

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 19 October 2015 at 6.30 pm

Present: Councillor Chris Heath (Vice-Chairman, in the Chair)

Councillor Ken Attack
Councillor Andrew Beere
Councillor Claire Bell
Councillor Maurice Billington
Councillor Norman Bolster
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor John Donaldson
Councillor Michael Gibbard
Councillor Timothy Hallchurch MBE
Councillor Simon Holland
Councillor David Hughes
Councillor Shaida Hussain
Councillor Tony Ilott
Councillor Ray Jelf
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Alastair Milne Home
Councillor Nigel Morris
Councillor Richard Mould
Councillor James Porter
Councillor Lynn Pratt
Councillor Neil Prestidge
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Sandra Rhodes
Councillor Barry Richards
Councillor Dan Sames
Councillor Les Sibley
Councillor Lawrie Stratford
Councillor Rose Stratford
Councillor Lynda Thirzie Smart
Councillor Bryn Williams
Councillor Barry Wood
Councillor Sean Woodcock

Apologies
for
absence: Councillor Melanie Magee
Councillor Fred Blackwell
Councillor Carmen Griffiths

Councillor Russell Hurle
Councillor Matt Johnstone
Councillor Mike Kerford-Byrnes
Councillor D M Pickford
Councillor Trevor Stevens
Councillor Nicholas Turner
Councillor Douglas Webb
Councillor Douglas Williamson

Officers: Sue Smith, Chief Executive
Calvin Bell, Director of Development
Ian Davies, Director of Community and Environment
Martin Henry, Director of Resources / Section 151 Officer
Kevin Lane, Head of Law and Governance / Monitoring Officer
Natasha Clark, Team Leader, Democratic and Elections

33 **Declarations of Interest**

Members declared interests with regard to the following agenda items:

10. Motions.

Councillor Claire Bell, Disclosable Pecuniary Interest, as she worked at East Street Centre, Calder Close, Banbury and was therefore an employee of Oxfordshire County Council.

Councillor G A Reynolds, Non Statutory Interest, as an Oxfordshire County Council Councillor, which was carrying out the consultation.

Councillor Kieron Mallon, Non Statutory Interest, as an Oxfordshire County Council Councillor, which was carrying out the consultation.

Councillor Lawrie Stratford, Non Statutory Interest, as an Oxfordshire County Council Councillor (OCC), which was carrying out the consultation and the OCC Cabinet Member for Finance and would therefore abstain from the vote.

Councillor Les Sibley, Non Statutory Interest, as an Oxfordshire County Council Councillor, which was carrying out the consultation.

Councillor Mark Cherry, Non Statutory Interest, as an Oxfordshire County Council Councillor, which was carrying out the consultation.

Councillor Maurice Billington, Non Statutory Interest, as an Oxfordshire County Council Councillor, which was carrying out the consultation.

Councillor Surinder Dhesi, Non Statutory Interest, as an Oxfordshire County Council Councillor, which was carrying out the consultation.

Councillor Timothy Hallchurch MBE, Non Statutory Interest, as an Oxfordshire County Council Councillor, which was carrying out the consultation.

16. Local Housing Company.

Councillor Nigel Randall, Non Statutory Interest, as Custodian Trustee of Cherwell Community Land Trust.

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Communications

The Vice-Chairman made the following announcements:

Councillor Ann Bonner

The Vice-Chairman referred to the sad passing of Councillor Ann Bonner on 3 August 2015. Councillor Bonner had served as a Conservative member for the Grimsbury and Castle ward of Cherwell District Council since 2004. She also represented residents on town and county councils, displaying a tireless commitment.

At Cherwell Councillor Bonner had been a member of many committees including: Standards, Personnel, Resources Select, Council and Employee Joint, Accounts Audit and Risk, Resources Select, Development, Customer Service, the Performance Related Pay and Appeals Panel, Overview and Scrutiny.

Councillor Bonner had also served as a councillor for Oxfordshire County Council and Banbury Town Council, serving as Mayor of Banbury and holding that position during the visit of Her Majesty, Queen Elizabeth II to the town.

Councillors Wood and Woodcock paid tribute to Councillor Bonner.

Council observed a period of silence in memory of Councillor Bonner.

Cllr Shaida Hussain

The Vice-Chairman welcomed Cllr Hussain to her first Council meeting following the recent by-election.

Recording at meetings

The Vice-Chairman advised Council that members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

Chairman's Engagements

The Vice-Chairman reported that a copy of the events attended by herself or the Chairman was included in the agenda pack.

Chairman's Dinner

The Vice-Chairman reminded Council that the Chairman's 'Winter Wonderland' would be held on Saturday 28 November 2015 at the Whately Hall Hotel in Banbury. Tickets were still available and the Chairman's PA, Liz Matthews, should be contacted for further information.

IRP Survey

The Vice-Chairman reminded Councillors that this year's Independent Remuneration Panel survey had been circulated the previous week. Members

were asked that, if they hadn't already, to ensure they completed the survey and return to Lesley Farrell in democratic services

Post

The Vice-Chairman reminded Members to collect post from pigeon holes

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

The Vice-Chairman advised the meeting that no petitions had been received but there had been three requests to address the meeting from Jill Huish, Joanna Lovell and Amy Herbert on agenda item 10, the motion submitted by Councillor Woodcock. Each speaker will be able to speak for up to 5 minutes and the addresses would be taken at the start of agenda item 10.

36 **Urgent Business**

There were no items of urgent business.

37 **Minutes of Council**

The minutes of the meeting held on 20 July 2015 were agreed as a correct record and signed by the Chairman.

38 **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, three decisions relating to the Asset Management Plan 2015/16, Site Negotiations and Acquisitions and the Oxfordshire Devolution Bid had been taken by the Executive which were not included in the 28 day notice

b) Minutes of Committees

Resolved

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

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

The Chairman welcomed the Police and Crime Commissioner for Thames Valley, Anthony Stansfeld, the Chief Constable of Thames Valley Police,

Francis Hapgood, and the Cherwell Local Area Commander Superintendent, Kath Lowe, to the meeting.

The Police and Crime Commissioner and Chief Constable Hapgood addressed the meeting regarding policing in Thames Valley. A number of Members asked questions and answers were duly provided.

The Chairman thanked the Police and Crime Commissioner, the Chief Constable and Superintendent Lowe.

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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:

Small Business Saturday: Councillor Lawrie Stratford
Statement of Accounts 2014-15: Councillor Hussain
Oxfordshire County Council consultation on Early Intervention Services:
Councillor Dhesi
London Road Crossing, Bicester: Councillor Sames

c) Questions to Committee Chairmen on the minutes

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

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Motions

a) Oxfordshire County Council consultation on the options for the future of the Children's Centres and Early Intervention Service

Prior to consideration of the motion, Jill Huish, Joanna Lovell and Amy Herbert addressed the Council.

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

"This Council notes the public consultation launched by the County Council on options for the future of the Children's Centres and Early Intervention Service with the aim of cutting the budget by a staggering £8m.

This Council states that these cuts are ideologically motivated as an attack on public services pursued by the government and by its forerunners in the Coalition. Having imposed reductions in local government funding which has led to atrocious cutbacks in these services, and also in youth services, services for those with learning disabilities, support for the homeless, and cuts

in adult social care; these cutbacks represent a comprehensive assault on the most vulnerable in our society.

This Council finds the proposals to close all 44 children's centres entirely unacceptable and asks the Leader to inform the County Council that this would have very serious impacts indeed, not only on the most vulnerable, but on all the users of the centres who find their support invaluable as well as on wider society within Cherwell District and beyond.

While this Council acknowledges the appalling cuts in local government funding, it asks that proper consultation with the centres and the public is done to develop alternative ways to achieve the savings without taking away what is for many a lifeline.

It therefore asks the Leader to respond in the strongest terms to the County's consultation imploring the County Council to save as many of the vital services in children's centres as it can, and also asking the Leader to consider any ways in which this authority (although it is also subject to similar government cutbacks) might support the retention of any services."

Councillor Wood proposed the following amendment to the motion, which was duly seconded by Councillor Reynolds:

"This Council notes the public consultation launched by the County Council on the options for the future of the children's centres and Early Intervention Service. This Council looks to respond to the consultation after receiving Officer advice. This Council believes that improving the outcomes for Cherwell children can form the basis of an innovative response."

Councillor Richards raised a point of order seeking to challenge the legitimacy of the amendment. With the leave of the meeting the Head of Law and Governance advised members that he did not consider that the amendment negated the original motion and that accordingly it was legitimate.

The motion, as amended, was debated and subsequently put to the vote. In accordance with the request that had been moved and seconded for a recorded vote, this was duly taken. Members voted as follows:

Councillor Chris Heath - For
Councillor Ken Atack – For
Councillor Andrew Beere – Against
Councillor Maurice Billington – For
Councillor Norman Bolster – For
Councillor Mark Cherry – Against
Councillor Colin Clarke - For
Councillor Ian Corkin - For
Councillor Surinder Dhesi – Against
Councillor John Donaldson – For
Councillor Michael Gibbard – For
Councillor Tim Hallchurch MBE – For
Councillor Simon Holland – For
Councillor David Hughes – For
Councillor Shaida Hussain – Against
Councillor Tony Ilott – For

Councillor Ray Jelf – For
Councillor James Macnamara – For
Councillor Kieron Mallon – For
Councillor Nicholas Mawer – For
Councillor Alistair Milne Home - For
Councillor Nigel Morris – For
Councillor Richard Mould - For
Councillor James Porter – For
Councillor Lynn Pratt – For
Councillor Neil Prestidge - For
Councillor Nigel Randall – For
Councillor G A Reynolds – For
Councillor Sandra Rhodes - For
Councillor Barry Richards - Against
Councillor Daniel Sames – For
Councillor Les Sibley – For
Councillor Lawrie Stratford – Abstain
Councillor Rose Stratford – For
Councillor Lynda Thirzie Smart – For
Councillor Bryn Williams - For
Councillor Barry Wood – For
Councillor Sean Woodcock – Against

The amendment was therefore adopted, becoming the substantive motion.

The substantive motion, was debated and subsequently put to the vote. In accordance with the request that had been moved and seconded for a recorded vote, this was duly taken. Members voted as follows:

Councillor Chris Heath - For
Councillor Ken Attack – For
Councillor Andrew Beere – For
Councillor Maurice Billington – For
Councillor Norman Bolster – For
Councillor Mark Cherry – For
Councillor Colin Clarke - For
Councillor Ian Corkin - For
Councillor Surinder Dhesi – For
Councillor John Donaldson – For
Councillor Michael Gibbard – For
Councillor Tim Hallchurch MBE – For
Councillor Simon Holland – For
Councillor David Hughes – For
Councillor Shaida Hussain – For
Councillor Tony Ilott – For
Councillor Ray Jelf – For
Councillor James Macnamara – For
Councillor Kieron Mallon – For
Councillor Nicholas Mawer – For
Councillor Alistair Milne Home - For
Councillor Nigel Morris – For
Councillor Richard Mould - For
Councillor James Porter – For

Councillor Lynn Pratt – For
Councillor Neil Prestidge - For
Councillor Nigel Randall – For
Councillor G A Reynolds – For
Councillor Sandra Rhodes - For
Councillor Barry Richards - For
Councillor Daniel Sames – For
Councillor Les Sibley – For
Councillor Lawrie Stratford – Abstain
Councillor Rose Stratford – For
Councillor Lynda Thirzie Smart – For
Councillor Bryn Williams - For
Councillor Barry Wood – For
Councillor Sean Woodcock – For

Resolved

That the following motion be adopted:

This Council notes the public consultation launched by the County Council on the options for the future of the children's centres and Early Intervention Service. This Council looks to respond to the consultation after receiving Officer advice. This Council believes that improving the outcomes for Cherwell children can form the basis of an innovative response.

(Having declared a disclosable pecuniary interest, Councillor Bell left the meeting for the duration of this item)

42

Result of Banbury Grimsbury and Castle By-Election

The Chief Executive submitted a report to advise Council of the result of the Banbury Grimsbury and Castle by-election held on 1 October 2015 and to note changes to political balance and membership of Committees.

Resolved

- (1) That the result of the Banbury Grimsbury and Castle by election held on 1 October 2015 be noted.
- (2) That the constitution of the Council (40 Conservatives, 8 Labour, 1 Liberal Democrat and 1 Independent) following the by-election be noted.
- (3) That the allocation of seats on committees that are subject to the political balance requirements following the by-election be agreed.
- (4) That the following amendments to committee membership as necessitated by the changes to the proportional allocations following the by-election as requested by the Labour Group (appoint Councillor Shaida Hussain to the Licensing Committee and Councillor Andrew Beere to the Planning Committee) be agreed and authority be delegated to the Head of Law and Governance to confirm the

remaining amendments to committee membership on the direction of the Conservative Group Leader and Labour Group Leader.

- (5) That authority be delegated to the Head of Law and Governance to confirm the amendment to the membership of the Joint Councils and Employee Engagement Committee on the direction of the Conservative Group Leader.

43

Transformation Governance

The Chief Executive submitted a report to request Council to discontinue the Joint Arrangements Steering Group and amend the membership of the Joint Commissioning Committee on the recommendation of the Joint Commissioning Committee. The report also made recommendations to ensure governance arrangements remain effective and transparent

Resolved

- (1) That the Joint Arrangements Steering Group (JASG) be discontinued and that the Head of Transformation be delegated to update HR policies and procedures as necessary.
- (2) That the membership of the Joint Commissioning Committee be increased from 4 to 6 members from each council and that the frequency of meetings be increased to bi-monthly diarised meetings to ensure effective Member oversight of the transformation programme.
- (3) That, in accordance with the revised proportionality calculation, Councillors Barry Wood and Lynn Pratt be appointed to the Joint Commissioning Committee.

