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## Cherwell District Council

### Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 19 October 2009 at 6.30 pm

Present: Councillor Mrs Diana Edwards (Chairman)  
Councillor George Parish (Vice-Chairman)

Councillor Rick Atkinson  
Councillor Luke Annaly  
Councillor Ken Atack  
Councillor Alyas Ahmed  
Councillor Maurice Billington  
Councillor Fred Blackwell  
Councillor Norman Bolster  
Councillor Ann Bonner  
Councillor Colin Clarke  
Councillor Nick Cotter  
Councillor John Donaldson  
Councillor Andrew Fulljames  
Councillor Mrs Catherine Fulljames  
Councillor Michael Gibbard  
Councillor Eric Heath  
Councillor Alastair Milne Home  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Tony Ilott  
Councillor James Macnamara  
Councillor Kieron Mallon  
Councillor Nicholas Mawer  
Councillor Nigel Morris  
Councillor P A O'Sullivan  
Councillor D M Pickford  
Councillor Neil Prestidge  
Councillor Devena Rae  
Councillor G A Reynolds  
Councillor Daniel Sames  
Councillor Leslie F Sibley  
Councillor Trevor Stevens  
Councillor Keith Strangwood  
Councillor Lawrie Stratford  
Councillor Rose Stratford  
Councillor Lynda Thirzie Smart  
Councillor Patricia Tompson  
Councillor Douglas Webb  
Councillor Martin Weir  
Councillor Douglas Williamson  
Councillor Barry Wood  
Councillor John Wyse

Also Present:: Councillor Michael Waine, Cabinet member for Schools Improvement, Oxfordshire County Council  
Sally Taylor, Head of the Oxfordshire Raising Achievement Service, Oxfordshire County Council

Apologies for absence: Councillor Margaret Cullip  
Councillor Timothy Hallchurch MBE  
Councillor Simon Holland  
Councillor Victoria Irvine  
Councillor Chris Smithson  
Councillor Carol Steward  
Councillor Nicholas Turner

Officers: Ian Davies, Strategic Director - Environment and Community  
Mary Harpley, Chief Executive and Head of Paid Service  
John Hoad, Strategic Director - Planning, Housing and Economy  
Richard Hawtin, Team Leader Property & Contracts  
Phil O'Dell, Chief Finance Officer  
Craig Forsyth, Communications Officer  
James Doble, Democratic, Scrutiny and Elections Manager

34 **Declarations of Interest**

Councillor Barry Wood - Personal - Persons known to him have an interest in land in Northwest Bicester, outside of the area currently under discussion.

35 **Communications**

The Chairman noted that it had been hoped that Julie Evans Strategic Director – Customer Service and Resources had been able to attend the meeting to enable members to thank her for her contribution at Cherwell and to wish her well for her new job at Slough Borough Council, however she had been unavoidably delayed.

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

There were no petitions and requests to address the meeting.

37 **Urgent Business**

There was no urgent business.

38 **Minutes of Council**

The minutes of the meeting of Council held on 20 July 2009 were agreed and signed by the Chairman.

39 **Presentation by Cllr Michael Waine, Cabinet Member for Schools Improvement at Oxfordshire County Council and Sally Taylor Head of the Oxfordshire Raising Achievement Service**

The Chairman welcomed Councillor Michael Waine, Cabinet member for Schools Improvement and Sally Taylor, Head of the Oxfordshire Raising Achievement Service at Oxfordshire County Council to the meeting.

Councillor Michael Waine and Sally Taylor addressed the meeting regarding school achievement within the Cherwell district. A number of members asked questions and answers were duly provided.

The Chairman thanked Councillor Michael Waine and Sally Taylor.

**Councillors Fulljames and Mrs Fulljames left the meeting**

40 **Minutes**

**a) Minutes of Executive, Portfolio Holder Decisions and Executive Decisions made under Special Urgency**

**Resolved**

That the minutes of the meetings of the Executive and Portfolio Holder decisions as set out in the Minute Book be received and that it be noted that since the last meeting of Council, no executive decisions have been taken that were subject to the special urgency provisions of the constitution.

**b) Minutes of Committees**

**Resolved**

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

41 **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:

Bicester Community Hospital: Councillor Sibley  
Oxfordshire County Council Incinerator Decision: Councillor Cotter  
Unitary Local Government: Councillor Stratford  
Anti Social Behaviour: Councillor Strangwood  
RAF Bicester: Councillor Sames  
Northwest Bicester: Councillor Sames  
New Council Question time: Councillor Cotter

Iceland store, Bicester: Councillor Pickford  
Icelandic Investment Recovery: Councillor Wyse  
Bicester Town Centre Development: Councillor Hughes  
Section 106 decision: Councillor Bonner  
Old Place Yard, Bicester: Councillor Sibley  
Bicester in Bloom: Councillor Sibley  
Christmas Lights: Councillor Cotter

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

There were no questions to Committee Chairmen on the minutes.

42 **Motions**

There were no motions.

