

Cherwell District Council

Annual Council

Minutes of the reconvened Annual Council meeting held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 23 May 2023 at 6.30 pm

Present:

Councillor Les Sibley (Chairman)
Councillor Dr Chukwudi Okeke (Vice-Chairman)
Councillor Andrew Beere
Councillor Rebecca Biegel
Councillor Maurice Billington
Councillor Besmira Brasha
Councillor John Broad
Councillor Phil Chapman
Councillor Mark Cherry
Councillor Becky Clarke MBE
Councillor Patrick Clarke
Councillor Jean Conway
Councillor Gemma Coton
Councillor Isabel Creed
Councillor Andrew Crichton
Councillor Sandy Dallimore
Councillor John Donaldson
Councillor Donna Ford
Councillor Ian Harwood
Councillor David Hingley
Councillor Matt Hodgson
Councillor Simon Holland
Councillor Harry Knight
Councillor Simon Lytton
Councillor Kieron Mallon
Councillor Fiona Mawson
Councillor Andrew McHugh
Councillor Lesley McLean
Councillor Ian Middleton
Councillor Adam Nell
Councillor Lynne Parsons
Councillor Rob Pattenden
Councillor Lynn Pratt
Councillor Chris Pruden
Councillor Eddie Reeves
Councillor George Reynolds
Councillor Dan Sames
Councillor Nigel Simpson
Councillor Douglas Webb
Councillor Bryn Williams
Councillor Barry Wood
Councillor Sean Woodcock

Apologies for absence:

Councillor Tom Beckett
Councillor Nick Cotter
Councillor Nicholas Mawer
Councillor Julian Nedelcu
Councillor Dorothy Walker
Councillor Amanda Watkins

Officers:

Yvonne Rees, Chief Executive
Ian Boll, Corporate Director Communities
Stephen Hinds, Corporate Director Resources
Michael Furness, Assistant Director Finance & S151 Officer
Shiraz Sheikh, Assistant Director Law, Governance & Democratic Services/Monitoring Officer
Natasha Clark, Governance and Elections Manager

Officers Attending Virtually:

Shona Ware, Assistant Director Customer Focus

13 **Welcome**

The Chairman welcomed Members and Officers to the reconvened Annual Council meeting.

The Chairman advised that the business on the agenda must be concluded and requested that all Members address the meeting through the Chair and be respectful and courteous to all meeting attendees,.

14 **Declarations of Interest**

There were no declarations of interest.

15 **Annual Council Business Report 2023/2024**

The Chief Executive submitted a report for Council to note the results of the 4 May 2023 district elections and agree the governance arrangements for the council following the elections for the municipal year 2023/2024.

The Chairman explained that Council had agreed recommendations 1.1 and 1.2 at the 17 May 2023 meeting prior to the adjournment.

With regards recommendation 1.3, appointment of Leader, the Chairman clarified that the process for voting on appointments, as set out in Part 4.26 of

the Constitution, was interpreted as applying to the Leader. As Chairman, his ruling on the process was that he would call for all nominations for election as Leader and would require a seconder for each.

If there two nominations (with seconders), the person commanding the highest number of votes would be elected.

If there were more than two nominations then the procedure for outside body appointments would be applied for the election of the Leader. *i.e. "where there are more than two persons nominated for any position to be filled by the Council and of the votes given there is not an overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken and so on until a majority of votes given in favour of one person"*

If there was only one nomination (with a seconder), the nominated person would be elected.

The Chairman explained, for clarity, he would seek votes in favour of each of the nominations. If voting by a show of hands, there would be no vote "against".

The same process would be adopted if there was a recorded vote except that anyone deciding not to vote for either or any candidate would be asked to state that they abstain.

The Chairman invited the Monitoring Officer to address Council.

The Monitoring Officer explained that at meeting on Wednesday 17 May he had set out the procedure for electing the Leader, which was based on his interpretation of the Council's Constitution. Council had been left at an impasse at that meeting and he had sought external legal advice as to the interpretation of the Council's procedure rules. That advice related to Rule 4.26 of the Constitution, which included additional and unusual wording as it appears to restrict this procedure to the appointment of representatives, nominees or delegates of the Council only, yet the law requires the Leader to also be elected.

The Monitoring Officer's reading of the Constitution was not an unreasonable interpretation to have made in the circumstances of the meeting, however, there was a different interpretation that more closely aligns with the law, local government practice and this council's constitutional practices when appointing Chairs of Committees and other appointments. The Monitoring Officer explained that on this basis, he was interpreting the Constitution as the Chairman had just ruled.

The Monitoring Officer explained that it was his job to interpret the Constitution and, with the benefit of external advice, he believed the process being adopted at the meeting was sound. The Monitoring Officer confirmed he was not changing the Constitution, but was interpreting it having regard to

legislation and other Cherwell District Council practices for Member appointments.

The Monitoring Officer confirmed that the change of process did not favour any political group, it did however result in certainty over the appointment of a Leader to give effect to a legal framework adopted by the Council to enable an administration to run the council's business on behalf of its residents.

The Monitoring Officer confirmed that to move forward, the process set out by the Chairman would be used for electing the Leader and the Chairman's ruling should be complied with.

The Chairman advised that he had received two nominations for Leader, Councillor Wood, seconded by Councillor Nell, and Councillor Woodcock, seconded by Councillor Cherry.

There were no further nominations. There being two nominations, the Chairman confirmed that the candidate commanding the highest number of votes would be elected Leader.

The Monitoring Officer conducted the vote. There were 21 votes for Councillor Wood, 11 votes for Councillor Woodcock and 10 abstentions.

The Chairman declared Councillor Wood duly elected Leader of the Council.

The Chairman invited the Leader report on his Deputy Leader and Executive for 2023/24. The Leader advised Councillor Nell was his Deputy Leader and Portfolios allocated as follows:

- Councillor Barry Wood – Leader and Portfolio Holder for Policy and Strategy
- Councillor Adam Nell – Deputy Leader and Portfolio Holder for Finance
- Councillor Phil Chapman – Portfolio Holder for Healthy and Safe Communities
- Councillor Sandy Dallimore – Portfolio Holder for Corporate Services
- Councillor Donna Ford - Portfolio Holder for Regeneration
- Councillor Nick Mawer – Portfolio Holder for Housing
- Councillor Andrew McHugh – Portfolio Holder for Cleaner and Greener Communities
- Councillor Eddie Reeves – Portfolio Holder for Property
- Councillor Dan Sames - Portfolio Holder for Planning and Development
- Councillor Nigel Simpson - Portfolio Holder for Sport and Leisure

The Chairman led Council through the remaining recommendations and invited the Leader, and Group Leaders as required, to advise of nominations to outside bodies and working groups with appointments as set out in the resolutions.

Resolved

- (1) That Councillor Barry Wood be appointed Leader of the Council.
- (2) That the appointment of Councillor Adam Nell as Deputy Leader of the Council and the membership of the Executive and the Executive portfolios for Municipal Year 2023/2024 be noted.

Councillor	Portfolio
Councillor Barry Wood	Leader of the Council and Portfolio Holder for Policy and Strategy
Councillor Adam Nell	Deputy Leader and Portfolio Holder for Finance
Councillor Phil Chapman	Portfolio Holder for Healthy and Safe Communities
Councillor Sandy Dallimore	Portfolio Holder for Corporate Services
Councillor Donna Ford	Portfolio Holder for Regeneration
Councillor Nick Mawer	Portfolio Holder for Housing
Councillor Andrew McHugh	Portfolio Holder for Cleaner and Greener Communities
Councillor Eddie Reeves	Portfolio Holder for Property
Councillor Dan Sames	Portfolio Holder for Planning and Development
Councillor Nigel Simpson	Portfolio Holder for Sport and Leisure

- (3) That the allocation of seats on committee that are subject to the political balance requirements be agreed:

Committee	TOTAL	Conservative	Progressive Oxfordshire	Labour	Independent
Accounts, Audit & Risk Committee	8	3	2	2	1
Appeals Panel	10	4	3	3	0
Budget Planning Committee	12	5	4	3	0
Licensing Committee	12	5	3 (-1)	3	1 (+1)
Overview & Scrutiny	12	5	4	3	0
Personnel Committee	12	5	4	3	0
Planning Committee	18	8	5	4	1
Standards Committee	8	3	2	2	1
Proportional Total by	92	38	28	23	3

Committee					
Aggregate Entitlement	92	38	27	23	4
Adjustment Required	N/A	0	Minus 1	0	Plus 1
Proportional Total by Committee	12	5	4	3	0

- (4) That members (and where appropriate, substitute members) to serve on each of the committees as set out below in accordance with the nominations to be made by political groups:

(NB. The number in brackets indicates the number of seats for the Group on the Committee. All Group nominations are listed alphabetically by councillor surname)

Accounts, Audit and Risk Committee

Membership (8 members with unnamed substitutes who can be any member of the relevant Group. All committee members must have received training prior to attending a meeting)

Conservative (3)	Progressive Oxfordshire (2)	Labour (2)	Independent (1)
Cllr Donna Ford	Cllr Simon Lytton	Cllr Besmira Brasha	<i>Cllr Harry Knight</i>
Cllr Simon Holland	Cllr Ian Middleton	Cllr Andrew Crichton	
<i>Cllr Lynn Pratt</i>			

Appeals Panel

Membership (10 members with no substitutes – must NOT be Personnel Committee members)

Conservative (4)	Progressive Oxfordshire (3)	Labour (3)	Independent (0)
Cllr Sandy Dallimore	Cllr Nick Cotter	Cllr Mark Cherry	
Cllr John Donaldson	Cllr Rob Pattenden	Cllr Matt Hodgson	
Cllr Simon Holland	Cllr Dorothy Walker	Cllr Sean Woodcock	
<i>Cllr Adam Nell</i>			

Budget Planning Committee

Membership (12 members with unnamed substitutes who can be any member of the relevant Group)

Conservative (5)	Progressive Oxfordshire (4)	Labour (3)	<i>Independent (0)</i>
Cllr Patrick Clarke	Cllr Tom Beckett	Cllr Becky Clarke MBE	
Cllr Donna Ford	Cllr David Hingley	Cllr Matt Hodgson	
Cllr Adam Nell	Cllr Simon Lytton	Cllr Sean Woodcock	
Cllr Doug Webb	Cllr Dorothy Walker		
<i>Cllr Barry Wood</i>			

Licensing Committee

Membership (12 seats, with unnamed substitutes who can be any member of the relevant Group)

Conservative (5)	Progressive Oxfordshire (3)	Labour (3)	<i>Independent (1)</i>
Cllr Phil Chapman	Cllr Nick Cotter	Cllr Andy Beere	<i>Cllr Les Sibley</i>
Cllr Andrew McHugh	Cllr Lesley McLean	Cllr Rebecca Biegel	
Cllr George Reynolds	Cllr Chris Pruden	Cllr Mark Cherry	
Cllr Doug Webb			
<i>Cllr Bryn Williams</i>			

Overview and Scrutiny Committee

Membership (12 members with unnamed substitutes who can be any member of the relevant Group but shall not be a member of the Executive)

Conservative (5)	Progressive Oxfordshire (4)	Labour (3)	<i>Independent (0)</i>
Cllr Maurice Billington	Cllr John Broad	Cllr Isabel Creed	
Cllr Ian Harwood	Cllr Ian Middleton	Cllr Dr Chukwudi Okeke	
Cllr Simon Holland	Cllr Rob Pattenden	Cllr Lynne Parsons	
Cllr Doug Webb	Cllr Dorothy Walker		
<i>Cllr Bryn Williams</i>			

Personnel Committee

Membership (12 members with unnamed substitutes who can be any member of the relevant Group but shall not be a member of the Appeals Panel)

Conservative (5)	Progressive Oxfordshire (4)	Labour (3)	Independent (0)
Cllr Ian Harwood	Cllr Gemma Coton	Cllr Dr Chukwudi Okeke	
Cllr Lynn Pratt	Cllr David Hingley	Cllr Lynne Parsons	
Cllr George Reynolds	Cllr Fiona Mawson	Cllr Amanda Watkins	
Cllr Doug Webb	Cllr Chris Pruden		
<i>Cllr Barry Wood</i>			

Planning Committee

Membership (18 members, 12 named substitutes. All committee members and named substitutes must have received planning training prior to attending a meeting)

Conservative (8)	Progressive Oxfordshire (5)	Labour (4)	Independent (1)
Cllr Maurice Billington	Cllr John Broad	Cllr Andy Beere	<i>Cllr Les Sibley</i>
Cllr Phil Chapman	Cllr Jean Conway	Cllr Rebecca Biegel	
Cllr Ian Harwood	Cllr Fiona Mawson	Cllr Becky Clarke MBE	
Cllr Simon Holland	Cllr Lesley McLean	Cllr Amanda Watkins	
Cllr Lynn Pratt	Cllr Julian Nedelcu		
Cllr George Reynolds			
Cllr Nigel Simpson			
<i>Cllr Barry Wood</i>			

Planning Committee Named Substitutes (12 – not included in the proportionality calculations, all Groups to be represented)

Conservative (6)	Progressive Oxfordshire (3)	Labour (3)	Independent (1)
Cllr Sandy Dallimore	Cllr David Hingley	Cllr Matt Hodgson	<i>Cllr Harry Wright</i>

Cllr John Donaldson	Cllr Ian Middleton	Cllr Sean Woodcock	
Cllr Andrew McHugh	Cllr Dorothy Walker		
Cllr Dan Sames			
Cllr Doug Webb			
<i>Cllr Bryn Williams</i>			

Standards Committee

Membership (8 members with unnamed substitutes who can be any member of the relevant Group)

Conservative (3)	Progressive Oxfordshire (2)	Labour (2)	<i>Independent (1)</i>
Cllr Sandy Dallimore	Cllr Julian Nedelcu	Cllr Lynne Parsons	<i>Cllr Harry Wright</i>
Cllr Lynn Pratt	Cllr Dorothy Walker	Cllr Amanda Watkins	
<i>Cllr George Reynolds</i>			

- (5) That Councillor Lynn Pratt be appointed as Cherwell District Council's representative to the Oxfordshire Joint Health Overview and Scrutiny Committee.
- (6) That Councillor Phil Chapman be appointed as Cherwell District Council's appointed representative Councillor Barry Wood be appointed as Cherwell District Council's substitute to the Police and Crime Commissioner Scrutiny Panel for the municipal year 2023/2024.
- (7) That Councillor Barry Wood be appointed as Cherwell District Council's representative and Councillor Adam Nell be appointed as Cherwell District Council's substitute to the Future Oxfordshire Partnership for the municipal year 2023/2024.
- (8) That Councillors Lynn Pratt, Councillor John Board and Councillor Sean Woodcock be appointed as Cherwell District Council's representatives to the Future Oxfordshire Partnership Scrutiny Panel for the municipal year 2023/2024.
- (9) That Executive members be appointed as Cherwell District Council's representative and substitute to each of the Future Oxfordshire Partnership advisory sub-groups as set out below:

Advisory Sub-Group	Representative	Substitute
Housing	Councillor Nick Mawer	Councillor Barry Wood
Infrastructure	Councillor Donna Ford	Councillor Barry Wood
Environment	Councillor Andrew McHugh	Councillor Barry Wood
Planning	Councillor Dan Sames	Councillor Barry Wood

- (10) That Councillors Kieron Mallon, George Reynolds, Lynn Pratt, Gemma Coton, Simon Lytton, Andy Beere, Andrew Crichton and Les Sibley be appointed to the Boundary Review Working Group.
- (11) That Councillor Phil Chapman be appointed as the Cherwell District Council representative and Councillor Barry Wood be appointed as Cherwell District Council's substitute to the Health and Wellbeing Board.

16 **Member Development Framework**

The Monitoring Officer / Assistant Director Law & Governance submitted a report to consider and agree the Member Development Framework and note the Member Development Programme for 2023/24.

Resolved

- (1) That the Member Development Framework be agreed.
- (2) That the Member Development Programme for 2023/2024 be noted.
- (3) That it be noted that the Monitoring Officer/Assistant Director Law & Governance would regularly review and amend the Programme where necessary throughout the Municipal Year to ensure it remained relevant and fit for purpose.

17 **Annual Report of the Accounts, Audit and Risk Committee 2022/23**

The Assistant Director of Finance submitted a report which presented the annual report of the Accounts, Audit & Risk Committee 2022/23.

In introducing the report, Councillor Ford, Chairman of the Accounts, Audit & Risk Committee in 2022/23, thanked officers and Committee members who had contributed and supported the work of the Committee in a positive and meaningful way during 2022/23.

Resolved

- (1) That the Annual Report of the Accounts, Audit & Risk Committee 2022/23 be noted.

18 **Urgent Business**

There were no items of urgent business.

The meeting ended at 6.55 pm

Chairman:

Date: