

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 20 February 2017 at 6.30 pm

Present: Councillor Chris Heath (Chairman)

Councillor Ken Atack
Councillor Hannah Banfield
Councillor Andrew Beere
Councillor Claire Bell
Councillor Hugo Brown
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Nick Cotter
Councillor John Donaldson
Councillor Sean Gaul
Councillor Timothy Hallchurch MBE
Councillor Simon Holland
Councillor David Hughes
Councillor Shaida Hussain
Councillor Tony Ilott
Councillor Mike Kerford-Byrnes
Councillor Alan MacKenzie-Wintle
Councillor Nicholas Mawer
Councillor Andrew McHugh
Councillor Alastair Milne-Home
Councillor Nigel Morris
Councillor Richard Mould
Councillor D M Pickford
Councillor Lynn Pratt
Councillor Neil Prestidge
Councillor Barry Richards
Councillor Dan Sames
Councillor Les Sibley
Councillor Nigel Simpson
Councillor Jason Slaymaker
Councillor Tom Wallis
Councillor Douglas Webb
Councillor Bryn Williams
Councillor Barry Wood
Councillor Sean Woodcock

Apologies
for
absence: Councillor Maurice Billington
Councillor David Anderson
Councillor Mike Bishop
Councillor Surinder Dhesi
Councillor Carmen Griffiths

Councillor Jolanta Lis
Councillor James Macnamara
Councillor Kieron Mallon
Councillor G A Reynolds
Councillor Sandra Rhodes

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
James Doble, Interim Assistant Director Transformational Governance
Natasha Clark, Interim Democratic and Elections Manager

82 **Declarations of Interest**

14. Appointment of Interim Head of Paid Service, Returning Officer and Electoral Registration Officer.

Ian Davies, Declaration, as he was to be proposed to be appointed as the Interim Head of Paid Service for Cherwell District and South Northamptonshire Councils and would leave the meeting for the duration of the item..

14. Appointment of Interim Head of Paid Service, Returning Officer and Electoral Registration Officer.

Paul Sutton, Declaration, as he was to be proposed to be appointed as the Interim Returning Officer and Electoral Registration Officer for Cherwell District and South Northamptonshire Councils and would leave the meeting for the duration of the item.

83 **Communications**

Sue Smith

The Chairman explained that this would be the Chief Executive's last Council meeting as she was leaving South Northamptonshire Council and Cherwell District Council at the end of March. On behalf of Council, the Chairman thanked the Chief Executive for the contribution she has made to the Council since her arrival in 2012 and wished her all the best for the future.

The Leader paid tribute to the Chief Executive recalling personal anecdotes and thanked and commended the Chief Executive for her hard work and achievements in leading projects which had improved the Council and the district over the past six years.

The Leader of the Labour Group, the Leader of the Independent Group and a number Councillors also paid tribute to the Chief Executive.

On behalf of all Members, the Leader presented the Chief Executive with a gift as a token of their gratitude and wished her every success for the future.

The Chief Executive responded to Members and expressed her gratitude to all current and former Members for their support during her time as Chief Executive explaining that she had taken the job as the first shared Chief Executive of Cherwell District Council and South Northamptonshire Council as she had been seeking a challenge and part of this was the implementation of joint working. The Chief Executive thanked Members for their gift and wished them, the authority and the district all the best for the future.

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 Engagements

The Chairman advised Council that a copy of the events attended by herself or the Vice-Chairman was published with the agenda pack.

Chairman's Charity Dinner

The Chairman advised members that she was holding her Charity Dinner on Saturday 8 April. Members were asked to contact the Chairman's PA, Liz Matthews, to reserve a place

Post

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

Announcement by the Leader

The Leader referred to the last meeting of Council when the Chief Executive had been instructed to write to the Secretary of State and the Permanent Secretary at DCLG making it clear that Cherwell District Council would not support a move to an Oxfordshire Unitary Council.

The Leader confirmed that the Chief Executive had duly written the letter and a response had been received from the Secretary of State. The Leader read an extract of the letter to Council and advised Members that they should contact him if they wanted a full copy of the letter.

