

Meeting of Council

Wednesday 19 May 2010

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Wednesday 19 May 2010 at 6.30 pm, and you are hereby summoned to attend.



Mary Harpley
Chief Executive

Tuesday 11 May 2010

AGENDA

1 Apologies for Absence

2 Declarations of Interest

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.

3 Minutes of Council (Pages 1 - 6)

To confirm as a correct record the Minutes of Council held on 19 April 2010.

4 Election of Chairman

Council is requested to elect a Chairman for the municipal year 2010/11.

The Chairman, when elected, will be asked to make a declaration of acceptance of office.

5 Election of Vice-Chairman

Council is requested to elect a Vice-Chairman for the municipal year 2010/11.

The Vice-Chairman, when elected, will be asked to make a declaration of acceptance of office.

6 Communications

To receive communications from the Chairman and/or the Leader of the Council.

7 Annual Business (Pages 7 - 14)

**** Appendix 1, Executive Portfolios 2010/11 to follow ****

Report of Chief Executive

a) District Election Results

The Chief Executive will report on the results of the District Elections held on 6 May 2010.

Recommendation

- (1) To note the results of the District Elections held on 6 May 2010.

b) Constitution of Political Groups

The Chief Executive will report on the notifications of the constitution of Political Groups received prior to the meeting and on the notifications from the Political Groups of the names of their Leaders for 2010/11.

Recommendation

- (2) That the constitution of political groups and notification of group leaders be noted.

c) Leader of the Council and Executive 2010/11

The Chief Executive will report on:

- Any change in the political control of the Council
- Any change to the leadership of the controlling Political Group

(In accordance with the Constitution, the Leader of the Council continues to hold office except in the circumstances as set out in the constitution. Otherwise, it will be necessary for the Council to elect a new Leader).

The Leader of the Council will report on:

- The appointment of the Deputy Leader of the Council.
- The membership of the Executive and the allocation of portfolios, (including any recommendation to the Council to reallocate the responsibility of functions to Portfolio Holders).

Recommendation

- (3) That the appointment of Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2010/11 be noted.

d) Committee Appointments 2010/11

See Annual Council Business Report pages 8 – 10 of the agenda pack and tabled political group nominations.

Recommendations

- (4) That the allocation of the seats on the Committees that are subject to the political balance requirements be agreed as set out in table 1 of the Annual Council Business Report.
- (5) That the allocation of the seats on the Committees that are not subject to the political balance requirements be agreed as set out in table 2 of the Annual Council Business Report.
- (6) To appoint Members (and, where appropriate, substitute members) to serve on each of the Committees and other bodies set out in table 3 of the report in accordance with the nominations to be made by the Political Groups.

(Political Group nominations will be tabled, and may be updated by Group Leaders at the Council Meeting.)

e) Appointment of Representative

Council is asked to appoint a representative to the County Council Health Overview and Scrutiny Committee.

The 2009/10 representative was Councillor Mrs Rose Stratford.

Recommendation

- (7) To appoint a representative to the County Council Health Overview and Scrutiny Committee.

f) Committee Meeting Attendance 2009/109

See Annual Council Business Report, Appendix 2, page 13 of the agenda pack.

Recommendation

- (8) That the committee meeting attendance for 2008/09 as set out in Appendix 2 of the Annual Council Business Report be noted

8 Appointment of New Independent Member to Standards Committee
(Pages 15 - 18)

Report of Head of Legal and Democratic Services

Summary

To confirm the appointment of Derek Bacon as the new Independent Member of the Standards Committee and to confirm the remaining terms of the other three Independent members.

Recommendations

The meeting is recommended:

- (9) To approve the appointment of Derek Bacon as an Independent Member of the Standards Committee for an initial two year term.
- (10) To approve the continued appointment of Dr Sadie Reynolds for a further two years at the end of which Dr Reynolds will no longer be able to serve having completed eight years.
- (11) To approve the continued appointment of Mr James McBeth for a further four years.
- (12) To confirm the initial two year appointment of Mr Ken Hawtin will end at the end of the 2010/2011 municipal year.

FIRST MEETINGS OF COMMITTEES

At the conclusion of Council, Committees will meet to appoint their Chairmen and Vice-Chairmen. The agenda for these first meetings is included at the back of the agenda.

At the conclusion of the proceedings, a buffet reception will be held in the One Stop Shop.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or (01295) 221587 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

Personal Interest: Members must declare the interest but may stay in the room, debate and vote on the issue.

Prejudicial Interest: Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Queries Regarding this Agenda

Please contact James Doble, Legal and Democratic Services james.doble@cherwell-dc.gov.uk, (01295) 221587

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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 April 2010 at 6.30 pm

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

Councillor Ken Attack
Councillor Alyas Ahmed
Councillor Maurice Billington
Councillor Fred Blackwell
Councillor Norman Bolster
Councillor Ann Bonner
Councillor Colin Clarke
Councillor Nick Cotter
Councillor Margaret Cullip
Councillor John Donaldson
Councillor Andrew Fulljames
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Timothy Hallchurch MBE
Councillor Eric Heath
Councillor Alastair Milne Home
Councillor David Hughes
Councillor Russell Hurle
Councillor Tony Ilott
Councillor Victoria Irvine
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Nigel Morris
Councillor D M Pickford
Councillor Neil Prestidge
Councillor Devena Rae
Councillor G A Reynolds
Councillor Daniel Sames
Councillor Leslie F Sibley
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor Carol Steward
Councillor Keith Strangwood
Councillor Lawrie Stratford
Councillor Rose Stratford
Councillor Lynda Thirzie Smart
Councillor Patricia Thompson
Councillor Nicholas Turner
Councillor Douglas Webb
Councillor Martin Weir
Councillor Douglas Williamson
Councillor Barry Wood

Also Present: Francis Habgood, Deputy Chief Constable, Thames Valley Police
Commander Superintendent Howard Stone, Thames Valley Police
Inspectors Neville Clayton (North Cherwell), Thames Valley Police
Martin Percival (South Cherwell), Thames Valley Police

Apologies for absence: Councillor Rick Atkinson
Councillor Luke Annaly
Councillor James Macnamara
Councillor P A O'Sullivan
Councillor John Wyse

Officers: Mary Harpley, Chief Executive and Head of Paid Service
Ian Davies, Strategic Director - Environment and Community
John Hoad, Strategic Director - Planning, Housing and Economy
Martin Henry, Chief Finance Officer and Section 151 Officer
Liz Howlett, Head of Legal & Democratic Services and Monitoring Officer
Natasha Clark, Senior Democratic and Scrutiny Officer

74 **Declarations of Interest**

Members declared the following general declarations:

Councillor Alyas Ahmed, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Ann Bonner, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor G A Reynolds, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Keith Strangwood, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Kieron Mallon, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Lawrie Stratford, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Maurice Billington, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Michael Gibbard, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Mrs Catherine Fulljames, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Nicholas Turner, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Norman Bolster, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Timothy Hallchurch MBE, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Barry Wood, Personal, as persons known to him have an interest in land in the area of, but outside the eco zone.

75

Communications

Former District Councillors Elsie Milne and John Harper

The Chairman noted the sad passing of former District Councillors Elsie Milne and John Harper. Mrs Milne served as a Cherwell Councillor from 1998 – 2006. Mr Harper served as a Cherwell Councillor from 2000–2008 and as Chairman from 2006 –2007. Members of the Council joined the Chairman in remembering Mrs Milne and Mr Harper's service to the Council and the District by observing a one minute's silence.

Councillor John Wyse

The Chairman noted that Councillor Wyse was not at the meeting as he was undergoing medical treatment. Members joined the Chairman in wishing him well.

Resolved

- (1) That Councillor John Wyse be granted a six month attendance dispensation with effect from 28 July 2010.

Councillor Paul O'Sullivan

The Chairman reported that Councillor O'Sullivan had recently been involved in a car accident and was at home recovering. Members joined the Chairman in wishing him well.

