

Cherwell District Council

Council

Minutes of a special meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 22 March 2017 at 5.00 pm

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

Councillor Ken Atack
Councillor Hannah Banfield
Councillor Andrew Beere
Councillor Mike Bishop
Councillor Hugo Brown
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor John Donaldson
Councillor David Hughes
Councillor Shaida Hussain
Councillor Tony Ilott
Councillor Mike Kerford-Byrnes
Councillor Jolanta Lis
Councillor Alan MacKenzie-Wintle
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Andrew McHugh
Councillor Alastair Milne-Home
Councillor Nigel Morris
Councillor D M Pickford
Councillor Lynn Pratt
Councillor G A Reynolds
Councillor Barry Richards
Councillor Les Sibley
Councillor Nigel Simpson
Councillor Jason Slaymaker
Councillor Douglas Webb
Councillor Barry Wood
Councillor Sean Woodcock

Apologies
for
absence: Councillor David Anderson
Councillor Claire Bell
Councillor Nick Cotter
Councillor Sean Gaul
Councillor Carmen Griffiths
Councillor Timothy Hallchurch MBE
Councillor Simon Holland
Councillor Nicholas Mawer
Councillor Richard Mould

Councillor Neil Prestidge
Councillor Sandra Rhodes
Councillor Dan Sames
Councillor Nicholas Turner
Councillor Tom Wallis
Councillor Bryn Williams

Officers: Ian Davies, Interim Chief Executive and Head of Paid Service
Scott Barnes, Director of Strategy and Commissioning
Paul Sutton, Chief Finance Officer / Section 151 Officer
Kevin Lane, Head of Law and Governance / Monitoring Officer
Natasha Clark, Interim Democratic and Elections Manager

100 **Declarations of Interest**

There were no declarations of interest.

101 **Communications**

The Chairman made the following announcements:

Special Executive – 22 May 2017

The Chairman advised Council that the Leader had agreed to hold a special Executive on 22 May 2017 to consider the Local Plan Part 2 'Options' Paper.

Recording at meetings

The Chairman advised that 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.

Chairman's Charity Dinner

The Chairman reminded Councillors that she was holding her Charity Dinner on Saturday 8 April and explained that members should contact her PA, Liz Matthews, to reserve a place

Post

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

102 **Urgent Business**

The Chairman advised Council that she had agreed to add one item of urgent business, which related to "Land in Banbury – Proposed Acquisition" and needed to be considered at this meeting to ensure that the project could progress without delay. As the item was exempt it would be taken as agenda item 8.

Appointment of Chief Executive / Head of Paid Service

The Interim Head of Paid Service submitted a report to seek Council's approval of the recommendations of the Joint Commissioning Committee that Yvonne Rees be appointed to the posts of Joint Chief Executive, Head of Paid Service, Returning Officer and Electoral Registration Officer with effect from a date to be agreed in June/July 2017 with the new post holder by the Interim Head of Paid Service in consultation with the Chief Finance Officer, Head of Law and Governance, Chairman and Vice-Chairman of the Joint Commissioning Committee.

Resolved

That, subject to South Northamptonshire Council resolving in similar terms at its meeting on 23 March 2017:

- (1) The recommendation of the Joint Commissioning Committee that Yvonne Rees be appointed Joint Chief Executive from a date to be agreed in June/July 2017 with the new post holder by the Interim Head of Paid Service in consultation with the Chief Finance Officer, Head of Law and Governance, Chairman and Vice-Chairman of the Joint Commissioning Committee be agreed.
- (2) The recommendation of the Joint Commissioning Committee that Yvonne Rees be appointed the Council's Head of Paid Service for the purposes of Section 4 of the Local Government and Housing Act 1989 with effect from a date to be agreed in June/July 2017 with the new post holder by the Interim Head of Paid Service in consultation with the Chief Finance Officer, Head of Law and Governance, Chairman and Vice-Chairman of the Joint Commissioning Committee be agreed.
- (3) It be agreed that, in accordance with Section 8 of the Representation of the People Act 1983 and all related legislation, Yvonne Rees be appointed as Electoral Registration Officer for Cherwell District and South Northamptonshire Councils from a date to be agreed in June/July 2017 with the new post holder by the Interim Head of Paid Service in consultation with the Chief Finance Officer, Head of Law and Governance, Chairman and Vice-Chairman of the Joint Commissioning Committee.
- (4) It be agreed that, in accordance with Section 35 of the Representation of the People Act 1983 and all related legislation Yvonne Rees be appointed as Returning Officer for Cherwell District and South Northamptonshire Councils with authority to act in that capacity for elections to the Council and all parish and town councils within the area of both councils; from a date to be agreed in June/July 2017 with the new post holder by the Interim Head of Paid Service in consultation with the Chief Finance Officer, Head of Law and Governance, Chairman and Vice-Chairman of the Joint Commissioning Committee.
- (5) It be agreed that Yvonne Rees be also appointed or authorised to act in respect of all related electoral, polling or referendum duties, including in relation to County Council elections, elections to the European

