

# Public Document Pack

## Cherwell District Council

### Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 3 September 2018 at 7.00 pm

Present: Councillor Maurice Billington (Chairman)  
Councillor David Hughes (Vice-Chairman)

Councillor Hannah Banfield  
Councillor Andrew Beere  
Councillor Claire Bell  
Councillor Mike Bishop  
Councillor John Broad  
Councillor Hugo Brown  
Councillor Phil Chapman  
Councillor Mark Cherry  
Councillor Colin Clarke  
Councillor Ian Corkin  
Councillor Surinder Dhesi  
Councillor John Donaldson  
Councillor Sean Gaul  
Councillor Timothy Hallchurch MBE  
Councillor Chris Heath  
Councillor Shaida Hussain  
Councillor Tony Ilott  
Councillor Mike Kerford-Byrnes  
Councillor James Macnamara  
Councillor Nicholas Mawer  
Councillor Andrew McHugh  
Councillor Tony Mephram  
Councillor Richard Mould  
Councillor Cassi Perry  
Councillor D M Pickford  
Councillor G A Reynolds  
Councillor Barry Richards  
Councillor Alaric Rose  
Councillor Dan Sames  
Councillor Les Sibley  
Councillor Jason Slaymaker  
Councillor Nicholas Turner  
Councillor Douglas Webb  
Councillor Lucinda Wing  
Councillor Barry Wood  
Councillor Sean Woodcock

Also Present: Nick Graham, Director of Law and Governance, Oxfordshire County Council

Apologies for absence: Councillor David Anderson  
Councillor Carmen Griffiths  
Councillor Simon Holland  
Councillor Alan MacKenzie-Wintle  
Councillor Kieron Mallon  
Councillor Lynn Pratt  
Councillor Neil Prestidge  
Councillor Sandra Rhodes  
Councillor Tom Wallis  
Councillor Bryn Williams

Officers: Yvonne Rees, Chief Executive  
Kelly Watson, Assistant Director: Finance and Procurement  
Richard Hawtin, Team Leader Property & Contracts  
Natasha Clark, Governance and Elections Manager

38 **Welcome**

The Chairman welcomed Members and thanked them for their attendance at the Extraordinary Council meeting.

The Chairman introduced Nick Graham, Director of Law and Governance at Oxfordshire County Council (OCC) who was attending the meeting as a guest in light of joint working between CDC and OCC, and in particular the item of the agenda for the meeting relating to the establishment of joint committees.

39 **Declarations of Interest**

Members made the following general declarations:

Councillor Barry Richards, Declaration, as a trustee of the Sunshine Centre, Banbury.

Councillor Surinder Dhesi, Declaration, as a trustee of the Sunshine Centre, Banbury.

40 **Communications**

The Chairman made the following announcements:

**October Council Meeting – Change of Date**

The Chairman referred to an email that had been sent to Members regarding the change of date of the October Council meeting.

The meeting in October would not take place on Monday 15 October. It would take place on Tuesday 30 October instead.

### **Chairman's Fete in Kidlington**

The Chairman advised Council that the Chairman's fete would take place on Saturday 8 September in Kidlington High Street from 10am to 4pm.

There would be various stalls and fundraising activities including the Chairman being locked up in stocks for a short time with people able to pay to throw sponges at him.

All monies raised would go to the Chairman's three charities for the year, Kidlington Youth Football, Garden City Football Club, Evans Lane FC and the St John's Hall Children's Centre in Kidlington

### **Post**

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

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

There were no petitions or requests to address the meeting.

### 42 **Urgent Business**

There were no items of urgent business.

### 43 **Minutes of Council**

The minutes of the meeting held on 16 July 2018 were agreed as a correct record and signed by the Chairman.

### 44 **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 on 16 July 2018 no decisions had been taken 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.

45

## 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:

Councillor Dhesi: Street cleansing in Banbury

Councillor Richards: Progress regarding empty houses in Banesburie Close, Banbury

### c) Questions to Committee Chairmen on the Minutes

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

46

## Motions

There were no motions.

47

## Establishment of Joint Committees with Oxfordshire County Council

The Assistant Director Law and Governance submitted a report to establish a Joint Personnel Committee and Joint Appeals Committee with Oxfordshire County Council.

### Resolved

- (1) That, subject to Oxfordshire County Council resolving similarly, the terms of reference for the Joint Personnel Committee (annex to the Minutes as set out in the Minute Book) be adopted.
- (2) That, subject to Oxfordshire County Council resolving similarly, the terms of reference for the Joint Appeals Committee (annex to the Minutes as set out in the Minute Book) be adopted.
- (3) That the membership of the Joint Personnel Committee and Joint Appeals Committee be noted :

<b>Joint Personnel Committee</b>
<i>Proportional 5 CDC Members (4 Conservative, 1 Labour)</i>
Cllr Claire Bell
Cllr Ian Corkin
Cllr Mike Kerford-Byrnes
Cllr George Reynolds

Cllr Barry Wood
<i>Named substitutes (4 Conservative, 1 Labour)</i>
Cllr Colin Clarke
Cllr Tony Ilott
Cllr Cassi Perry
Cllr Lynn Pratt
Cllr Bryn Williams

<b>Joint Appeals Panel</b>
<i>Proportional 3 CDC Members (2 Conservative, 1 Labour)</i>
Cllr Timothy Hallchurch MBE
Cllr Simon Holland
Cllr Barry Richards
<i>Named substitutes (2 Conservative, 1 Labour)</i>
Cllr Andy Beere
Cllr Richard Mould
Cllr Tom Wallis

48

### **Constitutional Amendments: Amendments to Personnel Related Committees**

The Assistant Director: Law and Governance submitted a report to amend the terms of reference of the Personnel Committee, Appeals Panel and to re-establish a CDC Council and Employee Joint Committee.

#### **Resolved**

- (1) That the amended terms of reference for the Personnel Committee (annex to the Minutes as set out in the Minute Book) be adopted.
- (2) That the amended terms of reference for the Appeals Panel (annex to the Minutes as set out in the Minute Book) be adopted.
- (3) That it be agreed to re-establish the Council and Employee Joint Committee and the terms of reference for the Committee (annex to the Minutes as set out in the Minute Book) be adopted.
- (4) That the Monitoring Officer be authorised to make any consequential amendments to the constitution arising from resolutions (1), (2) and (3).
- (5) That the current membership of the Personnel Committee and Appeals Panel be noted.

- (6) That the current membership of the Council and Employee Joint Committee be noted the following additional representatives to the membership as proposed by Conservative Group Leader and Independent Group Leader: Add Councillor George Reynolds and Councillor Alaric Rose.

49

**Local Government Ombudsman Annual Report 2017/18**

The Assistant Director – Law and Governance / Monitoring Officer submitted a report to provide Council with the Local Government Ombudsman’s annual report on Cherwell District Council for the financial year 2017/18.

**Resolved**

- (1) That the report be noted.

The meeting ended at 7.30 pm

Chairman:

Date:

## APPENDIX 1 JOINT PERSONNEL COMMITTEE TERMS OF REFERENCE

### JOINT PERSONNEL COMMITTEE

#### CHERWELL DISTRICT COUNCIL and OXFORDSHIRE COUNTY COUNCIL

Under Local Government Act 1972 s.101 (5) two or more local authorities may appoint a joint committee to discharge any of their functions that are not reserved for the sole decision of a single authority in legislation. The Joint Committee can authorise an officer employed by either authority to act on its behalf. Whilst it is envisaged that the majority of daily business and processes such as recruitment, personnel and appeals will be carried out under each employing authority's decision making processes, there are a few functions which are best delivered through joint arrangements.

**Area:** the Joint Committee shall exercise its authority for the areas comprising of Cherwell District Council and Oxfordshire County Council.

**Membership:** the Committee shall be comprised of 10 Councillors, 5 from Cherwell District Council and 5 from Oxfordshire County Council with 5 named substitutes from each authority. All Councillors including substitutes will receive appropriate training before they can participate as a Committee member.

**Quorum:** will be 3 Members from each authority.

**Chairman:** the Chairman and Vice Chairman will be elected by the committee and will be representative of each authority.

**Decision making:** decision will be by a majority of Members of the committee present and voting.

#### Terms of Reference

- To have responsibility for and to take any decision on staffing matters, (other than those delegated to officers) and any other non-executive decisions function specifically delegated to the committee by the respective councils, for any shared service established for the councils
- To have responsibility for and to take any executive decisions (other than those delegated to officers), specifically delegated to it by the respective Executive arrangements of the councils with regard to any shared service established for the councils
- To ensure that any shared service meets the requirements of the councils in furthering the objectives of their respective corporate plans.
- To set and monitor performance standards and budgets for shared services, providing intervention where required.
- To take all executive decisions with regard to any established and future shared service.

## Shared Management

In the case of shared Chief Officer posts:

- To act as the interviewing panel for the Head of Paid Service (Chief Executive), making recommendations to the councils for formal appointment.
- To act as the interviewing panel and appoint shared chief officers (Officers who report to the Chief Executive) working across the councils (NB. Anyone involved in the decision for a particular post must be present throughout the entire interview process).

## Shared Posts

Where a business case has been agreed by the councils and a decision made to share a service between them to:

- Agree posts to be declared 'at risk', and to approve dismissal, including compulsory or voluntary redundancy and the exercise of discretionary awards to any post where costs are shared or are going to be shared. This excludes the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer (if shared) on the grounds of misconduct which must be the subject of a resolution of the relevant full Council following compliance with the procedure set out in the Officer Employment Procedure Rules.
- Determine the terms and conditions of employment of any posts where costs are shared or are going to be shared.
- Determine and review all policies affecting the employment of staff in posts where costs are shared or going to be shared.
- Approve the creation of new posts where this is an increase to the establishment and there is no budget where costs are shared or are going to be shared.
- Approve any restructuring of teams involving more than twenty posts where costs are shared or are going to be shared.

## Shared Statutory Officer Discipline

The role and responsibilities of the Joint Personnel Committee with regard to shared Statutory Officer disciplinary action is to:

- Deal with minor instances of unsatisfactory conduct at an early stage.
- Ensure that the Statutory Officer clearly understands the standards of conduct expected of him/her.
- Carry out, or make arrangements for, an investigation when any breach of discipline is alleged.
- Ensure that the Statutory Officer subject to investigation is kept up-to-date with progress.
- Decide, in the most serious cases whether or not to suspend or (where the Statutory Officer has already been suspended by the Head of Paid Service or Monitoring Officer under their delegated powers) to continue the suspension of the Statutory Officer, in accordance with the Statutory Officer disciplinary policy.



- Report to Full Council (of the employing authority) in respect of a recommendation to dismiss, having convened a Panel comprising Independent Persons in accordance with the Officer Employment Procedure Rules.

## APPENDIX 2 JOINT APPEALS PANEL TERMS OF REFERENCE

### JOINT APPEALS PANEL

#### CHERWELL DISTRICT COUNCIL and OXFORDSHIRE COUNTY COUNCIL

**Area:** The Joint Committee shall exercise its authority for the areas comprising of Cherwell District Council and Oxfordshire County Council.

**Membership:** The Committee shall be comprised of 6 councillors, 3 from Cherwell District Council and 3 from Oxfordshire County Council with 3 named substitutes from each authority. They may not be members of the Joint Personnel Committee. All councillors including substitutes will receive appropriate training before they can participate as a Committee member.

**Quorum:** will be 2 Members from each authority.

**Chairman:** The Chairman and Vice Chairman will be elected by the Committee and will be representative of each authority.

**Decision making:** decision will be by a majority of Members of the Committee present and voting.

#### Terms of Reference

- To hear and determine any appeals by or grievance appeals against the Head of Paid Service (Chief Executive) made by any member of the Senior Management Team of either council.
- To hear and determine any appeals brought by Chief Executive and if shared Monitoring Officer and Section 151 Officer against any disciplinary sanctions imposed short of dismissal.
- To hear and determine any appeals against any disciplinary sanctions imposed on a Chief Officer who is shared between Cherwell District Council and Oxfordshire County Council excluding the statutory officers referred to above.

## Appendix 1 Personnel Committee Terms of Reference

### Personnel Committee Terms of Reference

(12 members with unnamed substitutes who shall not be members of the Appeals Panel)

- Determination and review of all policies affecting the employment of staff.
- Monitoring of employment statistics for the authority.
- To approve the creation of new posts where this will be an increase to the establishment and there is no budget and the costs will not be shared
- To receive and act on recommendations of the Council and Employee Joint Committee.
- To exercise discretion on behalf of the Council in the decision to award any enhanced pension rights.
- To agree any restructuring involving more than ten posts and/or compulsory redundancies where costs are not shared or not going to be shared
- To select short lists of candidates and to appoint officers of the Council to posts at Director level (excluding the Head of Paid Service) in accordance with the Officer Employment Procedure Rules, where the post is not shared
- To act as the interviewing panel for the Head of Paid Service (Chief Executive), making recommendations to the councils for formal appointment.

### Statutory Officer Discipline

The role and responsibilities of the Personnel Committee with regard to Statutory Officer disciplinary action is to:

- Deal with minor instances of unsatisfactory conduct at an early stage.
- Ensure that the Statutory Officer clearly understands the standards of conduct expected of him/her.
- Carry out, or make arrangements for, an investigation when any breach of discipline is alleged.
- Ensure that the Statutory Officer subject to investigation is kept up-to-date with progress.
- Decide, in the most serious cases whether or not to suspend or (where the Statutory Officer has already been suspended by the Head of Paid Service or Monitoring Officer under their delegated powers) to continue the suspension of the Statutory Officer, in accordance with the Statutory Officer disciplinary policy.

- Report to Full Council in respect of a recommendation to dismiss, having convened a Panel comprising Independent Persons in accordance with the Officer Employment Procedure Rules.

## **Appendix 2 Appeals Panel Terms of Reference**

### **Appeals Panel Terms of Reference**

(10 members with no substitute members who shall not be members of the Personnel Committee)

- To hear and determine any appeals by employees in accordance with the relevant Council procedures. Harmonisation appeals shall be heard by an officer nominated by the Head of Paid Service.
- To hear and determine any appeals by or grievance appeals against the Head of Paid Service (Chief Executive) made by any member of the senior management team.
- To hear and determine any appeals brought by the Chief Executive, Monitoring Officer of section 151 Finance Officer against any disciplinary sanctions imposed short of dismissal.
- To hear and determine any appeals against any disciplinary sanctions imposed on a member of the senior management team excluding the statutory officers referred to above.

# **Council and Employee Joint Committee**

## **Terms of Reference**

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### **Preamble**

The Council recognises the need to ensure that officers are consulted and have the opportunity raise issues in a timely manner on matters which concern them including:

- Recent and probable developments within the Council
- The Councils' activities and economic situation
- The situation, structure and probable development of employment within the Council and any anticipatory measures
- Information and consultation on decisions likely to lead to substantial changes in organisation or contractual relations between the Council and its employees.

### **Representation**

Council side: 5 members of the Council appointed annually by Council

Employee side: 5 employee representatives (including trade unions where possible), appointed annually and re appointed on a four yearly basis.

### **Substitutes and Casual Vacancies**

The Council and Employee sides may appoint substitute representatives to act in the place of members unable to attend any meeting. For the Council side the normal substitution rules shall apply and all substitutes shall be notified to the Assistant Director Law and Governance before the start of the meeting.

Casual vacancies may be filled by either side as and when they occur during the year.

### **Officer Attendance**

The committee shall be supported by the Chief Executive and other officers as he/she deems appropriate. The committee shall be administered by democratic services.

### **Chairman and Vice-Chairman**

A Chairman and Vice Chairman shall be appointed by the committee at the first meeting each year. If the Chairman appointed is a member of the Council side, then the Vice-Chairman shall be appointed from the Employee side and Vice versa. By convention the Chairmanship shall rotate between sides and councils each year.

### **Functions**

To provide a formal opportunity for the Council to inform and consult their employees on those matters that concern them including the matters set out in the preamble above.

To establish regular methods of negotiation and consultation between the Council and their employees in order to prevent differences and disputes and to negotiate on any differences and disputes. No question of individual discipline, capability, promotion or efficiency shall be within the scope of the committee.

To consider any relevant matter referred to it by the Appointments and Personnel Committee, a committee of the Council, the Chief Executive, employee side or by any of the recognised staff organisations.

To make recommendations to the Chief Executive, committees and Council as required.

To act as the consultation body on all matters relating to health, safety and welfare of employees in accordance with the Health and Safety Policy Statement.

To discharge such other functions as may be specifically assigned to the committee by the Council.

## **Rules and Regulations**

Provision shall be made within the council diary for meetings of the committee prior to meetings of the Appointments and Personnel Committee.

The Chairman or Vice-Chairman may require the Chief Executive to call a special meeting at any time. A special meeting may also be called on receipt of a requisition to the Chief Executive, signed by not less than two members of either side. When a special meeting is called it shall be convened as soon as practicable.

The quorum shall be two representatives of the council side and two representatives from the employee side substitute representatives will be permitted.

No resolution shall be regarded as carried unless it has been approved by a majority of the members present on each side of the committee.

The agenda shall be drawn up following consultation with the Chief Executive and the Council and Employee sides on potential agenda items.

The constitution of the committee may be amended by the council on the recommendation of the committee.

In recognition of the fact that some issues under discussion are likely to be of a confidential or commercially sensitive nature, all those attending committee meetings are expected to respect the confidential nature of such issues and to confine their comments and discussion to within the meeting itself. This restriction does not preclude staff side representatives from consulting their members or paid officers (if any) on appropriate issues.

Reasonable facilities, including time with full pay, shall be made available to employee side members to:

- Consult with management, including the Chief Executive

- Consult with employees and trade union officials as part of the consultation process and in preparation for meetings.