

Meeting of Council

Monday 3 September 2018

Members of Cherwell District Council,

An extraordinary meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Monday 3 September 2018 at 7.00 pm, and you are hereby summoned to attend.



Yvonne Rees
Chief Executive

Thursday 23 August 2018

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 16 July 2018.

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 held on 16 July 2018 no decisions have been taken by the Executive which were not included in the 28 day notice.

- 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 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).

9 Motions

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

Council Business Reports

10 Establishment of Joint Committees with Oxfordshire County Council (Pages 15 - 24)

Report of Assistant Director Law and Governance

Purpose of report

To establish a Joint Personnel Committee and Joint Appeals Committee with Oxfordshire County Council.

Recommendations

Council is recommended:

- 1.1 Subject to Oxfordshire County Council resolving similarly, to adopt the terms of reference for the Joint Personnel Committee as set out at Appendix 1.
- 1.2 Subject to Oxfordshire County Council resolving similarly, to adopt the terms of reference for the Joint Appeals Committee as set out at Appendix 2.
- 1.3 To appoint to the Joint Personnel Committee and Joint Appeals Committee as set out in Table 1.

11 Constitutional Amendments: Amendments to Personnel Related Committees (Pages 25 - 38)

Report of Assistant Director: Law and Governance

Purpose of report

To amend the terms of reference of the Personnel Committee, Appeals Panel and to re-establish a CDC Council and Employee Joint Committee.

Recommendations

Council is recommended:

- 1.1 To agree to adopt the amended terms of reference for the Personnel Committee as set out at Appendix 1.
- 1.2 To agree to adopt the amended terms of reference for the Appeals Panel as set out at Appendix 2.
- 1.3 To agree to re-establish the Council and Employee Joint Committee with the terms of reference as set out at Appendix 3 be adopted.
- 1.4 To authorise the Monitoring Officer to make any consequential amendments to the constitution arising from these recommendations

- 1.5 To note the current membership of the Personnel Committee, and Appeals Panel and agree any amendments to membership as proposed by group leaders.
- 1.6 To note the current membership of the Council and Employee Joint Committee and agree any amendments to membership as proposed by group leaders and that the leaders of the Conservative and Independent Groups be asked to nominate additional representatives to the Council and Employee Joint Committee.

12 Local Government Ombudsman Annual Report 2017/18 (Pages 39 - 44)

Report of Assistant Director – Law and Governance / Monitoring Officer

Purpose of report

To provide council with the Local Government Ombudsman's annual report on Cherwell District Council for the financial year 2017/18.

Recommendations

The meeting is recommended:

- 1.1 To note the report

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

democracy@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

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Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 16 July 2018 at 6.30 pm

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

Councillor David Anderson
Councillor Hannah Banfield
Councillor Andrew Beere
Councillor Claire Bell
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 Carmen Griffiths
Councillor Timothy Hallchurch MBE
Councillor Shaida Hussain
Councillor Tony Ilott
Councillor Mike Kerford-Byrnes
Councillor Alan MacKenzie-Wintle
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Andrew McHugh
Councillor Tony Mephram
Councillor Richard Mould
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor G A Reynolds
Councillor Sandra Rhodes
Councillor Alaric Rose
Councillor Dan Sames
Councillor Les Sibley
Councillor Jason Slaymaker
Councillor Nicholas Turner
Councillor Tom Wallis
Councillor Douglas Webb
Councillor Bryn Williams
Councillor Lucinda Wing
Councillor Barry Wood
Councillor Sean Woodcock

Apologies for absence: Councillor Mike Bishop
Councillor Chris Heath
Councillor Simon Holland
Councillor James Macnamara
Councillor D M Pickford
Councillor Neil Prestidge
Councillor Barry Richards

Officers: Yvonne Rees, Chief Executive
Jane Carr, Executive Director: Wellbeing
Adele Taylor, Interim Executive Director: Finance and Governance
Claire Taylor, Director: Customers and Service Development
James Doble, Assistant Director: Law and Governance / Monitoring Officer
Natasha Clark, Governance and Elections Manager

18 **Welcome**

The Chairman welcomed Councillor John Broad to his first meeting of Council following the recent election for the Bicester West ward.

19 **Declarations of Interest**

11. Joint Working Arrangements: Cherwell District and Oxfordshire County Councils & Cherwell District and South Northamptonshire Councils.
Yvonne Rees, Declaration, as the report referred to the establishment of a joint Chief Executive post and would leave the meeting for the duration of the item.

20 **Communications**

The Chairman and Chief Executive made the following announcements:

Chairman's Engagements

The Chairman advised that a copy of the events attended by himself or the Vice-Chairman was included in the published agenda pack.

Post

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

Member Seminar, Monday 23 July

The Chief Executive referred to the email sent to members regarding the Member Seminar on Monday 23 July which would focus on the council's vision for Banbury and the Canalside.

This was a really important seminar and opportunity for Members to consider the potential future for Banbury and the Canalside and what the council and others could do to positively influence the area.

The session would take attendees on a journey through what the council's overall framework for the area looks like, what proactive and positive steps have already been taken around shaping the area and what the potential aspirations could look like for the future.

This session would be led by the Executive Director: Place and Growth, Adrian Colwell, and the Interim Executive Director Finance and Governance, Adele Taylor, who would take Members through this journey for what the future of this area in Banbury could look like.

In response to a query from Councillor Mallon regarding the date which clashed with the County Locality AGM and that he felt that town and county councillors should have been invited to, the Chief Executive explained that the Member Seminar date was included on the calendar of meetings that had been agreed at the December 2017 Council meeting. The Member Seminar would specifically relate to the current position for CDC and enable CDC members to receive on this matter prior to any wider discussion and engagement.

Member Briefing – GDPR

The Chief Executive reminded Members that a briefing on GDPR would take place at 6pm on Tuesday 31 July in the SNC Council Chamber in Towcester.

This briefing had been held the previous month at Bodicote House and had received excellent feedback from attendees so any member who couldn't attend was encouraged to attend on 31 July.

This briefing would bring Members up to speed with what has changed with the General Data Protection Regulation (GDPR) which came into force on 25 May 2018 and how GDPR affects elected members.

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

There were no petitions or requests to address the meeting.

22 **Urgent Business**

There were no items of urgent business.

23 **Minutes of Council**

The minutes of the meeting held on 15 May 2018 were agreed as a correct record and signed by the Chairman.

24

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 report that since the last meeting of Council at which the minutes were submitted on 26 February 2018, one key decision had been taken by the Executive which was not included in the 28 day notice. This related to Joint Working Arrangements between Cherwell District Council and Oxfordshire County Council.

b) Minutes of Committees

Resolved

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

25

Questions

a) Written Questions

The Chairman advised Council that two written question had been submitted with advance notice in accordance with the Constitution.

The first question was from Councillor Rose and addressed to the Leader of the Council, Councillor Wood, and was in relation to housing base and council tax. A written answer had been tabled at the meeting (annex to the Minutes as set out in the Minute Book).

The second question was from Councillor Rose and addressed to the Leader of the Council, Councillor Wood, and was in relation to decriminalised parking in Cherwell. A written answer had been tabled at the meeting (annex to the Minutes as set out in the Minute Book).

Councillor Rose asked a supplementary question to which an answer was duly given.

b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Councillor Mawer: Dog on dog attacks

Councillor Sames: Illegal encampments on Cherwell District Council land

Councillor Gaul: Bicester Town Council pin badge

Councillor Banfield: Keeping dogs safe in the summer

Councillor Woodcock: Complaints about poor private sector housing

Councillor Bell: Provision of changing places facilities at leisure centres in the district

Councillor Dhesi: Cleanliness of Banbury pavements

Councillor Cherry: The Hill Community Centre

c) Questions to Committee Chairmen on the Minutes

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

26

Motions

a) Guaranteed Interview Scheme for Veterans

It was moved by Councillor Mallon, and seconded by Councillor Wood, that the following motion be adopted:

“This Council instructs Officers to investigate and prepare a report for the Executive (and JCC if appropriate) that would consider the introduction of a guaranteed interview scheme for veterans together with a review of the current advertising arrangements for external vacancies to promote better access for veterans.

This Council notes that where this has been introduced by other Councils such as Durham and Cumbria, veterans are defined as those who are about to leave the regular Armed Forces or who have done so in the last three years.

Those leaving the Armed Forces face many challenges and sometimes discrimination in the job market. This policy will demonstrate our commitment to the Armed Forces Covenant that we as a council we're proud to be amongst the first to sign up to.

We acknowledge that veterans have many of the skills, experience and qualities that councils could use and utilise and as such, suitable employment within our council could aid the applicants, our organisation and the residents we serve.”

The motion was debated and subsequently agreed.

b) Modern Slavery

It was moved by Councillor Woodcock, and seconded by Councillor Banfield, that the following motion be adopted:

“Cherwell District Council believes that Modern Slavery is a scourge on our society and will do what it can to end it.

“This council calls on the government to review with past victims of the support mechanisms in place through the National Referral Mechanism to ensure they are fit for purpose and sufficient in length.

“And this authority undertakes to take the following steps:

- Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
- Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
- Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
- Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
- Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
- Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
- Review its contractual spending regularly to identify any potential issues with modern slavery.
- Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
- Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
- Report publicly on the implementation of this policy annually.
- Update our overarching Safeguarding policy to reflect this change."

In introducing the motion, Councillor Woodcock advised Council that the wording of his motion had slightly changed to that which had included in the published agenda following discussions with officers and other members.

Prior to the debate on the motion, Councillor Mallon proposed the following minor amendment to add an additional bullet point to the end of the motion with the following text: This Council condemns forced marriage as a type of modern slavery and will work with the Crime Partnerships within Oxfordshire and the office of the Police and Crime Commissioner to tackle the crime of forced marriage within the Thames Valley.

On being accepted by the proposer and seconder of the motion (Councillor Woodcock and Councillor Banfield respectively), the motion as amended was debated and subsequently agreed.

Resolved

- (1) That the following motion be adopted:

This Council instructs Officers to investigate and prepare a report for the Executive (and JCC if appropriate) that would consider the introduction of a guaranteed interview scheme for veterans together with a review of the current advertising arrangements for external vacancies to promote better access for veterans.

This Council notes that where this has been introduced by other Councils such as Durham and Cumbria, veterans are defined as those

who are about to leave the regular Armed Forces or who have done so in the last three years.

Those leaving the Armed Forces face many challenges and sometimes discrimination in the job market. This policy will demonstrate our commitment to the Armed Forces Covenant that we as a council we're proud to be amongst the first to sign up to.

We acknowledge that veterans have many of the skills, experience and qualities that councils could use and utilise and as such, suitable employment within our council could aid the applicants, our organisation and the residents we serve.

(2) That the following motion, as amended, be adopted:

Cherwell District Council believes that Modern Slavery is a scourge on our society and will do what it can to end it.

This council calls on the government to review with past victims of the support mechanisms in place through the National Referral Mechanism to ensure they are fit for purpose and sufficient in length.

And this authority undertakes to take the following steps:

- Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
- Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
- Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
- Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
- Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
- Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
- Review its contractual spending regularly to identify any potential issues with modern slavery.
- Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
- Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
- Report publicly on the implementation of this policy annually.
- Update our overarching Safeguarding policy to reflect this change.
- This Council condemns forced marriage as a type of modern slavery and will work with the Crime Partnerships within Oxfordshire and the office of the Police and Crime Commissioner to tackle the crime of forced marriage within the Thames Valley

Result of Bicester West Election

The Chief Executive submitted a report to advise Council of the result of the election for the Bicester West ward held on 21 June 2018, to note the constitution of the council, political balance calculations and allocation of seats on committees that were subject to the political balance requirements following the election.

Resolved

- (1) That the results of the election for the Bicester West ward held on 21 June 2018 be noted.
- (2) That the constitution of the Council: Conservative: 36 (75%); Labour: 9 (19%); and Independent: 3 (6%); the following political balance calculations and the allocation of seats on committees that are subject to the political balance requirements following the election be noted:

Political Balance	TOTAL	CON	IND	LAB
Accounts, Audit & Risk Committee	8	6	0	2
Appeals Panel	10	7	1	2
Budget Planning Committee	12	9	1	2
Joint Appeals Committee	3	2	0	1
Joint Commissioning Committee	6	5	0	1
Joint Scrutiny Committee	5	4	0	1
Licensing Committee	12	9	1	2
Overview & Scrutiny	12	9	1	2
Personnel Committee	12	9	1	2
Planning Committee	18	14	1	3
Standards Committee	8	6	0	2
Proportional Total by Committee	106	80	6	20
Aggregate Entitlement	106	80	6	20
Adjustment Required	N/A	0	0	0

- (3) That the following appointments and amendments to Committees by the Independent Group in light of the revised allocation of seats on committees that are subject to the political balance requirements be noted:

Appeals Panel: appoint Councillor John Broad

Personnel Committee: Councillor Alaric Rose

Planning Committee: Remove Councillor Alaric Rose as substitute;
Add Councillor John Broad as substitute

28 **Joint Working Arrangements: Cherwell District and Oxfordshire County Councils & Cherwell District and South Northamptonshire Councils**

The Director for Customers and Service Development submitted a report which, following the announcement of plans to reorganise local government in Northamptonshire recommended, and set out the rationale, to give South Northamptonshire Council notice of the intention to end the Section 113 agreement thereby bringing to a close the current partnership between Cherwell and South Northants and their joint working arrangements.

The report also recommended the development of joint working arrangements with Oxfordshire County Council and the establishment of a joint Chief Executive post.

Prior to introducing the report, the Lead of the Council, Councillor Wood, made the following statement:

“This council notes the strength of the partnership between Cherwell and South Northants and the regret with which this working relationship must necessarily draw to a close. There are few partnerships that have been as long and successful as ours and over the eight years we have been working together we have delivered excellent services, flagship projects and sustained savings and efficiencies.

We wish our colleagues over the border every success with their future endeavours and whilst none of us know what the future brings we can be assured that there are councils and councillors in South Northants and Cherwell who are able to work in partnership for the benefit of local residents. We would like to formally record our thanks to colleagues and councillors across the border for their ongoing commitment and dedication to this partnership and whilst the formalities are coming to a close we can rely on on-going support and friendship between the two councils.”

Resolved

- (1) That it be agreed to give South Northamptonshire Council notice to end the Section 113 agreement that underpins the basis of joint working between the two authorities.
- (2) That relevant officers be requested to prepare a detailed plan to separate the joint working arrangements with South Northamptonshire; ensuring steps are put in place to maintain effective operational activity in accordance with the Section 113 agreement.

- (3) That it be agreed to develop joint working arrangements with Oxfordshire County Council (subject to the incremental development of specific business cases) and to enter into a Section 113 agreement (as the basis by which the joint working partnership will be delivered) delegating completion of the agreement to the Assistant Director Law and Governance in consultation with the Leader of the Council.
- (4) That the establishment of a Cherwell and Oxfordshire County Council joint Chief Executive and Head of Paid Service, in accordance with the proposed Section 113 agreement with Oxfordshire County Council, be agreed.
- (5) That the establishment of two non-executive joint committees between Cherwell District and Oxfordshire County Councils (a joint committee to deal with staffing matters and a joint appeals committee) be agreed and the Assistant Director Law and Governance (Cherwell), in consultation with the Director Law and Governance (Oxfordshire), be requested to develop terms of reference for adoption by the Councils in October (Cherwell) and November (Oxfordshire), enabling the implementation of staffing related matters as business cases are agreed for each element of joint working.
- (6) That the agreement of the Executive to establish an informal partnership working group between Cherwell District and Oxfordshire County Councils whose role will be to oversee the development and delivery of the joint working programme and also tasked with a review of joint working arrangements after the first six months of operation be noted.

29

'Making' of the Adderbury Neighbourhood Plan

The Executive Director: Place and Growth submitted a report to seek the 'making' of the Adderbury Neighbourhood Plan following the successful referendum held in Adderbury Parish on 21 June 2018 and the recommendation of the Executive at its meeting on 2 July 2018.

Resolved

- (1) That the referendum result of 21 June 2018 where 91.6% of those who voted were in favour of the Adderbury Neighbourhood Plan which is above the required 50% be noted.
- (2) That agreement be given to formally 'make' the Adderbury Neighbourhood Plan (annex to the Minutes as set out in the Minute Book) so that it continues to have effect as part of the statutory Development Plan for the District.
- (3) That the issuing and publication of a decision statement be approved.

30 **Cherwell Residential Design Guide Supplementary Planning Document Masterplanning and Architectural Guidance**

The Executive Director: Place and Growth submitted a report to seek adoption of the Cherwell Residential Design Guide, Supplementary Planning Document (SPD), Masterplanning and architectural guidance for development following the recommendation of Executive at its meeting on 2 July 2018.

In introducing the report, the Lead Member for Planning, Councillor Colin Clarke, thanked officers for their hard work in producing the SPD, which was a comprehensive, written in non-technical language so was accessible and easy to understand for all and commented he was confident the SPD would fulfil its aim of providing a level of certainty and consistency in the development process, while raising the quality of design throughout the District.

Resolved

- (1) That the final Cherwell Residential Design Guide Supplementary Planning Document (Design Guide) (annex to the Minutes as set out in the Minute Book) be formally adopted.
- (2) That the Executive Director for Place and Growth be authorised to publish an Adoption Statement.

31 **Amendment to the Constitution and Officer Scheme of Delegation - Cherwell Community Lottery**

The Executive Director: Wellbeing submitted a report to recommend a change to the Council's scheme of delegation, giving the Assistant Director – Communities, specific responsibility for running the Council's Community Lottery.

Resolved

- (1) That responsibility for running the Cherwell Community Lottery be delegated to the Assistant Director – Communities.
- (2) That authority be delegated to the Assistant Director – Law & Governance to amend the Constitution and the Scheme of Delegation to reflect resolution (1) above.

32 **Graven Hill Community Governance Review - Results of First Consultation and Recommendations for Second Consultation**

The Chief Executive submitted a report to provide an update on the Community Governance Review (CGR), including the results of the first consultation period held earlier this year. The report also sought consideration of the draft recommendations of the CGR Working Group that would form the basis of the second consultation phase which would start on 30 July 2018.

Resolved

- (1) That consultation on the proposed boundary between Bicester Town Council and Ambrosden being moved to incorporate Graven Hill into Bicester (as set out on the annex to the Minutes as set out in the Minute Book) be approved.
- (2) That consultation on the boundary between Ambrosden and Chesterton being moved to include the orphan area into Chesterton (as set out on the annex to the Minutes as set out in the Minute Book) be approved.
- (3) That consultation on the proposed allocation of councillors for Bicester Town Council (BTC), that is BTC - Bicester South Ward be increased by one councillor and BTC -Bicester East Ward be decreased by one councillor, therefore retaining the same number of councillors, be approved.

33 **Overview and Scrutiny Annual Report 2017/18**

The Assistant Director – Law and Governance submitted a report which presented the Overview and Scrutiny Annual Report for 2017/18.

Resolved

- (1) That the contents of the Overview and Scrutiny Annual Report 2017/18 (annex to the Minutes as set out in the Minute Book).

34 **Silverstone Heritage Centre Loan Facility**

The Interim Executive Director: Finance and Governance submitted a report to consider whether or not to provide a £1m loan facility to Silverstone Heritage Limited as part match-funding to their Lottery grant application for the delivery of the Silverstone Heritage Experience. Other Local Authorities (including South Northamptonshire Council) and LEP partners had already signed an agreement to loan up to £8m of funding to the experience. Works have already commenced on site, with a planned launch in spring 2019.

The loan facility was a partial match fund for a project to develop a visitor experience at Silverstone that focusses on the history and heritage of Silverstone and to understand the context and importance of the internationally renowned racing circuit. The experience would be a dynamic exhibition taking visitors through both the history of Silverstone as well as the current world of motor sport and the future. The work to build the facility had already commenced following a rigorous tender process by the Silverstone Heritage Experience for new building works and refurbishment of a hangar at the Silverstone. This meant that costs had now been fixed and there was more certainty about project delivery, with regular updates on project progress received by senior officers at the Council.

In introducing the report, the Lead Member for Financial Management and Governance, Councillor Ilott, advised that Executive, at its meeting held on 2 July 2018 recommended that Council should consider the application for a loan facility of up to £1 million, to the Silverstone Heritage Experience. This was to partially match fund the £9.1m of grant funding secured from Heritage Lottery Fund (HLF) and in addition to £8m of loans granted by Local Council partners and Local Enterprise Partnership.

Resolved

- (1) that the inclusion of up to £1 million within the capital programme as a provision to make a loan facility available to Silverstone Heritage Limited (SHL) be approved.
- (2) That approval be given to borrow in order to fund the loan, should that be necessary for cashflow purposes.

35 **Exclusion of the Press and Public**

There being no questions on the exempt appendices to agenda item 17, Silverstone Heritage Centre Loan Facility, or the exempt minutes, it was not necessary to exclude the press and public.

36 **Silverstone Heritage Centre Loan Facility - Exempt Appendices**

Resolved

- (1) That the exempt appendices be noted.

37 **Questions on Exempt Minutes**

There were no questions on the exempt minutes.

The meeting ended at 9.35 pm

Chairman:

Date:

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Cherwell District Council

Council

3 September 2018

<p>Establishment of Joint Committees with Oxfordshire County Council</p>

Report of Assistant Director Law and Governance

This report is public

Purpose of report

To establish a Joint Personnel Committee and Joint Appeals Committee with Oxfordshire County Council.

1.0 Recommendations

Council is recommended:

- 1.1 Subject to Oxfordshire County Council resolving similarly, to adopt the terms of reference for the Joint Personnel Committee as set out at Appendix 1.
- 1.2 Subject to Oxfordshire County Council resolving similarly, to adopt the terms of reference for the Joint Appeals Committee as set out at Appendix 2.
- 1.3 To appoint to the Joint Personnel Committee and Joint Appeals Committee as set out in Table 1.

2.0 Introduction

- 2.1 At their respective July Council meetings Cherwell District Council (CDC) and Oxfordshire County Council (OCC) agreed to enter into a Section 113 agreement to enable the sharing of a Chief Executive with a view to creating other shared officer posts and shared services.
- 2.2 As part of this decision, it was also agreed that two non-executive committees between CDC and OCC be established (a Joint Personnel Committee and a Joint Appeals Committee) with the Assistant Director: Law and Governance (CDC), in consultation with the Director Law and Governance (OCC), requested to develop terms of reference for adoption by the Councils enabling the implementation of staffing related matters as business cases are agreed for each element of joint

working. This report presents terms of reference for these committees for agreement.

- 2.3 An informal Partnership Working Group, the creation of which was agreed by Executive at their July meeting, has been established between the two council to oversee the development and delivery of the joint working programme,.

3.0 Report Details

Joint Personnel Committee

- 3.1 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. The Joint Personnel Committee will deal with matters involving shared staff, devolved Executive decisions, shared posts, shared management arrangements and shared statutory officer discipline.

Joint Appeals Panel

- 3.2 Although it is unlikely that the Joint Appeals Panel will be required to meet, it is required to have one in order to deal with certain specific circumstances. These are appeals by or grievance appeals against the Chief Executive made by any member of the senior management team of either council; to hear and determine any appeals brought by the Chief Executive and, if shared, Monitoring Officer and Section 151 Officer against any disciplinary sanctions imposed short of dismissal and 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.

Committee Membership

- 3.3 It is proposed that the Joint Personnel Committee has 10 members, 5 from each council and should not consist of members solely from the Executive and Cabinet.
- 3.4 It is proposed the Joint Appeals Committee has 6 members, 3 from each council, who should not be members of the Joint Personnel Committee.

Table: Proportionality of Joint Committees

Joint Personnel Committee Proportional 5 CDC Members	Joint Appeals Panel Proportional 3 CDC Members
4 Conservative 1 Labour	2 Conservative 1 Labour
Named substitutes 4 Conservative 1 Labour	Named substitutes 2 Conservative 1 Labour

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is imperative that the councils have robust and effective governance in place to ensure that it can properly discharge its duties as an employer but also to ensure that they are able to appoint shared officers to enable the councils to operate effectively. It is believed the recommendations in this report will provide effective arrangements to enable the council to carry out these functions jointly with Oxfordshire County Council

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To agree the recommendations – this is the preferred option

Option 2: To not agree the recommendations - rejected as the recommendations are believed by officers to be in the best interest of the Council.

Option 3: To amend the recommendations- rejected as the recommendations are believed by officers to be in the best interest of the Council.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising directly from this report.

Comments checked by:

Adele Taylor, Interim Executive Director Finance and Governance 0300 003 0103
adele.taylor@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 This report has been prepared by the Monitoring Officer and proposes measures to ensure good governance within the legislative framework.

Comments checked by:

James Doble, Assistant Director Law and Governance 0300 003 0207
james.doble@cherwellandsouthnorthants.gov.uk

Risk Implications

- 7.3 The proposals in this report mitigate risk to the authority from ensuring that effective and appropriate governance is in place

Comments checked by:

James Doble, Assistant Director Law and Governance 0300 003 0207
james.doble@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

None directly

Lead Councillor

Councillor Tony Ilott, Lead Member for Financial Management and Governance

Document Information

Appendix No	Title
Appendix 1	Joint Personnel Committee Terms of Reference
Appendix 2	Joint Appeals Panel Terms of Reference
Background Papers	
None	
Report Author	James Doble Assistant Director Law and Governance
Contact Information	0300 003 0207 James.doble@cherwellandsouthnorthants.gov.uk

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.

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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.

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Cherwell District Council

Council

3 September 2018

<p>Constitutional Amendments: Amendments to Personnel Related Committees</p>

Report of Assistant Director: Law and Governance

This report is public

Purpose of report

To amend the terms of reference of the Personnel Committee, Appeals Panel and to re-establish a CDC Council and Employee Joint Committee.

1.0 Recommendations

Council is recommended:

- 1.1 To agree to adopt the amended terms of reference for the Personnel Committee as set out at Appendix 1.
- 1.2 To agree to adopt the amended terms of reference for the Appeals Panel as set out at Appendix 2.
- 1.3 To agree to re-establish the Council and Employee Joint Committee with the terms of reference as set out at Appendix 3 be adopted.
- 1.4 To authorise the Monitoring Officer to make any consequential amendments to the constitution arising from these recommendations
- 1.5 To note the current membership of the Personnel Committee, and Appeals Panel and agree any amendments to membership as proposed by group leaders.
- 1.6 To note the current membership of the Council and Employee Joint Committee and agree any amendments to membership as proposed by group leaders and that the leaders of the Conservative and Independent Groups be asked to nominate additional representatives to the Council and Employee Joint Committee.

2.0 Introduction

- 2.1 At the July council meetings Cherwell District Council and South Northamptonshire Council agreed by mutual consent and with reluctance to end their successful joint

working arrangements in light of the likely local government reorganisation in Northamptonshire. As a result of these decisions it is necessary to remove the joint working governance and revert to Cherwell committees. This report amends the terms of reference for the Personnel Committee, Appeals Panel and re-establishes the Council and Employee Joint Committee.

3.0 Report Details

Personnel Committee

- 3.1 Since 2012 the Personnel Committee has become virtually dormant as services became shared and responsibility for personnel matters transferred to the Joint Commissioning Committee. Consequently the terms of reference for this committee have not been updated for some time. Set out at Appendix 1, they have been updated to reflect the way the council operates and in light of policy changes such as the statutory officer disciplinary policy. With the separation of the councils this committee will be required to make decisions on personnel matters that are not delegated to officers including the appointment to Chief Officer positions for Cherwell, which are not shared with Oxfordshire County Council.

Appeals Panel

- 3.2 Whilst the Appeals Panel does not meet regularly it is still the final appeal body for many of the council's personnel policies. The terms of reference (Appendix 2) have been updated to include the functions regarding chief and statutory officers previously carried out by the Joint Appeals Committee.

Council and Employee Joint Committee

- 3.3 This committee is part of the council's governance arrangements for formally consulting employees and the trade unions. It was disbanded and replaced by the Joint Council and Employee Engagement Committee. With the separation of the councils it is necessary for each council to have its own committee to consult employees and trade unions and it is therefore proposed to re-establish the Council and Employee Joint Committee with the terms of reference as set out at Appendix 3. It should be noted that on the employee side the representatives are comprised of members of the Employee Forum and trade union representatives.

Current Committee Membership

- 3.4 The current membership of the committees is set out below. Group Leaders have been asked to review and confirm the representation from their group and the Conservative and Independent Group are both asked to nominate an additional councillor to the Council and Employee Joint Committee (as per the membership in the terms of reference), which is currently based on the members appointed to the Joint Council Employee Engagement Committee at the Annual Council meeting in May.

Personnel Committee (Proportional Committee 9 Con 2 Lab, 1 Ind)	Appeals Panel (Proportional Committee 7 Con, 2 Lab, 1 Ind)	Council and Employee Joint Committee (Non-proportional Committee 3 Con, 1 Lab, 1 Ind)
Councillor Jason Slaymaker (Chairman) Councillor Dan Sames (Vice- Chairman) Councillor Claire Bell Councillor Mike Bishop Councillor Cassi Perry Councillor Lynn Pratt Councillor George Reynolds Councillor Sandra Rhodes Councillor Alaric Rose Councillor Douglas Webb Councillor Bryn Williams Councillor Barry Wood	Councillor Timothy Hallchurch (Chairman) Councillor Tom Wallis (Vice- Chairman) Councillor David Anderson Councillor Andrew Beere Councillor Maurice Billington Councillor John Broad Councillor Carmen Griffiths Councillor Simon Holland Councillor Richard Mould Councillor Barry Richards	Councillor Nicholas Turner Councillor Barry Wood <i>Conservative Vacancy</i> Councillor Barry Richards <i>Independent Vacancy</i>

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is imperative that the council has robust and effective governance in place to ensure that it can properly discharge its duties as an employer but also to ensure that it is able to appoint officers to enable the council to operate effectively. It is believed the recommendations in this report will provide effective arrangements to enable the council to carry out these functions following the separation from South Northamptonshire Council.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To agree the recommendations – this is the preferred option

Option 2: To not agree the recommendations - rejected as the recommendations are believed by officers to be in the best interest of the Council.

Option 3: To amend the recommendations- rejected as the recommendations are believed by officers to be in the best interest of the Council.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising from this report.

Comments checked by:

Adele Taylor, Interim Executive Director Finance and Governance 0300 003 0103
adele.taylor@cherwellandsouthnorthants.gov.uk

Legal Implications

7.2 The proposals contained within this report will ensure that Cherwell District Council has robust governance in place to all the management of its Personnel responsibilities.

Comments checked by:

James Doble, Assistant Director Law and Governance 0300 003 0207
james.doble@cherwellandsouthnorthants.gov.uk

Risk Implications

7.3 The proposals in this report mitigate risk to the authority from ensuring that effective and appropriate governance is in place

Comments checked by:

James Doble, Assistant Director Law and Governance 0300 003 0207
james.doble@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

None directly

Lead Councillor

Councillor Tony Illott, Lead Member for Financial Management and Governance

Document Information

Appendix No	Title
Appendix 1	Personnel Committee Terms of Reference
Appendix 2	Appeals Panel Terms of Reference
Appendix 3	Council and Employee Joint Committee Terms of Reference

Background Papers	
None	
Report Author	James Doble Assistant Director Law and Governance
Contact Information	0300 003 0207 James.doble@cherwellandsouthnorthants.gov.uk

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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.

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Council and Employee Joint Committee Terms of Reference

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.

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Cherwell District Council

Council

3 September 2018

Local Government Ombudsman Annual Report 2017/18

Report of Assistant Director – Law and Governance / Monitoring Officer

This report is public

Purpose of report

To provide council with the Local Government Ombudsman's annual report on Cherwell District Council for the financial year 2017/18.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the report

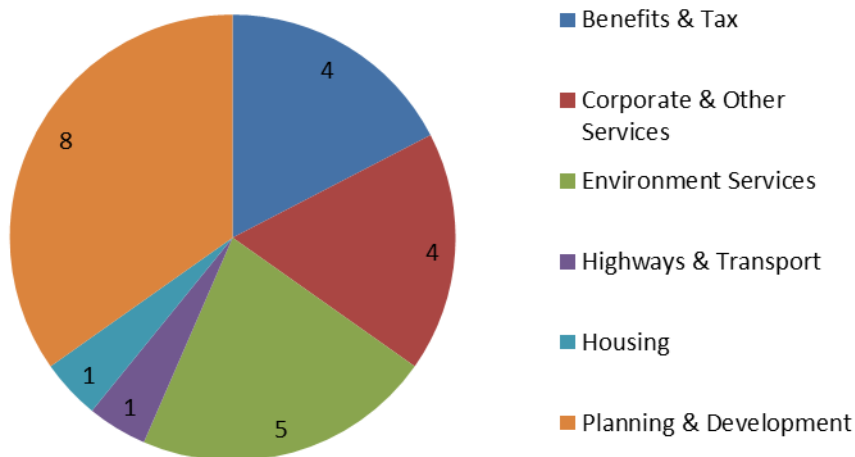
2.0 Introduction

- 2.1 The Local Government and Social Care Ombudsman (LGO) provides the final stage for complaints about councils and social care after the councils own complaints procedure has been exhausted. Annually the LGO issues an annual report covering complaints that have been received and their outcome. This report provides their findings for 2017/18.

3.0 Report Details

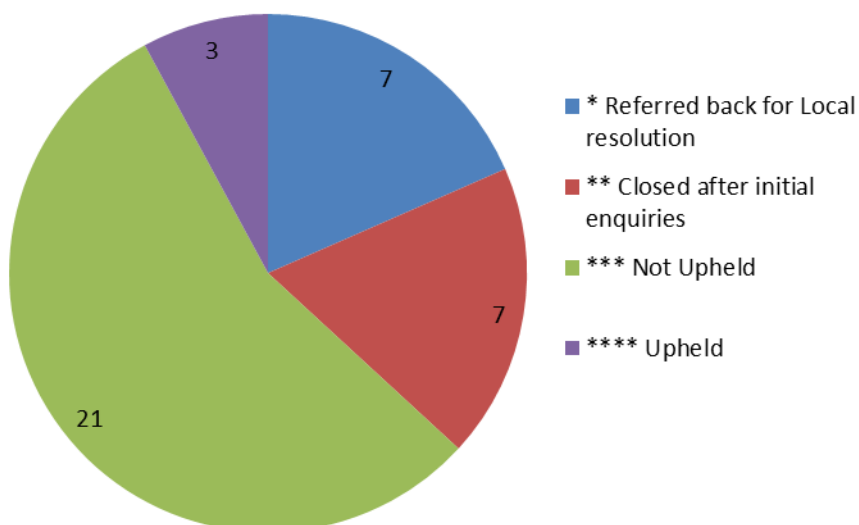
- 3.1 The LGO is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. They are a free service provided to people that have completed all stages of the Councils own complaints procedure and remain unhappy with the outcome. The LGO have guidelines regarding what they can investigate. Complainants must have complained to the council within 12 months of becoming aware of the matter and been directly affected by the matter resulting in 'personal injustice'. Not all complaints will be investigated, for example if the Ombudsman does not feel they will find fault regarding Council.

3.2 The LGO received a total of 23 complaints and enquiries against Cherwell District Council for the period 1 April 2017 – 31 March 2018, the numbers received by service area as categorised by the LGO are as follows:



3.3 The LGO returned decisions on 38 complaints in the period 1 April 2017 – 31 March 2018. It should be noted that decisions may relate to complaints made in the previous year and investigations may not have been completed on all complaints received during 2017/18 and therefore a decision may not have been reached and the number of complaints received and decisions made will always differ.

Decisions by the LGO are divided into different categories dependent on their findings, the 38 received about Cherwell District Council were categorised as follows:



* Complaints that had not completed the CDC Complaints Procedure
 ** Complaint assessed by LGO Assessment team and not passed for further investigation
 *** Complaints assessed and forwarded to investigator for investigation and no fault found
 **** Complaints assessed and forwarded to investigator for investigation and fault found

Of the Thirty Eight decisions, three of the complaints investigated were upheld, details of the complaints are as follow:

1. Complaint. 1

Complaint about the Council's handling of her council tax account. The Council wrongly closed the account, issued a refund then issued a demand for sums outstanding without proper explanation. She says the Council's errors have caused her stress.

LGO Decision

There was fault by the Council in wrongly entering information against Ms B's council tax account, in failing to investigate when Ms B provided conflicting information, in issuing a refund and then a demand and not explaining what had happened and in proceeding with recovery action quickly after sending the response to the complaint. The Council will pay Ms B £100 and write off the debt of £111.02.

Lesson Learnt

The Revenues and Recovery team accepted that the account could have been handled differently. Steps have been taken to improve procedures including:

- The introduction of the new software system for CDC Revenues and Benefits
- The introduction of a new Performance Officer post. The post holder will be involved in accuracy checking of accounts, feedback to individual officers and identifying any training and development needs.
- A review of the overarching procedures.

2. Complaint 2

Complains that she and her husband have been the victims of a long running campaign of racially aggravated abuse by her neighbour since 2013 which has escalated over the last two years. She involved both Cherwell District Council and the Banbury Police but their involvement has not resulted in any improvement in the situation. Nor has she received a formal response to her complaint in April.

LGO Decision

The Council responded appropriately to Ms X's report of anti-social behaviour in April 2016. It advised Ms X to report the matter to the police. It correctly responded to her reports of anti-social behaviour from June 2016 onward. It has now worked with the police to issue a Community Protection Warning Notice. The Council did not deal properly with Ms X's complaint about its response to her report. It should apologise to Ms X for this. It is reviewing its complaint handling arrangements which should prevent this fault happening again.

Lesson Learnt

We have changed the way we are managing corporate complaints to ensure this doesn't happen again. The corporate complaints inbox has 2 officers allocated each working day to ensure all emails are read and allocated to the relevant officer to manage the complaint through the corporate process. The team have had refresher training on the process and communication to all council colleagues will follow to ensure if a complaint comes into the council via an alternative method that all officers know what to do and who to contact if they have any questions.

3. Complaint 3

A local Councillor (i) trespassed on to his property, (ii) failed to disclose a personal interest in his planning application and therefore (iii) intervened inappropriately during the processing of his planning application which delayed the application and led to him having to make changes to the plans.

LGO Decision

a Local Councillor did not act inappropriately during the processing of Mr B's planning application. The Local Councillor entered Mr B's property without his permission. An apology is a satisfactory remedy for the injustice caused.

Lesson Learnt

Permission must be sought prior to entering private properties, all councilors are requested to note the finding of this case in carrying out their ward work.

4.0 Conclusion and Reasons for Recommendations

- 4.1 This is an Annual report and provides members with information with regard to the number of complaints received by the ombudsman against the Council, the decisions regarding complaints and the lessons learnt.

5.0 Consultation

Joint Revenues and Benefits Manager, comments included within the report.
Team Leader, Strategic Intelligence and Insight Team, comments included within the report.
Assistant Director – Law and Governance, comments included within the report.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

None

7.0 Implications

Financial and Resource Implications

- 7.1 All payments made to complainants have been met from within existing service budgets. There are no other direct financial implications arising from this report.

Comments checked by: Adele Taylor, Interim Executive Director, Finance and Governance, 0300 003 0103, Adele.taylor@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 Legal advice is contained within the report.

Comments checked by: James Doble, Assistant Director Law and Governance, 003 003 0207, James.doble@cherwellandsouthnorthants.gov.uk

Risk Implications

- 7.3 Through the implementation of lessons learnt from LGO decisions, measures can be put in place to help prevent similar issues occurring in the future and therefore mitigating risk to the council.

Comments checked by: Hedd Vaughan-Evans, Assistant Director: Performance and Transformation, 0300 003 0111, hedd.vaughanEvans@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

Sound budgets and customer focused council

Lead Councillor

Councillor Tony Ilott, Lead Member for Financial Management and Governance

Document Information

Appendix No	Title
None	None
Background Papers	
None	
Report Author	Sharon Hickson, Democratic and Elections Officer
Contact Information	01295 221554 Sharon.hickson@cherwellandsouthnorthants.gov.uk

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