

Annual Meeting of Council

Wednesday 18 May 2011

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Wednesday 18 May 2011 at 6.30 pm, and you are hereby summoned to attend.



Ian Davies
Interim Chief Executive

Tuesday 10 May 2011

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 - 10)

To confirm as a correct record the Minutes of Council held on 21 February 2011.

4 **Election of Chairman**

Council is requested to elect a Chairman for the municipal year 2011/12.

5 Election of Vice-Chairman

Council is requested to elect a Vice-Chairman for the municipal year 2011/12.

6 Communications

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

Council Business Reports

7 Annual Business (Pages 11 - 18)

Report of Interim Chief Executive

Summary

To note the results of the 5 May 2011 district election, the constitution of Political Groups and the Leader of the Council and Executive for the Municipal Year 2011/12. To gain agreement to the suggested constitution of Committees for the Municipal year 2011/2012 and to advise Council of member attendances for the Municipal Year 2010/11.

Recommendations

- (1) To note the results of the District Elections held on 5 May 2011.
- (2) That the constitution of Political Groups and notification of Group Leaders be noted.
- (3) That the appointment of Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2011/12 (to follow) be noted.
- (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 Tables 1 and 2 in accordance with the nominations to be made by political groups (to follow).
- (7) To appoint a representative to the County Council Health Overview and Scrutiny Committee.
- (8) That the committee meeting attendance for 2010/11 as set out at Appendix 2 be noted.

8 Joint Shared Chief Executive Delegated Powers (Pages 19 - 24)

Report of Interim Head of Legal and Democratic Services

Summary

To consider the draft joint shared Chief Executive delegated powers and the separate Returning Officer powers and agree these should be adopted as part of the constitution. To agree delegated powers to the Monitoring Officer to make any consequential minor changes to the existing Scheme of Delegation following this change pending a complete review of the Schemes of Delegation of Cherwell and South Northamptonshire once the new joint shared senior management structure is agreed.

Recommendations

Council is recommended to:

- (1) Approve the joint shared Chief Executive delegated powers and the separate Returning Officer powers as attached at appendix one, and to confirm specifically that the Returning Officer powers should be set out in a separate table unattached to any specific position within either organisation
- (2) Adopt these powers with immediate effect and delegate to the Monitoring Officer any interim amendments needed to the existing Scheme of Delegation pending a full review of the two schemes following the appointment of the shared senior management team between South Northamptonshire Council and Cherwell District Council.

9 Protocol for Dealing With Conflicts of Interest (Pages 25 - 32)

Report of Interim Head of Legal and Democratic Services

Summary

To consider, amend as necessary, and adopt a protocol which sets out the roles of officers and members and procedures for dealing with conflicts of interest arising out of the appointment of shared senior management posts serving both authorities

Recommendations

The Joint Arrangements Steering Group has considered and recommends that Council:

- (1) Consider the attached protocol for dealing with the role of officers and members, and the proposed routes for dealing with possible conflicts of interest
- (2) Agree that the protocol be adopted as part of the constitution of Cherwell District Council with immediate effect

10 Appointment of Returning Officer and Electoral Registration Officer (Pages 33 - 36)

Report of Interim Head of Legal and Democratic Services

Summary

To appoint an Electoral Registration Officer and Returning Officer

Recommendations

Council is recommended:

- (1) That, in terms of the Representation of the People Act 1983 and all related legislation, and with effect from 1 June 2011, Sue Smith be appointed as Electoral Registration Officer for Cherwell District and South Northamptonshire Councils;
- (2) That, in terms of section 41 of the Local Government Act 1972 and all related legislation, and with effect from 1 June 2011, Sue Smith be appointed as Returning Officer for Cherwell District and South Northamptonshire Councils with authority to act in that capacity for elections to the Council and all parish and town councils within the area of both councils;
- (3) That the Electoral Registration Officer 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 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;
- (5) 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;
- (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 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 accidental contravention of the Representation of the People Acts or other legislation governing the electoral process, (provided that, in the case of the Officer such proceedings or invalidation arise from an act or omission which the Electoral Registration Officer or Returning Officer reasonably believes is within the Officer's powers); and

- (7) 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.
- (8) That the Councils note their duty to provide support to the Electoral Registration Officer and Returning Officer.

11 Treasury Management Strategy (Pages 37 - 112)

Report of Head of Finance

Summary

This report sets out the strategy and policy framework for treasury operations for 2011/12 and outlines the Treasury Management Practices for 2011/12.

It fulfils two key requirements of the Local Government Act 2003:-

- approval of the Treasury Management Policy in accordance with the CIPFA Code of Practice on Treasury Management, and
- approval of the Investment Strategy in accordance with the CLG investment guidance.

Recommendations

Council is recommended:

- (1) To approve the Treasury Management Policy and Investment Strategy 2011/12 as recommended by Executive on 7th March 2011.

12 Corporate Debt Recovery Policy 2011/12 (Pages 113 - 132)

Report of Head of Finance

Summary

The purpose of this paper is to present for approval to full Council, the Corporate Debt Recovery Policy. The policy (Appendix 1) sets out the council's framework for providing a consistent 'fair but firm' approach to collecting debt ensuring that the council continues to maximise collection performance. The council at present has a record of collecting 99% of all Sundry Debt Income and 98%+ on collection fund debt.

Recommendations

Council is recommended to:

- (1) Approve the content and format of the Corporate Debt Policy (Appendix 1) as recommended by Executive on 4th April 2011.

13 Appointment of New Parish Representative to the Standards Committee
(Pages 133 - 136)

Report of Interim Monitoring Officer

Summary

To confirm the appointment of Councillor John Coley as the new Parish Representative of the Standards Committee and to confirm that no substitute Parish Representatives be recruited at this time.

Recommendations

Council is recommended:

- (1) To approve the appointment of Councillor John Coley as Parish Representative of the Standards Committee for an initial two year term.
- (2) To approve the recommendation of the Standards Committee that in light of the proposals in the Localism Bill to abolish the standards regime, no deputy Parish Representatives be recruited at this stage.

14 Standards Committee Annual Report 2010/11 and the Future of the Standards Regime (Pages 137 - 150)

Report of Interim Monitoring Officer

Summary

The report presents the Standards Committee Annual Report 2010/11, which was approved by the Standards Committee on 21 March 2011. The report also advises Council of the recommendations agreed by the Standards Committee on the approach Cherwell District Council should take in the light of the proposals in the Localism Bill relating to the Standards Board regime.

Recommendations

Council is recommended:

- (1) To note the contents of the Standards Committee Annual Report 2010/11.
- (2) To delegate to the Team Leader – Planning and Litigation / Interim Monitoring Officer authority to update the Standards Committee Annual Report 2010/11 in light of any further announcements about the Standards Board regime by the Government prior to the publication of the Annual Report.
- (3) To note the recommendations agreed by the Standards Committee on the approach Cherwell District Council should take in light of the proposals in the Localism Bill relating to the Standards Board regime, namely that the Standards Committee be abolished and responsibilities transferred to the Accounts Audit and Risk Committee, that a voluntary code of conduct be adopted and limited support continue to be given to the parish councils.

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.

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

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