting

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. This is not recommended as any changes to the proposed calendar 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. The Constitution allows for in-year meeting dates to be added and changes to meeting dates and the process for this is set out at paragraph 3.5.

7.0 Implications

Financial and Resource Implications – Mandatory paragraph

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

Comments checked by:

Michael Furness, Assistant Director Finance, 01295 221845,
Michael.furness@cherwell-dc.gov.uk

Legal Implications

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

Comments checked by:

Christopher Mace, Solicitor, 01295 221808, christopher.mace@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:

Louise Tustian, Head of Insight and Corporate Programmes. 01295 221786,
louise.tustian@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision (only applicable to Executive reports)

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

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

N/A

Document Information

Appendix number and title

- Proposed Calendar of Meetings for the Municipal Year 2021/2022

Background papers

None

Report Author and contact details

Natasha Clark, Governance and Elections Manager,
01295 221589, natasha.clark@cherwell-dc.gov.uk

This page is intentionally left blank

Council	Executive	Accounts, Audit & Risk Committee	Budget Planning Committee	Overview & Scrutiny Committee	Planning Committee	All Member Seminar
Mon, 6.30pm	Mon, 6.30pm	Weds, 6.30pm	Tues, 6.30pm	Tues, 6.30pm	Thurs, 4pm	Monthly, 6.30pm - 8.30pm
<p>2021</p> <p>Wednesday 19 May Annual Council</p> <p>21 July</p> <p>20 October</p> <p>15 December</p> <p>2022</p> <p>23 February</p> <p>2022/23</p> <p>Wednesday 18 May 2022 Annual Council</p> <p>(Cherwell local elections on 5 May 2022 – one third seats due for election, one per district ward)</p>	<p>2021</p> <p>7 June</p> <p>5 July</p> <p>6 September</p> <p>4 October</p> <p>1 November</p> <p>6 December</p> <p>2022</p> <p>10 January²</p> <p>7 February</p> <p>7 March</p> <p>4 April</p>	<p>2021</p> <p><i>Local Government Finance seminar – Mon 24 May: 6.30pm-8.30pm</i></p> <p><i>26 May 6.30pm - informal review of accounts</i></p> <p>26 May (7.30pm)</p> <p>27 July</p> <p>22 September</p> <p>17 November</p> <p>2022</p> <p>19 January</p> <p>16 March</p>	<p>2021</p> <p><i>Local Government Finance seminar – Mon 24 May: 6.30pm-8.30pm</i></p> <p>8 June</p> <p>13 July</p> <p>14 September</p> <p>26 October</p> <p>7 December</p> <p>2022</p> <p>25 January</p> <p>8 March</p>	<p>2021</p> <p>25 May (<i>Scrutiny training 6-7pm, meeting at 7pm</i>)</p> <p>6 July</p> <p>7 September</p> <p>19 October</p> <p>30 November</p> <p>2022</p> <p>18 January</p> <p>15 March</p>	<p>2021</p> <p>20 May (<i>Planning training at 2pm</i>)</p> <p>17 June</p> <p>15 July</p> <p>12 August</p> <p>9 September</p> <p>7 October</p> <p>4 November</p> <p>2 December</p> <p>2022</p> <p>13 January</p> <p>10 February</p> <p>10 March</p> <p>7 April</p>	<p>2021</p> <p>Monday 17 May – Member welcome event (5pm – 8.30pm)³</p> <p>Monday 14 June</p> <p>Tuesday 13 July</p> <p>Thursday 16 September</p> <p>Wednesday 13 October</p> <p>Tuesday 9 November</p> <p>Wednesday 8 December</p> <p>2022</p> <p>Thursday 20 January</p> <p>Wednesday 9 February</p> <p>Wednesday 9 March</p>

NOTES: Chairman and Vice-Chairman for all Committees for the municipal year 2021/22 will be appointed at the first meetings of Committees held at the conclusion of the Annual Council meeting on Wednesday 19 May 2021

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

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

² This is the second Monday in January due to the Bank Holiday on 3 January

³ This was originally the date for the Annual Meeting

This page is intentionally left blank