

Meeting of Council

Monday 15 October 2012

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Monday 15 October 2012 at 6.30 pm, and you are hereby summoned to attend.



Sue Smith
Chief Executive

Friday 5 October 2012

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** (Pages 1 - 4)

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 5 - 10)

To confirm as a correct record the Minutes of Council held on 16 July 2012.

7 Presentation by Oxford University Hospitals NHS Trust – Foundation Trust Consultation

To receive a presentation from the Oxford University Hospitals NHS Trust about its proposal for becoming a Foundation Trust, the benefits this will bring and what it will mean for its governance.

Presentation by Dame Fiona Caldicott, Chairman of the Trust and Andrew Stevens Director of Planning and Information.

8 Minutes

- a) Minutes of Executive, Lead Member Decisions and Executive Decisions not included in the Executive work Programme.

The Leader of the Council to formally propose that the minutes of the meetings of the Executive and Lead Member 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.

9 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).

10 Motions

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

Council Business Reports

11 Recommendations from Standards Committee

** Please note this report will follow as the meeting of the Standards Committee is on 10 October 2012 **

12 Overview and Scrutiny Annual Report 2011/12 (Pages 11 - 30)

Report of Head of Law and Governance

Summary

This report presents the Overview and Scrutiny Annual Report for 2011/12.

Recommendations

Council is recommended to:

- (1) Note the contents of the Overview and Scrutiny Annual Report 2011/12.

13 Joint Officer Scheme of Delegation (Pages 31 - 88)

Report of Head of Law and Governance

Summary

To enable Council to consider and adopt a joint scheme of officer delegation with South Northamptonshire Council. This is subject to South Northamptonshire Council resolving in similar terms at its forthcoming meeting on 17 October 2012.

Recommendations

Council is recommended

- (1) Subject to South Northamptonshire Council resolving in similar terms on 17 October 2012, and with effect from the date and time thereof, to adopt the joint officer scheme of delegation at Appendix 1 to this report.

14 Treasury Management Annual Report 2012/13 (Pages 89 - 106)

Report of Head of Finance and Procurement

Summary

This report presents information on treasury management performance and compliance with treasury management policy during 2011/12 as required by the Treasury Management Code of Practice.

Recommendations

Council is recommended:

- (1) To note the contents of this report in line with the Treasury Management Strategy.

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@cherwellandsouthnorthants.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.

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.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact James Doble, Democratic and Elections
james.doble@cherwellandsouthnorthants.gov.uk, 01295 221587

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CHAIRMAN'S ENGAGEMENTS

17 July 2012 – 14 October 2012

- 17 July The Chairman attended the official re-opening of the Age UK Shop in Banbury
- 23 July The Chairman attended the funeral service for ex Councillor David Turner at Drayton Parish Church
- 25 July The Chairman opened the Play Day Event in People's Park, Banbury
- August No Events
- 6 September The Chairman judged the cake competition at Bodicote House as part of the Cherwell Community Games Day and then attended the barbeque took part in some of the games later in the day.
- 11 September The Chairman attended the official opening of the new Stewart Factory in Banbury
- 13 September The Chairman attended an event called 'What's Next in Supporting BME Communities?' hosted by the Sunrise Multicultural Project at Banbury Town Hall
- 14 September The Chairman attended and opened the Voluntary Organisations Forum held at Bodicote House
- 16 September The Chairman and his wife attended the Battle of Britain Parade and Service hosted by Banbury Town Mayor.
- 18 September The Chairman attended the official opening of Langford View Care Centre and Centurion House Extra Care Housing Scheme in Bicester hosted by the Chairman and Trustee Directors of the Oxfordshire Care Partnership.
- 19 September The Chairman attended the opening of Norbar Tools new premises in Banbury
- 20 September As part of his 'raising awareness of the Council' initiative, the Chairman visited North Kidlington Primary School
- 20 September The Chairman and his wife attended the Institution by the Rt. Rev Colin Fletcher OBE, Bishop of Dorchester and the Induction and Installation by the Reverend Canon Judy French, Assistant Archdeacon of Oxford, of the Reverend Ronald

- Hawkes as Rector of the Wykeham Benefice which was held in Broughton Church and afterwards at Broughton Castle
- 22 September The Chairman attended a Charity Rugby Match organised by Bicester Town Mayor at Bicester Rugby Club where Bicester RUFC played a team from 23 Pioneer Regiment.
- 22 September The Chairman and his wife attended Rosemary Higham's 70th Birthday 'Singing for Heroes' Concert at St Mary's Church Banbury which raised money for Help for Heroes
- 26 September The Chairman attended Christopher Rawlins School in Adderbury for their Schools in Action event which was part of their 50th Anniversary celebrations.
- 28 September The Chairman attended Banbury Town Council's MacMillan Coffee Morning at Banbury Town Hall
- 29 September The Chairman and his wife attended the Blue Plaque unveiling for Ronnie Barker at the house where he was born in the Cowley Road, Oxford
- 29 September The Chairman and his wife attended the Cherwell Sports Awards held at Spiceball Leisure Centre where he presented the awards.
- 1 October The Chairman attended the WRVS Diamond Champions Celebration held at their headquarters in Banbury on Older People's Day and presented the awards.
- 4 October The Vice Chairman attended the Memorial Service for ex Councillor Dick Makepiece at St Mary's Church, Lower Heyford
- 7 October The Chairman attended Banbury Town Council's Canal Day and judged the colouring competition
- 8 October The Vice Chairman attended the South East Reserves Forces and Cadets' Association Awards Ceremony at Abingdon School hosted by HM Lord Lieutenant of Oxfordshire and the County Chairman, SE Reserve Forces.
- 9 October The Chairman attended the High Sheriff's Law Lecture and Court Sermon at Christ Church Cathedral, Oxford
- 12 October The Chairman attended an event to celebrate the completion of Dashwood Court (new affordable

homes for local people) in Banbury

- 12 October The Vice Chairman and his wife attended the Mayor of Witney's Charity Dinner in Witney
- 14 October The Chairman and his wife attended the South Northamptonshire Council Civic Service at St Lawrence's Church in Towcester which was hosted by The Chairman of SNC.

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Agenda Item 6

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 16 July 2012 at 6.30 pm

Present: Councillor Colin Clarke (Chairman)
Councillor Lawrie Stratford (Vice-Chairman)
(in the Chair for Minute 26)

Councillor Ken Atack
Councillor Alyas Ahmed
Councillor Andrew Beere
Councillor Maurice Billington
Councillor Fred Blackwell
Councillor Norman Bolster
Councillor Ann Bonner
Councillor Patrick Cartledge
Councillor Margaret Cullip
Councillor Surinder Dhesi
Councillor John Donaldson
Councillor Mrs Diana Edwards
Councillor Tim Emptage
Councillor Andrew Fulljames
Councillor Michael Gibbard
Councillor Simon Holland
Councillor Alastair Milne Home
Councillor David Hughes
Councillor Tony Ilott
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Melanie Magee
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Nigel Morris
Councillor Jon O'Neill
Councillor P A O'Sullivan
Councillor George Parish
Councillor D M Pickford
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Alaric Rose
Councillor Daniel Sames
Councillor Leslie F Sibley
Councillor Trevor Stevens
Councillor Rose Stratford
Councillor Lynda Thirzie Smart
Councillor Nicholas Turner
Councillor Douglas Webb
Councillor Douglas Williamson
Councillor Barry Wood
Councillor Sean Woodcock

Apologies for absence: Councillor Timothy Hallchurch MBE
Councillor Chris Heath
Councillor Russell Hurle
Councillor Victoria Irvine
Councillor Lynn Pratt
Councillor Neil Prestidge

Officers: Sue Smith, Chief Executive
Ian Davies, Director of Community and Environment
Martin Henry, Director of Resources / Section 151 Officer
Kevin Lane, Head of Law and Governance / Monitoring Officer
James Doble, Democratic and Elections Manager

18 **Declarations of Interest**

Members declared interests with regard to the following agenda items:

10. Chairman's Allowance.

Councillor Colin Clarke, Disclosable Pecuniary Interest, as Chairman of Council for the municipal year for 2012/13 and therefore a potential recipient of the Chairman's allowance should the payment of one be agreed.

Councillor Lawrie Stratford, Conflict, as Vice-Chairman of Council for 2012/13, which by convention becomes Chairman the following year. Whilst this did not provide a conflict currently, due to the potential conflict Councillor Stratford confirmed he would remain in the meeting but would abstain from voting.

19 **Communications**

The Chairman reported that it was his sad duty to advise Members that David Maxwell Turner former County and District Councillor and father of Councillor Nicholas Turner had passed away yesterday. Council observed a period of silence in memory of former Councillor David Turner.

Councillor Wood, Leader of Council and Councillor Cartledge, Leader of the Opposition both paid tribute to David Maxwell Turner.

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

There were no petitions or requests to address the meeting.

21 **Urgent Business**

There were no items of urgent business.

22 **Minutes of Council**

The minutes of the meeting held on 16 May 2012 were agreed as a correct record and signed by the Chairman.

23 **Minutes**

a) **Minutes of the Executive, Lead Member Decisions and Executive Decisions made under Special Urgency**

Resolved

That the minutes of the meeting of the Executive and Lead Member decisions as set out in the Minute Book be received and that it be noted that since the last meeting of Council, there had been no decisions 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.

24 **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:

Maternity facilities at the Horton Hospital: Councillor Cartledge
Flood Insurance and DEFRA: Councillor Cartledge
Olympic Torch Relay in the Cherwell District: Councillor Turner
Member Champions: Councillor Macnamara
Roll out of Brighter Futures across district: Councillor Macnamara
Council Tax Benefit Reforms: Councillor Beere
Council newspapers: Councillor Dhesi
Housing under occupation: Councillor Woodcock
Congratulating Sir Tony Baldry: Councillor Mallon
Bicester Town Centre Redevelopment: Councillor Hughes

RAF Bicester: Councillor Sames
Public amenity tip Bicester area: Councillor Sibley
Free School Upper Heyford: Councillor Sibley
Orchard Way Development: Councillor Cartledge
Free School Upper Heyford: Councillor Macnamara

c) Questions to Committee Chairmen on the minutes

There were no questions to Committee Chairman on the minutes of meetings.

25 **Motions**

There were no motions.

26 **Chairman's Allowance**

The Head of Law and Governance submitted a report which sought to consideration of the recommendations of the Resources and Performance Scrutiny Board in relation to the proposal to pay an allowance to the Chairman of Cherwell District Council.

It was agreed that standing orders be waived for the duration of this agenda item to allow the Head of Law and Governance to provide clarification on allowances and the validity of a proposed amendment.

In the course of debate views both for and against the proposal were expressed, however it was noted that the proposals had been given detailed consideration by the Resources and Performance Scrutiny Board and had cross party support.

Resolved

- (1) That an allowance of £2000 be paid to the Chairman of the Council with effect from the municipal year 2012/13.
- (2) That the Resources and Performance Scrutiny Board recommendations detailed below be agreed:
 - (1) That an allowance of £2000 be paid to the Chairman of Cherwell District Council for the municipal year 2012/13 with immediate effect
 - (2) That the scheme of reference for the Chairman's allowance (annex to the minutes, as set out in the minute book) be adopted.
 - (3) That officers be requested to review the Chairman's budget operating period so that it is aligned with the municipal year as opposed to the financial year.

Ratification of Standards Arrangements

The Head of Law and Governance submitted a report to enable Council to ensure compliance with the Localism Act 2011 by ratifying the code of conduct previously adopted at the May 2012 Council meeting. The report also sought confirmation of the arrangements for the handling of complaints alleging misconduct by District, Town and Parish Councillors that had been prepared by the Head of Law and Governance pursuant to delegated authority previously granted.

Resolved

- (1) That the arrangements for dealing with complaints of Councillor misconduct (annex to the minutes as set out in the minute book) be approved.
- (2) That the adoption of the code of conduct (annex to the minutes as set out in the minute book) previously resolved at the May 2012 Council meeting be approved.
- (3) That the intention of the Head of Law and Governance to bring a report to the October meeting of Council to seek approval to the appointment of two independent persons to the Standards Committee and possible revisions to the adopted code of conduct be noted.

The meeting ended at 7.50 pm

Chairman:

Date:

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Council

Overview and Scrutiny Annual Report 2011/12

15 October 2012

Report of Head of Law and Governance

PURPOSE OF REPORT

This report presents the Overview and Scrutiny Annual Report for 2011/12.

| |
|-----------------------|
| This report is public |
|-----------------------|

Recommendations

Council is recommended:

- (1) To note the contents of the Overview and Scrutiny Annual Report 2011/12.

Executive Summary

Introduction

- 1.1 The Overview and Scrutiny Annual Report 2011/12 is attached at Appendix 1.
- 1.2 The Annual Report contains information relating to the work of the Overview and Scrutiny Committee, the Resources and Performance Scrutiny Board and various other scrutiny activities during 2011/12.

Proposals

- 1.3 The Overview and Scrutiny Committee has a constitutional obligation “to produce a unified annual report for the whole scrutiny process” and present it to Council.
- 1.4 The Annual Report 2011/12 was approved by the Resources and Performance Scrutiny Board on 17 July 2012 and the Overview and Scrutiny Committee on 24 July 2012.

Conclusion

- 1.5 Council is invited to note the content of the Overview and Scrutiny Annual Report 2011/12.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The Overview and Scrutiny Committee has a constitutional obligation “to produce a unified annual report for the whole scrutiny process” and present it to Council.

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 as set out in the report.

Option Two Not to agree the recommendations.

Consultations

Overview and Scrutiny Committee No comments

Resources and Performance Scrutiny Board No comments

Implications

Financial: There are no financial implications arising from this report.
Comments checked by Sarah Best, Service Accountant 01295 221736

Legal: There are no legal implications arising from this report.
Comments checked by James Doble, Democratic, and Elections Manager 01295 221587

Risk Management: Failure by Council to consider an annual report from the Overview and Scrutiny Committee would be a breach of the Constitution.
Comments checked by James Doble, Democratic, and Elections Manager 01295 221587

Wards Affected

All

Document Information

| Appendix No | Title |
|----------------------------|--|
| Appendix 1 | Overview and Scrutiny Annual Report 2011/12 |
| Background Papers | |
| None | |
| Report Author | Natasha Clark, Team Leader - Democratic and Elections |
| Contact Information | 01295 221589 natasha.clark@cherwellandsouthnorthants.gov.uk |



DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Overview and Scrutiny
Annual Report
2011/12**

June 2012

Foreword

This annual report for overview and scrutiny at Cherwell District Council outlines the work of the Overview and Scrutiny Committee, the Resources and Performance Board and individual Task & Finish Groups over the last year.

We have continued to build on the work that has been done over the last few years and we have sought to minimise the turnover of committee membership establish in order to develop an experienced group of councillors who are building up a strong skill base and understanding of the principles of good scrutiny and at the same time a knowledge of scrutiny case history.

This year, overview and scrutiny work has attempted to be as much about policy development as it has been about reviewing what has already taken place. In the main this has been successful with many recommendations being made to the Executive that have subsequently been acted upon.

Over the coming year both the Overview and Scrutiny Committee and the Resources and Performance Scrutiny Board will continue their work to ensure that relevant topics will be reviewed and challenged thus providing checks and balances as well as helping the Executive to make decisions.

We firmly believe that overview and scrutiny continues to make a valuable contribution to make to the continuing success of this Council.

Councillor Kieron Mallon
Chairman,
Overview and Scrutiny Committee
2011/12

Councillor Nick Mawer
Chairman,
Resources and Performance Scrutiny Board
2011/12

Overview & Scrutiny Committee

Membership

| | |
|-------------------------------|--------------------------------|
| Councillor Kieron Mallon (Ch) | Councillor Lynn Pratt (V Ch) |
| Councillor Ann Bonner | Councillor Tim Emptage |
| Councillor Chris Heath | Councillor Alastair Milne Home |
| Councillor Neil Prestidge | Councillor Daniel Sames |
| Councillor Les Sibley | Councillor Trevor Stevens |
| Councillor Lawrie Stratford | Councillor Rose Stratford |

Private Sector Housing Strategy

In July 2011 the Committee discussed the progress made by the Council against the targets set by the Private Sector Housing Strategy 2010 -14. The Committee focused on four main areas: the inspection programme for licensed Houses in Multiple Occupation (HMOs); the different enforcement powers at the Council's disposal and their relative cost and success rates; the reduction in the number of private sector landlords following changes to the national benefits system; and the increase in the number of complaints which was believed to be a reflection of the financial and social pressures caused by the current economic climate as there were no other underlying themes or trends in the type of complaint. The Committee noted that the Housing Services team were actively pursuing options for dealing with non-compliance and to improve the level of enforcement as part of the Private Sector Housing Development Project.

Empty Homes Policy

The Committee considered this topic as part of their policy development remit to learn more about the steps being taken by the Council to bring empty homes into use and to consider proposals for the strategic approach to empty homes; and in particular to provide guidance on how far the Council might go in adopting the more stringent enforcement powers available to tackle empty properties and homelessness. The Committee noted the significant success of the Housing Services staff in reducing the levels of homelessness and improving housing standards in the district over the last few years was at risk of being eroded due to a recent increase in the numbers on the homeless register and that a further rise was anticipated in 2012-13 as the government's changes to the benefit system took effect.

The Committee endorsed the following four principles, which it was proposed, would underpin the Council's approach to empty homes in the future:

1. The Council wants empty homes to be used.
2. The Council will encourage and facilitate their re-use (e.g. by providing advice, grants and loans).
3. The Council will take action to resolve specific issues caused by empty homes (where powers permit).
4. The Council will take action to secure re-use of empty homes where a business case exists.

The Committee confirmed their support for these four principles as an excellent, pragmatic and low risk approach to tackling one of the housing issues in the district. They agreed that it was important to prioritise the cases and use the measures to address properties which had been empty for some time or which posed other economic and social issues and were identified as suitable to address a particular housing need. In addition the Committee recommended that the Council should seek to complement its work on tackling homelessness and empty properties by pressing for stronger powers to ensure the faster delivery of new homes by developers. Finally the Committee urged the Lead Member and officers to ensure that the work was publicised to residents.

Equality Framework for Local Government 'Achieving' Self Assessment

In the autumn of 2011 the Committee reviewed the Council's work on equalities in the context of the Self Assessment and the evolution of the Council's approach from an original focus on legal compliance and "box-ticking" to the current ethos of ensuring that business processes, performance management and service delivery were appropriate for the needs of all residents and flexible in response to people's requirements. The Committee noted that equalities work is embedded in teams across the Council supported to a limited extent by the Corporate Strategy and Performance Manager and the Equalities and Diversity Officer; that although still complex the legislation is now consolidated in the single 2010 act which is better suited to the Cherwell approach (i.e. focusing on a holistic and locally appropriate approach to equalities rather than a limited set of characteristics); and that the focus is on using customer feedback and service testing to produce practical results. In conclusion the Committee resolved that the Council's Self Assessment against the Achieving Standard under the Equality Framework for Local Government should be referred to the Executive for approval.

A Shared Information Service / Information Technology Service

In December 2012 the Committee considered the financial, legal and staffing implications of a business case for a shared ICT for Cherwell District Council (CDC) and South Northamptonshire Council (SNC). The Committee noted that the Resources and Performance Scrutiny Board had looked at the budgetary implications for CDC if the shared IS/IT service was not implemented and had concluded that implementation of the shared IS/IT service should be supported as it would reduce the pressure on Cherwell District Council's capital budget. The Committee noted that the future harmonisation of specific service related software across the two councils was not included in this business case, but that as an area of potential savings it would be explored as part of a future work strand. In conclusion the Committee agreed that the implementation of a shared IS/IT service for both sovereign authorities should be supported.

Resources & Performance Scrutiny Board

Membership

Councillor Nick Mawer (Ch)
Councillor Alyas Ahmed
Councillor Patrick Cartledge
Councillor Andrew Fulljames
Councillor Lawrie Stratford
Councillor Doug Webb

Councillor Douglas Webb (V Ch)
Councillor Maurice Billington
Councillor Margaret Cullip
Councillor Melanie Magee¹
Councillor Pat Tompson
Councillor Martin Weir

2012/13 Budget scrutiny



The budget scrutiny process began in September 2011 when the Board received a briefing from the Corporate Systems Accountant, Technical Accountant and the Community and Corporate Planning Manager gave a brief presentation on the context and background to the 2012/13 budget, including budget pressures, future funding, Medium Term Financial Strategy assumptions, 2012/13 building blocks, budget guidelines and the draft 2012/13 budget.

The budget scrutiny process for 2012/13 involved a review of the current budget for 2011/12 of £15.8m with a detailed review of discretionary areas of spend, a review of staff savings suggestions and the capital bids received as part of the 2012/13 process.

The Board met formally on 22 November 2011 to reflect on the areas considered as part of the budget scrutiny process and the draft recommendations, conclusions and comments based on the outcomes of the budget scrutiny working group meetings. At this meeting the Board made 7 recommendations and 15 conclusions/comments. There were a number of areas where the Board had deferred making recommendations and had instead requested further information. These areas were considered at the 10 January 2012 meeting of Board during which a further 4 recommendations were made.

Capital Programme 2011/12: Of the seventeen capital bids, Members were satisfied with the evidence for nine and agreed that these should be recommended for inclusion of the Capital Programme 2011/12. Members recommended that one bid should not be included and that consideration of five bids relating to ICT should be deferred pending the ICT Insource and Shared Service Business Case.

Discretionary Spend: The Board noted that discretionary spend for Cherwell District Council in 2011/12 totalled a net expenditure of £3.1m (27% of the Council's net budget). During the budget scrutiny working group meetings, which had involved relevant Lead Members and officers, the Board had considered in detail the following areas: Street wardens; communications;

¹ Councillor Melanie Magee was appointed to the Board on 26 July 2011. Councillor Carol Steward was a Board member between May and July 2011.

community transport; economic development; Woodgreen Leisure; Spiceball Sports Centre; Banbury Museum; Council's Administration Function; Tourist Information Centre/Courtyard; Support Cost Trends; Communications – Controllable/Uncontrollable Costs; and, Distribution of Cherwell Link with Electoral Registration forms / Council Tax Bills (linked to communications). In terms of discretionary spend greater than £200,000, the Board made three recommendations to the Executive and a further seven comments/conclusions.

Staff Savings Suggestions: During the summer 2011, staff had submitted a list of 44 money saving suggestions which had been considered during the Budget Scrutiny Working Group meetings. Members recognised the value of the suggestions and concluded that whilst some had already been implemented or were being addressed through other forums, there were nine suggestions they considered in detail: Reduce Stationery Spend; Cease Distributing Free Dog Waste Bags; Councillors Blackberry Provision; Cease Webcasting; Staff Holiday / Pay Freeze / Change in Working Week; Fast Tracking Licensing Applications; Fast Tracking Planning Applications; Remove Street Warden Service; Review CCTV Operation and Costs; Review Opening Hours of Link Point. In terms of staff savings suggestions, the Board made two recommendations to Executive and a further seven comments/conclusions.

As part of the budget scrutiny process, the Board also considered the council tax figures for Cherwell District Council and compared them to West Oxfordshire District Council, South Oxfordshire District Council, Aylesbury Vale District Council and South Northamptonshire Council. The comparative data included a breakdown of the cost of services and the split between statutory services and discretionary services. The Board had noted that each Local Authority structured their accounts and cost centres differently. Members agreed that the comparative figures with other authorities was very important and useful information.

The Board thanked the Finance Team for their hard work in providing all information requested and Lead Members and officers for attending the budget scrutiny working group meetings.

All of the Board's recommendations and observations were welcomed and accepted by the Executive and Council as part of the 2011/12 Budget.

Partnership Scrutiny: Update on Cherwell Safer Communities Partnership (CSCP)

The Board had undertaken a review of the Council's partnership with Cherwell Safer Communities Partnership and met with the Chairman of the Cherwell Safer Communities Partnership (CSCP), the Cherwell Local Police Area (LPA) Commander, the Portfolio Holder Community Safety, Urban and Rural, the Head of Safer Communities, Urban and Rural Services and the Community and Corporate Planning Manager in September 2010. The Board had noted there was a strong working relationship between the Council and the CSCP which supported the delivery of the Council's corporate priorities and strategies, which was underpinned by a formal structure to manage and

measure the effectiveness of the partnership and as a result, the partnership was delivering practical benefits to residents in the district. The Head of Safer Communities, Urban and Rural Services attended the June 2011 meeting to update Members on the CSCP.

The Board learnt that due to budget cuts the CSCP had reviewed its priorities at the end of 2010 and agreed five priorities for the District: Anti-Social Behaviour; Reducing serious acquisitive crime; Young people; Domestic abuse; and, Violence against the person. The prioritisation had been agreed at the March 2011 CSCP meeting and the final budget allocations would be submitted to the June 2011 CSCP meeting. There was ongoing uncertainty within the Partnership as the funding for 2012/13 remained unclear.

Members of the Board noted the importance of the CSCP in bringing agencies together. The performance of the CSCP is monitored through the Performance Management Framework and Members noted in March 2012 that performance remained green.

Partnership Scrutiny: Update on Oxfordshire Rural Community Council (ORCC)

The Board had undertaken a review of the Council's partnership with Oxfordshire Rural Community Council in 2009/10. The six recommendations arising from the review had been accepted by the Executive in April 2010. The Board had received an update on progress against the recommendations in September 2010 and requested a further update in summer 2011. The Head of Safer Communities, Urban and Rural Services and Councillor Atack, the Council's appointed outside body representative, attended the June 2011 meeting to provide this update.

The Board noted that the Council's relationship with ORCC had been strengthened through the signing of a Service Level Agreement which contained five key objectives, each with various measures which were monitored regularly: 1. Encourage community led planning; 2. Retaining and improving rural retail services; 3. Improving village halls; 4. Rural transport option – ORCC to promote and support five volunteer schemes; and, 5. Innovating rural development. The Board commended the progress in signing the Service Level Agreement and noted that the objectives broadly covered the vast range of work undertaken by ORCC.

The Board noted that proposals regarding the future funding of ORCC to deliver services better and in a more financially viable way were currently under consideration. These proposals were subject to a detailed review by the Overview and Scrutiny Committee through a Task and Finish Group (see page 13).

Members noted that CDC had a small Urban and Rural Services team and as a consequence relied on ORCC to deliver a number of services on behalf on the Council. In conclusion, the Board was satisfied with the progress that had been made since their review of the partnership.