Local Council Shadowing Programme

The Chairman presented certificates to Sarah Jordan and David Smith who had successfully completed the Local Councillor Shadowing Programme. The Chairman reported that Jessica Lake had also completed the Programme but was unable to attend the meeting due to a prior commitment. The Chairman also thanked Councillors Rose Stratford, Lawrie Stratford, Carol Steward, George Parish, Norman Bolster and Barry Wood who had taken part in the programme.

Chairman's Dinner

The Chairman thanked members for the support they had given at her recent dinner and reported that just over £3,000 had been raised in aid of her chosen charities.

Elections

The Chairman of the Council supported by many Members paid tribute to Councillors Eric Heath and Devena Rae who were standing down at the forthcoming election. Councillor Eric Heath and Councillor Nick Cotter, on behalf of Councillor Devena Rae, thanked members for their kind words.

The Chairman thanked Councillors Alyas Ahmed, Norman Bolster, Colin Clarke, Margaret Cullip, Tony Ilott, James Macnamara, Kieron Mallon, Paul O'Sullivan, George Parish, George Reynolds, Douglas Webb, Douglas Williamson, and Barry Wood for their service to the Council and wished them well in the forthcoming election.

Councillor Fred Blackwell

The Chairman supported by the Leader of the Council paid tribute to Councillor Blackwell who was celebrating his 40th year of local government service in 2010. The Leader noted that Councillor Blackwell was a former Council Chairman and had made many valuable contributions to the Council, especially as Chairman of the Planning Committee.

Section 151 Officer

At the Chairman's request, the Chief Executive reported that Cherwell District Council had finalised arrangements to share a Section 151 Officer with South Northamptonshire District Council. Martin Henry would be the Council's Chief Finance Officer and designated Section 151 Officer until 28 February 2011.

76 Petitions and Requests to Address the Meeting

There were no petitions or requests to address the meeting.

77 Urgent Business

There was no urgent business.

78 Thames Valley Police - Chief Constable Address

The Chairman welcomed Francis Habgood, the Deputy Chief Constable of Thames Valley Police, Cherwell Commander Superintendent Howard Stone and Inspectors Neville Clayton (North Cherwell) and Martin Percival (South Cherwell) to the meeting.

Deputy Chief Constable Francis Habgood addressed the meeting regarding the strategy for policing in Thames Valley 2010-2011. A number of Members asked questions and answers were duly provided.

The Chairman thanked Deputy Chief Constable Francis Habgood, Cherwell Commander Superintendent Howard Stone, Inspector Neville Clayton and Inspector Martin Percival.

79 **Minutes of Council**

The minutes of Council held on 23 February 2009 were agreed and signed by the Chairman.

80 **Minutes**

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

Resolved

That the minutes of the meeting 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, one Executive decision had been taken that was 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.

81 **Questions**

a) **Written Questions**

Four questions relating to the cost of the Standards Committee in 2008-9 and 2009-10, the possibility of surcharging Parish Councils and repetitive complaints had been submitted by Councillor Reynolds and were tabled together with the reply from the Leader of the Council.

The Leader answered a supplementary question put by Councillor Reynolds.

b) **Questions to the Leader of the Council**

Questions were asked and answers received on the following issues:

Bicester Community Hospital project: Councillor Sibley
North West Bicester Eco-town project: Councillor Cotter

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

There were no questions to Committee Chairmen on the minutes.

82 **Motions**

There were no motions.

83

Constitution Update

The Head of Legal and Democratic Services submitted a report to Council which sought approval of amendments and updates to the Council's constitution.

Resolved

- (1) That the changes to the scheme of delegation detailed in the report be approved and to delegate to the Head of Legal and Democratic Services the detailed reallocation of powers reflecting the recent review of the Extended Management Team and the retirement of the Head of Safer Communities and Community Development.
- (2) That the revised Proper Officer provisions be approved.
- (3) That the changes to the Contract Procedure Rules be approved.
- (4) That the revised and updated Finance Procedure Rules be approved.

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Standards Committee - Appointment of Parish Representative

The Head of Legal and Democratic Services submitted a report to appoint a parish representative to the Standards Committee to fill a vacancy.

Resolved

- (5) That David Carr be appointed to serve on the Standards Committee as Parish Representative to take effect following the parish elections 2010.

The Chairman thanked Mr Frewer and Mr Lane who had both resigned from the Standards Committee for all their hard work.

The meeting ended at 8.50 pm

Chairman:

Date:

Council

Annual Council Business Report

19 May 2010

Report of Chief Executive

PURPOSE OF REPORT

To note the results of the 6 May 2010 district election, the constitution of Political Groups and the Leader of the Council and Executive for the Municipal Year 2010/11. To gain agreement to the suggested constitution of Committees for the Municipal year 2010/2011 and to advise Council of member attendances for the Municipal Year 2009/10

This report is public

Recommendations

There are 8 recommendations, which are included in the relevant section of the report:

a) District Election Results

The following were elected for the Wards shown at the district elections held on 6 May 2010:

The Astons and Heyfords – Councillor James Macnamara
Banbury Calthorpe – Councillor Colin Clarke
Banbury Easington – Councillor Kieron Mallon
Banbury Grimsbury and Castle – Councillor Margaret Cullip
Banbury Hardwick – Councillor Tony Ilott
Banbury Neithrop – Councillor Alyas Ahmed
Banbury Ruscote – Councillor George Parish
Bicester West – Councillor Norman Bolster
Bloxham and Bodicote – Councillor Chris Heath
Deddington – Councillor Paul O’Sullivan
Fringford – Councillor Barry Wood
Kidlington North – Councillor Douglas Williamson
Kidlington South – Councillor Tim Emptage
Kirtlington – Councillor Simon Holland
Otmoor – Councillor Timothy Hallchurch
Sibford – Councillor George Reynolds
Wroxton – Councillor Douglas Webb

Recommendation

- (1) To note the results of the District Elections held on 6 May 2010.

b) Constitution of Political Groups

The Chief Executive will report on the notifications of the constitution of Political Groups received prior to the meeting and on the notifications from the Political Groups of the names of their Leaders for 2010/11.

Recommendation

- (2) That the constitution of Political Groups and notification of Group Leaders be noted.

c) Leader of the Council and Executive 2010/11

The Chief Executive will report on:

- Any change in the political control of the Council.
- Any change to the leadership of the controlling Political Group.

See Appendix 1 for the report of the Leader of the Council on Executive Portfolios for the Municipal Year 2010/11.

Recommendation

- (3) That the appointment of Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2010/11 be noted.

d) Committee Appointments 2010/11

Table 1: Allocation of Seats of Proportional Committees

The Leader of the Conservative Group has indicated to the Chief Executive that the seats to be nominated to the Labour Group are the same as 2009/10 ~ one each on the Overview and Scrutiny and Licensing Committees.

The figures below marked by an asterisk take account of this adjustment.

	TOTAL	CON	LAB	LD
Overview & Scrutiny Committee	12	10*	1*	1
Resources and Performance Board	12	11	0	1
Planning Committee	18	16	1	1
Personnel Committee	12	11	0	1
Licensing Committee	12	10*	1*	1
Appeals Panel	10	9	0	1
Accounts, Audit and Risk Committee	8	7	0	1
Proportional Total by Committee	84	76	1	7
Aggregate Entitlement	84	74	3	7
Adjustment Required		- 2	+ 2	0

Table 2: Allocation of Seats of Non-Proportional Committees

	TOTAL	CON	LAB	LD
Standards Committee	8	6	1	1
Council and Employee Joint Committee	12	11	0	1

Notes:

Overview and scrutiny Committee and Resources and Performance Scrutiny Board, must not include any members of the Executive.

Personnel Committee must include at least one member of the Executive and may not include members of the Appeals Panel

Appeals Panel members may not serve as members or substitute members of the Personnel Committee.

Standards Committee must not include more than one member of the Executive, and must not include the Leader of the Council.

Council Employee Joint Committee has a fixed membership, comprising the number indicated in the total column.

Recommendations

- (4) That the allocation of seats on committees that are subject to the political balance requirements be agreed as set out in Table 1.
- (5) That the allocation of seats on committees not subject to political balance requirements be agreed as set out in Table 2.
- (6) To appoint members (and where appropriate, substitute members) to serve on each of the committees and other bodies set out in Table 3 in accordance with the nominations to be made by political groups (to follow).

e) Appointment of Representative

Council is asked to appoint a representative to the County Council Health Overview and Scrutiny Committee.

The 2009/10 representative was Councillor Mrs Rose Stratford.

Recommendation

- (7) To appoint a representative to the County Council Health Overview and Scrutiny Committee.

f) Council Meeting Attendance Municipal Year 2009/10

The attendance of Councillors at committee meetings in the municipal year 2009/10 is set out at Appendix 2 to this report.

Recommendation

- (8) That the committee meeting attendance for 2009/10 as set out at Appendix 2 be noted.

Key Issues for Consideration/Reasons for Decision and Options

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One** To agree the recommendations
- Option Two** To amend and agree the recommendations

Consultations

- Political Groups** The responses of political groups will be tabled at the meeting.

Implications

- Financial:** There are no financial implications arising from the report.
Comments checked by Karen Curtin, Head of Finance
01295 221551
- Legal:** It is a legal requirement for Council to agree proportionality and appoint committees.
Comments checked by Liz Howlett, Head of Legal and Democratic Services 01295 221686
- Risk Management:** In ensuring the legal requirements are met risk to the authority is mitigated.
Comments checked by Rosemary Watts, Risk and Insurance Manager 01295 221566

Wards Affected

All

Document Information

Appendix No	Title
Appendix 1	Executive Portfolios 2010/11
Appendix 2	Committee Attendance 2009/10
Background Papers	
None	
Report Author	James Doble, Democratic, Scrutiny and Elections Manager
Contact Information	01295 221587 james.doble@Cherwell-dc.gov.uk

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Key: "~" - attendance not required (not Committee Member) S - present as substitute IA - in attendance of x" - total number of meetings attendance relates to if not full number for municipal year (i.e. not	COUNCIL	EXECUTIVE	ACCOUNTS, AUDIT & RISK COMMITTEE	PERSONNEL COMMITTEE	STANDARDS COMMITTEE	OVERVIEW AND SCRUTINY COMMITTEE	RESOURCES & PERFORMANCE SCRUTINY BOARD	LICENSING COMMITTEE	PLANNING COMMITTEE
Number of Meetings	6	14	8	7	6	9	8	4	16
Councillor									
Councillor Alyas Ahmed	6	~	~	~	~	~	6	~	~
Councillor Luke Annaly	5	~	~	~	~	~	~	~	1 (S)
Councillor Ken Attack	6	12	7	5	~	~	~	~	15
Councillor Rick Atkinson	4	~	~	5	~	~	~	~	~
Councillor Maurice Billington	5	~	~	~	~	~	4	~	2
Councillor Fred Blackwell	4	~	~	~	3	~	~	3	16
Councillor Norman Bolster	6	10	~	4	~	~	~	~	~
Councillor Ann Bonner	5	~	~	~	0	8	~	~	~
Councillor Colin Clarke	4	1 (IA)	~	~	~	4 (IA)	8	~	12
Councillor Nick Cotter	5	~	~	~	~	2	~	~	~
Councillor Margaret Cullip	4	~	~	~	~	~	6	3	~
Councillor John Donaldson	6	2 (IA)	7	~	~	6	~	~	~
Councillor Diana Edwards	6	~	~	~	~	~	~	2	~
Councillor Andrew Fulljames	4	1 (IA)	~	~	~	~	~	~	4 (S)
Councillor Mrs Catherine Fulljames	3	~	~	~	~	~	~	~	8
Councillor Michael Gibbard	6	12	~	1 (S)	~	3 (IA)	1 (IA)	3	12
Councillor Timothy Hallchurch MBE	4	~	~	~	5	~	~	~	3 (S)
Councillor Eric Heath	6	~	~	~	5	~	~	4	16
Councillor Simon Holland	3	~	2	~	~	2 (S)	~	~	~
Councillor David Hughes	5	~	~	~	~	~	~	1 (IA)	10
Councillor Russell Hurle	6	~	~	4	1 (S)	~	~	~	8 (S)
Councillor Tony Ilott	5	~	~	1 (S)	~	6	~	4	~
Councillor Victoria Irvine	4	~	~	7	~	2 (IA)	3	~	~
Councillor James Macnamara	5	12	~	~	5	~	2 (IA)	~	15
Councillor Kieron Mallon	6	8	~	~	~	~	~	~	~
Councillor Nicholas Mawer	6	1 (IA)	~	1 (S)	~	~	7	~	~
Councillor Alistair Milne Home	6	1 (IA)	~	1 (S)	~	7	~	1 (S)	15
Councillor Nigel Morris	5	11	~	~	~	3 (IA)	2 (IA)	~	~
Councillor P A O'Sullivan	5	~	~	~	~	8	~	4	2 (S)
Councillor George Parish	6	~	~	2 (IA)	3	~	~	2	~
Councillor Debbie Pickford	5	10	~	~	~	~	~	~	10
Councillor Neil Prestidge	6	~	~	~	~	1 (of 1)	~	~	~
Councillor Devena Rae	5	~	7	~	1 (IA)	6 (S)	8	~	~
Councillor G A Reynolds	5	11	~	4	~	~	~	2	14
Councillor Daniel Sames	6	~	~	~	~	9	~	~	~
Councillor Leslie F Sibley	4	2	~	~	~	5	~	~	7
Councillor Chris Smithson	4	~	~	6	~	7	~	~	13
Councillor Trevor Stevens	4	~	8	~	~	9	~	~	15
Councillor Carol Steward	6	~	~	~	~	1 (IA)	5	~	~
Councillor Keith Strangwood	4	~	~	~	~	~	5	~	~
Councillor Lawrie Stratford	5	3 (IA)	6	4	2 (S)	6	3 (S)	1 (S)	8
Councillor Mrs Rose Stratford	6	~	6	4	3	3 (S)	1 (IA)	4	11
Councillor Lynda Thirzie Smart	6	~	~	4	~	5	~	~	~
Councillor Patricia Thompson	6	~	~	~	~	~	7	~	~
Councillor Nicholas Turner	5	11	~	~	~	2 (IA)	~	~	3 (S)
Councillor Douglas Webb	5	~	~	~	~	~	7	4	~
Councillor Martin Weir	6	~	~	~	~	~	6	~	~
Councillor Douglas Williamson	4	~	~	3	2	~	~	~	~
Councillor Barry Wood	5	12	6	6	~	1 (IA)	1 (IA)	~	11 (S)
Councillor John Wyse	4	~	~	~	~	~	~	2	11

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Council

Appointment of New Independent Member to the Standards Committee

19th May 2010

Report of Head of Legal and Democratic Services

PURPOSE OF REPORT

To confirm the appointment of Derek Bacon as the new Independent Member of the Standards Committee and to confirm the remaining terms of the other three Independent members.

This report is public

Recommendations

The meeting is recommended:

- (1) To approve the appointment of Derek Bacon as an Independent Member of the Standards Committee for an initial two year term
- (2) To approve the continued appointment of Dr Sadie Reynolds for a further two years at the end of which Dr Reynolds will no longer be able to serve having completed eight years
- (3) To approve the continued appointment of Mr James McBeth for a further four years
- (4) To confirm the initial two year appointment of Mr Ken Hawtin will end at the end of the 2010/2011 municipal year

Executive Summary

Introduction

- 1.1 Independent members are important in providing a clear signal to the public that the Standards Committee acts fairly and impartially. Legislation requires that at least 25% of the Standards Committee should be made up of Independent members. There is no upper limit to the number you may have.
- 1.2 The Standards Committee reported to Council on 19th April that Mr Frewer

had resigned, because of moving house, and that a recruitment process was taking place to appoint a new Independent member.

- 1.3 The recruitment process was successful and a number of good potential candidates have been interviewed.
- 1.4 Standards for England recommendation is for an initial four year term for Independent members so they have long enough to gain an understanding of the authority and utilise the training received. The maximum term recommended is a further four years making a total of eight years. Cherwell have generally appointed for an initial term of two years, then appointed, if both parties are happy, to a four year term then confirmed a further two year period in which plans can be made for a replacement.

Proposals

- 1.5 To appoint Mr Derek Bacon as the new Independent member for an initial two year term.
- 1.6 To confirm Mr Ken Hawtin's appointment in January 2009 for an initial two year term which will expire at the end of 2010/2011
- 1.7 To confirm that Mr James McBeth, originally appointed in April 2008, is appointed to serve a further four year term. Mr McBeth is currently Vice Chairman of the Standards Committee and now has considerable experience of Assessment subcommittees.
- 1.8 To confirm that Dr Sadie Reynolds, originally appointed in 2004, continues for a further two years. Dr Reynolds is currently Chairman of the Standards Committee

Conclusion

- 1.9 It is necessary for the number of Independent members to be at least 25% of the total membership of the committee. It is important that Independent members have long enough in their position to be able to make a full contribution but not so long that they could be perceived as losing their independence. The proposals outlined clarify the length of term for each of the current Independent members and ensures differing end dates in line with Standards for England guidance so that all the experience is not lost simultaneously.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The Standards Committee must have 25% Independent members and currently does not.
- 3.2 A number of good potential candidates have come forward so we now have a few possible interested candidates for positions in the future.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

Option One	Accept the recommendations as drafted
Option Two	Amend the recommendations
Option Three	Reject the recommendations

Implications

Financial:	The costs for the four Independent members are contained within the budget. Comments checked by Denise Westlake, Service Accountant, 01295 221982
Legal:	It is a legal requirement that the Standards Committee has a minimum 25% Independent members Comments checked by Liz Howlett, Head of Legal and Democratic Services 01295 221686
Risk Management:	There are no risk implications to this report Comments checked by Rosemary Watts, Risk Management and Insurance Officer 01295 221566

Wards Affected

All

Document Information

Appendix No	Title
Background Papers	
Local Standards Framework Guide for authorities	
Report Author	Liz Howlett, Head of Legal and Democratic Services
Contact Information	01295 221686 liz.howlett@Cherwell-dc.gov.uk

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Committee: First Meetings of Committees

Date: Wednesday 19 May 2010

Time: 6.30pm or on the rising of Council, whichever is later

Venue: Bodicote House, Bodicote, Banbury OX15 4AA

Distribution: All Councillors

AGENDA

Meetings of various Committees will be held immediately on the rising of the Council Meeting, in order to elect their Chairman and Vice-Chairman for 2010/11, and to conduct any other business as may be specified.

Members are asked to remain in their places at the conclusion of the Council Meeting and to stand for the period during which Committees of which they are a member are called into session.

The Chairman of the Council will preside over the election of the Chairman of each Committee who, once appointed, will preside over the election of the Vice-Chairman. In each case, the names of Members moved and seconded will be put to the vote, unless only one name is submitted, in which case that Member will be declared appointed unopposed.

1. Overview and Scrutiny Committee

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

2. Resources and Performance Scrutiny Board

- a) The Chairman of the Council will call for nominations for the office of Chairman.

- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

3. Planning Committee

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

4. Licensing Committee

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

5. Personnel Committee

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

6. Accounts, Audit and Risk Committee

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

7. Appeals Panel

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in Part 5 Section A of the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

Personal Interest: Members must declare the interest but may stay in the room, debate and vote on the issue.

Prejudicial Interest: Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Queries Regarding this Agenda

Please contact James Doble, Legal and Democratic Services, james.doble@cherwell-dc.gov.uk, 01295 221587

Mary Harpley
Chief Executive

Published on 11 May 2010

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