



Extraordinary Meeting of Council

Wednesday 20 May 2020

Members of Cherwell District Council,

**An extraordinary meeting of Council will be held as a Virtual meeting, on
Wednesday 20 May 2020 at 6.30 pm, and you are hereby summoned to attend.**

**Yvonne Rees
Chief Executive**

Tuesday 12 May 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

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 7 - 28)

To confirm as a correct record the Minutes of Council held on 24 February 2020.

Council Business Reports

7 Constitution Changes (Pages 29 - 44)

Report of Director Law and Governance & Monitoring Officer

Purpose of report

To advise Council of proposed temporary changes necessary for the effective running of remote meetings during the restrictions brought about by the corona virus pandemic. The changes are in line with, and give practical effect to, The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 that came into force on 4 April 2020. The Regulations enable all local authority meetings before 7 May 2021 to be held remotely and removes the requirement for the annual meeting this year.

Recommendations

The meeting is recommended:

- 1.1 To note the Virtual Meetings Procedure Rules (Appendix 1) and Councillor Protocol for Virtual Meetings (Appendix 2) that the Monitoring Officer has drafted following publication of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 to give effect to the principles of open decision making and public engagement.
- 1.2 To agree to postpone the holding of an Annual Council meeting until the scheduled Annual Council meeting in May 2021.
- 1.3 To authorise the Monitoring Officer, in consultation with the Chairman of Council, to make minor changes to the process and, as necessary, the Constitution in in light of the practical experience of remote working and virtual meetings.

8 Community Governance Review for Adderbury (Pages 45 - 54)

Report of Chief Executive

Purpose of report

To provide details of a Community Governance Review to be undertaken for Adderbury; requesting the formation of a Community Governance Review Working Group; approving the Terms of Reference for the review, and delegating authority to the Chief Executive to make minor amendments to the timetable for the review, if required.

Recommendations

The meeting is recommended:

- 1.1 To approve the Terms of Reference for the Adderbury Community Governance Review (appendix 1 to the report).
- 1.2 To delegate authority to the Chief Executive, in consultation with group leaders/spokespeople, to appoint two members from each of the Conservative and Labour groups, and one member from each of the Progressive Oxfordshire and Independent groups, to a Community Governance Review working group.
- 1.3 To delegate authority to the Chief Executive, in consultation with the Community Governance Review working group, to make minor amendments to the Terms of Reference, including the timetable for the review, if required.

9 Pension Fund - Advance Payment (Pages 55 - 58)

Report of Director of Finance

Purpose of report

To consider and approve advance payments to the Oxfordshire Pension Fund in order to lower the overall cost over a three-year period.

Recommendations

The meeting is recommended:

- 1.1 To consider and approve making an advance payment at the end of May 2020 of £3.4m to the Oxfordshire Pension Fund covering the payments due of £1.7m for 2021/22 and 2022/23, reducing the overall cost to the Council.

10 Appointment of Interim Monitoring Officer (Pages 59 - 62)

Report of Chief Executive

Purpose of report

To appoint a Monitoring Officer on an interim basis in place of Nick Graham, Director Law and Governance, who leaves his employment with Cherwell District Council in June 2020.

Recommendations

The meeting is recommended:

- 1.1 To appoint Steve Jordan on an interim basis as the Council's Monitoring Officer with effect from 11 June 2020.

11 Dispensations

Section 85(1) Local Government Act 1972 requires a member of a Local Authority to attend at least one meeting of the Authority within a six month consecutive period, in order to avoid being disqualified as a Councillor.

Whilst no notification has been received by the Monitoring Officer seeking approval for an extension to the usual six month attendance rule, if at the date of the meeting there are any Councillors that, by virtue of not be able to attend, would fall foul of that rule, then Council is recommended to grant a dispensation pursuant to S85(1) Local Government Act 1972 for such a Councillor.

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.

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.

Queries Regarding this Agenda

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

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 24 February 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 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 Timothy Hallchurch MBE
Councillor Chris Heath
Councillor Simon Holland
Councillor Tony Ilott
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Andrew McHugh
Councillor Tony Mepham
Councillor Ian Middleton
Councillor Perran Moon
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor George Reynolds
Councillor Barry Richards
Councillor Dan Sames
Councillor Jason Slaymaker
Councillor Katherine Tyson
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 John Donaldson
Councillor Sean Gaul

Councillor Carmen Griffiths
Councillor Shaida Hussain
Councillor Richard Mould
Councillor Les Sibley
Councillor Fraser Webster

Officers: Yvonne Rees, Chief Executive
Nick Graham, Director of Law and Governance / Monitoring Officer
Adele Taylor, Executive Director: Finance (Interim) & Section 151 Officer
Paul Feehily, Executive Director: Place and Growth (Interim)
Lorna Baxter, Director of Finance
David Peckford, Assistant Director: Planning and Development
Natasha Clark, Governance and Elections Manager

51 **Declarations of Interest**

8. Motions.

Councillor James Macnamara, Declaration, as his wife had been working with the Oxtrees campaign.

17. Appointment of Section 151 Officer.

Lorna Baxter, Declaration, as he was to be proposed to be appointed Section 151 Officer for Cherwell District Council and would leave the meeting for the duration of the item.

52 **Communications**

The Chairman made the following announcements:

Housekeeping

The Chairman welcomed the members of the public in attendance at our Council meeting and advised:

- Members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.
- Only those people who had registered to speak could do so and Members of the public were requested not to call out during Council's discussions on any item.
- There were no planned fire drills so if the alarm did sound, evacuation instructions given by officers should be followed.
- To all meeting attendees, to ensure mobile phones were switched off or on silent.

Monitoring Officer Note

The Chairman advised Council that to assist debate, a copy of the note circulated by the Monitoring Officer last week and Part 2 of the Constitution, Meeting Procedure Rules, had been printed and .

Former Councillor Reverend Donald Bishop

The Chairman referred to former Councillor Reverend Bishop who had passed away in early February. Former Councillor Reverend Bishop was an Independent member of Cherwell District Council between 1980 and 1987 serving on the Housing Committee and the Recreation and Amenities' Committee and was also the council's Chaplain.

Council observed a period of silence in memory of former Councillor Reverend Bishop.

Chairman's Charity Dinner, Saturday 21 March

The Chairman thanked all Members who had responded regarding his Chairman's Charity Dinner. There were still have a few places available so any Member who wished to attend should contact the Chairman's PA as soon as possible. Any Members unable to attend, may still make a donation which would go to the Chairman's nominated charities.

All Member Seminar, Wednesday 11 March 2019

The Chairman reminded Councillor that an All Member Seminar on Housing Services in Cherwell would be taking place from 6.30pm-8.30pm on Wednesday 11 March in the Council Chamber. All Members were encouraged to attend what will no doubt be an informative and interesting seminar.

Chairman's Engagements

A copy of the events attended by the Chairman or the Vice-Chairman had been included in the agenda pack.

Post

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

53 Petitions and Requests to Address the Meeting

The Chairman advised the meeting that there were no petitions but there were two requests to address the meeting, one on agenda item 8, Motion on Tree Planting, and one on Agenda Item 16, Partial Review of the Cherwell Local Plan 2011- 2031 – Oxford's Unmet Housing Needs: Submission of Main Modifications. Each speaker would be able to speak for up to 5 minutes and would be called to address the meeting at the start of the relevant agenda item.

54 Minutes of Council

Subject to the following amendment, the minutes of the meeting held on 16 December 2019 were agreed as a correct record and signed by the Chairman.

Minute 47 – Constitutional Changes

Prior to "Resolved" insert the paragraph: "In the course of the debate, Councillor Hallchurch proposed that consideration of the item be deferred to allow for the Overview and Scrutiny Committee to consider the proposed

changes. Councillor Tyson seconded the motion. The motion was subsequently withdrawn and therefore not voted on.”

55 **Minutes**

a) Minutes of the Executive, Lead Member Decisions and Executive Decisions made under Special Urgency

Resolved

That the minutes of the meeting of the Executive and Lead Member decisions as set out in the Minute Book be received and that it be noted that since the last meeting of Council on 16 December 2019, no decisions have been taken by the Executive which were not included in the 28 day notice.

b) Minutes of Committees

Resolved

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

56 **Questions**

a) Written Questions

There were no written questions.

b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Councillor Dhesi: Public Space Protection Order in Banbury an non-issuing of fines

Councillor Billington: Traffic bollard in Kidlington

Councillor Broad: Update on the Climate Change Emergency declared in July 2019

Councillor Broad: UK100 Leader Network

Councillor Richards: Progress on register of private landlords

Councillor Corkin: Councillor Cotter change of Group

Councillor Clarke: Traffic and lack of enforcement in Banbury

Councillor Copeland: Political groupings

Councillor Middleton: Marks and Spencer, Castle Quay

c) Questions to Committee Chairmen on the Minutes

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

57 **Motions**

The Chairman advised that two motions had been submitted and would be debated in the order submitted.

a) Tree Planting

The Chairman invited Jamie Hartzell, on behalf of Oxtrees Campaign, who had registered to speak on the motion, to address Council.

It was proposed by Councillor Brown and seconded by Councillor Woodcock that the following motion be adopted:

“CDC acknowledged a Climate Emergency and pledged to make the Council carbon-neutral by 2030.

First steps include assessing the Council’s own emissions, down 32% since 2008, and Officer teams have been tasked with exploring opportunities to further reduce the Council’s own and also District-wide emissions.

One strategy to support the achievement of the 2030 target, promoted by all major political parties, is tree-planting. Tree cover in the District, County and Nationally falls short; Cherwell District’s is estimated at 5.2% of land mass and with County’s at approx. 9% both are below the UK figure of 13%, itself about 1/3rd of the EU average of 35%

There are many competing interests for the available land mass, including housing and development for economic re-generation, but these need not be mutually exclusive. They can co-exist, and tree cover should be encouraged to shield building developments from view, masking light and noise pollution, and absorbing many of the emissions generated by those economically necessary developments - and, as importantly, providing habitat for wildlife, aiding with flood management and enhancing the beauty of the environment

Council therefore:

- commits, as far as possible, to double tree cover within the District by 2045
- requests that Officers identify, and secure, funding opportunities from Central Government and other sources in furtherance of the commitment
- requires developers to demonstrate how they will be improving biodiversity, specifically through the planting of more trees”

Councillor Middleton proposed the following amendments to the motion, which were duly seconded by Councillor Copeland.

“CDC acknowledged a Climate Emergency and pledged to make the Council carbon-neutral by 2030.

First steps include assessing the Council’s own emissions, down 32% since 2008, and Officer teams have been tasked with exploring opportunities to further reduce the Council’s own and also District-wide emissions.

One strategy to support the achievement of the 2030 target, promoted by all major political parties, is tree-planting. Tree cover in the District, County and Nationally falls short; Cherwell District's is estimated at 5.2% of land mass and with County's at approx. 9% both are below the UK figure of 13%, itself about 1/3rd of the EU average of ~~35%~~38%

There are many competing interests for the available land mass, including housing and development for economic re-generation, but these need not be mutually exclusive. They can co-exist, and tree cover should be encouraged to shield building developments from view, masking light and noise pollution, and absorbing many of the emissions generated by those economically necessary developments - and, as importantly, providing habitat for wildlife, aiding with flood management and enhancing the beauty of the environment

Council therefore:

- commits, ~~as far as possible~~, to at least double tree cover within the District by ~~2045~~2030

- requests that Officers identify, and secure, funding opportunities from Central Government and other sources in furtherance of the commitment

- requires developers to ~~demonstrate how they will be improving~~ enhance biodiversity as an integral part of all new developments, including specifically through the planting of more trees

- will update local plans to include increased tree cover in planning and decision processes"

The amendment was debated and on being put to the vote was lost and therefore fell.

Council debated the motion as submitted, which on being put to the vote was carried and therefore approved.

b) Peat Free Compost

It was proposed by Councillor Banfield and seconded by Councillor Sames that the following motion be adopted:

"This council agrees to use only peat-free compost for our horticultural procedures. In making this commitment we will conserve this diminishing natural resource, as our UK peatlands and the peatlands located within The Republic Of Ireland, play a vital role in absorbing and storing large amounts of carbon dioxide and thus help to mitigate climate change."

At the discretion of the Chairman, the Director Law and Governance addressed Council to advise that in line with the Constitution, any motion on

notice which would require a significant increase in the current budget of the Council, or would involve capital expenditure, should, when formally proposed and seconded, be immediately adjourned. The Director Law and Governance explained that the motion would be considered at the next ordinary meeting of the Council in order that the Executive and/or statutory officers may report on the potential impact and consequences.

The Chairman confirmed that there would be no debate on the motion as it was adjourned to the July meeting of Council as motions were not taken at the Annual Council meeting, which was the next scheduled Council meeting.

Resolved

(1) That the following motion be adopted:

“CDC acknowledged a Climate Emergency and pledged to make the Council carbon-neutral by 2030.

First steps include assessing the Council’s own emissions, down 32% since 2008, and Officer teams have been tasked with exploring opportunities to further reduce the Council’s own and also District-wide emissions.

One strategy to support the achievement of the 2030 target, promoted by all major political parties, is tree-planting. Tree cover in the District, County and Nationally falls short; Cherwell District’s is estimated at 5.2% of land mass and with County’s at approx. 9% both are below the UK figure of 13%, itself about 1/3rd of the EU average of 35%

There are many competing interests for the available land mass, including housing and development for economic re-generation, but these need not be mutually exclusive. They can co-exist, and tree cover should be encouraged to shield building developments from view, masking light and noise pollution, and absorbing many of the emissions generated by those economically necessary developments - and, as importantly, providing habitat for wildlife, aiding with flood management and enhancing the beauty of the environment

Council therefore:

- commits, as far as possible, to double tree cover within the District by 2045
- requests that Officers identify, and secure, funding opportunities from Central Government and other sources in furtherance of the commitment
- requires developers to demonstrate how they will be improving biodiversity, specifically through the planting of more trees”

58 Robustness of Estimates and the Adequacy of Reserves and Balances Local Government Act 2003 (Section 25)

The Executive Director Finance and Governance (Interim) and Section S151 Officer submitted a report to accord with Section 25 of The Local Government Act 2003, which places a duty on the Chief Finance Officer to make a report

to the authority on the robustness of estimates and adequacy of reserves. This report fulfilled this requirement and provided Members with assurance that the budgets have been compiled appropriately and that the level of reserves is adequate. It was a statutory requirement that councillors must consider this report when considering and approving a budget.

Resolved

(1) That the contents of the report be noted.

59 Final Budget, Business Plan and Council Tax for 2020/21

Prior to consideration of the item, the Chairman sought the agreement of Members to suspend standing orders with regard to the duration of the speech by the proposer of the budget, or the speeches of the Group Leaders. Members indicated agreement.

The Director: Law and Governance reminded Council that it was required in legislation that any motion or amendment to the budget or council tax setting reports be taken by recorded vote and this would be done at the appropriate time.

The Executive Director – Finance (Interim) submitted a report which provided information on the Council's Medium-Term Financial Strategy (MTFS) for 2020/24 along with more detailed information on setting the Council's budget for 2020/21.

In introducing the report, the Lead Member for Financial Management and Governance explained that the Council was required to produce a balanced budget for 2020/21 as the basis for calculating its level of Council Tax. It had to base that budget on its plans for service delivery during the year, recognising any changes in service demand that may arise in future years.

The Lead Member for Financial Management and Governance explained that the business plan informed the development of the annual budget and the operational Service Plans for the delivery of all Council services. This year, there had been a thorough review of the business plan, resulting in four new priorities: Housing that meets your needs; Leading on environmental sustainability; An enterprising economy with strong and vibrant local centres; and, Healthy, resilient and engaged communities.

The report provided information around the various building blocks that make up the proposed budget for 2020/21 and beyond, allowing members to consider and scrutinise the elements of the budget and provide advice and guidance to Council to help further shape both budget setting for 2020/21 and the MTFS for 2020/24.

Councillor Ilott thanked the Executive Director Finance (Interim) and the finance team who had worked hard on the budget process and submitted a balanced budget to Council. Councillor Ilott also thanked the Budget Planning Committee, Overview and Scrutiny Committee and Accounts, Audit and Risk Committee for their hard work supporting the budget setting and business plan process.

Having presented the report, Councillor Ilott proposed the Business Plan and Budget for 2020/21 and the Medium Term Financial Strategy 2020/2024. Councillor Wood seconded the proposal.

Councillor Woodcock, on behalf of the Labour Group, addressed Council in response to the budget and confirmed that he would be proposing no amendments.

Councillor Tyson, on behalf of the Progressive Oxfordshire Group, addressed Council in response to the budget and confirmed that he would be proposing no amendments.

Councillor Sibley had submitted apologies for the meeting and therefore did not address Council in response to the budget but had confirmed prior to the meeting that he would not be proposing any amendments.

A recorded vote was taken, and members voted as follows

Councillor Hannah Banfield	Against
Councillor Andrew Beere	Against
Councillor Nathan Bignell	For
Councillor Maurice Billington	For
Councillor John Broad	Abstain
Councillor Hugo Brown	For
Councillor Phil Chapman	For
Councillor Mark Cherry	Against
Councillor Colin Clarke	For
Councillor Conrad Copeland	For
Councillor Ian Corkin	For
Councillor Nick Cotter	For
Councillor Surinder Dhese	Against
Councillor Timothy Hallchurch MBE	For
Councillor Chris Heath	For
Councillor Simon Holland	For
Councillor David Hughes	For
Councillor Tony Ilott	For
Councillor Mike Kerford-Byrnes	For
Councillor James Macnamara	For
Councillor Kieron Mallon	For
Councillor Nick Mawer	For
Councillor Andrew McHugh	For

Councillor Tony Mepham	For
Councillor Ian Middleton	Against
Councillor Perran Moon	Against
Councillor Cassi Perry	Against
Councillor Lynn Pratt	For
Councillor George Reynolds	For
Councillor Barry Richards	Against
Councillor Dan Sames	For
Councillor Katherine Tyson	For
Councillor Tom Wallis	For
Councillor Douglas Webb	For
Councillor Bryn Williams	For
Councillor Lucinda Wing	For
Councillor Barry Wood	For
Councillor Sean Woodcock	For

Resolved

- (1) That, having given due consideration, the Business Plan (Annex to the Minutes as set out in the Minute Book) be approved.
- (2) That, having given due consideration, the Risk Register (Annex to the Minutes as set out in the Minute Book) be approved.
- (3) That, having given due consideration, an increase in the level of Council Tax for Cherwell District Council of £5 for 2020/21 on a Band D property be approved.
- (4) That, having given due consideration, the MTFs, Revenue Budget 2020/21 and Capital Programme, including the growth and savings proposals (Annex to the Minutes as set out in the Minute Book) be approved.
- (5) That, having given due consideration, a minimum level of General Fund reserves of £2m be approved.
- (6) That, having due consideration, authority be delegated to the Chief Finance Officer, in consultation with the Lead Member for Finance & Governance, and where appropriate the relevant Director and Lead Member to:
 - Transfer monies to/from earmarked reserves should that become necessary during the financial year.
 - Update prudential Indicators in both the Prudential Indicators Report and Treasury Management Strategy Report to Council, for any budget changes that impact on these.

- (7) That, having given due consideration, the proposed Fees & Charges schedule (Annex to the Minutes as set out in the Minute Book) be approved.
- (8) That, having given due consideration, the Treasury Management Strategy, including the Prudential Indicators, Minimum Revenue Provision (MRP) Policy and Affordable Borrowing Limit for 2020/21 (Annex to the Minutes as set out in the Minute book) be approved.
- (9) That it be noted that the Section 25 report from the Chief Finance Officer in relation to the robustness of estimates and adequacy of reserves had been considered and noted at the previous agenda item.
- (10) That, having given due consideration, the statement of pay policy for 2020/21 as required by the Localism Act (Annex to the Minutes as set out in the Minute Book) be approved.
- (11) That, having given due consideration, the equality impact assessment for 2020/21 (Annex to the Minutes as set out in the Minute Book) be noted.

60 **Adjournment of Council Meeting**

The Leader of the Council confirmed that he did not require Council to adjourn to allow Executive to meet discuss any issues arising from the budget.

61 **Calculating the Amounts of Council Tax for 2020/21 and Setting the Council Tax for 2020/21**

The Executive Director Finance (Interim) & Section 151 Officer submitted a report to detail the Calculations for the amounts of Council Tax for 2020/21 and the setting of Council Tax for 2020/21.

Councillor Ilott introduced and proposed the Council Tax for 2020/21, which was duly seconded by Councillor Wood.

A recorded vote was taken, and members voted as follows:

Councillor Hannah Banfield	For
Councillor Andrew Beere	For
Councillor Nathan Bignell	For
Councillor Maurice Billington	For
Councillor John Broad	For
Councillor Hugo Brown	For
Councillor Phil Chapman	For
Councillor Mark Cherry	For
Councillor Colin Clarke	For
Councillor Conrad Copeland	For

Councillor Ian Corkin	For
Councillor Nick Cotter	For
Councillor Surinder Dhesi	For
Councillor Timothy Hallchurch MBE	For
Councillor Simon Holland	For
Councillor David Hughes	For
Councillor Tony Ilott	For
Councillor Mike Kerford-Byrnes	For
Councillor James Macnamara	For
Councillor Kieron Mallon	For
Councillor Nick Mawer	For
Councillor Andrew McHugh	For
Councillor Tony Mephram	For
Councillor Ian Middleton	For
Councillor Perran Moon	For
Councillor Cassi Perry	For
Councillor Lynn Pratt	For
Councillor George Reynolds	For
Councillor Barry Richards	For
Councillor Dan Sames	For
Councillor Katherine Tyson	For
Councillor Tom Wallis	For
Councillor Douglas Webb	For
Councillor Bryn Williams	For
Councillor Lucinda Wing	For
Councillor Barry Wood	For
Councillor Sean Woodcock	For

Resolved

- (1) That it be noted that at the Executive meeting held on 3 February 2020 the Council calculated the Council Tax Base 2020/21:
 - a) for the whole Council area as 55,559.9 [item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended by sections 72 to 79 of the Localism Act 2011 (“the 1992 Act”)]; and

- b) For dwellings in those parts of its area to which a Parish Precept relates as in the annex to the Minutes (as set out in the Minute Book).
- (2) That the Council Tax requirement for the Council's own purposes for 2020/21 (excluding Parish Precepts and Special Expenses) is £7,417,247.
- (3) That the following amounts be calculated for the year 2020/21 in accordance with Sections 31 to 36 of the 1992 Act:-
- a) £113,849,841 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the 1992 Act, taking into account all precepts issued to it by Parish Councils and any additional special expenses.
- b) £101,052,405 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the 1992 Act.
- c) £12,797,436 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the 1992 Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the 1992 Act).
- d) £230.34 being the amount at 3(c) above (Item R), all divided by Item T (6(a) above), calculated by the Council, in accordance with Section 31B of the 1992 Act, as the basic amount of its Council Tax for the year (including Parish Precepts and Special Expenses);
- e) £5,380,189 being the aggregate amount of all special items (Parish Precepts and Special Expenses) referred to in Section 34(1) of the 1992 Act as per the annex to the Minutes (as set out in the Minute Book).
- f) £133.50 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T(1(a) above), calculated by the Council, in accordance with Section 34(2) of the 1992 Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish Precept or special item relates;
- (4) That it be noted that for the year 2020/21 the Oxfordshire County Council and the Police and Crime Commissioner for Thames Valley have issued precepts to the Council, in accordance with Section 40 of the 1992 Act, for each category of dwellings in the Council's area as indicated below :-

**Valuation
Band**

**Oxfordshire County
Council**

**Police and Crime
Commissioner for
Thames Valley**

	£	£
A	1,018.29	144.19
B	1,188.01	168.22
C	1,357.72	192.25
D	1,527.44	216.28
E	1,866.87	264.34
F	2,206.30	312.40
G	2,545.73	360.47
H	3,054.88	432.56

- (5) That the Council, in accordance with Sections 30 and 36 of the 1992 Act, hereby sets the amounts shown in the annex to the Minutes (as set out in the Minute Book) as the amounts of Council Tax for the year 2020/21 for each part of its area and for each of the categories of dwellings.
- (6) That the Council's basic amount of Council Tax for 2020/21 is not excessive in accordance with principles approved under Section 52ZB of the 1992 Act.
- (7) That the following discounts and exemptions be approved:
- 1 That in respect of properties within Class A and B as defined by the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (furnished chargeable dwelling that are not the sole or a main residence of an individual) the discount provided by Section 11a of the 1992 Act shall be zero.
 - 2 That in respect of properties within Class C as defined by the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (a property that is unoccupied and substantially unfurnished) the discount provided by the Section 11A of the said Act shall be 25% for a period of 6 months and thereafter zero.
 - 3 That in respect of properties within Class D as defined by the said Regulations (chargeable dwellings that are vacant and undergoing major repair work to render them habitable) the discount provided by Section 11A of the said Act shall be 25% for a period of 12 months and thereafter zero.
 - 4 That no council tax discount shall be applied to dwellings that are unoccupied and unfurnished for more than two years and that council tax payable on such properties is 200% (except for those properties which fall into prescribed Classes E and F).

Local Discretionary Business Rate Relief Scheme for 2020-2021

The Executive Director Finance (Interim) submitted a report for Members to consider and approve the local Discretionary Business Rate Relief Scheme for 2020-2021.

Resolved

- (1) That the contents of the report and any financial implications for the Council be noted.
- (2) That the adoption of the Local Discretionary Business Rate Relief Scheme for 2020-2021 (Annex to the Minutes as set out in the Minute Book) be approved.

63 **Business Rates Retail Relief Policy**

The Executive Director of Finance (Interim) submitted a report to provide Members with an update on the retail relief scheme announced in the Queen's Speech on 19 December 2019, and to seek approval of the Business Rates Retail Relief Policy for 2020 -21.

Resolved

- (1) That the contents of the report be noted.
- (2) That the adoption of the Business Rates Retail Relief Policy (Annex to the Minutes as set out in the Minute Book) be approved.

64 **Business Rates Retail Pub Relief Policy**

The Executive Director of Finance (Interim) submitted a report to provide Members with an update on the forthcoming changes to Business Rates Relief and seek approval for the proposed Pub Relief Scheme.

The Lead Member for Financial Management and Governance, Councillor Ilott, advised Council that this was the last Full Council meeting that the Executive Director, Finance (Interim) and Section 151 Officer would be attending as she was leaving Cherwell District Council at the end of February to take up a new role at another local authority and thanked her for her support and explanations. Members thanked the Executive Director, Finance (Interim) for her hard work during her time at Cherwell and wished her well in her new post.

The Lead Member for Financial Management and Governance welcomed Lorna Baxter, who it was recommended be appointed Section 151 Officer later in the agenda, to the meeting and the council.

Resolved

- (1) That the contents of the report be noted.
- (2) That the adoption of the Business Rates Retail Pub Relief Policy (Annex to the Minutes as set out in the Minute Book) be approved.

65 **Partial Review of the Cherwell Local Plan 2011-2031 - Oxford's Unmet Housing Needs: Submission of Main Modifications**

The Assistant Director – Planning and Development submitted a report to seek approval for the submission of Main Modifications to the Partial Review of the adopted Cherwell Local Plan 2011-2031 to the Secretary of State for Housing, Communities and Local Government for the continuance of the independent examination.

The Chairman invited local resident, Margaret Eynon, who had registered to speak on the item, to address Council.

In introducing the report, the Lead Member for Planning, Councillor Clarke, commended the Assistant Director Planning and Development and the Planning Policy team for their hard work on the main modifications to the Partial Review of the Local Plan.

Immediately after the recommendations had been proposed by Councillor Clarke and seconded by Councillor Wood, Councillor Copeland proposed a procedural motion, namely that consideration of the item be immediately adjourned. The procedural motion was duly seconded by Councillor Tyson. On being put to the vote the procedural motion was lost and subsequently fell.

In the course of the debate it was proposed by Councillor Middleton and seconded by Councillor Tyson that a recorded vote be taken on the report.

Having been proposed and seconded, a recorded vote was duly taken, and Members voted as follows:

Councillor Hannah Banfield	Against
Councillor Andrew Beere	Against
Councillor Nathan Bignell	For
Councillor Maurice Billington	Against
Councillor John Broad	Against
Councillor Hugo Brown	For
Councillor Phil Chapman	For
Councillor Mark Cherry	Against
Councillor Colin Clarke	For
Councillor Conrad Copeland	Against
Councillor Ian Corkin	For
Councillor Nick Cotter	For
Councillor Surinder Dhese	Against
Councillor Chris Heath	For
Councillor Simon Holland	For
Councillor David Hughes	For
Councillor Tony Ilott	For
Councillor Mike Kerford-Byrnes	For

Councillor James Macnamara	For
Councillor Kieron Mallon	For
Councillor Nick Mawer	For
Councillor Andrew McHugh	For
Councillor Tony Mephram	For
Councillor Ian Middleton	Against
Councillor Perran Moon	Against
Councillor Cassi Perry	Against
Councillor Lynn Pratt	For
Councillor George Reynolds	For
Councillor Barry Richards	Against
Councillor Dan Sames	For
Councillor Katherine Tyson	Against
Councillor Tom Wallis	For
Councillor Douglas Webb	For
Councillor Bryn Williams	For
Councillor Lucinda Wing	For
Councillor Barry Wood	For
Councillor Sean Woodcock	Against

Resolved

- (1) That, having given due consideration, the responses to the consultation on the Main Modifications summarised in the Statement of Consultation (Annex to the Minutes as set out in the Minute Book) be noted.
- (2) That, having given due consideration, the supporting documents relevant to the preparation of the Main Modifications, Appendices 1 - 17 of the report (Annexes to the Minutes as set out in the Minute Book) and those documents listed below be noted:
 - PR104 Cherwell Green Belt Study Second Addendum (September 2019)
 - PR105 Cherwell Water Cycle Study Addendum (September 2019)
 - PR106 Ecological Advice Cumulative Impacts Addendum (September 2019)
 - PR107 Habitat Regulations Assessment Stage 1 and Stage 2 Addendum (September 2019)
 - PR108 Landscape Analysis for PR09 (September 2019)
 - PR109 Transport Assessment Addendum (September 2019)
 - PR110 Site Capacity Sense Check (September 2019)
 - PR111 Local Plan Viability Assessment Addendum (September 2019)
 - PR112 Site Policy PR7b Stratfield Farm Highways Update (September 2019)

- PR113a Sustainability Appraisal Addendum Non-technical Summary (September 2019)
 - PR113b Sustainability Appraisal Addendum (September 2019)
 - PR114 Statement of Consultation Amendment (November 2019)
 - PR115 Duty to Cooperate Addendum (September 2019)
 - PR116 Developer Submission PR6a
 - PR117 Developer Submission PR6b
 - PR118 Developer Submission PR6c
 - PR119 Developer Submission PR7a
 - PR120 Developer Submission PR7b
 - PR121a Developer Submission PR8 – Newcore Capital Management
 - PR121b Developer Submission PR8 – Smith and Smith
 - PR121c Developer Submission PR8 – The Tripartite
 - PR122 Developer Submission PR9
 - PR123 Developer Submission PR10
 - PR124 Additional Information on the Significance of Trees
 - PR125 Equality Impact Assessment (September 2019)
- (3) That, having given due consideration, the Schedule of Main Modifications (Annex to the Minutes as set out in the Minute Book) be approved.
- (4) That, having given due consideration, the Minor Modifications (Annex to the minutes as set out in the Minute Book) be approved and the Assistant Director – Planning and Development be authorised to make any further changes he considers appropriate to minor or presentational issues.
- (5) That, having given due consideration, the submission of the Modifications to the Secretary of State for Housing, Communities and Local Government for the continuance of the independent examination with all necessary prescribed and supporting documents be approved.

66 **Appointment of Section 151 Officer**

The Chief Executive submitted a report to appoint Lorna Baxter as the Cherwell District Council Section 151 (S151) officer with effect from 25 February 2020.

Resolved

- (1) That Lorna Baxter be appointed as the Council's Section 151 (S151) Officer with effect from 25 February 2020.

67 **Members' Allowances 2020/2021**

The Director Law and Governance submitted a report to determine the levels of the allowances to be paid to Members for the forthcoming 2020/2021 financial year following the submission of the report of the Council's Independent Remuneration Panel (IRP).

Resolved

- (1) That, having given due consideration to the levels of allowances to be included in the 2020/2021 Members' Allowances Scheme, the Independent Remuneration Panel's recommendations, as set out below, be adopted:
 - That the Basic Allowance be increased in line with the staff cost of living increase rounded either up or down, whichever is closest, to give 12 equal payments. The staff pay negotiations for 2020/2021 have not yet commenced, so when the award is finalised, the increase should be backdated to the beginning of the financial year 2020/2021, 1 April 2020
 - That all Special Responsibility Allowance (SRAs) be increased in line with the staff cost of living increase rounded either up or down, whichever is closest, to give 12 equal payments, and payment backdated to the beginning of the financial year 2020/2021, 1 April 2020.
 - That the co-optee and Independent Person allowances be increased in line with the staff cost of living increase rounded either up or down, whichever is closest, to give 12 equal payments, and payment backdated to the beginning of the financial year 2020/2021, 1 April 2020.
 - That there be no increase in the rate of Dependent Carers' and Childcare Allowances.
 - That there be no change to Travelling and Subsistence Allowances.
 - That Democratic Services should continue to book overnight accommodation
 - That Non-Executive Director allowances be increased in line with the staff cost of living increase rounded either up or down, whichever is closest, to give 12 equal payments, and payment backdated to the beginning of the financial year 2020/2021, 1 April 2020, should a settlement not be agreed to that date.
- (2) That the Director Law and Governance be authorised to prepare an amended Members' Allowances Scheme, in accordance with the decisions of the Council for implementation with effect from 1 April 2020.
- (3) That the Director Law and Governance be authorised to take all necessary action to revoke the current (2019/2020) Scheme and to publicise the revised Scheme pursuant to The Local Authorities (Members's Allowances) (England) Regulations 2003 (as amended).
- (4) That the Independent Remuneration Panel be thanked for its report and a fee of £300 for Panel Members be set for the work carried out on this review for 2019/2020 and propose the same level of fee for any reviews carried out in 2020/2021 capped at a maximum of £1200, which will be funded from within the Council's existing budgets.

The Chief Executive submitted a report to note the amendments to the constitution of political groups and amendments to the proportionality calculations and committee membership arising from Councillor Cotter leaving the Independent Group and joining the Progressive Oxfordshire Group.

Resolved

- (1) That the amended constitution of Political Groups: 31 Conservative (65%); 9 Labour (19%); 4 Progressive Oxfordshire (8%); 3 Independent (6%) and 1 vacant seat (2%), be noted.
- (2) That the amended allocation of seats on committees that are subject to the political balance requirements be noted.
- (3) That the amended allocation of seats on committees that are not subject to political balance requirements be noted.
- (4) That the following amendments to committee membership, as advised by the respective Spokespersons of the Independent Group and Progressive Oxfordshire Group:

Accounts, Audit and Risk Committee

Remove: Councillor Les Sibley

Add: Councillor Conrad Copeland

Appeals Panel

Remove: Councillor Ian Middleton

Add: Councillor John Broad

Joint Shared Services and Personnel Committee

Remove: Councillor Les Sibley (and named substitute, Councillor John Broad)

Add: Councillor Ian Middleton (and named substitute, Councillor Conrad Copeland)

Planning Committee

Remove: Councillor John Broad as Committee Member and Councillor Fraser Webster as named substitute

Add: Councillor John Broad as substitute

Add: Add: Councillor Conrad Copeland (and named substitute, Councillor Nick Cotter)

Joint Arrangements Steering Group

Remove: Councillor John Broad (and named substitute, Councillor Les Sibley)

Add: Councillor Ian Middleton (and named substitute, Councillor Conrad Copeland)

Partnership Working Group

Remove: Councillor Les Sibley (and named substitute, Councillor John Broad)

Add: Councillor Ian Middleton (and named substitute, Councillor Conrad Copeland)

The meeting ended at 11.10 pm

Chairman:

Date:

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Cherwell District Council

Council

20 May 2020

Constitution Changes

Report of Director Law and Governance & Monitoring Officer

This report is public

Purpose of report

To advise Council of proposed temporary changes necessary for the effective running of remote meetings during the restrictions brought about by the corona virus pandemic. The changes are in line with, and give practical effect to, The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 that came into force on 4 April 2020. The Regulations enable all local authority meetings before 7 May 2021 to be held remotely and removes the requirement for the annual meeting this year.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the Virtual Meetings Procedure Rules (Appendix 1) and Councillor Protocol for Virtual Meetings (Appendix 2) that the Monitoring Officer has drafted following publication of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 to give effect to the principles of open decision making and public engagement.
- 1.2 To agree to postpone the holding of an Annual Council meeting until the scheduled Annual Council meeting in May 2021.
- 1.3 To authorise the Monitoring Officer, in consultation with the Chairman of Council, to make minor changes to the process and, as necessary, the Constitution in light of the practical experience of remote working and virtual meetings.

2.0 Introduction

- 2.1 The COVID-19/ Coronavirus pandemic and the Government measures in response to the crisis (e.g. prohibitions on gatherings, social distancing, self-isolation and shielding of those deemed to be the most vulnerable) have meant that the

requirement for local authorities to hold public meetings in person with all members present in one place cannot be met.

- 2.2 To enable the holding and attending of meetings, the Government included s.78 in the Coronavirus Act 2020 which enabled the Secretary of State the power to make The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which came into force on 4 April 2020. These Regulations make provision for the conduct of local authority meetings held before 7 May 2021, and for public and press access to these meetings.
- 2.3 The Regulations give the Council the flexibility to hold meetings at a time, day and frequency to suit their own needs, without the requirement for further notice. The Regulations apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Authority governing meetings. This means that, wherever there is a conflict, the Virtual Meetings Procedure Rules take precedence in relation to any virtual meeting and can be applied immediately in order to run council and committee meetings virtually.

3.0 Report Details

Virtual Attendance at Local Authority Meetings

- 3.1 The Regulations enable the council to hold meetings without all, or any, of the Members being physically present in a room. This allows for virtual meetings through electronic, digital, virtual locations, live webcast, live interactive streaming, video and telephone conferencing.
- 3.2 The 'place' at which the meeting is held may be a council building, or where the organiser of the meeting is located, or an electronic, digital or virtual location, a web address, or a conference call telephone number.
- 3.3 In order for members to be able to attend meetings of the council virtually, they need not be physically present, provided they are able to hear and be heard (and, where possible, see and be seen by) other councillors and members of the public attending remotely or in person.
- 3.4 The procedure rules in this constitution apply to remote meetings in the same way as they do for other meetings of the council except where they conflict, in which case the virtual meetings procedure rules set out at Appendix 1 take precedence over other procedure rules in relation to the governance of virtual meetings.
- 3.5 Virtual attendance by Members counts for the purpose of the six-month rule on attendance, and for allowances. Where there is absence for illness, the Council can continue to pass a resolution to grant a dispensation to approve the absence.

Standing Orders

- 3.6 In allowing virtual attendance at meetings councils are also given the flexibility to make standing orders on other matters such as voting, and rights of members of the

public to attend and speak at meetings held virtually. It also covers access to information rules on the publication of papers.

Public Participation

- 3.7 A meeting open to the public is redefined to include virtual meetings that the public can hear and where possible see. Physical attendance is not required to meet the need for those meetings that must be held in public. For this reason, the technology being used (Microsoft Teams) is capable of live broadcast to members of the public.
- 3.8 Cherwell District Council has always chosen to allow members of the public the right to present petitions and address meetings in accordance with the Meeting Procedure Rules (as set out in Part 2 of the Constitution) and Planning Committee Procedure Rules (Section 2.6 of the Constitution). Section 7 of the Virtual Meetings Procedure Rule set out arrangement for public participation at virtual meetings.
- 3.9 Members of the public wishing to address a virtual meeting should register in accordance with the existing procedures, requirements and deadlines. No changes to the current arrangements for public participation are proposed beyond the necessary change that a member of the public joining the meeting virtually for the item they have requested to address a meeting on. The Democratic and Elections Team will facilitate the virtual attendance of a registered speaker

Voting

- 3.10 Previously only members physically present were permitted to vote but now voting rights also include members attending virtually. Section 9 of the Virtual Meeting Procedure Rules set out the arrangements for voting.

Access to Information

- 3.11 The requirement to ensure meetings are open to the public includes access by remote means, including video conferencing, live webcast and live interactive streaming. Where a meeting is accessible to the public through such remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person.
- 3.12 Any requirements for the authority to ensure publication, posting or making available a document for inspection at offices of the council include publication on the council's website.

Annual Council

- 3.13 Following the now postponed local elections that were due to take place on 7 May 2020, holding an Annual Meeting during what would have been the normal 2020/21 municipal year is now a matter of choice.
- 3.14 The regulations allow appointments normally made at an annual meeting to be continued until the next annual meeting or until such time as the authority determines. The Council therefore has the option to delay the annual meeting until such time as it determines or to hold it virtually. If an Annual Meeting is delayed, then all positions remain as they are today.

- 3.15 Notwithstanding, the Group Leaders can make amendments to their allocated seats on Committees. This will be effective when reported to a meeting of Full Council.

Full Council – Motions and Questions

- 3.16 In December 2019 a number of Constitutional changes relating to the procedure rule for considering motions on motion and written questions at Full Council were approved. No further changes are proposed to the existing standing orders in relation to motions and written questions as set out in Part 2 of the Constitution, Meeting Procedure Rules.
- 3.17 The arrangements for motions and questions at Full Council are included at Section 8 of the Virtual Meetings Procedure Rules sets out the arrangements for Notwithstanding, paragraph 3.16 above detailing there are no changes to existing procedures, in order to maintain good administration of the meeting, Members are encouraged to notify the Democratic Services Officer if they wish to speak on a motion. Members who have not given notification will still be able to speak on a motion in accordance with the rules of debate.
- 3.18 The arrangements for motions and written questions will be in accordance with the Meeting Procedure Rules (Part 2 of the Constitution). In order to maintain good administration of the meeting, Members are encouraged to notify the Democratic Services Officer if they wish to speak on a motion. Members who have not given notification will still be able to speak on a motion in accordance with the rules of debate.
- 3.19 If a Member wishes to ask a question to the Leader (including on the minutes of Executive) or a Committee Chairman on the minutes, they must notify the Democratic and Elections Team by noon on the day of the meeting they wish to do so. It is not required for the topic to be notified. No questions without notice will be permitted at a meeting of Full Council.

Support for Members

- 3.20 In introducing virtual meetings this Council is committed to providing Councillors with appropriate support and training. Training of the virtual meetings process will be arranged in advance of the Council meeting so that councillors can feel comfortable and confident with the technology and the protocol for these meetings. Additional support will be provided to the Council and Committee Chairmen.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The proposed temporary changes are necessary for the effective running of remote meetings during the restrictions brought about by the corona virus pandemic. The changes are in line with, and give practical effect to, The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 that came into force on 4 April 2020.

5.0 Consultation

Group Leaders

Support proposals

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: Not to agree the recommendations. This is not recommended as the amendments to the Virtual Meetings Procedure Rules are required to enable the council to continue the democratic process of local decision making

Option 2: To amend the recommendations. This is not recommended as the proposals are in line with the Regulations and supported by Group Leaders.

7.0 Implications

Financial and Resource Implications

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

Comments checked by:

Dominic Oakeshott, Assistant Director Finance (Interim),
dominic.pakeshott@cherwell-dc.gov.uk

Legal Implications

7.2 The proposals and arrangements set out within this report are in accordance with good practice and legislative requirements.

Comments checked by:

Nick Graham, Director Law and Governance, nick.graham@cherwell-dc.gov.uk

Risk Implications

7.3 The Constitutional amendments are in accordance with legislative requirements. Setting out the arrangements ensures openness and transparency of the decision making process thereby minimising the possibility of challenge to decisions.

Comments checked by:

Nick Graham, Director Law and Governance, nick.graham@cherwell-dc.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

None

Document Information

Appendix No	Title
One	Virtual Meetings Procedure Rules
Two	Councillor Protocol for Virtual Meetings
Background Papers	
None	
Report Author	Natasha Clark, Governance and Elections Manager
Contact Information	01295 221589 natasha.clark@cherwell-dc.gov.uk

Virtual Meetings Procedure Rules

1. Introduction

- 1.1 These Procedure Rules have been made by the Monitoring Officer in accordance with the provisions in the Council's Constitution to provide the means and guidance for the conduct of virtual meetings of the Cherwell District Council and its committees, held under the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 ('the Regulations').
- 1.2 The Procedure Rules should be read in conjunction with the Standing Orders and Procedure Rules within the Shadow Authority's Constitution. The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Authority governing meetings and remain valid until 7 May 2021. This means that, wherever there is a conflict, these Virtual Meetings Procedure Rules take precedence in relation to any remote meeting.
- 1.3 The effect of the Regulations on the Authority's Constitution is to insert what are, in effect, mandatory standing orders for those authorities that wish to hold meetings virtually, either wholly or partially.
- 1.4 In these Procedure Rules the words Meeting, Committee and Sub Committee mean meetings formally constituted under the Local Government Act 1972 as amended.
- 1.5 Attached as an annex to these Procedure Rules is a protocol for Members on the running of meetings where there is virtual attendance.

2. General

- 2.1 A virtual meeting is a meeting of the Council, Cabinet, Committee or Sub-committee of the Council held by remote access and where virtual attendance by Members of the Council is by way of MS Teams Live Event or such other platform as provided.
- 2.2 Attendance of the public and public address at virtual meetings open to the public will be via MS Teams Live Event or such other platform provided.
- 2.3 The Council, Executive and all Committees of the Council may hold all such virtual meetings that are deemed necessary and where such meetings are held these rules of procedure shall apply.

3. Annual Meeting of the Council

- 3.1 The Annual Meeting of the Council will not be held in May and appointments to the Chairman, Deputy Chairman of the Council and appointments to other Committees will remain the same until the Annual meeting is held or until such time as the Council determines.

4. Notice of and Summons to the Meeting

- 4.1 The Proper Officer will give notice to the public of the time and place of any meeting, the agenda and details of how to view the meeting by publication of the details on the website.
- 4.2 At least five clear days before a meeting, the Proper Officer will send a summons by electronic mail to every member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.
- 4.3 The Proper Officer may call an urgent virtual meeting without notice. The reasons for calling an urgent virtual meeting shall be clearly stated at the beginning of the urgent virtual meeting.
- 4.4 The Proper Officer may, following consultation with the Chair of the relevant committee, move or cancel a virtual meeting without notice.

5. Access to Virtual Meetings

- 5.1 Press and members of the public will be able to access virtual meetings using a link that will be made available on the website in advance of the meeting.
- 5.2 The press and members of the public will not be able to access those parts of the meeting where exempt or confidential information is being considered.

6. Management of Remote Participation

- 6.1 Any Councillor participating in a virtual meeting must, when they are speaking, be able to be heard (and ideally seen) by all other Councillors in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other Councillors participating.
- 6.2 In addition, a virtual participant must be able to be heard by, and in turn hear any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting.
- 6.3 The attendance of those members at the meeting will be recorded by the Democratic Services Officer.

- 6.4 The normal quorum requirements for meetings as set out in the Authority's Constitution will also apply to a remote meeting.
- 6.5 In the event of any apparent failure of the video, telephone or conferencing connection, the Chairman should immediately determine if the meeting is still quorate:
- if it is, then the business of the meeting will continue; or
 - if there is no quorum, then the meeting shall adjourn for a period specified by the Chairman to allow the connection to be re-established.
- 6.6 If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, in consultation with the Monitoring Officer and where appropriate, the relevant Lead Member, shall explore such other means of taking the decision as may be permitted by the Council's Constitution.
- 6.7 Should any aspect of an individual's remote participation fail, the Chairman may call a short adjournment of up to five minutes to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative (this is unlikely to be practical for a meeting of the full council). If the connection is not restored within that time, the meeting shall continue to deal with the business whilst this happens providing the meeting remains quorate and the public are able to hear.
- 6.8 In the event of connection failure, the Councillor(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Councillor(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item(s) of business. If the connection is successfully re-established, then the Councillor(s) will be deemed to have returned at the point of re-establishment.
- 6.9 In order to maintain good administration of the meeting, Members are encouraged to notify the Democratic Services Officer if they wish to speak on a particular agenda item. Members who have not given notification will still be able to speak on an agenda item in accordance with the rules of debate.
- 6.10 Etiquette at the meeting is set out in the Protocol, which is an Annex to these Procedure Rules.

7. Public Participation at Virtual Meetings

- 7.1 Any member of the public who has been given permission by the Chairman to address a meeting in accordance with the Council's Rules of Procedure must meet the same criteria as Councillors. Members of the public attending a meeting remotely must, when they are speaking, be able to be heard (and ideally seen) by Councillors in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other members participating.

- 7.2 Requests to address a meeting and the submission of petitions will be determined in accordance with the Meeting Procedure Rules (Part 2 of the Constitution) and, in the case of requests to address Planning Committee, the Planning Committee Procedure Rules, (Part 2.6 of the Constitution). In such instances, an invitation to participate in the remote technology will be sent out.
- 7.3 In advance of the meeting, every effort will be made to facilitate a Member of the public joining the virtual meeting to address the meeting directly. If this will not be possible, members of the public who wish to address the meeting may submit a written statement that can be read out by the Chairman at the appropriate time. The written statement must be submitted to the Democratic Services Officer by noon on the day of the meeting.
- 7.4 The member of the public will only join the meeting for the item they will be addressing the meeting on and should leave the meeting at the conclusion of their address. The Democratic Services Officer will be able to remove the member of public them from the virtual meeting, in order to maintain the good administration of the meeting or to retain order.
- 7.5 A breakdown of the technology should not disadvantage the member of the public in virtual attendance wherever possible.

8 Motions And Questions at Full Council

- 8.1 The arrangements for motions and written questions will be in accordance with the Meeting Procedure Rules (Part 2 of the Constitution). In order to maintain good administration of the meeting, Members are encouraged to notify the Democratic Services Officer if they wish to speak on a motion. Members who have not given notification will still be able to speak on a motion in accordance with the rules of debate.
- 8.2 If a Member wishes to ask a question to the Leader (including on the minutes of Executive) or a Committee Chairman on the minutes, they must notify the Democratic and Elections Team by noon on the day of the meeting they wish to do so. It is not required for the topic to be notified. No questions without notice will be permitted at a meeting of Full Council.

9 Voting

- 9.1 At a meeting using virtual meeting technology any matter will be decided by a clear majority of those in attendance, physically or virtually.
- 9.2 When the Chairman is satisfied that there has been sufficient debate, the meeting will move to the vote. Unless a Recorded Vote is requested, the method of voting will be at the Chairman's discretion and will be by one of the following methods:
- a vote by electronic means; or
 - an officer calling out the name of each member present with:

- members stating 'for', 'against', or 'abstain' to indicate their vote when their name is called
- the Democratic Services Officer clearly stating the result of the vote and the Chairman then moving onto the next agenda item
- by the general assent of the meeting.

10. Review

- 10.1 These rules will be kept under regular review and updated as necessary by the Monitoring Officer.

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Councillor Protocol for Virtual Committee Meetings (including public attendance)

Additional protocol for virtual meetings, to be considered alongside standing orders:

General points about councillors joining and participating in a virtual meeting

- Councillors are encouraged to join the meeting no later than fifteen minutes before the scheduled start time to ensure any technical issues can be resolved with ICT, and in order to avoid disrupting the meeting.
- Where using video-enabled equipment, councillors should leave their cameras on throughout the meeting as far as practicable.
- Councillors should ensure they are in a quiet location for the Meeting with minimum disruptions and blur or show a non-descript background.
- Councillors are reminded that virtual meetings are generally meetings in public and members of the public will be able to view them. Councillors should be mindful of this in their conduct and dress code. Non-verbal communication such as body language may be picked up and broadcast even when not speaking.
- The Chairman will remind councillors to mute their microphones when not speaking. This is done in order to reduce feedback and background noise. Democratic Services Officers may perform this function as well.
- In all cases councillors will need to unmute their microphone before speaking and mute when they have finished speaking.
- Please be patient with one another and the meeting Chairman.

Protocol for councillors speaking at meetings

- The Council has put in place a technological solution that will enable councillors participating in meetings virtually to indicate their wish to speak.
- Notwithstanding this, in the case of all meetings, in particular Council, Executive and Planning Committee, councillors who wish to speak on a particular item are encouraged to notify the Chairman and to Democratic Services of their wish to speak in advance of the meeting.
- The Chairman will follow the rules set out in the Constitution and usual protocol when determining who may speak and the order of speakers. The Chairman's ruling in this regard shall be final.
- The length of speeches will be timed in accordance with the Constitution. If practicable, a countdown clock will be displayed, and the Democratic Services Officer shall give a 30 second warning.
- Councillors should only speak when called by the Chairman and only one person should at any one time.
- Councillors should turn on their microphone and state their name before making a comment. Once finished, the microphone should be turned back to mute.
- When referring to reports or making specific comments, councillors should refer to the report and page number so that all Members have a clear understanding of what is being discussed at all times.
- Interruptions, such as 'point of order' should be kept to an absolute minimum and raised at the end of a speech not during.

Appendix 2

- If felt necessary, at the end of the debate, when all speakers have been heard, the Chairman will ask those present if anyone else wishes to speak before completing the discussion on that item and moving to the vote.
- The Chairman's ruling on Members speaking shall be final.

Dealing with Disclosable Pecuniary Interests (DPI)

- To facilitate this process, Members are asked to notify the Democratic Services Officer in advance of a meeting if they will be declaring an DPI or other declaration that requires them to absent themselves for an agenda item.
- Where a Member has disclosed a DPI or other declaration in an agenda item that requires them to be absent from the meeting for that item, the Member should leave the virtual meeting for the duration of the item. Failure to do so would be a breach of the council's code of conduct.
- At the conclusion of the item, the Chairman and Democratic Services Officer will ensure that any member who has absented themselves from the meeting has re-joined the meeting before moving to the next agenda item.

Voting

- At a meeting using virtual meeting technology any matter will be decided by a clear majority of those in attendance, physically or virtually.
- When the Chairman is satisfied that there has been sufficient debate, the meeting will move to the vote. Unless a Recorded Vote is requested, the method of voting will be at the Chairman's discretion and will be by one of the following methods:
 - a vote by electronic means; or
 - an officer calling out the name of each member present with:
 - members stating 'for', 'against', or 'abstain' to indicate their vote when their name is called
 - the Democratic Services Officer clearly stating the result of the vote and the Chairman then moving onto the next agenda item
 - by the general assent of the meeting.
- Details of how councillors vote will not be kept or minuted unless a Recorded Vote is called/required or requested by a Member.

Participation by members of the public

- Members of the public who wish to observe the proceedings of a committee are able to do so by watching the live stream. The Council will make a live stream available on an appropriate channel and will publicise this on the website agenda page for that particular meeting.
- Public participation will be permitted in line with the procedures set out in the Constitution (as amended for virtual meetings).
- A member of the public who has requested to address a meeting in accordance with the Council's Meeting Procedure Rules (as amended for virtual meetings) will be invited to participate in the virtual meeting for the duration of the item in question and will address the meeting when invited to do so by the Chairman. Once a member of the public has addressed the meeting, they will leave the virtual meeting and resume viewing on the live stream
- The Chairman may re-order the agenda in order to facilitate this participation at the beginning of the meeting.
- As an alternative, if a member of the public who wishes to address the meeting but is unable to join for technological reasons, they may submit a written statement

CDC Councillor Protocol for Virtual Public Meetings v.1, May 2020

that can be read out by the Chairman or Democratic Services Officer at the appropriate time. The written statement must be submitted to the Democratic Services Officer by noon on the day of the meeting.

Dealing with exempt items of business

- There are times when council meetings are not open to the public, when confidential, or “exempt” information – as defined in Schedule 12A of the Local Government Act 1972 – is under consideration.
- Any councillor in virtual attendance who fails to disclose that there are in fact persons present who are not so entitled will be in breach of the Council’s Code of Conduct.

Dealing with technical difficulties

- In the event that the Chairman or Democratic Services Officer identifies a failure of the virtual participation facility, the Chairman will declare a recess while the fault is addressed.
- If it is not possible to address the fault and the meeting is inquorate, the meeting will be abandoned until such time as it can be reconvened. If the meeting is quorate, the meeting will continue. Those attending virtually would be aware and accept that the meeting would continue, and a vote would be taken without their attendance.
- In the event of connection failure, the Member(s) will be deemed to have left the meeting at the point of failure, and if the connection cannot be re-established to those Member(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item(s).
- If a connection is successfully re-established, then the Member(s) will be deemed to have returned at the point of re-establishment, but the Member(s) should not vote on a matter under discussion as they would not have heard all the debate.
- In the event of the Chairman losing connection, the Vice-Chairman will take the chair until the Chairman’s connection is re-established.
- If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, in consultation with the Monitoring Officer and where appropriate/possible the relevant Executive member, shall explore such other means of taking the decision as may be permitted by the Council’s Constitution.

Interpretation of standing orders

- Where the Chairman is required to interpret the Council’s existing standing orders in light of the requirements of remote participation, s/he shall take advice from the Monitoring Officer prior to making a ruling. The Chairman’s decision in all cases shall be final.

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Cherwell District Council

Council

20 May 2020

Community Governance Review for Adderbury

Report of Chief Executive

This report is public

Purpose of report

To provide details of a Community Governance Review to be undertaken for Adderbury; requesting the formation of a Community Governance Review Working Group; approving the Terms of Reference for the review, and delegating authority to the Chief Executive to make minor amendments to the timetable for the review, if required.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the Terms of Reference for the Adderbury Community Governance Review (appendix 1 to the report).
- 1.2 To delegate authority to the Chief Executive, in consultation with group leaders/spokespeople, to appoint two members from each of the Conservative and Labour groups, and one member from each of the Progressive Oxfordshire and Independent groups, to a Community Governance Review working group.
- 1.3 To delegate authority to the Chief Executive, in consultation with the Community Governance Review working group, to make minor amendments to the Terms of Reference, including the timetable for the review, if required.

2.0 Introduction

- 2.1 A Community Governance Review (CGR) is the process for making changes to parishes in a Council area. Changes that can be made include creating, merging or abolishing parishes; changing the boundaries between parishes; changing the style or name of a parish; and changing the number of Councillors for a parish.

3.0 Report Details

3.1 There are two ways for a CGR to be triggered. A local authority can choose when to carry out a review, either for a specific area or district-wide, or electors of an area can submit a petition signed by a proportion of electors.

3.2 In this instance, Cherwell District Council has received a valid petition from West Adderbury Residents Association, requesting that a Community Governance Review (CGR) be carried out pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007 ('the Act') to consider the following Parish matter:

"The previously separate parishes of West Adderbury and East Adderbury were grouped to form the new, larger parish of Adderbury in the 1970s. We request that the area outlined in purple on the attached maps, which previously formed the separate parish of West Adderbury, be split (de-grouped) from the current parish of Adderbury to once again form a separate parish, to be known as West Adderbury. We further request that the parish of West Adderbury have its own parish council, to be known as West Adderbury Parish Council"

3.3 The map referred to is included at appendix 2 to this report, and has been reproduced by the Council's GIS mapping team, to show greater clarity as to the position of the proposed boundary.

3.4 The Act requires that on receipt of a valid petition, a principal council must complete a CGR within 12 months of validation of the petition. This means that final decisions must be taken on this CGR by 5 April 2021.

3.5 Whilst many regulations and requirements have been amended due to the ongoing Covid-19 (Coronavirus) situation, no amendments have been made to the Act. The Council is therefore still obligated to complete the review within the statutory timeframe.

3.6 It is not anticipated that the current situation will impact on the completion of the review. Once established, meetings of the Working Group will be held remotely. All other aspects of the review will be able to take place as they would do for any other CGR, as the process is based on consultation.

3.7 Any changes agreed during a CGR usually come in to force at the next ordinary year of election for the parish. Adderbury Parish Council was due to have elections in May 2020, however due to the current Covid-19 situation those elections have been postponed until May 2021.

3.8 The exact timing of any amendments to Adderbury Parish would need to be discussed by the CGR Working Group during consideration of the stage one consultation responses. Should residents support the separation of the parish, a number of arrangements will need to be made, including but not limited to, transfer of assets between the existing Parish Council and any newly created parish council, agreement on the management of open spaces, and discussions around the level of precept for any new parish council.

- 3.9 Once published, the Terms of Reference of a CGR form the legal basis and must be adhered to.
- 3.10 Amendments to the timetable for the review are not anticipated, however in the event that meeting dates have to be amended, for example due to the Covid-19 situation, it is requested that authority be delegated to the Chief Executive in consultation with the CGR Working Group to make minor changes to the Terms of Reference, including the timetable. Any such changes would be publicised.
- 3.11 Due to the time requirement associated with this review and the current restrictions in place, it is not possible to combine it with a District wide CGR at this time.
- 3.12 A District wide CGR will be scheduled for later in 2020/early in 2021, when all parish councils will be contacted and advised what a CGR covers and what can be requested for inclusion.

4.0 Conclusion and Reasons for Recommendations

- 4.1 Due to the receipt of a valid petition the Council is required to undertake a CGR within a statutory timeframe. The recommendations included in the report will allow the Council to meet the requirement.

5.0 Consultation

- 5.1 No formal consultation has yet been carried out yet, however the timetable included in the Terms of Reference shows two public consultation stages, with the results of both being reported to full Council so that recommendations can be made for the next stage of the review.
- 5.2 West Adderbury Residents Association have been invited to make comments on the draft Terms of Reference, as the party who have submitted the petition.

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: Not to conduct a CGR. This is rejected, as the petition received from residents of Adderbury is valid, and the act requires the Council to complete a review within 12 months.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising directly from this report. The costs of carrying out the review can be met from existing budgets.

Comments checked by:
Dominic Oakeshott – Assistant Director – Finance (Interim), 0300 003 0110,
dominic.oakeshott@cherwell-dc.gov.uk

Legal Implications

- 7.2 Upon receipt of a valid petition, the Council is required to undertake a Community Governance Review. In undertaking the review it must take steps to ensure that the outcome of the review reflects the identities and interests of the area being reviewed and the need to ensure effective and convenient community governance.

Comments checked by:
Nick Graham, Director Law and Governance, 01865 323 910,
nick.graham@cherwell-dc.gov.uk

8.0 Decision Information

Wards Affected

Adderbury, Bloxham and Bodicote.

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

N/A

Document Information

Appendix No	Title
One	Draft Terms of Reference
Two	Map showing proposed separation line in existing parish
Background Papers	
None	
Report Author	Emma Faulkner, Democratic and Elections Officer
Contact Information	democracy@cherwellandsouthnorthants.gov.uk 01295 221534

Cherwell District Council

Local Government and Public Involvement in Health Act 2007

Community Governance Review

Terms of Reference

Introduction

Cherwell District Council has received a valid petition from West Adderbury Residents Association, requesting that a Community Governance Review (CGR) be carried out pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007 to consider the following Parish matter:

“The previously separate parishes of West Adderbury and East Adderbury were grouped to form the new, larger parish of Adderbury in the 1970s. We request that the area outlined in purple on the attached maps, which previously formed the separate parish of West Adderbury, be split (de-grouped) from the current parish of Adderbury to once again form a separate parish, to be known as West Adderbury. We further request that the parish of West Adderbury have its own parish council, to be known as West Adderbury Parish Council”

The Council will undertake the review in accordance with the Guidance on community governance reviews issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England (LGBCE) in March 2010 (“the guidance”)

What is a Community Governance Review?

A CGR is a review of the whole or part of the Council area to consider one or more of the following:

- Creating, merging, altering or abolishing parishes
- The naming of parishes and the style of new parishes
- The electoral arrangements for parishes, such as the ordinary year of election, council size, number of councillors to be elected to the council and parish warding
- Grouping parishes under a common parish council or de-grouping parishes

The Council is required to ensure that community governance within the area under review will be:

- Reflective of the identities and interests of the community in that area; and
- Is effective and convenient

In doing so the Review is required to take into account:

- The impact of existing community governance arrangements on community cohesion; and

- The size, population and boundaries of any local community or proposed parish or town Council

As part of the submitted petition, West Adderbury Residents Association stated that:

- APC [Adderbury Parish Council] is not reflective of West Adderbury's needs, interests and identity;
- APC cannot represent a geographically, socially and politically distinct West Adderbury;
- West Adderbury residents have no stake in deciding their own future;
- West Adderbury residents do not share a vision of the future with APC;
- West Adderbury residents have no sense of belonging with APC;
- APC is not capable of allowing West Adderbury residents a voice in the management of their own community;
- There is currently no community cohesion between West and East Adderbury;
- APC is not capable of allowing West Adderbury residents to solve their own problems and meet their own needs;
- APC prevents West Adderbury from fulfilling its potential as a community.

Adderbury regaining its own Parish Council would:

- Promote community cohesion for the whole of Adderbury;
- Reflect the interests, identity and sense of belonging of West Adderbury residents;
- Allow effective, convenient and economical governance improving local democracy;
- Allow effective engagement with the community at neighbourhood level;
- Allow convenient, coherent and economic delivery of services;
- Lead to greater inclusiveness, accountability and representativeness in local democracy.

It is for these reasons that West Adderbury Residents Association have requested that Cherwell District Council undertake a CGR.

Why is the Council undertaking the review?

West Adderbury Resident's Association has submitted a valid petition, requesting that a CGR be carried out. Under legislation, Cherwell District Council has 12 months from the date the petition as validated to complete the review. This means that final decisions must be taken on the CGR by 5 April 2021.

Who undertakes the review?

A working group has been established to deal with the day to day work of the review, in conjunction with officers from the Democratic and Elections team. The Working Group will be responsible for gathering required information in relation to the review, and considering consultation responses received, before formulating recommendations to Council. The final decision relating to each recommendation sits with full Council.

Consultation

Two consultation stages will be held, and a full consultation document will be produced for each stage. The documents will be available electronically, being published on a dedicated 'Community Governance Review' page on the Cherwell District Council website.

As the petition refers to the potential splitting of the existing parish, it is important that all residents have the opportunity to respond. The document will initially outline the implications of splitting the parish, and ask residents for their views. It will be delivered to every address in the parish, and include a pro-forma style return slip and pre-paid envelope. Officers from Democratic and Elections may also look to hold consultation 'drop-in' style events in the affected parish or virtually if the current covid-19 social distancing restrictions remain in place. The details of any such events would be finalised and publicised as and when they are required.

All consultation documents will also be available via the consultation portal on the Cherwell District Council website, so that people can respond electronically if they so wish.

All consultation responses will be logged and reported back to the working group, and full Council. Names and addresses of individual respondents will not be included in the central log for data protection purposes. Responses received from parish councils/residents groups will be highlighted as such, and will be assumed to be an official response on behalf of the whole parish council/residents group.

Timetable for the Review

The 2007 Act requires that on receipt of a valid petition, a principal council must complete a CGR within 12 months of validation of the petition. The proposed timetable below complies with the legal requirement.

Date	Action	Timescale
20 May 2020	Report to full Council	
21 May 2020	Formally publish the ToR for the review	
Between 25 May and 5 June 2020	Virtual meeting of the CGR working group, to approve consultation document for first stage consultation.	2 weeks
29 June to 28 August 2020	First stage consultation. Paper copy of documents to be sent to every household in Adderbury. Also available electronically, via the CDC website and dedicated CGR page.	9 weeks

Between 7 September and 25 September 2020	Meeting of the CGR working group, to go through the consultation responses and formulate recommendations for second stage consultation.	3 weeks
19 October 2020	Report to full Council – consideration of draft recommendations for second stage consultation	
2 November to 4 January 2021	Second stage consultation. Paper copy of documents to be sent to every household in Adderbury as in first stage, and also available electronically via CDC website and dedicated CGR page.	9 weeks
Between 5 January and 22 January 2021	Meeting of the CGR working group, to go through the consultation responses and formulate final recommendations.	3 weeks
1 February 2021	Publication of final recommendations on CGR page of CDC website	
22 February 2021	Report to full Council – final recommendations.	
23 February 2021	Decisions from full Council published, outcome of review notified to Adderbury. Any post CGR work to be completed, such as Reorganisation Order, if required.	

How to respond

If you have any questions or comments on these terms of reference, or the Community Governance Review process as a whole, please email democracy@cherwellandsouthnorthants.gov.uk, or write to:

CGR
Democratic and Elections Team
Cherwell District Council
Bodicote House
Bodicote
Banbury
OX15 4AA

[Date to be inserted]

DRAFT - Proposed West Adderbury Parish Boundary



South Northamptonshire

Banbury CP

Bodicote

Bodicote CP

Bloxham CP

Remain as Adderbury Parish

Adderbury CP



Milton CP

New West Adderbury Parish

Barford St. John and St. Michael CP

Deddington CP

Legend

-  Proposed West Adderbury Parish Boundary (as April 2020)
-  Cherwell Parishes



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Cherwell District Council

Council

20 May 2020

Pension Fund – Advance Payments

Report of Director of Finance

This report is public

Purpose of report

To consider and approve advance payments to the Oxfordshire Pension Fund in order to lower the overall cost over a three-year period.

1.0 Recommendations

The meeting is recommended:

- 1.1 To consider and approve making an advance payment at the end of May 2020 of £3.4m to the Oxfordshire Pension Fund covering the payments due of £1.7m for 2021/22 and 2022/23, reducing the overall cost to the Council.

2.0 Introduction

- 2.1 The Council has the opportunity to take advantage of making advance payments to the Oxfordshire Pension Fund to reduce the overall cost to the Council over the three-year period 2020/21, 2021/22 and 2022/23.

3.0 Report Details

- 3.1 The Council has taken advantage of making advance payments to the Oxfordshire Pension Fund over the last three years concluding in 2019/20 and the Pension Fund's Actuary Hymans Robertson has provided the Council with the opportunity to continue this arrangement for a further three-year period of advance payments for 2020/21, 2021/22 and 2022/23, reducing the overall cost of the pension fund contributions to the Council.
- 3.2 The arrangement will begin during 2020/21 and conclude in 2022/23 with an overall payment of £5.1m being paid during 2020/21, equating to £1.7m per year with an overall saving to the Council of £333k and 6%. This is an attractive reduction in the overall cost and allows the Council to take advantage of utilising balances that are attracting low rates of interest within its overall Treasury Management Strategy.

- 3.3 The Council has budgeted for the advance payment and will use a Council Reserve to manage the accounting arrangements.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The arrangement of making advance payments to the Oxfordshire Pension Fund will allow the Council to benefit from a lower overall contribution over a three-year period.

5.0 Consultation

- 5.1 This arrangement has been discussed and agreed with the Lead Member for Financial Management and Governance.

6.0 Alternative Options and Reasons for Rejection

- 6.1 None applicable.

7.0 Implications

Financial and Resource Implications

- 7.1 The arrangement of making advance payments to the Oxfordshire Pension Fund has both budgetary and cash provision within the Councils accounts and will fit within the Council's overall Treasury Management Strategy.

The advance payment will save the Council £333k and 6% in overall terms.

Comments checked by:

Dominic Oakeshott, Assistant Director Finance (Interim), 01295 227943,
dominic.oakeshott@cherwell-dc.gov.uk

Legal Implications

- 7.2 The Council would rely on its general power of competence under s.1 Localism Act 2011 for its vires to make such a payment (and/or its subsidiary powers for the discharge of a function under s.111 Local Government Act 1972).

Comments checked by:

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

Risk Implications

- 7.3 There is always the risk that the actuarial assumptions resulting in the prepayment calculation are not achieved. The main assumption is that Fund investment returns are above 0% and that Council wage growth is not faster than

2.3% pa. If either of these assumptions are not the case at the next triennial review, then the actual economic benefit to the Council may not be as beneficial as assumed above.

Comments checked by:

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

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

Not applicable

Lead Councillor

Not applicable

Document Information

Appendix No	Title
None	-
Background Papers	
None	
Report Authors	Joanne Kaye – Strategic Business Partner
Contact Information	01295 221545 joanne.kaye@cherwell-dc.gov.uk

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Cherwell District Council

Council

20 May 2020

Appointment of Interim Monitoring Officer

Report of Chief Executive

This report is public

Purpose of report

To appoint a Monitoring Officer on an interim basis in place of Nick Graham, Director Law and Governance, who leaves his employment with Cherwell District Council in June 2020.

1.0 Recommendations

The meeting is recommended:

- 1.1 To appoint Steve Jordan on an interim basis as the Council's Monitoring Officer with effect from 11 June 2020.

2.0 Introduction

- 2.1 The Local Government and Housing Act 1989 requires the Council to appoint a Monitoring Officer to be responsible for specified statutory functions.
- 2.2 As the current Monitoring Officer is leaving his employment in June 2020 it is legally necessary for the Council to appoint a replacement before he leaves.

3.0 Report Details

Monitoring Officer

- 3.1 Section 5 of the Local Government and Housing Act 1989 requires the Council to designate one of its officers to be the Monitoring Officer. The Monitoring Officer cannot be the Council's Head of Paid Service or its Chief Finance (Section 151) Officer. The Council is obliged to provide the monitoring officer with such staff, accommodation and other resources as he, in his opinion, requires to fulfil his statutory duties.
- 3.2 It is the duty of the Monitoring Officer to prepare a report to full Council or Executive in relation to non-executive and executive functions respectively where he is of the opinion that any proposal, decision or omission by the council has given rise to, or

is likely to or would give rise to a contravention of any enactment or rule of law, or to maladministration. Such a report must be considered by members within 21 days and the implementation of any relevant decision must be held in abeyance until the report is considered.

- 3.3 The Monitoring Officer also has responsibility pursuant to sections 27-34 of the Localism Act 2011 to administer the ethical regime for members of the Council and all parish councillors in the Council's district, as well as acting as the Monitoring Officer for all such parish councils.
- 3.4 In addition the Monitoring Officer, as one of the three statutory officers, has a general role in ensuring and advising on the lawfulness the Council's actions.
- 3.5 The current Monitoring Officer, Nick Graham, Director Law and Governance, is leaving his employment with Cherwell District Council in June 2020. Accordingly, it is necessary for another officer to be designated as Monitoring Officer.
- 3.6 Arrangements have been put in place to recruit Nick Graham's successor. The role will be advertised as the Director of Law & Governance and Monitoring Officer. There will however inevitably be a delay between the successful candidate taking up the role and the departure of Nick Graham; and as an interim measure to cover that period it is proposed that Steve Jorden, Corporate Director of Commercial Development, Assets and Investment, acts as the Council's Monitoring Officer. Steve Jorden will be ably supported by the Deputy Monitoring Officer and the Governance and Elections Manager.
- 3.6 Nick Graham is also Monitoring Officer for Oxfordshire County Council, pursuant to the shared working agreement entered into by the two councils pursuant to section 113 of the Local Government Act 1972. At its Council meeting on 4 May 2020, Oxfordshire County Council resolved to appoint Steve Jorden as its Monitoring Officer on an interim basis.

4.0 Conclusion and Reasons for Recommendations

- 4.1 In accordance with statutory requirements it is recommended that Steve Jorden be appointed as the Council's Monitoring Officer on an interim basis.

5.0 Consultation

- 5.1 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 appoint an alternative officer. This is rejected because Steve Jorden has the necessary skills and experience to fulfil the role.

Option 2: Not to appoint a Monitoring Officer. This is rejected as the Council is legally required to appoint.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising directly from this report. The role of Monitoring Officer is included within the salary budget for the Assistant Director Law and Governance which will remain vacant after the current Monitoring Officer leaves the authority. This budget will be used to compensate the county council for the services of Nick Graham.

Comments checked by: Dominic Oakeshott, Assistant Director Finance (Interim), dominic.oakeshott@cherwell-dc.gov.uk

Legal Implications

- 7.2 These are set out in the body of the report. It is necessary for full council to approve the appointment of a Monitoring Officer.

Comments checked by: Nick Graham, Director Law and Governance, nick.graham@cherwell-dc.gov.uk

8.0 Decision Information

Wards Affected

All.

Links to Corporate Plan and Policy Framework

Not applicable – this report is made pursuant to a statutory requirement.

Lead Councillor

Councillor Barry Wood, Leader of the Council.

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Natasha Clark Governance and Elections Manager
Contact Information	01295 221589, natasha.clark@cherwell-dc.gov.uk

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