

Committee: Overview and Scrutiny Committee
Date: Tuesday 22 January 2013
Time: 6.30 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Ann Bonner (Chairman)	Councillor Daniel Sames (Vice-Chairman)
Councillor Colin Clarke	Councillor Tim Emptage
Councillor Chris Heath	Councillor Melanie Magee
Councillor Kieron Mallon	Councillor Alastair Milne Home
Councillor Jon O'Neill	Councillor Nigel Randall
Councillor Leslie F Sibley	Councillor Lawrie Stratford

Substitutes

Councillor Andrew Beere	Councillor Patrick Cartledge
Councillor Timothy Hallchurch MBE	Councillor Lynn Pratt
Councillor Alaric Rose	Councillor Rose Stratford
Councillor Douglas Williamson	Councillor Sean Woodcock

AGENDA

Overview and Scrutiny Members should not normally be subject to the party whip. Where a member is subject to a party whip they must declare this at the beginning of the meeting and it should be recorded in the minutes.

1. **Apologies for Absence and Notification of Substitute Members**
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. Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

4. Minutes (Pages 1 - 4)

To confirm as a correct record the minutes of the meeting held on .

5. Update on Empty Homes (Pages 5 - 14)

Report of the Head of Regeneration and Housing.

Summary

This item was retained on the work programme at the request of Committee Members to ensure regular review. To provide an update on the empty homes situation in the district, the steps being taken to bring empty homes and other empty property back into use and the extent of progress made since 31 January 2012, when the Committee last considered these matters.

Recommendation

The meeting is recommended to consider:

- (1) Noting the actions being undertaken to address empty homes issues

6. Exclusion of press and public

The following reports contain exempt information as defined in the following paragraphs of Part 1, Schedule 12A of Local Government Act 1972.

3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Members are reminded that whilst the following item has been marked as exempt, it is for the meeting to decide whether or not to consider each of them in private or in public. 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 make a decision in public, they are recommended to pass the following recommendation:

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

7. **Update on Empty Homes - restricted appendix** (Pages 15 - 16)

8. **Re-admittance of public and press**

The Board is requested to resolve:

“That the press and public be readmitted to the meeting.”

9. **Enforcement Service Plan - Feedback from Member Briefing**

To consider feedback and issues arising from the Enforcement Service Plan Member Briefing held on 17 January, 2013.

10. **Overview and Scrutiny Work Programme 2012/13** (Pages 17 - 26)

Report of Head of Law and Governance

Summary

This report presents the Overview and Scrutiny work programme 2012/13 for consideration.

Recommendations

The Overview and Scrutiny Committee is recommended:

- (1) To consider the Overview and Scrutiny Committee work programme 2012/13 as set out at Appendix 1 of the attached report.
- (2) To note any items of interest in the Executive Work programme and consider whether to include them on the work programme 2012/13.
- (3) To consider if there are any other items Members would like to include on the work programme.

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Meeting

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01327 322365 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.

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.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Dave Parry, Democratic and Elections dave.parry@cherwell-dc.gov.uk, 01327 322365

Sue Smith
Chief Executive

Published on Monday 14 January 2013

Agenda Item 4

Cherwell District Council

Overview and Scrutiny Committee

Minutes of a meeting of the Overview and Scrutiny Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 9 October 2012 at 6.30 pm

Present: Councillor Ann Bonner (Chairman)

Councillor Tim Emptage
Councillor Jon O'Neill
Councillor Nigel Randall
Councillor Leslie F Sibley
Councillor Lawrie Stratford

Substitute Members: Councillor Rose Stratford (In place of Councillor Chris Heath)

Also Present: Councillor Michael Gibbard, Lead Member for Planning
Councillor Tony Ilott, Lead Member for Public Protections

Apologies for absence: Councillor Daniel Sames
Councillor Colin Clarke
Councillor Chris Heath
Councillor Melanie Magee
Councillor Alastair Milne Home

Officers: Andy Preston, Head of Public Protection and Development Management
Bob Duxbury, Development Control Team Leader
Sean Gregory, Environmental Protection Officer
Natasha Clark, Team Leader, Democratic and Elections
Dave Parry, Interim Democratic and Elections Officer

21 **Declarations of Interest**

There were no declarations of interest.

22 **Urgent Business**

There was no urgent business.

23 **Minutes**

The Minutes of the meeting of the Committee held on 11 September 2012 were agreed as a correct record and signed by the Chairman.

In the course of considering the minutes, it was agreed that the Director of Development be asked to provide an update regarding the development proposals for RAF Bicester.

24

Air Quality across the District

The Chairman welcomed the Lead Member for Public Protection and the Environmental Protection Officer to the meeting.

The Environmental Protection Officer gave a presentation on the monitoring of air quality across the District. The Committee was informed of the legislative background, the responsibilities resting with the Council under Part IV of the Environment Act 1995, where monitoring was currently taking place across the District, and, in particular, how this was being undertaken. It was noted that, with regard to monitoring, three detailed assessments were currently in progress in respect of Oxford Road to Southam Road, Banbury; Kings End to Field Street, Bicester, and Bicester Road, Kidlington. In addition, where an earlier detailed assessment had indicated that national air quality targets were being exceeded, an Air Quality Management Area (AQMA) had been declared in respect of Hennef Way, Banbury and, as a result, additional studies were currently taking place to identify the source of the pollution and possible control measures.

A number of issues were raised by Committee members including:

- The means by which potential problem areas could be identified to the Council's officers and other agencies.
- Whether the Council had any powers to deal with problem Taxi vehicles and certain permit holding business operations.
- The possibility of developing an Air Quality strategy, and including air quality within the Performance Management Framework.
- Using the Planning process (section 106 Agreements and the Local Plan) to secure air quality requirements.

The Head of Public Protection and Development Management and the Environment Protection Officer explained that it was agreed that Members' local knowledge was key, and they should be encouraged to report potential problems to the Public Protection team for initial assessment. The other issues raised would be considered further when Officers reported back to the Committee at a future meeting.

Resolved

- (1) That the work on monitoring of air quality across the district be commended.
- (2) That officers be requested to include information regarding Air Quality monitoring in the Members' Bulletin, including advice on how to report areas of concern.

- (3) That a report be submitted to the Overview and Scrutiny Committee meeting in March, 2013 advising further on the issues now raised.

25 **Planning and Building Control Enforcement**

The Lead Member for Planning, Head of Public Protection and Development Management, and Development Control Team Leader submitted an information document explaining the background to a recently completed review of the service. The review had concluded that, notwithstanding current budgetary pressures, some additional resource was necessary if the Council's enforcement function was to meet its targets and remain effective.

The proposed solution was to increase resources for a two year duration to be funded Planning Reserve fund. It was considered a measured response to the issue and allowed for further monitoring and review.

The Lead Member for Planning advised the Committee that whilst planning enforcement was a discretionary service, the need to correct planning errors and strengthen the council's reputation as Local Planning authority was imperative.

The Committee was strongly of the view that any reduction in service provision, or even continuation of the status quo, would be counter productive for the District as a whole and for the credibility of the planning process in particular. The effective implementation of planning regulations and policy played a key role in ensuring the creation of a business friendly District of opportunity, and the proposals were fully supported.

Resolved

- (1) That the proposals to enhance the council's planning enforcement service be noted and supported.

26 **Overview and Scrutiny Committee Work Programme 2012/13**

The Committee considered the report of the Head of Law and Governance which presented the Overview and Scrutiny Work Programme 2012/13.

Executive Work Programme

The Committee agreed that there were no items on the Executive Work Programme for October 2012 to January 2013 that they wished to include on their Work Programme in 2012/13. However, it was noted that the Government had recently issued new requirements regarding the notice period to be given regarding key decisions by the Executive, decisions made with the public and press excluded, and decisions made by Officers under delegated authority. The Committee queried the position regarding decisions made by Lead Members, and the Team Leader, Democratic and Elections, undertook to provide some clarification.

Resolved

- (1) That the Overview and Scrutiny Committee work programme 2012/13 be noted.
- (2) To no items in the current version of the Forward Plan (September to December, 2012) be included on the Work programme for 2012/13.
- (3) That information be provided to all Members regarding the recent changes to the notice period to be given regarding key decisions by the Executive, decisions made with the public and press excluded, decisions made by Officers under delegated authority and decisions taken by Lead Members

The meeting ended at 8.10 pm

Chairman:

Date:

Overview and Scrutiny Committee

Update on Empty Homes

22 January 2013

Report of Head of Regeneration and Housing

PURPOSE OF REPORT

To provide an update on the empty homes situation in the district, the steps being taken to bring empty homes and other empty property back into use and the extent of progress made since 31 January 2012, when the Committee last considered these matters.

