

## **Cherwell District Council**

### **Council**

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 22 February 2016 at 6.30 pm

Present: Councillor Melanie Magee (Chairman)  
Councillor Chris Heath (Vice-Chairman)

Councillor Ken Atack  
Councillor Andrew Beere  
Councillor Maurice Billington  
Councillor Norman Bolster  
Councillor Mark Cherry  
Councillor Colin Clarke  
Councillor Ian Corkin  
Councillor Surinder Dhesi  
Councillor John Donaldson  
Councillor Carmen Griffiths  
Councillor Timothy Hallchurch MBE  
Councillor Simon Holland  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Tony Ilott  
Councillor Ray Jelf  
Councillor Matt Johnstone  
Councillor Mike Kerford-Byrnes  
Councillor James Macnamara  
Councillor Kieron Mallon  
Councillor Nicholas Mawer  
Councillor Alastair Milne Home  
Councillor Nigel Morris  
Councillor Richard Mould  
Councillor D M Pickford  
Councillor James Porter  
Councillor Lynn Pratt  
Councillor Neil Prestidge  
Councillor Nigel Randall  
Councillor G A Reynolds  
Councillor Barry Richards  
Councillor Dan Sames  
Councillor Les Sibley  
Councillor Lawrie Stratford  
Councillor Rose Stratford  
Councillor Lynda Thirzie Smart  
Councillor Douglas Webb  
Councillor Barry Wood  
Councillor Sean Woodcock

Also

Present:

Apologies  
for  
absence: Councillor Claire Bell  
Councillor Fred Blackwell  
Councillor Michael Gibbard  
Councillor Sandra Rhodes  
Councillor Trevor Stevens  
Councillor Nicholas Turner  
Councillor Bryn Williams  
Councillor Douglas Williamson

Officers: Sue Smith, Chief Executive  
Calvin Bell, Director of Development  
Karen Curtin, Commercial Director (Bicester)  
Ian Davies, Director of Operational Delivery  
Martin Henry, Director of Resources / Section 151 Officer  
Paul Sutton, Head of Finance and Procurement  
Kevin Lane, Head of Law and Governance / Monitoring Officer  
Natasha Clark, Team Leader, Democratic and Elections

64 **Declarations of Interest**

Interests were declared in the following agenda items:

**15. Appointment of Section 151 Officer.**

Paul Sutton, Declaration, as he was to be proposed to be appointed as the Interim Section 151 Officer for Cherwell District and South Northamptonshire Councils and would leave the meeting for the duration of the item.

65 **Communications**

The Chairman made the following announcements:

**Recording at meetings**

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**

A copy of the events attended by the Chairman or the Vice-Chairman had been included in the agenda pack.

**Calvin Bell and Martin Henry**

The Chairman advised Council that Calvin Bell, Director of Development, and Martin Henry, Director of Resources, were attending their last meeting before leaving the council.

The Chairman thanked both Calvin and Martin for all their hard work, and the contributions they had made to the Council, and wished them all the best for the future. These sentiments were warmly endorsed by Council.

### **Members' Post**

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

### 66 **Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

### 67 **Urgent Business**

The Chairman reported that she had agreed to add one item of urgent business to the agenda. The item was a recommendation from the Joint Commissioning Committee meeting of 16 February 2016, which had been held after publication of the Council agenda. To ensure the timely progress of the recommendations, a decision of Council could not wait until the next meeting of Council in May.

### 68 **Minutes of Council**

The minutes of the meeting held on 14 December 2015 were agreed as a correct record and signed by the Chairman.

### 69 **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, 5 decisions had been taken by the Executive which were not included in the 28 day notice. These decisions related to the Local Development Scheme, Asset Management Quarterly Update, Progress of Superfast Broadband, Award of Contract - Refuse Collection Vehicles and Award of Delivery of Capital Works Programme.

#### **b) Minutes of Committees**

#### **Resolved**

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

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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:

Prosecutions for flytipping: Councillor Dhesi

Social Housing: Councillor Cherry

Fly tipping: Councillor Richards

Litter blitzes and graffiti: Councillor Sibley

Clean for the Queen: Councillor Mallon

### **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 Clinic Commissioning Group**

It was moved by Councillor Pratt, and seconded by Councillor Mould, that the following motion be adopted:

“This Council calls on Oxfordshire Clinic Commissioning Group to clarify and confirm the future arrangements for General Practice provision across Bicester especially in the context of projected housing growth.

This Council instructs the Executive to work closely and constructively with the CCG to protect and expand GP provision in a growing Bicester.”

The motion was debated and Councillor Dhesi proposed that “and Banbury” be added after “Bicester” in each paragraph. Councillor Woodcock seconded the proposal.

The motion as amended was debated and subsequently put the vote. The amendment was adopted and subsequently became the substantive motion.

The substantive motion was debated and subsequently put to the vote.

### **Resolved**

That the following motion be adopted:

This Council calls on Oxfordshire Clinic Commissioning Group to clarify and confirm the future arrangements for General Practice provision across Bicester and Banbury especially in the context of projected housing growth.

This Council instructs the Executive to work closely and constructively with the CCG to protect and expand GP provision in a growing Bicester and Banbury.

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### **Members Allowances 2016/17**

The Head of Law and Governance submitted a report to determine the levels of the allowances to be paid to Members for the forthcoming 2016/2017 financial year following the submission of the report of the Council's Independent Remuneration Panel (IRP).

In presenting the report, Councillor Wood, Leader of the Council, thanked the Panel for their hard work in producing the report and acknowledged the recommendations and the Panel's reasoning. Councillor Wood proposed that a 0% increase be applied to all allowances. Councillor Reynolds seconded the proposal.

### **Resolved**

- (1) That, subject to the following amendment, the recommendations of the Independent Remuneration Panel (annex to the Minutes as set out in the Minute Book) be agreed for inclusion in Members' Allowances Scheme:
  - A 0% increase to be applied to all allowances
- (2) That the Head of Law and Governance be authorised to prepare an amended Members' Allowances Scheme, in accordance with the decisions of the Council for implementation with effect from 1 April 2016.
- (3) That the Head of Law and Governance be authorised to take all necessary action to revoke the current (2015/2016) Scheme and to publicise the revised Scheme pursuant to The Local Authorities (Members's Allowances)(England) Regulations 2003 (as amended).
- (4) That the Independent Remuneration Panel be thanked for its report and a fee of £300 be set for Panel Members for the work carried out in 2015/2016 and the same level of fee proposed for 2016/2017.
- (5) That, in the event that any council controlled or influenced company (as defined by the Local Authorities (Companies) Order 1995) determines that its councillor directors should be remunerated, authority be delegated to the section 151 officer in consultation with the monitoring officer and the Lead Member for Financial Management to determine a comparable duty within the Members' Allowances Scheme in order to ensure compliance with statutory requirements.

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### **Revenue and Capital Budget and Corporate Business Plan 2016/17**

The Head of Finance and Procurement and Head of Transformation submitted a report to set the Council's General Fund Budget and to seek

formal adoption of all parts of the Council's financial plans for the 2016/17 budget year.

The report also detailed the proposed strategic priorities, the underpinning key objectives and outcomes for 2016/17 which had now been converted into a proposed business plan for the Council. The proposed business plan sits alongside the proposed budget for 2016/17 so as to demonstrate that the Council adopts a strategic and integrated approach to managing all of its resources by aligning the development and delivery of the Council's strategic business priorities and key outcomes to the proposed budget.

Councillor Atack introduced and proposed the Corporate Plan, Revenue and Capital Budgets and Treasury Strategy 2016/17.

Councillor Wood seconded the adoption of the budget. Councillor Woodcock, on behalf of the Labour Group, addressed Council in response to the budget.

Councillor Wood paid tribute to the Lead Member for Finance, the Director of Resources, Head of Finance and Procurement and the finance team who had worked hard on the budget process and submitted a balanced budget to Council.

A recorded vote was taken and members voted as follows:

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 Carmen Griffiths – For  
Councillor Tim Hallchurch MBE – For  
Councillor Chris Heath – For  
Councillor Simon Holland – For  
Councillor David Hughes – For  
Councillor Russell Hurle – For  
Councillor Shaida Hussain – Against  
Councillor Tony Ilott – For  
Councillor Ray Jelf – For  
Councillor Matt Johnstone - Against  
Councillor Mike Kerford-Byrnes – For  
Councillor James Macnamara – For  
Councillor Melanie Magee – For  
Councillor Kieron Mallon – For  
Councillor Nicholas Mawer – For  
Councillor Alistair Milne Home – For  
Councillor Nigel Morris – For  
Councillor Richard Mould – For  
Councillor D M Pickford – For  
Councillor James Porter – For

Councillor Lynn Pratt – For  
Councillor Neil Prestidge - For  
Councillor Nigel Randall – For  
Councillor G A Reynolds – For  
Councillor Barry Richards - Against  
Councillor Daniel Sames – For  
Councillor Les Sibley – For  
Councillor Lawrie Stratford – For  
Councillor Rose Stratford – For  
Councillor Lynda Thirzie Smart – For  
Councillor Douglas Webb – For  
Councillor Barry Wood – For  
Councillor Sean Woodcock – Against

**Resolved**

- (1) That the contents of the report in approving the General Fund Revenue Budget and Capital Programme for 2016/17 be noted and that consideration be formally recorded.
- (2) That the 2016/17 General Fund Budget and 2016/17 Capital Programme (contained in the annexes to the Minutes as set out in the Minute Book) proposed by Executive on 1 February 2016 be approved.
- (3) That the Collection Fund Estimates (annex to the minutes as set out in the Minute Book) be approved.
- (4) That the 2016/17 business plan and public pledges (annexes to the Minutes as set out in the Minute Book) be approved and authority delegated to the Head of Transformation in consultation with the Leader of the Council to make any minor amendments to the plan or pledges as required before final publication in March 2016.
- (5) That the contents of the section 25 statement from the Director of Resources in relation to the robustness of the estimates and the adequacy of reserves be noted.
- (6) That the Treasury Management Strategy (annex to the Minutes as set out in the Minute Book) including the Capital Prudential Indicators 2016/17 – 2018/19 be approved.
- (7) That the statement of pay policy for 2016/17 as required by the Localism Act (annex to the Minutes as set out in the Minute Book) be approved.
- (8) That the Transitional Relief Policy (annex to the Minutes as set out in the Minute Book) be confirmed and approved.
- (9) That it be noted that the level of Empty Homes Premium at 50% as recommended by Executive on 7 September 2015 would form a recommendation in the Council Tax Setting report.

- (10) That it be noted that the council tax discounts for 2016/17 as recommended by Executive on 1 February 2016 which will form part of the Council Tax setting report.

74 **Adjournment of Council Meeting**

The Leader of the Council confirmed that he did not require Council to adjourn to allow Cabinet to meet discuss any issues arising from the budget.

75 **Calculating the amounts of Council Tax for 2016/17 and setting the Council Tax for 2016/17**

The Chief Finance Officer and Head of Finance and Procurement submitted a report to detail the Calculations for the amounts of Council Tax for 2015-16 and the setting of Council Tax for 2015-2016.

Councillor Atack introduced and proposed the Council Tax for 2015-16, which was duly seconded by Councillor Wood.

A recorded vote was taken and members voted as follows:

Councillor Ken Atack – For  
Councillor Andrew Beere – Abstain  
Councillor Maurice Billington – For  
Councillor Norman Bolster – For  
Councillor Mark Cherry – Abstain  
Councillor Colin Clarke - For  
Councillor Ian Corkin – For  
Councillor Surinder Dhesi – Abstain  
Councillor John Donaldson – For  
Councillor Carmen Griffiths – For  
Councillor Tim Hallchurch MBE – For  
Councillor Chris Heath - For  
Councillor David Hughes – For  
Councillor Shaida Hussain – Abstain  
Councillor Tony Ilott – For  
Councillor Matt Johnstone - Abstain  
Councillor Mike Kerford-Byrnes – For  
Councillor James Macnamara – For  
Councillor Melanie Magee – For  
Councillor Kieron Mallon – For  
Councillor Nicholas Mawer – For  
Councillor Alistair Milne Home – For  
Councillor Nigel Morris – For  
Councillor Richard Mould – For  
Councillor D M Pickford – For  
Councillor James Porter – For  
Councillor Lynn Pratt – For  
Councillor Neil Prestidge - For  
Councillor Nigel Randall – For  
Councillor G A Reynolds – For



Councillor Barry Richards - Abstain  
Councillor Daniel Sames – For  
Councillor Les Sibley – For  
Councillor Lawrie Stratford – For  
Councillor Rose Stratford – For  
Councillor Lynda Thirzie Smart – For  
Councillor Douglas Webb – For  
Councillor Barry Wood – For  
Councillor Sean Woodcock – Abstain

**Resolved**

- (1) That it be noted that at the Executive meeting held on 4 January 2016 the Council calculated the Council Tax Base 2016/17:
  - a) for the whole Council area as 50,357.1 [item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the “Act”)]; and
  - b) For dwellings in those parts of its area to which a Parish Precept relates as in the attached annex to the Minutes (as set out in the Minute Book).
- (2) That the Council Tax requirement for the Council’s own purposes for 2016/17 (excluding Parish Precepts and Special Expenses) be £6,219,102.
- (3) That the following amounts be calculated for the year 2016/17 in accordance with Sections 31 to 36 of the Act:-
  - a) £77,831,075 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act, taking into account all precepts issued to it by Parish Councils and any additional special expenses.
  - b) £67,156,898 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.  
  
£10,674,177 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).
  - c) £211.97 being the amount at 3(c) above (Item R), all divided by Item T (6(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish Precepts and Special Expenses).
  - d) £4,455,075 being the aggregate amount of all special items (Parish Precepts and Special Expenses) referred to

in Section 34(1) of the Act as per the attached Schedule 2.

- e) £123.50 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T(1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish Precept or special item relates.

- (4) That it be noted that for the year 2016/17 the Oxfordshire County Council and the Police and Crime Commissioner for Thames Valley have issued precepts to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each category of dwellings in the Council's area as indicated below :-

<b><u>Valuation Band</u></b>	<b>Oxfordshire County Council</b>	<b>Police and Crime Commissioner for Thames Valley</b>
	£	£
<b>A</b>	854.43	111.31
<b>B</b>	996.83	129.86
<b>C</b>	1,139.24	148.41
<b>D</b>	1,281.64	166.96
<b>E</b>	1,566.45	204.06
<b>F</b>	1,851.26	241.16
<b>G</b>	2,136.07	278.27
<b>H</b>	2,563.28	333.92

- (5) That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts shown in the annex to the Minutes (as set out in the Minute Book) as the amounts of Council Tax for the year 2016/17 for each part of its area and for each of the categories of dwellings.

- (6) The Council's basic amount of Council Tax for 2016/17 not be excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

- (7) That the following discounts and exemptions be approved:

- 1 In respect of properties within Class A and B as defined by the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (furnished chargeable dwelling that are not the sole or a main residence of an individual) the discount provided by Section 11a of the Local Government Finance Act 1992 shall be zero.
- 2 In respect of properties within Class C as defined by the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (a property that is unoccupied and substantially unfurnished) the discount provided by the Section 11A of the said Act shall be zero.

- 3 In respect of properties within Class D as defined by the said Regulations (chargeable dwellings that are vacant and undergoing major repair work to render them habitable) the discount provided by Section 11A of the said Act shall be reduced from 50% to 25%
- 4 No council tax discount shall be applied to dwellings that are unoccupied and unfurnished for more than two years and that council tax payable on such properties is increased from 100% to 150%

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### **North West Bicester Supplementary Planning Document (SPD)**

The Head of Strategic Planning and the Economy submitted a report to seek formal adoption of the North West Bicester Supplementary Planning Document.

In introducing the report, the Leader referred to the following list of amendments that had been published prior to the meeting and tabled for Members.

