

Meeting of Council

Wednesday 8 December 2010

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Wednesday 8 December 2010 at 6.30 pm, and you are hereby summoned to attend.



Mary Harpley
Chief Executive

Tuesday 30 November 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 **Communications**

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

4 Petitions and Requests to Address the Meeting

The Chairman to report on any requests to submit petitions or to address the meeting.

5 Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

6 Minutes of Council (Pages 1 - 8)

To confirm as a correct record the Minutes of Council held on 18 October 2010.

7 Minutes

- a) Minutes of Executive, Portfolio Holder Decisions and Executive Decisions not included in the Forward Plan

The Leader of the Council to formally propose that the minutes of the meetings of the Executive and Portfolio Holder Decisions as set out in the Minute Book (circulated separately) be received and to report that since the last meeting no decisions have been taken by the Executive which were not included in the Forward Plan.

- b) Minutes of Committees

The Leader of the Council to formally propose that the minutes of committees as set out in the Minute Book (circulated separately) be received.

8 Questions

- a) Written Questions

To receive any written questions and answers which have been submitted with advance notice in accordance with the constitution. A written response to the question will be circulated at the meeting.

- b) Questions to the Leader of the Council

The Chairman to invite questions to the Leader of the Council (including any matters arising from the minutes).

Following a response to their question being provided members will be entitled to a follow up or supplementary question.

- c) Questions to Committee Chairmen on the minutes

The Chairman to invite questions to Chairmen of Committees on any matter arising from the minutes of their committee (if any).

9 Motions

To debate any motions which have been submitted with advance notice, in accordance with the constitution.

Council Business Reports

10 Business Case for shared management team with South Northamptonshire Council (Pages 9 - 18)

Report of Portfolio Holder for Resources and Communications, Leader and Chief Executive

Summary

To seek Council's approval to accept the recommendation of the Cherwell District Council and South Northamptonshire Council Joint Working Group to put in place a shared senior management team.

**** Please note Appendix 1, the Business Case has been distributed to all members under separate cover, please bring this with you to the meeting****

Recommendations

Council is recommended to:

- (1) Agree the overarching recommendation of the Cherwell District Council and South Northamptonshire Council Joint Working Group, endorsed by the Executive, to put in place a shared management team by the end of September 2011.
- (2) Agree the further eighteen recommendations made by the Joint Working Group, and endorsed by the Executive, as follows:

Sovereignty

- 2.1 Both SNC and CDC will remain separate councils and will retain their sovereignty. Elected members of both councils will remain in charge of decision-making in line with their visions, strategic aims, objectives and priorities.

Shared management team

- 2.2 CDC and SNC share a senior management team comprising twelve posts: a Chief Executive, three Directors and eight Heads of Service and that the final structure and responsibilities of the senior management team be agreed between the shared Chief Executive, once appointed, and members of both councils before further appointments are made.
- 2.3 Recruitment to the shared Chief Executive commences immediately, using the Job Description and Person Specification attached in Appendix 8 of the business case, via an open recruitment process which will be supported by recruitment consultants appointed by both councils.
- 2.4 The shared Chief Executive is appointed in February 2011 and shared Directors and Heads of Service are appointed by July/August and by September respectively, subject to the final structure being approved first by both full councils.

- 2.5 Officers appointed as the shared Chief Executive, Directors and Heads of Service be appointed on new terms and conditions to be agreed by the Joint Personnel Committee.
- 2.6 SNC and CDC share three further posts – covering the functions of communications, corporate performance and programme management – and that these posts be appointed to as soon as possible after end September 2011.
- 2.7 Officers appointed to the three other shared posts retain their current terms and conditions, with further consideration given to the remuneration levels for those roles in recognition of the new requirement to work across both councils.
- 2.8 All successful internal candidates remain employed by their original employer, though in exceptional cases they may be employed by the other authority; successful external candidates to be employed by one or other employer on a case-by-case basis.
- 2.9 Both councils apply at the appropriate time to the Department of Communities and Local Government for approval to capitalise the costs of creating a shared management team in order to protect revenue resources as far as possible.

Formal and informal structures for joint working

- 2.10 A Joint Personnel Committee be set up and works to the terms of reference in Appendix 4 of the business case; that this Committee, supported by recruitment consultants, recommends the appointment of the shared Chief Executive to both full councils and appoints to the Directors and Heads of Service.
- 2.11 A Joint Appeals Committee be set up to hear any appeals related to the shared posts and works to the terms of reference in Appendix 5 of the business case.
- 2.12 The Joint Working Group is disbanded and a new Joint Arrangements Steering Group is now set up and works to the Terms of Reference in Appendix 7 of the business case to oversee the implementation of the above recommendations.
- 2.13 CDC and SNC both sign on 9th December the Section 113 agreement in Appendix 3 of the business case to allow them to share a senior management team (including all statutory officers) and three other posts in the way proposed.

Current and future partnership working

- 2.14 SNC and CDC continue with their existing shared arrangements for service delivery with other local authorities, and these are reviewed either as they come up for renewal or as appropriate.
- 2.15 Both councils look to build directly on the creation of a shared management team by extending partnership working, creating a confederation of local authorities and other public sector organisations (including health and police) which could collaborate in a model resembling a gateway contract or framework agreement for mutual benefit.

Future development of joint working

- 2.16 CDC and SNC agree to consider in due course individual business cases for integrating posts at the tier below Service Heads, and teams below that.
- 2.17 Once SNC and CDC decide to consider service level business cases, they work towards a common set of terms and conditions for all staff below Service Heads so that these can be put in place early on.

Project review

- 2.18 Both councils receive an interim update in September/October 2011 and a post project report in September 2012, reviewing the implementation of these recommendations.
- (3) Appoint Cllrs Atack, Cotter, Irvine, Reynolds and Wood as the five Cherwell District Council members on the **Joint Personnel Committee** and Cllrs Atkinson, Bolster and Williamson as the named substitutes and delegate authority to the Head of Legal and Democratic Services to amend the Constitution to take account of this new Joint Committee.
 - (4) Appoint Cllrs Blackwell, Macnamara and Rose as the three Cherwell District Council members on the **Joint Appeals Committee** and Cllrs Clarke and Emptage as the named substitutes and delegate authority to the Head of Legal and Democratic Services to amend the Constitution to take account of this new Joint Committee.
 - (5) Appoint Cllrs Atack, Cotter, Macnamara, Reynolds and Wood as the five Cherwell District Council members on the Joint Arrangements Steering Group and Cllrs Turner and Williamson as the named substitutes.
 - (6) Appoint Veredus as the recruitment consultants to provide support to the Joint Personnel Committee in arriving at a recommendation for the appointment of the shared Chief Executive.
 - (7) Address recommendation 2.5 above by resolving that the terms of reference of the Joint Personnel Committee also include the determination of the terms and conditions of employment of the shared Chief Executive, Director and Head of Service posts subject to any salary levels being within the parameters set by the business case.
 - (8) Endorse Executive's recommendation that, once a shared senior management team is in place, the Council can aspire to achieve continued excellent performance.

11 Appointment of Interim Head of Paid Service and Chief Executive (Pages 19 - 22)

Report of Leader of the Council

Summary

To seek Council's approval to the appointment of the interim Chief Executive.

Recommendations

Council is recommended:

- (1) To accept the recommendation of the Personnel Committee and appoint Ian Davies as interim Chief Executive and Head of Paid Service from 1 January 2011 for between two and six months.

12 **Appointment of Electoral Registration Officer and Returning Officer** (Pages 23 - 26)

Report of Chief Executive and 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 January 2011, Karen Curtin be appointed as Electoral Registration Officer for the Council until 30 June 2011;
- (2) That, in terms of section 41 of the Local Government Act 1972 and all related legislation, and with effect from 1 January 2011, Karen Curtin 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 until 30 June 2011;
- (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 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 Council is entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Council, the Electoral Registration Officer and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council, 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, 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 Electoral Registration Officer and Returning Officer up to the value of such excess.
- (8) That Council notes its duties to provide support to the Electoral Registration Officer and Returning Officer

13 Election Fees Schedule 2011/12 (Pages 27 - 40)

Report of Chief Executive

Summary

To agree the election fees for 2011/12

Recommendations

Council is recommended:

- (1) To agree the election fees policy and election fees schedule for 2011/12 as set out at appendix 1 and 2 to the attached report.

14 Appointment of Section 151 Officer (Pages 41 - 44)

Report of Chief Executive

Summary

The purpose of this report is to recommend changes from 1 March 2011 to the Council's current arrangements for a Section 151 Officer and Chief Finance Officer.

Recommendations

Council is recommended:

- (1) That Karen Curtin be appointed as the Council's Section 151 and Chief Finance Officer with effect from 1st March 2011 or the day after the meeting of full Council at which the 2011/12 budget is agreed if this is later than 1st March.
- (2) That it be noted that Karen Curtin intends to nominate the Corporate System Accountant, Karen Muir, as Deputy Section 151 and Deputy Chief Finance Officer authorised to act in her absence from 1st March 2011.
- (3) That the Head of Legal and Democratic Services be delegated to make any necessary changes to the constitution to reflect this.
- (4) That the members of South Northamptonshire Council be thanked for releasing Martin Henry to support this Council and that Martin Henry be thanked for the very good service he has provided to the Council as Section 151 Officer during his secondment so far.

15 Mary Harpley, Farewell to Chief Executive

16 Exclusion of the Press and Public

The Chairman, will if necessary, move the exclusion of the press and public if members have indicated (under the relevant agenda item) they wish to ask a question on any matter arising from an exempt minute.

In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their decision members should also be mindful of the advice of Council Officers.

Should members decide not to discuss the issue in public, they are recommended to pass the following recommendation:

“That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the likely disclosure of exempt information as defined in paragraphs of Schedule 12A of that Act, as set out in the Minute Book.”

17 Questions on Exempt Minutes

Members of Council will ask questions on exempt minutes, if any.

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