This report is public

Appendix 4 to this report is exempt from publication by virtue of paragraph 3 of Schedule 12A of Local Government Act 1972

Recommendations

The meeting is recommended to consider:

- (1) Noting the actions being undertaken to address empty homes issues

Details

Introduction

- 1.1 At its meeting on 31 January 2012 the Committee considered a report on empty homes which suggested four Principles as the basis for the Council's approach to the issue of empty homes.
- 1.2 The Principles (see Appendix 1 below) included the use of enforcement powers to secure the re-use of long term empty properties in cases where the Head of Regeneration and Housing, in consultation with the Lead Member for Housing, is satisfied that an appropriate business case exists¹.
- 1.3 The Committee welcomed and supported the suggested approach and the four Principles were approved as the basis for the Council's work with empty homes by means of a Lead Member Decision dated 17 February 2012.

¹ This will allow the circumstances of each case, financial and other resource issues to be taken into full account.

- 1.4 This report is provided in response to a request by the Committee for an update. It will be supported by a slide presentation illustrating a number of cases and intended to aid understanding and discussion of issues arising.

Definition of empty-home

- 1.5 Members will recall that, for practical purposes, empty homes are taken to be those domestic properties which have been disused for 6 months or more. Second homes (ie those used periodically by their owners) are not empty-homes.

Other empty property

- 1.6 Although empty homes remain the primary focus, there are some other empty buildings that have potential to provide residential accommodation. Some of the same issues apply (unsightliness, blight, focus for anti-social behaviour etc) as does the potential to secure re-use as residential accommodation through compulsory purchase in appropriate cases. Information about a number of initiatives to re-use non-domestic premises is included in this report so as to provide a complete picture of work being undertaken.

Empty homes in Cherwell District Council

- 1.7 In November 2012 there were 472 homes in the district that had been empty for over 6 months, compared with 576 in September 2011. A detailed analysis of the 2011 data is given in Appendix 2, and that analysis was used as the starting point for the work undertaken so far. A new data set will be requested, analysed and evaluated for the next phase of work.

The Council's involvement with empty homes

- 1.8 Historically, the Council's involvement with empty homes has been low-level and has primarily involved response to complaints, most of which concern property condition. Complaints of that sort have always been relatively infrequent: we received and investigated 3 in 2011-12 and have dealt with 6 so far in 2012-13.
- 1.9 The establishment and approval of clear enforcement principles for dealing with empty homes has given the Regeneration and Housing Service the opportunity to engage with the owners of longer-term empty homes on a much clearer footing.

Action taken

- 1.10 The Private Sector Housing Team has been undertaking a first-phase, proactive programme looking at individual long-term empty homes:
- Using Council Tax data, 47 properties, empty for 2 years or more, were identified in Banbury, Bicester and Kidlington. The decision to concentrate on properties empty for at least 2-years was made on 2 principle grounds: first that a majority of homes falling empty are re-used with 2 years so those empty longer almost prioritise themselves, and secondly because the Government indicated that it was not expecting local authorities to use Empty Dwelling Management Orders on properties empty for a shorter period than 2 years, which effectively removed one of the 2 enforcement powers².
 - Those properties were visited to establish their broad condition and suitability for re-use.
 - 24 were found not to be empty at all, raising issues about data accuracy and the headline number of empty homes reported. The Council Tax Team was

² The legislation bringing that change into legal effect was made in October 2012 by means of the snappily titled: The Housing (Empty Dwelling Management Orders)(Prescribed Period of Time and Additional Prescribed Requirements) (England) (Amendment) Order 2012

notified accordingly (see section 1.12 below)

- Of the remainder, 9 were identified for further action, 6 were judged empty but not a priority for action and 8 required further investigation. Work is on-going and review dates have been set in a number of the cases.
- 3 homes have been returned to use by their owners as a result of our interventions so far; 2 of which have been let and 1 sold to new owners who have moved in.
- We have used formal Notice-of-entry to gain access to 2 further properties: The owners of the first are now considering our loan-to-lease scheme and have been given a deadline for action of 31 January. In the second case, the owner failed to respond at all and magistrates granted a warrant-of-entry which was exercised on 8 January. Following that inspection we are now in a position to prepare a business case for consideration by the Head of Regeneration & Housing.

