

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 17 October 2016 at 6.30 pm

Present: Councillor Chris Heath (Chairman)
Councillor Maurice Billington (Vice-Chairman)

Councillor David Anderson
Councillor Ken Atack
Councillor Hannah Banfield
Councillor Andrew Beere
Councillor Claire Bell
Councillor Mike Bishop
Councillor Hugo Brown
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Nick Cotter
Councillor Surinder Dhesi
Councillor John Donaldson
Councillor Sean Gaul
Councillor Carmen Griffiths
Councillor Timothy Hallchurch MBE
Councillor Shaida Hussain
Councillor Mike Kerford-Byrnes
Councillor Jolanta Lis
Councillor Alan MacKenzie-Wintle
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Andrew McHugh
Councillor Alastair Milne-Home
Councillor Nigel Morris
Councillor Richard Mould
Councillor D M Pickford
Councillor Lynn Pratt
Councillor G A Reynolds
Councillor Barry Richards
Councillor Les Sibley
Councillor Nigel Simpson
Councillor Jason Slaymaker
Councillor Nicholas Turner
Councillor Tom Wallis
Councillor Douglas Webb
Councillor Barry Wood
Councillor Sean Woodcock

Apologies for absence: Councillor Simon Holland
Councillor David Hughes
Councillor Tony Ilott
Councillor Neil Prestidge
Councillor Sandra Rhodes
Councillor Dan Sames

Officers: Sue Smith, Chief Executive
Scott Barnes, Director of Strategy and Commissioning
Karen Curtin, Commercial Director
Ian Davies, Director of Operational Delivery
Paul Sutton, Chief Finance Officer / Section 151 Officer
Kevin Lane, Head of Law and Governance / Monitoring Officer
Natasha Clark, Interim Democratic and Elections Manager

38 **Declarations of Interest**

14. Constitution - Proposed Amendments.
Sue Smith, Declaration, as the report referred to the Chief Executive's appraisal process.

39 **Communications**

The Chairman made the following announcements:

Former Councillor Nigel Randall

The Chairman thanked former Councillor Nigel Randall, who had recently resigned as a district councillor for the Adderbury, Bloxham and Bodicote ward, for his service to the district during his time as a councillor.

Cllr Andrew McHugh

The Chairman welcomed Councillor McHugh to his first Council meeting following the recent by-election.

Chairman's Engagements

A copy of the events attended by the Chairman or the Vice-Chairman was published as a supplement to the main agenda pack.

Briefing on the Primary Authority Scheme

The Chairman advised Council that as Members had expressed an interest in receiving a briefing on the Primary Authority scheme, a session had been arranged for Monday 24 October at 6pm, in the Council Chamber, with Chartered Environmental Health Practitioner Kate Harris. This briefing would explain the basis of what Primary Authority is and how it works. The benefits to businesses, regulators and our councils will be explained.

Parliamentary Boundary Review

The Chairman referred to agenda item 12 regarding the consultation on the Parliamentary Boundary review. The consultation was being run by the Boundary Commission for England which was holding a public hearing in the Council Chambers, Oxford Town Hall on Monday 24 October (10am – 8pm) and Tuesday 25 October (9am – 5pm). Further information, including booking information, could be found on the Boundary Commission website

Agenda Item 13, Remuneration for Councillors Appointed as Non-Executive Directors on Graven Hill Companies

The Chairman advised Members that this item, which had been listed “to follow” on your agenda had now been deferred.

Poppy Appeal

The Chairman showed Members a giant poppy which would be displayed on the front of Bodicote House. Members were asked to make a donation which would be passed on to the British Legion.

Post

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

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

There were no petitions or requests to address the meeting.

41 **Urgent Business**

There were no items of urgent business.

42 **Minutes of Council**

The minutes of the meeting held on Council held on 18 July 2016 and the Minutes of the Special Meeting of Council held on 18 July 2016 were agreed as correct records and signed by the Chairman.

43 **Minutes**

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

Resolved

That the minutes of the meeting of the Executive and Lead Member decisions as set out in the Minute Book be received and that it be noted that since the last meeting of Council on 18 July 2016, one Executive decision had been taken by the Executive which was not included in the 28 day notice on “Local Government Reform in Oxfordshire – Update”.

b) Minutes of Committees

Resolved

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

44

Thames Valley Police - Address by Chief Constable

The Chairman welcomed the Police and Crime Commissioner for Thames Valley, Anthony Stansfeld, the Chief Constable of Thames Valley Police, Francis Habgood, and the Cherwell Local Area Commander Superintendent, Kath Lowe, to the meeting.

The Police and Crime Commissioner and Chief Constable Habgood addressed the meeting regarding policing in Thames Valley. A number of Members asked questions and answers were duly provided.

The Chairman thanked the Police and Crime Commissioner, the Chief Constable and Superintendent Lowe.

45

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:

Cherwell District Council position on fracking: Councillor Sean Woodcock

Flytipping: Councillor Surinder Dhesi

Oxfordshire Local Enterprise Partnership (OxLEP) Strategic Economic Plan:

Councillor Nick Cotter

Resettlement of refugee families from Syria in the Cherwell district: Councillor Nick Cotter

Communication between Members and Officers: Councillor Hugo Brown

Cherwell District Council representative on the Oxfordshire Health Overview and Scrutiny Committee: Councillor Hannah Banfield

Cherwell District Council and Banbury Town Council work to support Banbury town centre: Councillor Kieron Mallon

Overpayment of National Non-domestic Rates (NNDR) to Department for Communities and Local Government: Councillor Barry Richards

Lead Member for Finance: Councillor George Reynolds

c) Questions to Committee Chairmen on the minutes

One question to Committee Chairman on the minutes of meetings was asked.

Councillor George Reynolds asked a question of Councillor Nick Mawer, Chairman of the Budget Planning Committee relating to Minute 26, Quarter 1

2016-17 – Revenue and Capital Budget Monitoring Report, of the 30 August 2016 meeting of the Budget Planning Committee whereby the Committee had commented on items currently in the Capital Programme.

The Chairman of the Budget Planning Committee duly responded.

46 **Motions**

There were no motions.

47 **Result of Adderbury, Bloxham and Bodicote Ward By-Election**

The Chief Executive submitted a report to advise Council of the result of the Adderbury, Bloxham and Bodicote by-election held on 22 September 2016, to note changes to membership of Committees as requested by the Conservative Group and to appoint a representative to the Oxfordshire Health Overview and Scrutiny Committee.

Resolved

- (1) That the results of the Adderbury, Bloxham and Bodicote by-election held on 22 September 2016 be noted.
- (2) That the constitution of the Council following the by-election: 38 (79%) Conservatives, 8 (17%) Labour and 2 (4%) Independent councillors, be noted.
- (3) That the following amendments to Committee membership as requested by the Conservative Group following the by-election be noted:

Accounts, Audit and Risk Committee

Add: Councillor Nick Mawer

Budget Planning Committee

Add: Councillor Andrew McHugh

Overview and Scrutiny Committee

Remove: Councillor Nick Mawer

Add: Councillor Andrew McHugh

Planning Committee

Add: Councillor Ian Corkin

Substitutes

Remove: Councillor Ian Corkin

Add: Councillor Andrew McHugh

- (4) That authority be delegated to the Head of Law and Governance, in consultation with the Leader of the Council, to appoint a representative to the Oxfordshire Health Overview and Scrutiny Committee.

48 **Community Governance Review 2016 and Parliamentary Boundary Review Consultation**

The Chief Executive submitted a report to provide details of a Community Governance Review (CGR) to be undertaken, to request appointment of Members to a Working Group for the CGR and to respond to the Parliamentary Boundary Review consultation.

Resolved

- (1) That the Terms of Reference for the Community Governance Review (annex to the Minutes as set out in the Minute Book) be agreed.
- (2) That authority be delegated to the Head of Law and Governance, in consultation with Group Leaders, to appoint two Members per Political Group to a Working Group to consider the Community Governance Review and the Parliamentary Boundary Review.
- (3) That authority be delegated to the Chief Executive to finalise Cherwell District Council's response to the Parliamentary Boundary Review, in consultation with the Working Group

49 **Remuneration for Councillors Appointed as Non-Executive Directors on Graven Hill Companies**

As reported under the Chairman's announcements, consideration of this item had been deferred.

50 **Constitution - Proposed Amendments**

The Head of Law and Governance submitted a report to consider and adopt proposed amendments to the constitution. A similar report was being considered by South Northamptonshire Council on 19 October 2016.

Resolved

- (1) That the terms of reference of the Joint Commissioning Committee be amended to include the following functions:

The role and responsibilities of the Joint Commissioning Committee with regard to Statutory Officer disciplinary action is to:

- Deal with minor instances of unsatisfactory conduct at an early stage.
- Ensure that the Statutory Officer clearly understands the standards of conduct expected of him/her.
- Carry out, or make arrangements for, an investigation when any breach of discipline is alleged.
- Ensure that the Statutory Officer subject to investigation is kept up-to-date with progress.

- Decide, in the most serious cases whether or not to suspend or (where the Statutory Officer has already been suspended by the Head of Paid Service or Monitoring Officer under their delegated powers) to continue the suspension of the Statutory Officer, in accordance with the Statutory Officer disciplinary policy.
 - Report to Full Council (of the employing authority) in respect of a recommendation to dismiss, having convened a Panel comprising Independent Persons in accordance with the Officer Employment Procedure Rules.
- (2) That the Monitoring Officer be given the delegated authority to suspend a Statutory Officer in addition to the Head of Paid Service.
- (3) That the Head of Paid Service and Monitoring Officer be given delegated authority to agree settlement agreements and financial settlements for Statutory Officers in consultation with the Leader of the employing Council.
- (4) That all references to the Joint Appraisal Sub-Committee be deleted from the constitution.
- (5) That the existing scheme of delegation to Directors and Heads of Service be amended to enable them to appoint employees to existing posts at the minimum level within the salary band with discretion to appoint to anywhere within the salary band for the post provided this is within approved budgets.
- (6) That the Head of Law and Governance be requested to amend and update the Constitution in light of the above resolutions and be given delegated authority to make any consequential amendments to the constitution.
- (7) That the membership and quorum for the Joint Councils Employee Engagement Committee be amended as follows:
- Amend the employee representation to 2 representatives from Cherwell's recognised trade union, 1 representative from South Northamptonshire's recognised trade union and 3 members appointed by the Employee Council
 - Members of the Joint Employee Council are able to substitute for the trade union representatives if they cannot find a substitute from their trade union
 - Amend the quorum for the meeting to 2 representatives from the Council side, (1 from Cherwell and 1 from SNC) and 2 Employee representatives (be they from the recognised unions and/or the Joint Employee Council)

The Head of Law and Governance and Assistant Director – Transformational Governance submitted a report to consider and adopt the updated protocol on roles and conflicts of Interest and Ethical Walls procedure.

Resolved

- (1) That, having given due consideration, the updated Protocol on the Respective Roles of Members and Officers and Dealing with Conflicts of Interest and Ethical Walls Procedure (annexes to the Minutes as set out in the Minute Book), subject to a similar decision being taken by South Northamptonshire Council, be adopted.

52

Indemnities for Members and Officers

The Head of Law and Governance and Assistant Director- Transformational Governance submitted a report to consider and adopt a Joint Indemnities Policy for Members and officers.

Resolved

- (1) That, pursuant to the Local Authorities (Indemnities for Members and Officers) Order 2004 (“the Order”) an indemnity to Members and to officers of the Council in the terms set out in the annex to the Minutes (as set out in the Minute Book) be adopted.
- (2) That it be agreed that the Chief Finance Officer secures insurance to cover the liability under the indemnity in the event that such cover is available and subject to him being satisfied that such action would be financially prudent.
- (3) That it be agreed that the appointment of a Member to a position with an organisation which comes within the indemnity shall be treated as an appointment to a role which is deemed to part of the role of an elected member for the purposes of the CDC Members’ Code of Conduct.
- (4) That it be agreed that it be deemed that appointments of Members and officers to organisations (including those where the Council nominates and the organisation formally appoints) be deemed as “advancing the interest of the Council” for the purposes the Terms of Indemnity.

53

Changes to the Arrangements for Appointment of External Auditors

The Chief Finance Officer submitted a report which summarised the changes to the arrangements for appointing External Auditors following the closure of the Audit Commission and the end of the transitional arrangements at the conclusion of the 2017/18 audits.

Resolved

- (1) That the recommendation of the Accounts Audit and Risk Committee to support the Local Government Association (LGA) in setting up a national Sector Led Body by indicating intention to “opt-in” be agreed.

54 **Notification of Urgent Action In relation to the Contract Award for the demolition of the Bolton Road Car Park**

The Chief Executive submitted a report to notify Full Council of urgent action she had taken in relation to the contract award for the demolition of the Bolton Road Car Park.

Resolved

- (1) That the urgent action taken by the Chief Executive to allocate capital receipts of £325,000 for the capital scheme for the Contract Award for the demolition of the Bolton Road Car Park be noted.

55 **Exclusion of the Press and Public**

There being no questions on the exempt minutes, it was not necessary to exclude the press and public.

56 **Questions on Exempt Minutes**

There were no questions on exempt minutes.

The meeting ended at 8.25 pm

Chairman:

Date: