

## **Cherwell District Council**

### **Council**

Minutes of a meeting of the Council held in at Bodicote House, Bodicote, Banbury, OX15 4AA, on 23 February 2009 at 6.30 pm

Present: Councillor Andrew Fulljames (Chairman)

Councillor Diana Edwards  
Councillor Alyas Ahmed  
Councillor Rick Atkinson  
Councillor Luke Annaly  
Councillor Ken Atack  
Councillor Maurice Billington  
Councillor Fred Blackwell  
Councillor Norman Bolster  
Councillor Ann Bonner  
Councillor Nick Cotter  
Councillor John Donaldson  
Councillor Mrs Catherine Fulljames  
Councillor Michael Gibbard  
Councillor Eric Heath  
Councillor Simon Holland  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Tony Ilott  
Councillor Victoria Irvine  
Councillor James Macnamara  
Councillor Kieron Mallon  
Councillor Nicholas Mawer  
Councillor Alastair Milne Home  
Councillor Nigel Morris  
Councillor P A O'Sullivan  
Councillor Christopher Pack  
Councillor George Parish  
Councillor D M Pickford  
Councillor Neil Prestidge  
Councillor Devena Rae  
Councillor G A Reynolds  
Councillor Daniel Sames  
Councillor Leslie F Sibley  
Councillor Chris Smithson  
Councillor Trevor Stevens  
Councillor Carol Steward  
Councillor Keith Strangwood  
Councillor Lawrie Stratford  
Councillor Rose Stratford  
Councillor Lynda Thirzie Smart  
Councillor Patricia Tompson  
Councillor Nicholas Turner  
Councillor Douglas Webb  
Councillor Barry Wood  
Councillor John Wyse

Apologies for absence: Councillor Colin Clarke  
Councillor Margaret Cullip  
Councillor Timothy Hallchurch MBE  
Councillor Martin Weir

Officers: Mary Harpley, Chief Executive and Head of Paid Service  
Ian Davies, Strategic Director - Environment and Community  
Julie Evans, Strategic Director - Customer Service & Resources  
John Hoad, Strategic Director - Planning, Housing and Economy  
Mike Carroll, Head of Improvement  
Liz Howlett, Head of Legal & Democratic Services and Monitoring Officer  
Phil O'Dell, Interim Head of Finance and Section 151 Officer  
Karen Curtin, Chief Accountant  
Jo Smith, Communications Manager  
James Doble, Democratic, Scrutiny and Elections Manager  
Natasha Clark, Trainee Democratic and Scrutiny Officer

## 1 **Declarations of Interest**

Members and officers declared interests in the following agenda items:

### 14. Members Allowances 2009/2010.

Councillor Ken Attack, Prejudicial, as a committee Chairman proposed by the Independent Remuneration Panel for an increase in Special Responsibility Allowance and back dating to the time when the increased responsibilities took effect.

Councillor Fred Blackwell, Prejudicial, as a committee Chairman proposed by the Independent Remuneration Panel for an increase in Special Responsibility Allowance and back dating to the time when the increased responsibilities took effect.

Councillor John Donaldson, Prejudicial, as a committee Chairman proposed by the Independent Remuneration Panel for an increase in Special Responsibility Allowance and back dating to the time when the increased responsibilities took effect.

Councillor Eric Heath, Prejudicial, as a committee Chairman proposed by the Independent Remuneration Panel for an increase in Special Responsibility Allowance and back dating to the time when the increased responsibilities took effect.

### 19. Section 151 Officer Arrangements.

Julie Evans - Strategic Director Customer Services and Resources, Prejudicial, as the person proposed in the report to be appointed as Section 151 Officer.

## 2 **Communications**

The Chairman welcomed Councillors Wyse and Hughes back following their recent ill health. Councillor Wyse thanked members for the kind messages he had received.

The Chairman also thanked members for the support they had given at his recent dinner in aid of his chosen charities.

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

There were none.

4 **Urgent Business**

There was none.

