

Cherwell



DISTRICT COUNCIL
NORTH OXFORDSHIRE

Executive Work Programme Supplement

Incorporating the Private Executive Meeting Notice
and the Notice of Intention to make Key Decision

January 2013 to April 2013

Cherwell District Council

Executive Work Programme Supplement and Notices required by the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

There is a legal requirement for local authorities to publish a notice setting out the key executive decisions that will be taken by the appropriate decision maker at least 28 clear days before such decisions are to be taken.

Urgency – General Exception / Special Urgency

- Where a key decision needs to be taken and it is not included in the 28 day notice, the decision can only be made if:
 - The proper officer has informed the Overview and Scrutiny Committee Chairman in writing
 - The proper officer has placed a copy of the notice on deposit and the website for 5 clear days stating why the normal 28 day notice could not be complied with
- Where a key decision is needed and the above procedure cannot be followed (i.e. shorter than 5 days)
 - The agreement of the Overview and Scrutiny Chairman (or in his/her absence the Chairman of the Council, or in his/her absence, the Vice-Chairman of the Council) that the decision is urgent and cannot be deferred for 28 days or more must be obtained
 - If agreement is given, a notice must be published stating why the normal 28 day notice could not be complied with
- A report to full Council on decisions taken with less than five clear days' notice must be submitted at least annually. CDC will continue to report at each full Council meeting.

This supplementary notice is published in compliance with these requirements in relation to the proposed key decision set out below.

The notice also sets out where, if at all, it is anticipated that part of an Executive meeting will be held in private. This is where confidential or exempt information (as set out below) is likely to be made known.

Notice is hereby given that it may be necessary for part of an Executive meeting to be held in private because it becomes apparent at the meeting that confidential or exempt information will otherwise be made known. Should this become apparent at the meeting the relevant part of the meeting will only be held in private upon the passing of a resolution which (where exempt information will be made known) describes the description of exempt information pursuant to Schedule 12A of the Local Government Act 1972.

Paragraph 1 Information relating to an individual

Paragraph 2 Information which is likely to reveal the identity of an individual

Paragraph 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 4 Information relating to any consultations or negotiations, in connection with any labour matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority

Paragraph 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

Paragraph 6 Information which reveals that the authority proposes:

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment

Paragraph 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

and in the case of any such paragraph the public interest in holding the meeting in private outweighs the public interest in making the exempt information available.

Confidential Information Information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Key Decisions

A key decision is a 'significant' decision that is legally within the power of the Council to make, is not precluded by statute from being made under Executive arrangements and is not otherwise retained for decision by Council or delegated to a Committee of Council or officer by the Council's Constitution.

Significance – A decision is significant if it meets the financial and/or community impact criteria:

- Financial: A decision that will result in the Council:
 - Incurring potential revenue expenditure or savings above £50,000
 - Incurring potential capital expenditure or savings above £250,000
 - Procuring or awarding any contract having a total value exceeding £500,000

and / or

- Community Impact: A decision that is significant in its effects on communities living or working in an area comprising two or more Wards in the area of the Council. That is a decision where:
 - A significant number of users of the service in the Ward(s) will be affected and / or
 - An impact that will last for a number of years, or be permanent; and / or
 - A significant impact on communities in terms of environmental and social well-being.

The following are not regarded by the Council to constitute key decisions:

- Implementing approved budgets or policies and strategies where there is little or no further choice involved and the main decision has already been taken by the council in agreeing the budget and policy framework.
- Implementing approved actions and targets in annual service plans.
- Decisions by the Head of Finance and Procurement which are part of the ordinary financial administration of the Authority, notably those relating to investments, within the agreed Treasury Management Policy.
- Implementing projects for which specific conditions have been attached by external funders, such as the Government or European Union.
- The award of contract for the provision of works, goods and services, within an agreed policy and budget and where a decision has been made.

- Changes arising from amendments to statute where there is little or no discretion.

For a decision to be key, there must be a significant degree of discretion to be exercised by the decision-maker.

In all cases the documents submitted to the decision maker to inform their decision shall be a report (available with the agenda 5 days before the meeting) and all documents submitted to the decision maker will be available at www.cherwell.gov.uk

For further information on the Executive Work Programme, please contact:

Democratic and Elections,
Cherwell District Council,
Bodicote House,
Bodicote,
Banbury,
Oxfordshire OX15 4AA

E-mail: democracy@cherwellandsouthnorthants.gov.uk .

Cherwell District Council – Executive Members 2012/2013

Area of Responsibility	Lead Member
Leader of the Council	Councillor Barry Wood
Deputy Leader of the Council	Councillor George Reynolds
Lead Member for Clean and Green	Councillor Nigel Morris
Lead Member for Financial Management	Councillor Ken Atack
Lead Member for Performance and Customers	Councillor Nicholas Turner
Lead Member for Banbury Brighter Futures	Councillor John Donaldson
Lead Member for Public Protection	Councillor Tony Ilott
Lead Member for Planning	Councillor Michael Gibbard
Lead Member for Estates and the Economy	Councillor Norman Bolster
Lead Member for Housing	Councillor Debbie Pickford

Issue to be Considered and Reasons for Urgency	Decision Maker	Key Decision (Yes/No)	Item likely to be considered in private (Yes/No)	Lead Member	Contact Officer	Documents to be Submitted to decision maker	Report Sign off
<p>The Oxford and Central Oxfordshire and Milton Keynes and South East Midlands City Deals</p> <p>Reason for urgency and impracticability: A decision is required before publication of next notice due to the need for ongoing discussions to be progressed as quickly as possible in order not to prejudice the financial interests of the Council</p> <p>The Chairman of the Overview and Scrutiny Committee has been informed and is in agreement that the decision is urgent and cannot be deferred for 28 days</p>	Executive	Yes	Yes - by virtue of paragraphs 3 and 5 of part 1 of Schedule 12A of Local Government Act 1972	Leader of the Council	Calvin Bell Tel: 0300 003 0103	Executive report	Director of Development