

Meeting of Council

Monday 17 October 2016

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Monday 17 October 2016 at 6.30 pm, and you are hereby summoned to attend.



Sue Smith
Chief Executive

Friday 7 October 2016

AGENDA

1 **Apologies for Absence**

2 **Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.

3 **Communications**

To receive communications from the Chairman and/or the Leader of the Council.

4 Petitions and Requests to Address the Meeting

The Chairman to report on any requests to submit petitions or to address the meeting.

5 Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

6 Minutes of Council (Pages 1 - 14)

To confirm as a correct record the Minutes of Council held on 18 July 2016 and the Minutes of the Special Meeting of Council held on 18 July 2016.

7 Minutes

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

The Leader of the Council to formally propose that the minutes of the meetings of the Executive and Lead Member Decisions as set out in the Minute Book (circulated separately) be received and to report that since the last meeting of Council on 18 July 2016, one decision has been taken by the Executive which was not included in the 28 day notice on the following item:

- Local Government Reform in Oxfordshire – Update

- b) Minutes of Committees

The Leader of the Council to formally propose that the minutes of committees as set out in the Minute Book (circulated separately) be received.

8 Thames Valley Police - Address by Chief Constable

The Police and Crime Commissioner for Thames Valley, Anthony Stansfeld, the Chief Constable of Thames Valley Police, Francis Hapgood, and the Cherwell Local Area Commander Superintendent, Kath Lowe, will be invited to address Council, following which Members will be able to ask questions.

9 Questions

- a) Written Questions

To receive any written questions and answers which have been submitted with advance notice in accordance with the constitution. A written response to the question will be circulated at the meeting.

b) Questions to the Leader of the Council

The Chairman to invite questions to the Leader of the Council (including any matters arising from the minutes).

Following a response to their question being provided members will be entitled to a follow up or supplementary question.

c) Questions to Committee Chairmen on the minutes

The Chairman to invite questions to Chairmen of Committees on any matter arising from the minutes of their committee (if any).

10 Motions

To debate any motions which have been submitted with advance notice, in accordance with the constitution.

Council Business Reports

11 Result of Adderbury, Bloxham and Bodicote Ward By-Election (Pages 15 - 18)

Report of Chief Executive

Purpose of report

To advise Council of the result of the Adderbury, Bloxham and Bodicote by-election held on 22 September 2016, to note changes to membership of Committees as requested by the Conservative Group and to appoint a representative to the Oxfordshire Health Overview and Scrutiny Committee.

Recommendations

The meeting is recommended:

- 1.1 To note the results of the Adderbury, Bloxham and Bodicote by-election held on 22 September 2016.
- 1.2 To note the constitution of the Council following the by-election.
- 1.3 To note the amendments to Committee membership as requested by the Conservative Group following the by-election (paragraph 3.5)
- 1.4 To appoint a representative to the Oxfordshire Health Overview and Scrutiny Committee.

12 Community Governance Review 2016 and Parliamentary Boundary Review Consultation (Pages 19 - 26)

Report of Chief Executive

Purpose of report

To provide details of a Community Governance Review (CGR) to be undertaken; to request appointment of Members to a Working Group for the CGR and to respond to the Parliamentary Boundary Review consultation.

Recommendations

The meeting is recommended:

- 1.1 To approve the Terms of Reference for the Community Governance Review (appendix 1).
- 1.2 To delegate authority to the Head of Law and Governance, in consultation with Group Leaders, to appoint two Members per Political Group to a Working Group to consider the Community Governance Review and the Parliamentary Boundary Review.
- 1.3 To delegate authority to the Chief Executive to finalise Cherwell District Council's response to the Parliamentary Boundary Review, in consultation with the Working Group.

13 Remuneration for Councillors Appointed as Non-Executive Directors on Graven Hill Companies

** Please note that this report will follow as the Independent Remuneration Panel are meeting on Wednesday 12 October 2016 (after agenda publication) to consider and agree recommendations to Council **

Report of Head of Law and Governance

Purpose of report

To determine the levels of the allowances to be paid to Councillors who are appointed Non-Executive Directors of Graven Hill Companies for the 2016/2017 financial year following the submission of the report of the Council's Independent Remuneration Panel (IRP) and to approve a mechanism to ensure the legality of any remuneration that might be paid, in future, to councillor directors on council owned companies.

14 Constitution - Proposed Amendments (Pages 27 - 32)

Report of Head of Law and Governance

Purpose of report

To consider and adopt proposed amendments to the constitution. A similar report is being considered by South Northamptonshire Council on 19 October 2016.

Recommendations

The meeting is recommended to approve the following:

- 1.1 That the terms of reference of the Joint Commissioning Committee be amended to include the functions set out in section 3.2 of this report.
- 1.2 That the Monitoring Officer be given the delegated authority to suspend a Statutory Officer in addition to the Head of Paid Service.
- 1.3 That the Head of Paid Service and Monitoring Officer be given delegated authority to agree settlement agreements and financial settlements for Statutory Officers in consultation with the Leader of the employing Council.
- 1.4 That all references to the Joint Appraisal Sub-Committee be deleted from the constitution.
- 1.5 That the existing scheme of delegation to Directors and Heads of Service be amended to enable them to appoint employees to existing posts at the minimum level within the salary band with discretion to appoint to anywhere within the salary band for the post provided this is within approved budgets.
- 1.6 That the Head of Law and Governance be requested to amend and update the constitution in light of the above resolutions and be given delegated authority to make any consequential amendments to the constitution.
- 1.7 That the membership and quorum for the Joint Employee Engagement Committee be amended as set out in section 3.8 of this report.

15 Protocol on the Respective Roles of Members and Officers and Dealing with Conflicts of Interest and Ethical Walls Procedure (Pages 33 - 44)

Report of Head of Law and Governance and Assistant Director – Transformational Governance

Purpose of report

To consider and adopt the updated protocol on roles and conflicts of Interest and Ethical Walls procedure.

Recommendations

The meeting is recommended:

- 1.1 To consider and adopt the updated Protocol on the Respective Roles of Members and Officers and Dealing with Conflicts of Interest and Ethical Walls Procedure, subject to a similar decision being taken by South Northamptonshire Council.

16 Indemnities for Members and Officers (Pages 45 - 58)

Report of Head of Law and Governance and Assistant Director- Transformational Governance

Purpose of report

To consider and adopt a Joint Indemnities Policy for Members and officers.

Recommendations

The meeting is recommended:

- 1.1 To adopt pursuant to the Local Authorities (Indemnities for Members and Officers) Order 2004 (“the Order”) an indemnity to Members and to officers of the Council in the terms set out in Appendix 1.
- 1.2 To agree that the Chief Finance Officer secures insurance to cover the liability under the indemnity in the event that such cover is available and subject to him being satisfied that such action would be financially prudent.
- 1.3 To agree that the appointment of a Member to a position with an organisation which comes within the indemnity shall be treated as an appointment to a role which is deemed to part of the role of an elected member for the purposes of the CDC Members’ Code of Conduct.
- 1.4 To agree that it be deemed that appointments of Members and officers to organisations (including those where the Council nominates and the organisation formally appoints) be deemed as “advancing the interest of the Council” for the purposes the Terms of Indemnity.

17 Changes to the Arrangements for Appointment of External Auditors (Pages 59 - 66)

Report of Chief Finance Officer

Purpose of report

This report summarises the changes to the arrangements for appointing External Auditors following the closure of the Audit Commission and the end of the transitional arrangements at the conclusion of the 2017/18 audits.

Recommendations

Council should consider their preferred approach from the following options the recommendation of the Accounts Audit and Risk Committee being to approve 1.3 below:

- 1.1 Establishing a stand-alone Auditor Panel to make the appointment on behalf of the Council.
- 1.2 Commencing work on exploring the establishment of local joint procurement arrangements with neighbouring authorities

- 1.3 Supporting the Local Government Association (LGA) in setting up a national Sector Led Body by indicating intention to “opt-in”

18 Notification of Urgent Action In relation to the Contract Award for the demolition of the Bolton Road Car Park (Pages 67 - 76)

Report of Chief Executive

Purpose of report

To notify Full Council of urgent action taken by the Chief Executive as set out below.

Recommendations

The meeting is recommended:

- 1.1 To note the urgent action taken by the Chief Executive in relation to the budget implications as identified within paragraph 7.1 of the attached Executive report.

19 Exclusion of the Press and Public

The Chairman, will if necessary, move the exclusion of the press and public if members have indicated (under the relevant agenda item) they wish to ask a question on any matter arising from an exempt minute.

In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their decision members should also be mindful of the advice of Council Officers.

Should members decide not to discuss the issue in public, they are recommended to pass the following recommendation:

“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 paragraphs of Schedule 12A of that Act, as set out in the Minute Book.”

20 Questions on Exempt Minutes

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

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

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to natasha.clark@cherwellandsouthnorthants.gov.uk or 01295 221589 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Natasha Clark, Democratic and Elections
natasha.clark@cherwellandsouthnorthants.gov.uk, 01295 221589