



Meeting of Council

Monday 14 December 2020

Members of Cherwell District Council,

A meeting of Council will be held as a virtual meeting on Monday 14 December 2020 at 6.30 pm, and you are hereby summoned to attend.

Yvonne Rees
Chief Executive

Friday 4 December 2020

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 (Pages 9 - 10)

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

4 Thames Valley Police - Address by Deputy Police and Crime Commissioner and Chief Constable

The Deputy Police and Crime Commissioner for Thames Valley, Matthew Barber, and the Chief Constable of Thames Valley Police, John Campbell, will be invited to address Council.

Members will then have an opportunity to ask questions of the Deputy Police and Crime Commissioner, the Chief Constable and Superintendent Emma Garside.

5 Petitions and Requests to Address the Meeting

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

Addresses may be presented by:

- A Local Government elector for the area,
- A person who is wholly or mainly resident in the area,
- A Council Taxpayer or National Non-Domestic Ratepayer for the area

Addresses must be on an item on the Agenda before the meeting and not exceed 5 minutes. No person may address more than one meeting on any particular issue.

Requests to address the meeting (including the reason for the address) should be submitted to democracy@cherwell-dc.gov.uk The deadline for requests to address this meeting is noon on Friday 11 December 2020. The deadline for requests to present a petition has passed.

Full details of public participation at meetings is available in the Constitution.

6 Urgent Business

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

7 Minutes of Council (Pages 11 - 16)

To confirm as a correct record the Minutes of Council held on 19 October 2020.

8 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 19 October 2020, no key 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.

9 Questions (Pages 17 - 18)

- a) Written Questions

1 written question has been submitted with advance notice in accordance with the Constitution. This is are attached to the agenda.

Question from:	Question topic:
Councillor Ian Middleton	Castle Quay Shopping Centre

A written response to the question will be published on the working day before the meeting.

The Member who submitted the written question may ask a supplementary question provided it is relevant to the reply and does not introduce any new matter. The Member to whom the question was addressed may reply to such supplementary question or undertake to reply in writing.

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.

** In line with the virtual meeting procedure rules, any Member wishing to ask a question of the Leader (including on the minutes of Executive) must notify democracy@cherwell-dc.gov.uk by noon on the day of the meeting. It is not required for the topic to be notified. No questions without notice will be permitted **

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).

** In line with the virtual meeting procedure rules, any Member wishing to ask a question of a Chairman of a Committee on any matter arising from the minutes of their committee must notify democracy@cherwell-dc.gov.uk by noon on the day of the meeting. It is not required for the topic to be notified. No questions without notice will be permitted **

10 Motions (Pages 19 - 22)

To debate the following motions which have been submitted with advance notice, in accordance with the Constitution (to be debated in the order submitted).

Topic	Proposer	Seconder
Climate and Ecological Emergency (CEE) Bill	Councillor Ian Middleton	TBC
Hunting	Councillor Ian Middleton	TBC

Improving Coronavirus testing and tracing	Councillor Katherine Tyson	Councillor Ian Middleton
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Please note that the deadline to submit motions has passed. The deadline for Members to submit amendments to motions is noon on Thursday 10 December 2020. No amendments will be permitted after this deadline.

Any amendments submitted will be published as a supplement to the agenda on the afternoon of Friday 11 December 2020. Amendments for motions will be dealt with in the order submitted.

Council Business Reports

11 Council Tax Reduction Scheme and Council Tax Discounts 2021-2022 (Pages 23 - 52)

Report of Director of Finance

Purpose of report

To seek approval for a Council Tax Reduction Scheme for the year 2021-2022 on the recommendation of Budget Planning Committee and Executive.

To provide members with an update on Council Tax discounts and to seek approval for the Council Tax discounts for 2021-2022.

Recommendations

The meeting is recommended:

- 1.1 To approve a Council Tax Reduction Scheme (CTRS) for the year 1 April 2021 to 31 March 2022 as set out in the report and to implement the scheme with effect from 1 April 2021.
- 1.2 To grant delegated authority to the Section 151 Officer to make amendments to the Council Tax Regulations up to and including 31 January 2021 for pensioners in line with uprating announced by MHCLG and to amend the Working Age Regulations in line with the new income banded scheme and the uprating announced by MHCLG.
- 1.3 To review the proposed level of Council Tax discounts and premiums for 2021-2022 and to approve the following:
 - Retain the discount for second homes at zero.
 - Retain the discount for empty homes (unoccupied and substantially unfurnished) at 25% for 6 months and thereafter at zero.
 - Retain the discount for empty homes undergoing major repair at 25% for 12 months and thereafter at zero.
 - Retain the empty homes premium of an additional 100% for properties that have remained empty for more than 2 years.

12 **Constitution Review** (Pages 53 - 64)

Report of Corporate Director – Commercial Development, Assets and Investment & (Interim) Monitoring Officer

Purpose of report

This report presents to Council the recommendations of the Overview and Scrutiny Committee for changes to the Constitution and for procedures for its annual review.

Recommendations

The meeting is recommended to agree the following proposals from the Overview and Scrutiny Committee:

Rules of debate:

- 1.1 to make no changes to the current process as regards the order of speakers in a debate but to clarify that the seconder can speak at any point if they have reserved their right and that this does not mean they must be the penultimate speaker;
- 1.2 to make no change to the existing rule that once the proposer of a motion or amendments begins summing up, no further speakers will be heard

Length of speeches (including all committees):

- 1.3 to reduce the length of speeches for proposers to and proposers of amendments to five minutes (from current 10 minute)
- 1.4 to reduce the length of speeches for seconder, and seconder of amendments and all other speakers to three minutes (from current 5 minutes);

Deadlines for submitting amendments to motions:

- 1.5 to make no changes to the existing deadlines (5pm, two working days before the meeting)
- 1.6 to maintain the current word limit for amended motions as 250 words

Process for dealing with motions with budgetary implications:

- 1.7 to encourage members to submit motions early and discuss with officers to enable a review in the light of budgetary implications, with the introduction of a threshold of “£10,000 or more” to inform what “significant” means in terms of the current budget or capital expenditure
- 1.8 to allow amendments to motions deferred for budgetary reasons to be amended when resubmitted to Council

Motions without notice/procedural motions:

- 1.9 to make no changes to the current arrangement that a procedural motion, once proposed and seconded, requires only a simple majority to succeed

Recorded vote:

- 1.10 to make no changes to the current arrangement that a request for a recorded vote needs only a proposer and seconder to succeed

Public addresses (not Planning Committee):

- 1.11 to make no changes to current arrangements for
 - i) public speakers to register by noon on the working day before the meeting
 - ii) five minutes per public speaker

- iii) no time limit on the number of public speakers or the time allowed for the public address item

Order of business/finish time for Full Council:

- 1.12 to change the order of business for Full Council so that motions are taken after questions and reports (noting that the Constitution allows the Chairman to amend the order of business in any case in any given instance)
- 1.13 to introduce a finish time of 11 pm for Full Council meetings with the provisos that the meeting would not stop mid-way through an item; the Chairman of the Council has discretion to continue the meeting to conclude business, if, in the opinion of the Chairman, this would be appropriate; and that any motions not considered would be carried forward to be considered at the next scheduled Full Council meeting.

Planning Committee:

- 1.14 to allow remote tools (drones) in facilitating site visits but to be clear that this does not replace the option for physical site visits and any such footage and usage should be approved by Planning officers to ensure impartiality
- 1.15 to retain current arrangements whereby
 - i) there is no separate slot for councillor questions of clarification to the officer after a presentation of a planning application
 - ii) County councillors are allowed to speak as members of the public (i.e. no separate right to speak)
- 1.16 to introduce a ten-minute time limit for non-committee ward members in addressing the Committee

Terminology and glossary:

- 1.17 to introduce a glossary to the Constitution to bring clarity to members of the public, officers and councillors
- 1.18 to achieve consistency within the Constitution by using the following words:
 - i) Executive (not Cabinet)
 - ii) Chairman of a meeting (with the proviso that a person chairing a committee may call themselves by whichever term e.g. Chair)
 - iii) Resident (rather than citizen)
- 1.19 to continue to use the following terms but provide contextual clarity (and explanation in the glossary) for the use of each:
 - i) Councillor and member
 - ii) Chief Executive and Head of Paid Service
 - iii) Chief Finance Officer and S151 Officer

Annual Review of the Constitution:

- 1.20 to introduce an annual review of the Constitution whereby
 - i) At its October and December meeting, the Overview & Scrutiny Committee will consider and make recommendations to Full Council for agreement in December, (with the potential for the Committee to convene a Constitution Review Working Group to offer advice if appropriate)
 - ii) Such a review to include a notice of any changes made in-year under officer delegations to reflect legislation and transfers of functions
 - iii) Any significant changes would be submitted to Full Council as necessary for consideration

Council is further recommended:

- 1.21 to note that the Monitoring Officer will amend the Constitution to reflect the decisions of Council.
- 1.22 to note the areas being reviewed by the Monitoring Officer under delegated authority (as set out in paragraph 3.3).

For information

Members are advised that written questions and motions for the next Council meeting on Monday 22 February 2021 must be submitted to the Director of Law and Governance, democracy@cherwell-dc.gov.uk, by 5pm on Wednesday 10 February 2021.

Public participation: The deadline for requests to present a petition to Council is Monday 8 February 2021.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.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.

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 democracy@cherwell-dc.gov.uk, 01295 221589

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Chairman's Engagements 19 October – 14 December 2020

SERFCA Awards

On Thursday 29 October, 2020 the Chairman joined a virtual event at the invitation of HM Lord-Lieutenant of Oxfordshire and The County Chairman for South East Reserve Forces' and Cadets' Association. This was a virtual Presentation of Awards Ceremony which was hosted on Zoom.

Celebrating Diwali

The Chairman received an invitation from Oxford Hindu Temple and Community Centre to join them at their annual celebration of the Festival of Lights which this year was in the form of a Virtual Oxford Diwali. The event was run daily on Zoom between 3 and 6 November and included a mixture of culture, traditional dance, performances and workshop as well as Bollywood and Bhangra dancing.

Remembrance Sunday – 8 November

Despite current restrictions Remembrance Sunday events were attended, either 'virtually' or in a socially distanced way.

The Chairman attended a 'scaled back' event at St Edburg's Church in Bicester on the morning of Sunday 8 November where a small number of people were able to attend the service and wreath laying ceremony.

The Chairman also attended a similar event at Bodicote Church in the afternoon, where a small outdoor service and wreath laying ceremony took place.

Also, on Sunday 8 November, the Vice Chairman attended Banbury Town Council's small wreath laying ceremony in People's Park, Banbury.

In Kidlington a short Act of Remembrance and Wreath laying event was filmed prior to the day and screened by Kidlington Parish Council on Remembrance Sunday. On the day of filming it was not possible for either the Chairman or Vice Chairman to attend due to personal/work commitments but Cllr Timothy Hallchurch was able to step in to lay the wreath on behalf of CDC.

Parish Liaison Meeting – 11 November

The Chairman chaired the virtual Parish Liaison Meeting which was held on 11 November and attended by representatives from over 30 parishes.

Christmas Cards

The Chairman would like to wish you all a very happy and healthy Christmas. Due to the current situation, instead of sending 'actual' Christmas cards, the Chairman will be sending an electronic card and the money saved from purchasing/posting paper cards will be donated to his chosen charities which are Katharine House Hospice, ARCH (Assisted Reading for Children) and ROSY (Respite Care for Oxfordshire Sick Youngsters).



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Cherwell District Council

Council

Minutes of a meeting of the Council held as a virtual meeting, on 19 October 2020 at 6.30 pm

Present:

Councillor David Hughes (Chairman)
Councillor Hannah Banfield (Vice-Chairman)
Councillor Andrew Beere
Councillor Nathan Bignell
Councillor Maurice Billington
Councillor Mike Bishop
Councillor John Broad
Councillor Hugo Brown
Councillor Phil Chapman
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Conrad Copeland
Councillor Ian Corkin
Councillor Nick Cotter
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 James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Andrew McHugh
Councillor Tony Mephram
Councillor Ian Middleton
Councillor Perran Moon
Councillor Richard Mould
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor George Reynolds
Councillor Barry Richards
Councillor Les Sibley
Councillor Jason Slaymaker
Councillor Katherine Tyson
Councillor Douglas Webb
Councillor Fraser Webster
Councillor Bryn Williams
Councillor Lucinda Wing
Councillor Barry Wood

Councillor Sean Woodcock

Apologies for absence:

Councillor Chris Heath
Councillor Simon Holland
Councillor Dan Sames
Councillor Tom Wallis

Officers:

Yvonne Rees, Chief Executive
Steve Jordan, Corporate Director Commercial Development, Assets & Investment & (Interim) Monitoring Officer
Stephen Chandler, Corporate Director Adults & Housing Services
Lorna Baxter, Director of Finance & Section 151 Officer
Sukdave Ghuman, Head of Legal Services
Richard Hawtin, Team Leader Property & Contracts
Natasha Clark, Governance and Elections Manager

37 **Welcome**

The Chairman welcomed councillors, officers and members of the public and press to the virtual meeting of Full Council.

The Chairman introduced the Vice-Chairman, Councillor Hannah Banfield, and explained that if he had any technical issues and had to drop out of the meeting, Councillor Banfield would take the Chair until he was reconnected.

38 **Declarations of Interest**

There were no declarations of interest.

39 **Communications**

Housekeeping

The Chairman reminded Members of the protocol and etiquette for virtual meetings.

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

The Chairman advised the meeting that there were no petitions but there was one request to address the meeting, on agenda item 9 in relation to the Badger Culling motion. The public speaker would be able to speak for up to 5 minutes and would be called to address the meeting prior to the motion being debated by Council.

41 **Urgent Business**

There were no items of urgent business.

42 **Minutes of Council**

The minutes of the meeting held on 7 September 2020 were agreed as a correct record and signed by the Chairman.

43 **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 at which this was reported, 20 July 2020, one key decision has been taken which was not included in the 28 day notice relating to The Musketeer, Banbury.

b) Minutes of Committees

Resolved

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

44 **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 Middleton: Response to questions at the September Special Council meeting

Councillor Billington: Bollard in Kidlington

Councillor Dhesi: Banbury market place car park

c) Questions to Committee Chairmen on the Minutes

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

Motions

The Chairman advised that one motion had been submitted. No amendments to the motion had been submitted and, in line with the Constitution, no amendments to the motion were now permitted.

Badger Culling

The Chairman invited Julia Hammett, Chair of Oxfordshire Badger Group, who had registered to speak on the motion to address Council.

It was proposed by Councillor Middleton and seconded by Councillor Copeland that the following motion be adopted.

“At the beginning of September, Natural England began licencing the culling of badgers in Oxfordshire.

Evidence suggests that only 5.7% of incidences of bovine tuberculosis is caused by badgers. An independent review said that badger culling can only have a "modest" effect in reducing tuberculosis in cattle, and urged the government to accelerate the development of non-lethal controls and an increased focus on cow to cow transmission.

Whilst we need to support our farming communities in tackling Bovine TB, this council believes that the mass slaughter of badgers without a proven scientific rationale is unjustified. The extermination of a native species against the advice of major wildlife organisations is also incompatible with the council's environmental policies.

At least 30% of all badgers shot will be cage trapped and could instead be vaccinated which is a far cheaper, more humane, targeted and effective alternative. Shooting is more than seven times more expensive, less controllable and can actually disperse an infected population over a wider range.

This council therefore resolves :

1. That the leader write to DEFRA expressing our opposition to the badger cull across Oxfordshire.
2. Not to permit the culling of badgers on any land owned or controlled by the council
3. To instead allow and support participation in licenced badger vaccination programmes on council owned or controlled land where these are applied for
4. To encourage all parish councils in Cherwell to take the same approach on their land”

No amendments to the motion having been proposed, the motion was debated as submitted and on being put to the vote was lost and therefore fell.

46 **Constitution Review**

The Corporate Director – Commercial Development, Assets And Investment & Monitoring Officer submitted a report for Council to agree a set of ‘areas for further consideration’ in the Council’s Constitution as part of a focused Constitution Review.

Resolved

- (1) That, having given due consideration, the areas for further consideration as set out in the Annex to the Minutes (as set out in the Minute Book) be endorsed.
- (2) That the establishment of politically balanced, informal cross-party working group to review the proposed changes on the basis outlined in the Annex to the Minutes (as set out in the Minute Book) be agreed.

47 **Community Governance Review for Adderbury - Results of First Consultation and Draft Recommendations**

The Chief Executive submitted a report to advise Council of the results of the first consultation stage of the Community Governance Review (CGR) for Adderbury.

The report also sought consideration of the draft recommendations of the CGR Working Group that will form the basis of the second consultation stage, which would run from 2 November 2020 to 4 January 2021.

Resolved

- (1) That the results of the first consultation stage of the Adderbury Community Governance Review be noted.
- (2) That the draft recommendation that no separation of Adderbury Parish Council take place, and that consideration be given to the number of parish councillors on the parish and creating two wards for Adderbury Parish Council be approved.

48 **Local Government Ombudsman Annual Report 2019/20**

The Corporate Director Commercial Development, Assets and Investments & Monitoring Officer to provide council with the Local Government and Social Care Ombudsman’s annual report on Cherwell District Council for the financial year 2019/20.

Resolved

- (1) That the report be noted.

49 **Calendar of Meetings 2021/2022**

The Corporate Director Commercial Development, Assets and Investment & Monitoring Officer submitted a report for Council to consider the calendar of meetings for the municipal year 2021/2022.

The Chairman advised that an updated version of the proposed meeting calendar had been circulated as a supplement to the main agenda.

Resolved

- (1) That the calendar of meetings for Cherwell District Council for the municipal year 2021/2022 (Annex to the Minutes as set out in Minute Book).

The meeting ended at 8.40 pm

Chairman:

Date:



Council

Monday 14 December 2020

Agenda Item 9 (a), Written Questions

Question From: Councillor Ian Middleton

Question To: Leader of the Council, Councillor Barry Wood

Topic: Castle Quay Shopping Centre

Question

“ In your response to Councillor Copeland's written question about financial risks associated with the Castle Quay Shopping Centre posed during the full council meeting of July, you said :

"Commercially sensitive risk assessments on the vulnerabilities both financially and market sectors of tenants are reviewed on a regular basis and reported back to the cross-party Castle Quay Advisory Group"

I can find no reference to this group anywhere other than in your reply. No reference to it ever having met. No minutes of any such meetings and no reports on vulnerabilities. After doing a word search for the group on the website I can find no reference to it at all.

Furthermore, If it's a cross party group, the Progressive Oxfordshire group does not appear to be represented.

Could you confirm that this group actually exists and provide a list of members involved, their terms of reference, and records of past meetings.

In particular I would be grateful for sight of the risk assessments you said in July had been carried out on market sectors and tenants of the centre.

Given the recent collapse of two major retailers with stores in the centre, this information is now even more important to show that the interests of the council and council tax payers are being protected.”

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Council

Monday 14 December 2020

Agenda Item 9, Motions

Motion Proposer: Councillor Ian Middleton

Motion Seconder: TBC

Topic: Climate and Ecological Emergency (CEE) Bill

Motion

In 2019 this council and many others recognised the importance of tackling impending global ecological disaster by unanimously passing a climate emergency motion.

As a next step, Green MP Caroline Lucas recently introduced the Climate and Ecological Emergency Bill (CEE) to Parliament, which seeks to ensure that the UK plays its fair and proper role in limiting global temperatures to 1.5°C. Full details can be found at <https://www.cebill.uk/>.

The Bill was prepared by the CEE Bill Alliance, a team of scientists, academics, lawyers and campaigners guided by current science and has received cross party support from over 80 MPs.

It calls for urgent, far-reaching actions from the Government that take into account our entire global carbon footprint, including all emissions involved in the production and transport of goods from overseas that are consumed in the UK.

The Bill seeks to ensure that we take action now, rather than depending on new, untested future technologies, with a focus on the natural world as much as on the climate, protecting and conserving wildlife habitats in the UK and across the world.

A central mechanism for achieving these aims would be Citizen's Assemblies that would have a real influence on government strategy.

This council wishes to show support for the CEE Bill by :

- Taking into account the goals of The Bill when setting its own strategies, policies and targets.
- Encouraging individual councillors to join the CEE campaign
- Calling on all Oxfordshire MPs to sign the CEE Bill Early Day Motion (no 832)

Motion Proposer: Councillor Ian Middleton

Motion Seconder: TBC

Topic: Hunting

Motion

The 2005 Hunting Act banned hunting wild mammals with dogs except in specific circumstances. Hunts subsequently switched to trail hunting, where artificial scent trails are laid for the hounds to follow.

The League Against Cruel Sports recently released a secretly recorded meeting between key members of the hunting community in which they allegedly describe trail hunting as a "smokescreen" for hunts that wish to follow live prey. This is being investigated by the police and potentially makes any organisation that facilitates hunting on its land complicit in an illegal activity.

As a result national bodies including The National Trust, Forestry England, The Lake District National Park, Natural Resources Wales and United Utilities have suspended hunting on their land. Similar responses are likely from other organisations including the MOD and the Church of England.

Council notes that hunts in and around Cherwell have crossed public land and highways in the district, and as a result of these new restrictions these incidents may increase. As a responsible authority, we must also take steps to ensure we are not seen to be supporting potentially illegal activities.

Council calls on the leader to write to hunt masters in and around the district and Thames Valley Police, making it clear that, while investigations into trail hunting are ongoing, hunts will not be permitted to cross public or council controlled land or cause a nuisance on public highways within Cherwell, and that we will expect any such encroachments to be prosecuted to the fullest extent.

Motion Proposer: Councillor Katherine Tyson

Motion Seconder: Councillor Ian Middleton

Topic: Improving Coronavirus testing and tracing

Motion

Cherwell District Council would like to stand in solidarity with Oxford City Council in expressing our concern that, so far into the COVID pandemic, the country still does not have an adequate testing and tracing system. A fully functioning system decreases the risk of Oxfordshire residents to coronavirus.

Test and trace is proven in countries with a properly functioning locally-based system to be a successful strategy to manage and contain COVID-19 outbreaks.

This Council agrees that to rectify the situation substantial control should be passed to local authorities, with the necessary funding to do the job properly, with national input providing any support necessary to ensure effective co-ordination.

A local scheme will:

- Improve traceability
- Enable increased and targeted testing, including asymptomatic testing
- Be better integrated into existing Council COVID support services
- Be a more cost-effective solution
- Achieve greater community engagement
- Allow for the engagement of local volunteers

Pressure is building on the Government both to use local authorities more and to cease contracting out 'NHS Test and Trace' to private companies. Local authorities in Oxfordshire are working better than the national average in tackling COVID19 and should be supported.

This Council agrees to add its voice to those challenging the current, failed national system by asking the Leader to:

- Call on our Director of Public Health and the Leader of the County Council to support more local authority engagement in testing and tracing.
- Write to our MPs asking them for their support.

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Cherwell District Council

Council

14 December 2020

Council Tax Reduction Scheme and Council Tax Discounts 2021-2022

Report of Director of Finance

This report is public

Purpose of report

To seek approval for a Council Tax Reduction Scheme for the year 2021-2022 on the recommendation of Budget Planning Committee and Executive.

To provide members with an update on Council Tax discounts and to seek approval for the Council Tax discounts for 2021-2022.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve a Council Tax Reduction Scheme (CTRS) for the year 1 April 2021 to 31 March 2022 as set out in the report and to implement the scheme with effect from 1 April 2021.
- 1.2 To grant delegated authority to the Section 151 Officer to make amendments to the Council Tax Regulations up to and including 31 January 2021 for pensioners in line with uprating announced by MHCLG and to amend the Working Age Regulations in line with the new income banded scheme and the uprating announced by MHCLG.
- 1.3 To review the proposed level of Council Tax discounts and premiums for 2021-2022 and to approve the following:
 - Retain the discount for second homes at zero.
 - Retain the discount for empty homes (unoccupied and substantially unfurnished) at 25% for 6 months and thereafter at zero.
 - Retain the discount for empty homes undergoing major repair at 25% for 12 months and thereafter at zero.
 - Retain the empty homes premium of an additional 100% for properties that have remained empty for more than 2 years.

2.0 Introduction

- 2.1 In December 2019 members approved a Council Tax Reduction Scheme (CTRS) for Cherwell District Council for the financial year 2020/2021. The scheme remained the same as in 2019-2020 and mirrored the previous Council Tax Benefit scheme.
- 2.2 The scheme for pensioners is set nationally and pensioners have not seen any change to the support they receive.
- 2.3 The Council Tax Reduction scheme is based on a fixed cash grant of approximately 90% of the previous Council Tax Benefit subsidy. This gives a funding shortfall for Cherwell of £742,430.
- 2.4 The funding shortfall is mostly offset by the changes to locally set Council Tax Discounts and premiums.

3.0 Report Details

Position so far

Council Tax Reduction Scheme (CTRS)

- 3.1 As the funding for CTRS is a fixed cash grant the cost of any increase in the level of demand will be borne by the Council. The Council Tax Reduction caseload has been monitored and there has been an increase in the number of live cases from 6,457 in June 2019 to 6,573 in June 2020. The increase in caseload is due to the impact from the Covid-19 crisis which has seen an increase in the number of new applications received for CTRS.

Impact on Parish Councils

- 3.2 Members may recall that the regulations for calculating the Council Tax Base were amended to reflect the Council Tax Reduction Scheme and had the effect of reducing the tax base for the billing authority, major preceptors and the Police and Crime Commissioner for Thames Valley and local preceptors. This is because Council Tax Reduction is a discount rather than a benefit and therefore the Council does not collect the full amount of Council Tax from taxpayers who qualify for Council Tax Reduction. The impact of the reduced tax base was mitigated in part by changes made to discounts and exemptions. As this will be the eighth year of a Council Tax Reduction Scheme, parish councils should now have a clear understanding of the impact of CTRS on their parish tax base.

Impact of the changes to discounts and exemptions

- 3.3 Members will also recall that the Local Government Finance Act 2012 abolished certain exemptions with effect from 1st April 2013 and replaced them with discounts which can be determined locally.
- 3.4 Council determined that furnished chargeable dwellings that are not the sole or main residence of an individual (i.e. second homes) should no longer receive a discount. They had previously received a discount of 10%. If the Council continues

to set the discount at zero it is estimated that this will result in additional income of £108,539 for the 2021-2022 financial years.

- 3.5 Council also determined that the discount in respect of unoccupied and substantially unfurnished properties should be reduced to 25% for a period of six months and thereafter to zero. As at June 2020 it is estimated that the additional income from this will be £387,492 on our current forecasted number of dwellings affected.
- 3.6 Council further exercised its discretion to determine that chargeable dwellings which are vacant and undergoing major repair work to render them habitable should be given a discount of 25% for a period of 12 months. At the time of writing this report there are no dwellings in this category.
- 3.7 Prior to 1 April 2013 billing authorities could charge up to a maximum of 100% Council Tax on dwellings that have been empty for more than two years. From April 2013 local authorities were given the powers to charge a premium of up to 50% of the council tax payable. New legislation was introduced in April 2019 which allows for 100% Empty Homes Premium to be levied and this was agreed by members in December 2018. The projected income for 2021-2022 from charging an Empty Homes Premium is £180,813 on our current forecasted number of dwellings affected.

Impact of Council Tax Reduction Scheme on collection rates

- 3.8 A Council Tax collection rate of 98.04% was achieved for 2019-2020. This was slightly lower than anticipated because of the onset of Covid-19 and the subsequent decision not to do any active recovery in March 2020. Recovery has now commenced following the re-opening of Oxford Magistrates Court. As at the end of October the collection rate was 64.37 against a target of 67.75%. In considering the Council Tax Reduction Scheme for 2021-2022 members should be mindful that any changes to the scheme that reduce entitlement to CTRS could have an adverse impact on collection rates and cost of collection.

Council Tax Reduction Scheme 2021-2022

- 3.9 Members will be aware that the national 10% reduction in government funding for Council Tax Reduction Schemes over the last six years has been offset in part by the additional income generated by changes to discounts and exemptions.
- 3.10 The Government has not yet released indicative funding figures for 2021-2022. For the purposes of calculating the new Council Tax Reduction scheme for 2021-2022 an assumption has been made that funding will remain at the reduced rate.

Update on banded scheme

- 3.11 Since the introduction of Council Tax Reduction Scheme, the landscape has drastically changed. Universal Credit is based on real time information which means that any change in income generates a change in Council Tax Reduction through data files from DWP. Residents were receiving multiple bills and letters making budgeting very difficult.
- 3.12 In December 2019, the Council agreed a move to a new income banded scheme for those of working age. The present **Page 25** appendix A of this report offers a

reminder of the scheme details. The scheme assesses the maximum level of Council Tax Reduction based on the net income of the applicant and household members. The main principles of the scheme are as follows:

- If the applicant or partner is in receipt of one of the main passported benefits (Income Support, Job Seeker's Allowance Income Based and Income Related Employment and Support Allowance or receiving War Widows or War Disablement Pensions they will automatically be placed in the highest band of the scheme and will receive 100% support.
- Working age households will receive a discount, depending on their level of income and the band that they fall into.
- Under this scheme, as part of our ongoing commitment to support disabled people, we will continue to disregard Disability Living Allowance, Personal Independence Payments, War Disablement Benefits and will also continue to disregard Child Benefit and child maintenance.
- As highlighted earlier in this report the introduction of Universal Credit and Real Time Information files means that customers can experience frequent changes in their Council Tax Reduction which in turn impacts on the amount of Council Tax payable. This makes budgeting for households more of a challenge and is impacting on our ability to collect Council Tax.
- A banded scheme will be simpler for residents to understand and any future changes to the value of awards can be achieved by simply adjusting the banding thresholds. This will also mean that residents will experience less change in their Council Tax Reduction and will reduce the number of letters and Council Tax demands.
- The proposed model has a re-distribution effect from households in higher Council Tax bands to those in lower Council Tax bands.
- Savings are not the main driver for this change. The scheme offers only a very small reduction in costs and it is likely to result in administrative savings.

3.13 The new scheme was introduced from April 2020 following a period of consultation and engagement. In general, it has been well received with limited contact from customers affected by the change. The Council also agreed a hardship fund to assist those people who are negatively impacted by the new scheme but, to date, no applications for assistance have been received. This may be because residents have received a payment under the Government's Council Tax Covid support fund. Although collection rates are down on the same time last year this is attributable to the impacts from Covid-19 crisis rather than the new banded scheme.

3.14 CTRS expenditure has increased from around £7.1m to £7.5m, again this is due to the increase in caseload.

3.15 Options for 2021-2022

Option 1 (recommended by Budget Planning Committee and Executive) – retain the current income banded income CTR scheme for those of working age with only minor changes to government uprating figures.

This option would retain the 100% support for those people of working age who are on passported claims. It would also retain the current income bands and percentage of award.

3.16 Option 2a and 2b – Current banded scheme with a 1% or 2% decrease in percentage awards in each band.

This option would retain the 100% support for those people of working age who are on passported claims and would introduce a small decrease of 1% or 2% on maximum awards in each income band.

3.17 Option 3 – Banded scheme with a 1% increase in percentage awards in each band.

This option would retain the 100% support for those people of working age who are on passported claims and would introduce a small increase of 1% in the maximum awards in each income band. This option would be more advantageous to residents

Financial summary of options

Group	Excess income bands	Option 1: Maximum CTR award (current scheme)	Option 2a: 1% decrease	Option 2b: 2% decrease	Option 3: 1% increase
Working age passported claims	n/a	Up to 100%	Up to 100%	Up to 100%	Up to 100%
Pension claims	n/a	Up to 100%	Up to 100%	Up to 100%	Up to 100%
Working age disabled	£0 - £4.99	Up to 100%	Up to 100%	Up to 100%	Up to 100%
	£5 - £14.99	95%	94%	93%	96%
	£15.00 - £29.99	87%	86%	85%	88%
	£30.00 - £49.99	80%	79%	78%	81%
	£50.00 - £74.99	65%	64%	63%	66%
	£75.00 - £99.99	42%	41%	40%	43%
	£100.00 - £124.99	25%	24%	23%	26%
	£125 upwards	0%	0%	0%	0%
Working age with children	£0 - £4.99	Up to 100%	Up to 100%	Up to 100%	Up to 100%
	£5 - £14.99	93%	92%	91%	94%
	£15.00 - £29.99	83%	82%	81%	84%
	£30.00 - £49.99	78%	77%	76%	79%
	£50.00 - £74.99	59%	58%	57%	60%
	£75.00 - £99.99	32%	31%	30%	33%
	£100.00 - £124.99	25%	24%	23%	26%
	£125 upwards	0%	0%	0%	0%

Working age - other	£0 - £4.99	96%	95%	94%	97%
	£5 - £14.99	85%	84%	83%	86%
	£15.00 - £29.99	73%	72%	71%	74%
	£30.00 - £49.99	66%	65%	64%	67%
	£50.00 - £74.99	42%	41%	40%	43%
	£75.00 - £99.99	28%	27%	26%	29%
	£100.00 - £124.99	18%	17%	16%	19%
	£125 upwards	0%	0%	0%	0%

Cost of scheme	Option 1	Option 2a	Option 2b	Option 3
Pension age	£2,882,238.52	£2,882,238.52	£2,882,238.52	£2,882,238.52
Working age	£4,695,257.03	£4,679,009.53	£4,661,814.12	£4,711,979.32
Total	£7,577,495.55	£7,561,248.05	£7,544,052.64	£7,594,217.84
Income from second homes	£108,539	£108,539	£108,539	£108,539
Income from empty homes with 25% discount for 6 months	£387,492	£387,492	£387,492	£387,492
Uninhabitable homes with 25% discount for 12 months	0.00	0.00	0.00	0.00
Long term empty premium at 100% after 2 years	£180,813	£180,813	£180,813	£180,813

4.0 Conclusion and Reasons for Recommendations

- 4.1 From April 2013 Council Tax Benefit was abolished and replaced with a local Council Tax Reduction Scheme. The Council is required to agree a scheme based on the reduced level of funding from Government.
- 4.2 Members are now required to approve a Council Tax Reduction Scheme for the financial year 2021-2022 and are asked to give delegated Authority to the Section 151 Officer to make the required changes to the Council Tax Reduction Regulations up to and including 31 January 2021 in consultation with the Lead Member for Financial Management.
- 4.3 Members are also asked to agree that Council Tax discounts for 2021-2022 are set at the levels detailed in the report.

5.0 Consultation

There is a requirement to consult with the public, major preceptors and other parties who may have an interest in the Council Tax Reduction Scheme on any material changes to the scheme. This is not considered to include changes for annual uprating in accordance with Government Regulations.

Consultation has already taken place with members of Budget Planning Committee who recommended to Executive the option of no change to the current scheme and therefore no consultation is required. A report has been received by Executive.

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 not recommend any of the options for a scheme for 2021-2021. This would have financial implications for the Council and those residents affected by Welfare Reform.

Option 2: 2a,2b and 3: as outlined in the report these options have been considered and discounted.

7.0 Implications

Financial and Resource Implications

- 7.1 The financial consequences are detailed above, within the report, with an overall summary that the revised scheme will have a net shortfall of approximately £66,000 related to the increased caseload volumes following the Covid-19 impacts. This shortfall could be increased or decreased depending on the options decided, with for example reducing the award by 2% reducing the shortfall to an estimated

£33,000 with option 2b above or increasing the shortfall to an estimated £83,000 with a 1% increase in the award under option 3 above. To achieve a cost neutral scheme a reduction of 4% would be needed.

Comments checked by:

Michael Furness, Assistant Director Finance

01295 221845 michael.furness@cherwell-dc.gov.uk

Legal Implications

- 7.2 The Council is required to review its Council Tax Reduction Scheme on an annual basis and if it determines to make changes then it must consult on the revised scheme. Failure to do so will adversely affect the reputation of the Council and will have a financial implication for residents as well as exposing the Council to potential challenge for failing to comply with the legislative requirements of the Local Government Finance Act 1992.

Comments checked by:

Chris Mace, Solicitor, 01295 221808

christopher.mace@cherwell-DC.gov.uk

Risk Implications

- 7.3 Any risk has been highlighted in the report.

Comments checked by:

Belinda Green, Operations Director, CSN Resources, 01327 322182

belinda.green@csnresources.co.uk

Equality Implications

- 7.4 An Equality Impact Assessment has been carried out based on the recommendations made in this report.

Comments checked by:

Belinda Green, Operations Director, CSN Resources, 01327 322182

belinda.green@csnresources.co.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

This links to the Council's priority of sound budgets and a customer focused Council

Lead Councillor

Councillor Tony Ilott, Lead Member for Financial Management and Governance

Document Information

Appendix number and title

- Appendix A – Presentation on modelling for a banded scheme
- Appendix B – Contains examples of modelling impacts

Background papers

None

Report Author and contact details

Belinda Green, Operations Director CSN Resources
01327 322182, Belinda.green@csnresources.co.uk

Revising Council Tax Reduction Scheme (CTRS)

2020-2021



DISTRICT COUNCIL
NORTH OXFORDSHIRE



Current scheme

- Current scheme is based on the default scheme which is derived from the previous Council Tax Benefit scheme
- Based on a means tested assessment
- Maximum award for working age is 100%
- Scheme must be agreed each year.
- Those of pension age continue to be protected.



Why review the scheme?

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- Landscape has changed hugely since the introduction of CTRS in 2013
- Reduction in Administration grant – around 37% by 2019
- Welfare reform changes – Housing Benefit scheme increasingly different from our CTR scheme
- Universal Credit – rolled out in CDC from November 2017
- Universal Credit is creating many changes to CTR leading to multiple demands and confusion



Any new scheme must:

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- Continue to protect those of pensionable age and also our more vulnerable residents
- Remain affordable within reducing resources
- Be practical to administer
- Not generate multiple Council Tax bills
- Provide opportunity for better collection levels by reducing the rebilling of Council Tax for UC customers.

Income Banded Scheme

Main principles

- Those of pensionable age will continue to receive maximum help based on their circumstances.
- Any applicant who receives a 'passport' benefit will automatically be placed in the most generous band. This will include those on War Widows/War Disablement Pensions.
- For other working age applicants an assessment will be carried out using income and capital of household compared to a needs allowance as now.
- Look at any excess income figure and CTR will be awarded based band that the excess figure falls into.
- If fall into more than one band the most beneficial will apply
- Ongoing commitment to support those who are disabled.

Income Bands

Working Age on passported benefits

Group	Excess Income	CTR award
Working age passported claims		Up to 100%
Pension claims		Up to 100%

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Income Bands Working Age Disabled

Excess Income	CTR award based on CT liability
£0 - £4.99	100%
£5 - £14.99	95%
£15.00 - £29.99	87%
£30.00 - £49.99	80%
£50.00 - £74.99	65%
£75.00 - £99.00	42%
£100 - £124.99	25%
£125 upwards	0%

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Income Bands Working Age with children

Excess Income	CTR award based on CT liability
£0 - £4.99	100%
£5 - £14.99	93%
£15.00 - £29.99	83%
£30.00 - £49.99	78%
£50.00 - £74.99	59%
£75.00 - £99.00	32%
£100 - £124.99	25%
£125 upwards	0%

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Income Bands Working Age other

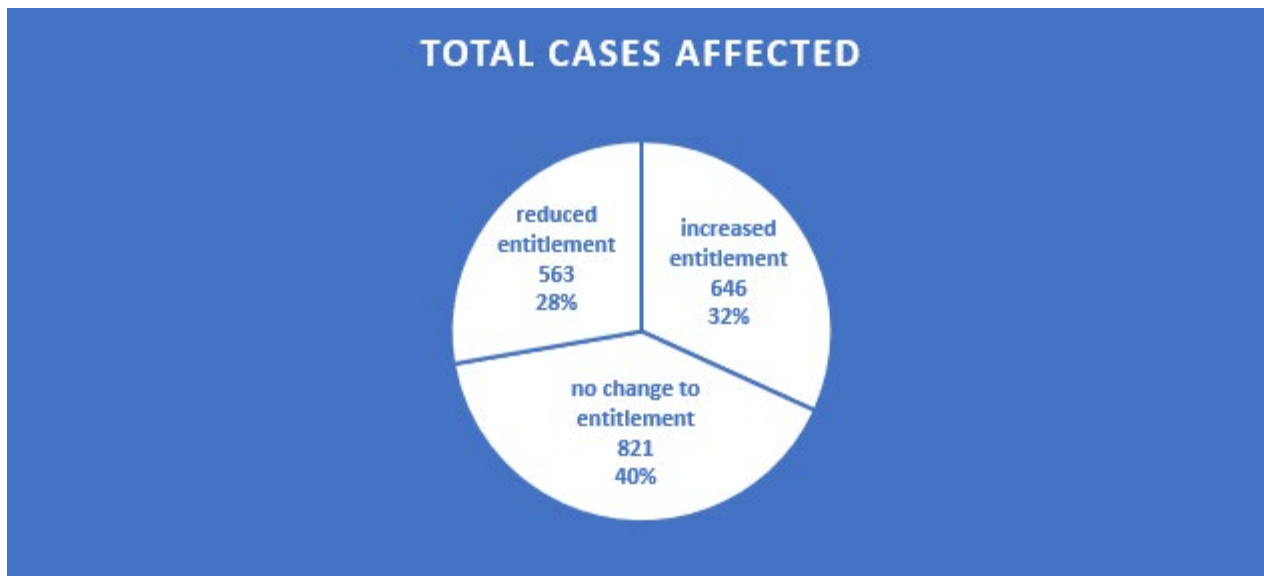
Excess Income	CTR award based on CT liability
£0 - £4.99	96%
£5 - £14.99	85%
£15.00 - £29.99	73%
£30.00 - £49.99	66%
£50.00 - £74.99	42%
£75.00 - £99.00	28%
£100 - £124.99	18%
£125 upwards	0%

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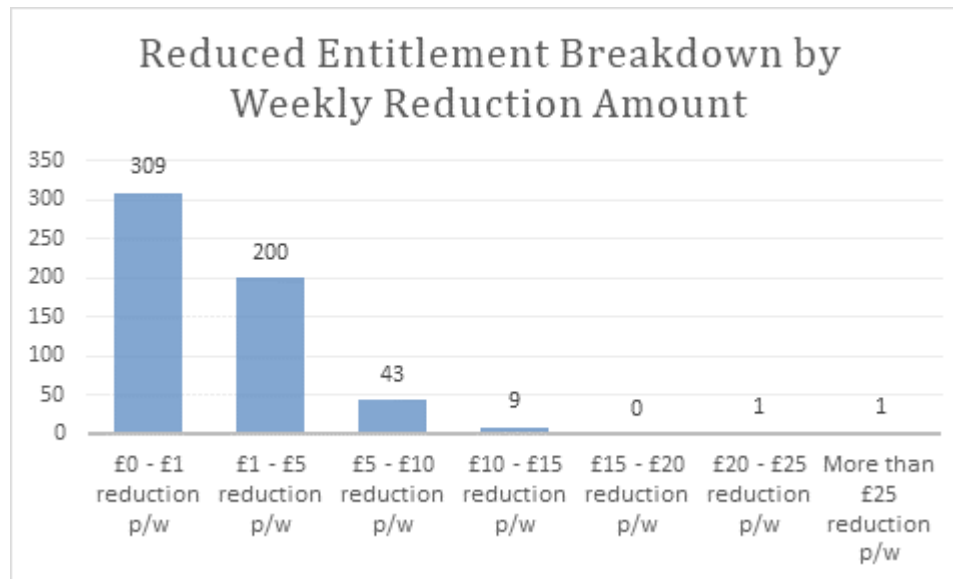
Summary of impact

- There are currently 2,619 CTR from those of pension age at a total cost of £2.8m. This will remain unchanged by the banded scheme proposal (normal caseload changes will happen)
- There are currently 1,724 residents on CTR based on passported benefits at a total cost of £2.1m. This will remain unchanged by the banded scheme (allowing for normal caseload changes)
- There are currently 2,071 other working age residents on CTR at a cost of just over £2,068,423.
- Under the banded scheme this expenditure will reduce very slightly with a saving of 0.06%

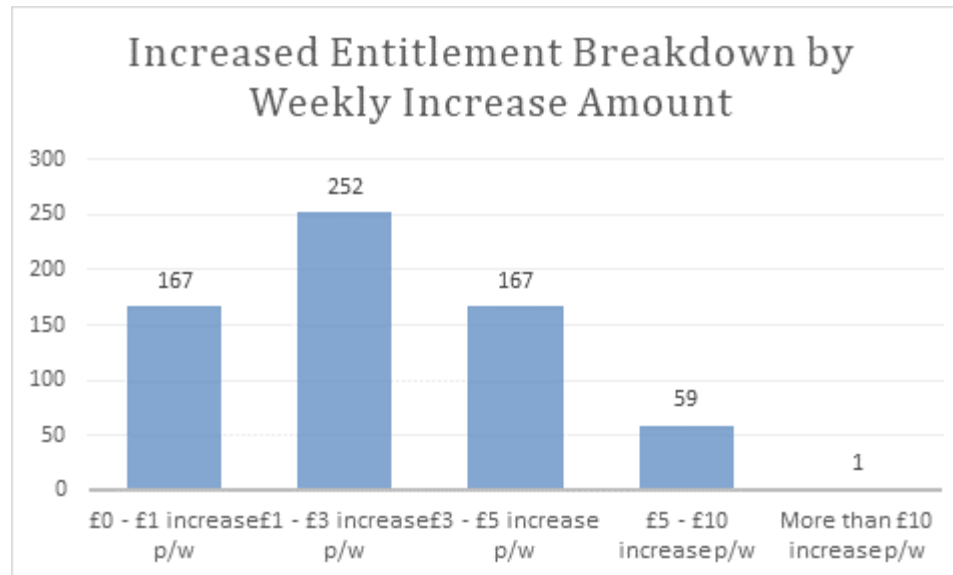
Summary of impact (Based on data as at June 2019)



Breakdown of reductions in entitlement



Breakdown of increases in entitlement



Summary of impact (weekly figures as at June 19)

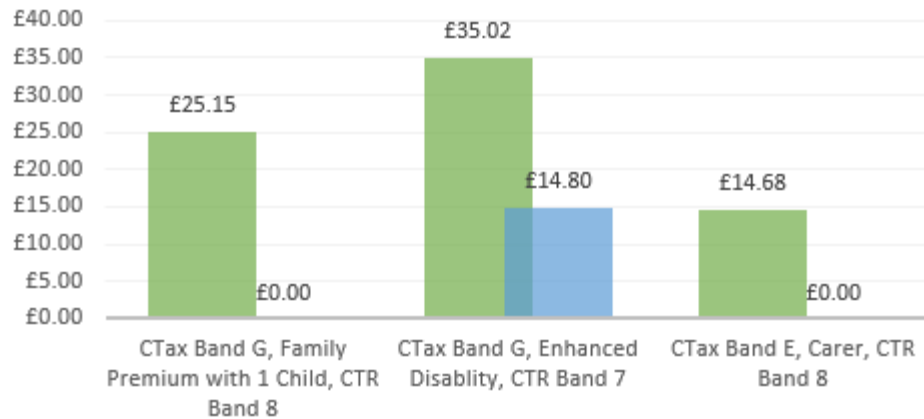


MOST AFFECTED INCREASED ENTITLEMENT



Summary of impact (weekly figures as at June 2019)

MOST AFFECTED DECREASED ENTITLEMENT



Other banded schemes

- Income banded schemes have been introduced in a number of Local Authorities across the country.
- Barnet Council introduced a banded scheme in 2019-2020 having had the default scheme since 2013. The main objectives for Barnet included creating savings, reducing work created by UC, creating a simpler scheme for residents. This is the first year of the scheme so no clear impacts as yet.
- South Gloucestershire Council also have a banded scheme. They have 5 income bands starting at £0.00 to £120.00. All working age applicants have to pay at least 20% even if they are on passported benefits. Collection rates for CT 98.2% for last two years.
- Luton have a banded scheme and the driver was financial savings and ensuing that support was provided to the most vulnerable residents. Collection rates were 97% in 17-18 and 97.2% in 18-19.

Case Study 1

Miss A lives in Adderbury with her partner and 2 children. She lives in a Band B property and her Council Tax liability is £27.37 per week.

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- The household has income of earnings of £397.32, Child Benefit (fully disregarded) and Child Tax Credit of £27.56. Total £424.88.
- With a needs allowance of £333.00 she has excess income of £91.88.
- Based on the current Council Tax Reduction Scheme Miss A has Council Tax Reduction award of £8.99 per week.
- Under the banded scheme she will be in band **£75.00 - £99.00**
32% (of £27.37) and entitled to £8.75

Case Study 2

Mrs C lives in Banbury in a band A property with a Council Tax liability of £18.42 per week. She has income of Universal Credit of £160 per week including housing costs of £87.38. She also receives Disability Living Allowance and higher rate DLA Mobility both of which are fully disregarded.

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Under the current CTR scheme she receives 100% support at £18.42

Under the banded scheme she has no excess income and she would also receive 100% support at £18.42

Council Tax Reduction 2021-2022

Examples

Example 1

Mr P lives in Bicester with his partner and 2 children. They live in a band C property with a council tax liability of £32.97 per week.

- The household has income of self-employed earnings of £105.86 (£27.10 is disregarded), Child Benefit (fully disregarded) and Child Tax Credit of £121.73 and working tax credit of £98.69. Total £299.18.
- With a needs allowance of £270.94 he has excess income of £28.24
- Based on the current Council Tax Reduction Scheme Mr P has Council Tax Reduction award of £27.37 per week. Band 3 **£15.00 - £29.99 83%**
- New awards if scheme is amended are shown below:
- Option 2 - minus 1% - 82% - £27.04
- Option 3 - minus 2% - 81% - £26.71
- Option 4 - plus 1% - 84% - £27.69

Example 2

Mr W lives in Kidlington in a band C property with a Council Tax liability of £25.87 per week. He has a weekly income of Employment and Support Allowance of £113.95, and an occupational pension of £50.76 per month. Universal Credit of £160 per week including housing costs of £87.38. He also receives Disability Living Allowance and higher rate DLA Mobility both of which are fully disregarded.

Under the current banded scheme he has no excess income and he receives 100% support at £25.87

Modelled Options 2, 3 and 4 have no change to the rate for claimants with an excess income of less than £5.00, so he would still get 100% support.

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Cherwell District Council

Council

14 December 2020

Constitution Review

Report of Corporate Director – Commercial Development, Assets and Investment & (Interim) Monitoring Officer

This report is public

Purpose of report

This report presents to Council the recommendations of the Overview and Scrutiny Committee for changes to the Constitution and for procedures for its annual review.

1.0 Recommendations

The meeting is recommended to agree the following proposals from the Overview and Scrutiny Committee:

Rules of debate:

- 1.1 to make no changes to the current process as regards the order of speakers in a debate but to clarify that the seconder can speak at any point if they have reserved their right and that this does not mean they must be the penultimate speaker;
- 1.2 to make no change to the existing rule that once the proposer of a motion or amendments begins summing up, no further speakers will be heard

Length of speeches (including all committees):

- 1.3 to reduce the length of speeches for proposers to and proposers of amendments to five minutes (from current 10 minute)
- 1.4 to reduce the length of speeches for seconder, and seconder of amendments and all other speakers to three minutes (from current 5 minutes);

Deadlines for submitting amendments to motions:

- 1.5 to make no changes to the existing deadlines (5pm, two working days before the meeting)
- 1.6 to maintain the current word limit for amended motions as 250 words

Process for dealing with motions with budgetary implications:

- 1.7 to encourage members to submit motions early and discuss with officers to enable a review in the light of budgetary implications, with the introduction of a threshold of “£10,000 or more” to inform what “significant” means in terms of the current budget or capital expenditure

- 1.8 to allow amendments to motions deferred for budgetary reasons to be amended when resubmitted to Council

Motions without notice/procedural motions:

- 1.9 to make no changes to the current arrangement that a procedural motion, once proposed and seconded, requires only a simple majority to succeed

Recorded vote:

- 1.10 to make no changes to the current arrangement that a request for a recorded vote needs only a proposer and seconder to succeed

Public addresses (not Planning Committee):

- 1.11 to make no changes to current arrangements for
- i) public speakers to register by noon on the working day before the meeting
 - ii) five minutes per public speaker
 - iii) no time limit on the number of public speakers or the time allowed for the public address item

Order of business/finish time for Full Council:

- 1.12 to change the order of business for Full Council so that motions are taken after questions and reports (noting that the Constitution allows the Chairman to amend the order of business in any case in any given instance)
- 1.13 to introduce a finish time of 11 pm for Full Council meetings with the provisos that the meeting would not stop mid-way through an item; the Chairman of the Council has discretion to continue the meeting to conclude business, if, in the opinion of the Chairman, this would be appropriate; and that any motions not considered would be carried forward to be considered at the next scheduled Full Council meeting.

Planning Committee:

- 1.14 to allow remote tools (drones) in facilitating site visits but to be clear that this does not replace the option for physical site visits and any such footage and usage should be approved by Planning officers to ensure impartiality
- 1.15 to retain current arrangements whereby
- i) there is no separate slot for councillor questions of clarification to the officer after a presentation of a planning application
 - ii) County councillors are allowed to speak as members of the public (i.e. no separate right to speak)
- 1.16 to introduce a ten-minute time limit for non-committee ward members in addressing the Committee

Terminology and glossary:

- 1.17 to introduce a glossary to the Constitution to bring clarity to members of the public, officers and councillors
- 1.18 to achieve consistency within the Constitution by using the following words:
- i) Executive (not Cabinet)
 - ii) Chairman of a meeting (with the proviso that a person chairing a committee may call themselves by whichever term e.g. Chair)
 - iii) Resident (rather than citizen)
- 1.19 to continue to use the following terms but provide contextual clarity (and explanation in the glossary) for the use of each:
- i) Councillor and member

- ii) Chief Executive and Head of Paid Service
- iii) Chief Finance Officer and S151 Officer

Annual Review of the Constitution:

- 1.20 to introduce an annual review of the Constitution whereby
- i) At its October and December meeting, the Overview & Scrutiny Committee will consider and make recommendations to Full Council for agreement in December, (with the potential for the Committee to convene a Constitution Review Working Group to offer advice if appropriate)
 - ii) Such a review to include a notice of any changes made in-year under officer delegations to reflect legislation and transfers of functions
 - iii) Any significant changes would be submitted to Full Council as necessary for consideration

Council is further recommended:

- 1.21 to note that the Monitoring Officer will amend the Constitution to reflect the decisions of Council.
- 1.22 to note the areas being reviewed by the Monitoring Officer under delegated authority (as set out in paragraph 3.3).

2.0 Introduction

- 2.1 On 1 December, the Overview and Scrutiny Committee considered recommendations from the cross-party Constitution Review Working Group. The Group was set up by the Council to consider areas of focus for potential change within the Constitution and to make recommendations to the Committee about them.
- 2.2 For reference, the areas of focus for the review as originally agreed by Council are included at Appendix 1.
- 2.3 The previous reports to the Committee and Full Council are available at the following links:
- [Overview and Scrutiny Committee 7 October 2020](#)
[Council 19 October 2020](#)
[Overview and Scrutiny Committee 1 December 2020](#)
- 2.4 The review was carried out because Council recognised that the Constitution should be reviewed from time to time so that it remains fit for purpose. This includes giving clarity to the public, to Members and to officers about who can make decisions and about how business is conducted.
- 2.5 Prior to the Working Group being commissioned, a survey of councillor views had been undertaken. Bevan Brittan had also been asked to provide a view on the Council's current Constitution, in the context of other approaches across the country. Both of these sources were considered and informed the Working Group's discussion and the Committee's recommendations.

- 2.6 Going forward, the Working Group has recommended that an annual review of the Constitution be undertaken. The Committee agreed. Under the proposal, at its October and December meetings, the Overview and Scrutiny Committee would consider and agree recommendations to the December meeting of Council. At its October meeting, the Overview and Scrutiny Committee will determine whether or not to establish a time limited Working Group to support the review process. Any significant change would continue to be submitted to Council as necessary for consideration. A significant change would be a matter of substance: that is, changes other than administrative amendments made by the Monitoring Officer under delegated authority for clarity, to correct errors and to ensure the Constitution remains up to date and self-consistent.
- 2.7 In addition to the matters addressed by the Working Group and the Committee, officers are reviewing the Constitution administratively to bring greater clarity to its structure making it more user friendly and to ensure it reflects up to date legislation and officer structures. Appendix 2 sets out the draft contents of the updated Constitution.

3.0 Report Details

- 3.1 Council is being asked to approve the Overview and Scrutiny Committee's recommendations as set out in Section 1 of this report.
- 3.2 The recommendations as framed by the Committee are in line with the best practice recommendations of Bevan Brittan. As regards recommendation 1.7 (motions with budgetary implications), while not specifically recommended by Bevan Brittan, this is consistent with the practice of Oxfordshire County Council and will provide clarity for Members and officers when considering such motions.
- 3.3 The following sections of the Constitution are being reviewed administratively by the Monitoring Officer under delegated authority to ensure that they are up-to-date and reflect current legislation, best practice and arrangements:
- Introduction
 - 2.2: Executive Procedure Rules
 - 2.3: Overview and Scrutiny Procedure Rules
 - 2.4 Appeals Panel Procedure Rules
 - 2.5: Licensing Committee Procedure Rules
 - 2.7: Roles and Appointments
 - 3.3: Respective Roles of Members and Officers and Dealing with Conflicts of Interest
 - 3.4: Conventions for the Management of Council Business and a Protocol on Member-Officer relations
 - 3.5: Members' Planning Code of Conduct
 - 3.6: Bias and Predetermination – A Guidance Note for Members

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is essential to review the Constitution to ensure it remains fit for purpose. Using feedback from Members and national best practice has identified areas for change

which would potentially improve the business of council meetings and the experience of them for members and the public. A cross-party Working Group has brought a further, detailed elected member perspective as has consideration by the Overview and Scrutiny Committee.

- 4.2 It is considered that these proposals would give greater clarity of expectation for everyone on their rights of participation, whether as a councillor or a member of the public. It is suggested that, together, these changes will have positive impact on the productivity of the meetings and of pre-meeting preparations.

5.0 Consultation

All Cherwell District Councillors and political groups
Senior managers – members of CEDR (Chief Executive's Direct Reports)
Democratic and Elections Team
Monitoring Officer
Bevan Brittan, experts in local government constitutions

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: Do not make any changes – this is not recommended as, currently, there are impracticalities and confusions that cause a disproportionately negative effect on the productivity of the Council's decision making

Option 2: Align the Constitution to that of the Council's partner, Oxfordshire County Council – while it is appropriate to harmonise where possible (and several of the areas for further consideration above are already in place for Oxfordshire County Council) it is important that this Council's Constitution reflects the democratic decision-making culture of this Council

Option 3: Align the Constitution to the 'model constitution' circulated nationally – this is not recommended as the national model is several years' old now and it is important that this Council's Constitution reflects the democratic decision-making culture of this Council

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial or resource implications consequent on these recommendations.

Comments checked by:
Michael Furness, Assistant Director – Finance
michael.furness@cherwell-dc.gov.uk 01295 221845

Legal Implications

- 7.2 The Council is required to have and to publish a Constitution and to keep it under review.

Comments checked by:

Richard Hawtin, Team Leader – Non-Contentious
richard.hawtin@cherwell-dc.gov.uk 01295 221695

Risk Implications

- 7.3 The risk of not making changes is that the decision-making of the authority, and its reputation as a business-like and transparent organisation suffers through a lack of challenge and development.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes
louise.tustian@cherwell-dc.gov.uk 01295 221786

Implications for equality and diversity

- 7.4 The Constitution will be reviewed generally to ensure that the format is easily accessible. This is an important step in ensuring that access to the democratic process is equitable. However, the inclusivity of opportunity to engage with the authority – as members or members of the public – is enhanced by the clarity of expectation represented by the recommendations. Of course, officers and the councillors chairing committees will consider the specific requirements of individuals and will make reasonable adjustments where necessary within the Constitution to ensure that no councillor or member of the public is unfairly discriminated against. Sufficient flexibility will be retained after any changes to ensure that this will remain the case. The report does not otherwise raise any implications for equality and diversity.

Comments checked by:

Robin Rogers, Head of Strategy
robin.rogers@cherwell-dc.gov.uk, 07789 923206

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

All aspects as the Constitution sets out how the Council operates

Document Information

Appendix number and title

- Appendix 1 - Areas of focus for the Constitution review
- Appendix 2 - Outline contents for the updated Constitution

Background papers

None

Report Author and contact details

Glenn Watson, Principal Governance Officer 07776 997946

glenn.watson@cherwell-dc.gov.uk

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Appendix 1

Areas for further review as agreed by Full Council on 19 October 2020

- Constitution Section 1: Committee Terms of Reference and Scheme of Delegation
 - The Officer Scheme of Delegation will be reviewed and updated to reflect the current senior management scheme.
 - If there are any consequential changes to Committee terms of reference, these would be reviewed with the relevant Committee Chairman.

- Constitution Section 2: Meeting Procedure Rules (and 2a: Virtual Meeting Procedure Rules)
 - Rules of Debate
 - Clarity on order of speaking and seconder “reserving right to speak”
 - Speeches - reduce the time limits for all aspects on speaking on items (proposer, seconder, proposer/seconder of amendment, all other speakers) NB. With some exceptions for Planning Committee
 - Review the process for dealing with motions with budgetary implications
 - Review the deadline for submitting amendments and clarify that this applies to amendments to motions only but notification in advance of proposed amendments to agenda items is encouraged
 - Public Addresses
 - Review the deadline for members of the public to register to speak and provide more clarity about the public participation process
 - Review the current 5-minute time limit for public addresses and/or consider introducing a limit on speakers per item and/or add a maximum time for public addresses (NB. Separate Planning Committee public speaking arrangements to remain)

- Constitution Section 2.1 – Council Procedure Rules
 - Change the order of Council business:
 - Questions and motions occur as the last items on the agenda
 - Put a finish time for Full Council with any items not considered to roll forward to the next meeting

- Constitution Section 2.6: Planning Committee Procedure Rules
 - Site visits: add the use of remote tools to view sites
 - Public Participation at Planning Committee
 - Consider allowing county councillors to speak on planning applications in their division (with time limit)
 - Consider introducing a time limit for ward councillors (non-Committee members) speaking on a planning application

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Appendix 2

Constitution Contents List

Part 1 – Introduction

Part 2 – Committee Terms of Reference

Part 3 – Officer Scheme of Delegation

Part 4 – Meeting Procedure Rules

Part 5 – Virtual Meeting Procedure Rules

Part 6 – Council Procedure Rules

Part 7 - Executive Procedure Rules

Part 8 – Overview and Scrutiny procedure Rules

Part 9 - Appeals Panel Procedure Rules

Part 10 – Licensing Committee Sub-Committee Procedure Rules

Part 11 – Planning Committee Procedure Rules

Part 12 - Roles and Appointments

Part 13 – Members’ Code of Conduct

Part 14 – Members’ Planning Code of Conduct

Part 15 – Bias and Predeterminations – A Guidance Note for Members

Part 16 – Conventions for the Management of Council Business and Protocol on Member Officer Relations

Part 17 – The Respective Roles of Members and Officers and Dealing with Conflicts of Interest

Part 18 – Cherwell District Council Partnership Protocol

Part 19 – An Advice Note for Elected Members Serving on Outside Organisations

Part 20 - Officer Employment Procedure Rules

Part 21 – CDC Financial Procedure Rules

Part 22 – CDC Contract Procedure Rules

Glossary

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