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

There were no petitions or requests to address the meeting.

85 **Urgent Business**

There were no items of urgent business.

86 **Minutes of Council**

The minutes of the meeting held on 19 December 2016 were agreed as a correct record and signed by the Chairman.

87 **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 to report that since the last meeting of Council held on 19 December 2016, one decision has been taken by the Executive which was not included in the 28 day notice relating to: Build! Award of Contract.

b) **Minutes of Committees**

Resolved

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

88 **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:

Councillor Richards: January Free Parking initiative in Cherwell District Council owned car parks

Councillor Brown: Cherwell District Council initiatives to counter the Oxfordshire County Council unitary proposal

Councillor Gaul: Cherwell District Council housing of Syrian refugees

Councillor Woodcock: Defeat of Dub's Amendment regarding unaccompanied child refugees

c) **Questions to Committee Chairmen on the Minutes**

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

89 **Motions**

There were no motions.

90 **Members Allowances 2017/2018**

The Head of Law and Governance submitted a report to determine the levels of the allowances to be paid to Members for the forthcoming 2017/2018

financial year following the submission of the report of the Council's Independent Remuneration Panel (IRP)

In presenting the report, Councillor Wood, Leader of the Council, thanked the Panel for their hard work in producing the report and acknowledged the recommendations and the Panel's reasoning.

Councillor Woodcock, Leader of the Labour Group, thanked the elected Members who had spoken with the Panel, the Panel members for the report and advised Council that the Labour Group were not in favour of the proposed increase.

Councillor Woodcock requested that a recorded vote be taken. Councillor Richards seconded the proposal.

Having been proposed and seconded, a recorded vote was duly taken with members voting as follows:

Councillor Atack	For
Councillor Banfield	Against
Councillor Beere	Against
Councillor Bell	Against
Councillor Brown	For
Councillor Cherry	Against
Councillor Clarke	For
Councillor Corkin	For
Councillor Cotter	Abstain
Councillor Donaldson	For
Councillor Gaul	For
Councillor Hallchurch MBE	For
Councillor Heath	For
Councillor Hughes	For
Councillor Hussain	Abstain
Councillor Ilott	For
Councillor Kerford-Byrnes	For
Councillor Lis	For
Councillor Mackenzie-Wintle	For
Councillor Mawer	Abstain
Councillor McHugh	For
Councillor Milne Home	For
Councillor Morris	For
Councillor Mould	For
Councillor Pickford	Abstain
Councillor Pratt	For
Councillor Prestidge	For
Councillor Richards	Against
Councillor Sames	For
Councillor Sibley	Abstain
Councillor Simpson	For
Councillor Slaymaker	For
Councillor Wallis	For
Councillor Webb	For
Councillor Williams	For

Councillor Wood
Councillor Woodcock

For
Against

Resolved

- (1) That, having given due consideration to the levels of allowances to be included in the 2017/2018 Members' Allowances Scheme, the Panel's recommendations (annex to the Minutes as set out in the Minute Book) be adopted without modification.
- (2) That the Head of Law and Governance be authorised to prepare an amended Members' Allowances Scheme, in accordance with the decisions of the Council for implementation with effect from 1 April 2017.
- (3) That the Head of Law and Governance be authorised to take all necessary action to revoke the current (2016/2017) Scheme and to publicise the revised Scheme pursuant to The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended).
- (4) That the Independent Remuneration Panel (IRP) be thanked for its report and it be noted that in accordance with the fees for IRP Members agreed at the 8 November 2016 Special Council meeting, a fee of £300 would be paid to Panel Members for the work carried out on this consultation.

91

Budget, Corporate Business Plan and Cycle of Growth 2017/18

Prior to consideration of the item, the Chairman sought the agreement of Members to suspend standing orders with regard to the duration of the speech by the proposer of the budget, or the speeches of the group spokesperson and group Leaders. Members indicated agreement.

The Chairman reminded Council that it was required in legislation that any motion or amendment to the budget or council tax setting reports be taken by recorded vote and this would be done at the appropriate time.

The Chief Finance Officer submitted a report to set the Council's General Fund Budget and to seek formal adoption of all parts of the Council's financial plans for the 2017/18 budget year.

The report also detailed the proposed strategic priorities, the underpinning key objectives and outcomes for 2017/18 which had now been converted into a proposed business plan for the Council, and the proposed new cycle of growth strategies.

The proposed business plan and cycle of growth strategies would sit alongside the proposed budget for 2017/18 to demonstrate that the Council adopted a strategic and integrated approach to managing all of its resources by aligning the development and delivery of the Council's strategic business priorities and key outcomes to the proposed budget.

Councillor Atack introduced and proposed the Budget, Corporate Business Plan and Cycle of Growth 2017/18. Councillor Wood seconded the adoption of the budget.

Councillor Woodcock, on behalf of the Labour Group, addressed Council in response to the budget.

Councillor Wood paid tribute to the Lead Member for Financial Management, the Budget Planning Committee, the Chief Finance Officer and the finance team who had worked hard on the budget process and submitted a balanced budget to Council.

A recorded vote was taken and members voted as follows:

Councillor Atack	For
Councillor Banfield	Against
Councillor Beere	Against
Councillor Bell	Against
Councillor Brown	For
Councillor Cherry	Against
Councillor Clarke	For
Councillor Corkin	For
Councillor Cotter	For
Councillor Donaldson	For
Councillor Gaul	For
Councillor Hallchurch MBE	For
Councillor Heath	For
Councillor Hughes	For
Councillor Hussain	Against
Councillor Ilott	For
Councillor Kerford-Byrnes	For
Councillor Mackenzie-Wintle	For
Councillor Mawer	For
Councillor McHugh	For
Councillor Milne Home	For
Councillor Morris	For
Councillor Mould	For
Councillor Pickford	For
Councillor Pratt	For
Councillor Prestidge	For
Councillor Richards	Against
Councillor Sames	For
Councillor Sibley	For
Councillor Simpson	For
Councillor Slaymaker	For
Councillor Wallis	For
Councillor Webb	For
Councillor Williams	For
Councillor Wood	For
Councillor Woodcock	Against

Resolved

- (1) That the contents of the report in approving the General Fund Revenue Budget and Capital Programme for 2017/18 be noted and that consideration be formally recorded.
- (2) That the 2017/18 General Fund Budget and 2017/18 Capital Programme (annexes to the Minutes as set out in the Minute Book) be approved.
- (3) That the Collection Fund Estimates (annex to the minutes as set out in the Minute Book) be approved.
- (4) That the 2017/18 business plan, public pledges and joint cycle of growth strategies (annexes to the Minutes as set out in the Minute Book) be approved and authority be delegated to the Director of Operational Delivery, in consultation with the Leader of the Council to make any minor amendments to the strategies and corporate values as required before final publication in March 2017.
- (5) That the contents of the section 25 statement from the Chief Finance Officer (annex to the Minutes as set out in the Minute Book) in relation to the robustness of the estimates and the adequacy of reserves.
- (6) That the impact of the proposed budget on reserves, including the use of reserves to fund a one-off pension fund contribution be noted and the list of reserves (annex to the Minutes as set out in the Minute Book) be approved.
- (7) That the Treasury Management Strategy (annex to the Minutes as set out in the Minute Book) including the Capital Prudential Indicators 2017/18 – 2019/20 be approved.
- (8) That the statement of pay policy for 2017/18 (annex to the Minutes as set out in the Minute Book) as required by the Localism Act be approved.
- (9) That it be noted that there is no change to the level of Empty Homes Premium for 2017/18, which will form a recommendation in the Council Tax Setting report.
- (10) That it be noted that there is no change to the council tax discounts for 2017/18, which will form part of the Council Tax setting report.
- (11) That agreement be given to opt-in to the LGA national Sector Led Body in order to negotiate a new External Audit Contract.
- (12) That the Business Rates 100% Rural Rate Relief Policy (annex to the Minutes as set out in the Minute Book) and the following formal resolutions that underpin the policy be approved:
 - The Council award 100% rural rate relief to eligible ratepayers from 1 April 2017.

- The Council through the National Non-Domestic Rate return process seeks full reimbursement of the actual cost under the rates retention scheme of granting this relief.
- (13) That the Local Newspapers Policy (annex to the Minutes as set out in the Minute Book) and the following formal resolutions that underpin the policy be approved:
- The Council award a £1,500 business rates discount for office space occupied by local newspapers, up to a maximum of one discount per local newspaper title and per hereditament, up to state aid limits for 2 years from 1 April 2017.
 - The Council through the National Non-Domestic Rate return process seeks full reimbursement of the actual cost under the rates retention scheme of granting this relief.
- (14) That the Discretionary Rate Relief Policy (annex to the Minutes as set out in the Minute Book), effective from 1 April 2017, be approved.

92 **Adjournment of Council Meeting**

The Leader of the Council confirmed that he did not require Council to adjourn to allow Executive to meet discuss any issues arising from the budget.

93 **Calculating the amounts of Council Tax for 2017/18 and setting the Council Tax for 2017/18**

The Chief Finance Officer submitted a report to detail the Calculations for the amounts of Council Tax for 2017/18 and the setting of Council Tax for 2017/18.

Councillor Atack introduced and proposed the Council Tax for 2017/18, which was duly seconded by Councillor Wood.

A recorded vote was taken and members voted as follows:

Councillor Atack	For
Councillor Banfield	Abstain
Councillor Beere	Abstain
Councillor Bell	Abstain
Councillor Brown	For
Councillor Cherry	Abstain
Councillor Clarke	For
Councillor Corkin	For
Councillor Cotter	For
Councillor Donaldson	For
Councillor Gaul	For
Councillor Hallchurch MBE	For
Councillor Heath	For
Councillor Hughes	For
Councillor Hussain	Abstain
Councillor Ilott	For

Councillor Kerford-Byrnes	For
Councillor Mackenzie-Wintle	For
Councillor Mawer	For
Councillor McHugh	For
Councillor Milne Home	For
Councillor Morris	For
Councillor Mould	For
Councillor Pickford	For
Councillor Pratt	For
Councillor Prestidge	For
Councillor Richards	Abstain
Councillor Sames	For
Councillor Sibley	For
Councillor Simpson	For
Councillor Slaymaker	For
Councillor Wallis	For
Councillor Webb	For
Councillor Williams	For
Councillor Wood	For
Councillor Woodcock	Abstain

Resolved

- (1) That it be noted that at the Executive meeting held on 9 January 2017 the Council calculated the Council Tax Base 2017/18:
 - a) for the whole Council area as 51,639.5 [item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
 - b) For dwellings in those parts of its area to which a Parish Precept relates as in the annex to the Minutes (as set out in the Minute Book).
- (2) That the Council Tax requirement for the Council's own purposes for 2017/18 (excluding Parish Precepts and Special Expenses) is £6,377,478.
- (3) That the following amounts be calculated for the year 2017/18 in accordance with Sections 31 to 36 of the Act:-
 - a) £79,667,229 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act, taking into account all precepts issued to it by Parish Councils and any additional special expenses.
 - b) £68,589,401 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.

£11,077,828 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its

Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).

- c) £214.52 being the amount at 3(c) above (Item R), all divided by Item T (6(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish Precepts and Special Expenses);
 - d) £4,700,350 being the aggregate amount of all special items (Parish Precepts and Special Expenses) referred to in Section 34(1) of the Act as per the attached Schedule 2 (annex to the Minutes as set out in the Minute Book).
 - e) £123.50 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T(1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish Precept or special item relates;
- (4) It be noted that for the year 2017/18 the Oxfordshire County Council and the Police and Crime Commissioner for Thames Valley have issued precepts to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each category of dwellings in the Council's area as indicated below :-

