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Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 18 January 2010 at 6.30 pm

Present: Councillor Mrs Diana Edwards (Chairman)
Councillor George Parish (Vice-Chairman)

Councillor Rick Atkinson
Councillor Luke Annaly
Councillor Ken Atack
Councillor Alyas Ahmed
Councillor Maurice Billington
Councillor Norman Bolster
Councillor Ann Bonner
Councillor Nick Cotter
Councillor Margaret Cullip
Councillor John Donaldson
Councillor Michael Gibbard
Councillor Timothy Hallchurch MBE
Councillor Eric Heath
Councillor Simon Holland
Councillor Alastair Milne Home
Councillor David Hughes
Councillor Russell Hurle
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 G A Reynolds
Councillor Daniel Sames
Councillor Chris Smithson
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 Douglas Webb
Councillor Martin Weir
Councillor Douglas Williamson
Councillor Barry Wood
Councillor John Wyse

Also Present:: Simon Hughes, Environment Agency
Rosemary Redmond, Environment Agency

Apologies for absence: Councillor Fred Blackwell
Councillor Colin Clarke
Councillor Andrew Fulljames
Councillor Mrs Catherine Fulljames
Councillor Tony Ilott
Councillor Devena Rae
Councillor Leslie F Sibley

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

48

Declarations of Interest

Members declared the following general interests:

Councillor Wood, Personal, as persons known to him have an interest in land the area of, but outside the eco zone.

Councillor G A Reynolds, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Kieron Mallon, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Michael Gibbard, , Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Nicholas Turner, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Norman Bolster, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Members declared interests in the following agenda items:

12. Constitutional Amendments - Planning and Licensing.

Councillor Nicholas Turner, Prejudicial, as a licensee in the district.

49 **Communications**

The Chairman welcomed young people who were attending the Council meeting from Banbury School and were participating in the Local Councillor Shadowing Programme to gain a greater understanding of what it is like to be a Councillor and how the Council works.

The Chairman noted that Councillor Blackwell was not at the meeting as he had broken his leg at Christmas, members joined the Chairman in wishing him a speedy recovery. The Chairman also noted that 2010 marked Councillor Blackwell's 40th year of local government service and invited Councillors to join her in marking this occasion in April.

The Chairman announced that her annual dinner would be held on Friday 8 April 2010 at Bicester Hotel, Golf and Spa in aid of her charities, with tickets costing £45.

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

There were no petitions and requests to address the meeting.

51 **Urgent Business**

There was no urgent business.

52 **Minutes of Council**

The minutes of the meeting of Council held on 19 October 2009 were agreed and signed by the Chairman.

53 **Protecting and improving your environment - Presentation Simon Hughes of the Environment Agency**

The Chairman welcomed Simon Hughes, Area Manager for this area and Rosemary Redmond, Planning Manager at the Environment Agency to the meeting.

Simon Hughes and Rosemary Redmond addressed the meeting regarding the work of the agency within the Cherwell district. A number of members asked questions and answers were duly provided.

The Chairman thanked Simon Hughes and Rosemary Redmond.

54 **Minutes**

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

Resolved

That the minutes of the meetings of the Executive and Portfolio Holder decisions as set out in the Minute Book be received and that it be noted 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

Resolved

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

55

Questions

a) Written Questions

There were no written questions.

b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Council Policy towards Evergreen III: Councillor Macnamara
Impact of snow on the district: Councillor Strangwood
Bicester Town Centre Redevelopment: Councillor Cotter
Bicester Eco Summit: Councillor Mawer
Evergreen III Islip Crossing: Councillor Sames
Refuse Collection alterations and communicating with parishes: Councillor Hallchurch
Bicester Cottage Hospital: Councillor Hughes

c) Questions to Committee Chairmen on the minutes

Questions were asked and answers received on the following issues:

Chairman of Personnel Committee

Apprenticeship Scheme: Councillor Macnamara

56

Motions

There were no motions.

57

Crime and Disorder Scrutiny ~ amendment to Constitution

The Head of Legal and Democratic Services submitted a report to Council that outlined recent developments in legislation relating to overview and scrutiny.

Resolved

- (1) That the Overview and Scrutiny Committee should be formally designated as Cherwell District Council's crime and disorder scrutiny committee.
- (2) That the Constitution be amended to reflect the change in the terms of reference of the Overview and Scrutiny Committee as set out below:
 - Terms of Reference of Delegation
 - Overview and Scrutiny Committee (page 16 – 17)
 - Insert new bullet point (#7)

To exercise the powers assigned to a crime and disorder scrutiny committee (under the Local Government and Public Involvement in Health Act 2007 and Police and Justice Act 2006).

58 **Constitutional Amendments - Planning and Licensing**

The Head of Legal and Democratic Services submitted a report to Council to consider the constitutional amendments recommended to Council by Planning and Licensing Committees.

Resolved

- (1) That the constitutional amendments recommended to Council by the Planning committee relating to the Scheme of Delegation and Public Speaking Procedure Rules as set out in annex 1 and 2 to the minutes as set out in the minute book be approved.
- (2) That the constitutional amendments recommended to Council by the Licensing committee relating to the Scheme of Delegation and Committee Terms of Reference as set out in annex 3 and 4 to the minutes as set out in the minute book be approved.

59 **Calendar of Meetings**

The Head of Legal and Democratic Services submitted a report requesting Council to consider the calendar of meetings for 2010/2011.

Resolved

- (1) That the calendar of meetings as proposed by the Executive be agreed for 2010/11 as set out in annex 5 to the minutes as set out in the minute book.

- (2) That the Chief Executive in consultation with the Leader of the Council be delegated to make amendments to the calendar of meetings as and when required, including when the general election is called.

The meeting ended at 8.22 pm

Chairman:

Date:

Head of Development Control and Major Developments

General Planning Matters

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Determination of applications for planning permission, reserved matters, listed building consent, conservation area consent , advertisement consent discharge of conditions and minor and non material amendments.

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Determination of applications for Certificates of Lawfulness of an Existing Use or Development or a Proposed Use or Development subject to consultation with the Head of Legal and Democratic Services.

-

Requiring an applicant to enter into a planning agreement, obligation or similar agreement with the Council, County Council or other statutory undertaker in respect of planning, highways, drainage or other matters where the Head of Development Control and Major Developments intends to grant permission for an application determined under delegated powers.

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Determination of all application registration and administration matters.

Subject to the qualifications reserving powers to the Planning Committee as follows:

Delegated powers will not be exercised if the application is for;

- 10 or more dwellings or
- the floorspace created is 1000 square metres or more, or
- the area of a change of use is more than one hectare and the application constitutes major development .

Delegated powers will not be exercised if the recommendation for approval is contrary to planning policy, if the application (or case) is by, or relates to the Council (other than minor applications) or affects Council owned land, if there is any potential conflict of interest affecting a Council employee or their partner or spouse or if the application (or case) involves a proposed variation or discharge of a section 106 legal agreement.

Requests by the Public to Address the Planning Committee

1.

Members of the public, including the applicant (or their representative), representatives from the relevant Town or Parish Council, local interest groups and local civic societies, may address the Planning Committee during consideration of any application for planning permission

2.

The following groups may address the meeting for up to five minutes each:

Objectors

Applicant and/or Supporters

Where more than one person has registered to speak in any of the above groups of speakers, the five minute period shall be shared. In those circumstances Objectors are encouraged to appoint a spokesperson. If no spokesperson is nominated, Objectors will be heard in the order in which they have registered until the five minute period has elapsed. The Applicant (or their agent) will speak first in their five minute period, followed by any other supporters until the five minute period has elapsed.

3.

An application to speak must be received in writing or by electronic mail by Democratic Services by midday on the last working day before the committee meeting. Applications to speak at committee will only be accepted by persons who have made written representations on an application as part of the consultation process or the applicant. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to Democratic Services before the committee meeting commences.

4.

Applications to speak must include the name of the person wishing to register and a contact telephone number. Applicants should also confirm if they are willing for the Council to share their contact details with other speakers so that arrangements can be made to nominate a spokesperson.

5.

When there is a linked or duplicate application each speaker can only speak on one application site, regardless of the number of applications for that site. For example, in the case of linked applications for planning permission and listed building consent on the same property, speakers may only speak once.

6.

When planning applications are referred to Council by Councillors the normal Council public speaking rules apply, as set out in the Council procedure rules.

Procedure

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3. Speakers will be grouped together as either Objectors or Supporters.¶

4.

Where more than one person has registered to speak in any of the above groups of speakers, there will be a 9 minute time limit for each group. Town and Parish Council Representatives will be allotted the first three minute time slot of their group. All other speakers will be heard in the order in which they registered to speak on a strictly "first come, first served" basis. When more than one speaker has registered in each group, speakers are encouraged to appoint a spokesperson. If no spokesperson is nominated speakers will be heard in the order in which they have registered until the 9 minute period has elapsed. No more than three speakers (including town/parish representatives) may register to speak in each group.

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Each group will be given the opportunity to speak for an equal period of time, to ensure a fair hearing. For example, if there is only one supporter and 3 objectors, the supporter will be given the opportunity to speak for 9 minutes.¶

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When planning applications are referred to Council by the Head of Development Control and Major Developments only Members of the public who spoke on the application at the Planning Committee are permitted to speak. The normal Council public speaking rules apply, as set out in the Council procedure rules.¶

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~~On the last working day before the Committee meeting Democratic Services will confirm, by email where possible, who has registered to speak and will circulate contact details with the groups of objectors and supporters where appropriate. Any requests to speak received after midday on the last working day before the committee meeting will not be accepted.~~

Deleted: On the last working day before the Committee meeting when the deadline to register has passed Democratic Services will confirm with speakers how long they have to speak.

~~8. Members of the public who have registered to speak must sign a declaration on conduct at committee; Members of the public who do not sign the declaration will not be permitted to speak at committee.~~

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~~9. Before the application report is considered in detail, the committee may agree that the application be deferred for a site visit, or to obtain further information. In that case, there will be no public participation on the application until it is reconsidered at a future meeting. Persons who have registered to speak on applications that are deferred to future meetings of the Planning Committee are not required to register again.~~

~~10. The Planning Officer will present the application to the committee and inform Members of any late representations or updates.~~

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~~11. Ward Members and any Members of the committee with a prejudicial interest will then be entitled to speak on the application. After making their presentation Ward Members may, at the discretion of the Chairman, answer questions and sum up their view at the end of the debate they then must return to the public gallery. Members of the committee with a prejudicial interest must leave the room for the debate and vote.~~

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~~12. The persons who have registered to speak will then be introduced by the Chairman in order of Objectors and Supporters, with the applicant always speaking last. Once a speaker has made their statement there will be no further right to address the meeting and at this point speaker must return to the public gallery.~~

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~~13. The Planning Officer will then clarify any planning points made by speakers relevant to the application.~~

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~~14. The committee will debate the application and make a decision on the application.~~

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~~15. Members of the public may not show plans, photographs or circulate written material.~~

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~~16. The Chairman of the meeting may:~~

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(a) vary the order of representation if he/she considered that it is convenient and conducive to the despatch of the business and will not cause prejudice to the parties concerned, or

(b) remove any person from the meeting if they behave in a disorderly manner,

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Head of Urban and Rural Services

- The use of parks, open spaces and recreational areas for special functions.
- The planting and maintenance of trees on Council-owned land or Council controlled land.
- The provision of advice relating to trees and recommending to the Head of Development Control and Major Developments the making of Tree Preservation Orders including in an emergency.
- Dealing with applications for works to trees in Conservation Areas.
- Approving the standards for adoption of open space land in planning agreements.
- Authorising the temporary use of off street parking areas for uses other than parking.
- Authorising the siting of market stall spaces and the letting of such spaces subject to the necessary planning and highway consents.
- Managing the maintenance of monuments and public clocks in the Council's ownership.
- The issuing of parking permits and season tickets for off street parking and for residents parking schemes and Exemption Certificates for pedestrianised areas.
- The provision of street furniture on land other than recreational land.
- The making of temporary traffic orders under section 21 of the Town Police Clauses Act 1847 relating to special events on the highway and the power to waive charges for the making of such orders in exceptional circumstances.
- The enforcement of parking and other stationary traffic offences.
- The licensing of hackney carriages and drivers and private hire vehicles, operators, and drivers subject to applicant's right of appeal or
- Granting, variation, review or refusal of all licences, certificates or permissions under the Gambling Act 2005 subject to it being considered by a Licensing Subcommittee where a valid representation or objection is made and not withdrawn.
- Enforcement of and any other necessary action under the Gambling Act 2005

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Determining whether a complaint or representation under the Gambling Act 2005 is irrelevant, frivolous or vexatious.

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Responsibilities relating to street and house to house collections.

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Responsibilities relating to street trading, under section 3 and schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

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Responsibilities relating to the third parties placing objects over or on the public highway, under section 115 of the Highways Act 1980.

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Granting, variation, review or refusal of all licences, certificates or permissions under the Licensing Act 2003 subject to it being considered by a Licensing Subcommittee where a valid representation or objection is made and not withdrawn.

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Determining whether a complaint or representation under the Licensing Act 2003 is irrelevant, frivolous or vexatious.

Enforcement and any other necessary action under the Licensing Act 2003

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Approval of applications for the making of Public Path Orders (which are not the result of the consideration of a planning application) and to approve the confirmation of Orders where no objections are lodged, or, if lodged, are withdrawn within the statutory period.

Licensing Committee Sub-Committee

- The hearing of, and decisions on, applications and notifications under the Licensing Act 2003 where this cannot be decided by the Head of Urban and Rural Services because valid representations/objections have been received and not withdrawn.

- The hearing of, and decisions on, applications for review of a premises licence/Club Premises Certificate under the Licensing Act 2003.

- The hearing of, and decisions on, applications for and notifications under the Gambling Act 2005 where this cannot be decided by the Head of Urban and Rural Services because valid representations/objections have been received and not withdrawn.

- The cancellation of club gaming/club machine permits under the Gambling Act 2005

- The cancellation of a licensed premises gaming machine permits where a permit holder requests a hearing under the Gambling Act 2005

- Consideration of a temporary use notices under the Gambling Act 2005 where an objection has been received unless each person who would be entitled to make representations agrees that a hearing is unnecessary and that the Head of Urban and Rural Services is satisfied that a counter notice is not required.

- Decision to give a counter notice to a temporary use notice under the Gambling Act 2005.

- To provide a forum for applicants who may wish to appeal against decisions of the Head of Urban and Rural Services in respect of Street Trading and provisions of facilities on the Highway.

- To provide a forum for applicants who may wish to appeal against decision of the Head of Safer Communities and Community Development in respect of animal welfare Licensing.

Deleted: To provide a forum for applicants who may wish to appeal against decisions of the Head of Urban and Rural Services in respect of licensing of hackney carriages, private hire vehicles, hackney carriage/private hire vehicle drivers and private hire vehicle operators, without prejudice to the right of applicants to appeal to the Magistrates' Court.¶

Note: The Licensing Subcommittee will be made up of any 3 Members to be drawn from the membership of the parent Committee. Members must have received appropriate training and must have taken a non-committal approach to any lobbying in respect of the appeal to be heard, otherwise they may not participate in the hearing.

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MEETINGS TIMETABLE 2010/2011

2011

	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	
Mon								1 Exec									1					Mon
Tue			1					2			1	1 RPSB					2			1		Tue
Wed			2 Pers			1		3	1		2 C&E	2 Pers			1 Pers		3			2		Wed
Thurs	1 Plan		3	1		2		4 Plan	2 Plan		3	3			2		4	1		3 Plan	1 Plan	Thurs
Fri	2 B Hol		4	2		3	1	5	3		4	4	1		3	1	5	2		4	2	Fri
Sat	3	1	5	3		4	2	6	4	1	5	5	2		4	2	6	3	1	5	3	Sat
Sun	4	2	6	4	1	5	3	7	5	2	6	6	3	1	5	3	7	4	2	6	4	Sun
Mon	5 B Hol	3 B Hol	7 Exec	5 Exec	2 Exec	6 Exec	4 Exec	8	6 Exec	3 B Hol	7 Exec	7 Exec	4 Exec	2 B Hol	6 Exec	4 Exec	8 Exec	5 Exec	3 Exec	7 Exec	5 Exec	Mon
Tue	6	4	8	6	3	7 RPSB	5	9	7 RPSB	4	8	8 O&S	5	3	7	5	9	6 RPSB	4	8	6 O&S	Tues
Wed	7	5	9 Parish	7	4	8 Pers	6	10 Parish	8 MT	5	9 PSWG	9	6	4	8 Parish	6	10	7 Pers	5	9 Parish	7 MT	Wed
Thurs	8	6	10	8 Stan	5	9 Plan	7 Plan	11	9	6 Plan	10	10	7	5	9	7 Stan	11 Plan	8 Plan	6 Plan	10	8	Thurs
Fri	9	7	11	9	6	10	8	12	10	7	11	11	8	6	10	8	12	9	7	11	9	Fri
Sat	10	8	12	10	7	11	9	13	11	8	12	12	9	7	11	9	13	10	8	12	10	Sat
Sun	11	9	13	11	8	12	10	14	12	9	13	13	10	8	12	10	14	11	9	13	11	Sun
Mon	12	10	14	12 Exec	9	13	11 Exec	15 Exec	13 AAR	10 Exec	14	14 AAR	11	9	13	11	15	12	10 Exec	14	12 AAR	Mon
Tue	13	11	15 RPSB	13 FSWG	10	14 O&S	12 RPSB	16	14 O&S	11 RPSB	15	15	12 O&S	10	14 O&S	12 FSWG	16	13 O&S	11 RPSB	15 O&S	13 PSWG	Tue
Wed	14	12	16 AAR	14	11	15 MT	13	17	15 Pers	12	16	16	13	11	15 AAR	13	17	14 MT	12	16	14 Pers	Wed
Thurs	15	13	17 Plan	15 Plan	12 Plan	16 Stan	14	18 Stan	16	13	17 MT	17 Stan	14	12	16 Plan	14 Plan	18	15 Stan	13	17 Stan	15	Thurs
Fri	16	14	18	16	13	17	15	19	17	14	18	18	15	13	17	15	19	16	14	18	16	Fri
Sat	17	15	19	17	14	18	16	20	18	15	19	19	16	14	18	16	20	17	15	19	17	Sat
Sun	18	16	20	18	15	19	17	21	19	16	20	20	17	15	19	17	21	18	16	20	18	Sun
Mon	19 Coun	17	21 Exec	19 Coun	16	20 Exec	18 Coun	22	20	17 Coun	21 Coun	21 Exec	18 Coun	16	20 Exec	18 Coun	22	19 Exec	17 Coun	21 Exec	19	Mon
Tue	20	18	22 O&S	20 RPSB	17	21 PSWG	19	23 PSWG	21	18	22	22	19	17	21 RPSB	19 O&S	23	20 PSWG	18 O&S	22 RPSB	20	Tue
Wed	21	19 Coun	23 AAR	21	18	22 AAR	20	24 C&E	22	19 AAR	23	23	20	18 Coun	22 AAR	20	24	21 AAR	19	23 C&E	21	Wed
Thurs	22 Plan	20 Plan	24	22	19	23	21	25	23	20 Stan	24 Plan	24 Plan	21 Plan	19 Plan	23	21	25	22	20	24	22	Thurs
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Sun	25	23	27	25	22	26	24	28	26	23	27	27	24	22	26	24	28	25	23	27	25	Sun
Mon	26	24 Exec	28	26	23	27	25	29	27	24	28 FSWG	28	25 B Hol	23 Exec	27	25	29 B Hol	26	24	28	26 B Hol	Mon
Tue	27	25	29 PSWG	27 O&S	24	28 FSWG	26 O&S	30 FSWG	28	25 O&S	29	29	26	24	28 PSWG	26 RPSB	30	27 FSWG	25	29 FSWG	27 B Hol	Tue
Wed	28	26 C&E	30	28 C&E	25	29	27	31	29	26	30	30	27	25 C&E	29	27 C&E	31	28	26	30	28	Wed
Thurs	29	27		29	26	30	28		30 Plan	27 Plan		31	28	26	30	28		29	27		29 Plan	Thurs
Fri	30	28		30	27		29		31	28			30	27		29		30	28		30	Fri
Sat		29		31	28		30			29				28		30			29		31	Sat
Sun		30			29		31			30				29		31				30		Sun
Mon		31 B Hol			30 B Hol					31				30					31			Mon
Tue					31									31								Tue

Council 6.30pm	Executive 6.30pm	Planning Committee 4.00pm	Council & Employee Joint Committee 6.30pm	Personnel 6.30pm	Standards 6.30pm	Accounts, Audit & Risk Committee 6.30pm	Overview & Scrutiny Committee 6.30pm	Performance Scrutiny Working Group 6.30pm	Resources & Performance Scrutiny Board 7.00pm	Finance Scrutiny Working Group 6.30pm	Parish Liaison
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Notes: Provisional Members Training = MT / Please note: Exec meeting moved from 12 April to 29 March 2010

Minute Item 59