

Meeting of Council

Monday 18 January 2010

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Monday 18 January 2010 at 6.30 pm, and you are hereby summoned to attend.



Mary Harpley
Chief Executive

Friday 8 January 2010

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 - 6)

To confirm as a correct record the Minutes of Council held on 19 October 2009.

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

Simon Hughes (Area Manager) of the Environment Agency 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 urgent Key Decisions have been taken by the Executive that were not included in a Forward Plan.

- 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 Chairman 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 Crime and Disorder Scrutiny ~ amendment to Constitution (Pages 7 - 24)

Report of Head of Legal and Democratic Services

Summary

To agree an amendment to the Constitution in relation to the terms of reference of the Overview and Scrutiny Committee regarding crime and disorder scrutiny.

Recommendations

Council is recommended:

- (1) To agree that the Overview and Scrutiny Committee should be formally designated as Cherwell District Council's crime and disorder scrutiny committee; and
- (2) To agree 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 and Scheme 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)

12 Constitutional Amendments - Planning and Licensing (Pages 25 - 38)

Report of Head of Legal and Democratic Services

Summary

To consider the constitutional amendments recommended to Council by Planning and Licensing Committees.

Recommendations

Council is recommended:

- (1) To approve 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 appendices 1 and 2.
- (2) To approve 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 Appendices 3 and 4.

13 Calendar of Meetings (Pages 39 - 44)

Report of Head of Legal and Democratic Services

Summary

Council is asked to consider the calendar of meetings for 2010/2011.

Recommendations

Council is recommended:

- (1) To consider any amendments proposed by the Executive and agree a calendar of meetings for 2010/11.
- (2) To agree 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 the general election is called.

Council Business Reports

14 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”.

15 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

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Agenda Item 6

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 19 October 2009 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 Fred Blackwell
Councillor Norman Bolster
Councillor Ann Bonner
Councillor Colin Clarke
Councillor Nick Cotter
Councillor John Donaldson
Councillor Andrew Fulljames
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Eric Heath
Councillor Alastair Milne Home
Councillor David Hughes
Councillor Russell Hurle
Councillor Tony Ilott
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 Keith Strangwood
Councillor Lawrie Stratford
Councillor Rose Stratford
Councillor Lynda Thirzie Smart
Councillor Patricia Tompson
Councillor Douglas Webb
Councillor Martin Weir
Councillor Douglas Williamson
Councillor Barry Wood
Councillor John Wyse

Also Present:: Councillor Michael Waine, Cabinet member for Schools Improvement, Oxfordshire County Council
Sally Taylor, Head of the Oxfordshire Raising Achievement Service, Oxfordshire County Council

Apologies for absence: Councillor Margaret Cullip
Councillor Timothy Hallchurch MBE
Councillor Simon Holland
Councillor Victoria Irvine
Councillor Chris Smithson
Councillor Carol Steward
Councillor Nicholas Turner

Officers: Ian Davies, Strategic Director - Environment and Community
Mary Harpley, Chief Executive and Head of Paid Service
John Hoad, Strategic Director - Planning, Housing and Economy
Richard Hawtin, Team Leader Property & Contracts
Phil O'Dell, Chief Finance Officer
Craig Forsyth, Communications Officer
James Doble, Democratic, Scrutiny and Elections Manager

34 **Declarations of Interest**

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

35 **Communications**

The Chairman noted that it had been hoped that Julie Evans Strategic Director – Customer Service and Resources had been able to attend the meeting to enable members to thank her for her contribution at Cherwell and to wish her well for her new job at Slough Borough Council, however she had been unavoidably delayed.

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

There were no petitions and requests to address the meeting.

37 **Urgent Business**

There was no urgent business.

38 **Minutes of Council**

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

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

The Chairman welcomed Councillor Michael Waine, Cabinet member for Schools Improvement and Sally Taylor, Head of the Oxfordshire Raising Achievement Service at Oxfordshire County Council to the meeting.

Councillor Michael Waine and Sally Taylor addressed the meeting regarding school achievement within the Cherwell district. A number of members asked questions and answers were duly provided.

The Chairman thanked Councillor Michael Waine and Sally Taylor.

Councillors Fulljames and Mrs Fulljames left the meeting

40 **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 of Committees as set out in the Minute Book be received.

41 **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:

Bicester Community Hospital: Councillor Sibley
Oxfordshire County Council Incinerator Decision: Councillor Cotter
Unitary Local Government: Councillor Stratford
Anti Social Behaviour: Councillor Strangwood
RAF Bicester: Councillor Sames
Northwest Bicester: Councillor Sames
New Council Question time: Councillor Cotter

Iceland store, Bicester: Councillor Pickford
Icelandic Investment Recovery: Councillor Wyse
Bicester Town Centre Development: Councillor Hughes
Section 106 decision: Councillor Bonner
Old Place Yard, Bicester: Councillor Sibley
Bicester in Bloom: Councillor Sibley
Christmas Lights: Councillor Cotter

c) Questions to Committee Chairmen on the minutes

There were no questions to Committee Chairmen on the minutes.

42 **Motions**

There were no motions.

43 **Planning for a Flu Pandemic - Establishing an Emergency General Purpose Committee**

Council considered a report of the Executive Portfolio Holder for Democratic Services and Member Development to request Council to agree the establishment of a non proportional representation Emergency General Purpose Committee, which was subsequently carried with no member voting against.

Resolved

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 as set out in the annex to these minutes (as set out in the minute book). 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.

44 **Guidance Note for Membership of Outside Organisations**

The Head of Legal and Democratic Services submitted a report to approve the recommendation from the Standards Committee to adopt the updated Oxfordshire wide guidance note for membership of outside bodies.

Resolved

- (1) That the advice note for councillors serving on outside bodies be adopted 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.

45 **A New Sustainable Community Strategy for Cherwell**

The Chief Executive submitted a report to present the draft Sustainable Community Strategy for Cherwell to Council for consideration and endorsement.

Resolved

- (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.

46 **Overview and Scrutiny Annual Report for 2008/09**

The Head of Legal and Democratic Services submitted the Overview and Scrutiny Annual Report for 2008/09.

Resolved

That the contents of the Overview and Scrutiny Annual Report 2008/09 be noted.

47 **Section 151 Officer Arrangements**

The Chief Executive submitted a report to recommend changes to the Council's current arrangements for a Section 151 Officer and Chief Finance Officer.

Resolved

- (1) 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) That it be noted 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) 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) That the Monitoring Officer be authorised to amend the constitution to give effect to this arrangement.

The meeting ended at 9.17 pm

Chairman:

Date:

Council

Crime and Disorder Scrutiny

18 January 2010

Report of Head of Legal and Democratic Services

PURPOSE OF REPORT

This report outlines recent developments in legislation relating to overview and scrutiny as set out in the following:

- 1) Local Government and Public Involvement in Health Act, 2007
- 2) Police and Justice Act, 2006
- 3) Local Democracy, Economic Development and Construction Bill, 2008

This report is public

Recommendations

Council is recommended:

- (1) To agree that the Overview and Scrutiny Committee should be formally designated as Cherwell District Council's crime and disorder scrutiny committee; and
- (2) To agree 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 and Scheme 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)

Executive Summary

Introduction

- 1.1 The attached report (Appendix 1) was considered by the Executive on 7 January 2010. It was previously discussed by the Overview and Scrutiny Committee at their meeting on 10 November 2009 and by the Resources and Performance Scrutiny Board at their meeting on 1 December 2009.
- 1.2 The report provides an overview of recent changes in legislation that provide new powers for overview and scrutiny committees to scrutinise Local Area Agreement targets and crime and disorder matters, individually or in concert with other councils and partner organisations.

Proposals

- 1.3 That in order to comply with the new scrutiny legislation the terms of reference for the Overview and Scrutiny Committee set out in the Constitution should be amended to include a specific responsibility for the scrutiny of crime and disorder matters.
- 1.4 The proposed amendment to the Constitution is:
 - Terms of Reference and Scheme of Delegation
 - Overview and Scrutiny Committee (page 16 – 17)
 - Insert new bullet (# 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)

- 1.5 That the Head of Legal and Democratic Services and the Democratic, Scrutiny and Elections Manager should be delegated to develop a draft protocol for the conduct of crime and disorder scrutiny in this Council.

Conclusion

- 1.6 In the main the legislation is merely confirming what is already common practice and we should not expect to see wholesale changes in the structure and operation of scrutiny in Cherwell. The main changes are expected to be the formal designation of the Overview and Scrutiny Committee as the crime and disorder scrutiny body and a closer alignment of the scrutiny work programme to Local Area Agreement targets.

Background Information

2.1 See Appendix 1.

Key Issues for Consideration/Reasons for Decision and Options

3.1 The preferred option is believed to be the most appropriate as it recognises the importance that the Council places on crime and disorder matters and at the same time takes account of the resources available to support crime and disorder scrutiny and is in keeping with practice in other Oxfordshire district councils.

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

Option One To designate the Overview and Scrutiny Committee as Cherwell District Council's crime and disorder scrutiny committee.

Option Two To designate the Resources and Performance Scrutiny Board as Cherwell District Council's crime and disorder scrutiny committee.

Option Three To establish a new, separate committee to act as Cherwell District Council's crime and disorder scrutiny committee.

Consultations

Head of Safer Communities and Community Development Supports the proposal as it follows the line the other districts are taking.

Implications

Financial: See comments in Appendix 1

Legal: See comments in Appendix 1

Risk Management: See comments in Appendix 1

Wards Affected

All

Document Information

Appendix No	Title
Appendix 1	Report to Overview and Scrutiny Committee, 10 November 2009
Background Papers	
Councillor Call for Action, Report to Overview and Scrutiny, September 2009	
Report Author	James Doble, Democratic, Scrutiny and Elections Manager
Contact Information	01295 221589 james.doble@Cherwell-dc.gov.uk

Overview & Scrutiny Committee

Recent changes to the legislative framework governing overview and scrutiny

10 November 2009

Report of Head of Legal and Democratic Services

PURPOSE OF REPORT

This report outlines recent developments in legislation relating to overview and scrutiny as set out in the following:

- 1) Local Government and Public Involvement in Health Act, 2007
- 2) Police and Justice Act, 2006
- 3) Local Democracy, Economic Development and Construction Bill, 2008

This report is public

Recommendations

The Overview and Scrutiny Committee is recommended to:

- (1) note the contents of this report and to consider the implications for this Council of the recent legislation relating to overview and scrutiny;
- (2) note the requirement to review the overview and scrutiny work programme for 2010/11 and to ensure that it includes topics relating to the delivery of local improvement (LAA) targets connected to the Cherwell area;
- (3) note that there is an option to establish a formal joint scrutiny committee with other local authorities in Oxfordshire to scrutinise local improvement (LAA) targets;
- (4) agree that the Overview and Scrutiny Committee should be formally designated as Cherwell District Council's crime and disorder scrutiny committee and to recommend to Council that the Constitution is so amended;
- (5) agree that the Head of Legal and Democratic Services and the Democratic, Scrutiny and Elections Manager be delegated to develop a

draft protocol for the conduct of crime and disorder scrutiny for future consideration by this Committee;

- (6) note that there is an option to establish a formal joint scrutiny committee with other local authorities in Oxfordshire and partner organisations to look at crime and disorder issues that cut across organisational boundaries.

Details

Introduction

- 1.7 This report provides an overview of recent changes in legislation that provide new powers for overview and scrutiny committees. The changes seek to empower communities and enable local people, through their councillors, to participate in decisions that affect their day to day lives.
- 1.8 In practice the legislative changes that impact directly on overview and scrutiny will not alter significantly the powers that scrutiny members at Cherwell District Council already have. In many ways these changes are formalising what scrutiny committees are already doing e.g. holding partners to account, allowing members to put issues of concern on scrutiny agendas and requiring the Executive to acknowledge and formally respond to scrutiny recommendations.
- 1.9 However, the fact that this is now enshrined in legislation gives overview and scrutiny committees some enhanced powers to require co-operation and responses from the Executive and LAA partners in relation to their activities which are the subject of scrutiny.
- 1.10 The revisions to the Cherwell District Council Constitution in April 2009 took into account the majority of these legislative changes and so it is not necessary to make significant changes to the current version. However, as the way in which overview and scrutiny is conducted at the Council will continue to evolve, it is anticipated that some further (minor) revisions to the Constitution may be necessary.

The Legislation

The Local Government and Public Involvement in Health Act, 2007

- 2.2 Although the Local Government and Public Involvement in Health Act was published in December 2007 the regulations relating to overview and scrutiny did not come into force until 1 April 2009. The new powers cover three main issues:
- 2.3 Scrutiny of local improvement (LAA) targets**
The Act enables district council overview and scrutiny committees to

play an active role in scrutinising the delivery of LAA targets connected to the district council's area. It allows district council overview and scrutiny committees to make reports and recommendations on a matter relating to an LAA improvement target to the relevant county council and any partner organisations. The county council and any partner organisations will then be required to respond within two months to the district council scrutiny committee's report.

2.4 Joint county and district overview and scrutiny committees

The Act allows a county council in a two-tier area to establish a joint overview and scrutiny committee with one or more district councils in the area. The aim of these joint committees is to enable authorities to work together collaboratively to make reports and recommendations on progress being made in meeting LAA targets. The legislation only applies to joint scrutiny committees which include members of the county council; joint scrutiny committees comprising of members from only two or more district councils have no powers under this Act.

2.5 Annex 1 lists the partner organisations covered by the legislation. Annex 2 illustrates the LAA structure and details the LAA targets that apply to Cherwell.

2.6 The Government proposes to develop this new power further in the Local Democracy, Economic Development and Construction Bill, by broadening the provision for joint scrutiny to include anything that affects the area of the group of partner authorities or the inhabitants of that area (see paragraph 2.12 below).

2.7 The Act also introduced the **Councillor Call for Action (CCfA)**, which allows any ward councillor to refer a local government matter to an overview and scrutiny committee for consideration. The Councillor Call for Action was the subject of a separate report to overview and scrutiny in September 2009.

The Police and Justice Act, 2006

2.8 The crime and disorder scrutiny provisions of the Police and Justice Act 2006 took effect from 30 April 2009. In summary the regulations, contained within Sections 19 – 21, require:

- every local authority to have a crime and disorder committee with the power to review or scrutinise decisions made or action taken by the responsible authorities¹ in relation to their crime and disorder functions;

¹ The responsible authorities are those responsible for crime and disorder strategies. These are the Council, the police force, the police authority, the fire and rescue authority and the PCT – in other words, the Crime and Disorder Reduction Partnership (in Oxfordshire these are known as Safer Community Partnerships). In April 2010 the probation service will be added to the list of responsible authorities.

- every local authority to designate a body to serve as the crime and disorder scrutiny committee (this does not have to be the committee's only function);
- the crime and disorder committee to meet at least once a year;
- responsible authorities to provide information requested by the crime and disorder committee and for an officer or employee of responsible authorities to attend committee meetings;
- the Council, Executive and responsible authorities to consider any report or recommendations from the crime and disorder committee, to respond in writing within 28 days and to have regard to the report or recommendations in exercising its functions;
- local authorities to make arrangements to enable any member of the Council who is not a member of the crime and disorder committee to refer any local crime and disorder matter to the committee and for the committee to have power to make a report or recommendations to the Council or Executive (this is the crime and disorder element of the Councillor Call for Action);

The legislation also:

- allows the crime and disorder committee to co-opt additional members with or without voting rights; and
- encourages the crime and disorder committee to consider the following:
 - include in its work programme a list of issues it needs to cover during the year which should be agreed with the Community Safety Partnership;
 - to develop a protocol for scrutiny of crime and disorder;
 - to ensure that overview and scrutiny activity complements the role of the police authority in holding the police to account by, for example, appointment of one of the designated crime and disorder committee to the Police Authority.

2.9 The terms of reference of the crime and disorder committee should be *“to scrutinise the work of the community safety partnership and the partners who comprise it, in so far as their activities relate to the partnership itself”*

The emphasis is on scrutiny of the partnership rather than of the individual partners.

2.10 The legislation applies to both county and district local authorities. The accompanying guidance states that whilst it will be for each local authority to decide how it will implement crime and disorder scrutiny (as there will always be local community safety issues which are best dealt with by individual authorities), it makes sense that both tiers work together. It suggests that districts and counties should consider developing a joint approach for looking at community safety issues that cut across organisational and geographical boundaries:

- 2.11 Annex 3 illustrates the crime and disorder arrangements in Oxfordshire and indicates what organisations might become the subject of independent or joint scrutiny.

The Local Democracy, Economic Development and Construction Bill, 2008

- 2.12 The Local Democracy, Economic Development and Construction Bill is expected to receive royal assent in autumn 2009.

- 2.13 The implications of this legislation for overview and scrutiny are:

- the amendment of the Local Government and Public Involvement in Health Act 2007 so that the functions of a joint overview and scrutiny committee are no longer limited to LAA targets (see paragraph 2.4 above);
- a requirement to designate a proper officer for overview and scrutiny;
- A provision to allow petitions to call senior officers to account, both of the authority and from stakeholder bodies, through either the scrutiny process or an 'other relevant body'.

- 2.14 The Bill completed its Report and Third Reading stages in the House of Commons on 13 October 2009. Consideration of Commons amendments will take place in the Lords on 9 November 2009 and the Bill is expected to receive Royal Assent later that month. Once the Bill has received Royal Assent these issues will be the subject of a separate report to Executive and Council.

The Issues

Scrutiny of local improvement (LAA) targets

- 3.2 Under the revised Constitution the Overview and Scrutiny Committee has overall responsibility for the performance of all overview and scrutiny functions (under the Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007) on behalf of the Council.
- 3.3 Consequently the Overview and Scrutiny Committee is empowered to undertake scrutiny of the LAA or indeed to delegate that responsibility to either the Resources and Performance Scrutiny Board or a Task and Finish Group.
- 3.4 So no further action is required at this time; although in early 2010 the Overview and Scrutiny Committee will wish to review the scrutiny work programme for 2010/11 and include specific LAA target related topics for future scrutiny.

Joint county and district overview and scrutiny committees

- 3.5 The regulations make provision for the establishment of joint committees in a two tier area but they can only be set up on a county – district basis and not simply between districts. In some areas (such as Cumbria) the local authorities have been operating a successful joint committee system for some time and have well developed models and protocols which could be readily replicated here.
- 3.6 But the creation of a joint committee is an option not a requirement and this Committee (and Council), in common with neighbouring authorities, will wish to reflect on the value of establishing a formal joint scrutiny committee in Oxfordshire at this time. This is discussed in more detail at paragraph 3.9.

Crime and Disorder scrutiny

- 3.7 Although the revised Cherwell District Council Constitution does not make direct reference to the Police and Justice Act 2006 or to a crime and disorder scrutiny committee, the wording is considered to be sufficiently generic to demonstrate that the existing Overview and Scrutiny Committee fulfils that role. But it may be prudent to consider making a further amendment to the Constitution to formally designate the Overview and Scrutiny Committee as this Council's crime and disorder scrutiny committee.
- 3.8 Such a constitutional amendment to confirm the role of the Overview and Scrutiny Committee, coupled with the annual Q&A session with the Chief Constable at the spring Council meeting and ad hoc scrutiny reviews into crime and disorder issues (e.g. the current Crime and Anti-social Behaviour Task & Finish Group) would meet the legislative requirements. It is not considered necessary to convene a separate scrutiny committee to look solely at crime and disorder matters.
- 3.9 The Head of Safer Communities and Community Development and his team have been consulted and their views sought on an appropriate structure for crime and disorder scrutiny at Cherwell. They support the proposal that the Overview and Scrutiny Committee becomes this Council's designated crime and disorder scrutiny committee.

What is happening in Oxfordshire?

- 3.10 Work is already underway in Oxfordshire to explore the options for joint scrutiny of local improvement (LAA) targets and specifically crime and disorder matters. The Oxfordshire Chief Executive's Group has commissioned an officer working group to explore options for joint scrutiny. This work will canvass the views of scrutiny members across the county.
- 3.11 The initial conclusions are that it is not necessary to establish a formal joint scrutiny arrangement. This is because the Oxfordshire local authorities have collectively agreed that the Public Services Board and the related thematic partnerships should drive delivery of the LAA, and

that the Public Services Board should hold to account each of the thematic partnerships.

- 3.12 It is proposed that at the start of each year the thematic partnerships should provide a summary of the outcomes it aims to achieve in that year and at the end of each year they should produce an annual report on their performance. These documents can be considered by the individual Oxfordshire local authority scrutiny committees and where there is broad dissatisfaction with LAA performance then a joint scrutiny review may be necessary. In such circumstances a meeting of the appropriate county/district scrutiny chairmen should be convened to agree the arrangements for a joint scrutiny review.
- 3.13 This Committee will wish to reflect on what joint scrutiny committee arrangements, if any, it believes would be appropriate for Cherwell and Oxfordshire at this time.

What are other councils doing?

- 3.14 The guidance on crime and disorder scrutiny suggests that 'local authorities and their partners should consider developing short, flexible and meaningful protocols which lay down the mutual expectations of both scrutiny members and partners of the community safety scrutiny process.'
- 3.15 In some areas the partner authorities are keen to promote a joint, or at least consistent, approach to crime and disorder scrutiny in order to avoid responding to numerous different requests for information. For example the Thames Valley Police Authority is a member of no less than 18 crime and disorder partnerships; and so they are already working with at least one local authority in the region to develop a scrutiny protocol.
- 3.16 It is suggested that the Committee may wish to develop a simple, fit for purpose, protocol which explains how crime and disorder scrutiny will operate at Cherwell and confirms the roles and relationships of the Council and its community safety partners.

Conclusion

- 4.1 In summary the recent changes in legislation afford local authorities the right to scrutinise LAA targets and crime and disorder matters, individually or in concert with other councils and partner organisations. But in the main the legislation is merely confirming what was already common practice and we should not expect to see wholesale changes in the structure and operation of scrutiny in Oxfordshire.
- 4.2 At Cherwell the main changes are expected to be the formal designation of the Overview and Scrutiny Committee as the crime and disorder scrutiny body and a closer alignment of the scrutiny work programme to LAA targets.

Implications

Financial:

At this stage it is not possible to predict the extent to which members will use the new powers and until there are more concrete proposals for joint scrutiny and scrutiny of the Crime and Disorder Reduction Partnership it is not possible to quantify the level of resource required to support those activities. The expectation is that the resources required to deliver the requirements of the new legislation can be accommodated within existing provisions. Regular monitoring will need to take place to consider the impact on officers to resource these additional activities.

Comments checked by Karen Curtin, Head of Finance, 01295 221551

Legal:

The revisions to the Constitution in April 2009 took account of the most recent legislative changes to overview and scrutiny. The way in which overview and scrutiny is undertaken at the Council will continue to evolve in the light of recent legislation and guidance and further (minor) revisions to the Constitution may be necessary.

Risk Management:

The ability to demonstrate effective arrangements for the joint scrutiny of LAA targets is likely to feature prominently in future CAA ratings for all Oxfordshire local authorities. Significant blocks of funding will be released through the LAA targets and it is essential that Cherwell District Council participates in a robust process to review and challenge the performance delivery of those targets.

Comments checked by Rosemary Watts, Risk Management & Insurance Officer, 01295 22221566

Wards Affected

All

Corporate Plan Themes

The new powers for overview and scrutiny committee are relevant to all the Council's corporate priorities.

Executive Portfolio

All

Document Information

Annex No	Title
1	Partner organisations named in LGPIH Act 2007
2	LAA Structure and targets for Cherwell
3	Cherwell Crime and Disorder Structure
Background Papers	
Councillor Call for Action, Report to Overview and Scrutiny, September 2009	
Report Author	Catherine Phythian, Democratic and Scrutiny Officer
Contact Information	01295 221583 catherine.phythian@Cherwell-dc.gov.uk

Partner organisations named in LGPIH Act 2007

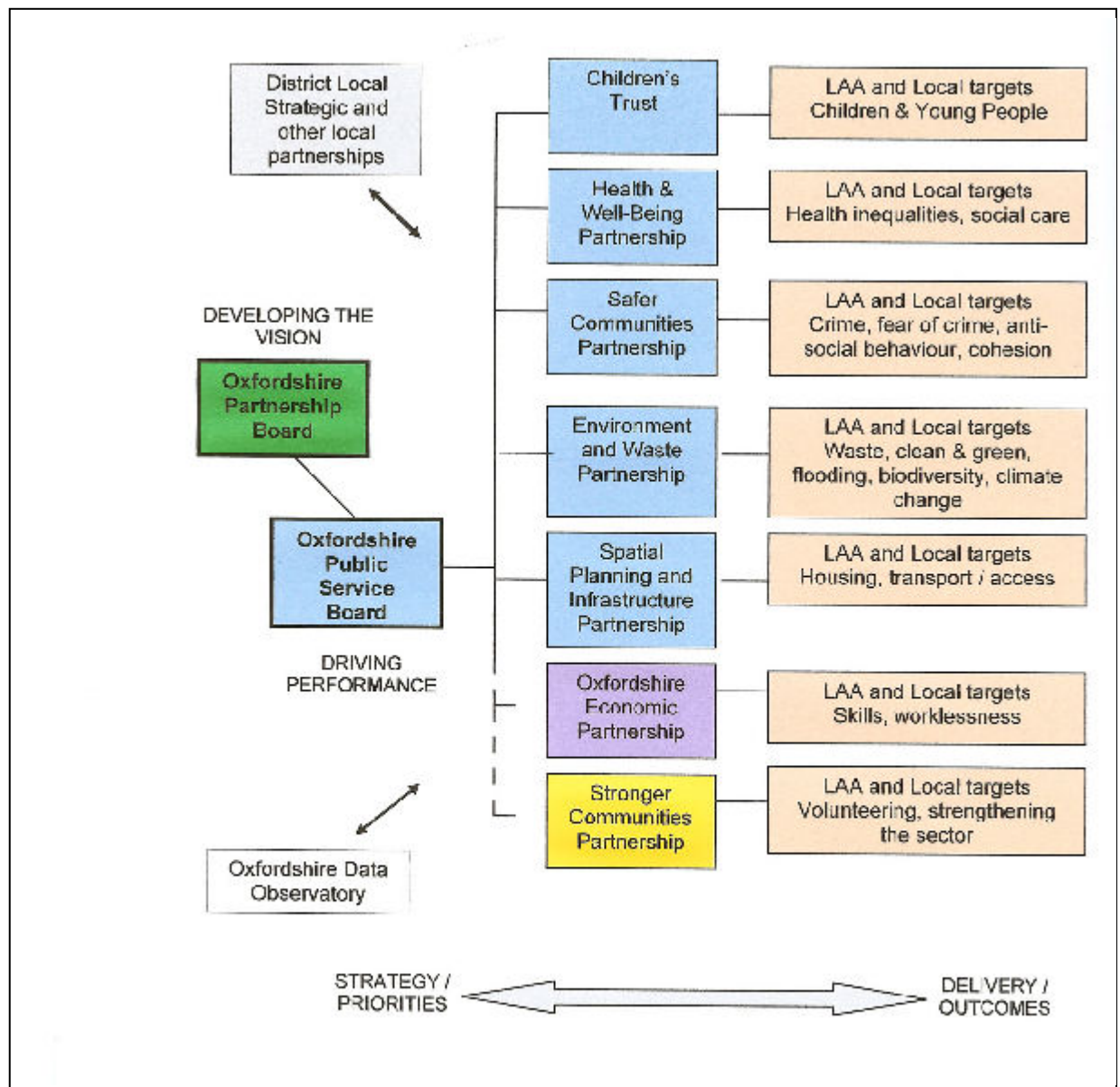
- Arts Council
- The Broads Authority
- Chief Officer of Police
- District authorities
- English Heritage
- The Environment Agency
- Fire and rescue authorities
- Health and Safety Executive
- The Highways Agency
- Jobcentre Plus
- Joint Waste Authorities
- Joint Waste Disposal Authorities
- The Learning and Skills Council in England
- Local Probation Boards
- Metropolitan Passenger Transport Authorities
- Museums, Libraries and Archives Council
- National Park Authorities
- Natural England
- NHS Foundation Trusts
- NHS Health Trusts
- Police authorities
- Primary Care Trusts
- Probation Trusts and other providers of probation services
- Regional Development Agencies
- Sport England
- Transport for London
- Youth Offending Teams

- Any other organisations added by an order under section 104(7) of the Act

Structure of Oxfordshire Partnership and thematic Partnerships

Oxfordshire Partnership Local Area Agreement 2008-11
Refresh March 2009

<http://www.oxfordshirepartnership.org.uk/wps/wcm/connect/OxfordshirePartnership/Local+Area+Agreement/Latest+Local+Area+Agreement+2008-11/>

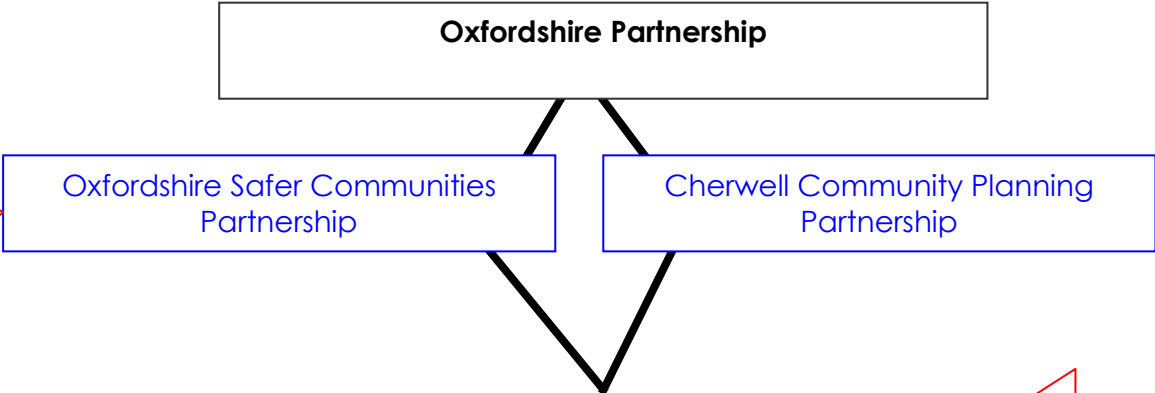


LAA targets that apply to Cherwell District Council

LAA	
Indicator	Description
NI 5	Overall/general satisfaction with local area
NI 8	Adult participation in sport
NI 21	Dealing with local concerns about anti-social behaviour and crime by the local council and police
NI 110	Young people's participation in positive activities
NI 140	Fair treatment by local services
NI 154	Net additional homes provided
NI 155	Number of affordable homes delivered (gross)
NI 156	Number of households living in Temporary Accommodation
NI 179	Value for money – total net value of on-going cash-releasing value for money gains that have impacted since the start of the 2008-9 financial year
NI 185	CO2 reduction from Local Authority operations
NI 188	Adapting to climate change
NI 191	Residual household waste per head
NI 192	Household waste recycled and composted
NI 195a (litter)	Improved street and environmental cleanliness (level of litter)
NI 195b (detritus)	Improved street and environmental cleanliness (level of detritus)
NI 196	Improved street and environmental cleanliness – fly tipping

Cherwell Crime and Disorder Structure

Possible joint scrutiny with other Oxfordshire local authorities



Overview & Scrutiny Committee: topic specific scrutiny reviews and performance/delivery monitoring

Cherwell Safer Communities Partnership

Thames Valley Police Authority	Thames Valley Police	Oxfordshire Fire & Rescue Service	Oxfordshire PCT	Oxfordshire County Council	Cherwell District Council
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NAGs	Parish Councils
Street Wardens	Neighbourhood watch
Themes	Themes

Council

Planning and Licensing Constitutional Amendments

18 January 2010

Report of the Head of Legal and Democratic Services

PURPOSE OF REPORT

To consider the constitutional amendments recommended to Council by Planning and Licensing Committees.

This report is public

Recommendations

Council is recommended:

- (1) To approve 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 appendices 1 and 2.
- (2) To approve 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 Appendices 3 and 4.

Executive Summary

Introduction

Planning

- 1.1 The planning committee considered amendments to the scheme of delegation and public speaking procedure rules on the 10 December 2009. Public speaking at Planning Committee was introduced in May 2009. The scheme has proved largely successful and several applicants, objectors, supporters and parish councils have taken advantage of their right to address the committee. Despite this success the procedure rules for public speaking have been viewed as confusing and complex.
- 1.2 The scheme of delegation as set out in the Councils constitution for the Head of Development Control & Major Developments is unduly

complex, the amendments seek to clarify and simplify the procedures without extending the scope of delegation. In addition it is recommended that the scheme of delegation be updated to take into account changes at a national level with regard to discharge of conditions and amendments to approved schemes.

Licensing

- 1.3 The licensing committee considered amendments to the scheme of delegation and public speaking procedure rules on the 15 December 2009. Following the introduction of the revised Council Constitution and Scheme of Delegation, the experience over recent months; new information on licensing legislation; and the proactive inspection and enforcement activity, have led to the need for amendments to the Constitution and proposals for a streamlined HCV/PHV licence appeals process.

Proposals

Planning Proposals

- 1.4 The suggested amendments to the public speaking procedure are attached at Appendix 1. The amendments take away the complex 3 minute rule where each person who has registered is allowed to speak for up to 3 minutes with a time limit of 9 minutes on each of the groups, objectors and supporters.
- 1.5 It is suggested that this is amended so that those wishing to speak are grouped as objectors or supporters and that each group will have a time limit of 5 minutes. The speakers on each side will be left to organise how they split the time amongst themselves. The proposal also reduces the time allowed to speakers on each item from 18 minutes to 10 minutes.
- 1.6 Proposed amendments to the scheme of delegation are attached at Appendix 2. The suggested amendments provide greater clarity and consistency with the Town and Country Planning Act as amended. There has been no increase in the scope of the delegation. With regard to the discharge of conditions and amendments to approved schemes, these changes have been introduced nationally since April 2008. Previously matters were dealt with by letter rather than as a formal application, the introduction of 1APP has regularised these procedures.
- 1.7 The proposed amendments have been agreed by Planning Committee and will be recommended to Council on 18 January 2010

Licensing Proposals

- 1.8 The revised Constitution has now been in place for a number of months, it has become apparent that matters relating to enforcement

and administration of the Licensing Act 2003, the Gambling Act 2005 and other licensable activities should be further clarified and to delegate functions to the Head of Urban and Rural Services to enable him to discharge effectively the enforcement and associated activities relating to this work. The proposed amendments to the scheme of delegation are attached at Appendix 3

- 1.9 The Licensing Committee Terms of Reference authorise the committee to hear appeals 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. There is no legislative requirement for the Council to undertake this appeals function. The Local Government Miscellaneous Provisions Act 1976 provides a route of appeal to the Magistrates Court. The suggested constitutional amendments remove this right of appeal from the committee's terms of reference. The proposed amendments to the Licensing Committee Terms of Reference are attached at Appendix 4.
- 1.10 The proposed amendments have been agreed by Licensing Committee and will be considered by Executive on 11 January 2010

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 agree the recommendations as set out |
| Option Two | To make comments to Council regarding the proposed constitutional amendments |

Consultations

- | | |
|----------------------------|---|
| Planning Committee | Recommendations Agreed |
| Licensing Committee | Recommendations Agreed |
| Executive | Any comments to be reported verbally as the Executive will consider the recommendations after the publication of this agenda. |

Implications

- | | |
|-------------------|--|
| Financial: | Streamlining the appeals process as recommended will provide service efficiencies and a quicker resolution for appellants.

Comments checked by Denise Westlake, Service Accountant 01295 221982 |
|-------------------|--|

- | | |
|---------------|--|
| Legal: | It is important the public speaking procedure rules for planning committee and scheme of delegation included in the Council's constitution are clear and easy to understand. |
|---------------|--|

The recommendations comply with relevant legislation. There is no legal requirement to offer a committee appeal to licence applicants/holders. This approach is consistent with the Human Rights Act as applicants will have a right of appeal to the Magistrates Court.

The recommendations in this report require amendment of the Council's Constitution and agreement of the Council.

Comments checked by Nigel Bell, Solicitor 01295

221687

Risk Management: Making the procedure rules and scheme of delegation clear enhances the democratic process and reduces the risk of challenge of decisions.

Comments checked by Rosemary Watts, Risk Management and Insurance Officer 01295 221566

Wards Affected

None

Document Information

Appendix No	Title
Appendix 1	Planning Scheme of Delegation Amendments
Appendix 2	Planning Public Speaking Procedure Rules Amendments
Appendix 3	Licensing Scheme of Delegation Amendments
Appendix 4	Licensing Committee Terms of Reference Amendments
Background Papers	
Planning Committee Constitutional Amendments Report 10 December 2009	
Licensing Committee Constitutional Amendments Report 15 December 2009	
Report Author	Alexa Coates, Senior Democratic and Scrutiny Officer
Contact Information	01295 221591 alex.coates@Cherwell-dc.gov.uk

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Head of Development Control and Major Developments

General Planning Matters

- 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.
- 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.
- 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.

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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

7.

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Deleted: Each speaker will be able to speak for up to a maximum of three minutes each (subject to paragraph 5 below).¶

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.

Deleted: 5. 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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Deleted: 8. 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.¶

9

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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.
- 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.

•
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.

•
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

•
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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Council

Calendar of Meetings

18 January 2010

Report of Head of Legal and Democratic Services

PURPOSE OF REPORT

Council is asked to consider the calendar of meetings for 2010/2011.

This report is public

Recommendations

Council is recommended:

- (1) To consider any amendments proposed by the Executive and agree a calendar of meetings for 2010/11.
- (2) To agree 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 the general election is called.

Executive Summary

Introduction

- 1.1 The draft calendar of meetings for 2010/11 is attached at Annex 1 to this report. It also contains provisional dates from the Annual Council Meeting in May 2011 to the end of December 2011. These provisional dates are for noting only and may be subject to change as part of the 2011/12 calendar of meetings.
- 1.2 Chief Officers have been consulted and all suggested changes have been included in the draft calendar. The meeting dates in 2010/11 may be subject to change if a General Election is called.

Proposals

- 1.3 The principle changes are:
 - The reduction of Planning Committee meetings through changing

from a 3 to 4 week cycle.

- The regularisation of scrutiny meetings to a 6 week cycle to assist with work programme planning.
- The minimisation of meetings during the election period (April) and between the election and Annual Council (May).

Conclusion

- 1.4 It is believed that the calendar as set out in Annex 1 will provide a suitable decision making framework for Cherwell District Council. The calendar has been based on the elections scheduled for May 2010, amendments to the calendar if local elections are combined with the parliamentary election and delayed to June 2010 or if a general election is called earlier than May 2010.

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 recommend the draft calendar in the current form |
| Option Two | To amend dates in the draft calendar. It should be noted that any changes to the calendar of meetings may have a knock-on effect to the meeting cycle or performance targets / statutory deadlines which may in turn require the whole calendar to be redrafted. |

Consultations

- | | |
|----------------------|---|
| All Services | The calendar has been amended as a result of the responses received. |
| The Executive | Any observations or amendments proposed by the Executive will be reported at the meeting. |

Implications

- | | |
|-------------------|---|
| Financial: | There is a saving to be made from the reduction in the number of planning meetings. This saving is noncashable and is mostly in terms of officer time, although there are some minor printing, postage, travelling and refreshment savings. |
|-------------------|---|

Comments checked by Denise Westlake, CSR Service Accountant, 01295 221982

Legal:

The setting of an annual calendar of meetings is both good practice and a constitutional requirement.

Comments checked by Liz Howlett, Head of Legal and Democratic Services, 01295 221686

Risk Management:

A risk has been identified in continuing with meetings during the election period in terms of the availability and time constraints on key officers and the Democratic Services team. These proposals help to mitigate that risk.

Comments checked by Rosemary Watts, Risk Management and Insurance Officer, 01295 221566

Wards Affected

All

Corporate Plan Themes

All

Executive Portfolio

Councillor Debbie Pickford
Portfolio Holder for Democratic Services and Member Development

Document Information

Appendix No	Title
Appendix 1	Draft Calendar of Meetings
Background Papers	
None	
Report Author	James Doble, Democratic, Scrutiny and Elections Manager
Contact Information	01295 221587 james.doble@Cherwell-dc.gov.uk

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2010

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
Fri	23	21	25	23	20	24	22	26	24	21	25	25	22 B Hol	20	24	22	26	23	21	25	23	Fri
Sat	24	22	26	24	21	25	23	27	25	22	26	26	23	21	25	23	27	24	22	26	24	Sat
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

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