<u>Valuation Band</u>	Oxfordshire County Council £	Police and Crime Commissioner for Thames Valley £
A	897.06	113.52
B	1,046.57	132.44
C	1,196.08	151.36
D	1,345.59	170.28
E	1,644.61	208.12
F	1,943.63	245.96
G	2,242.65	283.80
H	2,691.18	340.56

- (5) That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts shown in the annex to the Minutes (as set out in the Minute Book) as the amounts of Council Tax for the year 2017/18 for each part of its area and for each of the categories of dwellings.
- (6) That the Council's basic amount of Council Tax for 2017/18 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.
- (7) That the following discounts and exemptions be approved:
 - 1 In respect of properties within Class A and B as defined by the Council Tax (Prescribed Classes of Dwellings) (England)

(Amendment) Regulations 2012 (furnished chargeable dwelling that are not the sole or a main residence of an individual) the discount provided by Section 11a of the Local Government Finance Act 1992 shall be zero.

- 2 In respect of properties within Class C as defined by the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (a property that is unoccupied and substantially unfurnished) the discount provided by the Section 11A of the said Act shall be 25% for a period of 6 months and thereafter zero.
- 3 In respect of properties within Class D as defined by the said Regulations (chargeable dwellings that are vacant and undergoing major repair work to render them habitable) the discount provided by Section 11A of the said Act shall be 25%
- 4 No council tax discount shall be applied to dwellings that are unoccupied and unfurnished for more than two years and that council tax payable on such properties is 150% (except for those properties which fall into prescribed Classes E and F).

94

Appointment of Interim Head of Paid Service, Returning Officer and Electoral Registration Officer

The Chief Executive submitted a report to appoint an Interim Head of Paid Service, Interim Returning Officer and Interim Electoral Registration Officer.

Resolved

- (1) That in accordance with Section 4 of the Local Government and Housing Act 1989 Ian Davies be appointed as Interim Head of Paid Service for Cherwell District and South Northamptonshire Councils with effect from 13 March 2017.
- (2) That, in accordance with Section 8 of the Representation of the People Act 1983 and all related legislation, and with effect from 13 March 2017, Paul Sutton be appointed as Interim Electoral Registration Officer for Cherwell District and South Northamptonshire Councils.
- (3) That, in accordance with Section 35 of the Representation of the People Act 1983 and all related legislation, and with effect from 13 March 2017, Paul Sutton be appointed as Interim 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.
- (4) That Paul Sutton 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.

- (5) 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.
- (6) 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.
- (7) 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).
- (8) 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.
- (9) That the Councils note their duty to provide support to the Electoral Registration Officer and Returning Officer
- (10) That the Joint Commissioning Committee be asked to consider the payment of an honorarium to the interim Head of Paid Service, in recognition of the additional responsibilities and duties of the role.

Community Governance Review Update

The Chief Executive submitted a report to provide an update on the Community Governance Review (CGR) being undertaken.

Resolved

- (1) That the update be noted.

96 **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 items 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, Paragraphs 3 and 5 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.

97 **Questions on Exempt Minutes**

There were no questions on exempt minutes.

98 **Castle Quay Phase Two Redevelopment - Funding Requirements**

The Chief Finance Officer submitted an exempt report relating to funding requirements for the Castle Quay Phase Two Redevelopment.

Resolved

- (1) As set out in the exempt minutes.

99 **Responding to Local Healthcare Changes**

The Director – Operational Delivery submitted an exempt report to seek approval of the provision of an earmarked reserve to enable the Council to ensure that it receives appropriate specialist advice to enable it to respond effectively at short notice to the various events associated with the proposed changes to local healthcare services.

Resolved

- (1) As set out in the exempt minutes.
- (2) That the Director of Operational Delivery, in consultation with the Leader of the Council, the Head of Law and Governance and the Chief Financial Officer be authorised to use the earmarked reserve to obtain specialist advice and support as necessary to ensure the Council both challenges and responds to the consultation proposals in a robust manner as approved by the Executive at its meeting on 6 February 2017.

Council - 20 February 2017

The meeting ended at 8.45 pm

Chairman:

Date: