

Agenda



Listening Learning Leading

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Date: 2 July 2018
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A MEETING OF THE

Cabinet

WILL BE HELD ON TUESDAY 10 JULY 2018 AT 9.00 AM

**MEETING ROOM 1, 135 EASTERN AVENUE, MILTON PARK, MILTON,
OX14 4SB**

Members of the Cabinet

Member	Portfolio
Jane Murphy (Chairman)	Leader of the Council and Cabinet member for communications
Felix Bloomfield (Vice-Chairman)	Deputy Leader of the Council and Cabinet member for planning
Anna Badcock	Cabinet member for legal and democratic
Kevin Bulmer	Cabinet member for corporate services
David Dodds	Cabinet member for finance
Paul Harrison	Cabinet member for development and regeneration
Lynn Lloyd	Cabinet member for community services
Caroline Newton	Cabinet member for housing and environment
Bill Service	Cabinet member for partnership and insight

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ITEMS TO BE CONSIDERED WITH THE PUBLIC PRESENT

Reports considered with the public present are available on the council's website.

1 Apologies for absence

To record apologies for absence.

2 Minutes (Pages 4 - 6)

To adopt and sign as a correct record the minutes of the Cabinet meeting held on 7 June 2018.

3 Declaration of disclosable pecuniary interest

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting.

4 Urgent business and chairman's announcements

To receive notification of any matters which the chairman determines should be considered as urgent business and the special circumstances which have made the matters urgent, and to receive any announcements from the chairman.

5 Public participation

To receive any questions or statements from members of the public that have registered to speak.

RECOMMENDATIONS TO COUNCIL

6 Benson Neighbourhood Plan (Pages 7 - 10)

To consider the head of planning's report.

7 Watlington Neighbourhood Plan (Pages 11 - 14)

To consider the head of planning's report.

8 Exclusion of the Public

To consider whether to exclude members of the press and public from the meeting for the following item of business under Part 1 of Schedule 12A Section 100A(4) of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006 on the grounds that:

- (i) it involves the likely disclosure of exempt information as defined in paragraph 3, Part 1 of Schedule 12A of the Act, and
- (ii) the public interest in maintaining the exemption outweighs the public interest in

disclosing the information.

ITEMS TO BE CONSIDERED WITH THE PUBLIC EXCLUDED

The council hereby gives notice that it intends to hold part of this Cabinet meeting in private to consider the following items for the reasons set out in the 'exclusion of the public' item above. These reports are not available on the council's website.

CABINET DECISIONS

9 New office accommodation (Pages 15 - 73)

To consider the head of corporate services' report.

MARGARET REED

Head of Legal and Democratic

Minutes

OF A MEETING OF THE

Cabinet



Listening Learning Leading

HELD ON THURSDAY 7 JUNE 2018 AT 6.00 PM

MEETING ROOM 1, 135 EASTERN AVENUE, MILTON PARK, OX14 4SB

Present:

Cabinet members: Councillors Felix Bloomfield (Vice-Chairman, in the chair), Anna Badcock, Kevin Bulmer, David Dodds, Lynn Lloyd, Caroline Newton and Bill Service

Officers: Steve Culliford, Margaret Reed, Mark Stone, Shona Ware and Suzi Wild

Also present: Councillor David Turner

1 Apologies for absence

Councillors Jane Murphy (Chairman) and Paul Harrison sent their apologies for absence. Councillor Felix Bloomfield (Vice-Chairman) took the chair for this meeting.

2 Minutes

RESOLVED: to approve the minutes of the Cabinet meetings held on 20 March, 5 April and 10 May 2018 as correct records and agree that the Chairman signs them as such.

3 Declaration of disclosable pecuniary interest

Councillor David Turner, attending the meeting to ask questions of clarification on the proposed volunteering grant scheme (minute 6 refers), gave an example to illustrate a point, citing the Chalgrove and Watlington Children's Centre. He declared an interest as he was a member of the centre's management committee.

4 Urgent business and chairman's announcements

None

5 Public participation

None

6 Proposed volunteering grant scheme one-year pilot

Cabinet considered the report of the head of community services. The Council had approved a budget of £25,000 for a pilot grant scheme to support some of the costs associated with volunteering. Officers had drafted a policy to deliver the grant scheme. The aim was to increase the number of people volunteering in the district by providing support to voluntary and community groups to help them find the volunteers they needed and provide vital services to residents. The report sought approval for the policy and sought delegated authority to determine the grant applications.

Councillor David Turner addressed Cabinet, welcoming the volunteering grant scheme and asked the following questions of clarification. The Cabinet member for community services responded to each question:

- Q1. Given that Council approved the budget growth of £25,000 for the 2017/18 financial year, why did the council not produce the report in that period and start the grant scheme?
- A. Recruitment of a qualified member of staff took longer than expected, contributing to the scheme's introduction being delayed.
- Q2. Has the council considered sending details of the applications to parish and town councils as an extra local validity check against the policy criteria?
- A. Parish councils were involved in early formulation of the grant scheme. However, an extra validity check by this council's ward member would be beneficial in cases where the officers needed clarification. Ward members' responses must be fact-based, not subjective.
- Q3. How many applications are we expecting to receive? We are proposing to eligibility check one fifth of what number?
- A. No predictions had been made on the number of applications expected but the operation of the scheme would be reviewed after four months to ensure its effectiveness.
- Q4. Can children's centres apply? The criteria referred to other authorities' statutory duties being ineligible for a grant under this scheme but children's centres are not a statutory duty of the county council. (Councillor Turner gave an example of the Chalgrove and Watlington Children's Centre and declared an interest as he was a member of its management committee.)
- A. Children's centres that are not run by the county council could be eligible to apply, providing they meet the other criteria.
- Q5. If the organisation is eligible, can it apply for a grant for an existing volunteer as well as new volunteers?
- A. The aim of the scheme is to increase volunteering. An organisation could apply for support to increase the hours of existing volunteers.
- Q6. The report refers to the mapping of applicants to ensure a fair geographical spread. Does this mean we will not be operating a 'first come, first served' approach? If not, how will this be administered without delaying eligible applications?
- A. Grants would not be awarded on a 'first come, first served' approach. Instead, applications would be determined in several rounds during the year, with each application being determined on its merits.

The Cabinet member for community services introduced the report and confirmed that the application process would seek confirmation that the funds applied for would be spent on new volunteers or additional volunteering activities.

Cabinet welcomed the proposed volunteering grants scheme and approved the report's recommendations.

RESOLVED: to

- (a) approve the grant policy to support volunteers with some of the costs of volunteering, as set out in appendix one to the head of community services' report to Cabinet on 7 June 2018; and
- (b) authorise the head of community services to release volunteering grant payments of up to £750.

The meeting closed at 6.17 pm

Chairman

Date

Cabinet report



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Report of Head of Planning

Author: Rona Knott

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Wards affected: Benson & Crowmarsh and Chalgrove

Cabinet member responsible: Cllr. Felix Bloomfield

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To: CABINET

Date: 10 July 2018

Making the Benson Neighbourhood Development Plan

Recommendation

To recommend that Council 'makes' the Benson Neighbourhood Development Plan so that it forms part of the council's development plan.

Purpose of Report

1. To update Cabinet on the outcome of the Benson Neighbourhood Development Plan referendum, and to present the relevant considerations in relation to whether this plan should be 'made' (formally adopted).

Corporate Objectives

2. Strongly supporting the development of neighbourhood plans for our towns and villages.

Background

3. Benson successfully applied for its parish area to be designated as Neighbourhood Area under the Neighbourhood Planning (General) Regulations (2012).
4. The preparation of the plan was led by the parish council ('the qualifying body') and a group of volunteers from the local community.

5. Following the formal submission of the plan to the council, the plan was publicised and comments were invited from the public and stakeholders.
6. The council appointed Mr. John Slater to examine the Benson Neighbourhood Plan. Examiners are tasked with reviewing whether the plan meets the basic conditions required by legislation and whether it should proceed to referendum. The examiner's report for Benson concluded that the plan meets the basic conditions, and that subject to the modifications proposed in the report, the plan should proceed to referendum.
7. Having considered the examiner's recommendations and reasons for them the Cabinet Member for Planning decided 10 May 2018:
 1. To accept all modifications recommended by the examiner;
 2. To determine that the Benson Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP;
 3. To take all appropriate actions to progress the Benson Neighbourhood Development Plan to referendum. A date for the referendum is set for 28 June 2018; and
 4. To agree that the referendum area should extend beyond the neighbourhood area to include properties in Rokemarsh (as recommended by the Examiner)
8. The modifications to the plan were made and the referendum version of the Benson Neighbourhood Plan was published on 16 May 2018 alongside the decision statements required under Regulation 18(2)(a) of the Neighbourhood Planning (General) Regulations (2012).

Options

9. The council's options are limited by statute. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 sets out that the council must 'make' a neighbourhood plan if more than half of those voting at the referendum have voted in favour of the plan being used to help decide planning applications in the plan area.
10. The only circumstance where the district council should not make this decision is where the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
11. Section 3 of the Neighbourhood Planning Act 2017, which came into force on 19 July 2017, amends section 38 of the Planning and Compulsory Purchase Act 2004 to ensure that neighbourhood plans have full legal effect once they have passed their local referenda. In the very limited circumstances that the council might decide not to make the neighbourhood development plan, it will cease to be part of the development plan for the area.
12. The council's decision on 10 May 2018 (referred to in paragraph 7), published in the decision statement issued on 16 May 2018 (referred to in paragraph 8), confirmed that the Benson Neighbourhood Development Plan, as modified by the Examiner's

recommendations, would not breach, and be otherwise incompatible with EU obligations or human rights legislation.

13. Therefore, if the majority of those voting have voted in favour of the Benson Neighbourhood Plan being used to help decide planning applications in the plan area, to not 'make' the plan would be in breach of these statutory provisions.

Referendum

14. A referendum relating to the adoption of the Benson Neighbourhood Development Plan was held on Thursday 28 June 2018.
15. The question which was asked in the Referendum was: *“Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Benson to help it decide planning applications in the neighbourhood area?”*
16. The result was as follows:
- a. Yes = 1,001 votes (93.1%)
 - b. No = 74 votes (6.9%)
 - c. Turnout = 35%
17. The majority of local electors voted in favour of the plan; therefore, the Benson Neighbourhood Plan has become part of the council's development plan.
18. As the plan was approved at the local referendum and the council is satisfied it would not breach, and be otherwise incompatible with EU obligations or human rights legislation, the council is required 'make' the Benson Neighbourhood Development Plan so that it continues to be part of the council's development plan.

Financial Implications

19. There are no financial implications with this decision that cannot be accommodated within the existing planning budget.

Legal Implications

20. The decision to 'make' the Benson Neighbourhood Plan is a legal requirement in the Planning and Compulsory Purchase Act 2004. The only circumstance where the district council should not make this decision is where the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). There is a requirement that the district council will publish a formal decision statement as required under the Neighbourhood Planning (General) Regulations 2012.
21. It is not considered that the Benson Neighbourhood Development Plan would breach, or would otherwise be incompatible with, any such obligation or rights. Therefore, the council should now proceed to make these plans.

Risks

22. The council is required to comply with the statutory requirements (to consider whether the Benson Neighbourhood Development Plan should be made following successful local referendum), which this recommendation seeks to achieve. In view of the considerations referred to elsewhere in this report, as the majority of those voting have voted in favour of the plan at its local referendum, a decision not to make the plan would place the council at risk of a legal challenge.

Conclusion

23. On 10 May 2018, the council decided to:

1. To accept all modifications recommended by the examiner;
2. To determine that the Benson Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP;
3. To take all appropriate actions to progress the Benson Neighbourhood Development Plan to referendum. A date for the referendum is set for 28 June 2018; and
4. To agree that the referendum area should extend beyond the neighbourhood area to include properties in Rokemarsh (as recommended by the Examiner)

24. The local referendum was held on 28 June 2018 to meet the requirements of The Localism Act 2011 and The Neighbourhood Planning (Referendums) Regulations 2012.

25. As the majority of those voting have voted in favour of the plan being used to help decide planning applications in the plan area, it is recommended that the Benson Neighbourhood Development Plan is 'made'.

Background Papers

None

Cabinet report



Listening Learning Leading

Report of Head of Planning

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Wards affected: Watlington

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E-mail: felix.bloomfield@southoxon.gov.uk

To: CABINET

Date: 10 July 2018

Making the Watlington Neighbourhood Development Plan

Recommendations

1. To recommend that Council 'makes' the Watlington Neighbourhood Development Plan so that it continues to be part of the council's development plan.
2. To delegate to the Head of Planning, in agreement with the Qualifying Body, the correction of any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.

Purpose of Report

1. To update the Cabinet on progress of the Watlington Neighbourhood Development Plan and to present the relevant considerations in relation to whether this plan should be 'made' (formally adopted).

Corporate Objectives

2. Strongly supporting the development of neighbourhood plans for our towns and villages.

Background

3. Watlington successfully applied for its parish area to be designated as Neighbourhood Area under the Neighbourhood Planning (General) Regulations (2012).

4. The preparation of the plan was led by the parish council ('the qualifying body') and a group of volunteers from the local community.
5. Following the formal submission of the plan to the council, the plan was publicised and comments were invited from the public and stakeholders.
6. The council appointed Mr. Andrew Ashcroft to examine the Watlington Neighbourhood Plan. Examiners are tasked with reviewing whether the plan meets the basic conditions required by legislation and whether it should proceed to referendum. The examiner's report for Watlington concluded that the plan meets the basic conditions, and that subject to the modifications proposed in the report, the plan should proceed to referendum.
7. Having considered the examiner's recommendations and reasons for them the Cabinet Member for Planning decided on 8 May 2018:
 1. To accept all modifications recommended by the examiner;
 2. To determine that the Watlington Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP;
 3. To take all appropriate actions to progress the Watlington Neighbourhood Development Plan to referendum on Thursday 28 June 2018; and
 4. To agree that the referendum area should extend beyond the neighbourhood area to include properties in Pyrton parish (as recommended by the Examiner)
8. The modifications to the plan were made and the referendum version of the Watlington Neighbourhood Plan was published on 16 May 2018 alongside the decision statements required under Regulation 18(2)(a) of the Neighbourhood Planning (General) Regulations (2012).

Options

9. The council's options are limited by statute. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 sets out that the council must 'make' a neighbourhood plan if more than half of those voting at the referendum have voted in favour of the plan being used to help decide planning applications in the plan area.
10. The only circumstance where the district council should not make this decision is where the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
11. Section 3 of the Neighbourhood Planning Act 2017, which came into force on 19 July 2017, amends section 38 of the Planning and Compulsory Purchase Act 2004 to ensure that neighbourhood plans have full legal effect once they have passed their local referenda. In the very limited circumstances that the council might decide not to make the neighbourhood development plan, it will cease to be part of the development plan for the area.

12. The council's decision on 8 May 2018 (referred to in paragraph 7), published in the decision statement issued on 16 May 2018 (referred to in paragraph 8), confirmed that the Watlington Neighbourhood Development Plan, as modified by the Examiner's recommendations, would not breach, and be otherwise incompatible with EU obligations or human rights legislation.
13. Therefore, if the majority of those voting have voted in favour of the Watlington Neighbourhood Plan being used to help decide planning applications in the plan area, to not 'make' the plan would be in breach of these statutory provisions.

Referendum

14. A referendum relating to the adoption of the Watlington Neighbourhood Development Plan was held on Thursday 28 June 2018.
15. The question which was asked in the Referendum was: *"Do you want South Oxfordshire District Council to use the Neighbourhood Plan for Watlington to help it decide planning applications in the neighbourhood area?"*
16. The result was as follows:
 - a. Yes = 808 votes (80.7%)
 - b. No = 191 votes (19.1%)
 - c. Turnout = 1,001 votes (47.4%)
17. The majority of local electors voted in favour of the plan; therefore, the Watlington Neighbourhood Plan has become part of the council's development plan.
18. As the plan was approved at the local referendum and the council is satisfied it would not breach, and be otherwise incompatible with EU obligations or human rights legislation, the council is required 'make' the Watlington Neighbourhood Development Plan so that it continues to be part of the council's development plan.

Financial Implications

19. There are no financial implications with this decision that cannot be accommodated within the existing planning budget.

Legal Implications

20. The decision to 'make' the Watlington Neighbourhood Plan is a legal requirement in the Planning and Compulsory Purchase Act 2004. The only circumstance where the district council should not make this decision is where the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). There is a requirement that the district council will publish a formal decision statement as required under the Neighbourhood Planning (General) Regulations 2012.
21. It is not considered that the Watlington Neighbourhood Development Plan would breach, or would otherwise be incompatible with, any such obligation or rights. Therefore, the council should now proceed to make these plans.

Risks

22. The council is required to comply with the statutory requirements (to consider whether the Watlington Neighbourhood Development Plan should be made following successful local referendum), which this recommendation seeks to achieve. In view of the considerations referred to elsewhere in this report, as the majority of those voting have voted in favour of the plan at its local referendum, a decision not to make the plan would place the council at risk of a legal challenge.

Conclusion

23. On the 8 May 2018, the council decided:

1. To accept all modifications recommended by the examiner;
2. To determine that the Watlington Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP;
3. To take all appropriate actions to progress the Watlington Neighbourhood Development Plan to referendum on Thursday 28 June 2018; and
4. To agree that the referendum area should extend beyond the neighbourhood area to include properties in Pyrton parish (as recommended by the Examiner)

24. The local referendum was held on 28 June 2018 to meet the requirements of The Localism Act 2011 and The Neighbourhood Planning (Referendums) Regulations 2012.

25. As the majority of those voting have voted in favour of the plan being used to help decide planning applications in the plan area, it is recommended that the Watlington Neighbourhood Development Plan is 'made'.

Background Papers

None

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

Document is Restricted

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

Agenda Item 9

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