- Paragraph 4.265: delete existing text and insert: “The creation of a balanced and mixed community is a fundamental requirement of eco-towns and sustainable development. The development of approaches to Community Governance and the decisions on them will involve the Bicester Town Council.
- Paragraph 4.268: Add new bullet point: “Governance proposals should be appropriate to the scale and complexity of the development, and should complement existing democratic arrangements for parish and local governance.”
- Paragraph 4.270: after “Planning applications should be accompanied by long term governance structures” add “that complement the existing democratic arrangements.”
- Paragraph 6.7 after “to meet future needs” add “and that complement existing democratic arrangements for local governance (See appendix II paragraphs ET22.1 and ET 22.2).”  
This requires the addition of ET 22.2 at the Appendix.
- Under ET 22 Community and Governance add reference ET 22,2 as well as ET 22.1

Councillor Wood proposed the adoption of the North West Bicester Supplementary Planning Document (SPD), subject to the amendments detailed above. Councillor Sames seconded to proposal.

### **Resolved**

- (1) That it be resolved that Cherwell District Council, as local planning authority, adopt the North West Bicester Supplementary Planning Document (SPD) as amended (annex to the Minutes as set out in the Minute Book) as SPD and a Local Development Document in

accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

- (2) That prior to the publication of the Supplementary Planning Document, the Head of Strategic Planning and the Economy be authorised to correct any minor typographical, spelling or grammatical errors, and undertake any minor presentational improvements, if required prior to the SPD being published by the Council.

## 77 **Appointment of Section 151 Officer**

The Chief Executive submitted a report to appoint an Interim Section 151 Officer to replace Martin Henry who leaves the Council on 31 March 2016.

### **Resolved**

- (1) That Paul Sutton be appointed as the Council's Interim Section 151 officer with effect from 1 April 2016 and he be requested to appoint a suitably qualified and experienced Deputy Section 151 Officer from the same date.

(Paul Sutton left the meeting for the duration of this item)

## 78 **Urgent Business: Three Way Working: Section 113 Agreements**

The Chief Executive submitted a report which provided an update on progress with regards to the implementation of the business case for the confederation approach to joint working agreed by Council in February 2015. The report included an update on the position with Stratford on Avon District Council who did not take any decisions in 2015 regarding their participation in the proposed confederation. The report also provided an update on the decisions to cease joint working with Stratford on Avon DC with the exception of the externally funded Transformation team.

The report requested Council to bring to an end the Section 113 agreements which enable shared working with Stratford and to extend the Section 113 agreement for the Transformation team.

### **Resolved**

- (1) That the decision of the Executive that, following discussions with Stratford on Avon DC (SDC), no further three way joint working proposals with SDC be developed as SDC have indicated they do not wish to pursue the confederation as their future operating model, be noted.
- (2) That it be noted that the three councils have agreed to continue the operation of the three way transformation team until the secondment period finishes in March 2017 and that it be agreed that the Transformation Team Section 113 agreement (between Cherwell,

South Northants and Stratford on Avon) be extended to reflect this (subject to a similar decision being made by SDC).

- (3) That the decision of the Joint Commissioning Committee (16 February 2016) following consideration of a review that the legal and ICT services for Cherwell District Council and South Northamptonshire Council be provided by two way shared teams once the three way teams are disbanded, be noted.
- (4) That, in light of resolution (3) above, it be agreed that the section 113 agreement setting out the arrangements by which legal and ICT services are shared with Stratford on Avon DC be terminated and the specified six month notice period be used to the extent that it is necessary to wind down the three way services and that the Head of Law and Governance be delegated to waive this notice period should an early wind down be possible for either service.

79 **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, 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.

80 **Bicester Depot**

The Head of Environmental Services submitted an exempt report relating to Bicester Depot.

**Resolved**

- (1) As set out in the exempt minutes.
- (2) As set out in the exempt minutes.
- (3) As set out in the exempt minutes.
- (4) As set out in the exempt minutes.
- (5) As set out in the exempt minutes.
- (6) As set out in the exempt minutes.

81 **Questions on Exempt Minutes**

There were no questions on exempt minutes.

The meeting ended at 9.25 pm

Chairman:

Date: