

CHERWELL DISTRICT COUNCIL

Minutes of a meeting of the Cherwell District Council held at Bodicote House, Bodicote, Banbury, on 27 February 2006 at 6.30 pm.

Present: Councillor Heath (Chairman)

Councillors Bhart, Blackwell, Bolster, Bonner, Cartledge, Collins, Dhesi, Donaldson, Doy, Mrs Edwards, A Fulljames, Mrs C Fulljames, Gasson, Gibbard, Godwin, Hallchurch, Hanna, Harper, Mrs Hastings, Heath, Mrs Higham, Hornsby-Smith, Hughes, Hurle, Justice, MacLeod, Macnamara, Makepeace, Mallon, Mrs Milne, Milne Home, Morris, O'Sullivan, Pack, Parish, Miss Pickford, Mrs Pratt, Reynolds, Sames, Sibley, Mrs Stratford, Miss Thirzie Smart, Turner, Webb, Wood and Wyse.

Officers: G J Handley (Chief Executive), G Simcox (District Treasurer), C R Baynes (Head of Corporate Services), A Jones (Head of Planning and Development Services), I Davies (Head of Leisure Services), Mrs E Edwards (Head of Environmental Services), C Lawrence (Personnel Manager), M Whitfield (Head of ICT), Mrs A Davies (Corporate and Housing Services Manager), D Knight (Assistant District Treasurer), A Eastman (Democratic Services Manager), J D Best (Senior Democratic Services Officer).

Apologies for absence were received from Councillors Back, Billington, Gilmore and Stansby

A: MATTERS NOT OF AN EXEMPT OR CONFIDENTIAL NATURE

C.95/05 MINUTES

The minutes of the meetings of the Council held on 23 and 31 January 2006 were approved as correct records and signed by the Chairman.

C.96/05 MR GRAHAME HANDLEY – CHIEF EXECUTIVE

The Chairman of the Council, the Executive Leader, other Political Group Leaders, individual Members, former Councillor Wendy Humphries, and Mrs Grace Jelfs (wife of the late Councillor Don Jelfs) paid tribute to Grahame Handley on his forthcoming retirement from the Council, after nearly 15 years as Chief Executive, and referred to his many achievements for the Council during that time.

Mr Handley thanked all of the speakers for their comments, and referred to the special close working relationship that he had enjoyed with Members generally, and with successive Council Chairmen and Council Leaders throughout that time.

The Chairman of the Council presented Mr Handley with a cheque from Members as a token of their appreciation of his work for the Council, and he received a standing ovation.

C.97/05 DECLARATIONS OF INTEREST

(a) Council Tax Matters

The Council noted a report of the Chief Executive, reminding Members of the requirements of Section 106 of the Local Government Finance Act 1992, and of the voting restrictions applicable in certain circumstances with regard to Council Tax matters.

(b) Members' Interests

- (i) Councillor Reynolds declared a personal interest in respect of the 2006/07 estimates and Sports Centres Modernisation, as his wife was a casual part-time employee of the Spiceball Park Sports Centre. He undertook to withdraw from the meeting in the event that there was any discussion relating specifically to that Sports Centre.
- (ii) Councillor Doy declared a prejudicial interest in respect of the matter referred to in Minute E.170/05 (Decriminalised Parking Enforcement), having regard to his employment by Thames Valley Police as a Traffic Warden.
- (iii) Councillor Morris declared a prejudicial interest in respect of agenda Item 8 (Review of Hackney Carriage Quantity Control Policy), as he was a licensed Hackney Carriage and Private Hire Vehicle driver.

C.98/05 MEMBERS' ALLOWANCES – 2006/07

The Council considered a joint report of the Head of Corporate Services and the Head of Legal and Democratic Services, together with the report of the Independent Remuneration Panel, on the review of Members' Allowances for the 2006/07 financial year.

The Council noted that the Panel was required to review the Members' Allowances Scheme each year, and its report recommended the levels of the various allowances it considered should be paid during 2006/07.

It was moved by Councillor Wood and seconded by Councillor Reynolds and:-

RESOLVED

- (1) that the recommendations of the Independent Remuneration Panel be approved and adopted;
- (2) that the Head of Legal and Democratic Services be authorised to prepare an amended Members' Allowances Scheme, in accordance with the decision in resolution (1) above, for implementation with effect from 1 April 2006;
- (3) that the Head of Legal and Democratic Services be authorised to take all necessary action to revoke the current (2005/06) Scheme and to publicise the revised Scheme, pursuant to the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended); and
- (4) that the Independent Remuneration Panel be thanked for its thorough and detailed report.

(**Note:** some Members abstained from voting on this matter, and it was acknowledged that any Member not wishing to claim any part of the agreed allowance increases, needed to inform the Head of Legal and Democratic Services accordingly, in writing.)

C.99/05 LICENSING COMMITTEE AND SERVICE APPEALS PANEL - REVIEW OF HACKNEY CARRIAGE QUANTITY CONTROL POLICY

It was moved by the Chairman of the Licensing Committee and Service Appeals Panel (Councillor Mrs Stratford) and seconded by Councillor Webb, that the Minutes of the meeting of the Committee held on 25 January 2006 be received.

RESOLVED that the recommendations of the Committee in Minute LS.17/05 be adopted.

The Council noted the decision contained in Minute LS.18/05.

C.100/05 MINUTES OF THE EXECUTIVE

It was moved by the Executive Leader (Councillor Wood) and seconded by Councillor Reynolds, that the Minutes of the meetings of the Executive held on 9 January and 6 February 2006 be received (with the exception of Minutes E.145/05 and E.146/05 which had been dealt with at the Council Meeting held on 23 January 2006, and Minutes E.144/05, E.168/05 and E.169/05, which were to be considered under the following agenda item relating to the 2006/07 Estimates, the 2005/06 Collection Fund Estimates, and the Medium Term Financial Strategy).

RESOLVED that the recommendations of the Executive in Minutes E.170/05 to E.173/05 inclusive be adopted.

The Council noted the decisions contained in Minutes E.147/05 to E.165/05 inclusive, and E.174/05 to E.189/05 inclusive.

A question was put and answered on Minute E.178/05.

C.101/05 ESTIMATES 2006/07, THE COLLECTION FUND ESTIMATES 2005/06, AND THE MEDIUM TERM FINANCIAL STRATEGY 2006/07 – 2010/11

The Council considered the recommendations of the Executive in Minutes E.144/05, E.168/05, E.169/05 and E.200/05, together with the draft budget booklet for 2006/07 and the draft Medium Term Financial Strategy submitted by the District Treasurer.

It was moved by the Resources Portfolio Holder (Councillor Gasson) and seconded by Councillor Wood:-

- (1) that the draft estimates, including amendments to the capital and revenue estimates recommended by the Executive at its meeting on 6 February 2006 (E.168/05), together with the following additional amendments relating to (i) an increase in the budget to concessionary fares recommended by the Executive at its meeting on 20 February 2006 (E.200/05); and (ii) late adjustments to the amount of Government Grant, be agreed;
- (2) that the Collection Fund Estimates as now submitted (E.168/05) be approved;

- (3) that the Medium Term Financial Strategy 2006/07 – 2010/11 (E.169/05) as now submitted be adopted.

It was subsequently moved by Councillor Morris, and seconded by Councillor Bonner, that Councillor Gasson's motion be amended by the addition of the following wording:-

'that the Council earmarks £0.5m of its capital receipts for the purpose of modernising the Woodgreen facility and that, during the course of 2006/07, when an acceptable scheme is brought forward, consideration be given to including the work as a supplementary capital estimate.'

On being put to the vote, this amendment was carried, and became part of the substantive motion.

It was then moved by Councillor Hornsby-Smith and seconded by Councillor Cartledge, that the following amendments be made to the 2006/07 estimates:-

Capital Programme

1. Woodgreen Leisure Centre: £685,000

Key elements

Pool refurbishment CDC funds 100% @ £312,000

New roof, CDC offers £100,000 grant towards £300,000 cost (external funding from BCU, Banbury Town Council, trust fundraising for remaining sum)

Pool surround treatment @ £30,000

General redecoration and contribution to bowls carpet @ £30,000 (full cost of general redecoration, and £5,000 contribution towards £40,000 new bowls carpet)

New pipework £20,000

Bowls Hall ventilation/heating @ £20,000 deferred for consideration in 2007/8

Fees (structural, architectural, pool plant, mechanical, electrical) @ £121,000

Contingency £40,000 (assumes £20,000 contribution from external sources)

Project Management @ £17,000 (assumption is that Banbury Town Council contribute 50% of £35,000 costs)

Trust set up costs contribution of £15,000 towards £35,000 costs

2. Rural area environmental projects £20,000

3. Additional hard-standing car-parking funding £150,000

(Bicester and Banbury projects + £75K 2007/8 and 2008/9)

4. Additional funding for Kidlington Watts Way project £50,000

5. Grant contribution to St Mary's Kidlington spire renewal £10,000

6. Additional funding for Spring Clean initiatives £10,000

7. Increase in grant funding for voluntary groups £15,000

TOTAL ADDITIONAL CAPITAL COSTS £940,000

All items to be funded from capital receipts

Revenue Implications

Opportunity cost of additional capital expenditure (£940,000 @ 4.5%) £42,300

8. Woodgreen Leisure Centre £153,000

Assumes average revenue deficit is £113,000 annually but that @ 15% sensitivity, revenue cost rises to £253,000. This would be Cherwell's contribution towards that cost. It assumes contributions from Banbury Town Council (minimum £50,000) and from BCU/fundraising

9. Scheme to assist elderly/disabled gardening £15,000

10. Reduce Council Tax rise to 2.72% £96,890

TOTAL REVENUE COSTS 2006/7 £307,190

Funded by:

2006/7 Reduction in contribution to Council Tax Equalisation Fund (£307,190)

2007/8 and future years Cash efficiency savings (£307,190)

Supporting Calculations

Opportunity cost of capital investment £940,000 x 4.5% £42,300

Council Tax

Budget proposal £115
Budget amendment £113.30
Difference £2 x 48,445 taxbase = £96,890

Efficiency Savings

Annual Gershon requirement for Cherwell 2005/6 £374,000
Annual Gershon requirement for Cherwell 2006/7 £748,000
Annual Gershon requirement for Cherwell 2007/8 £1,122,000

Cashable amount is 50%

Therefore, by 2007/8 cashable requirement is for £561,000pa

Amount already allowed for in budget proposals = £139,000

Outstanding requirement £422,000
Projected budget shortfall £307,190
Amount for re-investment £114,810

Each of these individual amendments numbered 1. to 10. above was then put to the vote, and were lost.

The Council then voted on the substantive motion, which was carried. Accordingly, it was

RESOLVED

- (1) that the draft estimates for 2006/07, as recommended by the Executive in Minute E.168/05, together with additional amendments relating to (i) an increase in the budget to concessionary fares recommended by the Executive in Minute E.200/05; (ii) late adjustments to the amount of Government Grant as reported, and (iii) the earmarking of £0.5m of capital receipts for the purpose of modernising the Woodgreen facility, be agreed;
- (2) that, during the course of 2006/07, when an acceptable scheme is brought forward for the Woodgreen facility, consideration be given to including the work as a supplementary capital estimate;
- (3) that the Collection Fund Estimates for 2005/06, as recommended by the Executive in Minute E.168/05, be approved;
- (4) that the Medium Term Financial Strategy 2006/07 – 2010/11, as recommended by the Executive in Minute E.169/05, be adopted.

C.102/05 ADJOURNMENT OF COUNCIL MEETING

The Executive Leader (Councillor Wood) reported that it was unnecessary for the Council to adjourn to allow the Executive to meet to consider the Council proposals in relation to the 2006/07 budget which did not accord with the Executive's previous recommendations.

C.103/05 CALCULATING THE AMOUNTS OF COUNCIL TAX FOR 2006/07 AND SETTING THE COUNCIL TAX FOR 2006/07

The Council considered a report of the District Treasurer, a copy of which is attached as Appendix A to these minutes.

It was moved by Councillor Gasson and seconded by Councillor Wood that the recommendations in the District Treasurer's report be approved and adopted. On being put to the vote, that motion was carried and, accordingly, it was

RESOLVED

- (1) that pursuant to Section 35 of the Local Government Finance Act 1992, any expenses incurred by the Council chargeable to its General Fund, in performing functions and providing services undertaken elsewhere within the District by a parish council shall be a general expense falling upon the whole district.
- (2) that it be noted that at its meeting on 9 January 2006 the Executive calculated the following amounts for the year 2006/2007 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992:-
 - a. 48,445 being the amount calculated by the Council, in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base)

Regulations 1992, as its council tax base for the year.

- b. the amounts in the Tax Base 2006/07 column of Annex 1, being the amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as the amounts of its council tax base for the year for dwellings in those parts of its area to which one or more special items relate.
- (3) that the following amounts be now calculated by the Council for the year 2006/2007 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:-
- a. £72,339,121 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act;
 - b. £53,647,285 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act;
 - c. £18,691,836 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 32(4) of the Act, as its budget requirement for the year;
 - d. £9,783,037 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant and additional grant or as a transfer from or to its collection fund being a reduction or increase in its provision for estimated surplus of council tax;
 - e. £183.90 being the amount at 3 c above less the amount at 3 d. above, all divided by the amount at 3 a. above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its council tax for the year;
 - f. £3,337,624 being the aggregate amount of all special items referred to in Section 34(1) of the Act;
 - g. £115.00 being the amount at 3 e. above less the result given by dividing the amount at 3 f. above by the amount at 2 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 special item relates;
 - h. the amounts in the column of Annex 1, headed Total Tax Calculated, being the amount given by adding to the amount at 3 g. above, the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amounts at 2 b. above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate;
 - i. the amounts in the final eight columns of Annex 1 (headed Tax Calculated for Each Valuation Band by Cherwell and each column headed with its appropriate band title A to H) being the amounts given by

multiplying the amounts at 3 g. and 3 h. above by the number which, in the proportion set out in Section 5(1) of the Act (6 to 18), is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D (9), calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- (4) that it be noted that for the year 2006/2007 the Oxfordshire County Council and the Thames Valley Police Authority, being major precepting authorities, have stated the following amounts as precepts to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown overleaf-

Oxfordshire County Council

A	B	C	D	E	F	G	H
£672.50	£784.58	£896.67	£1,008.75	£1,232.92	£1,457.08	£1,681.25	£2,017.50

Thames Valley Police Authority

A	B	C	D	E	F	G	H
£88.39	£103.12	£117.85	£132.58	£162.04	£191.50	£220.97	£265.16

- (5) that, having calculated the aggregate in each case of the amounts at 3 i. and (4) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts of council tax for the year 2006/2007 for each of the categories of dwellings shown in Annex 2.
- (6) that having calculated the basic amount of council tax in 3 e. above to be £183.90 and the tax base for the district, as noted at 2 a. above is 48,445, the Council hereby determines that its demand on the collection fund for the year 2006/2007 shall be £8,908,799.

C.104/05 EXCLUSION OF THE PUBLIC AND PRESS

It was moved by the Chairman of the Council, and duly seconded that, in accordance with Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting whilst the items in Part II of the agenda were considered on the grounds that they involved the likely disclosure of exempt information as identified by the numbered paragraphs in Part I of Schedule 12A to the Act set out separately under the following item headings.

RESOLVED that the motion be adopted.

B: MATTERS CONTAINING EXEMPT INFORMATION

EXEMPT

C.105/05 MINUTES OF THE EXECUTIVE

(Paragraphs 7, 8, 9 and 12)

It was moved by the Executive Leader (Councillor Wood) and seconded by Councillor Reynolds, that the minutes of the meetings of the Executive held on 9 January and 6 February 2006, containing exempt information, be received.

The Committee noted the decisions contained in Minutes E.166/05 and E.190/95 to E.193/05 inclusive.

C.106/05 APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER

(Paragraphs 1 and 11).

The Council considered a joint report of the Chief Executive and the Head of Legal and Democratic Services, seeking to confirm the detailed terms and conditions of the appointment of the Returning Officer and the Electoral Registration Officer as agreed by the Council on 23 January 2006 under Minute C.81/05 (3).

RESOLVED

- (1) that, in terms of the Representation of the People Act 1983 and all related legislation, and with effect from 1 April 2006, Mr Clive Roger Baynes the Council's Head of Corporate Services, be appointed as Electoral Registration Officer for the Council;
- (2) that, in terms of section 41 of the Local Government Act 1972 and all related legislation, and with effect from 1 April 2006, Mr Clive Roger Baynes be appointed as Returning Officer for the Council, with authority to act in that capacity for elections to the Council and all or any parish and town councils within the Council area;
- (3) that the Electoral Registration Officer for the Council be also appointed or authorised to act in respect of all related electoral, poll or referendum duties, including in relation to County Council elections, elections to the European Parliament, and for national and regional polls or referendums;
- (4) 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 scale of fees approved from time to time by the Personnel and General Committee 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;

- (5) that in all cases where it is a legal requirement or normal practice to do so, fees paid to the Returning Officer shall 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;
- (6) 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 Council is entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council 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 accidental contravention of the Representation of the People Acts or other legislation governing the electoral process, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially acting for him in connection with the election or poll); and
- (7) that, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council, through its internal insurance fund or otherwise, will indemnify the Returning Officer up to the value of such excess.

(Note: The Head of Corporate Services, Mr Baynes, withdrew from the meeting during the discussion and voting on this matter.)

C.107/05 END OF MEETING

The meeting ended at 10.18 pm.