# **Cherwell District Council**

### Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 26 February 2018 at 6.30 pm

Present: Councillor Maurice Billington (Chairman)

Councillor Jolanta Lis (Vice-Chairman)

Councillor David Anderson

Councillor Ken Atack

Councillor Hannah Banfield
Councillor Andrew Beere
Councillor Claire Bell
Councillor Mike Bishop
Councillor Hugo Brown
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Nick Cotter
Councillor Surinder Dhesi

Councillor Sean Gaul

Councillor Carmen Griffiths

Councillor John Donaldson

Councillor Timothy Hallchurch MBE

Councillor Chris Heath Councillor Simon Holland Councillor David Hughes Councillor Shaida Hussain

Councillor Tony Ilott

Councillor Mike Kerford-Byrnes Councillor Alan MacKenzie-Wintle Councillor James Macnamara

Councillor Kieron Mallon Councillor Nicholas Mawer Councillor Andrew McHugh Councillor Alastair Milne-Home

Councillor Nigel Morris Councillor D M Pickford Councillor Lynn Pratt Councillor Neil Prestidge Councillor G A Reynolds

Councillor Sandra Rhodes Councillor Barry Richards

Councillor Dan Sames

Councillor Les Sibley

Councillor Nigel Simpson Councillor Nicholas Turner

Councillor Tom Wallis Councillor Douglas Webb

Councillor Bryn Williams

Council - 26 February 2018

Councillor Barry Wood Councillor Sean Woodcock

Apologies Councillor Richard Mould for Councillor Jason Slaymaker

absence:

Officers: Yvonne Rees, Chief Executive

Ian Davies, Director of Operational Delivery

Adrian Colwell, Executive Director: Place and Growth

Claire Taylor, Director: Customers and Service Development

Cecilie Booth, Interim Deputy Section 151 Officer

David Peckford, Deputy Manager - Planning Policy and

**Growth Strategy** 

James Doble, Assistant Director: Law and Governance /

Monitoring Officer

Natasha Clark, Interim Democratic and Elections Manager

### 77 Declarations of Interest

There were no declarations of interest.

# 78 Communications

### Welcome to public

The Chairman welcomed members of the public to the meeting.

At the request of the Chairman, the Assistant Director: Law and Governance advised that members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

Members of the public were requested not to call out during the meeting. Only those people who had registered were permitted to address the meeting.

There were no planned fire drills so if the alarm did sound, evacuation instructions would be given by officers. Mobile phones should be switched off

# lan Davies, Director of Operational Delivery

The Chairman reported that this was the Director of Operation Delivery's last meeting of Council as he was leaving Cherwell District Council (CDC) after 26 years employment at the end of March to take early retirement.

On behalf of Council, the Chairman thanked the Director of Operational Delivery for his hard work for the council and district and wished him all the best for the future.

# Chairman's Dinner

The Chairman reported that tickets for his charity dinner on Saturday 10 March at Exeter Hall, Kidlington had sold out but donations were very welcome. All proceeds would go to the charities he was supporting as Chairman.

# **Chairman's Engagements**

The Chairman advised Members that a copy of the events attended by himself or the Vice-Chairman had been published with the agenda.

### **Post**

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

# 79 Petitions and Requests to Address the Meeting

The Chairman advised the meeting that there were no petitions but there were eleven requests to address the meeting on agenda 6, Submission of the Partial Review of the Cherwell Local Plan 2011-2031 Oxford's Unmet Housing Needs. Each speaker would be able to speak for up to 5 minutes and would be called to address the meeting at the start of the agenda item.

### 80 Minutes of Council

The minutes of the meeting held on 18 December 2017 were agreed as a correct record and signed by the Chairman.

# Submission of the Partial Review of the Cherwell Local Plan 2011-2031 Oxford's Unmet Housing Needs

The Executive Director for Place and Growth submitted a report to seek approval for the submission of the Partial Review of the adopted Cherwell Local Plan 2011-2031 to the Secretary of State for Housing, Communities and Local Government for independent examination.

Prior to consideration of the item, the Assistant Director: Law and Governance advised Council that the Executive had considered this item at their Special Meeting earlier that day and resolved to recommend that Full Council agree the recommendations as set out in the published report.

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:

Chris Pack: Chairman, GreenWayOxon
Layla Moran MP: MP for the Oxford West and Abingdon Constituency
Parish Councillor David Betts: Kidlington Parish Council
Parish Councillor Fred Jones: Chair, Yarnton Parish Council
lan Middleton: Green Party Candidate for Banbury Constituency
Dr Richard Pye: Begbroke & Yarnton Green Belt Campaign
John Broad: Acting Chairman, CPRE Cherwell South District
Alaric Rose: Local resident, Kidlington

### Council - 26 February 2018

Parish Councillor Clive Stayt, Gosford & Water Eaton Parish Council

Linda Ward: Kidlington Development Watch

David Hinde: Local resident, Yarnton Andrew Hornsby-Smith: Local resident

The Lead Member for Planning presented and proposed the report highlighting the key points and the rationale behind the recommendations. The report was duly seconded by Councillor Wood.

In considering the report, Members addressed Council with some Members raising objections and speaking against the recommendations and other Members speaking in support of the report.

Prior to the vote, in summing up, the Lead Member for Planning addressed points that had been raised during the debate providing clarification and further detail as necessary.

### Resolved

- (1) That, having given due consideration, the responses to the consultation on the Proposed Submission draft of the Partial Review of the Local Plan be noted.
- (2) That, having given due consideration, the supporting documents relevant to the preparation of the Partial Review of the Local Plan be noted.
- (3) That the Schedule of Focused Changes and Minor Modifications to the Proposed Submission draft of the Partial Review of the Local Plan (annex to the Minutes as set out in the Minute Book) be noted.
- (4) That the Proposed Submission Draft of the Partial Review (July 2017) (annex to the Minutes as set out in the Minute Book) incorporating the Schedule of Focused Changes and Minor Modifications (annex to the Minutes as set out in the Minute Book) as the Submission draft of the Partial Review of the Cherwell Local Plan 2011-2031 be approved.
- (5) That the Executive Director for Place and Growth be authorised to submit the Submission draft of the Partial Review of the Cherwell Local Plan 2011-2031 to the Secretary of State for Housing, Communities and Local Government for independent examination with all necessary prescribed and supporting documents.
- (6) That the Executive Director for Place and Growth be authorised to make any necessary, presentational changes to the Submission draft of the Partial Review and to necessary prescribed and supporting documents before submission to the Secretary of State.

(At the conclusion of the item, the meeting adjourned for 15 minutes to allow members of the public to leave)

# 82 Developer Contributions Supplementary Planning Document (SPD)

The Executive Director for Place and Growth submitted a report to seek adoption of the Developer Contributions Supplementary Planning Document (SPD).

### Resolved

- (1) That it be agreed that the Council adopts the Developer Contributions document (annexes to the Minutes as set out in the Minute Book) as a Supplementary Planning Document (SPD) in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- (2) That the Executive Director for Place and Growth be authorised to publish an Adoption Statement.

# 83 The Oxfordshire Housing and Growth Deal

Prior to consideration of the item, the Assistant Director: Law and Governance advised Council that the Executive had considered this item at their Special Meeting earlier that day and resolved to recommend that Full Council agree the Oxfordshire Housing and Growth Deal, the Delivery Plan as the basis for the Deal, to appoint Oxfordshire County Council as the accountable body in respect of the Oxfordshire Housing and Growth Deal and delegations to the Chief Executive to support the process.

The Chief Executive submitted a report to consider the Oxfordshire Housing and Growth Deal (the Deal) announced by Government in the November Budget, which provided £215 million of additional government funding for Oxfordshire, along with a package of planning freedoms and flexibilities for the Oxfordshire authorities.

The outline agreement made it clear that full agreement of the Deal was subject to agreement by each local authority and the Oxfordshire Local Enterprise Board (OxLEP) board (referred to collectively as the "Oxfordshire Partners").

The deal also required a detailed delivery plan to be agreed by Oxfordshire Partners, Homes England and the Ministry of Housing, Communities and Local Government (MHCLG) by 31 January 2018.

In presenting the report, the Lead Member for Planning, Councillor Clarke, advised Council that all other authorities in Oxfordshire had approved the recommendations.

### Resolved

(1) That the Oxfordshire Housing and Growth Deal (the Deal) be agreed.