43 **Planning for a Flu Pandemic - Establishing an Emergency General Purpose Committee**

Council considered a report of the Executive Portfolio Holder for Democratic Services and Member Development to request Council to agree the establishment of a non proportional representation Emergency General Purpose Committee, which was subsequently carried with no member voting against.

**Resolved**

That in the event of an ongoing emergency an Emergency General Purpose Committee be constituted to make any decisions the Council is able to make which are not part of the Executive functions or reserved in legislation to full Council as set out in the annex to these minutes (as set out in the minute book). The composition of the Emergency General Purpose Committee would be the Leader of Council with any member of the Executive as substitute, the Deputy Leader with any member of the majority group as substitute and the Leader of the opposition, with any member of the opposition group as substitute.

44 **Guidance Note for Membership of Outside Organisations**

The Head of Legal and Democratic Services submitted a report to approve the recommendation from the Standards Committee to adopt the updated Oxfordshire wide guidance note for membership of outside bodies.

**Resolved**

- (1) That the advice note for councillors serving on outside bodies be adopted as the updated version of the guidance note in place of the existing version in part three of the constitution

- (2) To continue using the annual form to councillors on outside bodies supplemented by additional reports by Councillors in the Member Weekly Bulletin where appropriate.

45 **A New Sustainable Community Strategy for Cherwell**

The Chief Executive submitted a report to present the draft Sustainable Community Strategy for Cherwell to Council for consideration and endorsement.

**Resolved**

- (1) To note the consultation and development work that has been undertaken to develop the draft Sustainable Community Strategy for Cherwell.
- (2) To endorse the strategy and ask the Leader of the Council to ensure any amendments made as a result of consultation feedback reflect the policy and strategy of the District Council.

46 **Overview and Scrutiny Annual Report for 2008/09**

The Head of Legal and Democratic Services submitted the Overview and Scrutiny Annual Report for 2008/09.

**Resolved**

That the contents of the Overview and Scrutiny Annual Report 2008/09 be noted.

47 **Section 151 Officer Arrangements**

The Chief Executive submitted a report to recommend changes to the Council's current arrangements for a Section 151 Officer and Chief Finance Officer.

**Resolved**

- (1) That Phillip O'Dell be appointed as the Council's Section 151 and Chief Finance Officer with effect from 26<sup>th</sup> October 2009 until 31<sup>st</sup> March 2010.
- (2) That it be noted Phillip O'Dell has nominated the Head of Finance, Karen Curtin, as Deputy Section 151 and Deputy Chief Finance Officer authorised to act in his absence.
- (3) That all reference to the Strategic Director Customer Services and Resources be deleted from the Council's constitution and that all the delegated powers to that post, including the section 151 functions, be transferred to the Head of Finance with a clear note that these

functions will be exercised by the interim Chief Finance Officer with the Head of Finance as Deputy Section 151.

- (4) That the Monitoring Officer be authorised to amend the constitution to give effect to this arrangement.

The meeting ended at 9.17 pm

Chairman:

Date:

## **Cherwell District Council Decision Making Contingency Plans**

### **Level 1 Contingency - Essential Decisions Only (for maintaining essential council services and dealing with the contingency) –members unable to act**

- Chief Executive (or a Strategic Director in their absence) to make all decisions under urgency provisions in the constitution
- Informal consultation process with Leader and Executive Members by whatever means possible
- No need for publication of decision although would need to be formally reported at a later date
- No Democratic Service Staff would be required

### **Level 2 Contingency - Normal Business Suspended – very few members able to act**

- Suspension of all Committees except Executive, call-in to be waived
- Possibility of Executive meeting with a quorum of 4 or the Executive urgency Committee consisting of 3, to include the Leader of the Council or Deputy Leader if possible.
- Meetings can be convened with less than 5 days notice under a loop hole in the legislation if required, but should be avoided if possible
- Executive Portfolio Holder decisions could be used as normal and could be maximised with Executive delegating decisions to Leader and Deputy Leader. Leader and Deputy Leader both have reserve powers to act in case of inability of Executive member to act.
- Non-urgent Executive business rescheduled
- Emergency General Purposes Committee to take urgent decisions outside the scope of the Executive.
- Full Council to be summoned for urgent matters reserved to Full Council e.g. setting Council Tax, quorum is 17.
- Minimal Democratic staff required

### **Level 3 Contingency - Meetings without pressing business cancelled – limited number of members able to act**

- Regulatory and Executive committees meet to consider pressing business, all other business rescheduled
- Other meetings suspended
- Minimal Democratic staff required

For situations below level 3, normal meetings continue with greater use of substitute members where possible.

Level of Contingency to be declared by Chief Executive or Monitoring Officer or in their absence their appointed deputies.

In preparation for a contingency it is recommended that full Council establish an Emergency General Purpose Committee with the following terms of reference:

Emergency General Purpose Committee

Composition:	Leader of Council	Deputy Leader of Council	Leader of opposition
Substitutes:	Any member of Executive	Any member of majority group	Any member of opposition group

In the event of a Level 2 or 3 contingency to make any decisions within the power of Cherwell District Council or its committees that are not part of the Executive functions or reserved in legislation to full Council.