Parliament, and for national and regional polls or referendums and be authorised to exercise all delegated powers of the Returning Officer and Electoral Registration Officer as set out in the constitution; from a date to be agreed in June/July 2017 with the new post holder by the Interim Head of Paid Service in consultation with the Chief Finance Officer, Head of Law and Governance, Chairman and Vice-Chairman of the Joint Commissioning Committee.

- (6) It be agreed that, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such appointment, the Returning Officer shall be entitled to be remunerated in accordance with the scale of fees approved from time to time by Council for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referendums.
- (7) It be agreed that in all cases where it is a legal requirement or normal practice to do so, the Returning Officer may elect for such fees to be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contributions from central government or other local authorities or agencies where this can be done.
- (8) It be agreed that, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Councils are entitled by law to do so, they shall take out and maintain in force insurance indemnifying the Councils, the Electoral Registration Officer and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Councils, Electoral Registration Officer or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the inadvertent contravention of the Representation of the People Acts or other legislation governing the electoral process, and provided that, in the case of the Electoral Registration Officer and the Returning Officer, such proceedings or invalidation arise from an act or omission which the Officer reasonably believes is within the Officer's powers).
- (9) It be agreed that, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Councils, through their internal insurance fund or otherwise, will indemnify the Electoral Registration Officer and Returning Officer up to the value of such excess.
- (10) The Councils duty to provide support to the Electoral Registration Officer and Returning Officer be noted.
- (11) It be agreed that the terms of appointment of Ian Davies as Interim Joint Head of Paid Service and Paul Sutton as Interim Returning Officer and Interim Electoral Registration Officer end on the date on which the new permanent Joint Chief Executive takes up her post.

Following the decision of Council, the Interim Head of Paid Service read the following message from Yvonne Rees:

“Firstly, I apologise I cannot be with you this evening. I unfortunately have surgery on my knee tomorrow so should be preparing! When I am back mobile I will contact the Leader to arrange a visit - and perhaps meet some of you? I am truly delighted to be joining you – it is a fantastic opportunity for me and one I am really looking forward to. We have an exciting agenda ahead of us; full of both real challenges and opportunities, but with the firm foundations you have in place, your track record of innovation and achievement coupled with the new perspective I bring to the role, I am confident we will be successful in addressing them together. My style is one of openness and I hope I will be able to get to know all of you. However, I also have an ask of you - please help me to get to know your wards and the communities we all service.

As I am sure you will understand I need to leave my two current organisations in a good place for my successors, so I am working on the transition and the best possible start date for all concerned.

Thank you for affording me this opportunity – I am sure together we will deliver for our residents and communities.”

104 **Exclusion of the Press and Public**

Resolved

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraph 3 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

105 **Franklins House Ground Floor Business Incubator**

The Commercial Director submitted an exempt report to enable Members to consider the request to approve an additional supplementary capital cost of £145k to fit out Unit 2, Ground Floor, Franklins House, Bicester as a business incubator.

Resolved

- (1) That the additional supplementary capital cost of £145k be approved and commitment to running a business incubator in Unit 2, Franklins House, Bicester be agreed.

Urgent Business: Land in Banbury - Land Acquisition

The Commercial Director submitted an exempt report which sought consideration of the acquisition of land in Banbury.

Resolved

- (1) That the acquisition of the premises shown on the plan (exempt annex to the Minutes as set out in the Minute Book) subject to contract and the inclusion of the costs (as set out in the exempt annex to the Minutes as set out in the Minute Book) in the Capital Programme be approved and also subject to the Chief Finance Officer in consultation with the Lead Member for Financial Management confirming that the acquisition is financially prudent following receipt of the independent Red Book valuation report.
- (2) That the Commercial Director be given delegated authority to negotiate and finalise the terms for the acquisition in consultation with the Lead Member, the Chief Finance Officer and the Head of Law and Governance.

The meeting ended at 5.45 pm

Chairman:

Date: