

Meeting of Council
Monday 19 July 2010

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Monday 19 July 2010 at 6.30 pm, and you are hereby summoned to attend.



Mary Harpley
Chief Executive

Friday 9 July 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 **Public Health and Healthcare Services in Cherwell - Address by Chief Executive Oxfordshire Primary Care Trust and Director of Public Health Oxfordshire** (Pages 1 - 10)

Report of Strategic Director Environment and Community

Summary

This agenda item is intended to permit all Members to consider and debate the relevant health issues of Cherwell residents and the provision of healthcare services in the District

Sonia Mills, Chief Executive of Oxfordshire Primary Care Trust (PCT) and Dr Jonathan McWilliam, Director of Public Health, Oxfordshire will be invited to address Council, following which Members will be able to ask questions.

Recommendations

Council is recommended:

- (1) To receive the fourth Annual Report of the Director of Public Health and consider the recommendations.
- (2) To include in its annual service and financial planning process consideration of the Council's response to the key health issues for the Cherwell District.
- (3) To continue to support the PCT in its healthcare service improvement activities in Cherwell, particularly in relation to the Horton General Hospital and Bicester Community Hospital.

7 **Minutes of Council** (Pages 11 - 20)

To confirm as a correct record the Minutes of Council held on 19 May 2010.

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 decisions have been taken by the Executive which were not included in the 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.

b) Questions to the Leader of the Council

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

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

c) Questions to Committee Chairmen on the minutes

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

10 Motions

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

Wind Turbines and Distance to Dwellings

That this Council develops, as a matter of urgency, a policy setting minimum acceptable distances between proposed wind turbines and dwellings.

Proposer: Cllr Macnamara

Seconder: Cllr Mrs Fulljames

Housing Numbers

This Council welcomes the letter from Eric Pickles MP signalling a clear intent to release us from the constraints of the SE Plan. The Council instructs Officers to continue work on a Local Development Core Strategy, but to progress on the basis of meeting the locally proposed housing target originally endorsed by Councillors and included in the submission of the draft plan to the Government (11,800 to 2026). In general terms the Council anticipates this may result in a Core Strategy that creates less pressure on Banbury to expand beyond its natural boundaries, less pressure on Rural Areas to accept housing growth, and a firming up of housing growth for Bicester in line with its Eco Town status.

The Council will welcome any proposals from Government that can incentivise District Council Planning Authorities to encourage economic and housing growth.

The Council instructs Officers to write to the LGA and the CLG welcoming local decision making in respect of housing numbers and calls on the Government not to introduce surrogates for Regional Plans such as County Structure Plans.

Proposer: Cllr Gibbard
Seconder: Cllr Wood

Council Business Reports

11 Bicester Town Centre Redevelopment - Compulsory Purchase Proposals (Pages 21 - 38)

Report of Head of Regeneration and Estates, Head of Legal and Democratic Services and Head of Development Control and Major Developments

Summary

1. To advise Council of the possible need to use compulsory purchase powers to secure the necessary land and rights to complete the Bicester town centre redevelopment
2. To ask for approval to the use of compulsory purchase powers to facilitate the implementation of the redevelopment as proposed by Town Centre Retail (Bicester) Ltd in planning permission 07/00422/F, as amended in relation to the central part of the redevelopment site by planning permission 09/01687/F, to assemble the land interests required for the redevelopment, such land interests being shown for indicative purposes only edged red and, in the case of new rights, hatched blue on the plan at Appendix One
3. To approve the appropriation of the land edged red on the plan at Appendix Two, being land in the Council's ownership, for planning purposes.
4. To approve the acquisition of the existing service yard to the Crown Walk shopping centre shown edged green on the plan at Appendix Three for planning purposes so that, if necessary, the powers in section 237 of the Town and Country Planning Act 1990 may be relied upon to override legal interests which might impede the implementation of the redevelopment.

Recommendations

Council is recommended by the Executive:

- (1) To confirm that Cherwell District Council is minded to make a compulsory purchase order in respect of:
 - (a) the land shown edged red on the plan attached at Appendix One under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) because it thinks that the acquisition will facilitate the carrying out of the redevelopment, and the redevelopment is likely to contribute to the promotion or improvement of the economic, social and environmental well-being of Bicester and the surrounding district; and
 - (b) new rights in relation to the land shown hatched blue on the same plan as are required to facilitate the redevelopment under Section 13 of the Local Government Act (Miscellaneous Provisions) Act 1976

- (2) To authorise the Head of Legal and Democratic Services to take all necessary steps as considered appropriate to secure the making of a compulsory purchase order including the publication and service of all relevant notices
- (3) To authorise the Head of Regeneration and Estates to approve the terms for the acquisition of legal interests by agreement including for the purposes of resolving any objections to the compulsory purchase order
- (4) To confirm the appropriation of the land edged red on the plan attached at Appendix Two for planning purposes as described in section 226 and 246 of the Town and Country Planning Act 1990 (as amended) on the commencement of Phase 2 of the redevelopment scheme (i.e. following the initial highway and other enabling works within Phase 1) in accordance with Section 122 of the Local Government Act 1972.
- (5) To authorise the acquisition of the land edged green on the plan attached at Appendix Three for planning purposes in accordance with section 227 of the Town and Country Planning Act 1990 (as amended).

12 **Standards Committee Annual Report 2009/10** (Pages 39 - 48)

Report of Head of Legal and Democratic Services / Monitoring Officer

Summary

This report presents the Standards Committee Annual Report for 2009/10 which was approved by the Standards Committee on 8 July 2010.

Recommendations

Council is recommended:

- (1) To note the contents of the Standards Committee Annual Report 2009/10.
- (2) To delegate to the Head of Legal and Democratic Services authority to update the Standards Committee Annual Report 2009/10 in light of any announcements about the Standards Board regime by the Government prior to the publication of the Annual Report.

13 **Overview and Scrutiny Annual Report 2009/10** (Pages 49 - 62)

Report of Head of Legal and Democratic Services

Summary

This report presents the Overview and Scrutiny Annual Report 2009/10 which was approved by the Overview and Scrutiny Committee on 22 June 2010.

Recommendations

Council is recommended:

- (1) To note the contents of the Overview and Scrutiny Annual Report 2009/10.

14 **Amendment to Committee Membership**

Council is asked to agree the following request of the Conservative Group:

Committee	Members		Substitutes	
	Delete	Add	Delete	Add
Standards	Cllr Hurle	Cllr L Stratford	Cllr L Stratford	Cllr Hurle

15 **Petitions and E-Petitions** (Pages 63 - 76)

Report of Head of Legal and Democratic Services

Summary

The Local Democracy, Economic Development and Construction Act 2009 introduced a duty to respond to petitions and the requirement to provide a facility for the electronic submission of petitions on the Council website. This report is the first of two reports to enable the Council to implement this legislation.

Recommendations

Council is recommended:

- (1) That the Petition Scheme set out at Appendix 1 as recommended by the Executive be approved.
- (2) That the constitutional amendments as set out at Appendix 2 be agreed.
- (3) That Council receive a further report on e-petitions in October.

16 **Exclusion of the Press and Public**

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

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

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

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

17 Questions on Exempt Minutes

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

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221587 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in Part 5 Section A of 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