1.11 We have yet to receive any applications for either the Council's empty-homes loan (introduced in 2011) or the loan-to lease scheme (available since May 2012). Both remain available as a result of our continued membership of Flexible Home Improvement Loans Ltd.

1.12 In response to the information fed back to the Council Tax Team, they wrote to empty-home owners on their database, seeking information about any occupation changes. As a result, 74 homes previously recorded as being empty were removed from the empty-homes record.

1.13 (Note that as a result of new legislation in the Local Government Act 2012, the Council is now able to charge up to an additional 50% Council Tax for property which is classed as long term empty (empty for longer than 2 years). There are various categories of empty property which are exempt for this charge such as those which are already subject to an existing council tax exemption. The option to charge the 50% premium has not yet been approved and will require a resolution from members before it can be charged.)

1.14 The Delivery Team has been working on bringing a number of very long-term empty properties (most empty at least 5 years) back into use through acquisition or leasing arrangements, subsidised through funding from the Homes and Community Agency (HCA). This is the Council's Build! ® programme. An update on current projects is provided in Appendix 4. For reasons of commercial sensitivity this is being treated as **Exempt Information**.

Proposals

2.1 Action to deal with empty homes, in accordance with the approved Principles, has been included in the work plan for the Private Sector Housing Team and will be on-going. The team will continue to encourage and facilitate re-use, and will undertake pro-active work to identify longer-term and problematic empty homes that may warrant enforcement action being taken to secure re-occupation.

2.2 The Delivery Team will continue to identify opportunities and premises and is seeking to bring the existing projects to a positive conclusion at the earliest opportunity.

Conclusion

- 3.1 The Council's response to empty homes and other disused buildings has been given new impetus by the approval of our Principles for involvement and the implicit acceptance that enforcement action to secure re-use will be appropriate in some cases.
- 3.2 Procedures have been established and work plans put in place that will deliver longer-term empty homes back into use. Since our empty-homes work is now proceeding on a new basis, it is too soon to predict what number of empty homes may be returned to use; however, positive progress is being made and Members should have confidence that the Council's commitment to the use of the Principles approved in January 2012 will reduce the number of long-term empty properties in the district.
- 3.3 The creation of the Delivery Team and the resources it has secured to date have given the Council the ability, and opportunity, to be proactive and creative in providing affordable housing from sites (both residential and commercial) which are unused, often an eyesore, and not contributing council tax.

Implications

Financial: There are no financial implications arising from this report.

Comments checked by Karen Curtin, Head of Finance and Procurement 01295 221634

Legal: There are no legal implications arising from this report.

Comments checked by Nigel Bell, Team Leader – Planning and litigation 01295 221687

Wards Affected

All

Corporate Plan Themes

Cherwell: A district of opportunity; Cherwell: An accessible, value for money Council

Executive Portfolio

Councillor Debbie Pickford
Lead Member for Housing

Document Information

Appendix No	Title
1.	Principles for the Council's approach to empty homes
2.	Summary of empty homes data September 2011
3.	Standard letter text used in the first phase of work
4.	Exempt Material: Summary of Delivery Team projects

Background Papers	
Report on Empty Homes presented to Overview & Scrutiny Committee on 31/1/12	
Report Author	Tim Mills, Private Sector Housing Manager Helen Town, Delivery Team Manager
Contact Information	01295 221655 tim.mills@Cherwell-dc.gov.uk

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Appendix 1.

Principles for the Council's approach to empty homes

1. The Council wants empty homes to be used
2. The Council will encourage and facilitate their re-use (eg by providing advice, grants and loans)
3. The Council will take action to resolve specific issues caused by empty homes (where powers permit)
4. The Council will take action to secure re-use of empty homes where a business case exists.

Appendix 2.

Empty Homes Data September 2011

Time empty	Banbury	Bicester	Kidlington	Rural north	Rural south	Total by time empty	Total Empty for at least:	Banbury Empty for at least:	Bicester Empty for at least:	Kidlington Empty for at least:
6 m > 1 year	84	31	16	22	21	174	6 months: 567	222	88	57
1 > 2 years	58	30	23	29	23	163	1 year: 393	138	57	41
2 > 3 years	38	3	6	17	16	80	2 years: 230	80	27	18
3 > 4 years	16	12	3	14	14	59	3 years: 150	42	24	12
4 > 5 years	11	6	4	6	11	38	4 years: 91	26	12	9
5 > 6 years	5	2	3	7	5	22	5 years: 53	15	6	5
6 > 7 years	2	3	0	3	3	11	6 years: 31	10	4	2
7 > 8 years	7	1	1	5	1	15	7 years: 20	8	1	2
8 > 9 years	0	0	0	0	1	1	8 years: 5	1	0	1
9 > 10 years	0	0	0	0	0	0	9 years: 4	1	0	1
10 > 11 years	0	0	1	0	1	2	10 years: 4	1	0	1
11 > 12 years	0	0	0	1	0	1	11 years: 2	1	0	0
12 > 13 years	0	0	0	0	0	0	12 years: 1	1	0	0
13 > 14 years	0	0	0	0	0	0	13 years: 1	1	0	0
14 > 15 years	0	0	0	0	0	0	14 years: 1	1	0	0
15 > 16 years	0	0	0	0	0	0	15 years: 1	1	0	0
16 > 17 years	0	0	0	0	0	0	16 years: 1	1	0	0
17 > 18 years	0	0	0	0	0	0	17 years: 1	1	0	0
18 > 19 years	0	0	0	0	0	0	18 years: 1	1	0	0
19 > 20 years	1	0	0	0	0	1	19 years: 1	1	0	0
Total	222	88	57	104	96	567				

Appendix 3.

Text of standard letter to empty-home owners used in phase-1

Dear

Re:

I am writing to you about this property because we believe it has been empty for at least 2 years.

As you may know, there is national concern over the number of perfectly good homes that are standing empty when there are so many people seeking accommodation. Cherwell District Council shares that concern and wants to work with the owners of empty property to get them back into use. Once left vacant, properties almost always deteriorate and they can also cause problems for neighbours such as accumulating rubbish, rats and mice, vandalism and anti-social behaviour. As the owner, you are also missing out on a potentially significant source of income.

The Council can offer several different forms of financial assistance which you might like to consider:

1. Flexible Empty Homes Loan

This is a 5 year, flexible loan secured by a charge on the property. During the term of the loan, you can choose to make regular monthly payments, occasional payments or no payments at all. You can vary the arrangement at any time. The loan, plus outstanding interest, must be repaid on the fifth anniversary of the loan, or if the property is sold, – whichever occurs first. Interest rates are charged at 2% above Bank of England rate, subject to minimum and maximum rates.

After the necessary works have been completed, you may sell the property, let it or use it as your own residence.

2. Landlord's Home Improvement Grant ¹

This scheme provides grants for landlords towards the cost of improving properties which can then become homes for people who are homeless or at risk of homelessness.

The grant will fund up to 50% of the cost of agreed works up to a maximum of £10,000. In return, landlords must offer tenancies for the grant-improved accommodation to people nominated by the Council. The period over which we exercise these nomination rights depends on the size of the grant awarded.

3. Private Sector Leasing Scheme

We are also introducing a new scheme through which we can arrange funding, project management of the work and then management of the property under a private sector lease. Owners only have to sign up for the scheme and a Housing Association, working in partnership with the Council, will do the rest.

In very brief terms, the property is inspected to assess whether it is suitable for the scheme, the scope and cost of the works required to bring the property up to an appropriate standard, and the level of rent which would be achievable.

Once terms have been agreed with the owner, the Council provides a secured low-interest rate loan to fund the required work. On completion, the property is let as affordable housing, the rental income is used to repay the loan over the period of the lease, and the owner receives the

¹ This grant is dependent on the location, type of property and the Council's needs at the time of application. We typically have a need for 1, 2 & 3 bed units in Banbury, Bicester & Kidlington.

net rent. At the end of the lease period the property is returned to the owner in appropriate condition.

We believe this is a 'win- win' deal for owners of empty properties because:

- No financial input is required from the owner
- The renovations are carried out to a high standard.
- During the lease-period the owner receives the net rent but doesn't have to deal with management of the property or pay the Council Tax.
- At the end of the agreement the loan will have been repaid in full and the property is returned in good order or, if the owner wishes, it can continue to be let.

I hope one of these options might encourage you to get your empty property back into use and would be very pleased to discuss options with you.

However, as I started by saying, the Council is concerned about the number of long-term empty homes. Although we would much prefer to work with owners to bring them back into use we shall in future be keeping under review all those homes which remain unoccupied for more than 2 years. That review will include consideration of whether we should be taking legal action to get them back into use. The range of possible actions includes Compulsory Purchase or the making of an Empty Dwelling Management Order.

Please get in touch with me to discuss your plans for this property and to let me know if you are interested in any assistance we can offer.

I look forward to hearing from you.

Yours sincerely

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Overview and Scrutiny Committee

Overview and Scrutiny Committee Work Programme 2012/13

22 January 2013

Report of Head of Law and Governance

PURPOSE OF REPORT

This report presents the Overview and Scrutiny Committee work programme 2012/13 for consideration.

This report is public

Recommendations

The Overview and Scrutiny Committee is recommended:

- (1) To consider the Overview and Scrutiny Committee work programme 2012/13 as set out at Appendix 1 of the attached report.
- (2) To note any items of interest in the Executive Work Programme and consider whether to include them on the Overview and Scrutiny Committee Work Programme 2012/13.
- (3) To consider if there are any other items Members would like to include on the Overview and Scrutiny Committee Work Programme.

Details

1 Draft Overview and Scrutiny Committee Work Programme 2012/13

- 1.1 The Overview and Scrutiny Committee Work Programme 2012/13 is attached at appendix 1.
- 1.2 At the request of Overview and Scrutiny Committee Members and Members of the Resources and Performance Scrutiny Board, the work programmes of the two scrutiny committees have been separated. Members are invited to make any suggestions to improve the

appearance of the work programme.

- 1.3 Each future agenda item includes an overview of the item and reason for consideration by the Board.
- 1.4 In determining the work programme for 2012/13, the Committee will wish to take into account the terms of reference as laid out in the Constitution (Appendix 2).

2 Executive Work Programme

- 2.1 As part of the monthly work programme report, the Committee reviews the Executive Work Programme to consider whether there are any issues which they would wish to look at in more detail in advance of the Executive discussion and decision. To facilitate a thorough consideration of the topic the Committee will need to identify the Executive Work Programme items at an early stage of the decision making process.
- 2.2 The Executive Work Programme is updated and published monthly; an electronic copy is available on the council's website and all councillors are sent a prompt containing the website link. Members of the Committee are encouraged to review the Executive Work Programme outside the committee meetings and to contact the Chairman, Vice-Chairman or Democratic Services Officer if there is a topic that they wish to review.
- 2.3 The Committee will wish to note any items of interest in the current version of the Executive Work Programme and consider whether to include them on the Overview and Scrutiny Committee Work Programme for 2012/13.
- 2.4 At the time of writing this report, the current version of the Executive Work Programme is February to May, 2013 and can be found at: www.cherwell.gov.uk

3 Updates on Overview and Scrutiny Work Programme Items

- 3.1 Banbury Brighter Futures – Update from the Director of Community and Environment:-

'The 2012/13 Brighter Futures Programme priorities are established and multi agency work is on going. A review of performance indicators and data is underway due to the extent of change since the Brighter Futures Programme commenced. Funding support has been given to Banbury Street Pastors. The Thriving Families initiative is now integrated locally with Brighter Futures activities via the Banbury Hub at Woodgreen. Joint work has also commenced with local GPs regarding

a healthy eating project. A Banbury Councillors workshop was held on 25 October from which a number of programme developments were proposed and are being followed up.'

- 3.2 Draft Local Plan 2012 – Update report recently submitted to Executive on 3 December, 2012 (available to view at [Cherwell District Council - Agenda for Executive on Monday 3 December 2012, 6.30 pm](#)). Officers are currently working through responses received during consultation period, with Member Briefings to take place during February. A further report will go to Executive in March, with the final decision being made at a special Council meeting in March.

4 Potential Work Programme Items

- 4.1 Committee Members may wish to suggest other items for inclusion on the Work Programme 2012/13. Members are reminded that in considering the suggestions for the Work Programme and prioritising topics, it is important to consider the resources available to support the work and the timescales. The Committee should also reflect on the demands that scrutiny reviews place on the resources in the individual service areas.

- 4.2 The Committee will also wish to consider the priority checklist. The current, informal criteria applied to all suggestions for a scrutiny review are that it must:

- be of concern to a group of people living within the Cherwell District;
- relate to a service, event or issue in which the Council has a significant stake or over which the Council has an influence;
- not be an issue which scrutiny has considered during the last 12 months;
- not relate to an individual service complaint;
- not relate to an individual planning or licensing application.

5 Future Meetings Schedule

- 5.1 The future meeting dates for the Overview and Scrutiny Committee and the Resources and Performance Scrutiny Board are listed below.

Overview and Scrutiny Committee	12 March 2013, 6.30pm 23 April 2013, 6.30pm
Resources & Performance Scrutiny Board	5 March 2013, 6.30pm 16 April 2013, 6.30pm

Implications

- Financial:** There are no financial implications arising directly from this report. The report of the individual scrutiny reviews will address any specific financial issues.
Comments checked by Sarah Best, Service Accountant, 01295 221982
- Legal:** There are no legal implications arising directly from this report. The report of the individual scrutiny reviews will address any specific financial issues.
Comments checked by Paul Manning, Solicitor Advocate 01295 221691
- Risk Management:** If too many items are included on the work programme there is a risk that scrutiny agendas become overloaded. This undermines effective scrutiny because Members are unable to concentrate on the key issues and officer resources are over-stretched. It may be necessary to hold further meetings during the year if the risk of not achieving the work programme becomes apparent. The report of the individual scrutiny reviews will address any specific risk issues.
Comments checked by James Doble, Democratic and Elections Manager, 01295 221587

Wards Affected

Each scrutiny review will identify the wards affected

Corporate Plan Themes

Each scrutiny review will identify the relevant corporate plan themes

Document Information

Appendix No	Title
Appendix 1	Overview and Scrutiny Committee Work Programme 2012/13
Appendix 2	Overview and Scrutiny Committee Terms of Reference
Background Papers	
None	
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Overview and Scrutiny Committee Work Programme 2012/2013

(Updated: 11 January 2013)

Item	Description	Reason for Consideration	Contact Officer	Further Action / Note
Date of Meeting: 22 January 2013				
Draft OSC Work Programme 2012/13	To consider the draft Overview and Scrutiny Committee work programme	Standing item – to review the work programme	Dave Parry, Democratic and Elections Officer	
Empty Homes Policy	The monitor the implementation of the Empty Homes Policy	Monitoring – the OSC have received briefings on the work to date and determined to retain it on the work programme to receive regular review during the year	Chris Stratford, Head of Regeneration & Housing; Tim Mills, Private Sector Housing Manager; Helen Town, Strategic Housing Officer	Lead Member for Housing (Cllr Pickford) invited to attend, but unable due to holiday commitments.

Key to Reason for Consideration:

Scrutiny review – agreed topics for consideration at committee meetings; Policy development – to support the development of Council Policy; Monitoring – to examine responses to scrutiny reports and to check on progress on implementation of recommendations; Scheduling – to identify and agree potential topics for scrutiny; Information/Standing Item – to update/advise members on issues related to overview and scrutiny or regular committee item

Date of Meeting: 12 March 2013				
OSC Work Programme 2012/13	To consider the draft Overview and Scrutiny Committee work programme	Standing item – to review the work programme	Dave Parry, Democratic and Elections Officer	
National Benefit Changes	To receive a further report on the introduction of National Benefit Changes, and what these will mean for CDC service delivery and residents.	Progress report following initial consideration (September, 2012)	Karen Curtin, Head of Finance and Procurement; Belinda Green, Benefits Manager	Lead Member (Cllr Atak to be invited to attend.
Air Quality	To review monitoring across the District and identify where responsibilities lie.	Update report following initial consideration (October, 2012)	Sean Gregory Environmental Protection Officer	Lead Member for Public protection (Cllr Ilott) to be invited to attend.
Date of Meeting: 23 April 2013				
OSC Work Programme 2012/13	To consider the draft Overview and Scrutiny Committee work programme	Standing item – to review the work programme	Dave Parry, Democratic and Elections Officer	

Key to Reason for Consideration:

Scrutiny review – agreed topics for consideration at committee meetings; Policy development – to support the development of Council Policy; Monitoring – to examine responses to scrutiny reports and to check on progress on implementation of recommendations; Scheduling – to identify and agree potential topics for scrutiny; Information/Standing Item – to update/advise members on issues related to overview and scrutiny or regular committee item

Items to be allocated				
Draft Local Plan 2012	To receive an update following the public consultation	Policy development	Adrian Colwell, Head of Strategic Planning and the Economy	Update provided in work programme report
Commissioning of services to Banbury CAB	Undertake monitoring once new service arrangements in place 12 months.	Committee request	Chris Stratford, Head of Regeneration & Housing	
Community Transport and Dial-a-Ride	Undertake monitoring after 12 months of operation; ascertain value received following addition contribution.	Committee request	Chris Rothwell, Head of Community Services	
RAF Bicester	To receive an update on development proposals.	Committee request following initial consideration (September, 2012)	Calvin Bell – Director of Development	Update anticipated at March meeting
Banbury Brighter Futures	To receive an update on the Banbury Brighter Futures Project	Committee request following initial consideration (September, 2012).	Ian Davies – Director of Community and Environment	Update provided in work programme report Lead Member for Banbury Brighter

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				Futures (Cllr Donaldson) to be invited to attend, together with Lead Member for Housing Cllr Pickford)
Housing Strategy	To review the annual delivery plan.	Committee request	Helen Town, Strategic Housing Officer	Likely to be added to March agenda Lead Member for Housing (Cllr Pickford) to be invited to attend.

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Overview and Scrutiny Committee Terms of Reference

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

- To consider and call in decisions relating to the discharge of Executive functions before those are put into effect. The Overview and Scrutiny Committee can ask the Executive to reconsider any such decision (or, exceptionally, refer it to Council).
- To consider decisions relating to the discharge of the Executive functions after they are put into effect.
- To consider the Forward Plan and comment as appropriate to the decision maker on key decisions (before they are taken by the Executive).
- To conduct reviews of policy, services and aspects of services where there is an identifiable need, by itself or through setting up a Task and Finish Group.
- To make suggestions on the development of policies and suggest new policies where appropriate.
- To work with or appoint representatives to work with other local authorities and organisations to carry out joint scrutiny.
- To assist the Executive in the development of the Budget and Policy Framework.
- To receive and consider recommendations on issues requiring scrutiny in terms of wellbeing powers of Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007 and, where appropriate, establishing Task and Finish Groups, or referring to the Resources and Performance Scrutiny Board, topics for scrutiny.
- To exercise the power 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).
- To create Task and Finish Groups and set their terms of reference, in order to fulfill the overview and scrutiny requirements of the authority and the annual overview and scrutiny work programme.
- To receive reports, presentations and updates in order to scrutinise the Executive's priorities for and its performance in the year.
- To review and scrutinise the performance of the Executive, Executive Portfolio Holders, and appropriate officers both in relation to individual decisions and over time.
- To approve an annual overview and scrutiny work programme, including the power to request and receive the work programme of the Resources and Performance Scrutiny Board and Task and Finish Groups it appoints so as to ensure that their time is effectively and efficiently utilised and that the potential for duplication of effort is minimised.

Overview and Scrutiny Work Programme 2012-13

- To produce a unified annual report for the whole scrutiny process, with sections provided by the Resources and Performance Scrutiny Board and each of the Task and Finish Groups.
- To allocate money from approved overview and scrutiny budgets for its own use, and upon request to the Resources and Performance Scrutiny Board and Task and Finish Groups to support them in meeting their objectives and further the overview and scrutiny work programme and development.
- The overview and scrutiny work programme will not include the following “excluded matters”:
 - a) Any matter relating to a decision on a specific planning application
 - b) Any matter relating to a decision on a specific licensing application
 - c) Any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment; including but not limited to:
 - Standards decisions and items which may be brought for decision;
 - Appeals decisions and items which may be brought for decision;
 - Breaches of the Constitution and its protocols e.g. Code of Conduct;
 - Matters relating to the terms and conditions of employment or conduct of individual or groups of staff or Members.
 - d) Any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee.
 - e) Audit process and items which are likely to be considered by the Audit process.
 - f) Matters within the proper remit of the Section 151 and Monitoring Officers.
 - g) Matters relating to a particular identifiable service recipient or potential service recipient.
 - h) Complaints or matters before the courts or local government Ombudsman.
 - i) Contractual matters, other than performance monitoring and review, except with the agreement of the Executive.