- (2) That the Delivery Plan (annex to the Minutes as set out in the Minute Book) be approved as the basis for the Deal and it be noted that elements will be updated as detailed work programmes develop.
- (3) That authority be delegated to the Chief Executive, in consultation with the Leader and the Growth Board, to make minor changes to the Delivery Plan that may be required to secure agreement with Government.
- (4) That authority be delegated to the Chief Executive, in consultation with Leader and the Growth Board, to agree the Year 1 affordable housing delivery programme, phasing and processes specified in the Delivery Plan.
- (5) That agreement be given to appoint Oxfordshire County Council as the accountable body in respect of the Oxfordshire Housing and Growth Deal.
- (6) That authority be delegated to the Chief Executive, in consultation with the Leader and the Growth Board, to review the terms of reference of the Growth Board and agree any amendments and any appropriate inter-authority agreements required to support the Delivery of the Housing and Growth Deal.
- (7) That authority be delegated to the Chief Executive, in consultation with the Leader, to take any other decisions arising from agreement to the Oxfordshire Housing and Growth Deal, until the revised terms of reference of the Growth Board are in place.
- (8) That agreement be given to participate in the preparation of a Joint Statutory Spatial Plan (JSSP) for Oxfordshire in accordance with the timescales set out in the Delivery Plan and in accordance with Section 28 of the Planning and Compulsory Purchase Act 2004 (Districts only) with the milestones for progressing the JSSP being contingent on Government delivering the Planning Freedoms and Flexibilities as described in the Delivery Plan.

# 84 Members Allowances 2018/19

The Monitoring Officer submitted a report to determine the levels of the allowances to be paid to Members for the forthcoming 2018/2019 financial year following the submission of the report of the Council's Independent Remuneration Panel (IRP).

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

### Resolved

(1) That, having given due consideration to the levels of allowances to be included in the 2018/2019 Members' Allowances Scheme, the Panel's

recommendations (annex to the Minutes as set out in the Minute Book) be adopted without modification.

- (2) That the Monitoring Officer be authorised to prepare an amended Members' Allowances Scheme, in accordance with the decisions of the Council for implementation with effect from 1 April 2018.
- (3) That the Monitoring Officer be authorised to take all necessary action to revoke the current (2017/2018) Scheme and to publicise the revised Scheme pursuant to The Local Authorities (Members's Allowances)(England) Regulations 2003 (as amended).
- (4) That the Independent Remuneration Panel be thanked for its report and fee of £300 be paid to Panel Members for the work carried out on this review for 2017/2018 and the same level of fee be applied for any reviews carried out it 2018/2019 capped at a maximum of £1200.

# 85 Revenue and Capital Budgets and Corporate Business Plan for 2018/19

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

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

The Executive Director - Finance and Governance submitted a report for Council to agree the revenue and capital budgets and Corporate Business Plan for 2018/19

In introducing the report, the Lead Member for Financial Management explained that the Council was required to produce a balanced budget for 2018/19 as the basis for calculating its level of Council Tax. It had to base that budget on its plans for service delivery during the year, recognising any changes in service demand that may arise in future years.

The proposed Corporate Strategy and Budget for 2018/19 were presented as an integrated report, incorporating updated Performance and Risk management frameworks, to ensure effective delivery. This clearly demonstrated that the Council adopted a strategic approach in aligning its allocation of all of its resources, to the delivery of the Council's priorities.

Councillor Ilott thanked the Chief Finance Officer and the finance team who had worked hard on the budget process and submitted a balanced budget to Council. Councillor Ilott also thanked the Budget Planning Committee and the Overview and Scrutiny Committee for their hard work supporting the budget setting and business plan process respectively.

Having presented the report, Councillor Ilott proposed the Revenue and Capital Budgets and Corporate Business Plan for 2018/19. Councillor Wood seconded the proposal.

Councillor Woodcock, on behalf of the Labour Group, addressed Council in response to the budget and confirmed that he would be proposing no amendments.

Councillor Sibley, on behalf of the Independent Group, addressed Council in response to the budget and confirmed that he would be proposing no amendments.

A recorded vote was taken and members voted as follows:

Councillor Anderson For Councillor Banfield Against Councillor Beere Against Councillor Bell Against Councillor Billington For Councillor Bishop For Councillor Brown For Against Councillor Cherry Councillor Clarke For Councillor Corkin For Councillor Cotter For Councillor Dhesi Against Councillor Donaldson For Councillor Gaul For Councillor Hallchurch MBE For Councillor Heath For Councillor Holland For Councillor Hughes For Councillor Hussain Against Councillor llott For Councillor Kerford-Byrnes For Councillor Lis For Councillor Mackenzie-Wintle For Councillor Macnamara For Councillor Mallon For Councillor Mawer For Councillor McHugh For Councillor Milne Home For Councillor Pickford For Councillor Pratt For Councillor Prestidge For Councillor Reynolds For Councillor Richards Against Councillor Sames For Councillor Sibley For Councillor Simpson For Councillor Turner For Councillor Wallis For Councillor Webb For

Councillor Wood For Councillor Woodcock Against

### Resolved

- (1) That the 2018/19 Corporate Strategy (annex to the Minutes as set out in the Minute Book) be approved and the new approach to Performance Management that has been adopted be noted.
- (2) That the new Leadership Risk Register (annex to the Minutes as set out in the Minute Book) and new approach to Risk Management that has been adopted be noted
- (3) That a zero Council Tax increase be approved.
- (4) That the contents of the report in approving the General Fund Revenue Budget and Capital Programme for 2018/19 be noted and that consideration be formally recorded.
- (5) That the four year grant settlement be noted.
- (6) That the 2018/19 General Fund Budget as set out in the Medium Term Revenue Plan (MTRP) and the 2018/19 Capital Programme (annexes to the Minutes as set out in the Minute Book) be approved.
- (7) That the Collection Fund Estimates (annex to the Minutes as set out in the Minute Book) be approved.
- (8) That the impact of the proposed budget on reserves (annex to the Minutes as set out in the Minute Book) be noted.
- (9) That the adoption of the Corporate Investment Strategy (annex to the Minutes as set out in the Minute Book) be noted.
- (10) That the Treasury Management Strategy including Prudential Indicators (annex to the Minutes as set out in the Minute Book) be approved.
- (11) That the contents of the section 25 statement from the Chief Finance Officer (annex to the Minutes as set out in the Minute Book) in relation to the robustness of the estimates and the adequacy of reserves be noted.
- (12) That the statement of pay policy for 2018/19 as required by the Localism Act (annex to the Minutes as set out in the Minute Book) be approved.

### 86 Adjournment of Council Meeting

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

# 87 Calculating the amounts of Council Tax for 2018/19 and setting the Council Tax for 2018/19

The Executive Director – Finance and Governance submitted a report to detail the calculations for the amounts of Council Tax for 2018/19 and the setting of Council Tax for 2018/19.

Councillor llott introduced and proposed the Council Tax for 2018/19, which was duly seconded by Councillor Wood.

A recorded vote was taken and members voted as follows:

Councillor Anderson For Councillor Banfield Abstain Councillor Beere **Abstain** Councillor Bell Abstain Councillor Billington For Councillor Bishop For Councillor Brown For Councillor Cherry Abstain Councillor Clarke For Councillor Corkin For Councillor Cotter For Councillor Dhesi Abstain Councillor Donaldson For Councillor Gaul For Councillor Hallchurch MBE For Councillor Heath For Councillor Holland For Councillor Hughes For Councillor Hussain Abstain Councillor llott For Councillor Kerford-Byrnes For Councillor Lis For Councillor Mackenzie-Wintle For Councillor Macnamara For Councillor Mallon For Councillor Mawer For Councillor McHugh For Councillor Milne Home For Councillor Pickford For Councillor Pratt For Councillor Prestidge For Councillor Reynolds For Councillor Richards Abstain Councillor Sames For Councillor Siblev For Councillor Simpson For Councillor Turner For Councillor Wallis For Councillor Webb For Councillor Wood For

### Resolved

- (1) That it be noted that at the Executive meeting held on 8 January 2018 the Council calculated the Council Tax Base 2018/19:
  - a) for the whole Council area as 52,681.6 [item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
  - b) For dwellings in those parts of its area to which a Parish Precept relates as in the annex to the Minutes (as set out in the Minute Book).
- (2) That the Council Tax requirement for the Council's own purposes for 2018/19 (excluding Parish Precepts and Special Expenses) is £6,506,178.
- (3) That the following amounts be calculated for the year 2018/19 in accordance with Sections 31 to 36 of the Act:
  - a) £86,972,051 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act, taking into account all precepts issued to it by Parish Councils and any additional special expenses.
  - b) £75,556,037 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.
    - £11,416,014 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).
  - £216.70 being the amount at 3(c) above (Item R), all divided by Item T (6(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish Precepts and Special Expenses);
  - d) £4,909,836 being the aggregate amount of all special items (Parish Precepts and Special Expenses) referred to in Section 34(1) of the Act as per the annex to the Minutes (as set out in the Minute Book).
  - e) £123.50 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T(1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for

dwellings in those parts of its area to which no Parish Precept or special item relates.

(4) That it be noted that for the year 2018/19 the Oxfordshire County Council and the Police and Crime Commissioner for Thames Valley have issued precepts to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each category of dwellings in the Council's area as indicated below:-

Valuation Band	Oxfordshire County Council	Police and Crime Commissioner for Thames Valley
	£	£
Α	950.79	121.52
В	1,109.26	141.77
С	1,267.72	162.03
D	1,426.19	182.28
E	1,743.12	222.79
F	2,060.05	263.29
G	2,376.98	303.80
Н	2,852.38	364.56

- (5) That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts shown in the annex to the Minutes (as set out in the Minute Book) as the amounts of Council Tax for the year 2018/19 for each part of its area and for each of the categories of dwellings.
- (6) That the Council's basic amount of Council Tax for 2018/19 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.
- (7) That the following discounts and exemptions be approved:
  - Agree that in respect of properties within Class A and B as defined by the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (furnished chargeable dwelling that are not the sole or a main residence of an individual) the discount provided by Section 11a of the Local Government Finance Act 1992 shall be zero.
  - Agree that in respect of properties within Class C as defined by the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (a property that is unoccupied and substantially unfurnished) the discount provided by the Section 11A of the said Act shall be 25% for a period of 6 months and thereafter zero.
  - Agree that in respect of properties within Class D as defined by the said Regulations (chargeable dwellings that are vacant and

undergoing major repair work to render them habitable) the discount provided by Section 11A of the said Act shall be 25%

Agree no council tax discount shall be applied to dwellings that are unoccupied and unfurnished for more than two years and that council tax payable on such properties is 150% (except for those properties which fall into prescribed Classes E and F).

# 88 Local Government Association - Peer Challenge Final Report and Recommendations

The Chief Executive submitted a report which presented the final report from the joint Peer Challenge of Cherwell District and South Northamptonshire Councils, undertaken by the Local Government Association in November 2017.

#### Resolved

- (1) That the report be endorsed.
- (2) That officers be requested to ensure its recommendations are reflected in relevant plans and strategies.

# 89 Monitoring Officer Annual Report 2017

The Monitoring Officer submitted a report to provide an overview of the work of the Monitoring Officer in the past year.

#### Resolved

(1) That the Monitoring Officer's Annual Report be noted.

### 90 Minutes

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

### Resolved

That the minutes of the meeting of the Executive and Lead Member decisions as set out in the Minute Book be received and that it be noted that since the last meeting of Council on 18 December 2017 no decisions have been taken by the Executive which were not included in the 28 day notice.

### b) Minutes of Committees

### Resolved

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

### 91 Questions

# a) Written Questions

There were no written questions.

# b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Councillor Richards: Potential of Cherwell District Council setting up a register of private landlords

Councillor Hussain: Horton General Hospital Update

Councillor McHugh: Cherwell District Council supporting those socially

isolated

Councillor Wallis: Northamptonshire County Council budget situation and

Cherwell District Council budget preparation

# c) Questions to Committee Chairmen on the Minutes

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

### 92 **Motions**

# **Dumping of Plastic**

It was moved by Councillor Woodcock and seconded by Councillor Richards that the following motion be adopted:

"This council notes the increasing public concern at the environmental damage and ecological harm caused by the dumping of plastic. And this authority in doing so commits to doing its bit to tackle the problem by:-

- Conducting an audit of all departments to identify excess plastic being used by this council.
- Running a public relations campaign to increase awareness across Cherwell of the problem of plastic pollution.
- To complement this council taking on Refill Banbury and Bicester; by investigating the feasibility of installing drinking water fountains in our town and village centres."

Councillor Pickford proposed the following amendment, which was duly seconded by Councillor Wood:

"This Council notes the increasing public concern at the environmental damage and ecological harm caused by the dumping of plastic. And this authority in doing so commits to doing its bit to tackle the problem by:-

- 1. The Council will review its use of plastic during its day to day procurement activities to ensure environmental acceptability and to assess the scope for limiting the use of non-recyclable material.
- 2. The Council will run an anti-litter public relations campaign to increase awareness across Cherwell of the problem of plastic pollution.
- 3. To complement this, the Council will engage with parishes to determine the level of community support and local ownership of installing drinking water fountains in our town and village centres."

On being put to the vote, the amendment was approved. The motion as amended was debated and on being put to the vote, was supported.

# Resolved

That the following motion, as amended, be adopted.

# **Dumping of Plastic**

This Council notes the increasing public concern at the environmental damage and ecological harm caused by the dumping of plastic. And this authority in doing so commits to doing its bit to tackle the problem by:-

- 1. The Council will review its use of plastic during its day to day procurement activities to ensure environmental acceptability and to assess the scope for limiting the use of non-recyclable material.
- 2. The Council will run an anti-litter public relations campaign to increase awareness across Cherwell of the problem of plastic pollution.
- 3. To complement this, the Council will engage with parishes to determine the level of community support and local ownership of installing drinking water fountains in our town and village centres.

# 93 Urgent Business

There were no items of urgent business.

Chairman:

Date:

The meeting ended at 11.45 pm