5 **Minutes of Council**

The minutes of Council held on 19 January 2009 were agreed and signed by the Chairman.

6 **Questions on Minutes of Council**

There were none.

7 **Executive Decisions - Special Urgency**

Since the last meeting of Council there had been no Executive decisions that had been taken that were subject to the special urgency provisions of the constitution.

8 **Minutes of the Executive**

It was proposed by the Councillor Wood and seconded by Councillor Reynolds that the minutes of the meetings of the Executive as set out in the Council Minute Book be received and that the recommendations set out in the minutes be agreed.

**Resolved**

That the minutes of the meetings held on 1 December 2008, 12 January 2009 and 9 February 2009 be noted and that the recommendations set out in minutes 160 to 162 be approved.

9 **Minutes of Overview and Scrutiny Committee**

It was proposed by Councillor Donaldson and seconded by Councillor Atack that the minutes of the meetings of the Overview and Scrutiny Committee as set out in the Council Minute Book be received.

**Resolved**

That the minutes of the meeting held on 13 January 2009 be noted.

10 **Minutes of Standards Committee**

It was proposed by Councillor Mrs Fulljames and seconded by Councillor Heath that the minutes of the meetings of the Standards Committee as set out in the Council Minute Book be received.

**Resolved**

That the minutes of the meeting held on 22 January 2009 be noted.

11 **Written Questions**

There were none.

12 **Motions**

There were none.

13 **Members Allowances 2009/2010**

Councillors Atack, Blackwell, Donaldson and Heath left the room for the duration of this agenda item.

Council considered a report of the Independent Remuneration Panel on the review of Members' Allowances for the 2009/2010 financial year. It was proposed by Councillor Wood and seconded by Councillor Reynolds that the recommendations as set out in the report be agreed, with the inclusion of backdating as set out in recommendation two.

**Resolved**

- 1) That the level of allowances for 2009/2010 be agreed as proposed by the Independent Remuneration Panel as set out below:

Basic allowance payable to all Members	£4,155
Special responsibility Allowances (SRA)	
Executive Members	£6,291
Leader of the Council (to which should be added the SRA as a Member of the Executive)	£7,209
Chairman of the Licensing Committee and Service Appeals Panel	£2,250
Chairman of the Overview and Scrutiny Committee	£3,702
Chairman of the Resources & Performance Scrutiny Board	£3,702
Chairman of Planning Committee	£4,200
Chairman of Standards Committee (Independent Member)	£1,296
Chairman of Personnel and General Committee	£1,296
Chairman of the Accounts, Audit and Risk Committee	£2,250
Leader of the Opposition	£2,898

Co-optees Allowance £831

The Carers' Allowance continues to be paid at its current levels and on the basis that:-

The allowance can only be claimed when an 'approved duty' is performed subject to the submission of receipts and, in the case of the childcare allowance, to that allowance not being paid to a member of the claimant's household;

The basis of the Carers' Allowance be the actual cost incurred up to the maximum hourly rates set out below and to a maximum cap of 20 hours per month:-

Childcare - £8 per hour

Dependent Relative Care - £15 per hour

Subject to the notification of any adjustments later in the year, HM Revenues and Customs specified mileage rates of 24p per mile for motorcycles regardless of the cc and 40p per mile (with no tax implications) regardless of the cc of the motor vehicle be paid up until such time any revisions are notified by HM Revenues and Customs and the revised rates then be implemented;

The supplements relating to the payment of tolls and other parking charges continue to be paid;

Subject to the proviso detailed above, the HM Revenue and Customs specified rate of 20p per mile be paid for travel by bicycles and other 'non-motorised' forms of transport;

The travelling allowance payment for electric or similar specialised vehicles remain at £1.10 per journey regardless of the distance travelled (with no tax implications);

The specified occasions when Members travel otherwise than by their own vehicle continue to be included in the Allowances Scheme;

The subsistence allowances be paid at the levels index linked in accordance with the agreed formula; and

- 2) That the proposed increases be backdated to when their responsibility increased: Chairman of Overview and Scrutiny Committee and Resources and Performance Scrutiny Board from 9/9/08 and 16/9/08 respectively, the Chairman of Planning Committee from 15/5/08 and Chairman of Accounts, Audit and Risk Committee from 14/5/08.
- 3) That the Head of Legal and Democratic Services be authorised to prepare an amended Members' Allowances Scheme, in accordance with the decisions of the Council for implementation with effect from 1 April 2009;
- 4) That the Head of Legal and Democratic Services be authorised to take all necessary action to revoke the 2008/2009 scheme and to publicise the revised scheme as required by legislation;
- 5) That the Independent Remuneration Panel be thanked for its thorough and detailed report.

14 **Corporate Plan Revisions**

Council considered a report of the Chief Executive providing members with the current policy context within which to consider the budget for 2009/2010. It was proposed by Councillor Wood and seconded by Councillor Reynolds that the report be noted.

**Resolved**

That the report be noted.

15 **Suspension of Standing Orders**

**Resolved**

That Standing Orders be suspended for the following agenda item with regard to the duration of speaking by proposers of motions and amendments and the order of dealing with speaking on amendments.

16 **Estimates 2009/2010, Collection Fund Estimates 2008/2009 and Service Plans 2009/2010**

Council considered the recommendations of the Executive with regard to the budget (Minute 162), the budget book, the Collection Fund Estimates 2008/2009 and the draft service plans for 2009/2010.

It was proposed by Councillor Macnamara and seconded by Councillor Wood, that the recommendations as set out in the report be agreed.

The Leader of the Opposition, Councillor Cotter and the Leader of the Labour Group, Councillor Parish responded to the budget and confirmed that they did not propose to move any amendments.

Members debated the budget and in doing so, thanked the Strategic Director Customer Service and Resources and the Finance team for their work in compiling the budget.

**Resolved**

Budget 2009/10

- 1) That the Section 25 report on the robustness of the budget be noted.
- 2) That the updated draft budget recommended by the Executive at its meetings on 9 February 2009 and detailed in the 09/10 budget book, Minute 162 be approved;

Collection Fund 2008/2009

- 3) That the Collection Fund estimates be approved

Service Plans 2009/10

- 4) That the draft Service Plans 2009/10 be endorsed as recommended by the Executive at its meeting on 9 February 2009 (Minute 162).

17 **Adjournment of Council Meeting**

The Leader of the Council confirmed that as there were no amendments to the budget it would not be necessary for the Council to adjourn to allow the Executive to meet to consider the amendments.

18 **Calculating and Setting Council Tax for 2009/2010**

Council considered a report setting out the proposed Council Tax for 2009/2010. It was proposed by Councillor Macnamara and seconded by Councillor Wood that the recommendations as set out in the report be agreed. On being put to the vote, the motion was agreed unanimously.

**Resolved**

- 1) That pursuant to Section 35 of the Local Government Finance Act 1992, any expenses incurred by the Council chargeable to its General Fund, in performing functions and providing services undertaken elsewhere within the District by a parish council shall be a general expense falling upon the whole district.
- 2) That it be noted that at its meeting on 12 January 2009 the Executive calculated the following amounts for the year 2009/2010 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992:-
  - a) 49,923 being the amount calculated by the Council, in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its council tax base for the year.
  - b) The amounts in the Tax Base 2009/10 column of Annex 1 to the minutes, being the amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as the amounts of its council tax base for the year for dwellings in those parts of its area to which one or more special items relate.
- 3) That the following amounts be now calculated by the Council for the year 2009/2010 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:-
  - a) £71,020,026 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act;
  - b) £50,249,702 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act;
  - c) £20,770,324 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 32(4) of the Act, as its budget requirement for the year;
  - d) £10,718,923 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant and additional grant or as a transfer from or to its collection fund being a reduction or increase in its provision for estimated surplus of council tax.

- e) £201.34 being the amount at 3(c) above less the amount at 3(d) above, all divided by the amount at 2(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its council tax for the year;
  - f) £3,885,910 being the aggregate amount of all special items referred to in Section 34(1) of the Act;
  - g) £123.50 being the amount at 3(e) above less the result given by dividing the amount at 3(f) above by the amount at 2(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 special item relates;
  - h) The amounts in the column of Annex 1 to the minutes, headed Total Tax Calculated, being the amount given by adding to the amount at 3(g) above, the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amounts at 2(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate;
  - i) The amounts in the final eight columns of Annex 1 to the minutes (headed Tax Calculated for Each Valuation Band by Cherwell and each column headed with its appropriate band title A to H) being the amounts given by multiplying the amounts at 3(g) and 3(h) above by the number which, in the proportion set out in Section 5(1) of the Act (6 to 18), is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D (9), calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands;
- 4) That it be noted that for the year 2009/2010 the Oxfordshire County Council and the Thames Valley Police Authority, being major precepting authorities, have stated the following amounts as precepts to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Oxfordshire County Council

A	B	C	D	E	F	G	H
£753.75	£879.37	£1005.00	£1,130.62	£1,381.87	£1,633.12	£1,884.37	£2,261.24

Thames Valley Police Authority

A	B	C	D	E	F	G	H
£100.85	£117.65	£134.46	£151.27	£184.89	£218.50	£252.12	£302.54

- 5) That, having calculated the aggregate in each case of the amounts at 3(i) and 4 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts of council tax for the year 2009/2010 for each of the categories of dwellings shown in Annex 2 to the minutes.



- 6) That having calculated the basic amount of council tax in 3(e) above to be £201.34 and the tax base for the district, as noted at 12(a) above is 49,923; the Council hereby determines that its demand on the collection fund for the year 2009/2010 shall be £10,051,401

## 19 **Section 151 Officer Arrangements**

The Strategic Director Customer Services and Resources left the room for the duration of this agenda item.

Council considered a report of the Chief Executive setting out the proposed Section 151 arrangements for the Council. Members congratulated Julie Evans, Strategic Director Customer Services and Resources, on qualifying as a member of the Chartered Institute of Public Finance Accountancy, and thanked Phil O'Dell, Interim Head of Finance, for his assistance to Cherwell District Council and Karen Curtin, Chief Accountant, for taking on extra responsibilities.

It was proposed by Councillor Macnamara and seconded by Councillor Wood that the recommendations as set out in the report be approved.

### **Resolved**

- 1) That the Strategic Director, Customer Service and Resources, Julie Evans be appointed as the Council's Section 151 and Chief Finance Officer and the Monitoring Officer be authorised to make consequential amendments to the constitution to enable this decision.
- 2) That the Strategic Director, Customer Service and Resources has nominated the Chief Accountant, Karen Curtin, as Deputy Section 151 and Deputy Chief Finance Officer authorised to act in her absence.

## 20 **Constitutional Amendment: Call-in Arrangements**

Council considered a report of the Overview and Scrutiny Committee setting out proposed amendments to the Call-in process. It was proposed by Councillor Donaldson and seconded by Councillor Sames that the recommendations as set out in the report be agreed.

### **Resolved**

- 1) That Council notes the results of the consultation on the review of Call-in and the proposals from the Overview and Scrutiny Committee and Executive;
- 2) That the revised Call-in model as set out in Appendix 3 to the minutes be approved for inclusion in the Constitution at Part 4 (e) 15 – 17 Overview and Scrutiny Procedure Rules.

21 **Exclusion of the Press and Public**

**Resolved**

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

22 **Exempt Minutes of Executive**

It was proposed by the Councillor Wood and seconded by Councillor Reynolds that the exempt minutes of the meetings of the Executive as set out in the Council Minute Book be received.

**Resolved**

That the exempt minutes of the meetings held on 1 December 2008 and 12 January 2009 be noted.

The meeting ended at 8.30 pm

Chairman:

Date: