



Meeting of Council

Monday 13 December 2021

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA on Monday 13 December 2021 at 6.30 pm, and you are hereby summoned to attend.

**Yvonne Rees
Chief Executive**

Friday 3 December 2021

AGENDA

1 Apologies for Absence

2 Declarations of Interest

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

3 Communications (Pages 7 - 8)

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

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

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

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

5 Petitions and Requests to Address the Meeting

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

The deadline to request to present a petition has passed (29 November 2021).

Addresses may be presented by:

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

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

Requests to address the meeting (including the reason for the address) should be submitted to democracy@cherwell-dc.gov.uk The deadline for requests to address this meeting is noon on Friday 10 December 2021.

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

6 Urgent Business

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

7 Minutes of Council (Pages 9 - 18)

To confirm as a correct record the Minutes of Council held on 18 October 2021.

8 Minutes

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

The Leader of the Council to formally propose that the minutes of the meetings of the Executive and Lead Member Decisions as set out in the Minute Book (circulated separately) be received and to report that since the last meeting of Council held on 18 October 2021, one key decision has been taken by the Executive which was not included in the 28 day notice, an exempt decision relating to Castle Quay.

- b) Minutes of Committees

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

9 Questions (Pages 19 - 20)

a) Written Questions

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

Question from:	Question topic:
Councillor Cherry	Sunshine Centre, Banbury

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

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

b) Questions to the Leader of the Council

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

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

c) Questions to Committee Chairmen on the Minutes

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

Council Business Reports

10 Council Tax Reduction Scheme and Council Tax Discounts 2022-2023

** Please note this report will follow. Executive are considering the matter at their 6 December 2021 meeting and will agree a recommendation to Council **

Report of Director of Finance

11 Standards Arrangements - Appointment of Independent Persons

** Please note that this report will follow as interviews do not conclude until after agenda publication **

Report of Director of Law and Governance and Monitoring Officer

12 Delegation to Appoint External Auditor (Pages 21 - 26)

Report of Director of Finance

Purpose of report

This report asks the Council to agree how external auditors will be appointed from the financial year 2023/24.

Recommendations

The meeting is recommended to:

- 1.1 allow Public Sector Audit Appointments Ltd (PSAA) to appoint external auditors on behalf of the Council.

13 Amendments to Committee Membership

Group Leaders to advise Council of any changes to the membership of committees for their political group.

Council will be asked to note any amendments to committee membership.

14 Amendment to Outside Body Representative

Councillor Donaldson was appointed the council's representative to the to the Oxfordshire Joint Health Overview and Scrutiny Committee at the 19 May 2021 Annual Meeting.

Councillor Donaldson has advised that, due to other commitments, he is no longer able to act as the council's representative. The Leader of the Council will report on the proposed representative in place of Councillor Donaldson.

Recommendation

The meeting is recommended:

- 1.1 To appoint a representative to the Oxfordshire Joint Health Overview and Scrutiny Committee.

15 Motions (Pages 27 - 28)

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

Topic	Proposer	Seconder
Climate Change Emergency Response	Councillor Ian Middleton	TBC

Please note that the deadline to submit motions has passed. The deadline for Members to submit amendments to motions is noon on Thursday 9 December 2021 to democracy@cherwell-dc.gov.uk No amendments will be permitted after this deadline.

Any amendments submitted will be published as a supplement to the agenda on the afternoon of Friday 10 December 2021. Amendments to motions will be dealt with in the order submitted.

For information

Please note: Members are advised that written questions and motions for the next Council meeting on Monday 28 February 2022 must be submitted to the Director of Law and Governance, democracy@cherwell-dc.gov.uk, by noon on Wednesday 16 February 2022.

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

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221589 prior to the start of the meeting.

Declarations of Interest

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

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

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

Evacuation Procedure

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

Access to Meetings

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

Mobile Phones

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

Queries Regarding this Agenda

Please contact Natasha Clark, Democratic and Elections democracy@cherwell-dc.gov.uk,
01295 221589

CHAIR/VICE CHAIRMAN'S ATTENDANCE

18 October 2021 – 13 December 2021

Banbury Fair

The opening of Banbury Fair took place on **Wednesday 13 October**. Due to the unavailability of the Chair and Vice Chairman, Councillor Chapman attended and, together with the Mayor of Banbury, was able to join the organisers in the usual walk-around and Golden Key ceremony. It is customary for the Cherwell Golden Key to be pointed at various attractions at the start of the Fair to give local children a free ride.

During the period covered by this report several scheduled events were cancelled or postponed despite lockdown restrictions being lifted.

Parish Liaison Meeting – Wednesday 10 November

The Vice Chairman chaired the 'virtual' Parish Liaison meeting which as usual was attended by representatives from over 30 Parish Councils within the Cherwell district.

Remembrance Sunday – 14 November

The Chair attended Banbury Town Council's event which involved a parade from the Town Hall to St Mary's church and a wreath laying ceremony in People's Park.

Later that day the Chair also attended the service organised by Bodicote Royal British Legion which was held at Bodicote church and where a wreath was laid on behalf of CDC.

On the same day the Vice Chairman attended Bicester Town Council's event in the morning which also involved a parade, a church service at St Edburg's Church and a wreath laying ceremony in Garth Park.

Councillor Griffiths attended the morning event organised by Kidlington Parish Council/Kidlington Royal British Legion which included a church service and a wreath laying ceremony where she laid a wreath on behalf of CDC.

Royal Visit to The Sunshine Centre – Friday 19 November

As part of a series of visits to various places in Oxfordshire, His Royal Highness, The Duke of Gloucester KG GCVO, together with the Lord Lieutenant of Oxfordshire and Sir Tony Baldry – Deputy Lieutenant, visited The Sunshine Centre in Banbury on Friday 19 November. The Vice Chairman attended the event where he met Trustees, Volunteers and Staff before being joined by HRH and the Centre Manager, Jill Edge who gave a short presentation on the Life Journey of The Sunshine Centre after which an open discussion took place.

Katharine House Hospice Lights of Love Ceremony – Thursday 2 December

Due to work/Council commitments the Chair and Vice Chairman were unable to attend this annual event. However, Councillor Ilott was able to step in and attended to represent Cherwell District Council.

This year's event was slightly different in that after a gathering at the tree near Banbury Cross for the lights switch-on, individuals were invited to move on to one of five venues to take part in a service to remember those lost this year and last year, not just with Katharine House but as a wider act of remembrance for COVID to support the community of the town. Cllr Ilott attended the service in St. Mary's Church. Other participating venues in Banbury were Marlborough Road Methodist Church, St. Johns' Church in South Bar, The People's Church on Horsefair and MJAH Ibn Baaz Masjid on Park Road.

Christmas Cards

The Chair would like to wish you all a very happy and healthy Christmas.

As last year, instead of sending 'actual' Christmas cards, the Chair will be sending an 'e-card' and the money normally spent on purchasing the card, overprinting and postage will be donated to the Chair's nominated charities – The Green Dome Trust Community Fridge, The Sunrise Multicultural Ladies Drop-In Project and Banburyshire Benefits Advice Centre.



Details correct at time of printing.

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 18 October 2021 at 6.30 pm

Present:

Councillor Hannah Banfield (Chair)
Councillor Les Sibley (Vice-Chairman)
Councillor Andrew Beere
Councillor Nathan Bignell
Councillor Maurice Billington
Councillor Mike Bishop
Councillor John Broad
Councillor Hugo Brown
Councillor Phil Chapman
Councillor Mark Cherry
Councillor Patrick Clarke
Councillor Conrad Copeland
Councillor Ian Corkin
Councillor Nick Cotter
Councillor Sandy Dallimore
Councillor John Donaldson
Councillor Timothy Hallchurch MBE
Councillor Matt Hodgson
Councillor Simon Holland
Councillor David Hughes
Councillor Shaida Hussain
Councillor Tony Ilott
Councillor Kieron Mallon
Councillor Andrew McHugh
Councillor Tony Mephram
Councillor Ian Middleton
Councillor Perran Moon
Councillor Richard Mould
Councillor Adam Nell
Councillor Lynn Pratt
Councillor George Reynolds
Councillor Barry Richards
Councillor Dan Sames
Councillor Jason Slaymaker
Councillor Katherine Tyson
Councillor Dorothy Walker
Councillor Tom Wallis
Councillor Douglas Webb
Councillor Fraser Webster
Councillor Bryn Williams
Councillor Barry Wood
Councillor Sean Woodcock

Apologies for absence:

Councillor Colin Clarke
Councillor Carmen Griffiths
Councillor Mike Kerford-Byrnes
Councillor Cassi Perry
Councillor Lucinda Wing

Officers:

Yvonne Rees, Chief Executive
Bill Cotton, Corporate Director Environment and Place
Steve Jordan, Corporate Director Commercial Development, Assets & Investment
Lorna Baxter, Director of Finance & Section 151 Officer
Anita Bradley, Director Law and Governance & Monitoring Officer
David Peckford, Assistant Director: Planning and Development
Natasha Clark, Governance and Elections Manager

30 **Welcome**

The Chair welcomed Members, officers attending in person and virtually, and the press and public watching the broadcast to the meeting, the first Full Council meeting in the Chamber since February 2020.

31 **Declarations of Interest**

There were no declarations of interest.

32 **Communications**

The Chair made the following announcements:

Sir David Amess MP

The Chair paid tribute and passed condolences on behalf of Council to the family and friends of Sir David Amess MP, who had been murdered the previous week whilst holding a constituency surgery. Sir David had been the MP for Southend West in Essex.

Council held a minute's silence in memory of Sir David Amess MP.

Chair's Engagements

A copy of the events the Chair or Vice-Chairman had attended was published with the agenda.

Update on Written Question

The Chair referred to the July Council meeting at which Councillor Beere had submitted a written question and as a supplementary question, asked the Leader to write to the German and Benelux embassies on behalf of the council to pass on sympathies and solidarity to people affected by the flooding in July.

Councillor Wood had duly written to the German, Luxembourg and Dutch embassies in the UK and had received letters back from the respective Ambassadors thanking the council for its support.

Addressing Council, length of speeches and voting

The Chair reminded councillors of the length of speeches and the approach she would apply with regards seconders speaking on reports and motions.

Members' Pigeon Holes

The Chair reminded Members to check your pigeon hole and remove any post.

33 Petitions and Requests to Address the Meeting

There were no petitions or requests to address the meeting.

34 Urgent Business

There were no items of urgent business.

35 Minutes of Council

The minutes of the meeting held on 19 July 2021 were agreed as a correct record and signed by the Chair.

36 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 19 July 2021, no key 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.

37

Questions

a) Written Questions

The Chairman advised Council that one written question addressed to the Leader of the Council, Councillor Wood, had been submitted with advance notice in accordance with the Constitution and had been published with the agenda. A response to the question had been published as a supplement to the agenda (and are an annex to the Minutes as set out in the Minute Book).

The question was from Councillor Cherry and in relation to Regeneration of Garage Sites in Banbury.

Councillor Cherry thanked the Leader for the response and confirmed he did not have a supplementary question.

b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Councillor Middleton: Oxford Cambridge Arc Consultation

Councillor Middleton: Bicester Town Council

Councillor Middleton: Cherwell District Council free advice service to local businesses

Councillor Hussain: Provision of facilities for HGV drivers in the district

Councillor Billington: Kidlington bollard

Councillor Billington: Refurbishment of Watts Way public toilets, Kidlington

Councillor Woodcock: Support to Cherwell residents in light of end of Universal Credit uplift

Councillor Cherry: Distribution of fuel poverty grants

Councillor Mallon: Banbury United Football Club FA Cup success

Councillor Richards: Joint procurement arrangement with Oxfordshire County Council

Councillor Richards: Provision of changing places facilities as part of the public toilet refurbishment in Kidlington

c) Questions to Committee Chairmen on the Minutes

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

38

Revised Statement of Community Involvement (Planning)

The Assistant Director – Planning and Development submitted a report to consider the proposed Statement of Community Involvement (SCI) for adoption following recommendation from Executive dated 4 October 2021.

Resolved

- (1) That the Statement of Community Involvement (SCI) (Annex to the Minutes as set out in the Minute Book) be adopted as a replacement for the current statement of community involvement (CSCI) adopted on 18 July 2016.
- (2) That the adoption of future Statements of Community Involvement and the approval of amendments be delegated to the Executive.
- (3) That authority to modify the Statement of Community Involvement in exceptional circumstances be delegated to the Assistant Director – Planning and Development with the agreement of the Lead Member for Planning.

39

Cherwell District Wide Community Governance Review 2021

The Director Law and Governance and Monitoring Officer submitted a report for Council to approve the Terms of Reference for the District Wide Community Governance Review 2021; to delegate authority to the Director Law and Governance and Monitoring Officer, in consultation with the Chairman or Vice-Chairman of the working group, to make minor amendments to the timetable if required.

Resolved

- (1) That the Terms of Reference for the Community Governance Review (CGR) (Annex to the Minutes as set out in the Minute Book) be approved.
- (2) That authority be delegated to the Director of Law and Governance and Monitoring Officer, in consultation with the Chairman (or Vice-Chairman in the Chairman's absence) of the Parliamentary Boundary and Community Governance Review working group, to make minor amendments to the timetable for the Community Governance Review if required.

40

Calendar of Meetings 2022/2023

The Director of Law and Governance and Monitoring Officer submitted a report for Council to consider and agree the proposed calendar of the meetings for the municipal year 2022/2023.

Resolved

- (1) That the calendar of meetings for Cherwell District Council for the municipal year 2022/2023 (Annex to the Minutes as set out in the Minute Book) be approved.

41 **Capital Programme Amendments**

The Director of Finance submitted a report to seek Council's approval to amend the Capital Programme for 2021/22 in line with the Financial Regulations.

Resolved

- (1) That an increase in the Capital Programme of £1.240m Disabled Facilities Grant (DFG), funded by grant received from the Government, be approved.

42 **Local Government and Social Care Ombudsman Annual Report 2020/21**

The Director of Law and Governance and Monitoring Officer submitted a report to provide Council with the Local Government and Social Care Ombudsman's annual report on Cherwell District Council for the financial year 2020/21.

Resolved

- (1) That the report and the Local Government and Social Care Ombudsman's Annual Review of Cherwell District Council for 2020/21 be received.

43 **Amendments to Committee Membership**

The Chairman invited the Leader of the Conservative Group, Councillor Wood, to advise Council of the amendments to Conservative Group committee membership.

Resolved

- (1) That the following change of Conservative Group committee membership be noted:

Accounts, Audit & Risk Committee

Remove: Councillor Tony Ilott

Add: Councillor Adam Nell

44 **Motions**

The Chairman advised that three motions had been submitted and would be considered in the order submitted.

One amendment to the first motion, Planning, had been submitted. In line with the Constitution, no further amendments to motions were now permitted.

Motion 1: Planning

It was proposed by Councillor Corkin and seconded by Councillor Wood that the following motion be adopted.

“This council believes that planning works best when developers and communities work closely together to shape local areas when delivering new homes, infrastructure and commercial sites.

Notwithstanding the above, this Council further believes that the ability of individual residents to support or object to planning applications is an invaluable part of the planning system. As we await the emerging Planning Reform Bill, this council calls on the Leader of the Council to closely monitor the situation and lobby as appropriate, the Secretary of State for Levelling Up, Housing & Communities, The Local Government Association and the District Councils Network to ask them to support and uphold this vital principle”

Councillor Middleton proposed the following amendment (amendments in italics), which was duly seconded by Councillor Walker.

“This council believes that planning works best when developers and communities work closely together to shape local areas when delivering new homes, infrastructure and commercial sites.

Notwithstanding the above, this Council further believes that the ability of individual residents to support or object to planning applications *and policy* is an invaluable part of the planning system *and should be given due weight as part of the decision process.*

As we await the emerging Planning Reform Bill, this council calls on the Leader of the Council to closely monitor the situation and lobby as appropriate, the Secretary of State for Levelling Up, Housing & Communities, The Local Government Association and the District Councils Network to ask them to support and uphold this vital principle *and the Prime Minister's promise of a 'brownfield first' policy made at the Conservative Party conference.*

While we wait for the Prime Minister's pledge that there will be no further unnecessary building on green fields to become national planning policy, and in view of the significant local opposition to recent proposals to remove areas in Cherwell from the Green Belt, we further call on the leader to write to the Secretary of State to review Cherwell's Local Plan Partial Review in light of the Prime Minister's words and/or to call in any planning applications proposed on former Green Belt sites to establish if there are not now, or at the point of application, more suitable brown field sites available”

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.

Motion 2: Banbury FM

It was proposed by Councillor Mallon and seconded by Councillor Ilott that the following motion be adopted.

“This Council welcomes Banbury FM’s objective to secure a licence to provide a locally run radio station dedicated to the listeners of North Oxfordshire.

More particularly, this Council supports Banbury FM’s aspiration to operate the local DAB multiplex and to secure an FM community radio licence when they become available.

This Council requests that the Leader writes to Ofcom and the Secretary of State for Digital, Culture, Media and Sport (DCMS) to convey our support to Banbury FM for its initiative to persuade Ofcom of Banbury FM’s community-mindedness and licensing credentials to ensure that Banbury FM’s laudable aims can be realised”.

No amendments to the motion having been proposed, the motion was debated as submitted. On being put to the vote was carried.

Motion 3: Oxford Cambridge Arc

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

“Council notes that the Government recently completed a public consultation on the Vision for The Oxford to Cambridge Arc.

The consultation appeared to be designed in such a way as to suggest that growth is a given and provided little opportunity to challenge the need for the Arc project.

The government commissioned Dasgupta Review criticised the UK’s approach to growth and the belief that technological progress can overcome the exhaustibility of natural resources.

While there have been attempts to prioritise nature and climate action by proposing the Arc Environmental Principles, the recent consultation essentially ignored them.

This 'top-down' approach overrides public opinion, flies in the face of planetary resource constraints and is incompatible with the levelling up agenda or commitments to combat climate change.

Council notes these concerns and asks the Leader to write to the Minister for Levelling up, Housing and Communities, asking him to:

1. Set out clearly the Government’s aims for the Arc, including expected costs, projected housing numbers and growth expectations.

2. Engage in genuine public consultation on the need for the Arc and if excessive growth should be targeted in the South East when other areas are in far greater need of investment to 'level up' the UK.
3. Ensure proper local democratic control, with local planning authorities able to set their own housing requirements based on local need.
4. Ensure local authorities within the Arc area have the powers and funding to protect biodiversity, enable nature restoration and maintain the highest environmental standards."

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

Resolved

- (1) That the following motion be adopted:

"This council believes that planning works best when developers and communities work closely together to shape local areas when delivering new homes, infrastructure and commercial sites.

Notwithstanding the above, this Council further believes that the ability of individual residents to support or object to planning applications is an invaluable part of the planning system. As we await the emerging Planning Reform Bill, this council calls on the Leader of the Council to closely monitor the situation and lobby as appropriate, the Secretary of State for Levelling Up, Housing & Communities, The Local Government Association and the District Councils Network to ask them to support and uphold this vital principle"

- (2) That the following motion be adopted:

"This Council welcomes Banbury FM's objective to secure a licence to provide a locally run radio station dedicated to the listeners of North Oxfordshire.

More particularly, this Council supports Banbury FM's aspiration to operate the local DAB multiplex and to secure an FM community radio licence when they become available.

This Council requests that the Leader writes to Ofcom and the Secretary of State for Digital, Culture, Media and Sport (DCMS) to convey our support to Banbury FM for its initiative to persuade Ofcom of Banbury FM's community-mindedness and licensing credentials to ensure that Banbury FM's laudable aims can be realised".

The meeting ended at 8.40 pm

Chair:

Date:



Council

Monday 13 December 2021

Agenda Item 9 (a), Written Questions

Question From: Councillor Mark Cherry

Question To: Leader of the Council, Councillor Barry Wood

Topic: Sunshine Centre, Banbury

Question

“Banbury Ruscote is classified second in the list of Oxfordshire’s 10 most deprived wards. Given the importance of the Sunshine Centre, Edmonds Road and outreach services to Banbury Ruscote families, can the Leader of the Council, Barry Wood assure Banbury Ruscote councillors that he will be working with council officers and in liaison with the Lead Member for Health and Wellbeing to look at replacing the boiler system at the Sunshine Centre. The boiler is coming to the end of its serviceable life and should ideally be replaced with an environmentally friendly system which can be funded by central government grants and if necessary, funding from Cherwell district Council.”

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Cherwell District Council

Council

13 December 2021

Appointment of External Auditors

Report of Director of Finance

This report is public

Purpose of report

This report asks the Council to agree how external auditors will be appointed from the financial year 2023/24.

1.0 Recommendations

The meeting is recommended to:

- 1.1 allow Public Sector Audit Appointments Ltd (PSAA) to appoint external auditors on behalf of the Council.

2.0 Introduction

- 2.1 The process for retendering for external audit in local authorities in England, for contracts due to start from 2023/24, is now underway and shortly the Council will need to decide whether to procure its own external auditor or opt into the national procurement framework. The Council's current external auditor, Ernst & Young, was appointed by PSAA.
- 2.2 The scope of the audit will still be specified nationally, the National Audit Office (NAO) is responsible for writing the Code of Audit Practice which all firms appointed to carry out the Council's audit must follow. Not all accounting firms will be eligible to compete for the work, they will need to demonstrate that they have the required skills and experience and be registered with a Registered Supervising Body approved by the Financial Reporting Council.

3.0 Report Details

- 3.1 The Council must have its accounts audited annually by external auditors. The nature and scope of the audit is determined by codes of practice and guidance and the regulation of the audit market is undertaken by a third party, currently the Financial Reporting Council. Therefore, despite being the client in the contract, a council has little influence over what it is procuring.

- 3.2 Councils find themselves operating in what amounts to a suppliers' market and there is little ability to influence the market without acting collectively. It is generally acknowledged that the supply side of the market needs to be expanded, which includes encouraging bids from challenger firms. PSAA, the body nominated by the Government to run the national arrangements to procure and appoint auditors, has suggested various ways this could be done, but these initiatives are much more likely to be successful if a large number councils sign up to the national scheme.
- 3.3 Appointments of auditors must be made by an independent panel. If the Council were to choose to appoint its auditors separately it would be required to set up an Audit Panel with an independent chair to oversee the procurement and running of the contract. This would require an additional layer of bureaucracy for the Council to manage.

Advantages/benefits of using PSAA to make the appointment

- 3.4 The costs of setting up the appointment arrangements and negotiating fees would be shared across all authorities using PSAA.
- 3.5 By offering large contract values the audit firms will be able to offer better rates and lower fees than are likely to result from local negotiation.
- 3.6 The appointment decision would not be made by a locally appointed independent panel. Instead a separate body set up to act in the collective interests of local authorities would decide.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The continued use of PSAA will allow local government to benefit from its ability to represent local government as a sector. This will allow the Council to receive the benefits of economies of scale in negotiating the price of contracts.

5.0 Consultation

Accounts, Audit and Risk Committee considered how external auditors should be appointed at its meeting on 17 November 2021 and recommended that Council should proceed with the recommended approach.

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 make a stand-alone appointment

In order to make a stand-alone appointment the Council will need to set up an Audit Panel. The members of the panel must be wholly independent or have a majority of independent members. Independent members for this purpose are independent appointees, this excludes current and former elected members (or officers) and their close families and friends. This means that elected members would not have a majority input to assessing bids and choosing which firm of accountants to award a

contract for the Council's external audit. A new independent Audit Panel established by the Council will be responsible for selecting the auditor.

It is very unlikely that the Council would be able to negotiate as competitive audit rates as the PSAA from running its own procurement. The appointment of an independent Audit Panel would also create additional costs to the Council. Additional staff time would also be necessary to carry out the procurement process appropriately. The scope of the audit is also very tightly defined and as such the Council would not be able to specify any changes to the audit.

Therefore, there is additional work, cost and bureaucracy that would not result in an improved audit package.

Option 2: Set up a Joint Audit Panel and local joint procurement arrangements

This is similar to option 1 but would involve joining up with other Local Authorities, so is likely to be more complex in arranging a Joint Audit Panel with independent members. Further legal advice will be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council will need to liaise with other local authorities to assess the appetite for such an arrangement.

The Council is not aware of any other local Councils looking to set up a Joint Audit Panel. It is highly unlikely that a joint arrangement would be able to generate the same economies of scale as the national PSAA approach. This approach has all of the disadvantages of making a stand-alone appointment with the added complexities of having to carry out the approach in collaboration with other authorities and as such this option has been discounted.

7.0 Implications

Financial and Resource Implications

- 7.1 The Council must have its accounts audited annually and budget is available to fund this. Entering into a large scale collective procurement arrangement with PSAA is likely to result in the most cost effective approach for the Council.

Comments checked by:

Michael Furness, Assistant Director of Finance, 01295 221845,
michael.furness@cherwell-dc.gov.uk

Legal Implications

- 7.2 Section 7 of the Local Audit and Accountability Act 2014 (the Act) requires a relevant authority to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year. Section 8 governs the procedure for appointment including that the authority must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor. Section 8 and Schedule 3 provide that where a relevant authority is a local authority operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the authority under those arrangements and that the appointment decision is a matter for full council.

- 7.3 Section 8 further provides that the council must, within 28 days of the date of the appointment, publish a notice that:
- (a) states that it has made the appointment,
 - (b) identifies the local auditor that has been appointed,
 - (c) specifies the period for which the local auditor has been appointed,
 - (d) sets out the advice, or a summary of the advice, of its auditor panel about the selection and appointment of a local auditor, and
 - (e) if it has not followed that advice, sets out the reasons why it has not done so.
- 7.4 Section 12 makes provision for the failure to appoint a local auditor: the authority must immediately inform the Secretary of State, who may direct the authority to appoint the auditor named in the direction or appoint a local auditor on behalf of the authority.
- 7.5 Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a Sector Led Body to become the appointing person.

Comments checked by:

Christopher Mace, Solicitor, 01295 221808, christopher.mace@cherwell-dc.gov.uk

Risk Implications

- 7.6 There are no risks to the Council directly associated with this report.

Comments checked by:

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

Equalities and Inclusion Implications

- 7.7 There are no equality and inclusion implications associated with this report.

Comments checked by:

Emily Schofield, Acting Head of Strategy, Tel: 07881 311707, Email: Emily.schofield@cherwell-dc.gov.uk

Sustainability Implications

- 7.8 There are no sustainability issues associated with this report.

Comments checked by:

Sarah Gilbert, Climate Action Team Leader, sarah.gilbert@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision N/A

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

All

Lead Councillor

N/A

Document Information

Appendix number and title

- None

Background papers

None

Report Author and contact details

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Council

Monday 13 December 2021

Agenda Item 15, Motions

Motion Proposer: Councillor Ian Middleton

Motion Seconder: TBC

Topic: Climate Change Emergency Response

Motion

“The COP26 Glasgow Climate Pact recognises the crucial role of local authorities in addressing and responding to climate change, and the urgent need for multilevel cooperation with, and active involvement of, local communities in designing and implementing action on climate change.

Shortly before COP26, the Government published its Net Zero Strategy report, including the proposal to establish a Net Zero Forum to coordinate with local councils.

The report recommended that Government should work with local authorities on a net zero delivery framework, establishing roles and responsibilities for local and central government and recognising the critical part local councils play in delivering a just transition to zero carbon. However it also noted that there was no clear commitment to a significant level of long-term government funding to facilitate this.

Therefore, as part of our climate change emergency response, this council resolves to :

1. Recognise a hierarchy of action with direct investment in facilities, infrastructure and changes to services first, and off-setting as a last resort.
2. Ensure critical enabling processes, such as planning policy and appraisal methodologies are aligned to zero carbon pathways in accordance with national planning policy where required.
3. Request that the Leader lobby government for predictable and long-term funding settlements to help realise effective local delivery of climate action goals.
4. Request that the Corporate Director Commercial Development, Assets and Investment investigate the establishment of local Green Investment Bonds to enable residents and stakeholders to contribute to the development of green infrastructure projects in their communities.”

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