44

Adoption ('Making') Of Hook Norton Neighbourhood Plan

The Head of Strategic Planning and the Economy submitted a report to ask Council to formally 'make', i.e. to adopt, the Hook Norton Neighbourhood Plan (HNNP) following a successful referendum in Hook Norton Parish held on 3 September 2015. There was a majority vote in favour of adopting the neighbourhood plan so that it becomes part of the statutory development plan for Cherwell District Council under the provisions of Section 38A (4) and (6) the Town and Country Planning Act 2004 as amended by the Localism Act 2011. On 5 October 2015, the Executive resolved to recommend to Full Council that the Plan be 'made'.

Resolved

- (1) That the referendum result of the 3 September 2015 where 97% of those who voted were in favour of the Plan, which was above the required 50%, be noted.
- (2) That it be resolved that Cherwell District Council as local planning authority 'make' the Hook Norton Neighbourhood Plan (annex to the

Minutes as set out in the Minute Book) part of the statutory development plan for the District.

- (3) That the issuing and publication of a decision statement, under regulation 19 of the Neighbourhood Planning (General) Regulations 2012, that Cherwell District Council has resolved to make the Hook Norton Neighbourhood Plan (annex to the Minutes as set out in the Minute Book) be approved.
- (4) That authority be delegated to the Head of Strategic Planning and the Economy for the correction of any spelling, grammatical or typographical errors, and the undertaking of any minor presentational improvements, if required prior to the Plan being published by Council.

45 **New Woodgreen Leisure Centre Management Contract and Facility Improvements**

The Director of Community and Environment submitted a report to consider a supplementary capital estimate in order to undertake priority works prior to the new contract commencement.

Resolved

- (1) That a supplementary capital estimate of up to £130,000 for priority Woodgreen Leisure Centre building works prior to the new contract commencement be approved.

46 **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 item 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, Paragraphs 3 and 5 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.

47 **Local Housing Company**

The Head of Regeneration and Housing submitted an exempt report which followed on from the 5 October 2015 report to Executive, which recommended that Council approves the creation of a Local Housing Company as a vehicle to develop, own and manage affordable housing assets and ancillary activities including existing housing assets in the Council's ownership, both built (and occupied) and in development.

Resolved

- (1) That the creation of a Local Housing Company, registered with the Financial Conduct Authority (FCA) as a Community Benefit Society, HMRC as an exempt charity and the Homes and Communities Agency (HCA) as a registered provider be approved.
- (2) That the sale of existing affordable housing assets (both completed and occupied and in development) as itemised in the exempt annex to the Minutes (as set out in the Minute Book) at existing market value as certified by an independent valuer to the Local Housing Company (once incorporated and registered with the FCA and the HCA) be approved and it be noted that any proposed future disposals of Council owned assets to the Local Housing Company would form the subject of future reports to Executive or full Council as appropriate.
- (3) That the lending of finance from the Council to the Local Housing Company, as long as this is viable for both the Local Housing Company and the Council and is within the Council's peak borrowing limits and the legal requirements relating to the prohibition of unlawful State Aid, be approved.
- (4) That approval be given for the Council undertaking a key financial role in the Local Housing Company, subject to such role complying with the legal requirements in relation to the prohibition of unlawful State Aid, in particular:
 - i. Through the provision of loan finance on a formal loan arrangement with the Council
 - ii. Through providing a contingent guarantee for external finance and lease arrangements
- (5) That authority be delegated to the Director of Resources, in consultation with the Leader of the Council, to approve the business plan of the Local Housing Company and to appoint Council Directors to the Board of the Local Housing Company (if incorporated and registered with the FCA and the HCA) including such future appointments as are necessary to fill vacancies that might arise.
- (6) That delegated authority be granted to the Head of Regeneration and Housing, in consultation with:
 - The Leader of the Council
 - The Lead Member for Housing
 - The Lead Member for Estates and the Economy
 - The Lead Member for Financial Management
 - The Director of Resources
 - The Director of Development
 - The Head of Finance and Procurement
 - The Head of Law and Governance

to take the necessary operational, legal and financial steps to ensure effective implementation of the above, including the naming of the Local Housing Company and its subsidiary, subject to there being no conflict of interest arising for the Head of Regeneration and Housing between the Council and the Local Housing Company in respect of any actions to be taken following the Company's incorporation and registration with the FCA and HCA.

48

Questions on Exempt Minutes

There were no questions on exempt minutes.

The meeting ended at 9.55 pm

Chairman:

Date: