

Meeting of Council

Monday 18 December 2017

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Monday 18 December 2017 at 6.30 pm, and you are hereby summoned to attend.



Yvonne Rees
Chief Executive
Friday 8 December 2017

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 - 10)

To confirm as a correct record the Minutes of Council held on 16 October 2017.

7 **Minutes**

- a) Minutes of Executive, Lead Member Decisions and Executive Decisions not included in the 28 day notice

The Leader of the Council to formally propose that the minutes of the meetings of the Executive and Lead Member Decisions as set out in the Minute Book (circulated separately) be received and to report that since the last meeting of Council held on 16 October 2017 one decision has been taken which were not included in the 28 day notice relating to: Retail Unit A4, Block A Pioneer Square, Bicester.

- 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.

8 **Thames Valley Police - Address by Chief Constable**

The Police and Crime Commissioner for Thames Valley, Anthony Stansfeld, the Chief Constable of Thames Valley Police, Francis Habgood, and the Cherwell Local Area Commander Superintendent, Emma Garside, will be invited to address Council.

Members have been asked to submit question in advance to which responses will be given. If time permits, there will be an opportunity for Members to ask any further questions.

9 **Questions** (Pages 11 - 12)

- 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.

At the time of agenda publication, one written question had been received, from Councillor Barry Richards to the Leader of the Council, Councillor Barry Wood.

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 the following motion which has been submitted with advance notice, in accordance with the constitution.

Social Media

We as elected members of this council deplore the use of social media to denigrate members of the public and elected members at all levels of public life.

In the words of the Prime Minister:

“All of us should have due care and attention to the way we refer to other people and should show those within public life the respect they deserve.”

And in the words of the Leader of Her Majesty’s opposition:

“So I say to all activists, cut the personal abuse, cut the cyber bullying online.”

We therefore pledge that as elected members and representatives of our political parties we will:

- not ourselves misuse social media;
- seek out and stop any personal attacks by our own political parties, the elected members of our parties, paid up members and activists of our political parties; and
- show due respect to the people we represent and to our elected colleagues.

Proposer: Councillor Kieron Mallon

Council Business Reports

11 **Council Tax Reduction Scheme 2018-2019 and Council Tax Discounts 2018-2019** (Pages 13 - 28)

Report of Chief Finance Officer

Purpose of report

To provide members with an update on the consultation process that has taken place on the proposals for a Council Tax Reduction Scheme for 2018-2019 and to seek approval for a Council Tax Reduction Scheme for the year 2018-2019 on the recommendation of the Executive and Budget Planning Committee.

To provide members with an update of Council Tax discounts and seek approval for the Council Tax discounts for the year 2018-19.

Recommendations

The meeting is recommended:

- 1.1 To approve a Council Tax Reduction Scheme (CTRS) for the year 1 April 2018 to 31 March 2019 as set out in the report and implement the scheme with effect from 1 April 2018.
- 1.2 To grant delegated authority to the Section 151 Officer to make further amendments to the CTRS Regulations up to and including 31 January 2018 in consultation with the Lead Member for Financial Management.
- 1.3 To review the proposed level of Council Tax discounts for 2018-2019 and to approve the following:
 - Retain the discount for second homes at zero
 - Retain the discount for empty homes (unoccupied and substantially unfurnished) at 25% for 6 months and thereafter at zero.
 - Retain the discount for empty homes undergoing major repair at 25% for 12 months and thereafter at zero.
 - Retain the empty homes premium of an additional 50% for properties that have remained empty for more than 2 years.

12 Bespoke / Custom Build Mortgage Bridging Loan Fund (Pages 29 - 34)

Report of Chief Finance Officer

Purpose of report

To consider the creation of a capital budget for a pilot scheme of 10 bridging loans available to self-builders qualifying for mortgages under the Arlingclose Bespoke/Custom Build Mortgage scheme which will be considered by Executive in January 2018.

Recommendations

The meeting is recommended:

- 1.1 To approve the creation of a capital budget of up to £2,500,000 to be made available in the event that Executive agree the business case for the pilot scheme in January 2018.

- 1.2 To delegate authority to the Chief Finance Officer to approve the final amount of each individual loan within the pilot scheme and the form of the loan agreements to facilitate those loans.

13 Constitutional Amendments and Review of Constitutional and Governance Arrangements (Pages 35 - 40)

Report of Interim Assistant Director Transformational Governance / Monitoring Officer

Purpose of report

To amend the terms of reference of the Joint Commissioning Committee (JCC), to delegate authority to the Monitoring Officer to reassign to the officer scheme of delegation in light of the newly agreed senior management structure and to agree the proposed approach to review constitutional and governance arrangements.

Recommendations

The meeting is recommended to:

- 1.1 Agree to amend the terms of reference of the Joint Commissioning Committee to include the determination of terms and conditions and the determination of HR policies, the creation of new posts where there is an increase to the establishment and no budget and the restructuring of teams involving more than five posts for all staff employed by Cherwell District and South Northamptonshire Councils.
- 1.2 Delegate authority to the Monitoring Officer, in consultation with the Chief Executive, to reassign the officer scheme of delegation in accordance with the new senior management structure as agreed by JCC; to add the proposed delegations as set out at 3.11 and to amend the constitution accordingly.
- 1.3 Request officers to carry out a review of constitutional and governance arrangements for discussion and consideration by group leaders.

14 Community Governance Review - Graven Hill (Pages 41 - 46)

Report of Chief Executive

Purpose of report

To agree to carry out a Community Governance Review (CGR) as soon as practical to consult on the principle of including the development of Graven Hill within the boundaries of Bicester Town Council.

Recommendations

The meeting is recommended:

- 1.1 To agree to hold a Community Governance Review as soon as practical to consult on the principle of including the development site of Graven Hill within the boundary of Bicester Town Council.

15 Calendar of Meetings 2018/19 (Pages 47 - 56)

Report of Assistant Director – Transformational Governance

Purpose of report

Council is asked to consider the calendars of meetings for the municipal year 2018/19.

Recommendations

The meeting is recommended:

- 1.1 To approve the calendar of meetings for Cherwell District Council (CDC) for the municipal year 2018/19 (Appendix 1).
- 1.2 To approve the joint committees calendar of meetings for the municipal year 2018/19 (Appendix 2), subject to similar agreement by South Northamptonshire Council.

16 Local Government Ombudsman Annual Report 2016/17 (Pages 57 - 64)

Report of Assistant Director – Transformational Governance and Monitoring Officer

Purpose of report

To provide council with the Local Government Ombudsman's annual report on Cherwell District Council for the financial year 2016/17.

Recommendations

The meeting is recommended:

- 1.1 To note the report

17 Exclusion of the 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 items have been marked as exempt, it is for the meeting to decide whether or not to consider 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 under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraph 3 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

18 Questions on Exempt Minutes

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

19 Retail Unit A4, Block A Pioneer Square, Bicester (Pages 65 - 68)

Exempt report of Chief Finance Officer

20 Acquisition of Castle Quay

** Please note this report will follow as professional due diligence is being reviewed and finalised **

Exempt report of Chief Finance Officer

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

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 221589 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 Natasha Clark, Democratic and Elections
natasha.clark@cherwellandsouthnorthants.gov.uk, 01295 221589

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 16 October 2017 at 6.30 pm

Present: Councillor Maurice Billington (Chairman)
Councillor Jolanta Lis (Vice-Chairman)

Councillor Andrew Beere
Councillor Claire Bell
Councillor Hugo Brown
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor John Donaldson
Councillor Sean Gaul
Councillor Carmen Griffiths
Councillor Timothy Hallchurch MBE
Councillor Chris Heath
Councillor Shaida Hussain
Councillor Tony Ilott
Councillor Alan MacKenzie-Wintle
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Andrew McHugh
Councillor Alastair Milne-Home
Councillor Nigel Morris
Councillor Richard Mould
Councillor Lynn Pratt
Councillor Neil Prestidge
Councillor G A Reynolds
Councillor Sandra Rhodes
Councillor Barry Richards
Councillor Dan Sames
Councillor Les Sibley
Councillor Nigel Simpson
Councillor Jason Slaymaker
Councillor Nicholas Turner
Councillor Tom Wallis
Councillor Douglas Webb
Councillor Bryn Williams
Councillor Barry Wood
Councillor Sean Woodcock

Apologies
for
absence: Councillor David Anderson
Councillor Ken Atack
Councillor Hannah Banfield

Councillor Mike Bishop
Councillor David Hughes
Councillor Mike Kerford-Byrnes
Councillor D M Pickford

Officers: Yvonne Rees, Chief Executive
Scott Barnes, Director of Strategy and Commissioning
Ian Davies, Director of Operational Delivery
Richard Ellis, Director (Interim)
Paul Sutton, Chief Finance Officer / Section 151 Officer
James Doble, Interim Assistant Director Transformational
Governance / Monitoring Officer
Natasha Clark, Interim Democratic and Elections Manager

39 **Declarations of Interest**

11. Support for Banbury Business Improvement District (BID).

Councillor Surinder Dhesi, Declaration, as an employee of Marks and Spencer.

14. Loan for a Replacement Kidlington Girl Guides Building.

Councillor Surinder Dhesi, Declaration, as an honorary Girl Guide.

40 **Communications**

The Chairman made the following announcements:

Chairman's Dinner

The Chairman advised Council that his charity dinner was on Saturday 10 March at Exeter Hall, Kidlington. Tickets were £45 and could be bought from his PA, Liz Matthews. All proceeds will go to the charities he was supporting as Chairman.

Banbury Salvation Army – Chairman's Charity

The Chairman reported that he had added Banbury Salvation Army as a charity he would be supporting during his year as Chairman.

Chairman's Engagements

The Chairman reported that a copy of the events attended by himself or the Vice-Chairman was included with the agenda.

Post

The Chairman reminded Members to collect any post from pigeon holes.

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

There were no petitions or requests to address the meeting.

42 **Urgent Business**

There were no items of urgent business.

43 **Minutes of Council**

The minutes of the meeting held on 17 July 2017 were agreed as a correct record and signed by the Chairman.

44 **Minutes**

a) **Minutes of the Executive, Lead Member Decisions and Executive Decisions made under Special Urgency**

Resolved

That the minutes of the meeting of the Executive and Lead Member decisions as set out in the Minute Book be received and that it be noted that since the last meeting of Council held on 17 July 2017, two decisions had been taken by the Executive which were not included in the 28 day notice relating to: Franklins House, Bicester; and, Budget Strategy 2018/19 and Beyond.

b) **Minutes of Committees**

Resolved

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

45 **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:

Councillor Gaul: Syrian Refugees

Councillor Corkin: Charging for non-domestic waste and impact on fly-tipping

Councillor Dhesi: Provision of advice to individuals with mental health issues regarding council tax reductions

Councillor Dhesi: Drug problems in Banbury

Councillor Woodcock: Roll out of universal credit

Councillor Mallon: Drug problems in Banbury

c) **Questions to Committee Chairmen on the Minutes**

There were no questions to Committee Chairman on the minutes of meetings.

Motions

a) **Adoption of the International Holocaust Remembrance Alliance working definition of anti-Semitism**

It was moved by Councillor Wood, and seconded by Councillor Hussain, that the following motion be adopted:

“In December 2016, the Government formally adopted the International Holocaust Remembrance Alliance the following working definition of anti-Semitism:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

The definition, although legally non-binding, is an important tool for public bodies to understand how anti-Semitism manifests itself in the 21st century, as it gives examples of the kind of behaviours which depending on the circumstances could constitute anti-Semitism.

The Rt Hon Sajid Javid MP has written to all local authority Leaders about the Government’s adoption of the working definition of anti-Semitism reminding us that anti-Semitism continues to be a problem in this country and encouraging us to formally adopt the definition ourselves. I therefore propose that CDC adopts the working definition of anti-Semitism. “

The motion was debated and subsequently agreed.

b) **Condition of BT Phones Boxes in the District**

It was moved by Councillor Wood, and seconded by Councillor Hussain, that the following motion be adopted:

“BT phone boxes around our district are in a very poor condition. The advertisement on many has been left to peel rather than be replaced. The poor condition of the phone boxes are a magnet for regular vandalism and the disposal of rubbish. This problem is not restricted to a few street corners, but also to our town centres. Royal Mail look after their post boxes, why can't BT look after their phone box's?

I move that council formally request BT tidy up and clean up their phone box's around our district. We want them presentable, on the inside and out, or we do not want them at all.”

In the course of the debate, Councillor Richards proposed an amendment to the motion to delete the words “or we do not want them at all”, which was duly seconded by Councillor Woodcock:

On being put to the vote, the amendment was approved. The motion as amended was debated and on being put to the vote, was supported.

c) **Public Sector Pay Cap**

It was moved by Councillor Woodcock, and seconded by Councillor Richards, that the following motion be adopted:

“This council notes that by restraining the remit of the pay review bodies to a maximum uplift of no more than one per cent, since 2010 the government has cut in real terms the pay of public sector staff including nurses, firefighters, police officers and the armed forces. This has had a detrimental impact on morale, recruitment and retention at a time when demand for services is on the increase. This council thus calls on the government to scrap the cap on public sector pay and restore the independence of pay review bodies.”

The following amendments to the motion were proposed by Councillor Wood and duly seconded by Councillor Reynolds.

“This council notes that by restraining the remit of the pay review bodies to a maximum uplift of no more than one percent there has been an impact on public sector staff including nurses, teachers, firefighters, police officers, the armed forces and the civil service. This has affected morale, recruitment and retention at a time when demand for services is on the increase. This council thus calls on the government to move to a more flexible position on public sector pay.”

On being put to the vote, the amendment was approved. The motion as amended was debated and on being put to the vote, was supported.

Resolved

(1) That the following motion be adopted:

Adoption of the International Holocaust Remembrance Alliance working definition of anti-Semitism

That Cherwell District Council adopt the following working definition of anti-Semitism:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

(2) That the following motion, as amended, be adopted:

Condition of BT Phones Boxes in the District

That Cherwell District Council formally request BT tidy up and clean up their phone boxes around our district. We want them presentable, on the inside and out.

(3) That the following motion, as amended, be adopted:

Public Sector Pay Cap

This council notes that by restraining the remit of the pay review bodies to a maximum uplift of no more than one percent there has been an impact on public sector staff including nurses, teachers, firefighters, police officers, the armed forces and the civil service. This has affected morale, recruitment and retention at a time when demand for services is on the increase. This council thus calls on the government to move to a more flexible position on public sector pay.

47 **Chief Officer and Deputy Chief Officer Appointment Process**

The Chief Executive submitted a report to confirm the arrangements for the appointment of Chief Officers and Deputy Chief Officers.

Resolved

- (1) That, subject to a similar decision being made by South Northamptonshire Council, the terms of reference of the Joint Commissioning Committee and Officer Employment Procedure Rules be amended to confirm that Chief Officers' appointments will be member level decisions made by the Joint Commissioning Committee and that Deputy Chief Officer appointments will be made by the Head of Paid Service.
- (2) That authority be delegated to the Monitoring officer to amend the constitution, in accordance with resolution (1) above.
- (3) That it be agreed that any increased management restructure costs be included in the budget framework, with in year costs met from within existing budgets and future costs included in the 2018/19 budget; and that the Deputy Section 151 Officer be authorised to include these figures within the budget when finalised.

48 **Support for Banbury Business Improvement District (BID)**

The Head of Strategic Planning and the Economy submitted a report to seek Council approval, subject to a positive ballot, for Cherwell District Council to subsidise part of the annual costs of collecting the Levy on behalf of the Banbury Improvement District (BID) within a budget ceiling for a maximum five-year period and for the Chief Financial Officer to make the appropriate arrangements; for Cherwell District Council to provide a bridging loan to the BID to support its establishment and for repayment to occur within a three-year period and for the Chief Financial Officer to make the appropriate arrangements; for Cherwell District Council to meet the costs of creating the BID Levy collection system; and, for the Chief Financial Officer to make the appropriate arrangements.

Resolved

- (1) That, subject to a positive 'yes' ballot of businesses authority be delegated to the Chief Finance Officer in consultation with the relevant

Lead Member to meet the actual one-off capital cost, estimated to be £20,000 to create the necessary collection system.

- (2) That, subject to a positive 'yes' ballot of businesses authority be delegated to the Chief Finance Officer in consultation with the relevant Lead Member to subsidise a proportion of the annual revenue costs to collect the BID levy for a maximum period of five years of £9,000 a year.
- (3) That, subject to a positive 'yes' ballot of businesses and approval of budgets by Full Council, authority be delegated to the Chief Finance Officer in consultation with the relevant Lead Member to provide a bridging loan of up to £50,000 to the Banbury BID to cover the set-up, operational and project costs in its start-up phase to be entirely repaid to the Council within three years. The loan would be subject to an appropriate legal agreement being entered into to govern the drawdown loan facility and all financial requirements being satisfied.

49 **Community Governance Review - results of second consultation and final recommendations, and update regarding Parliamentary Boundary Review**

The Chief Executive submitted a report to consider the final recommendations from the Community Governance Review (CGR) Working group, following the second consultation phase. The report also provided a further update regarding the next stages of the Parliamentary Boundary Review.

Resolved

- (1) That the separation of the existing Upper Heyford Parish into two, as shown on the map at the annex to the Minutes (as set out in the Minute Book) be agreed.
- (2) That the parishes be named Upper Heyford and Heyford Park, with the outer boundary of Heyford Park being as shown on the map at the annex to the Minutes (as set out in the Minute Book).
- (3) That Upper Heyford Parish retaining six parish councillors, and Heyford Park having seven parish councillors be agreed.
- (4) That the number of Parish Councillors for Fritwell be increased by one, from six to seven.
- (5) That the number of Parish Councillors for Stratton Audley be increased by two, from five to seven.
- (6) That the number of Parish Councillors for Tadmarton be reduced by one, from seven to six.
- (7) That the number of Parish Councillors for Weston-on-the-Green be increased by one, from seven to eight.

- (8) That the number of Parish Councillors for Yarnton being increased by one, from nine to 10.
- (9) That authority be delegated to the Chief Executive to respond to the third consultation of the Parliamentary Boundary Review, in consultation with the CGR/Parliamentary Boundary Review Working Group

50 **Standards Arrangements - Appointment of Independent Persons**

The Monitoring Officer submitted a report to appoint statutory independent persons as part of the standards arrangements.

Resolved

- (1) That Mr Graham Matthews be re-appointed as an independent person pursuant to section 28(7) of the Localism Act 2011 for a term of four years expiring on the date of the annual meeting of Council in 2021.
- (2) That the appointment of a third independent person pursuant to section 28(7) of the Localism Act 2011 be agreed.
- (3) That, further to resolution (2), Mr Stuart Green be appointed as an independent person pursuant to section 28(7) of the Localism Act 2011 for a term of four years expiring on the date of the annual meeting of Council in 2021.

51 **Loan for a Replacement Kidlington Girl Guides Building**

The Director of Operational Delivery submitted a report to consider the creation of a capital budget for a loan to Kidlington Girl Guides to enable them to replace their current old and poor quality building.

Resolved

- (1) That the creation of a capital budget of up to £100,000 to Kidlington Girl Guides for a replacement Guide building be approved and delegated authority granted to the Chief Finance Officer to approve the final cost and loan agreement.

52 **Notification of Urgent Action: Stratfield Brake Sports Ground, Kidlington**

The Director of Operational Delivery submitted a report to inform Members of the decision taken under urgent powers in consultation with relevant Members to approve the award of an operating contract for Stratfield Brake Sports Ground and transitional financial support to Kidlington (KPC) and Gosford & Water Eaton Parish Councils (G&WEPC).

Resolved

- (1) That the urgent action taken to approve the award of an operating contract and associated actions for Stratfield Brake Sports Ground, Kidlington be noted.

53 **Amendments to Committee Membership**

The Leader of the Conservative Group, Councillor Wood, advised that this item had been withdrawn from the agenda.

54 **Exclusion of the Press and Public**

Resolved

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraph 3 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

55 **Questions on Exempt Minutes**

There were no questions on exempt minutes.

56 **The Hill Youth and Community Centre - Budget Request**

The Chief Finance Officer submitted an exempt report to seek approval of an additional capital budget of £200,000 for the redevelopment of The Hill Youth and Community Centre in Bretch Hill, Banbury.

Resolved

- (1) That, in accordance with the agreed recommendations of the Executive, the additional capital budget of £200,000 for redevelopment of The Hill Youth and Community Centre be approved.

57 **Notification of Urgent Action: Franklins House, Bicester**

The Chief Finance Officer submitted an exempt report to notify Full Council of the urgent action relating to Franklins House, Bicester, taken by the Chief Finance Officer in consultation with the Chairman of Council.

Resolved

- (1) As set out in the exempt minutes.

Council - 16 October 2017

The meeting ended at 9.15 pm

Chairman:

Date:



Council

Monday 18 December 2017

Agenda Item 9 (a), Written Questions

Question From: Councillor Barry Richards

Question To: Leader of the Council, Councillor Barry Wood

Topic: Housing Waiting List

Question

Please could you supply the following information:

1. The number of people on the Council's waiting list as at 1 November 2012.
2. The average waiting time as at 1 November 2012.
3. How many houses have been built in Cherwell District since 1 November 2012.
4. How many of those have been let at social housing rents.
5. The number of people on the Council's waiting list as at 1 November 2017.
6. The average waiting time as at 1 November 2017.

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Cherwell District Council

Council

18 December 2017

Council Tax Reduction Scheme 2018-2019 and Council Tax Discounts 2018-2019

Report of Chief Finance Officer

This report is public

Purpose of report

To provide members with an update on the consultation process that has taken place on the proposals for a Council Tax Reduction Scheme for 2018-2019 and to seek approval for a Council Tax Reduction Scheme for the year 2018-2019 on the recommendation of the Executive and Budget Planning Committee.

To provide members with an update of Council Tax discounts and seek approval for the Council Tax discounts for the year 2018-19.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve a Council Tax Reduction Scheme (CTRS) for the year 1 April 2018 to 31 March 2019 as set out in the report and implement the scheme with effect from 1 April 2018.
- 1.2 To grant delegated authority to the Section 151 Officer to make further amendments to the CTRS Regulations up to and including 31 January 2018 in consultation with the Lead Member for Financial Management.
- 1.3 To review the proposed level of Council Tax discounts for 2018-2019 and to approve the following:
 - Retain the discount for second homes at zero
 - Retain the discount for empty homes (unoccupied and substantially unfurnished) at 25% for 6 months and thereafter at zero.
 - Retain the discount for empty homes undergoing major repair at 25% for 12 months and thereafter at zero.
 - Retain the empty homes premium of an additional 50% for properties that have remained empty for more than 2 years.

2.0 Introduction

- 2.1 In December 2016 members approved a Council Tax Reduction Scheme (CTRS) for Cherwell District Council for the financial year 2017-2018. The scheme

mirrored the previous Council Tax Benefit (CTB) scheme in that the maximum Council Tax liability to be included in any assessment for working age customers is 100%.

- 2.2 Funding for the new scheme is based on a fixed cash grant based on approximately 90% of the previous CTB subsidy giving a funding shortfall for Cherwell of £742,430. The funding shortfall is mostly offset by changes to locally set Council Tax discounts.

3.0 Report Details

Council Tax Reduction Scheme 2018-2019.

- 3.1 The Government has stated that the funding levels for Council Tax Reduction will remain the same in 2018-2019. The 10% reduction in funding for 2017-2018 of £742,430 has been offset by changes to locally set Council Tax discounts.
- 3.2 As the funding for the CTRS is a fixed grant the cost of any increase in the level of demand will be borne by the Council. The CTRS caseload is regularly monitored and there has been a small decrease in the number of live cases from 7,193 in July 2016 to 7,087 in July 2017.
- 3.4 There will continue to be a national scheme which the Council must adhere to for those people who have attained the qualifying age for State Pension Credit.
- 3.5 There are existing regulations for our local Council Tax Reduction Scheme for working age customers. If the recommendation for no change is agreed then the only change required would be the changes to the Regulations to reflect changes such as benefit uprating.

Consultation Process.

- 3.6 Members agreed a consultation process on the option of no change to the current CTRS. The consultation began on 11 September 2017 and ended on 10 October 2017.
- 3.7 The consultation process included detailed information and a response form on the website. Targeted consultation also took place with 676 households across the district who were invited to take part in the survey.
- 3.8 Consultation has also taken place with the major preceptors.
- 3.9 A total of 49 responses were received. A summary report of the results can be found at Appendix A of this report. The majority of people who completed the survey are happy with the proposals for Council Tax Reduction Scheme for 2018-2019. The key findings are as follows:
- 48 of the 49 responses came from individuals and 1 came from an organisation
 - 33 of the 49 respondents (67.35%) agreed that the Council should continue with the current scheme
 - If the Council were to consider other options to help pay for the scheme 23 out of 47 responses (48.94%) felt that the level of support for working age households should be reduced, 9 out of 47 responses (19.15%) felt that Council Tax should be increased, 8 out of 43 responses (18.60%) were in favour of reduction in

funding for other services and 23 out of 46 responses (50%) were in favour of using financial reserves.

Council Tax Reduction Scheme Regulations

- 3.11 There will continue to be national regulations related to CTRS which the Council must adhere to including the national scheme for those people who have attained the qualifying age for State Pension Credit.
- 3.12 There are existing regulations for our local scheme for 2017-2018. If the recommendation for no change is agreed then the regulations will require some technical changes for uprating by DCLG and Department for Work and Pensions.

Council Tax Discounts

- 3.13 The Local Government Finance Act 2012 abolished certain exemptions with effect from 1 April 2013 and replaced them with discounts which can be determined locally. Council approved a number of small changes to discounts in order to meet the funding requirements of the Council Tax Reduction Scheme.
- 3.14 Council determined that furnished chargeable dwellings that are not the sole or main residence of an individual (second homes) should no longer receive a discount. If we continue to set the discount at zero it is estimated that this will result in additional income of £82,321.
- 3.15 Council also determined the discount in respect of unoccupied and substantially unfurnished properties should be reduced to 25% for a period of 6 months and thereafter to zero. Current estimations indicate that this will result in additional income of around £289,375.
- 3.16 Council further exercised its discretion to determine that chargeable dwellings which are vacant and undergoing major repair to render them habitable should attract a discount of 25% for a period of 12 months and thereafter to zero. This will result in additional income of £21,403.
- 3.17 The Local Government Finance Act 2012 also allows for an Empty Homes Premium to be charged on long term empty properties that is those that have been empty and unfurnished for two years or more. If this remains unchanged it is estimated this would result in additional income of £109,347. If this causes more long term empty properties to be brought back into use it will have a beneficial impact on New Homes Bonus.

Financial Implications of the recommendation for CTRS 2018-2019

- 3.18 The recommendation for no change to the current Council Tax Reduction Scheme or Council Tax Discounts would have the following financial impact:

	Based on 100%
Overall funding loss	742,430
Second homes income	-82,321
Empty homes income with discount of 25% for 6 months	-289,375
Uninhabitable homes discount of 25% for 12 months	-21,403

Long term empty premium income	-109,347
Total funding gap	239,984
Total funding gap for CDC	16,799

4.0 Conclusion and Reasons for Recommendations

- 4.1 The proposal is to keep the same Council Tax Reduction Scheme for 2018-2019 with changes to the Regulations to reflect the changes such as uprating. Consultation has taken place with residents and major preceptors.
- 4.2 Members are now required to agree a Council Tax Reduction Scheme for the 2018-2019 financial year and are asked to give delegated Authority to the Section 151 Officer to make amendments to the CTRS Regulations up to and including 31 January 2018 in consultation with the Lead Member for Financial Management.
- 4.3 Members are also asked to agree that Council Tax Discounts for 2018-2019 are set at the levels detailed in the report.

5.0 Consultation

Budget Planning Committee and Executive

A report on the results of the consultation for a Council Tax Reduction Scheme for 2018-2019 has been considered by Budget Planning Committee on 28 November 2017 and Executive on 4 December 2017.

Public and major preceptors

Consultation with anyone affected by the proposed new scheme has taken place.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To not agree any of the options for a new scheme. This would have financial implications for the Council and those residents affected by wider Welfare Reform.

7.0 Implications

Financial and Resource Implications

- 7.1 These are contained in report.

Comments checked by: Sanjay Sharma Interim Head of Finance,
sanjay.sharma@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 The Council is required to review its Council Tax Reduction Scheme on an annual basis and, if it determines to make changes then it must consult on the revised scheme. Failure to do so will affect the reputation of the Council and will have a financial implication for residents as well as exposing the Council to potential challenge for failing to comply with the legislative requirements of the Local Government Finance Act 1992. As indicated in the main body of the report at paragraph 5 above, consultation must be a meaningful process and due account must be taken of the content of the responses before a final decision is made.

Comments checked by: Richard Hawtin, Team Leader – Non-contentious,
Richard.hawtin@cherwellandsouthnorthants.gov.uk

Equality and Diversity

- 7.3 An equality impact assessment has been undertaken on the Council Tax Reduction Scheme for 2018-2019. It is proposed that the scheme remains unchanged in 2018-2019 and no change has arisen from the consultation exercise.

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

This links to the Council's priority of protecting our quality of life.

Lead Councillor

Councillor Tony Illott, Lead Member for Financial Management

Document Information

Appendix No	Title
A	Consultation results
Background Papers	
None	
Report Author	Belinda Green (Joint Revenues and Benefits Manager)
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Appendix One

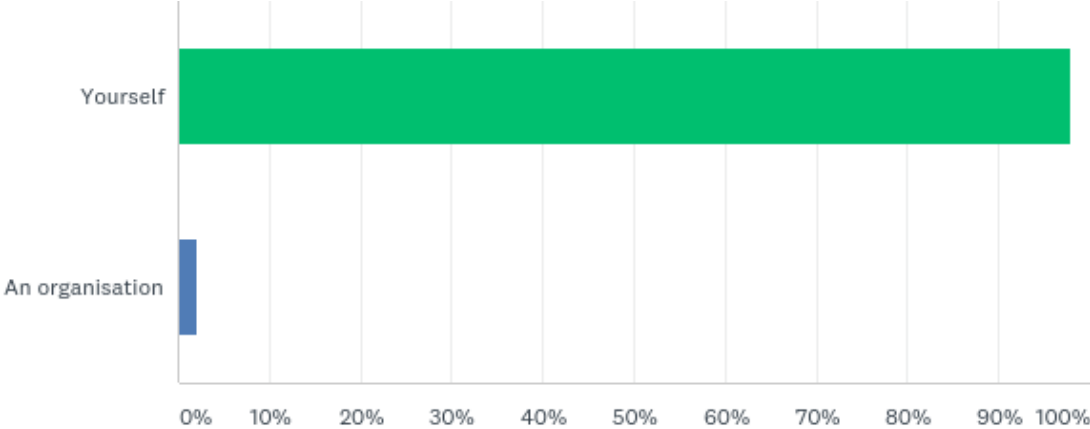
CDC Council Tax Reduction Scheme

2018-2019: Public Consultation

Total Responses

Q1: Are you responding on behalf of yourself or an organisation?

48 Answered on behalf of an individual (97.96%)
1 Answered on behalf of an organisation (2.04%)
0 Skipped



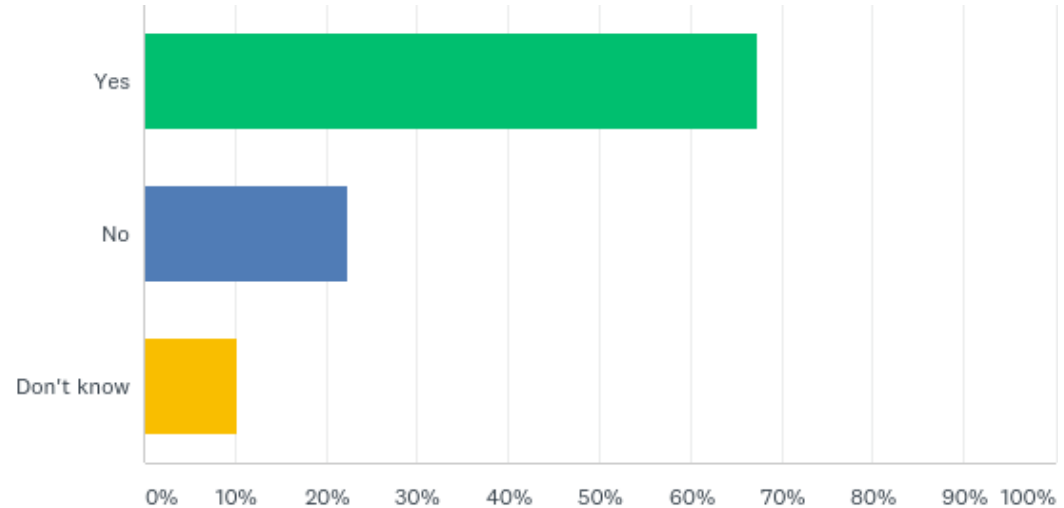
Q2: Do you agree that the Council should continue with the current scheme which provides the same level of financial support as was provided by Council Tax Benefit?

Answered: 49 Skipped: 0

Yes 67.35% - 33 responses

No 22.45% - 11 responses

Don't know 10.2 – 5 responses



You said:

- It always seems the people on benefits are given nice houses, they fill it full of top of the range tv's games consoles but plead poverty when they have to pay for something like council tax. I work hard for my money, I pay all of my bills and get taxed to support the council house wallers. This country is a disgrace. My council tax is £215 per month and I don't see where that is used locally
- In Cherwell there is a vast increase in housing, these additional funds I expect provide efficiencies of scale and therefore with a static tax achieve more or maintain. In this instance maintain.
- I currently work, get no reduction in council tax, have not had a pay rise in six years. Yet council tax keeps going up, all this means is that food and heating in our household get squeezed to pay the uplift. Everybody should do their bit to meet our local authority responsibilities and this includes those on lower incomes. Lower income families paying 5% of their total council tax bill where the average bill is £100.00 per month would be £5.00 per month, or £1.25 per week. Surely common sense must prevail.
- Depends on the impact on council tax charges if the scheme were to continue
- Given the reduction in funding from central government then the benefit needs trimming.
- As a pensioner who lives alone the reduction of my Council Tax is very important to me and if this reduction was stopped I would find it hard to find the extra money each month.
- Wants to make sure that anything fraudulent picked up - all for supporting genuine claimants but want to be certain that real checking action takes place that recipients are genuine.
- Benefits my disabled son receives have not increased for about five years but rent has increased which is not totally covered by Housing Benefit. To have to pay Council Tax would put a further burden on a strain on his lifestyle choices.
- Reduce support to those of Working Age. However it should be means tested. Example: if you are on income support but active looking for work, then you should receive CTR. Aged/ Pensioners, who are below the savings threshold, should receive the benefit
- Council tax pays for services used BY ALL therefore it should be paid BY ALL. Why should I pay to support others.

Q3: Do you think the Council should choose any of the following options to help pay for the Council Tax Reduction scheme?

Answered: 49 Skipped: 0

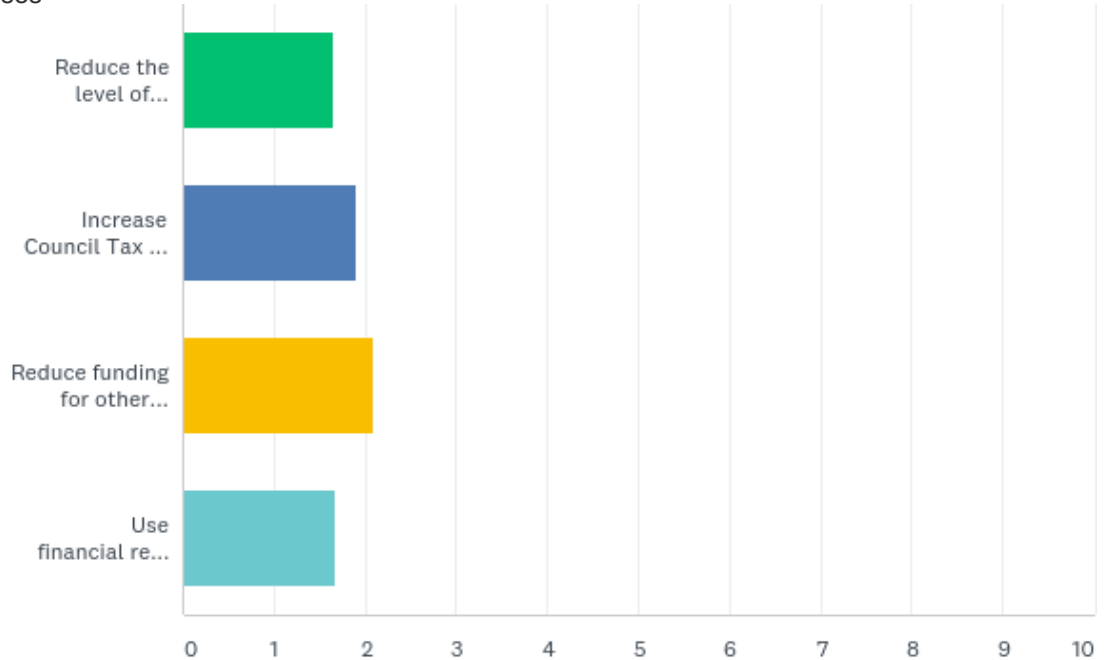
Reduce the level of support 48.94% - 23 out of 47 responses

Increase Council Tax 19.15% - 9 out of 47 responses

Reduce funding for other services 18.6% - 8 out of 43 responses

Use reserves 50% - 23 out of 46 responses

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Q3: Do you think the Council should choose any of the following options to help pay for the Council Tax Reduction scheme?

Answered: 49 Skipped: 0

	YES	NO	DON'T KNOW	TOTAL	WEIGHTED AVERAGE
Reduce the level of support given to working age households by a percentage	48.94% 23	36.17% 17	14.89% 7	47	1.66
Increase Council Tax for all residents who are liable to pay Council Tax	19.15% 9	70.21% 33	10.64% 5	47	1.91
Reduce funding for other Council Services	18.60% 8	53.49% 23	27.91% 12	43	2.09
Use financial reserves	50.00% 23	32.61% 15	17.39% 8	46	1.67

You said:

- Reduce wages to fat cats at the council and that will more than cover any shortages
- Double check yearly to stop people fiddling
- Household incomes are very tight, central government owes billions, if you have cash reserves to support the poorest in our area please do so
- Without knowing what funding is allocated to specific Council Services it is difficult to say yes or no. It could be completely plausible that some services could take a small hit as they might be funded via other means. Again without knowing how much Cherwell District Council have in financial reserves, it is difficult to answer yes or no. How much does CDC have and what are the reserves used for? Perhaps if more information was available, a more informed answer could be given
- Can their not be a shared outcome - every one contributes a little bit more, and the subsidy goes down. we all use the services but why should those on benefits remain immune from real costs.
- Reduce funding for other services by the same percentage as the support level.
- Why have you not proposed making this tax into an income tax? Would this not be a fairer way of taxing us and do away with the need for specific benefit relief and so save you administration costs?
- When I worked, my income was double what it is now and I would have been, at that time, able to pay more for my Council Tax. At the time I was married and therefore there were two incomes coming into the house. However, since I am now retired and live alone I am very grateful for the reduction I get with my Council Tax. I do hope it will continue as my income is limited and food and utility bills have increased a great deal over the last 6-9 months. Thank you for reading my comments.
- A small increase for liable payers would be acceptable but not a huge increase It depends on which council services would be cut as to whether reducing funding for other services would work - too general a question - would look at how much the councillors get - thinks they should only get transport expenses. Chairmen should not get an excessive amount. At least meet halfway. Using the financial reserves could be done for a year or 2 but not done if ctax is going up.

You said:

- I become eligible to retire in November 2018 but am considering retiring earlier as I have already had total hip surgery and find it considerably difficult to continue working as expected by my company. I would appreciate that the level of support be considered in some depth before making a decision.
- Lobby Parliament to properly fund local government.
- CDC Should investigate efficiency savings. Also with the growth of Bicester Village. Consider a tourist levy - example = Charge for Coaches and Buses bringing tourists to Bicester Village. This charge would be made to the vehicle operator but they would increase charges (negligible) amount to each tourist.
- There should be a review of the councils reserves this is nothing more than good financial practice The council should review the services it provides especially to people who chose not to speak English. Multilingual offerings are costly. Also support of religious or quasi religious groups of all denominations except the state religion should be withdrawn
- Financial reserves should be maintained to support core services should another financial crisis occur those who are of working age and can work (but are not for any reason) should feel the financial burden that working people feel

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Cherwell District Council

Council

18 December 2017

Bespoke / Custom Build Mortgage Bridging Loan Fund

Report of Chief Finance Officer

This report is public

Purpose of report

To consider the creation of a capital budget for a pilot scheme of 10 bridging loans available to self-builders qualifying for mortgages under the Arlingclose Bespoke/Custom Build Mortgage scheme which will be considered by Executive in January 2018.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the creation of a capital budget of up to £2,500,000 to be made available in the event that Executive agree the business case for the pilot scheme in January 2018.
- 1.2 To delegate authority to the Chief Finance Officer to approve the final amount of each individual loan within the pilot scheme and the form of the loan agreements to facilitate those loans.

2.0 Introduction

- 2.1 At the end of October 2017, the Commercial Development Panel gave its support to a business case recommending that CDC join the Arlingclose Bespoke / Custom Build (BCB) mortgage scheme. A detailed business case will be put to Executive in Jan 2018 for a pilot scheme of 10. A budget for bridging loans will need to be added to the capital programme by Council for the scheme to go ahead should Executive give its support.

3.0 Report Details

- 3.1 The BCB had been developed to support local authorities in meeting the requirements of the government's Right to Build aspirations, the Self-build and Custom Housebuilding Act 2015 and the Planning and Housing Act 2016. BCB is a partnership between local authorities and a range of stakeholders, aiming to open

up this new market to people without the skills and resources to embark on a self-build project.

- 3.2 BCB provides high loan to value (LTV) mortgages (up to 95%) on bespoke new build and custom build properties, without the need for stage payments. BCB is mainly designed for land owned by the local authority, but it is also suitable for land owned by a wholly owned company, a joint venture and / or third parties. As well as making high LTV mortgages available, BCB removes some of the key risks usually associated with custom and self-build.
- 3.3. Graven Hill is the largest custom and self-build site in the UK; however, research (from both the marketing and sales experience at Graven Hill and consultations with mortgage brokers) suggests that access to self/custom build mortgage finance is a barrier to building.
- 3.4 As such the BCB mortgage pilot proposal provides a good opportunity to partner with a reputable treasury management company and provider of financial advice to offer a product that would directly support the council's commitment to self and custom build.
- 3.5 How the scheme works in brief:
 - The local authority will make land available, or provide financial support for an applicant on land owned by a third party,
 - An applicant will secure a plot of land from the local authority (or a third party), with proof of a pre-approved mortgage from a panel of mortgage lenders,
 - A 5% deposit will be paid by the borrower (some or all of the deposit will be non-refundable),
 - The council will enter into a build contract with a developer / builder to construct the property to completion. The payments to the contractor by the council will constitute the bridging loan,
 - On completion, the lender will advance the mortgage and the local authority will recover all costs, including interest and potentially a development profit,
 - The council could recycle the repaid bridging loans to support other borrowers if the pilot scheme is deemed successful,
 - The participating local authority will provide an indemnity of up to 20% of the mortgage, in effect underwriting the difference between 75% lending – the market norm for custom build mortgages – and 95% lending, for a fee (payable by the lender to the council).
- 3.6 This approach ensures that each plot of land released by the local authority will have a new property built within an acceptable timescale. It removes the need for stage payments, thereby opening the market to people who would not currently be able to embark on a self-build project.
- 3.7 Lenders do not currently offer high loan to value mortgages on self-build or new build properties, hence the need for the council to provide an indemnity. The

indemnity remains in place for 5 years, and may be extended for a further 2 years if a mortgage is in arrears of 3 months + at the end of the initial 5 year period.

- 3.8 The scheme is focused on enhancing the availability of self and custom build mortgages rather than on maximising returns. It would specifically support the council's long term priorities around increasing access to housing in what is an expensive market. The scheme would be aimed at sections of the population who would not be eligible for social housing, but who may struggle to access housing (particularly self or custom build) due to affordability issues in the area.

4.0 Conclusion and Reasons for Recommendations

- 4.1 BCB has been developed to be relevant and available for customers wanting to self or custom build. The approach generates small returns for the authority and as a partnership activity does not require significant investment in people and expertise to run the scheme. The primary benefits are the ability to start small and test the extent to which the product may increase access to the self-build market.

5.0 Consultation

- 5.1 This proposal is a product of the council's Succeeding in a Commercial Environment (SIACE) programme which seeks to improve the commercial skills of participants through instruction and application of commercial techniques to a selection of ideas generated by other council initiatives (e.g. Innovation Weeks).
- 5.2 As part of that programme, this proposal has been thoroughly researched, market tested, presented to a panel of officers and directors and to the Commercial Development Panel.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To not create the capital pot. This option has been rejected because creating the pot in advance of the Executive decision will allow the pilot to be launched immediately and the capital commitment can be included in the capital programme for 2018-19.

7.0 Implications

Financial and Resource Implications

- 7.1 The proposed addition to the capital programme is required in order to offer bridging loans as part of the Arlingclose mortgage scheme. Interest charged to homebuilders will result in revenue income to the council. The full financial implications will be set out in the business case to be considered by Executive in Jan 2018.

The scheme is designed to recover its costs and may provide a modest return if the council's borrowing costs are significantly lower than the rate applied to the bridging loans.

The cost of construction in Cherwell is currently in the region of £1,800 per square meter. Ten properties of an average 138 square meters could be built with the proposed £2,500,000 capital allocation.

Comments checked by: Sanjay Sharma, Interim Head of Finance, 01295 221564, Sanjay.Sharma@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 There are no legal implications which arise directly in connection with the detail of this report as the impact is primarily a financial matter.

There are a number of legal issues which arise in connection with the BCB scheme overall which will be included in the report to the Executive in January. To assist members in understanding these issues at this stage, a summary of the advice to be provided in detail to the Executive is set out below:

The Council has the statutory power to indemnify mortgage lenders in certain circumstances pursuant to section 442 of the Housing Act 1985.

The Council can supplement the power under the Housing Act 1985 with the general power of competence pursuant to section 1 of the Localism Act 2011 and the incidental power under section 111 of the Local Government Act 1972 to mitigate any risks associated with relying on the Housing Act 1985.

The fact that the land is not owned by the Council does not affect its ability to rely on the above powers to enter into the scheme.

There are no restrictions on the Council applying any eligibility criteria for borrowers to be eligible to participate in the scheme.

There are a number of potential State Aid issues which the scheme presents but none of these are considered to present a barrier to implementing it. Providing that suitable conditions are attached to the loans to be provided by the Council to carry out the development and the fee paid to the Council by lenders is at a suitable market rate then the Market Economy Operator Principle provides a potential exemption to the State Aid rules which would protect the Council,

There are a number of contracts which will be required to be entered in order to govern the management of the scheme and the relationship between the parties.

The Council can lawfully receive the development profit which may arise as a result of participation in the scheme.

Comments checked by: Chris Mace, Solicitor, 01327 322125 christopher.mace@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All Bicester

Links to Corporate Plan and Policy Framework

Housing – Cherwell a Thriving Community

Lead Councillor

Councillor Tony Ilott, Lead Member for Financial Management

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Joanne Kaye, Principal Accountant
Contact Information	01295 221545 Joanne.kaye@cherwellandsouthnorthants.gov.uk

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Cherwell District Council

Council

18 December 2017

<p style="text-align: center;">Constitutional Amendments and Review of Constitutional and Governance Arrangements</p>
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Report of Interim Assistant Director Transformational Governance / Monitoring Officer

This report is public

Purpose of report

To amend the terms of reference of the Joint Commissioning Committee (JCC), to delegate authority to the Monitoring Officer to reassign to the officer scheme of delegation in light of the newly agreed senior management structure and to agree the proposed approach to review constitutional and governance arrangements.

1.0 Recommendations

The meeting is recommended to:

- 1.1 Agree to amend the terms of reference of the Joint Commissioning Committee to include the determination of terms and conditions and the determination of HR policies, the creation of new posts where there is an increase to the establishment and no budget and the restructuring of teams involving more than five posts for all staff employed by Cherwell District and South Northamptonshire Councils.
- 1.2 Delegate authority to the Monitoring Officer, in consultation with the Chief Executive, to reassign the officer scheme of delegation in accordance with the new senior management structure as agreed by JCC; to add the proposed delegations as set out at 3.11 and to amend the constitution accordingly.
- 1.3 Request officers to carry out a review of constitutional and governance arrangements for discussion and consideration by group leaders.

2.0 Introduction

- 2.1 From time to time it is necessary to review the council's constitutional arrangements in light of changes and their impact. In recent months there have been a number of changes, including the completion of the programme of business cases to create shared teams, the new senior management structure for the council and issues identified in the peer review.

- 2.2 This report makes proposals in order to address two constitutional amendments that are required to ensure the efficient and effective transaction of business and to bring forward a more detailed review of the constitution and governance arrangements.

3.0 Report Details

Joint Commissioning Committee (JCC) Terms of Reference

- 3.1 The Joint Commissioning Committee was created to to have overall responsibility for the provision, to the adopting councils, of shared services arrangements responsibility including any decision on staffing matters for any shared service.
- 3.2 In recent months the Councils have finished the process of creating shared teams and all of these teams (the vast majority of employees) now come within the terms of reference of the Joint Commissioning Committee.
- 3.3 There are however some posts that have not been brought forward via a business case and do not come under the Joint Commissioning Committee, these include the Cherwell catering staff, Build! team, Bicester team and manual staff based at the depots (although this last group are effectively a shared team and on the same terms and conditions but have not been designated as a shared team).
- 3.4 As members will be aware work is continuing on the harmonisation of HR policies, pay and terms and conditions across both councils, however responsibility for making decisions on these is shared across three committees Joint Commissioning Committee, Appointments and Personnel Committee (SNC) and Personnel Committee (CDC).
- 3.5 Similarly the responsibility for making decisions on the creation of new posts where there is an increase to the establishment and no budget and the restructuring of teams involving more than five posts is shared across three committees Joint Commissioning Committee, Appointments and Personnel Committee (SNC) and Personnel Committee (CDC).
- 3.6 It is proposed to amend the terms of reference of the Joint Commissioning Committee to include the determination of terms and conditions and the determination of HR policies, the creation of new posts where there is an increase to the establishment and no budget and the restructuring of teams involving more than five posts for all staff employed by Cherwell District and South Northamptonshire Councils.
- 3.7 The Appointments and Personnel Committee (SNC) and Personnel Committee (CDC) will have very few remaining functions and it is proposed that the need for these committees is considered as part of the review of constitutional and governance arrangements with a view to these ceasing for the municipal year 2019/20.

Officer Scheme of Delegation

- 3.8 At the meeting on 16 November 2017 and following consultation with in scope staff the Joint Commissioning Committee agreed a new shared senior management structure for the councils. As a result of this decision the council's officer scheme of delegation needs to be realigned to the new structure and delegations re-allocated to appropriate posts.
- 3.9 It is recommended that delegated authority be given to the Monitoring Officer in consultation with the Chief Executive to reassign the officer scheme of delegation in accordance with the new senior management as agreed by JCC and amend the constitution accordingly.
- 3.10 Following this realignment work will take place with post holders in the new structure to review the scheme of delegation in their area and as a result to bring forward proposed amendments for consideration by council.
- 3.11 Additionally the Monitoring Officer has been made aware of some required amendments to the officer scheme of delegation to ensure the efficient and effective transaction of council business. The amendments relate to Primary Authority status (Primary Authority enables businesses to form a legal partnership with one local authority, which then provides assured and tailored advice on complying with environmental health, trading standards or fire safety regulations that other local regulators must respect), delegating restructures of ten posts or less and updates to the spatial planning delegations It is proposed that the following be included in the officer scheme of delegation and allocated to the appropriate officer:
- To exercise all the Council's powers with respect to Primary Authority Status.
 - To determine new organisation structures below Deputy Chief Officer provided that changes do not affect more than ten posts in any one restructuring, there are no resultant compulsory redundancies, change is with the agreement of existing staff and the change can be contained within service budgets.
 - To lead Local Plan making and the preparation of the Local Development Framework.
 - Oversee the development and 'adoption' of Supplementary Planning Documents (SPDs).
 - Ensure the provision of policy advice on land use planning.
 - Oversee development and 'making' of Neighbourhood plans.
 - Undertake the annual monitoring of plan delivery (AMRs).
 - Undertake Infrastructure planning and preparation of associated funding bids.
 - Oversee maintenance of each Districts 5 year land supply for housing.
 - Preparation of the policy content of planning appeals.
 - Oversee implementation of 'Duty to Cooperate' with neighbouring Councils.

Review of Constitutional and Governance Arrangements

- 3.12 It is good practice to periodically review the council's constitutions and governance arrangements. Whilst some amendments have been made in the last few years, the last major review took place in 2011 and 2012. Since this time there have been a number of developments in how the councils operate and new legislation.

- 3.13 Since her arrival and in consultation with the Leaders, the Chief Executive has identified a number of opportunities for improving and enhancing the constitution and governance arrangements. Additionally, the LGA Peer Review highlighted a number of areas for improvement.
- 3.14 In order to progress this area of work it is recommended that officers be requested to carry out a review of constitutional and governance arrangements for discussion and consideration by group leaders.

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is believed that the proposals set out in this report will help to ensure the lawful, efficient and effective operation of the councils.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to amend the constitution. This is rejected, as it is important that the constitution is regularly maintained to ensure lawful, efficient and effective decision making.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising from this report.

Comments checked by:

Denise Taylor, Group Accountant, 01295 221982,
Denise.taylor@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 The Monitoring Officer has produced this report. The proposals set out within this report are in accordance with good practice and legislative requirements.

Comments checked by:

James Doble, Monitoring Officer – 01295 221587
James.doble@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

Councillor Barry Wood (CDC) and Councillor Ian McCord (SNC)

Document Information

Appendix No	Title
None	None
Background Papers	
None	
Report Author	James Doble, Monitoring Officer
Contact Information	Tel: 01295 221587 Email: james.doble@cherwellandsouthnorthants.gov.uk

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Cherwell District Council

Council

18 December 2017

Community Governance Review – Graven Hill
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Report of Chief Executive

This report is public

Purpose of report

To agree to carry out a Community Governance Review (CGR) as soon as practical to consult on the principle of including the development of Graven Hill within the boundaries of Bicester Town Council.

1.0 Recommendations

The meeting is recommended:

- 1.1 To agree to hold a Community Governance Review as soon as practical to consult on the principle of including the development site of Graven Hill within the boundary of Bicester Town Council.

2.0 Introduction

- 2.1 The last Community Governance Review for Cherwell was completed in 2013. This resulted in various changes across the district, including changes to parish boundaries and increased numbers of Parish Councillors.
- 2.2 A partial Community Governance Review was carried out in 2016/17 focussing on Upper Heyford and the opportunity to increase or decrease councillors parish and town councillors only.
- 2.3 At the time of the last full review in 2013, development at the site of Graven Hill had not commenced and it was too early to be included in review, however since then there has been much progress and proposals are now being considered with regard to the future management of facilities and public open space. As a result a request has been received from the Leader of the Council that a Community Governance Review be undertaken.
- 2.4 These reviews are labour intensive and time consuming and consequently do not happen often. However, it is important for the council to take the opportunity to ensure that boundaries remain appropriate in the light of development which has

taken place, and any development which is known will take place in the reasonably near future.

3.0 Report Details

- 3.1 The Graven Hill development currently falls outside the current electoral boundaries of Bicester (as set out in the appendices to this report). This can create issues with identity, e.g. it is far more likely that residents of Graven Hill will associate with Bicester rather than Ambrosden and urban developments may be charged on the basis of rural parish precepts whilst using the facilities of the urban area it is part of, and may require upkeep of common parts on those developments, which in effect will be unfunded unless parishes with traditionally low precepts significantly increase their precept.
- 3.2 Through conducting a Community Governance Review, the Council can formally change the boundaries between parishes and move an area from one parish to another. Whilst legislation requires that Community Governance Reviews should take place at least once every fifteen years and therefore a review is not required a review can take place if the Council resolves or upon receipt of a valid community governance petition.
- 3.3 A Community Governance Review is an intensive process which involves high levels of consultation in order to comply with legislation. If a decision is made as a result of the review to change a parish boundary and move an area from one parish to another this would normally take place in the next ordinary election year for the larger parish/town after the completion date of the review.
- 3.4 Due to the current review programme that the team is engaged with across both councils the earliest that a review could be commenced is currently anticipated to be in early 2018 with completion by late 2018. The next scheduled election dates for Bicester Town Council and Ambrosden Parish Council are 2019.

4.0 Conclusion and Reasons for Recommendations

- 4.1 At the time of the last full and partial Community Governance Reviews, it was too early to consider Graven Hill, however outline planning is now in place for the self build homes and a request has been received from the Leader of the Council to consult on the principle of including the development site of Graven Hill within the boundary of Bicester Town Council.

5.0 Consultation

Bicester Town Council
Ambrosden Parish Council

The councils have been advised that Council will be asked to conduct a Community Governance Review and meetings have been offered to discuss the effect the consultation proposal may have on their boundaries.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To carry out a Community Governance Review with a view to implementing in May 2019. This is the preferred option.

Option 2: To carry out a review with a view to implementing in May 2023. This is not recommended as it would cause unnecessary delay to the review and could result in delays to decisions to the management arrangement for public open space and amenities.

Option 3: Not to carry out a review. This is not recommended as it would not allow the consideration of which parish Graven Hill should sit.

7.0 Implications

Financial and Resource Implications

- 7.1 The costs of carrying out the review can be met from existing budgets.

Comments checked by:

Sanjay Sharma, Interim Head of Finance 01295 221564,
Sanjay.sharma@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 The proposals in the report are in accordance with the Local Government and Public Involvement and Health Act 2007 and will also serve to manage anomalies in community governance and polling places that are present, and are likely to occur.

Comments checked by:

James Doble, Assistant Director – Transformational Governance, 01295 221587
james.doble@cherwellandsouthnorthants.gov.uk,

Risk Implications

- 7.3 The proposals ensure that the Council is meeting requirements to keep community governance arrangements and polling districts under regular review.

Comments checked by:

Louise Tustian, Team Leader, Strategic Intelligence & Insight Team 01295 221786
Louise.tustian@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

Bicester South and Ambrosden

Links to Corporate Plan and Policy Framework

N/A

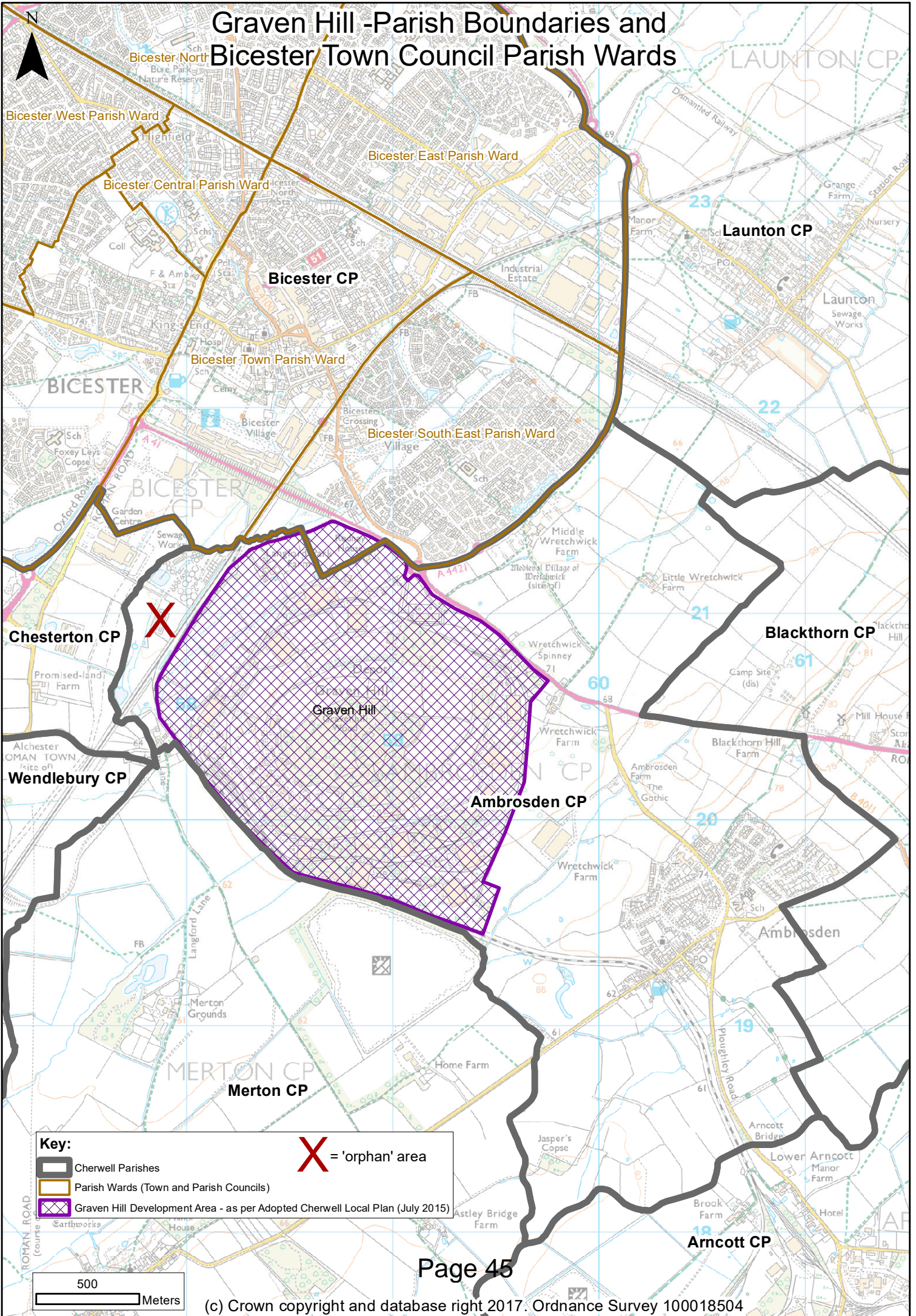
Lead Councillor

None

Document Information

Appendix No	Title
1	Map of Graven Hill area parish boundaries
Background Papers	
None	
Report Author	Natasha Clark, Interim Democratic and Elections Manager
Contact Information	01295 221589, natasha.clark@cherwellandsouthnorthants.gov.uk

Graven Hill - Parish Boundaries and Bicester Town Council Parish Wards



Key:

- Cherwell Parishes
- Parish Wards (Town and Parish Councils)
- Graven Hill Development Area - as per Adopted Cherwell Local Plan (July 2015)
- = 'orphan' area

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Cherwell District Council

Council

18 December 2017

Calendar of Meetings 2018/19

Report of Assistant Director – Transformational Governance

This report is public

Purpose of report

Council is asked to consider the calendars of meetings for the municipal year 2018/19.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the calendar of meetings for Cherwell District Council (CDC) for the municipal year 2018/19 (Appendix 1).
- 1.2 To approve the joint committees calendar of meetings for the municipal year 2018/19 (Appendix 2), subject to similar agreement by South Northamptonshire Council.

2.0 Introduction

- 2.1 It is necessary for the Council to agree a Calendar of Meetings to enable the business of the Council to be programmed appropriately in conjunction with its statutory requirements and the Executive's and Committee's work programmes and to enable senior managers and officers to programme key dates into their work plans.
- 2.2 The draft Cherwell District Council (CDC) 2018/19 calendar of meetings was approved by Council in December 2016. The calendar has been slightly amended from the draft version and a revised 2017/18 calendar of meetings is attached at Appendix 1.
- 2.3 The calendar of meetings has been prepared in conjunction with the calendars of meetings for South Northamptonshire Council (SNC) to ensure that senior officers and officers are able to attend relevant meetings at either authority.

- 2.4 The draft calendar of meetings for joint committees with South Northamptonshire Council (Joint Commissioning Committee, Joint Councils Employee Engagement Committee and the Joint Scrutiny Committee) for the municipal year 2018/19 was agreed by the respective CDC and SNC Council meetings in December 2016. The calendar has been slightly amended from the draft version and a revised 2018/19 joint committee calendar of meetings is attached at Appendix 2.

3.0 Report Details

Cherwell District Council Meeting Calendar

- 3.1 The Cherwell District Council calendars of meetings have been prepared on the basis of the considerations set out below:
- Meeting dates for Committees reflecting the dates in previous years as far as possible.
 - Meeting dates are set to ensure linked committees follow in a timely manner for items that will be considered by more than one Committee.
 - Council meetings being held on Mondays with the exception of the 2018/19 Annual Council meeting which will be held on Tuesday 15 May 2018. This is to allow for the inclusion of proportionality calculations following the local elections on Thursday 3 May 2018.
 - Meetings of Executive being held on the first Monday of each month with the following exceptions: August and May when no meetings are scheduled.
 - Executive Business Planning Meetings (BPM) are administered by the PA to the Leader. They are scheduled for the third Tuesday of each month as far as practicable.
 - Planning Committee meetings scheduled every four weeks as far as practicable with exceptions during the festive season and elections period. Following the establishment of a shared Development Management Team, no Cherwell District Council or South Northamptonshire Council Planning Committee meetings are scheduled for the same date to enable the Development Services Manager to attend all meetings at both authorities and other officers to attend as necessary.
 - Meetings of the Overview and Scrutiny Committee and the Budget Planning Committee are scheduled to tie in with key activities undertaken by each Committee e.g. performance monitoring, budget preparation, business plan review and will assist with work programme planning. The scheduling ensures that meetings are held before Executive meetings to enable feedback from the respective Committees to Executive.
 - The Accounts, Audit and Risk Committee meeting five times plus an informal meeting prior to the May meeting in 2018/19 to review the accounts. In 2018/19 the meeting dates of the Committee have been adjusted to take into account the

change of deadline (from the end of June to the end of May) for the Statement of Accounts to be approved by the Chief Finance Officer and submitted to the external auditor and the change to the deadline (from the end of September to the end of July) for approval of the final audited Statement of Accounts.

- Licensing Committee, Licensing Sub-Committee, Personnel Committee, Standards Committee and Appeals Committee meetings will be arranged as business requires.
- Dates for all Member briefings (for all CDC and SNC Members) have been included on the calendar of meetings. The briefings are scheduled bi-monthly and the day of the week varies in acknowledgement of other commitments Members have. Details of what each session will cover will be notified to members closer to the date.
- Two Parish Liaison meetings being held in the 2018/19 each municipal year:

Wednesday 6 June 2018

Wednesday 7 November 2018

These meetings are arranged by the Community Infrastructure Officer.

Joint Committees with South Northamptonshire Council (SNC)

3.2 The joint committee calendars of meetings have been prepared on the basis of the considerations set out below:

- Meetings held on Thursdays and rotating between the CDC and SNC council offices as far as practicable.
- Meetings of the Joint Councils Employee Engagement Committee (JCEEC) and the Joint Commissioning Committee (JCC) held bi-monthly on the same date.
- The Joint Scrutiny Committee (JSC) will meet quarterly.
- Joint Appeals Committee meetings will be arranged as required. No meetings are currently scheduled.
- Joint Executive and Cabinet Business Planning Meetings (BPM) held bi-monthly.

3.3 In addition to the above joint committees, there are two informal sub-groups of the JCC, Transformation Joint Working Group (TJWG) and the Commercial Development Panel (CDP), which are administered by the Business Transformation Team. Meeting dates will be notified to members of the respective sub-groups.

Amendments to the Calendars of Meetings

3.4 Members are reminded that the Council's Constitution sets out that no alterations to the dates and times of meetings shall take place unless Council, the Committee or Sub-Committee agrees an ad-hoc change or the Chairman of the relevant Committee or Sub-Committee, after consultation with the Assistant Director –

Transformational Governance, concurs with either a cancellation, or an alternative date or time.

- 3.5 Once agreed, all meeting dates will be added to the Council's website. If there are any changes to meeting dates Members will be notified and the website updated accordingly.

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is believed that the proposed calendars of meetings for the municipal year 2018/19 as set out in the appendices will provide a suitable decision making framework for Cherwell District Council.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To amend dates in the proposed 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.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising directly from this report.

Comments checked by:
Paul Sutton, Chief Finance Officer, 0300 003 0107
paul.sutton@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 There are no legal implications arising directly from this report.

Comments checked by:
James Doble, Assistant Director – Transformational Governance, 01295 221587,
james.doble@cherwellandsouthnorthants.gov.uk

Risk Implications

- 7.3 The Council needs to have in place a programme of meetings to ensure effective and efficient decision making.

Comments checked by:

James Doble, Assistant Director – Transformational Governance, 01295 221587,
james.doble@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

Agreement of a calendar of meetings has significant implications for the Council's business planning and the programming of work.

Lead Councillor

None

Document Information

Appendix No	Title
1	Proposed CDC calendar of meetings for the municipal year 2018/19
2	Proposed joint committee calendar of meetings for the municipal year 2018/19
Background Papers	
None	
Report Author	Natasha Clark, Interim Democratic & Elections Manager
Contact Information	01295 221589 Natasha.clark@cherwellandsouthnorthants.gov.uk

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Cherwell District Council Calendar of Meetings 2018/19¹

Council	Executive	<i>Executive BPM</i>	Accounts, Audit & Risk Committee	Budget Planning Committee	Overview & Scrutiny Committee	Planning Committee	All Member Briefing
Mon, 6.30pm	Mon, 6.30pm	<i>Tues, 4pm</i>	Weds, 6.30pm	Tues, 6.30pm	Tues, 6.30pm	Thurs, 4pm	Bi-monthly, 6.30pm - 8.30pm
2018 Tuesday 15 May AGM 16 July 15 October 17 December 2019 25 February 2019/20 Tuesday 14 May 2019 AGM	2018 4 June 2 July 3 September 1 October 5 November 3 December 2019 7 January 4 February 4 March 1 April	2018 <i>15 May</i> <i>19 June</i> <i>17 July</i> <i>21 August</i> <i>18 September</i> <i>16 October</i> <i>20 November</i> <i>18 December</i> 2019 <i>15 January</i> <i>19 February</i> <i>19 March</i> <i>16 April</i>	2018 30 May 5pm - <i>informal review of accounts</i> 30 May 25 July 21 November 2019 23 January 13 March	2018 22 May 24 July 29 August (Wednesday) 25 September 30 October 27 November 2019 29 January 26 February	2018 29 May 10 July 28 August 9 October 20 November 2019 22 January 19 February 26 March	2018 24 May 21 June 19 July 23 August 20 September 25 October 22 November 13 December 2019 17 January 14 February 14 March 18 April	2018 Thursday 31 May – The Forum Monday 23 July – Bodicote House Tuesday 2 October – The Forum Wednesday 12 December – Bodicote House 2019 Monday 21 January – The Forum Tuesday 12 March – Bodicote House
Democratic Contact Officer: Natasha Clark 01295 221589	Democratic Contact Officer: Natasha Clark 01295 221589	<i>Contact: Donna Dow, PA to the Leader 01295</i>	Democratic Contact Officer: Aaron Hetherington	Democratic Contact Officer: Lesley Farrell 01295 221591	Democratic Contact Officer: Emma Faulkner 01327 322043	Democratic Contact Officer: Aaron Hetherington	

¹ Meetings are subject to change and cancellation. Members will be notified and the website updated accordingly.

Council	Executive	<i>Executive BPM</i>	Accounts, Audit & Risk Committee	Budget Planning Committee	Overview & Scrutiny Committee	Planning Committee	All Member Briefing
			01295 227956			01295 227956	

NOTES: Chairman and Vice-Chairman for all Committees for the municipal year 2018/19 will be appointed at the first meetings of Committees held at the conclusion of the Annual Council meeting on Tuesday 15 May 2018.

Licensing Committee, Licensing Sub-Committees, Personnel Committee, Appeals Panel and Standards Committee meetings will be arranged as required.

Democratic Contacts:

- Licensing Committee and Licensing Sub-Committee: Aaron Hetherington – 01295 227956
- Personnel Committee: Louise Aston – 01295 221601
- Standards Committee: Sharon Hickson – 01295 221554
- Appeals Panel: Natasha Clark – 01295 221589

Parish Liaison Meeting: Wednesday 6 June 2018
 Wednesday 7 November 2018

Parish Liaison Meeting Contact: Kevin Larner, Community Infrastructure Officer – 01295 221706

Cherwell District Council / South Northamptonshire Council Joint Meetings Calendar of Meetings 2018/19¹

Joint Councils Employee Engagement Committee (JCEEC)	Joint Commissioning Committee (JCC)	Joint Scrutiny Committee (JSC)	<i>Joint Cabinet & Executive Business Planning Meeting (Joint BPM)</i>
Thursday, 5pm The Forum or Bodicote House	Thursday, 6.30pm The Forum or Bodicote House	Thursday, 6.30pm The Forum or Bodicote House	Wednesday, 6.30pm The Forum or Bodicote House
7 June 2018 – Bodicote House 26 July 2018 – The Forum 27 September 2018 – Bodicote House 6 December 2018 – The Forum 31 January 2019 – Bodicote House 28 March 2019 – The Forum	7 June 2018 – Bodicote House 26 July 2018 – The Forum 27 September 2018 – Bodicote House 6 December 2018 – The Forum 31 January 2019 – Bodicote House 28 March 2019 – The Forum	21 June 2018 – The Forum 13 September 2018 – Bodicote House 29 November 2018 – The Forum 21 March 2019 – The Forum	23 May 2018 – Bodicote House 11 July 2018 – The Forum 12 September 2018 - Bodicote House 14 November 2018 – Bodicote House 9 January 2019 – The Forum 13 March 2019 – The Forum
Democratic Contact Officer: Lesley Farrell, 01295 221591	Democratic Contact Officer: Natasha Clark, 01295 221589	Democratic Contact Officer: Lesley Farrell, 01295 221591 Natasha Clark, 01295 221589	Democratic Contact Officer: Natasha Clark, 01295 221589

NOTES: Joint Appeals Committee meetings will be arranged as required. No meetings are currently scheduled.

The Transformation Joint Working Group (TJWG) and the Commercial Development Panel (CDP) are administered by the Business Transformation Team who will advise TJWG and CDP members of meeting dates.

¹ Please note that meeting dates are subject to change and cancellations. Members will be advised accordingly and the websites updated.

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Cherwell District Council

Council

18 December 2017

Local Government Ombudsman Annual Report 2016/17

Report of Assistant Director – Transformational Governance and Monitoring Officer

This report is public

Purpose of report

To provide council with the Local Government Ombudsman's annual report on Cherwell District Council for the financial year 2016/17.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the report

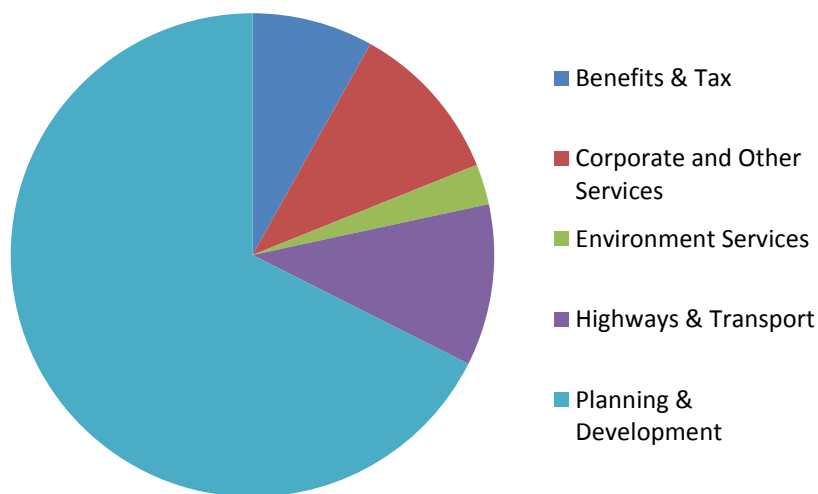
2.0 Introduction

- 2.1 The Local Government and Social Care Ombudsman (LGO) provides the final stage for complaints about councils and social care after the councils own complaints procedure has been exhausted. Annually the LGO issues an annual report covering complaints that have been received and their outcome. This report provides their findings for 2016/17.

3.0 Report Details

- 3.1 The LGO is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. They are a free service provided to people that have completed all stages of the Councils own complaints procedure and remain unhappy with the outcome. The LGO have guidelines regarding what they can investigate. Complainants must have complained to the council within 12 months of becoming aware of the matter and been directly affected by the matter resulting in 'personal injustice'. Not all complaints will be investigated, for example if the Ombudsman does not feel they will find fault regarding Council.

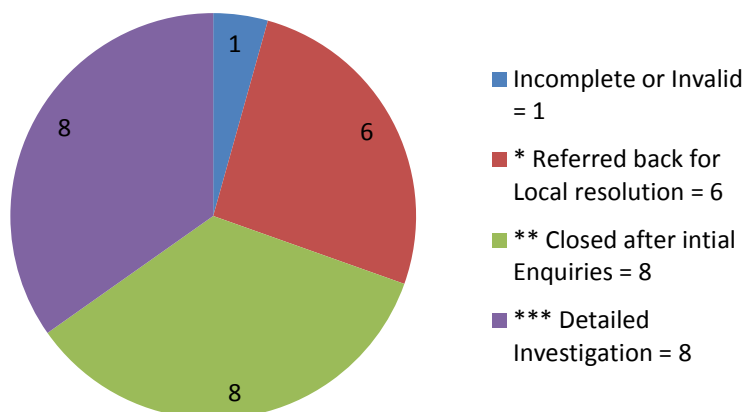
3.2 The LGO received a total of 37 complaints and enquiries against Cherwell District Council for the period 1 April 2016 – 31 March 2017, the numbers received by service area as categorised by the LGO are as follows:



Benefits & Tax	3
Corporate and Other Services	4
Environment Services	1
Highways & Transport	4
Planning & Development	25

3.3 The LGO returned decisions on 23 complaints in the period 1 April 2016 – 31 March 2017. It should be noted that decisions may relate to complaints made in the previous year and investigations may not have been completed on all complaints received during 2016/17 and therefore a decision may not have been reached and the number of complaints received and decisions made will always differ.

Decisions by the LGO are divided into different categories dependent on their findings, the 23 received about Cherwell District Council were categorised as follows:



- * Complaints that had not completed the CDC Complaints Procedure
- ** Complaint assessed by LGO Assessment team and not passed for further investigation
- *** Complaints assessed and forwarded to investigator for investigation.

Of the eight complaints investigated four of the complaints investigated were upheld, these all related to development management, details of the complaints are as follow:

Complaint 1

The complaint relates to the behaviour of planning officers. The complainant states they have given inaccurate and misleading information. As a consequence of this the complainant states that they have lost their planning consent.

LGO Decision

The Ombudsman found evidence of fault by the Council in its handling of a reserved matters application submitted by Mr and Mrs Y. The Council has proposed to reimburse Mr and Mrs Y for the application fee and some of the costs associated with applications submitted by them during 2010 and 2011.

Lesson Learnt

As a result of this complaint the Council has introduced a new question on the Checklist for Validation/Registration, which says “If this is a subsequent application, have you checked that the outline consent has not expired?”

Complaint 2

The Council consistently treated the complainants property as not being curtilage listed up to September 2014 when it told a potential buyer the property was curtilage listed and insisted on the complainant obtaining listed building consent for works they had carried out previously;

The Council failed to notify the complainant when it decided the property was curtilage listed even though it told a potential buyer; and the Council's decision that the property is curtilage listed is wrong and, in reaching this decision, it failed to take into account all relevant information.

LGO Decision

The Council was at fault in failing to identify Ms T's property as curtilage listed prior to 2014.

The Council was also at fault in failing to notify Ms T when it decided the property was curtilage listed in September 2014.

The Council agreed to a satisfactory remedy for the injustice Ms T suffered as a result of these failings.

To remedy the injustice to Ms T, the Council agreed to pay her:

- £500 in recognition of the distress and inconvenience she suffered as a result of its failings;
- £4965.70 in respect of the legal fees she incurred for obtaining advice about the planning matter and applying for listed building consent; and
- £907.50 for her share of the costs of the abortive sale.

Lesson Learnt

The main lesson learned is that officers in Development Management have been informed that they must now give careful consideration in determining whether a building is curtilage listed, particularly when the council hasn't previously considered it to be so. As such, the advice now is that officers must make sure that they always take legal advice on any curtilage listing issues.

Complaint 3

Mr X complained the Council wrongly issued a completion certificate for defective work which did not comply with the building regulations.

LGO Decision

The Council failed to demonstrate it took all reasonable steps to satisfy itself the work at Mr X's property met the requirements of the building regulations amounts to fault. The Ombudsman was unable to provide a remedy for this fault.

Lesson Learnt

Officers remain concerned at this decision as there was only minimal analysis provided as to why the LGO believed the Council to be at fault. Indeed, using the logic applied here any council Building Control department could be at fault on any occasion they didn't inspect a part of a structure. This is clearly not tenable and to quote the LGO's own advice, Building Control Inspectors are not Clerks of Works

Nevertheless the Council has reviewed Building Control procedures and made a number of improvements to process.

Complaint 4

The District Council wrongly told the County Council that the complainant did not need planning permission for a dropped kerb and hardstanding. If the District Council had correctly told the County Council that Mrs B needed planning permission for the dropped kerb and hardstanding, the County Council would not have approved Mrs B's application. She would then not have incurred costs arranging for the works to be carried out

LGO Decision

The LGO uphold Mrs B's complaint. There was fault by the District Council which caused injustice to Mrs B. The Council's agreement to pay Mrs B £50 towards the cost of hiring the digger and £100 to recognise her distress and her time and trouble pursuing the matter is sufficient to remedy her injustice.

Lesson Learnt

There seems to be some confusion in this analysis, between planning permission for a dropped kerb and that for a hardstanding. Whilst not requiring planning permission, the provision of a dropped kerb does require the consent of the County Council as highway authority. The subsequent advice that planning permission was required arose as the proposed development subsequently included the provision of an area of hardstanding to provide off street parking associated with the property. It is the area of hardstanding and the change of use of this land from highway land, which required planning permission.

In terms of improvements carried out, the council has reviewed and revised procedures so the Council is more joined up with the county on responding to access queries wherever they first arrive and in whichever organisation. There is now a specific form and process for customers to fill out so that advice can be given and as such officers will direct such customers to this form (available on the website).

4.0 Conclusion and Reasons for Recommendations

- 4.1 This is an Annual report and provides members with information with regard to the number of complaints received by the ombudsman against the Council, the decisions regarding complaints and the lessons learnt.

5.0 Consultation

Head of Development Management comments included within report

6.0 Alternative Options and Reasons for Rejection

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

None

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising from this report. All payments made to complainants have been met from within existing service budgets.

Comments checked by:

Sanjay Sharma, Interim Head of Finance

Sanjay.Sharma@cherwellandsouthnorthants.gov.uk

Legal Implications

7.2 Legal advice is contained within the report.

Comments checked by:

James Doble, Assistant Director Transformational Governance

James.doble@cherwellandsouthnorthants.gov.uk

Risk Implications

7.3 Through the implementation of lessons learnt from LGO decisions measures can be put in place to help prevent similar issues occurring in the future and therefore mitigating risk to the council.

Comments checked by:

Louise Tustian, Team Leader, Strategic Intelligence & Insight Team

Louise.Tustian@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

Sound budgets and customer focused council

Lead Councillor

Councillor Barry Wood, Leader of the Council

Document Information

Appendix No	Title
None	None
Background Papers	
None	
Report Author	James Doble, Assistant Director Transformational Governance
Contact Information	01295 221587 James.doble@cherwellandsouthnorthants.gov.uk

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

Document is Restricted

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