

Meeting of Council

Monday 19 October 2009

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Monday 19 October 2009 at 6.30 pm, and you are hereby summoned to attend.



Mary Harpley
Chief Executive

Friday 9 October 2009

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.

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 1 - 12)

To confirm as a correct record the Minutes of Council held on 20 July 2009.

7 Presentation by Cllr Michael Waine, Cabinet Member for Schools Improvement at Oxfordshire County Council and Sally Taylor Head of the Oxfordshire Raising Achievement Service

Cllr Michael Waine, Cabinet Member for Schools Improvement at Oxfordshire County Council and Sally Taylor Head of the Oxfordshire Raising Achievement Service will be invited to address Council, following which members will be able to ask questions.

8 Minutes

- a) Minutes of Executive, Portfolio Holder Decisions and Executive Decisions made under Special Urgency

The Leader of the Council to formally propose that the minutes of the meetings of the Executive and Portfolio Holder decisions as set out in the Minute Book (circulated separately) be received and to report that since the last meeting of Council, no Executive decisions have been taken that were subject to the special urgency provisions of the constitution.

- 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.

9 Questions

- a) Written Questions

To receive any written questions and answers which have been submitted with advance notice in accordance with the constitution, a written response to the question will be circulated at the meeting

After receiving the written response the member submitting the question will be entitled to ask a follow up or supplementary question.

- b) Questions to the Leader of the Council

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

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

- c) Questions to Committee Chairmen on the minutes

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

10 Motions

To debate any motions which have been submitted with advance notice, in accordance with the constitution.

Recommendations from Committees

11 Planning for a Flu Pandemic - Establishing an Emergency General Purpose Committee (Pages 13 - 18)

Report of the Executive Portfolio Holder for Democratic Services and Member Development

The Executive recommends Council to:

- (1) Agree that in the event of an ongoing emergency an Emergency General Purpose Committee be constituted to make any decisions the Council is able to make which are not part of the Executive functions or reserved in legislation to full Council. The composition of the Emergency General Purpose Committee would be the Leader of Council with any member of the Executive as substitute, the Deputy Leader with any member of the majority group as substitute and the Leader of the opposition, with any member of the opposition group as substitute.

12 Guidance Note for Membership of Outside Organisations (Pages 19 - 40)

Report of Head of Legal and Democratic Services

The Standards Committee recommends Council to:

- (1) Adopt the advice note for councillors serving on outside bodies as the updated version of the guidance note in place of the existing version in part three of the constitution
- (2) Continue using the annual form to councillors on outside bodies supplemented by additional reports by Councillors in the Members' Weekly Bulletin where appropriate.

Council Business Reports

13 A New Sustainable Community Strategy for Cherwell (Pages 41 - 70)

Report of Chief Executive

Council is recommended to:

- (1) Note the consultation and development work that has been undertaken to develop the draft Sustainable Community Strategy for Cherwell.
- (2) Endorse the strategy and ask the Leader of the Council to ensure any amendments made as a result of consultation feedback reflect the policy and strategy of the District Council.

14 Overview and Scrutiny Annual Report for 2008/09 (Pages 71 - 88)

Report of Overview and Scrutiny Committee

Councillor Donaldson, ex-Chairman Overview and Scrutiny Committee 2008/09, will present the Overview and Overview and Scrutiny Annual Report for 2008/09.

Council is recommended to:

Note the Overview and Scrutiny Annual Report for 2008/09.

15 Section 151 Officer Arrangements (Pages 89 - 92)

Report of Chief Executive

Council is recommended to:

- (1) Approve that Phillip O'Dell be appointed as the Council's Section 151 and Chief Finance Officer with effect from 26th October 2009 until 31st March 2010.
- (2) Note that Phillip O'Dell has nominated the Head of Finance, Karen Curtin, as Deputy Section 151 and Deputy Chief Finance Officer authorised to act in his absence.
- (3) Agree that all reference to the Strategic Director Customer Services and Resources be deleted from the Council's constitution and to all functions transferred to the Head of Finance with a clear note that these functions will be exercised by the interim Chief Finance Officer with the Head of Finance as Deputy Section 151.
- (4) Agree that the Monitoring Officer be authorised to amend the constitution to give effect to this arrangement.

16 Exclusion of the Press and Public

The Chairman will if necessary move the exclusion of the press and public if members have indicated (under the relevant agenda item) they wish to ask a question on any matter arising from an exempt minute.

In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

Should Members decide not to discuss the issue in public, they are recommended to pass the following recommendation:

“That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item(s) of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraphs of Schedule 12A of that Act, as set out on in the Minute Book”.

17 Questions on Exempt minutes

Members of Council will ask questions on exempt minutes, if any.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221587 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. The definition of personal and prejudicial interests is set out in the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

Personal Interest: Members must declare the interest but may stay in the room, debate and vote on the issue.

Prejudicial Interest: Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

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.

Queries Regarding this Agenda

Please contact James Doble, Legal and Democratic Services james.doble@cherwell-dc.gov.uk, (01295) 221587

Agenda Item 6

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 20 July 2009 at 6.30 pm

Present: Councillor Mrs Diana Edwards (Chairman)

Councillor George Parish
Councillor Rick Atkinson
Councillor Luke Annaly
Councillor Ken Attack
Councillor Alyas Ahmed
Councillor Maurice Billington
Councillor Norman Bolster
Councillor Nick Cotter
Councillor John Donaldson
Councillor Andrew Fulljames
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Timothy Hallchurch MBE
Councillor Eric Heath
Councillor Simon Holland
Councillor Alastair Milne Home
Councillor David Hughes
Councillor Russell Hurle
Councillor Tony Ilott
Councillor Victoria Irvine
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Nigel Morris
Councillor P A O'Sullivan
Councillor D M Pickford
Councillor Neil Prestidge
Councillor Devena Rae
Councillor G A Reynolds
Councillor Daniel Sames
Councillor Leslie F Sibley
Councillor Trevor Stevens
Councillor Carol Steward
Councillor Keith Strangwood
Councillor Lawrie Stratford
Councillor Rose Stratford
Councillor Lynda Thirzie Smart
Councillor Patricia Tompson
Councillor Nicholas Turner
Councillor Martin Weir
Councillor Barry Wood
Councillor John Wyse

Also present: Alan Webb, Director Service Redesign at Oxfordshire Primary Care Trust (PCT)
Dr Jonathan McWilliam, Director of Public Health, Oxfordshire

Apologies for absence: Councillor Fred Blackwell
Councillor Ann Bonner
Councillor Colin Clarke
Councillor Margaret Cullip
Councillor Chris Smithson
Councillor Douglas Webb
Councillor Douglas Williamson

Officers: Mary Harpley, Chief Executive and Head of Paid Service
Ian Davies, Strategic Director - Environment and Community
Julie Evans, Strategic Director - Customer Service & Resources
John Hoad, Strategic Director - Planning, Housing and Economy
Mike Carroll, Head of Improvement
Liz Howlett, Head of Legal & Democratic Services and Monitoring Officer
Karen Curtin, Head of Finance
Jo Smith, Communications Manager
James Doble, Democratic, Scrutiny and Elections Manager

7 Petitions and Requests to Address the Meeting

The Chairman announced that she had agreed to a request by Odette Phipps to address the meeting, with regard to Executive Minute 17 regarding the Northwest Bicester proposed Eco-town.

8 Declarations of Interest

7. Presentation from Alan Webb, Director Service Redesign at Oxfordshire Primary Care Trust (PCT) and Dr Jonathan McWilliam, Director of Public Health, Oxfordshire.

Councillor Timothy Hallchurch MBE, Personal, as a member of the County Council Health Overview and Scrutiny Committee.

Councillor Rose Stratford, Personal, as a member of Oxford Radcliffe NHS Trust.

10. Minutes of the Executive.

Councillor Alyas Ahmed, Personal, due to being a County Councillor and the County Council holding a land interest at Gowells Farm.

Councillor Maurice Billington, Personal, due to being a County Councillor and the County Council holding a land interest at Gowells Farm.

Councillor Norman Bolster, Personal, due to being a County Councillor and the County Council holding a land interest at Gowells Farm.

Councillor Michael Gibbard, Personal, due to being a County Councillor and the County Council holding a land interest at Gowells Farm.

Councillor Mrs Catherine Fulljames, Personal, due to being a County Councillor and the County Council holding a land interest at Gowells Farm.

Councillor Timothy Hallchurch MBE, Personal, due to being a County Councillor and the County Council holding a land interest at Gowells Farm.

Councillor Kieron Mallon, Personal, due to being a County Councillor and the County Council holding a land interest at Gowells Farm.

Councillor G A Reynolds, Personal, due to being a County Councillor and the County Council holding a land interest at Gowells Farm.

Councillor Keith Strangwood, Personal, due to being a County Councillor and the County Council holding a land interest at Gowells Farm.

Councillor Lawrie Stratford, Personal, due to being a County Councillor and the County Council holding a land interest at Gowells Farm.

Councillor Barry Wood, Personal, persons known to him have an interest in land in Northwest Bicester, outside of the area under discussion.

9 **Communications**

The Chairman noted that since the last meeting the Kidlington North by-election had been held and Councillor Douglas Williamson has been returned as the newly elected Councillor for the Kidlington North Ward, unfortunately Councillor Williamson could not be present due to a previous commitment, but on behalf of all Councillors the Chairman congratulated him and welcomed him to the Council.

10 **Urgent Business**

The Chairman announced that whilst there were no items of urgent business, the Government announced its final list of eco town locations, which included NW Bicester. In light of this the Chairman had asked the Leader of the Council to address this issue under Minutes of Executive, agenda item 10. Any members wishing to ask the Leader of the Council questions regarding this were advised to do so under Executive Minute 17.

11 **Minutes of Council**

The minutes of Council held on 20 May 2009 were agreed and signed by the Chairman.

12 **Presentation from Alan Webb, Director Service Redesign at Oxfordshire Primary Care Trust (PCT) and Dr Jonathan McWilliam, Director of Public Health for Oxfordshire**

The Chairman welcomed Alan Webb, Director of Service Redesign at Oxfordshire Primary Care Trust and Dr Jonathan McWilliam, Director of Public Health for Oxfordshire to the meeting.

In order for questions to be asked following the presentation, it was agreed that Procedure Rules be lifted.

Alan Webb and Dr Jonathan McWilliam addressed the meeting regarding the work of the Primary Care Trust and the Third Annual Report of the Director for Public Health. A number of members asked questions and answers were duly provided.

The Chairman thanked Alan Webb and Dr Jonathan McWilliam for their attendance.

It was proposed by Councillor Wood and seconded by Councillor Reynolds that the recommendations as set out in the report be approved. By way of an amendment, it was proposed by Councillor L Stratford and seconded by Councillor Bolster that:

Recommendation 3 be amended to say: 'That this Council continues to support and encourage the Primary Care Trust in its healthcare improvement activities within Cherwell and that the Primary Care Trust recognises and accepts that we still require a replacement community hospital for Bicester at the earliest opportunity.'

And that an additional recommendation be inserted: 'That Council asks the Leader of the Council to write to the Health Minister, informing him of Cherwell District Council's eagerness to continue to work with the Primary Care Trust for the benefit of Cherwell residents and in particular for the delivery of a community hospital'.

Upon being put to the vote, the amendment and the substantive motion were agreed unanimously.

Resolved

- 1) That the Third Annual Report of the Director of Public Health for Oxfordshire be received and recommendations considered.
- 2) That the Council include in its annual service and financial planning process consideration of the Council's response to the key health issues for the Cherwell District.

- 3) That this Council continues to support and encourage the Primary Care Trust in its healthcare improvement activities within Cherwell and that the Primary Care Trust recognises and accepts that we still require a replacement community hospital for Bicester at the earliest opportunity.
- 4) That Council asks the Leader of the Council to write to the Health Minister, informing him of Cherwell District Council's eagerness to continue to work with the Primary Care Trust for the benefit of Cherwell residents and in particular for the delivery of a community hospital.

13 **Questions on Minutes of Council**

There were no questions on the minutes of Council meetings of 20 April and 20 May 2009.

14 **Executive Decisions - Special Urgency**

Since the meeting of Council on 20 April 2009 there had been no Executive decisions that had been taken that were subject to the special urgency provisions of the constitution.

15 **Minutes of the Executive**

It was proposed by Councillor Wood and seconded by Councillor Reynolds that the minutes of the Executives held on 27 April, 11 May and 15 June 2009 be received.

Questions were put and answered on Minutes 230, 234, 237, 242, 244 and 6

Mrs Odette Phipps addressed the meeting with regard to Executive minute 17 in opposition to the North West Bicester proposal.

It was proposed by Councillor Wood and seconded by Councillor Reynolds that the minutes of the Executive held on 6 July 2009 be received.

Many questions were put and answered on Minutes 17 (including the issues raised by the Government announcement on Eco towns and the issues raised by Mrs Phipps). A question was also put and answered on Minute 18.

Resolved

That the minutes of the meetings held on 27 April, 11 May, 15 June and 6 July 2009 be noted.

(Councillor Fulljames and Councillor Mrs Fulljames left the meeting)

16 **Investment Strategy**

Council considered a report of the Head of Finance seeking approval for the revised Investment Strategy 2009/10 which had been considered and recommended for approval by the Executive.

Resolved

That the revised Investment Strategy for 2009/10 (as set out in the minute book) be approved.

17 **Portfolio Holder Decisions**

Resolved

That the record of Portfolio Holder decisions be noted.

18 **Minutes of Accounts, Audit and Risk Committee**

It was proposed by Councillor Donaldson and seconded by Councillor Stevens that the minutes of the Accounts, Audit and Risk Committee as set out in the Council Minute Book be received.

Resolved

That the minutes of the meetings held on 15 April, 20 May, 18 June and 24 June 2009 be noted.

19 **Minutes of Appeals Panel**

It was proposed by Councillor Hallchurch and seconded by Councillor Steward that the minutes of the Appeals Panel as set out in the Council Minute Book be received.

Resolved

That the minutes of the meeting held on 20 May 2009 be noted.

20 **Minutes of Overview and Scrutiny Committee**

It was proposed by Councillor Sames and seconded by Councillor Milne Home that the minutes of the Overview and Scrutiny Committee as set out in the Council Minute Book be received.

Resolved

That the minutes of the meetings held on 7 April, 20 May and 9 June 2009 be noted.

21 **Minutes of Personnel Committee**

It was proposed by Councillor Irvine and seconded by Councillor Atkinson that the minutes of the meeting as set out in the Council Minute Book be received.

Resolved

That the minutes of the meeting held on 20 May 2009 be noted.

22 **Minutes of Resources and Performance Scrutiny Board**

It was proposed by Councillor Mawer and seconded by Councillor Steward that the minutes of the meetings of the Resources and Performance Scrutiny Board as set out in the Council Minute Book be received.

Resolved

That the minutes of the meetings held on 21 April, 20 May and 23 June 2009 be received.

23 **Minutes of Licensing Committee**

It was proposed by Councillor Heath and seconded by Councillor Gibbard that the minutes of the meetings of the Licensing Committee as set out in the Council Minute Book be received.

Resolved

That the minutes of the meetings held on 11 March, 20 May and 11 June 2009 be received.

24 **Written Questions**

There were no written questions.

25 **Motions**

There were no motions.

26 **Proportionality and Committee Appointments**

Council considered a report of the Head of Legal and Democratic Services on the proposed proportionality and resulting committee appointments following the Kidlington North By-election, with the political groups now standing at 44 members of the Conservative group, 4 members of the Liberal Democrat Group and 2 members of the Labour Group.

This change resulted in the following allocation of seats on proportional committees:

Allocation of Seats of Proportional Committees

Committees	Con	Lab	LD	TOTAL
Overview and Scrutiny Committee	10*	1*	1	12
Resources and Performance Scrutiny Board	11	0	1	12
Planning Committee	16	1	1	18
Licensing Committee	10*	1*	1	12
Personnel Committee	11	0	1	12
Appeals Panel	9	0	1	10
Accounts, Audit and Risk Committee	10	0	1	11
Proportional Total by Committee	79	1	7	87
Aggregate Entitlement	77	3	7	87
Adjustment Required	- 2	+ 2	0	

The Leader of the Conservative Group had informed the Chief Executive that the seats to be offered to the Labour Group were on the Overview and Scrutiny and Licensing Committees.

The above figures marked by an asterisk take account of this adjustment.

In light of the above changes the following amendments to committee memberships have been received by the political groups:

Nominations from Political Groups

		Appeals Panel	Personnel Committee	Overview & Scrutiny Committee	Licensing Committee	Standards Committee
Remove	Members	Cllr Sibley	Cllr Parish	Cllr Prestidge	Cllr Hughes	Cllr Rae
	Substitutes	-	-	-	-	-
Add	Members	Cllr Hughes Cllr Rae	Cllr Williamson	Cllr Sibley	Cllr Parish	Cllr Williamson
	Substitutes	-	-	Cllr Parish	Cllr Sibley	-

Resolved

That the appointments to committees as set out in the above minute be approved.

27 **Standards Committee Annual Report**

Council considered a report of the Head of Legal and Democratic Services and Monitoring Officer on the work of the Standards Committee during the last year. It was proposed by Councillor Hallchurch and seconded by Councillor L Stratford that Council note the report. At the request of Councillor Reynolds it was accepted by way of a friendly amendment that the Standards Committee would provide Council with a breakdown of their costs in investigating cases in the next annual report.

Resolved

- 1) That the report be noted.
- 2) That the Standards Committee be requested to include a breakdown of costs in investigating cases in their next annual report.

28 **Proposed Changes to Full Council**

Council considered a report of the Chief Executive on proposed changes to the way Full Council operates in order to free time for additional items for discussion and debate for the benefit of Councillors and residents. It was proposed by Councillor Wood and seconded by Councillor Pickford that the recommendations as set out in the report be agreed.

Resolved

- 1) That the following changes to the way Full Council runs be approved:
 - a) Minutes of previous meetings to be moved in blocks rather than paged through, but with the ability to ask questions arising as now
 - b) Recommendations to Council to be considered individually
 - c) Leader's 'Question Time' to be introduced

- d) The extra time available to be used to hear presentations from partners and to debate more issues relevant to the District and its future
- 2) That the changes proposed to the Council Procedure Rules in the Constitution (as set out in the minute book) be approved.
- 3) That minor consequential changes required to other parts of the Constitution be delegated to the Head of Legal and Democratic Services in consultation with the Portfolio Holder for Democratic Services and Member Development.

29 **Exclusion of the Press and Public**

Resolved

That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Schedule 12A of that Act.

30 **Exempt Minutes of Executive**

It was proposed by Councillor Wood and seconded by Councillor Reynolds that the exempt minutes of the Executive as set out in the Council Minute Book be received.

Resolved

That the exempt minutes of the meeting held on 6 July 2009 be noted.

31 **Exempt Minutes of the Appeals Panel**

It was proposed by Councillor Hallchurch and seconded by Councillor Steward that the exempt minutes of the Appeals Panel as set out in the Council Minute Book be received.

Resolved

That the exempt minutes of the meeting held on 6 May 2009 be noted.

32 **Exempt Minutes of the Personnel Committee**

It was proposed by Councillor Irvine and seconded by Councillor Atkinson that the exempt minutes of the Personnel Committee as set out in the Council Minute Book be received.

Resolved

That the exempt minutes of the meetings held on 10 June and 7 July 2009 be noted.

33 **Exempt Minutes of the Licensing Committee**

It was proposed by Councillor Heath and seconded by Councillor Gibbard that the exempt minutes of the Licensing Committee as set out in the Council Minute Book be received.

Resolved

That the exempt minutes of the meeting held on 11 March 2009 be received.

The meeting ended at 10.20 pm

Chairman:

Date:

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Council

Planning for a Flu Pandemic – Establishing an Emergency General Purpose Committee

19 October 2009

Report of the Executive Portfolio Holder for Democratic Services and Member Development

PURPOSE OF REPORT

To request Council to agree the establishment of an Emergency General Purpose Committee.

This report is public

Recommendations

The Executive recommends Council to:

- (1) Agree that in the event of an ongoing emergency an Emergency General Purpose Committee be constituted to make any decisions the Council is able to make which are not part of the Executive functions or reserved in legislation to full Council. The composition of the Emergency General Purpose Committee would be the Leader of Council with any member of the Executive as substitute, the Deputy Leader with any member of the majority group as substitute and the Leader of the opposition, with any member of the opposition group as substitute.

Executive Summary

Introduction

- 1.1 At its meeting on 3 August 2009 the Executive considered a report on planning for a flu pandemic informing the Executive of the current situation and seeking approval for proposed actions in the event of significant levels of illness and agreed the following:

Resolved

- 1) That it be noted that the government may consider extending self certification from 7 days to 14 days and that a signed medical certificate would not be required.

- 2) That the ICT contingency reserve be utilised to fund expenditure of £15 000 to upgrade the IT infrastructure and ensure that home working is available to all who need it.
- 3) That agreement be given to providing mutual aid and assistance to the PCT as requested which would include making available the locations noted in the report as antiviral distribution centres and redeploying staff if requested provided those staff have the same level of protection as NHS staff. That mutual aid be made available to neighbouring local authorities subject to local circumstances and availability, provided that neither compromise our ability to provide essential services.
- 4) That the trigger for activating the Council's Pandemic Flu Plan would be when the first case is reported in a current employee. That the Cherwell District Council Decision Making contingency Plan as set out in Annex 1 to the minutes (as set out in the minute book) be agreed.
- 5) That if necessary all Executive powers be delegated to an urgency committee made up of any three of the Executive which shall include the Leader or Deputy Leader of Council if possible.
- 6) That Council be recommend in the event of an ongoing emergency to establish an Emergency General Purpose Committee to make any decisions the Council is able to make which are not part of the Executive functions or reserved in legislation to full Council. The composition of the Emergency General Purpose Committee would be the Leader of Council with any member of the Executive as substitute, the Deputy Leader with any member of the majority group as substitute and the Leader of the opposition, with any member of the opposition group as substitute.

Proposals

- 1.2 The decision approved the Cherwell District Council Decision Making Continuity Plans as set out in the Appendix to these minutes, as part of these contingency arrangements an Emergency General Purpose Committee was suggested to make any decisions the Council is able to make which are not part of the Executive functions or reserved in legislation to full Council, in the event of the appropriate level of contingency being triggered due to the non-availability of members in an event such as a flu pandemic. The powers to create such a committee belong to Council.

Conclusion

- 1.3 It is important that the Council ensures that essential decisions can continue to be made for residents of the district and the proposals in this report should enable this to happen.

Key Issues for Consideration/Reasons for Decision and Options

The following options have been identified. The approach in the recommendations is believed to be the best way forward

Option One	To set up an Emergency General Purpose Committee
Option Two	Not to agree to set up an Emergency General Purpose Committee

Implications

Financial:	There are no financial implications arising directly from this report. Comments checked by Karen Curtin, Head of Finance 01295 221551
Legal:	Whilst there are emergency powers under the constitution we do have notice of the emergency in this case and are therefore seeking authority to anticipated actions. Comments checked by Liz Howlett, Head of Legal and Democratic Services 01295 221686
Risk Management:	By the nature of the report this is dealing with a risk to the district, the residents and to the services we provide. Comments checked by Rosemary Watts, Risk Management and Insurance Officer 01295 221566

Wards Affected

All

Corporate Plan Themes

Safer healthier communities

Executive Portfolio

Councillor Pickford
Portfolio Holder for Democratic Services and Member Development

Document Information

Appendix No	Title
One	<i>Cherwell District Council's Decision making contingency plans</i>
Background Papers	
Cherwell District Council Pandemic Flu Plan	
Report Author	James Doble, Democratic, Scrutiny and Elections Manager
Contact Information	01295 221587 james.doble@cherwell-dc.gov.uk

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Cherwell District Council Decision Making Contingency Plans

Level 1 Contingency - Essential Decisions Only (for maintaining essential council services and dealing with the contingency) –members unable to act

- Chief Executive (or a Strategic Director in their absence) to make all decisions under urgency provisions in the constitution
- Informal consultation process with Leader and Executive Members by whatever means possible
- No need for publication of decision although would need to be formally reported at a later date
- No Democratic Service Staff would be required

Level 2 Contingency - Normal Business Suspended – very few members able to act

- Suspension of all Committees except Executive, call-in to be waived
- Possibility of Executive meeting with a quorum of 4
- Meetings can be convened with less than 5 days notice under a loop hole in the legislation if required, but should be avoided if possible
- Executive Portfolio Holder decisions could be used as normal and could be maximised with Executive delegating decisions to Leader and Deputy Leader. Leader and Deputy Leader both have reserve powers to act in case of inability of Executive member to act.
- Non-urgent Executive business rescheduled
- Emergency General Purposes Committee to take urgent decisions outside the scope of the Executive.
- Full Council to be summoned for urgent matters reserved to Full Council e.g. setting Council Tax, quorum is 17.
- Minimal Democratic staff required

Level 3 Contingency - Meetings without pressing business cancelled – limited number of members able to act

- Regulatory and Executive committees meet to consider pressing business, all other business rescheduled
- Other meetings suspended
- Minimal Democratic staff required

For situations below level 3, normal meetings continue with greater use of substitute members where possible.

Level of Contingency to be declared by Chief Executive or Monitoring Officer or in their absence their appointed deputies.

In preparation for a contingency it is recommended that full Council establish an Emergency General Purpose Committee with the following terms of reference:

Emergency General Purpose Committee

Composition:	Leader of Council	Deputy Leader of Council	Leader of opposition
Substitutes:	Any member of Executive	Any member of majority group	Any member of opposition group

In the event of a Level 2 or 3 contingency to make any decisions within the power of Cherwell District Council or its committees that are not part of the Executive functions or reserved in legislation to full Council.

Council

Guidance Note for Membership of Outside Organisations

19 October 2009

Report of Head of Legal and Democratic Services

PURPOSE OF REPORT

To approve the recommendation from the Standards Committee to adopt the updated Oxfordshire wide guidance note for membership of outside bodies

This report is public

Recommendations

The Standards Committee recommends Council:

- (1) To adopt the advice note for councillors serving on outside bodies as the updated version of the guidance note in place of the existing version in part three of the constitution
- (2) To continue using the annual form to councillors on outside bodies supplemented by additional reports by Councillors in the Member Weekly Bulletin where appropriate.

Executive Summary

Introduction

- 1.1 All the Monitoring Officers in Oxfordshire originally worked on a common guidance note following the introduction of the ethical framework in the Local Government Act 2000. On standards issues we believe consistency in approach across the county is vital, and the need for this is greater when outside organisations may span a number of districts and have representatives from a number of Oxfordshire authorities on them.
- 1.2 This note has been updated and is being adopted by all the Oxfordshire authorities. Individual variations have been made where this makes it more clearly relevant or helpful, for example, organisations which Cherwell councillors are likely to be involved in are listed in section three.

Proposals

- 1.3 The note has been updated to reflect changes in the law since the original note was agreed
- 1.4 The note is amended in section four to reflect the changes to the Code of Conduct in 2007.

Conclusion

- 1.5 Council is requested to approve the attached note and confirm that it should replace the existing note at part three of the constitution.

Background Information

- 2.1 It is increasingly necessary to work with external organisations and the guidance note is intended to help councillors do this with an understanding of the potential problems that could arise.
- 2.2 There have been three areas of law which have been updated or changed since the original note was produced. These are the laws relating to charities, indemnities for councillors and the new code of conduct in 2007. All these changes are reflected in this updated note.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 It is important that the guidance note reflects current legislation
- 3.2 It is helpful for the note to be consistent across Oxfordshire

The following options have been identified. The approach in the recommendations is believed to be the best way forward

Option One Retain existing note

Option Two Adopt updated note

Consultations

Oxfordshire authorities The guidance note was worked on in consultation with the other Heads of Legal in Oxfordshire

Implications

Financial:	There are no financial implications Comments checked by [Insert name], [Insert job title] 01295 22[Insert extension number]
Legal:	It is important for councillors to be aware of potential issues that may arise when representing the Council on outside organisations Comments checked by Liz Howlett, Head of Legal and Democratic Services 01295 221686
Risk Management:	There are risks for councillors in potential conflict of interest situations and it is important that these are minimised Comments checked by Rosemary Watts, Risk Management and Assurance Officer 01295 221566

Wards Affected

All

Corporate Plan Themes

Accessible Value for Money Council

Executive Portfolio

Councillor Barry Wood
Portfolio Holder for Policy and Community Planning

Document Information

Appendix No	Title
Appendix 1	Guidance note for elected members serving on outside organisations
Background Papers	
Members Code of Conduct	
Report Author	Liz Howlett, Head of Legal and Democratic Services
Contact Information	01295 221686 liz.howlett@Cherwell-dc.gov.uk

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**An advice note for
elected councillors serving
on outside organisations**

1 Introduction

This is general advice for elected councillors which has been prepared by the Oxfordshire District and County Secretaries/Monitoring Officers Group about some issues which can and do arise when they are appointed to serve on bodies to which the Council may traditionally make appointments.

The business of local government, at all levels, now includes far more partnership working, and work in the community. Councillors' representational role is enhanced and strengthened by participating in outside bodies but inevitably there will be great differences in the way these bodies work. It is not possible therefore to give exhaustive advice about every issue which a councillor may face if serving on an outside body, but this note deals with some of the most fundamental issues.

2 General background

2.1 Once councillors are elected to serve on the Council they may very well be nominated by the Council to serve on other bodies which deal with a variety of issues on a district, county or regional basis. Such bodies are many and varied: examples being community hall committees, cultural arts and sports and tourism promotional bodies, charitable bodies, voluntary and advisory organisations and bodies dealing with various major public programmes as well as bodies actually run by other public institutions.

2.2 Councillors need to understand certain ground rules as part of their take up of an appointment on an outside body:-

- it is not necessarily the case that the Council knows in detail the organisation of the outside bodies to which they appoint councillors, as these bodies are independent bodies of varied backgrounds;
- the Council will probably be only one of a number of organisations with which the body has formal contact;
- Councillors need to make themselves aware, at the time of joining a body, what they are taking on, and what the body expects of them;
- Councillors need to be aware that taking on a specific role with an outside body (e.g. chairmanship of it) may create a conflict when the Council considers matters relating to that body;
- Councillors are bound by their Council's local code of conduct when serving on an outside body *unless* it conflicts with any legal obligations arising from their membership of that body;
- there are many different forms of organisation as described above, and councillors should be aware that they are not covered by the Council's legal machinery or insurance for the activities they may become involved

in through membership of an outside body. A separate note about limitation of risk and the insurance situation is given below. (Section 5).

- generally outside bodies will be performing or facilitating public works or programmes or engaged in philanthropic activity and the competence of administration of them will vary considerably. Councillors serving on them need to be alert to problems and to seek advice about any matters which may be of concern from the Council's Monitoring Officer.

2.3 This introductory advice is not intended to dissuade councillors from participating in the valuable work of outside bodies. It is simply saying that outside bodies are very varied in their culture and operational base and the Council as such does not know enough about them to give them a seal of approval to the extent that the councillor is "fireproof" if serving as a Council nominee - checks and clarity of purpose established by the councillor are very necessary.

2.4 At the end of this advice note there are some useful contacts listed, both within and outside the Council. There are also some Do's and Don'ts which might help you when representing the Council on an outside body.

3 Types of bodies

3.1 As mentioned above organisations are many and varied. It is impossible to provide advice about every problem that may be encountered.

3.2 Broadly speaking bodies may fall into one of the following categories:-

- a formally incorporated company

e.g. Charter Housing
South East Employers

- an unincorporated organisation

e.g. Bicester and District Chamber of Commerce
Oxfordshire Association of Local Councils

- a charitable body

e.g. Oxfordshire Age Concern
Banbury Charities

- partnerships/consultative groups

e.g. Bicester Vision
Oxford Airport Consultative Committee

3.3 The obligations of a councillor will vary depending upon the role taken. Again, in general, the obligations of being a director of a company, or charity trustee will be specific and more clearly defined in law than for membership of an

unincorporated body. The point of councillor representation on outside bodies is to further the public interest, either locally or generally, and councillors need to exercise their judgement in this respect whilst bearing in mind any Council objectives in having representation on the body concerned.

- 3.4 For unincorporated organisations, the rules governing the (councillors') duties and liabilities should be set out in a constitution which will govern how the organisation will operate. Quite often the constitution will provide for a management committee to be responsible for the everyday running of the organisation.
- 3.5 There are also bodies which could be described as "consultative" or pressure groups. Membership of these bodies can bring particular problems which are discussed below.
- 3.6 The succinct advice is to be aware of your responsibilities and ensure you take advice if necessary from the appropriate person in the organisation on which you are serving.

4 The application of the Council's Code of Conduct

- 4.1 As indicated above, an elected councillor is bound to observe the requirements of the Council's Code when serving on another body, (as well as observing the body's own code/governance guidelines) which require those serving on it to conduct themselves in a certain way.

(Note: for councillors serving on more than one authority be aware of the Code for the authority which is making the appointment).

- 4.2 The relevant parts of the Council's Code are:-

Paragraph 13 - this requires councillors to register membership of, or position of general control or management in, a body to which they have been appointed or nominated by the Authority as its representative. The standard Register of Interest forms that councillors complete provides for this information to be listed.

Paragraph 9(2) - this requires councillors serving on outside bodies, providing he/she does not have a prejudicial interest (see paragraph 4.3), to disclose to the meeting (of the Council/ its Executive/ its committees) a personal interest and nature of that interest when he/she addresses the meeting on that business.

The declaration of a personal interest would not disallow the councillor from speaking and voting on the particular issue at the meeting.

- 4.3 If a councillor considers that he/she has a prejudicial interest in an outside body to which he/she has been appointed, then the councillor should declare that

he/she has a prejudicial interest and the nature of that interest as soon as the interest becomes apparent. The councillor should then leave the room **unless** members of the public are allowed to make representations, give evidence or answer questions about the matter. If this is the case, the councillor can also attend for that purpose. However, once the councillor's representation is made, he/she must leave the room. A councillor cannot remain in the public gallery to observe the vote on the matter. In addition, a councillor must not seek to improperly influence a decision in which he/she has a prejudicial interest. Consultation with the Council's Monitoring Officer may be required when there are circumstances which may give rise to problems in this respect.

4.4 Councillors should be aware of the above and how to interpret the Code to identify and avoid conflicts of interest. The following guidance may assist.

(a) Ordinary members of management committees (or similar)

- (i) Where Council has appointed a councillor to an outside body as a representative of the Council he/she may regard themselves as **not** having a prejudicial interest. It is important to remember that simply by appointing a councillor to an outside body the Council *does not* grant the person an automatic exemption from prejudicial interest in every circumstance relating to that body. For example, trustees have specific obligations to the body to which they belong; these would almost certainly amount to a prejudicial interest if a councillor were involved in discussion in a meeting of the Council (or its Executive or Committees etc.) about a grant to that body, or other matters affecting its financial or business affairs. It is therefore important that, in spite of the general rule of exemption, councillors remain alert when sensitive issues arise and seek advice where appropriate
- (ii) For councillors who are not appointed by the Council to the body the normal rules about personal and prejudicial interests apply (unless the body falls into another exemption category). This also includes councillors who have been appointed to Body A as the Council's representative and then appointed/nominated by Body A to represent it on Body B.
- (iii) Councillors should bear in mind that the terms of exception referred to in paragraph 4.4 (i) should be interpreted as implying that where a councillor is on an outside body, but not as the Council's representative, a prejudicial interest may exist.

(b) Officeholders (Chairman, Treasurer etc)

- (i) If a councillor, who is the Council's representative on a body, is approached to accept a position as an officeholder with that body, he/she should consider whether taking such a leading role is compatible with representing the Council. Part of the role of a councillor on an outside body is to liaise between the Council and that body and to report on its business and performance to the Council. To do so effectively

requires a degree of impartiality from that body which holding an office may call into question.

- (ii) It may be that part of an organisation's motivation in seeking to have a councillor as an officeholder is to gain extra influence with the Council. It is important therefore that from the start the councillor makes clear that as an officeholder the likelihood of conflicts of interest arising is significantly greater. It may indeed make the position untenable - see paragraph (iv) below. As an officeholder a councillor should normally expect to declare a personal and prejudicial interest in matters affecting the affairs of the body - not just grants, but also issues relating to planning, licensing, property etc. Regard should also be had to paragraph 6 (a) of the Code which states that a councillor must not in his official capacity, or any other circumstances, use his position as a councillor improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.
- (iii) Officeholders should equally be aware of the need to be careful in avoiding conflicts of interest arising when acting in their capacity as members of an outside body because of its dealings with the Council. This could come from individual cases or from more significant policy and financial aspects of the relationship between the body and the Council. Some bodies may themselves have governance arrangements designed to regulate ethical standards.
- (iv) It is important to avoid any perception of impropriety. The potential for incompatibility between a councillor's role as an officeholder on an outside body and membership of the Council will be influenced by a number of factors, such as
- the degree to which the body is dependent on the Council for financial or other support, and the scale of that support
 - the general nature of the relationship between the Council and the body
 - the real or perceived influence the councillor may be able to exert over the Council - for example, is he/she a member of the Executive or is he/she "high profile" in some other way? Would a decision contrary to his/her point of view either by the Council or by the management committee of the outside body be perceived as politically embarrassing?
 - Would the Council be perceived as seeking to exercise undue influence over the body, or vice versa?
- (v) Such considerations will apply to all councillors who hold office, whether or not they have been appointed to the body by the Council.

5 Indemnities: general

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- 5.1 Within this note specific advice is given, in the relevant sections, about the need for insurance cover to be available through the body on which the councillor serves.
- 5.2 The general ability of the Council to provide an overall indemnity for councillors serving on outside bodies is still not entirely clear in law but, for the purpose of this advice note, bodies that are independent of the Council and on which councillors may serve are the source through which insurance should be available. These bodies will have a variety of people serving on them, other than members of councils - it is for the body to see to it, as far as they are able within their powers, that their representatives are covered by insurance.
- 5.3 The ability of local authorities to indemnify councillors and officers for any *personal liability* arising from actions or decisions taken by them in the course of their official duties is covered under the Local Authorities (Indemnities for Members and Officers) Order 2004.

The scope of the order can be summarised as follows:

- (a) Where the councillor is carrying out any function which is at the request of, with the approval of or for the purposes of, the Authority.
 - (b) Where the councillor is carrying out any function which is at the request of, with the approval of the Authority but acting in capacities other than a councillor of the Authority.
 - (c) Where the action or inaction complained of falls outside the powers of the Authority itself or outside the powers of a councillor individually (*ultra vires*), provided the officer or member reasonably believed the matter was not outside those powers.
 - (d) Where a councillor makes a statement that certain steps have been taken or requirements fulfilled, but it later becomes clear that this is not the case. Again, the officer or member indemnified must reasonably believe that the statement was true when it was made.
- 5.4 Outside the scope of the power to indemnify are the following circumstances:
- (a) criminal acts
 - (b) any other intentional wrongdoing
 - (c) fraud
 - (d) recklessness
 - (e) defamation (but not the defence of an accusation)

6 Guidance about serving on particular bodies

6.1 Companies

There is a considerable body of law concerning the duties of those who may run companies i.e. directors. There are rules in the Local Government and Housing Act 1989 concerning Council involvement in companies. Because the legal implications and rules are extensive, and councillors' involvement with companies is on the increase, separate guidance is given to councillors who may serve in such capacity, through an Appendix to this note.

6.2 Unincorporated organisations (management committees)

(a) general status

Groups that are not charitable trusts or limited companies are "unincorporated associations" and have no separate legal identity from their members. The rules governing the members' duties and liability should be set out in a constitution, which is simply an agreement between the members as to how the organisation will operate. Usually, the constitution will provide for a management committee to be responsible for the everyday running of the organisation. An unincorporated organisation may be charitable and may register as a charity.

Property will have to be held by individuals as the organisation has no existence of its own.

(b) duties

Broadly, Management Committee councillors must act within the constitution (of the unincorporated organisation), and must take reasonable care in exercising their powers.

(c) liabilities

- (i) Generally, Management Committee members are liable for the acts of the organisation, but are entitled to an indemnity from the funds of the organisation if they have acted properly. If there is no insurance cover from the organisation, the Management Committee members are personally liable for the shortfall.
- (ii) If one person is appointed by the constitution to act as the agent of the organisation for certain purposes, then that person acts as the agent of all the members, who have joint liability for the agent's actions.
- (iii) Members of the Management Committee will have personal liability if they act outside the authority given to them or if they do not comply with statute e.g. the payment of employees' tax etc.

(d) indemnities

Councillors will be entitled to an indemnity if they act in accordance with the constitution and are not at fault provided the body concerned has obtained insurance, but if the organisation is to pay the premium it must be permitted by the constitution. The necessary insurance policy would need to be renewed otherwise it would become invalid. Councillors would then not be covered.

6.3 Charities

(a) general status

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- (i) To be a charity, an organisation must operate for a charitable purpose of which there are four:
- the relief of poverty and human suffering
 - the advancement of education
 - the advancement of religion
 - another purpose for the benefit of the community
- (ii) It must operate for the public benefit and have exclusively charitable purposes. An organisation which operates for political purposes will not qualify for charitable status.
- (iii) To register as a charity the organisation must submit its Trust Deed (usually the Memorandum and Articles of Association of a company limited by guarantee) to the Charity Commissioners for approval. If they are satisfied that the organisation is charitable it will be registered as such.
- (iv) Those who are responsible for the control and administration of a charity are referred to as its *trustees*, even where the organisation is a company limited by guarantee and even though they are not strictly trustees. Trustees of a charity retain personal liability and can only delegate it if the trust authorises them so to do.

(b) **trustees' duties**

- (i) Trustees must take care to act in accordance with the Trust Deed and to protect the charity's assets.
- (ii) Trustees must **not** make a private profit from their position. They must also perform their duty with the standard of care which an ordinary, prudent business person would show. Higher standards are required of professionals and in relation to investment matters.
- (iii) Charity trustees need to have regard to the requirements of the Charities Acts and to ensure that the requirements of the Charity Commissioners are met. Advice and guidance on these details would normally be available from the administrator of the Trust. There are leaflets available from the Charity Commissioners about various aspects of running a charity. These should be obtainable from the administrator of the Trust.

(c) **trustees' personal liability**

- (i) If in doubt, always consult the person who is responsible for the administration of the charity but ultimately you should consult the Charity Commissioners. Contact details are at the end of this note. A trustee who does so should avoid personal liability for breach of trust if they act in accordance with the advice given.
- (ii) Generally though a trustee incurs personal liability if they:

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- act outside the scope of the trust deed
 - fall below the required standard of care
 - make a personal profit from the trust assets
- (iii) In such circumstances the trustee will incur personal liability for losses incurred.
- (iv) Trustees can be liable personally to third parties because unlike a company, a trust has no separate identity from the trustees. Trustees are, however, entitled to an indemnity from the trust assets, provided they act properly in incurring the liability. Trustees remain personally liable once they retire (e.g. if they have entered into a contract on behalf of the trust) and should therefore seek an indemnity from their successors. If the charity is a company, however, the trustees for the time being will be responsible.
- (v) Trustees may be liable to fines if they do not comply with the duty to make returns etc.

(d) **Indemnities**

An indemnity can be given from the trust fund provided the trustee has acted properly and within his/her powers. Trustees may take out insurance to protect themselves against personal liability but not for criminal acts, fraud etc. There will be no problem if the trustees themselves pay the premiums but if they are paid out of the charitable funds, the trustees will need the consent of the Charity Commissioners unless the trust deed allows it. Again any insurance policy should be kept in force by ensuring renewal premiums are paid.

6.4 Consultative/advisory bodies/pressure groups

- (a) Difficulty can arise where a councillor serving on a particular body champions a cause being promoted by that body or has been closely involved in formulating advice or preparing an application for assistance in some form which is required from the Council. In such circumstances the councillor should be aware that it will be necessary to consider their position if and when the matter comes before the Council.
- (b) A councillor who has led an outside body to formulate advice for a Council may very well be deemed to show bias or a closed mind in such circumstances and quite apart from any considerations under the Code of Conduct may not be able to participate in discussion and voting at the Council, as they are not able to exercise their judgement in the wider public interest.
- (c) Examples of close involvement on issues coming before the Council and arising through membership of these type of bodies could occur through membership of historical or civic societies, or local arms of national

organisations like Friends of the Earth.

6.5 Partnerships

- (a) Today, within the public sector, bodies are formed which can be described as *partnerships*. These can involve local authorities with other public sector bodies or sections of other public sector bodies in dealing with specific issues. These partnerships can range from informal groups where each organisation's representative comes to the group with a defined purpose/supply of resources from his/her organisation to contribute to the achievement of a particular programme of events, to more formal arrangements where a legal agreement is entered into between all the parties as to what the object of the partnership is and what the obligations/inputs will be from the partners (for example the Oxfordshire Waste Partnership).
- (b) In the former case the representatives on the partnership steering group or "committee" should act within the scope of the authority given to them by their Council, which on occasions may need to be clarified when the agenda for the partnership meetings is prepared. In the latter case, the legal agreement should set out the rights and obligations of the partners and the representative will need to be familiar with these requirements. It is likely that in these circumstances the Council's legal officer will have drafted, or approved, an agreement to regulate the arrangements in accordance with the Council's decision to be involved.

7 Reporting back

- 7.1 The Council requires reports back from councillors at least once per year on outside body activity. This is to help in monitoring the value of representation, any particular problems encountered, and to keep the Council aware of any relevant activities of the body during the year.
- 7.2 Councillors should report back annually via [the Weekly Information Sheet]. Reports should be sent to an officer in Democratic Services. The system of annual reporting does not mean a councillor should not report back after each meeting, if there are reasons to make the Council aware of a particular issue.

8 Data protection

- 8.1 It is possible that through representation on an outside body you will process personal data that belongs to the body. If you do this you will need to ensure with the body whether you need to be part of the body's notified arrangements to the Information Commissioner for processing the data.

(Processing data means doing anything with it from obtaining it, working with it to destroying it.)

9 Some final thoughts

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- 9.1 The way local government operates increasingly involves councillors participating in the affairs of other organisations. These organisations may be close partners of the Council helping to deliver services or they may be more distant bodies carrying out some particular role within a local community. It is an important part of local governance that councillors should feel able to participate in such bodies if they wish or if the Council feels it is beneficial. Some help can be available to councillors to enable them to carry out their tasks on bodies in which they may take an interest but the bottom line is that the organisations are separate from the Council and the councillor must act in accordance with the interests of the organisation.
- 9.2 In considering matters before the body, the councillor can take account of any of the Council's objectives but cannot be bound by the Council to vote one way or the other on a particular matter. The overriding duty is to vote in accordance with the interests of that organisation.
- 9.3 Councillors should always be clear about their role on the organisation. In the most basic cases, a councillor may well be a representative on the body simply to render general help and advice - or to help in specific circumstances. In such cases there should be few issues arising. If a councillor's role expands then, as set out elsewhere in this note, advice may need to be sought about possible conflict of interest, particularly of the councillor who holds a specific office on the District Council e.g. member of the Executive or Committee Chairman.
- 9.4 If you are at all concerned by the administration or management of a body that you have been appointed to, in the first instance you should raise the matter with the person who appears to you to be managing the organisation. If there are matters which might concern the Council you can raise the matter with the Council's responsible officer for outside body nominations - the Head of Legal and Democratic Services. It may not be possible for the Council to resolve the issues but the Council may then be able to consider whether continued representation on the body is justified or desirable.

DO's and DON'T's

Do

- Make sure you understand from the body on which you represent the Council what they expect of you (i.e. a clear relationship statement).
- Obtain any written information from the body such as their constitution, objectives/powers and duties summary accounts etc. to help you do your job properly.
- Seek assurances and evidence about insurance to minimise/eliminate any personal liability you might incur.
- Ensure you receive proper notification of meetings of the body and look at the records of meetings they produce.
- Act in the best interests of the body.
- Liaise with the Council on any issues which concern the body - but not so as to infringe any provision of the Code of Conduct.
- Report back to the Council on activities of the body - either annually or after a particular meeting if necessary.
- Raise any issues of general administration of the body with the identified contact person in the organisation.
- If you have concerns which you feel you cannot raise with the body, report to the Council's appropriate Officer.

Do Not

- Breach the Council's Code of Conduct requirements.
- Take on an officeholder's post in the organisation without considering the implications for the Council and your elected councillor responsibilities.
- Vote on any issues in the organisation other than in the best interests of the organisation.
- Agree to act as a 'go-between' with the Council on any issue which may cause a conflict of interest.
- Fail to keep yourself briefed of matters taking place within the organisation.

Useful Contacts

Charity Commission PO Box 922 Liverpool L69 3WP Tel No 0870 333 0123,
website www.charitycommission.gov.uk

National Council for Voluntary Organisations Regents Wharf All Saints Street
London, N1 Tel No 020 7713 6161

Community Matters 8-9 Upper Street London N1 0PQ Tel No 0171 226 0189
(specialise in advice about Community Associations)

Oxfordshire Rural Community Council Jericho Farm Worton Witney OX29 4JZ
Tel No 01865 883488
(advice can be obtained about village hall arrangements)

ADVICE TO COUNCILLORS RE COMPANIES

1 Companies

- 1.1 Sometimes a councillor will find they have been nominated to serve on an outside body which is a registered company. If so, the following advice is relevant.
- 1.2 On incorporation a company becomes a separate legal entity which can hold property in its own right, enter into contracts and sue and be sued in its own name. The company is distinct from its shareholders and members. In the case of a limited liability company, the liability of members of the company is limited to the amount they paid or agreed to pay when they joined the company. This can be as little as £1.
- 1.3 Companies limited by shares are those which have a share capital (e.g. 1,000 shares of £1 each). Each member holds shares and receives a share in the profits made by the company according to the value of the shares held. Shares can be sold. Companies limited by guarantee are those where there is no shareholding. Instead each member agrees that in the event of the company being wound up they will agree to pay a certain amount. This may also be as little as £1. This form of company is the most usual in the public and voluntary sector particularly where charitable status is sought.
- 1.4 The management of a company is generally the responsibility of a board of directors. The powers of the directors are usually set out in the company's Articles of Association (the rules each company has to govern its internal management). Sometimes even though a company has been incorporated the directors may be referred to as members of the committee of management, governors or even trustees. However, this does not change their status as directors. Conversely, sometimes officials are called directors but they are not members of the board. Again their status will not be affected. Directors are those who are appointed by the company to act in that capacity.

2 Directors' duties

- 2.1 A director is an agent of the company. His/her prime duties are as follows:-
 - (a) **A fiduciary duty** to the company (not individual shareholders) to act honestly and in good faith and in the best interests of the company as a whole. Directors are therefore in the position of "quasi trustees" who must take proper care of the assets of the company. The fiduciary duty of the director towards the company is very similar to the fiduciary duty of councillors to Council Tax payers.
 - (b) **A general duty of care and skill** to the company but a director requires no greater skill than might reasonably be expected of someone of that individual's particular knowledge and experience. A director is not

deemed to be an expert, but is expected to use diligence and to obtain expert advice if necessary.

- (c) Like a councillor in respect of Council decisions, the director is under a duty **to exercise independent judgement**, though it is permissible for him/her to take account of the interests of a third party that he/she represents. In such a case the director must disclose that position and treads a fine line between the interests of the company and the party represented (in this case the Council). The director cannot vote simply in accordance with the Council mandate. To do so would be a breach of duty.
- (d) **No conflict.** There may be actual or potential conflicts between the interests of the Council and the interests of the company. In such circumstances, the only proper way for the conflict to be resolved is for the councillor to resign either from the company or from the Council.
- (e) Directors are **not allowed to make a private profit** from their position. They must, therefore, disclose any interests they or their family may have in relation to the company's contracts. Whether they are then allowed to vote will depend on the Articles of Association.
- (f) Directors must **ensure compliance with the Companies Acts** in relation to the keeping of accounts and ensuring that the relevant returns are made to the Registrar of Companies. Failure to do so incurs fines and persistent default can lead to disqualification as a director.

3 Directors' liabilities

- 3.1 The company's identity must clearly be shown on its stationery. The company number, place of registration, registered office address and if any of the directors' names are shown then they must all appear. Non-compliance is an offence and the directors and company officers can be fined.
- 3.2 A company can only act within the scope set out in its Memorandum of Association (the document which sets out the objects of the company). Those directors knowingly causing the company to act beyond the activities set out in the Memorandum will be liable personally. In very limited circumstances it is possible for the actions of the directors to be ratified by the members of the company.
- 3.3 A director may also be liable for breach of trust if they misapply the money or property of the company. Directors may also be liable if they fail to take action to prevent breach by a co-director of which they are aware.
- 3.4 In the event of failure to act in accordance with the best interests of the company, or if a director uses their powers improperly or makes a personal profit from their position as director, then the director may be personally liable for loss to the company and may be required to give to the company any personal profit made.

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- 3.5 If the level of skill and care shown by a director falls below that which could be reasonably expected and the company suffers loss, the director will be liable for the loss incurred. However, if it believes the director acted honestly and reasonably, a Court may excuse the director the liability.
- 3.6 If a director knows or ought to know that there is no reasonable prospect of the company avoiding liquidation, a Court may require that director to contribute to the company's assets on liquidation if the company continues to trade. This is known as wrongful trading. No such order will be made if the Court is satisfied that the director took all reasonable steps to minimise the loss to the creditors. If a director has concerns about the company's financial position they could be well advised to inform the other directors and seek advice from the company auditors. They should try to ensure that further debts are not incurred.
- 3.7 A director will also be liable if, to their knowledge, the company carries on business with intent to defraud creditors or any other person or for any other fraudulent purpose. Fraudulent trading can also lead to disqualification from acting as a director.
- 3.8 All cheques and similar documents which purport to be signed on behalf of the company must bear the company name. Where they do not, the director signing on behalf of the company may be liable to a fine and may also be liable to the payee if the company fails to honour the cheque. It is, therefore, wise for directors to make sure that all documents they sign on behalf of the company state very clearly that they act as agent for the company, (e.g. Director, for and on behalf of)
- 3.9 A third party who enters into a contract, on the assumption that a director had power to bind the company, may be able to claim damages against the director if it subsequently transpires that the director had no such power. Directors would be well advised to ensure that contracts are approved by the board and that the authority to enter into any contract has been properly delegated before signing it.
- 3.10 Though company liability ceases on dissolution, the liability of the directors (if any) may still be enforced after dissolution.

4 Indemnities

- 4.1 Directors cannot be indemnified against liability arising out of negligence, default, or breach of duty or trust. However, the company's Articles of Association may allow for directors to be indemnified by the company in respect of the cost of defending such proceedings if the director is granted relief by the Court or acquitted. **It is lawful for companies to purchase insurance to protect its directors against claims of negligence, breach of duty, trust, default. Directors would be well advised to ensure that such a policy of insurance is maintained at all times.**
- 4.2 **It is not possible for the Council to provide indemnities or insurance for councillors acting as directors.**

5 Local Authorities (Companies) Order 1995

- 5.1 This Order, made under the Secretary of State's powers contained in Part V of the Local Government and Housing Act, 1989 sets out rules concerning local authorities' involvement in "regulated companies" which are subject to extensive controls, and their involvement in other companies where a number of rules apply.
- 5.2 "Regulated companies" are so defined if they are controlled or influenced by the local authority. "Influenced companies", under the effective control of the local authority, will be subject to the capital controls regime and special property controls. In broad terms, the test as to whether companies are local authority influenced is whether the local authority has the right to, or in fact does, exercise a dominant influence of the company in question.
- 5.3 The original concept of controlled, influenced and minority interests in companies was introduced by the 1989 Act. "Influenced" means at least 20 per cent local authority interest plus a business relationship with the company accounting for over 50 per cent of the company's turnover and/or the company was located on local authority land leased or sold for less than best consideration. "Controlled" means over 50 per cent local authority interests, and "minority" less than 20 per cent interest. The concept in the 1989 Act continues, but the 1995 Order introduced the term "regulated".
- 5.4 Councillors who are directors of outside companies to which they have been nominated by the Council are under the following obligations:
- (a) the remuneration they receive from the company should not exceed that received from a local authority, and should be declared;
 - (b) to give information to councillors about their activities as required by the local authority (save for confidential information); and
 - (c) to cease to be a director immediately upon disqualification as a councillor.

Councillors should be alert to the demands of being a Director of a company if they are invited to serve in that capacity on a body which is a registered company.

Council

A new Sustainable Community Strategy for Cherwell

19 October 2009

Report of Chief Executive

PURPOSE OF REPORT

To present the draft Sustainable Community Strategy for Cherwell to Council for consideration and endorsement.

This report is public

Recommendations

The meeting is recommended:

- (1) To note the consultation and development work that has been undertaken to develop the draft Sustainable Community Strategy for Cherwell.
- (2) To endorse the strategy and ask the Leader of the Council to ensure any amendments made as a result of consultation feedback reflect the policy and strategy of the District Council.

Executive Summary

Introduction

- 1.1 The draft Sustainable Community Strategy sets out the long term strategic direction for sustainable communities in Cherwell. The strategy must link into the Local Development Framework and cover the elements that make up a sustainable community (economic, social, environmental and infrastructure).
- 1.2 The development of the draft Sustainable Community Strategy has been facilitated by Cherwell District Council over the last nine months.
- 1.3 The Chief Executive of Cherwell District Council District Council is the Chairman of the Cherwell Community Planning Partnership (the Local

Strategic Partnership for Cherwell). The Leader of the Council is also a member of the partnership.

- 1.4 All Members of Cherwell District Council were invited to take part in workshops to shape the content of the strategy in February and April this year. All Elected Members and Parish Councils have been invited to comment on the draft strategy as part of the formal consultation process.
- 1.5 The content of the draft Sustainable Community Strategy is based on extensive consultation and research.

Proposals

- 1.6 That Cherwell District Council endorses the draft Sustainable Community Strategy and participates in the development of a delivery plan to ensure the objectives and actions with the draft strategy are actioned.
- 1.7 That in his capacity as a member of the Local Strategic Partnership for Cherwell the Leader of the Council is asked to ensure that any amendments made to the draft strategy resulting from the formal consultation are in keeping with Cherwell District Council policy and strategy.

Conclusion

- 1.8 The draft Sustainable Community Strategy is based on extensive research and reflects the key opportunities and challenges facing the district. It will be implemented through a delivery plan and this work will be coordinated by the Local Strategic Partnership for Cherwell. Cherwell District Council will be a member of the Local Strategic Partnership and will help shape the delivery of the strategy. Cherwell District Council also has a role to play in terms of scrutinising the work of the partnership.

Background Information

- 2.1 Cherwell District Council has a track record of effective partnership working with regards to the existing Community Plan (recognised as part of our CPA inspection).
- 2.2 The existing Community Plan has a vision that runs until 2016 and a current action plan that completes in the 2010/11 year.
- 2.3 The new draft Sustainable Community Strategy (attached as Appendix 1) builds on the strengths of our existing work.

- 2.4 A number of factors led to the decision to develop a new draft Sustainable Community Strategy: the short time frame left to run on the current Community Plan; changes in the economic climate that are affecting the local community; our aspirations for the district; as well as changes in government policy requiring Community Plans to be longer term, more strategic and closely linked to Local Development Frameworks.
- 2.5 Cherwell District Council has been instrumental in working with the Cherwell Community Planning Partnership to fundamentally review the existing plan and develop a new strategy. This work has been based on extensive consultation, a review policy and an understanding of social and economic trends impacting upon the district.
- 2.6 The draft strategy has been out for twelve weeks of formal consultation the results of which are currently being collated. Initial analysis suggests that most of the consultation feedback is positive with no significant changes suggested by respondents. A number of minor issues have been identified which will be addressed by the Local Strategic Partnership.
- 2.7 Members of Cherwell District Council have participated in the development of the draft strategy. Two Members workshops were held at the outset of the project to develop content. Parish Councils have been involved through the Parish Liaison meeting, through the countryside forum and through specific interviews and presentations. All Members and Parish Councils were invited to take part in the formal consultation.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The draft Sustainable Community Strategy is broken down into four themes or pledges. 'A diverse economy, the economic pledge', 'Opportunities for all, the community pledge', 'Connected and protected, the infrastructure and environment pledge' and 'How will we do it, the leadership pledge'. These four pledges have a number of objectives that underpin them and are based on the developmental consultation and analysis that has been undertaken.
- 3.2 Taken together these four pledges reflect the bigger picture for Cherwell, reflecting all of the services the council and our partners deliver. Within the strategy specific issues relating to the urban areas (Banbury, Bicester and Kidlington) are identified as well as issues specifically relating to rural communities.
- 3.3 In addition to these four pledges a number of long term strategic challenges are identified in the strategy. These are: 'Managing Growth', 'Tight Resources and Creating Prosperity', 'Adapting to an Aging Population', 'Empowering the Next Generation', 'Building Communities

and Reducing Inequality’, ‘Diverse Communities’, ‘Reducing Climate Change’ and Strengthening Local Participation’. These issues have also been identified by the Council as important within the District.

- 3.4 The draft sustainable community strategy outlines the key strategic priorities, opportunities and challenges for the district. The strategy will be reviewed on a periodic basis and it will be actioned through a five year delivery plan which all local partners will be asked to contribute to.

The following options have been identified. The approach in the recommendations is believed to be the best way forward.

- | | |
|---------------------|---|
| Option One | Endorse the draft strategy and ask the Leader of the Council to ensure any amendments made as a result of the consultation feedback are in keeping with District Council policy and strategy. |
| Option Two | Endorse the draft strategy with any additional suggestions or recommendations to be taken on board. |
| Option Three | To ask the Cherwell Community Planning Partnership to review the draft strategy. |

Consultations

- | | |
|-----------------------------------|---|
| Developmental Consultation | The draft was developed through extensive consultation with stakeholder groups from across the district and also informed by the place survey (a survey of local residents). |
| Formal Consultation | The draft has been out for formal consultation for 12 weeks. Stakeholders have been invited to comment and the draft is publicly available on the Cherwell District Council Consultation Portal. |
| Formal Consultation Events | During the formal consultation period special consultation events have included: meetings with the town councils, a countryside forum, a voluntary sector forum, an event with college students, discussions with local stakeholders and an event with colleagues from across our county borders. |

Implications

- | | |
|-------------------|--|
| Financial: | No direct financial implication, but the strategy will influence the future priorities of the Council. |
|-------------------|--|

Comments checked by [Insert name], [Insert job title]
01295 22[Insert extension number]

Legal: No legal implications.

Comments checked by [Insert name], [Insert job title]
01295 22[Insert extension number]

Risk Management: The most significant risk with regards to the Sustainable Community Strategy is the failure to deliver. This will be mitigated by the development of a delivery plan

Comments checked by [Insert name], [Insert job title]
01295 22[Insert extension number]

Equalities: The SCS will require an equalities impact assessment. The developmental consultation has included hard to reach groups and the draft identifies specific equalities issues.

Comments checked by Caroline French, Equalities and Diversity Officer 01295 227928

Wards Affected

All

Document Information

Appendix No	Title
Appendix 1	Draft Sustainable Community Strategy
Background Papers	
Draft Sustainable Community Strategy Consultation Review Digging a Bit Deeper	
Report Author	Claire Taylor , Community and Corporate Planning Manager
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Cherwell Community Planning **Partnership**

Cherwell Sustainable Community Strategy
Cherwell – Our District; Our Future

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A vision for Cherwell in 2030

“A diverse economy with opportunities for all, vibrant communities connected by a sense of pride, place and purpose”.

Welcome to the Cherwell sustainable community strategy. This document presents a long term vision for the district, our shared hopes and aspirations and the challenges we face. The Cherwell Local Strategic Partnership has developed this strategy based on extensive consultation and engagement and in it we set out the steps we will take to make sure this vision takes shape in our district.

The Cherwell Local Strategic Partnership is made up of representatives from across the public, private and voluntary sectors and we work closely together, getting the most out of our collective experience, resources, knowledge and enthusiasm to ensure we meet the high expectations of the people who live and work here. We intend to ensure a bright future for the next generation.

Cherwell in 2030

By 2030, Cherwell will be a district more prosperous than it is today. Those who live and work here will be happier, healthier and feel safer with high aspirations and expectations. People will feel they belong here and diversity will be celebrated. Everyone will share in a better quality of life.

In Cherwell older people will lead independent and healthy lives for longer with access to excellent services. Young people will have high personal aspirations, satisfied by a wide variety of local opportunities to achieve appropriate skills, qualifications and jobs.

The quality of our natural and built environment will be cherished and our resources protected. We will embrace environmental technologies and adapt our behaviour to meet the global challenge of climate change.

Our economy will be vibrant and diverse; local people will be skilled and able to access good jobs. Our economy will have grown to provide employment for our increasing population and reduce the need for our residents to travel outside the district for work.

We will have maintained the vitality of our urban centres as economic, cultural and social hubs, offering improved leisure and shopping facilities as well as a diverse and vibrant evening economy. Our villages will be “lived in” as well as “slept in”, helping to sustain a rural way of life with an economic base that is not reliant entirely on agriculture.

By 2030 we will have many more homes. Particular attention will be paid to both the quality and the affordability of those badly needed additional houses. We will ensure that careful investment in our infrastructure will increase the capacity of our communities and address current deficiencies in provision. In particular, we will focus on measures aimed at managing road congestion and improving public transport.

The Cherwell Local Strategic Partnership and people across the district will work together towards achieving this vision of the future and, as we do, we will celebrate our achievements and successes along the way.

1 Introduction

1 Introduction

1.1 What is a sustainable community and what is the strategy for?

Sustainable communities meet the diverse needs of us all, current and future residents, their children and those who do business here. They contribute to a high quality of life and provide opportunity and choices for everyone. They make effective use of natural resources, enhance the environment, promote social cohesion and inclusion and strengthen economic prosperity.

The purpose of this document is to set out our overall strategic direction and long-term vision for the economic, social and environmental wellbeing of Cherwell district until 2030, in a way that tells the 'story of the place' – a distinctive vision for the area, backed by clear evidence and analysis. All other strategies, and the plans of organisations across Cherwell delivering them, will reflect the long term aspirations contained here.

Because this strategy was developed in the turbulent economic times of 2009, we have adopted a **5 year focus** for our objectives under each pledge and a **local focus** where specific places have specific issues. These objectives are not intended to last us until 2030. Circumstances will change and progress will be made and it is vital the aims we have identified during the summer of 2009 are regularly refreshed and revisited to make sure they still work for us. This strategy has an associated implementation plan and links into the Local Area Agreement for Oxfordshire. Both will be used to drive delivery and assess our progress towards our ultimate goals.

1.2 The role of the Cherwell Community Planning Partnership



The Local Strategic Partnership for Cherwell is known as the Cherwell Community Planning Partnership and is made up of representatives from Cherwell's public, voluntary and private sectors. As a partnership we are responsible for developing the community strategy for the district and ensuring the objectives, priorities and actions it contains are delivered.

1.3 How did we develop this strategy?

We have worked hard to speak to as many people as possible, councillors, community and voluntary groups, faith leaders, local business representatives, head teachers, and many others to develop the vision, pledges and objectives within this strategy.

We have asked about people's aspirations and ambitions for the area and their views on what we can all do to bring them about.

We have looked at the statistical evidence available both for current issues and what challenges we face in the future. We have thought about how we fit with our neighbouring counties and districts and considered regional strategies, the Oxfordshire county wide vision and strategy for 2030 and our district's own Local Development Framework and its supporting evidence base.

This plan reflects what we have heard through our consultation and builds upon the successes of our current strategy, the Cherwell Community Plan 2006-2011. It's a shared vision and it's up to all of us to work together to make it a reality.

1.4 Our pledge to you

The purpose of this document is to focus on where we face challenges. But we must always remember that Cherwell is a great place to live and work; a thriving area of diverse population and beautiful countryside. We intend, through the use of this strategy, to make sure it stays that way. We will bring about the change and development that we need by working together across four closely linked themes.

A Diverse Economy – the economic pledge

By 2030 we will have a diverse industry base and appropriately skilled workforce that can adapt to climate change supported by a well planned and effective infrastructure of housing, transport, leisure and services. We will have experienced significant growth in housing development and have linked this to supporting the population to gain the skills and flexibility to access local jobs and actively attract new businesses into the area which, in turn, encourages our younger population to stay or return here. A resurgence in localism, support for local products and businesses, and appropriate evolution of villages will strengthen our farming and rural areas.

Opportunities for All – the community pledge

By 2030 we will have thriving communities where everyone, regardless of their personal circumstances, feels safe in their homes and welcome in their neighbourhoods. A society where older people are able to live independently and where younger generations have the skills and opportunities to build their future. Our communities will value the contribution made by a wide spectrum of voluntary organisations and volunteers and the shared values of our faith groups. Disadvantaged families and residents will be supported to help themselves benefit from the new housing, educational and economic opportunities available to them. A consistently innovative and varied range of cultural events will build a sense of place and a unique identity for the district.

Connected and Protected – the infrastructure and environment pledge

By 2030 we will understand and adapt to environmental challenges as they arise and ensure that all infrastructure and other developments seek to support the protection of our environment and biodiversity. We will protect our rich natural and built environment and heritage, using our resources wisely and helping people to live sustainable lifestyles. Our transport and housing will be appropriate to our needs and will be adaptable to the changes in our communities. Cherwell will be at the forefront of exploring alternative technologies and recycling, utilising its connections to innovative industry to do so, and making real progress towards reducing carbon emissions.

How will we do it? - the leadership pledge

By 2030 Cherwell will be characterised by our responsiveness to our changing population. Our partnerships will take a key role in delivering services, fostering community cohesion and managing our resources, directing them to where there is most need. Our local representatives will take an active and vibrant role in representing their communities and in bringing about local solutions to local problems. Our public services will be open, honest and accountable with clear lines of communication between the public, private and voluntary sectors that work together to deliver what is needed. We will have exemplary consultation and communications processes, generating and sharing accurate and relevant information. This will enable an engaged and inclusive Cherwell that relishes debate and listens to everyone's different opinions and experiences.

1.5 What's in this strategy?

This document contains the key elements that combine to reflect the district and make up the strategy. The content is based upon statistical evidence, regional and county wide strategies already in place and the opinions and views of residents. There is much to do and the priorities identified here will go into an implementation plan to be worked on by the Partnership in the short, medium and long term.

Seeing into the future is always challenging, but, what we can do is to take the best evidence we currently have, listen carefully to the sort of place and lives that our residents want, and tailor our aspirations accordingly. This process has helped us understand what we wish to protect about our area now, what we want to change and what new ideas we want to embrace in so we can hand on a thriving district to future generations.

The vision explains what we all want to see for the future of Cherwell based on what we have heard through our consultation and the key challenges that we face. A district is not simply a collection of geographic features, individuals and series of issues and agendas: a district is a place with an identity and culture of its own.

Cherwell today explains the context in which we live and work and describes the features and character of the district.

1 Introduction

Future challenges covers what we think are the most important, cross-cutting, themes that run throughout the rest of the document and the issues that we feel are important to bear in mind as we tackle our objectives.

The four pledges: economic, community, environment and leadership. Each pledge has its own section which reflects our opportunities and challenges and contains a description of our objectives and priorities.

Background information: further analysis of the challenges and sources for all the data we have used in this strategy can be found in the **Digging a Bit Deeper** analysis document accompanying this document. An overview of the consultation responses and details of who we have spoken to so far can be found in the accompanying **Consultation Review**. A Delivery Plan will be developed after the formal consultation period. This will include the actions and targets we will adopt to meet our objectives.

2 Cherwell today

Our location

Cherwell district covers an area of 590 square kilometres (228 square miles) in north Oxfordshire. Named after the River Cherwell which flows through it, the district is located between London and Birmingham, at the most northern point of the South East region, where it meets the West Midlands and East Midlands. The M40 passes through Cherwell and there are good rail connections to London and Birmingham.

138,500 people live in Cherwell (population estimates for 2011 from Oxfordshire County Council). Over 60% of the population live in the principal centres of Banbury (approx 43,800), Bicester (approx 32,000) and Kidlington (approx 13,100); the rest in more than 70 smaller settlements of between 50 and 3500 people. 85% of the district is attractive farmland and 14% lies within the Oxford Green Belt, contributing to making Cherwell the 12th least densely populated district in the South East. But the district also has a rich built heritage, with approximately 3,000 listed buildings (8.6% of the South East's total) and 58 conservation areas.

Our changing population

Between 1991 and 2001 Cherwell's population increased by almost 12% and by a further 4.5% since 2001. Growth predictions of a further 8% by 2016 and a cumulative 15.6% by 2026 are significantly higher than regional and national rates. Most of the recent growth has been in Banbury and Bicester and this will continue. Bicester's population is projected to grow by 13.8% between 2001 and 2016. Our challenge is to ensure that the public, community and private sectors work together to make certain that the levels of housing growth, including affordable housing required across the district, can be accommodated with appropriate infrastructure while protecting and enhancing the character of our urban centres, villages and landscapes.

Our population is changing. The 2001 Census showed that 3.9% of the district's population was of non-white ethnic origin. These low numbers were generally widely dispersed, apart from higher concentrations in some Banbury Wards (such as Banbury Grimsbury where 10.9% was of black or minority ethnic origin). 2006 estimates indicate that the non-white population has grown to 5.9% overall. In 2001 7.5% of the population considered themselves to belong to a group other than white British. By 2006 this had grown to 10.7%. Our research and experience demonstrates that this growth has come and continues to come from migrant workers from Polish and other Eastern European communities.

Cherwell now has the highest proportion of 0-15 year olds in Oxfordshire and there is strong demand from parents and their children for affordable activities for young people. By 2031 the population is forecast to age dramatically, with numbers in each of the over 65s, over 75s, and over 85s bands increasing by at least 23 percentage points above national rates, and by more than 47 percentage points for over 85s. We have to continue anticipating the future services required by our older population, building on our strong track record of ensuring the needs of older residents are met.

Economy, skills and aspirations

In 1995 manufacturing jobs accounted for 28.9% of employment in the district. By 2006 they accounted for 14.1% with this shift matched by a growth in the service and tourism sectors, particularly in distribution, hotels and restaurants, and transport and communications. Our historically high employment rates have been maintained through this change, although the employment mix means that earnings from Cherwell workplaces are 3.9% below the national average.

Residents' earnings, however, are just above the national average. Bicester, for example, has a particularly high proportion of residents employed in higher level positions. 65% of Bicester's residents leave the town to work. We must continue the push to attract more high-tech, knowledge-based industries in order to provide more local, attractive employment opportunities to these residents. At the same time we need to raise aspirations and the demand for skills in Banbury where there is an above average concentration of people employed in low-skilled and lower paid occupations. But if new opportunities are to be accessible to our own young people, the performance of school pupils at GCSE needs to be brought at least in line with county and national averages.

2 Cherwell today

Our rural areas have a relatively low business density compared with the regional rural average, although levels of home-based working are higher in Cherwell than in the rest of Oxfordshire and in the South East. Although farming employment has declined almost 90% since 1990, farming retains its vital role in maintaining the environment and defining our district.

Community challenges

Cherwell is ranked as the 276th least deprived of 354 Local Authority areas by the Index of Multiple Deprivation. However, this masks a number of issues of deprivation and disadvantage. Two parts of Banbury Ruscote ward are in the 20% most deprived areas nationally and Cherwell has six of the 12 most deprived areas in Oxfordshire. In terms of education, skills and training, crime and living environment, 15 areas in Banbury and Bicester are in the 20% most deprived nationally and 15 areas across 11 rural wards feature in the 10% most deprived for barriers to housing and services. We have to focus on addressing the needs of the disadvantaged whether, for example, the rurally isolated, older people and those with disabilities, people from black or minority ethnic communities or those in particular localities.

In 2004 Cherwell had an annual shortfall of 686 affordable homes, the highest in Oxfordshire, outside Oxford. While this has been reduced to 529, increasing the numbers of affordable homes in both urban and rural areas remains one of the population's and District Council's top priorities. The 2007 median house price to income ratio is 8.9, up from 7.7 in 2005, above both South East and English averages, only reinforcing the focus needed on this.

Cherwell is a safe place to live. Overall crime levels dropped by 13.2% between 2003/04 and 2007/08 (a real reduction of 794 reported crimes), compared with a 10.9% reduction across ThamesValley. Most of the crime recorded in Cherwell is committed in the urban areas. But some residents are concerned about the visibility of police officers and response rates in our rural areas and think that these are contributing to lower reporting levels and therefore lower resources. In 2006 residents across the district felt less safe than those in any other Oxfordshire district in terms of being alone and walking alone during the day or at night. Anti-social behaviour is a key concern of residents. Addressing residents' perception of crime and delivering lower levels of crime and anti-social behaviour are priorities.

Cherwell compares well with the rest of the country on most health indicators and the health of children and young people overall is better than the national average. But there are health inequalities by location, gender and ethnicity. For example, Cherwell has a high and rising rate of teenage conception with four out of six Banbury Wards in the highest 20% in England in 2005. We must work to eliminate these inequalities, delivering affordable recreational opportunities to help residents of all ages stay healthy, and securing the long-term future of Banbury's Horton District General Hospital and, with it, accessible healthcare services for people everywhere in the district.

Currently, people identify with the urban or rural settlements where they live in but not strongly with Cherwell as a district. Some residents have strong relationships with other areas outside our area, for example those who commute to other towns for work, shopping or to access services such as health services in Oxford. Because of its geographical position on the northern most edge of the district, county and region, Banbury recognises the concept 'Banburyshire' and the inter-dependence of cross boundary services. Kidlington is keen to retain its village identity and, in common with Bicester, wants to improve its image and demonstrate less reliance on Oxford.

Environment and infrastructure

Cherwell residents travel further to work than people in the rest of the South East and nationally. Car ownership overall is high and residents in our rural areas are particularly dependent on their cars. Our dependence on our cars has produced a number of congestion hotspots in the district, not least at junction 9 of the M40, on the A34, in the centres of Banbury, Bicester and Kidlington at times and in the villages with schools. Significant planned improvements to the railway infrastructure will better connect Bicester to Oxford and London. Such improvements will bring enormous benefits but will need to be complemented by much work to change attitudes to public transport and our willingness to walk more and cycle more.

High levels of out-commuting contribute to environmental issues and these are another reason for trying to influence the employment and skills mix in the district. Per capita carbon dioxide emissions in Cherwell in 2006 were significantly higher than regional and national levels, although domestic emissions were the lowest in Oxfordshire. Cherwell's residents are committed to recycling with excellent rates and we need to continue to focus on waste minimisation.

2 Cherwell today

The UK climate projections (2009), based on Met Office science, illustrate the extent of changes we may face if we don't cut carbon emissions. For example, in 2050 the South East could face an increase in average summer temperatures of approximately 3.1 degrees. Without decisive action there will be an increase in water shortages, heat stress and floods. All of these could have a significant impact on people's health and quality of life, the economy and the natural environment.

Cherwell into the future

This overview provides a sense of Cherwell as a place and sets the scene for the future challenges we are facing and the steps we need to take to retain our many strengths and make the best of the opportunities we have.

3 Future challenges

3 Future challenges

In Cherwell we have good homes, work, enjoy beautiful countryside and have a sense of pride and satisfaction with where we live. Nonetheless, we face some challenges through global warming; a changing and growing population with a higher proportion of older people, fewer young people and significant development of housing and new communities needing to be welcomed. In the coming years there will be political and policy changes along the way, we'll need to develop and deliver new services and there can never be enough resources to do everything we want.

We don't know exactly what will happen economically, socially or environmentally and the challenges will change over time, but this strategy equips us to cope whatever happens. The themes in this section are inter-related and indicate where we need to focus our attention and plan for what is to come.

3.1 Managing growth

These are changing times for our district, one of growth and expansion. We need to ensure new development is a foundation for our future prosperity and dynamism. New housing development will enable us to build more successful and thriving towns, revitalise and bring resources into our villages which need new families and employees, new entrepreneurs and volunteers to continue to evolve over time. This raises significant challenges to our communities in accompanying this growth with a matching rate of investment in infrastructure and community services, growing our economy to provide jobs, ensuring our centres are equipped to service this increased community and encouraging residents to identify with their neighbourhoods and take part in community life.

"We need infrastructure before expansion for it all to make sense" consultee

It is our job to be sure that we take a strategic and holistic view of where and how we manage growth. The Local Development Framework sets the direction and it is vital to keep a clear eye on how our district works, building on existing resources and introducing new ones where needed. This represents a great opportunity to plan our built environment in order to make significant contributions to all our key challenges, many of which are affected by the way our infrastructure and housing works.

3.2 Tight resources and creating prosperity

Managing resources is a key challenge for us and we will make sure that we utilise what is available across the partnership to maximum effect. The money available to support change and meet challenges is going to be affected by the economic downturn; the public sector may have rather less to spend. Many of the plans that were in development already may be delayed. We are realistic about the fact that we will not have the resources to do everything immediately.

We have some gaps in facilities, and we must now look at how we can address this in a climate of scarce public and private sector investment; ensuring the growth in housing is accompanied by investment from both the private sector through planning contributions and the public sector in their investment programmes. The prosperity of the district is not the sole responsibility of our public sector and our overall wealth and development will be immensely affected by our local economy and the wealth this generates within communities. This is why our economy is a key theme in this strategy, helping to bring about the prosperity and wealth we need locally to help fund our plans and ambitions.

Tough decisions will need to be made between sometimes conflicting priorities. It is our responsibility to balance these tensions and a key principle here is to ensure that resources follow need, balancing the focus on deprived areas and the need for services across the district. More than ever we will need to harness the abilities of our public, private and voluntary sectors to improve our capacity to deliver what is needed. This may mean some significant work to increase capacity where needed so that collectively we can meet the challenges.

3.3 Adapting to an ageing population

Like many other areas of the country, our older population is predicted to double between 2009 and 2031, with particular growth of the 85's and over. It is vital that we develop flexible and accessible services that meet our future needs and support independent living for as long as necessary.

3 Future challenges

There is a need for adequate care services, both for people still living independently who want to lead active lives and for those for whom independent living is no longer possible. This is magnified in rural areas where access to services, particularly health care, and other activities is limited. Housing is also problematic for some older people who can no longer maintain their homes and need to live in smaller one-level housing with facilities for outside space and room to accommodate visiting families. There is shortage of small properties available, an issue which affects younger and older people alike and around Bicester there is also a specific issue around people retiring from the MOD and needing to resettle.

Our challenge is to address isolation and fear of crime, ensure that accommodation is appropriate to need, that a range of activities engage older people in the community and that they are well cared for in a range of settings. This older population offers Cherwell a great opportunity to fully harness the skills, knowledge and experience that is gained through maturity and many older people provide vital community activities through volunteering that would simply not exist without them. Their skills, time and experience are valuable and important. As one participant in a workshop said:

"I'm old now but you will become old, its your future we're discussing, not mine".

3.4 Empowering the next generation

Our younger people are our future, moving towards being active, engaged citizens and playing a full role in shaping and maintaining our communities. It is vital that we keep them safe, encourage them to take their place in democratic processes, and that they have a chance to express their opinions and help us to understand contemporary life now and in the future. They are a great resource and we are determined to offer them the best chances they can have to build fulfilling and rewarding lives.

There is concern that some young people in Cherwell seem to lack aspiration beyond basic jobs or their immediate neighbourhoods. One cause of this may be the level of academic success young people are achieving, but it also about facilities and spaces for young people, parenting influences and not having enough awareness of what is on offer. Overall there is a strong desire to improve their achievements and prospects so that they too have the opportunity to secure employment and take part in the prosperous economy around them. We are aware that not all young people are being equipped with the skills they need to get work and have a career. A common refrain from young people is about a lack of facilities and activities. Some young people are affected by rural inaccessibility and are unable to use facilities which are usually held in the three urban areas. There are sometimes very simple solutions on offer. As one young person said:

"there are only two activities in my village during the week and they are on the same night so I can't do both!"

Addressing the issues associated with young people requires a real commitment to include and listen to them. We need to engage young people in their communities, support everyone to gain skills, raise aspirations and ensure this has a positive impact on the quality of life for everyone.

3.5 Building communities and reducing inequality

Cherwell is a prosperous area with a history of high employment and high standards of living, but is also being affected by the 2009 economic downturn leading to some vacancies in high streets and an increase in unemployment.

Despite its prosperity there are parts of Banbury that fall into the category of high deprivation. This has resulted, in some cases, in poor academic achievement, low skills and a higher rate of teenage pregnancy than elsewhere. There are also some pockets of deprivation elsewhere and we need to find ways to identify and address hidden inequality. Hardship is especially difficult to identify in rural areas, where our traditional sources of evidence fail to provide us with detailed information to identify those who are in need of extra support and assistance.

The challenge for Cherwell Sustainable Community Strategy is to tackle existing and emerging inequalities of opportunity, especially health inequalities, and to build cohesive communities with a strong sense of belonging.

3 Future challenges

3.6 Diverse communities

Diverse communities add to cultural vibrancy and a mix of approaches leads to a better understanding of different ways of life. Our projected growth over the coming years means existing communities evolving and some altogether new ones emerging. We will continue to welcome those who choose to make Cherwell their home, including them in our towns, villages and way of life and embrace the contribution they make to our district and identity.

As Cherwell continues to build exemplary inclusive communities it is vital that in celebrating and supporting our diversity we are led by responding to the needs of our residents and improving access to services covering all seven strands of equalities: age, disability, faith, gender, race, sexual orientation and transgender. Effective consultation and engagement is an essential part of making sure that fair and accessible services and welcoming communities for everyone are developed.

3.7 Adapting to climate change

In the South East of England by the 2050s the average summer temperature could be around 3.1C warmer, rainfall could decrease by 40% and winter rainfall could increase by 20%. We face dramatic changes as we enter an era when fossil fuels are more expensive and less available. It is our responsibility to take a robust approach and adapt to these climate and environmental changes as they occur. We must plan effectively now so we can meet the challenge. As individuals, businesses or organisations, we all need to find new ways to lead sustainable lifestyles reducing our carbon emissions, energy and water use.

Traffic volumes and limited public transport across the area are two of the biggest challenges and we have considerable commuting within and to and from the district and heavy traffic at 'hotspots'. There is significant housing growth planned for our area and this has implications for managing flood risks, making sure our buildings are as close carbon-neutral as possible and providing an effective and responsive infrastructure. Protecting the countryside and our biodiversity is vital for impact on climate change and also a key priority.

3.8 Strengthening local participation

We actively support the role of Councillors at all levels as champions and representatives of their local community.

An often overlooked feature of a strong community is the contribution made by volunteers in delivering services, caring for neighbours or running clubs and activities. Volunteering makes a significant contribution to wellbeing in our district and is rewarding for the volunteers as well as for those they help.

Our challenge is to work with Councillors as community leaders, to engage people from all communities, including business communities, to support volunteers and to ensure that people from across the district can have a voice in political change. We need our community to be fully engaged and involved in decision making, and for expenditure to be based on agreed priorities.

4 A diverse economy - the economic pledge

4 A diverse economy - the economic pledge

By 2030 we will have a diverse industry base and appropriately skilled workforce that can adapt to climate change supported by a well planned and effective infrastructure of housing, transport, leisure and services. We will have experienced significant growth in housing development and have linked this to supporting the population to gain the skills and flexibility to access local jobs and actively attract new businesses into the area which, in turn, encourages our younger population to stay or return here. A resurgence in localism, support for local products and businesses, and appropriate evolution of villages will strengthen our farming and rural areas.

The economic pledge considers the jobs we have now and the jobs we would like to have in the future, the skills of our workforce and the wealth of enterprise and innovation on our doorstep. A vibrant and diverse economic infrastructure is the bedrock on which we can build a sustainable future. Cherwell has long been a prosperous district with very low unemployment, a wide variety of successful businesses and thriving towns and villages. However, as this strategy has been developed, the national and global economy has seen its worst downturn for 50 years and this has forced us all to evaluate how comfortable we are and how potentially vulnerable we might become.

“The ‘credit crunch’ has forced us all to take a long look at what we want for our district’s economy and has given us a chance to pause and plan now for the future.” Consultee

We recognise that much of our economic stability and growth comes from small and medium sized businesses and it is these entrepreneurial companies which provide most employment and growth. These businesses and our rural enterprises need support as well as those which are at the cutting edge of innovation and technology or the larger employers who provide great opportunities locally. We need to ensure that our population has the skills to meet the needs of these companies and that our economic infrastructure can accommodate them. New businesses need to be actively attracted to the area. Retail is an important business sector, especially our town centres, Bicester Village, and the Bicester Avenue retail park, a creator of local jobs and a significant tourist draw.

Everyone in our community has the right to earn a good living and have an interesting job that they enjoy, enabling them to provide for themselves and their families and to reap the benefits that a stable income can provide. To achieve this we must ensure that our infrastructure develops to support the economy and attract the right businesses to the area.

There is a well-documented trend towards locally produced food, goods and services and the protection of our environment, which represents an opportunity to shape our own district. We are lucky to have some excellent food producers and rural enterprises perfectly positioned to take advantage of the growing demand and others ready to take up the environmental challenges. Our rural enterprises have already diversified into a wide range of industries and tourism is a strong contributor to our local economy.

Finally, as the key challenges section of this strategy has outlined, we are facing an ageing population and a rapidly growing one. We need to be secure in the knowledge that there are opportunities to utilise the skills and experience of our older residents and that we are providing great chances for the younger ones.

Together, we will work towards an innovative and resilient economy that offers a variety of opportunities, celebrates the success of our enterprises, supports our workforce and enables Cherwell residents to thrive in our towns, villages and countryside.

4 A diverse economy - the economic pledge

Did you know?

- There are 68,000 jobs (80% in service industries) in 5,800 VAT registered businesses in Cherwell with a healthy surplus of new VAT registrations, an illustration of an entrepreneurial culture.
- The district has a higher than average proportion of jobs in manufacturing, with 12.3% falling into this sector, compared to 8.5 % across the south east region . Businesses in Cherwell are generally small with only 16% having 10 or more employees.
- Farming employment in Oxfordshire has declined by almost 20% since 1990.
- Tourism related expenditure translated to over £294m worth of income for local businesses. It is estimated that tourism activity in the district supports 5,728 jobs in Cherwell.
- There is 3.9 % unemployment but JSA claimant levels only total 1400. In December 2008, there were 1400 claimants of job seekers allowance across the district.
- The ratio of jobs to working age population is higher than both the regional and national comparators but there are 6800 economically inactive people wanting a job (45% higher than UK average)
- Cherwell has a skills profile similar to UK average (50% NVQ Level 3 +) but well below the Oxfordshire averages and wage rates are lower than figures for the region or nationally.
- 8% of 16 – 19 year olds are not in education or employment.

4.1 Our economic objectives

We will:

1. Raise expectations and ambitions and provide a range of economic opportunities for everyone including lifelong learning and retraining. We will foster and develop alternative ways of accessing employment such as apprenticeships, volunteering or work-based training.
2. Manage our infrastructure development, matching housing growth with local jobs, transport to work, facilities and services. We will plan effectively for our future workforce and employment patterns, focusing on what we need to achieve in raising our skills and actively attracting the right businesses into the area.
3. Promote and support business diversification and a sustainable economy in both urban and rural environments. Protect and grow local services and businesses, while supporting town centres to be attractive economic hubs for the district.

4.2 Five year focus

In this section we will outline our priorities and steps we will take to meet our economic objectives across Cherwell in the coming five years. The list below reflects the ideas and suggestions we have developed from our consultation to date. We will finalise the list and targets after the formal consultation period ending in October 2009.

Draft Priorities – For Consultation and Development

- Tackle the causes of under achievement which include poor housing, lack of access to transport, social and economic culture, education and training.
- Improve access to skills, training and employment opportunities.
- Enable a good supply of housing and a wide range of affordable housing opportunities to ensure that housing provision is able to support the development of the local economy and people's ambitions and needs.
- Create strong links between the private, public and voluntary sector with clear roles and contributions to the economic, aspiration and skills agenda.
- Promote environmentally sensitive and innovative enterprise, supporting new initiatives that may help to adapt to changes in the climate.

4 A diverse economy - the economic pledge

- Attract and retain the right sort of industries, a balance between high and lower technology industries, understanding that not everyone wants to achieve in only academic terms and that not all businesses are high-tech.
- Develop a North Oxfordshire focused inward investment strategy using the vision of the Sustainable Community Strategy to promote the area to investors.
- Fully exploit any opportunities that come from the proximity to Oxford and spin-off academic industries.

4.3 Local focus

In addition to district wide priorities we recognise that different areas across the district will have their own issues and we will identify specific actions to address them. The list below outlines the feedback we have received from our initial consultation. We will finalise the list and targets after the formal consultation period ending in October 2009.

Draft Priorities – For Consultation and Development

Banbury

- Improve the percentage of Banbury residents with skills and qualifications (in key locations).
- Develop skills and qualifications to reflect the needs of local businesses.
- Fully utilise the further education resources and encourage engagement with the population and businesses.
- Support and develop the town centre to maintain thriving shops and cultural activities in a pleasant and safe environment.
- Develop Banbury markets, including the farmers market.

Bicester

- Reduce the number of residents commuting out of the area for work by increasing the number and variety of jobs available locally.
- Build upon the accessibility of Bicester, its skilled workforce, further education opportunities, and location to attract new businesses.
- Implement the town centre development and improved rail connections.
- Manage congestion issues.
- Improve the availability of business premises.

Kidlington

- Encourage stronger links between all industrial areas, the airport and local residents and the village centre.
- Support the development of the civic and shopping areas of the village.
- Position Kidlington as a unique place on account of the airport, University of Oxford Science Park, and its proximity to Oxford.
- Explore the full commercial and recreational potential of the Canal and Airport.

Rural Areas

- Support local shops and businesses to serve their rural communities and create jobs.
- Encourage diversification of farms and other rural businesses to enable the creation of local employment and reduce commuting.
- Explore opportunities to pool resources and community facilities to provide new community and commercial opportunities.
- Ensure that broadband provision is improved to support increased home working.

5 Opportunities for all - the community pledge

5 Opportunities for all - the community pledge

By 2030 we will have thriving communities where everyone, regardless of their personal circumstances, feels safe in their homes and welcome in their neighbourhoods. A society where older people are able to live independently and where younger generations have the skills and opportunities to build their future. Our communities will value the contribution made by a wide spectrum of voluntary organisations and volunteers and the shared values of our faith groups. Disadvantaged families and residents will be supported to help themselves benefit from the new housing, educational and economic opportunities available to them. A consistently innovative and varied range of cultural events will build a sense of place and a unique identity for the district.

Cherwell does not hit national headlines for poor education, housing, or significant socio-economic problems. The communities within Cherwell are generally harmonious, healthy and have a sense of coherence. People like where they live, have a strong allegiance to their town or village and strong feelings about what does and doesn't work. Communities are often very local, at a neighbourhood or estate level, and not necessarily as attached to their surrounds or Cherwell as a whole. Some places have already experienced rapid population growth and development, which has diluted local identity and a sense of belonging. The arts, culture and creative industries of the area make a vibrant contribution to our communities. They provide recreation, companionship and shared interests within groups and societies and are often a focus for community activity.

"A successful community is comfortable, green, caring, confident, clean, sharing and learning." Consultee

We see communities as people brought together by common interests, culture, activities and geography, including and focusing on those who do not benefit as much as they could from the area. Those which may need extra support in Cherwell include young people, older people, young families, and people moving into the area from outside the UK and marginalised communities, for example people with disabilities or from black and minority ethnic backgrounds. Traditional rural villages are experiencing changes, an erosion of the younger population, local employment and services. Residents are passionate about keeping their villages thriving and inclusive. It is the areas which impact on our quality of life that are the focus of this section, specifically sense of community spirit, educational achievement and aspirations, health, well-being, housing and a sense of belonging. We want to ensure a high level of community capacity and engagement, supporting communities to find their own solutions.

There are issues which need our attention if they are not to become longer term problems. For example, secondary education is of concern in the area. Older people, young people and young families can experience isolation, especially in the rural part of Cherwell which is a significant proportion of the area. There are some areas which suffer from anti-social behaviour, especially in our town centres and at night, which impacts on those using these centres, affecting their sense of safety and may hinder our towns' development as cultural hubs in the longer term. Giving young people plenty to do, increased facilities and encouraging greater engagement has been shown to decrease the incidence of such behaviour.

Housing is a big concern for everyone. There is a shortage of social housing, a shortage of affordable housing generally and uncertainty within communities about the impact of housing growth upon their area and how they can influence this. However, it must be remembered that Cherwell also has a breathtaking array of listed buildings and a generally high quality built environment, villages and towns. We already have the Local Development Framework to structure our approach to tackling our challenges and most parishes have completed parish plans or are working on them to inform our decisions.

5 Opportunities for all - the community pledge

Did you know?

- Health indicators show that the health of residents in the area is better than in Oxfordshire or England, new facilities are opening and life expectancy is above average.
- Older people will make up an increasingly large percentage of the population, with projections of 21% of overall population for the over 65s and up to 20% for the elderly population (85+).
- The level of qualifications achieved across the area is low with only a third of Banbury residents having qualifications and 28% in Kidlington.
- The percentage of children achieving 5+ GCSE at A*- C level is significantly lower than the national average although it is improving.
- Average net household income is £24,336 and entry level property costs £118,000, leading to an increasing gap between what can be afforded and what is available.
- 96% of the population classifies itself as white.
- Fear of crime is the highest in the county although crime levels are comparatively low.
- Two parts of the Banbury Ruscote ward are in the 20% most deprived areas nationally. Teenage pregnancy in the area is higher than the national average and going against a national downturn, suggesting underlying problems amongst young people relating to lack of aspirations and disaffection.
- Rural isolation is a key feature of the area affecting older, younger and poorer people more profoundly. 11 rural wards fall into the 10% most deprived in terms of access to housing and services.

5.1 Our community objectives

Whilst overall the area enjoys a relatively high quality of life, good employment levels and relatively high standards of living, there are underlying issues around deprivation, social exclusion and disaffection emerging in some areas. In the long term, demographic shifts in population growth and age will present some priority areas to focus on. We are already working together to build stronger and safer communities and will continue to do so, ensuring that the vital role of voluntary and community groups is acknowledged and valued for the contribution it makes.

We will:

1. Provide support for older people to ensure they can live independently for as long as possible and appropriate facilities and care are delivered.
2. Focus activity on tackling deprivation in both urban and rural Cherwell to ensure that communities do not develop further into the “haves” and “have not’s” leading to cohesive neighbourhoods where all people receive their fair share, get on well together, and have a real sense of belonging.
3. Offer high quality education, support and opportunities to our young people and families to achieve suitable and appropriate qualifications to enable them to realise their ambitions
4. Decrease the percentages of people who fear crime and feel unsafe in their area, reducing the incidence of anti-social behaviour and building confidence in the police and local authority.
5. Maintain and develop health services, including preventive health programmes, that directly address health inequality and which enable residents to access services and information in order to lead healthy lives.

5.2 Five year focus

In this section we will outline our priorities and steps we will take to meet our community objectives across Cherwell in the coming five years. The list below reflects the ideas and suggestions we have developed from our consultation to date. We will finalise the list and targets after the formal consultation period ending in October 2009.

Draft Priorities – For Consultation and Development

- Support older people to remain healthy and live independently.

5 Opportunities for all - the community pledge

- Support the role of volunteers, the community and churches and other faiths in sustaining the wellbeing of the district and in delivering much needed local activity.
- Increase opportunities to access lifelong learning and re-training.
- Improve educational attainment and develop better access to post-16 qualifications.
- To ensure that the expansion of housing and provision of housing address the inherent link to community cohesion through effective design and investment, providing a range of housing options including affordable housing.
- Work to build a sense of strong community across the district.
- Improve access to services for BME communities to address inequalities in education, access to services and to support integration.
- Targeted support for young people and families to put on and engage them in appropriate activities and increase their aspirations and a reduction in the number of young people not in education, employment or training.
- Reduce fear of crime and anti-social behaviour.
- Reduce levels of crime.
- Ensure that healthcare is accessible to people, particularly people without transport or people who have difficulty getting around.
- Undertake a health inequalities programme that narrows the gap in life expectancy across the district.
- Improve levels of health and well being in areas where there are identified health issues.

5.3 Local focus

In addition to district wide priorities we recognise that different areas across the district will have their own issues and we will identify specific actions to address them. The list below outlines the feedback we have received from our initial consultation. We will finalise the list and targets after the formal consultation period ending in October 2009.

Draft Priorities – For Consultation and Development

Banbury

- Address and reduce the incidence of teenage pregnancy.
- Improve school attendance and achievement.
- Reduce incidence of anti-social behaviour.
- Improve support for new communities to access services and have their needs met.

Bicester

- Raise young people's aspirations, facilities and opportunities.
- Improve leisure, recreation and community facilities.
- Increase the sense of pride and belonging to Bicester to create more community cohesion.

Kidlington

- Increase consultation with and facilities for young people.
- Ensure sufficient access to services for a village of this size.

Rural Areas

- Design and deliver appropriate services to the right people on an outreach basis or at least being sure that there is adequate transport to centres of support.
- Develop new ways of identifying deprivation in rural areas to understand where resources are needed.
- Define the role of the police in rural low-crime areas and what it can reasonably be expected to deliver.
- Provide a range of and more affordable housing and include the villages in the planning process.
- Increased support for youth, senior and community activities in rural locations.
- Explore the options for creative use of community buildings.

6 Connected and protected - the infrastructure and environment pledge

6 Connected and protected - the infrastructure and environment pledge

By 2030 we will understand and adapt to environmental challenges as they arise and ensure that all infrastructure and other developments prioritise the protection our environment and biodiversity. We will protect our rich natural and built environment and heritage, using our resources wisely and helping people to live sustainable lifestyles. Our transport and housing will be appropriate to our needs and will be adaptable to the changes in our communities. Cherwell will be at the forefront of exploring alternative technologies and recycling, utilising its connections to innovative industry to do so, and making real progress towards reducing carbon emissions.

The built and natural environment is a unique selling point for Cherwell and one of the main reasons that communities and businesses choose to locate or remain here. People value the unrivalled accessibility offered by the excellent transport connections, the diverse character of the settlements and their centres, the good access to local services and quality of the countryside. However, socio-economic and environmental changes (such as increased commuting for employment, an ageing population and climate change) are calling into question the way our towns function into the future, the viability of our rural areas and our ability to ensure that everyone gets to share in the quality of life that we value.

The environmental pledge considers the type of infrastructure we currently have, the way this has changed over recent years and the challenges we face in balancing our economic and housing growth aspirations with maintaining our environmental quality and the impacts of climate change and managing natural resources over the coming years.

Our Local Development Framework has to make provision to accommodate 13,400 homes between 2006 and 2026. We recognise the challenge as well as the opportunities that the proposed housing and population growth brings and it is important we are able to protect the countryside and environment that we value, retain our distinctiveness and adapt the way we do things to reflect climate change.

Did you know?

- 84% of residents are satisfied with their local area as a place to live (Place Survey, 2008).
- Despite being a rural district, over two-thirds of the population live in the three main urban areas of Banbury, Bicester and Kidlington.
- Approximately 14% of the District lies within the Oxford Green Belt and 8% within the Cotswolds Area of Outstanding Natural Beauty.
- The District contains 32 scheduled ancient monuments and has a rich built heritage, with approximately 3000 listed buildings and 50 conservation areas.
- The house price to income ratio is 8.8 in Cherwell - higher than national and regional comparators but the lowest in Oxfordshire, except Vale of White Horse.
- Household growth is outstripping population growth due to the falling household size in the area – as a result of socio-economic trends such as increasing life expectancy, divorce and partnering later in life.
- During 2007 / 08, 60% of new dwellings were built upon previously developed land and the average density for new dwellings was 47 dwellings per hectare (Cherwell District Council, 2008).
- The Regional Spatial Strategy requires Cherwell to make provision for 13,400 new homes across Cherwell between 2006 and 2026. The majority of these will be located in Banbury and Bicester.
- Our domestic water use is 10% higher than the national average.
- Over 60% of people drive to work, with a further 7% travelling as a passenger in a car.
- The district produced 11.59 tonnes of CO2 emissions (2006) per capita compared to 8.03 across South East Region.
- Cherwell recycles (49%) of household waste, the highest percentage in Oxfordshire and significantly higher than the UK average of 34.5%. This has increased three-fold since 2003/04.

6 Connected and protected - the infrastructure and environment pledge

6.1 Our infrastructure and environmental objectives

The quality of the environment is one of the features that the people in Cherwell most value. This relates to both the natural environment and also the historic built environment that defines the character of many of our towns and villages. However, our district is facing challenges at both a global and more local level which are challenging the way we look after our environment into the future. We must get more efficient at reducing and reusing waste, recycling, reducing our above average carbon emissions and levels of water use, improving energy efficiency and reducing fuel poverty. Most notably, those we spoke to talked about their concern over accommodating the forecast levels of housing growth and the impact this will have upon the community spirit of our settlements or the provision of our infrastructure and services. The objectives below reflect what you have told us needs to happen to protect our environment and accommodate growth in a sustainable way.

We will:

1. Cherish the resources that define Cherwell's character and distinctiveness including our natural environment, our built heritage and the vitality of our towns and villages.
2. Mitigate against and adapt to the impacts of climate change including minimising our waste and resource use, minimising our carbon emissions, increasing energy efficiency, reducing fuel poverty and embracing new technologies.
3. Improve accessibility and tackle congestion including a shift in transport methods from our reliance on the private car towards public transport and walking or cycling opportunities.
4. Ensure our social infrastructure grows at the same rate as our communities and current deficiencies in provision are addressed including affordable housing, community buildings, open spaces, cultural and leisure opportunities.

6.2 Five year focus

In this section we will outline our priorities and steps we will take to meet our environmental and infrastructure objectives across Cherwell in the coming five years. The list below reflects the ideas and suggestions we have developed from our consultation to date. We will finalise the list and targets after the formal consultation period ending in October 2009.

Draft Priorities – For Consultation and Development

- Maintaining the vitality of our town and village centres – as economic cores, service centres and hubs of our community.
- Supporting our towns and villages to be different from each other and maintain their local distinctiveness and qualities that define their identity.
- Enabling rural communities to grow and evolve appropriately to support vibrant and dynamic villages and supporting the growth in farmers markets.
- Provide and maintain a high quality environment (clean streets, reduced graffiti and link to reducing anti-social behaviour and enhancing a sense of community wellbeing).
- Support communities to prepare a town or parish plan for their area.
- Reduce the overall carbon emissions for the district, aspiring to eventually becoming carbon neutral.
- Protect our environment and biodiversity by supporting farmers, land owners and volunteers.
- Develop existing and new methods of minimising, managing, recycling and reusing waste.
- Decrease the amount of energy and water used in the district, harnessing new technologies and communication methods to encourage personal responsibility.
- Improve accessibility and tackle congestion by supporting a shift from our reliance on the private car towards public transport and walking or cycling.
- Ensure new homes and existing housing are accessible and decent in an environment where people want to live and which can respond to their changing life circumstances.
- Increase energy efficiency and reduce fuel poverty,
- Deliver more affordable housing.
- Adapt the way we do things to respond to climate change embracing new technologies and applying them to our new developments and infrastructure.

6 Connected and protected - the infrastructure and environment pledge

- Take steps to ensure we are able to respond to the effects of climate change or extreme weather events such as floods.
- Prepare a strategic infrastructure plan and use this to understand where the current deficiencies lie and how the provision of infrastructure can be effectively delivered into the future.
- Adopt the Local Development Framework which sets out how and where we will accommodate growth across the district.

6.3 Local focus

In addition to district wide priorities we recognise that different areas across the district will have their own issues and we will identify specific actions to address them. The list below outlines the feedback we have received from our initial consultation. We will finalise the list and targets after the formal consultation period ending in October 2009.

Draft Priorities – For Consultation and Development

Banbury

- Review and address the transport needs and traffic control for Banbury.
- Address the needs of all communities within Banbury to plan for appropriate, affordable and decent housing for everyone.

Bicester

- Address the deficiencies in community facilities (for example open and green spaces such as sports pitches, plays areas and local walks).
- Reduce out commuting and develop innovative ways of reducing its carbon impact.
- Implement the redevelopment proposals for Bicester town centre including bringing forward the environmental improvements programme for Market Square.
- Support town improved transport links.
- Bicester to demonstrate exemplary environmental and social practice in managing growth.

Kidlington

- Directly address the issue of the main road bisecting the village and traffic management.
- Continue to explore the possibility of a new station.
- Provide affordable and appropriate housing development in close consultation with the village community.

Rural Areas

- Identify where traffic control is both desirable and beneficial.
- Invest in community-based and alternative transport solutions.
- Include rural communities in the plans for developing both housing and commercial development.
- Supporting rural land managers to adapt to the impacts of climate change.

7 How will we do it? The leadership pledge

7 How will we do it? The leadership pledge

By 2030 Cherwell will be characterised by our responsiveness to our changing population. Our partnerships will take a key role in delivering services, fostering community cohesion and managing our resources, directing them to where there is most need. Our local representatives will take an active and vibrant role in representing their communities and in bringing about local solutions to local problems. Our public services will be open, honest and accountable with clear lines of communication between the public, private and voluntary sectors that work together to deliver what is needed. We will have exemplary consultation and communications processes, generating and sharing accurate and relevant information. This will enable an engaged and inclusive Cherwell that relishes debate and listens to everyone's different opinions and experiences.

Our consultation told us we must be clear about who is accountable for the delivery of this strategy and Cherwell cannot thrive or address the challenges ahead without clear leadership. We must be sure we know what is happening, who is doing it and assess our collective progress against our overall aims. Our role, as the Local Strategic Partnership, is to ensure that we have the right systems in place to do this and that we have methods of analysing the causes and consequences of progress. We will act promptly when results are disappointing, learn from our successes, reassess our priorities regularly and communicate this effectively.

All partners need to rise to the challenges and meet their responsibilities in delivering this strategy. Democratic and partnership structures are in place but these will only function if they are embraced by local community leaders who need to take some of the responsibility for keeping them vibrant and relevant. Our Local Strategic Partnership needs to be fit for its new role and responsibilities - in particular its ownership and leadership in the development and delivery of this strategy. It is vital that we all work together to maximise community involvement, use available resources as efficiently as possible and raise our common understanding of the problems and their potential solutions.

This strategy is one of a family of documents. It sits alongside an analysis of the issues and an evidence base, a consultation report, a leadership framework, the Local Development Framework and a delivery plan.

There are also a number of medium term strategies, the county wide sustainable community strategy and the Oxfordshire Local Area Agreement (LAA) that will deliver the objectives and priorities contained within the pledges. Together they will enable us to build effective partnerships and networks and work alongside each other to bring about the changes and improvement that we all want to see.

The delivery plan for this strategy will include actions and targets to meet our objectives. It will be developed after the formal consultation to ensure that the targets reflect people's comments. We aim to publish the full delivery plan in Spring 2010.

7.1 Our leadership objectives

We will:

1. Ensure fully inclusive democratic structures and processes with leaders at all levels who listen and act on what they hear.
2. Support the community, voluntary and private sectors to have a more active role in local leadership.
3. Develop and implement effective performance management to measure and demonstrate our progress.
4. Communicate clearly about how we make decisions and what we have been working on and achieved.

7.2 Five year focus

In this section we will outline our priorities and steps we will take to meet our leadership objectives across Cherwell in the coming five years. The list below reflects the ideas and suggestions we have developed from our consultation to date. We will finalise the list and targets after the formal consultation period ending in October 2009.

7 How will we do it? The leadership pledge

Draft priorities - for consultation and development

- Deliver a programme of community events, consultation and engagement to ensure everyone understands the issues and has a chance to express their local concerns.
- Develop and support networks and links between groups, partnerships and special interest communities to share expertise and support all sectors to take an active role in district leadership.
- Examine and adapt our decision making processes to include local views and promote more local influence.
- Develop innovative and responsive methods of communicating to ensure everyone in Cherwell understands what the issues are, what progress is being made and how to have their say.
- Increase and improve the intelligence and research we have to increase everyone's knowledge base.
- Develop and publish lines of accountability for strategies and policies and the measurement and the monitoring processes used.

8 Acknowledgements

8 Acknowledgements

As part of the development of this strategy we have held or taken part in a number of events including elected councillors, rural and stakeholders' workshops, sessions with the voluntary sector and the parish liaison group, the Cherwell Skills Summit and a session with community workers in Banbury.

We would like to thank all the people, community groups, councillors, voluntary groups and public agencies that have taken part in developing the strategy so far. Also thanks to those who have invited us to attend their events and the many individuals who have spent time with us, showing us around their areas and telling us about their expectations and aspirations for the future of Cherwell.

IN THIS SECTION A DIAGRAM SHOWING HOW THE CHERWELL SUSTAINABLE COMMUNITY STRATEGY LINKS INTO OTHER PLANS AT THE REGIONAL, COUNTY LEVEL AND DISTRICT LEVEL AND PERFORMANCE MANAGEMENT ARRANGEMENTS WILL BE INCLUDED

Council

Overview and Scrutiny Annual Report 2008/09

19 October 2009

Report of Head of Legal and Democratic Services

PURPOSE OF REPORT

This report presents the Overview and Scrutiny Annual Report for 2008/09. Councillor Donaldson, Chairman of Overview and Scrutiny in 2008/09, will present the report.

This report is public

Recommendations

The meeting is recommended:

- (1) To note the contents of the Overview and Scrutiny Annual Report 2008/09.

Executive Summary

Introduction

- 1.1 The Overview and Scrutiny Annual Report 2008/09 is attached at Appendix 1.
- 1.2 The annual report contains information relating to the work of the Overview and Scrutiny Committee, the Resources and Performance Scrutiny Board and various task and finish group reviews during 2008/09.

Proposals

- 1.3 The Overview and Scrutiny Committee has a constitutional obligation 'to produce a unified annual report for the whole scrutiny process' and present it to Council.
- 1.4 The annual report for 2008/09 was approved by the Overview and

Scrutiny Committee on 15 September 2009 and by the Resources and Performance Scrutiny Board on 22 September 2009.

Conclusion

- 1.5 Council is invited to note the content of the Overview and Scrutiny Annual Report 2008/09.

Consultations

Overview & Scrutiny Committee	No comments
Resources & Performance Scrutiny Board	No comments

Implications

Financial: None

Legal: None

Risk Management: Failure by Council to consider an annual report from the Overview and Scrutiny Committee would be a breach of the Constitution.

Wards Affected

All

Document Information

Appendix No	Title
Appendix 1	Overview and Scrutiny Annual Report 2008/09
Background Papers	
n/a	
Report Author	James Doble, Democratic, Scrutiny and Elections Manager
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DISTRICT COUNCIL
NORTH OXFORDSHIRE

Overview and Scrutiny Annual Report

2008/09

July 2009

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Foreword

"Councillors have a good track record of focused scrutiny and involvement in performance management"

"The overview and scrutiny and task and finish groups have been very proactive in challenging services from an external perspective and holding officers to account"

"The scrutiny process in 2004 was traditionally based and the Council has taken action to ensure additional challenge is now provided"

"The scrutiny members continue to press to improve their role..."¹

I am very pleased to introduce the annual report for Overview and Scrutiny at Cherwell District Council. The report outlines the work of the Overview and Scrutiny Committee, the Resources and Performance Board and individual Task & Finish Groups over the last year.

The Audit Commission Comprehensive Performance Assessment (CPA) assessment of 2004 identified an underdeveloped scrutiny function; and in response the Council took measures to strengthen and nurture the process. As with any emerging process scrutiny has had its share of growing pains and frustrations but it is now beginning to bear the fruits of maturity and I am pleased to say that this was recognised in the recent CPA assessment which rated Cherwell as an excellent Council.

In early 2008 we started to reposition overview and scrutiny within the Council. We did this because we believe that scrutiny is there to assist the Council in achieving corporate priorities and to work with the Executive to this end. Whilst it is clear that Scrutiny and the Executive should be separate, there are no barriers to joint working on these common goals.

Next year a particular focus for the Resources and Performance Scrutiny Board will be the scrutiny of partnerships. Now more than ever this Council has to work with other councils, organisations and voluntary groups to secure funding and deliver services. Overview and scrutiny must provide the check and balance to that process.

I firmly believe that overview and scrutiny has a valuable contribution to make to the continuing success of this Council.

Councillor John Donaldson
Chairman of the Overview and Scrutiny Committee 2008/09

¹ Audit Commission: Comprehensive Performance Assessment, Cherwell District Council, March 2009

Overview & Scrutiny Committee

Membership

Councillor John Donaldson (Ch)	Councillor Dan Sames (V Ch)
Councillor Ken Atack	Councillor Rick Atkinson
Councillor Nick Cotter	Councillor Tony Ilott
Councillor Nick Mawer	Councillor Alastair Milne Home
Councillor Les Sibley	Councillor Chris Smithson
Councillor Lawrie Stratford	Councillor Trevor Stevens

Terms of reference

The Overview and Scrutiny Committee has responsibility for the performance of all overview and scrutiny functions (under Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007) on behalf of the Council.

The Committee's main functions include:

- To consider Executive decisions after they are put into effect.
- To consider the Forward Plan and comment on key decisions before the Executive takes them.
- To conduct reviews of policy, services and aspects of services by itself or by appointing a Task and Finish Group.
- To make suggestions on the development of existing policies and suggest new policies where appropriate.
- To work with other local authorities and organisations to carry out joint scrutiny.
- To consider and call in any Executive decisions that members feel have not been made in accordance with the Council's decision making principles.

Emergency Planning

The Overview and Scrutiny Committee's review of the Council's emergency planning arrangements in the winter of 2008/09 proved timely as there was a significant "snow event" in the county in February 2009. This meant that the Committee could assess the effectiveness of the Council's arrangements against a real life, real time situation. As part of the review members of the Committee visited the County Council's Emergency Planning Unit.

The Committee concluded that the emergency planning arrangements were satisfactory and was pleased to note that amongst the officer team there was a focus on continued review and improvement of the processes and documentation.

The Committee agreed to maintain a watching brief on the planning and preparations for pandemic influenza.

RAF Bicester Conservation Area

Representatives from Bomber Command Heritage gave a presentation on their proposals for a heritage centre at RAF Bicester. They proposed using the centre to educate the public about the nature of conflicts and also provide practical teaching opportunities in relation to the engineering and machinery of the aircraft which would be on site. Members of the Committee also attended a site visit.

The Portfolio Holder for Planning and Housing also provided the Committee with background information on the site at RAF Bicester and its status as a conservation area which meant that it would not be developed for housing. The Portfolio Holder identified the challenges surrounding RAF Bicester including: finding a suitable use for the site and addressing the disrepair of the buildings as a matter of urgency.

The Committee recommended that the Executive should confirm and recognise the historic status of the site and make a commitment to ensure that the appropriate organisations maintain the historic buildings.



Rural Affordable Housing and Exception Sites

In December 2008 the Portfolio Holder for Planning and Housing invited the Overview and Scrutiny Committee to review the Council's policy and procedures for the delivery of affordable housing on rural exception sites. The topic had been raised at a Parish Liaison meeting in November 2008 a number of Parish Councils who were concerned and frustrated by their experience of the process.

The Overview and Scrutiny Committee decided to focus their review on the following issues:

- Customer satisfaction with the process
- The service offering (performance, costs etc)
- The partnership interface with the Oxfordshire Rural Communities Council and the lead Registered Social Landlord
- The implications for future planning policy (the Local Development Framework - LDF)

The Committee wrote to all Parish Councils asking for their comments and observations and inviting them to give evidence at a committee meeting. About one third of the parish councils responded and councillors from three parishes attended a committee meeting in March 2009.

There was a common theme underpinning all of the evidence considered by the Committee: the desire for a closer working relationship between the District Council and its partners and the parishes seeking rural affordable housing.

The Committee's recommendations, accepted by the Executive, called for a review of the relevant policies for the location of general rural affordable housing (including the potential to generate opportunities for some integral affordable provision), and of the criteria against which exception sites are assessed; and advocated an open and transparent approach to communications associated with the delivery of rural affordable housing and exception sites.

The conclusions of the scrutiny review were presented to the Parish Liaison meeting in June 2009, where they were generally well received and the work of the Committee and the report was commended.



Resources & Performance Scrutiny Board

Membership

Councillor Colin Clarke (Ch)	Councillor Victoria Irvine (V Ch)
Councillor Alyas Ahmed	Councillor Maurice Billington
Councillor Margaret Cullip	Councillor Diana Edwards
Councillor Devena Rae	Councillor Les Sibley
Councillor Carol Steward	Councillor Pat Tompson
Councillor Doug Webb	Councillor Martin Weir

Terms of reference

The Resources and Performance Scrutiny Board has responsibility for carrying out overview and scrutiny for the Council's resources, performance and effectiveness of Partnerships to which the Council appoints representatives.

The Board's main functions include:

- To scrutinise the Council's performance in relation to financial planning, including budgets and target setting.
- To assist and monitor the Executive in the continued development of a medium term budget strategy.
- To review the management of resources and to scrutinise the financial management, treasury management, property and asset acquisition and disposal, capital programme.
- To perform the overview and scrutiny function in relation to all of the Council's corporate performance and value for money activity.
- To carry out the scrutiny of partnerships as set out in Local Government and Public Involvement in Health Act 2007.
- To monitor year-on-year performance indicators.

The members of the Board have divided into two informal working groups that each meet about five times per year to undertake more detailed assessments of the Board's areas of responsibility.

Finance Scrutiny Working Group

Membership:

Cllr Clarke (Chairman) and Cllrs Edwards, Tompson, Rae, Webb and Weir

The Finance Scrutiny Working Group is made up of six members from the Resources and Performance Scrutiny Board. It is supported by the Head of Finance and a Scrutiny Officer.

The Group's role is to carry out detailed consideration of the Council's finances and budgets. At every meeting it reviews the Council's performance against a range of financial indicators covering income, debt, investment, creditors and risk. In 2008/09 much of its focus has been on the Council's response to the Icelandic banking crisis and to the recession, and it has been

working closely with members of the Finance team to look at the Council's treasury management strategy and asset management plan.

Performance Scrutiny Working Group

Membership:

Cllr Irvine (Chairman) and Cllrs Ahmed, Billington, Cullip, Sibley and Steward.

The Performance Scrutiny Working Group is made up of six members from the Resources and Performance Scrutiny Board. The Head of Improvement and a Scrutiny Officer support the work of the Group. It meets informally, usually about four times each year to coincide with the quarterly publication of the performance management information.

The Group's role is to consider the Council's performance, using the Performance Management Framework data as its baseline evidence. During 2008/09 it looked at the Council's performance across a number of areas, including: customer service standards, planning application targets, fly tipping and equalities.

Budget scrutiny: Fees and charges

In 2008 the Board's involvement in budget scrutiny centred on a specific project to look at the Council's fees and charges structure. The primary purpose of the scrutiny review was to identify those service areas where, through reviewing fees and charges, a fair balance could be struck between cost of service provision and income for the Council. The Board paid close attention to those fees and charges which had not been reviewed for some time and had fallen behind being a 'reasonable' charge for the service provided. The objective was to identify service areas which could deliver increased income to help to alleviate future budget pressures.

The Board conducted the review during the autumn and were supported by the Finance Director, Service Accountants and the Scrutiny Officer. Members of the Board met informally on four occasions to gather evidence and discuss ideas with specific Heads of Service. The conclusion was a formal committee meeting on 18 November when the Board "challenged" specific Portfolio Holders and Heads of Service on proposals for income generation.

In addition to a number of specific, and often contentious, recommendations relating to individual fees and charges (e.g. to increase car parking charges) the Board made a number of more general observations:

- That the absence of a uniform policy or system for the review of fees and charges within the Council had resulted in a confusion of individual charges and policies, many of which could not be explained or justified.
- That there should be a regular (annual) review of all fees and charges; and that this should involve objective/independent comment from councillors/officers outside the portfolio/service area.
- That there should be a clear and consistent approach to charging across the Council.

- That any discretionary charge must recover the cost of provision of the service.
- That there was a need for improved management information to inform the review and decision making process. This same information should support and assist Service Heads in the ongoing operation of the service area.

All of the Board's recommendations and observations were welcomed and accepted by the Executive and Council as part of the 2009/10 Budget.

Task and Finish Groups

The future of markets in Cherwell

Membership:

Cllrs Billington, Clarke, Edwards, Illott, Sibley, Steward and Tompson

The objective of this review was to understand what factors were influencing the current state and prosperity of the district's traditional markets and consider what steps were needed to "retain and enhance" them.

The Task & Finish Group made a number of site visits to each of district's three markets and spoke informally to market traders and customers. This gave them a valuable insight into how the markets change as a result of seasonal and economic influences. They also held discussions with the trader representatives and the market operators to establish their views on the future of the district's markets. Finally the Group met with council officers and representatives from the town and parish councils to find out what they valued about the district's markets and what they would like to see improve.

At the end of this year long review the Group agreed that the three traditional markets in Cherwell have a number of strengths:

- An established history and tradition of market trading.
- A strong desire by those involved in each of the markets (shoppers, traders and elected representatives) to retain a traditional market and bring prosperity to the market towns.
- Town centre locations linked to other retail outlets
- good public transport access from a large catchment area.
- inexpensive car parking available close to the markets.

And weaknesses:

- The recognised national decline of traditional markets in recent years.
- The absence of a clear vision and strategic direction for the markets.
- The absence of established communication channels between the various market stakeholders (councils, operators, traders, retailers, customers).

Recommendations agreed by the Executive included:

- That the future commercial success of the markets in Cherwell is dependent on the development and execution of a clear vision of the role they can play in a district of opportunity.
- That the Council must assume a pro-active role and demonstrate a renewed commitment to the management of its markets.
- The introduction of regular, structured dialogue and communication channels with the local town and parish councils, and trader and retail groups regarding each individual market.
- That all three markets would benefit from greater publicity and improved promotional activities and new initiatives.

Concessionary Travel

Cllrs Attack, Clarke, Rae, Milne Home, Sibley and L Stratford.

The new national concessionary bus pass scheme was implemented on 1 April 2008 and allows any pass holder free travel on any local bus service anywhere in England. The statutory start time for the scheme is 9:30 am, but local authorities have discretion to increase the hours of operation. Within Oxfordshire, Cherwell and Vale of White Horse opted for the statutory start time of 9.30am whilst the other three councils then decided to operate from 9am. As a result some Cherwell pass holders have been unable to benefit from free travel on some cross-border routes whilst for example, a West Oxfordshire resident can.

Age Concern Oxfordshire submitted a petition containing 368 signatures to the Council at its meeting on 21 April 2008 when. The petition set out concerns including that older people would not be able to travel until late into the morning, disabled people will not be able to attend their day services and work placements on time and that many older and disabled people are vulnerable to becoming isolated from community services.

A six member Task & Finish Group was convened to look at the issue and to consider the financial implications of extending the start time of the national concessionary bus pass scheme to 9:00 am. Mindful of the wider economic context and the financial constraints facing the Council the Task & Finish Group could not advocate funding the revised start time at the expense of other Council services.

However, in the course of their work the Task & Finish Group identified a number of wider issues relating to concessionary travel that they agreed to explore in more detail in 2009. Specifically they chose to concentrate on the feasibility of introducing a smart card reader scheme to address concerns about management information and data accuracy of concessionary travel and also to broaden the scope of the review to consider the Council's overall concessionary and community travel offering, which accounts for about £1.3M of Council expenditure per year.

The Task & Finish Group met regularly on eight occasions from January to May 2009. They also held formal and informal discussions with members of their local communities to gather views and opinions on concessionary and community travel. In April 2009 members of the Task & Finish Group attended an open meeting at Age Concern, Banbury.

The Task & Finish Group also sought the views of representatives of some of the bus companies operating the concessionary travel scheme in the district; the Public Transport Policy Officer at Oxfordshire County Council; the Rural Transport Partnership Officer from the Oxfordshire Rural Communities Council; and officers involved in the implementation of a smart card enabled concessionary travel scheme in Northamptonshire. Throughout the review the Task & Finish Group sought to involve the Older People's Champion and the

Portfolio Holder, Community Safety, Street Scene and Rural, in their investigations.

Recommendations agreed by the Executive included:

- not to invest in a Smart Card Reader scheme due to the significant financial investment required and reservations about the current technical capacity of such schemes to meet the Council's needs.
- to monitor the scale and value of the mis-ticketing problem.
- To commission research into the feasibility of introducing alternative community transport schemes in those parts of the district where residents do not benefit from the concessionary bus pass, national travel tokens or the Dial-A-Ride service.
- To talk to the County Council and the District/City councils about a co-ordinated approach to the delivery of the national concessionary travel scheme.



Call-in

There have been no Call-ins during the municipal year 2008/09.

However, there was a Call-in right at the end of the previous municipal year, which was not reported in the last Annual Report. That Call-in considered a Portfolio Holder decision not to award grant funding to the Banbury Benefits Advice Project. The scrutiny committee heard the Call-in at a meeting on 18 March 2008.

The Committee upheld the original Portfolio Holder decision as it was in line with the Council's published policy on grant funding: that "*Grants will be less likely for organisations that displace or compete with the work of other organisations*" in so far as the Banbury Benefits Advice Project offered services similar to those of the Citizens Advice Bureau. The Committee also recommended that the Portfolio Holder should commission a review of the Council's grants and voluntary organisations policy criteria for 2008/09 to ensure that in future the decision making process was open and transparent.

Review of the Call-in process

Although this most recent Call-in at Cherwell in March 2008 was conducted in accordance with the constitution it raised a number of practical concerns for both councillors and officers. It was felt that the process was not "fit for purpose", that the timescales for parts of the process were too long and that overall it was unclear in the expectation that it created as it contained no guidance on the practicalities of preparing for and conducting the hearing.

In response to these concerns the Overview and Scrutiny Committee undertook a review of the Call-in procedures. The review proposals were based on the following assumptions:

- Call-in should be used sparingly as a process of last resort.
- There needs to be a clear, simple process to trigger a Call-in.
- The process needs to be balanced to ensure that it can not be hijacked for political purposes.
- Call-in needs to enfranchise all non-executive Councillors.
- Call-in should not limit the Council through creating unnecessary delays to implementation.

The Overview and Scrutiny Committee sent a questionnaire to all members of the Council and a review meeting was held with scrutiny members. The input from both these exercises was used to inform the discussions at the Overview and Scrutiny Committee, the Executive and Full Council which resulted in a series of recommendations and changes to the Constitution in February 2009. The main outcomes were tighter timescales for conducting and responding to a Call-in, a written protocol for the submission of evidence and the conduct of a Call-in hearing. All of these points were incorporated into the revised constitution in April 2009.

Training and Development

There were three scrutiny related training events for members in 2008/09:

- 10 councillors attended the introduction to overview and scrutiny on 23 May 2009 as part of the induction programme.
- 18 councillors attended the questioning skills sessions held on 19 August and 23 September 2008.

In addition members and officers attended a number of conferences and seminars during the year:

Event	Members	Officers
Centre for Public Scrutiny Conference (CfPS) in June 2008	2	2
LAA scrutiny seminar October 2008		1
CfPS / Parliamentary Select Committee seminar	1	1
CfPS seminar March 2009 (Scrutiny of Partnerships)	1	
CfPS seminar March 2009 (Negotiating skills for scrutiny)		1
LGA Introduction to Overview & Scrutiny March 2009		1
Crime and Community Partnerships May 2009	1	1

Statistics

Statistic	2006/07	2007/08	2008/09
Number of scrutiny committee meetings	25	20	20
% attendance at scrutiny committee meetings	76%	78%	82%
Number of completed reviews	7	6	6
Number of committee reviews undertaken	1	1	4
Number of Task & Finish Groups established	12	2	2
Number of Call-ins	0	1	0
% scrutiny recommendations accepted by Executive or other body	-	90%	97%

Corporate priorities checklist

How does the overview and scrutiny function contribute to the Council's corporate priorities?

Corporate priority	Completed reviews					
	Markets	Fees & Charges	Emergency Planning	RAF Bicester	Rural Affordable Housing	Concessionary Travel
A district of opportunity						
<ul style="list-style-type: none"> Balance employment and housing growth 					✓	
<ul style="list-style-type: none"> Support local economic development 	✓	✓		✓		
<ul style="list-style-type: none"> Support business success by... innovation... helping to recruit and retain skilled employees 				✓		
<ul style="list-style-type: none"> Secure housing growth... through a mix of market and affordable housing 					✓	
<ul style="list-style-type: none"> Give you advice and support to find a home 					✓	
<ul style="list-style-type: none"> Improve the standard of housing 					✓	
<ul style="list-style-type: none"> Improve local services and opportunities in rural areas 		✓				✓
<ul style="list-style-type: none"> Develop safe and pleasant urban centres 	✓					
A safe and healthy Cherwell						
<ul style="list-style-type: none"> Make it easy for you to lead a healthy and active life through our countryside, leisure facilities and tourist attractions 		✓				✓
<ul style="list-style-type: none"> Provide community facilities and activities to meet local need 	✓			✓		✓
A cleaner, greener Cherwell						
<ul style="list-style-type: none"> Keep streets and open spaces clean and free... 		✓				
<ul style="list-style-type: none"> Protect our environment... 		✓				
An accessible, value for money Council						
<ul style="list-style-type: none"> Put things right quickly if they go wrong 	✓					
<ul style="list-style-type: none"> Deliver value for money... 		✓				
<ul style="list-style-type: none"> Reduce financial burden to local taxpayers 		✓				
<ul style="list-style-type: none"> Explain how your council tax is spent and why 		✓				
<ul style="list-style-type: none"> Work with other to provide you with local services and access to information about them 	✓			✓		✓
<ul style="list-style-type: none"> Improve the way we communicate with the public 			✓			
<ul style="list-style-type: none"> Listen to your views and comments 					✓	✓

2009/10 and beyond

As in previous years, scrutiny councillors have continued to identify opportunities to further improve and develop the scrutiny function. This positive approach will be critical in meeting the requirements of the Comprehensive Area Agreement (CAA) and the scrutiny related legislation in the Police and Justice Act 2006 and Local Government and Public Involvement in Health Act 2007.

Scrutiny and CAA will be a two-way process. Scrutiny reviews carried out locally will provide valuable evidence that can feed in to CAA and may help inspectorates understand issues without having to carry out additional work. In return, the findings from CAA will also be helpful to scrutiny committees in identifying potential areas for future reviews.

This will mean that the scrutiny work undertaken by County and District level scrutiny committees will increasingly need to avoid duplication and illustrate a coordinated approach to scrutinising the issues that matter to citizens.

Our challenge in 2009/10 is to embed these new powers into our scrutiny culture and develop the relationships necessary for effective scrutiny with partners.

COUNCIL

Section 151 Officer Arrangements

19 October 2009

Report of Chief Executive

PURPOSE OF REPORT

The purpose of this report is to recommend changes to the Council's current arrangements for a Section 151 Officer and Chief Finance Officer.

This report is public

Recommendations

The meeting is recommended to:

- (1) Approve that Phillip O'Dell be appointed as the Council's Section 151 and Chief Finance Officer with effect from 26th October 2009 until 31st March 2010.
- (2) Note Phillip O'Dell has nominated the Head of Finance, Karen Curtin, as Deputy Section 151 and Deputy Chief Finance Officer authorised to act in his absence.
- (3) Agree that all reference to the Strategic Director Customer Services and Resources be deleted from the Council's constitution and that all the delegated powers to that post, including the section 151 functions, be transferred to the Head of Finance with a clear note that these functions will be exercised by the interim Chief Finance Officer with the Head of Finance as Deputy Section 151.
- (4) Agree that the Monitoring Officer be authorised to amend the constitution to give effect to this arrangement.

Executive Summary

Introduction

- 1.1 In accordance with Local Government Act 1972, there is a statutory requirement on the authority to designate three statutory officers; Head of Paid Service (Chief Executive), Monitoring Officer and Section 151 Officer/ Chief Finance Officer, who is required to be a suitably qualified individual, holding a CCAB recognised professional accountancy qualification.
- 1.2 Julie Evans, the Council's Strategic Director, Customer Service and Resources is the current Section 151 officer and she leaves the Council on October 25th 2009.
- 1.3 The size of the Corporate Management Team will now be reduced to comprise the Chief Executive and two Strategic Directors (with a Head of Improvement too until the end of the financial year). At the same time the roles, responsibilities and reporting lines of the extended management team are being reviewed to align roles with a smaller Corporate Management Team.
- 1.4 The Head of Finance is actively studying to gain the required CCAB qualification that is required for the position of 151 Officer. It is expected that she will complete her final exams in June 2010 and be qualified by the end of August 2010. The Head of Finance has been the deputy 151 officer since July 2008.

Proposals

- 1.5 For an interim period the Council should find a suitably qualified and experienced finance interim and designate this person Section 151 Officer until the Head of Finance has completed the required accountancy qualification.

Conclusion

- 1.6 For the first five months of this interim period the Council should re-engage Phillip O'Dell CIPFA, to act as the Council's Section 151 Officer and Chief Financial Officer.
- 1.7 During this period the Council should explore all options for securing a 151 Officer for the remaining time required, including the potential of sharing a 151 Officer with another authority.

Background Information

- 2.1 Julie Evans, the Council's Strategic Director, Customer Service and

Resources is currently the Council's Section 151 Officer and she leaves the authority on October 25th 2009.

- 2.2 In July 2008 the Council received a report detailing that the Chief Executive (in consultation with the Monitoring Officer) had exercised her emergency powers to appoint Phil O'Dell as the authority's Section 151 Officer on an interim basis. Phil O'Dell fulfilled this role diligently from July 2008 until March 2009 and oversaw the closing of 2007/08 accounts and the setting of the 2008/09 budget.
- 2.3 The scheme of delegation refers explicitly to the Strategic Director Customer Services and Resources in a number of places, namely, page 19 where the post approves leasing arrangements, on page 22 where specific section 151 responsibilities are listed and on page 23 where the list of proper officers is set out. All these references need to be changed to the Head of Finance with reference to the interim arrangements. The suggestion is we do this electronically but update the hard copies of the constitution when permanent arrangements are put in place.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The designation of a Section 151 and Chief Finance Officer is a statutory requirement.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- | | |
|-------------------|--|
| Option One | Replace the Strategic Director, Customer Service and Resources under the current terms, conditions and qualifications. |
| Option Two | Appoint an interim 151 Officer to cover the short period until the Head of Finance attains CCAB qualification. |

Implications

- | | |
|-------------------|---|
| Financial: | The costs of employing an interim section 151 officer can be contained within the 151 allowance and by using a small proportion of the savings that will materialise as a result of reducing the corporate management team from 3 strategic directors to two. These costs will be built into the next 2009/10 |
|-------------------|---|

projection and 2010/11 budget.

Comments checked by Karen Muir, Corporate System Accountant, 01295 221559.

Legal:

The Council is required to have a designated section 151 officer under the Local Government Act 1972 who must be "suitably qualified". The proposed arrangements ensure the Council is complying with legislation."

Comments checked by Liz Howlett, Head of Legal and Democratic Services and Council Monitoring Officer, 01295 221688

Risk Management:

The designation of a Section 151 and Chief Finance Officer is a statutory requirement.

Comments checked by Karen Muir, Corporate System Accountant, 01295 221559.

Wards Affected

All

Document Information

Appendix No	Title
Background Papers	
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