Partnership Scrutiny: Oxfordshire Waste Partnership (OWP)

The Board had agreed that the Oxfordshire Waste Partnership (OWP) be added as a potential topic for scrutiny in light of its inclusion on the Council's 2011/12 risk register. The Head of Environmental Services and the Oxfordshire Waste Partnership Coordinator attended the Board's July meeting to brief Members on the council's partnership with OWP.

Members noted that the OWP included all of the Oxfordshire district councils and Oxfordshire County Council, OCC, (one member per partner authority) and had been established under a Memorandum of Understanding in 2003 and formed as a Statutory Joint Committee in April 2007. The vision of the OWP was to work in partnership to reduce waste and to maximise reuse, recycling and composting. In January 2007 the partnership agreed a Joint Municipal Waste Strategy which set out plans for dealing with Oxfordshire's municipal waste through to 2030. In terms of performance monitoring, a three year rolling action plan was established to deliver against the objectives of the Strategy.

The Board considered the financial arrangements and noted that each partner contributed to the OWP. It was noted that OCC was legally required to pay recycling credits to the District Councils as the collection authorities. However, as OCC had to make substantial budget savings and had indicated that a saving could be to reduce the landfill reduction credits it pays, which could mean a potential loss of significant income for CDC. The Board noted that the overall Joint Municipal Waste Strategy was due for review in 2011/12 and that the opportunity would also be taken to review the financial arrangements.

The Board concluded that there were three key areas that remained uncertain in the council's partnership with the OWP: budget/financial implications; environmental impact of any future changes; and, the need for new targets for the Joint Municipal Waste Strategy. It was agreed that the Board should receive an update in due course.

Engagement of External Consultants by Cherwell District Council

In March 2011 the Board had considered the cost and use of external consultants by Cherwell District Council. In light of the discussion, Members agreed that the item should be added to their work programme. At their September 2011 meeting the Corporate Systems Accountant and Corporate and Community Planning Manager gave a presentation which covered the following areas: why consultants may be used; different types of consultancy; how the Council procures consultancy; how consultants are managed; which services use consultants; consultancy spend 2011/12 to date; and, private contractors and consultants spend 2011/12 to date.

The Board noted that the Council's spend on consultants had reduced in 2011/12 but acknowledged that in certain circumstances the use of consultants was the best approach. Members stressed the importance of the process for procuring consultants being robust and noted that whilst the council did not have a single policy for procuring consultants as usage and

costs were so diverse, the council did have a Procurement Strategy which must be complied with.

The Board agreed that the Council's expenditure on consultants should continue to be monitored by the Finance Scrutiny Working Group.

Business Case for a Shared Finance and Procurement Team

In December 2012 the Committee considered the financial, legal and staffing implications of a business case for a shared Finance and Procurement Team for Cherwell District Council (CDC) and South Northamptonshire Council (SNC).

The Board noted that a number of options had been considered in relation to finance and procurement functions at both Councils. The joining of services and locations was pursued as the preferred option that would best support the Joint Management Team in a timely manner, deliver the required savings and permit further review once the impact of the Local Government Resources Review, welfare reform and Localism Act 2011 became clear. As part of the extensive consultation process the business case had also been considered by the SNC Community and Resources Review and Development Committee. A final version of the business case would be considered at CDC Executive and SNC Cabinet in April 2012.

In conclusion the Board unanimously agreed that the business case should be supported and they commended the work of the officers across both authorities for their hard work in bringing the case forward.

Resources & Performance Scrutiny Board ~ Working Groups

The members of the Board have divided into two informal working groups that each meet about four times per year to undertake more detailed assessments of the Board's areas of responsibility, in particular, review of the management of resources and scrutiny of the financial management, treasury management, property and asset acquisition and disposal, capital programme and monitoring of year-on-year performance indicators.

Finance Scrutiny Working Group

Membership: Councillor Mawer (Chairman), Councillor Webb, Councillor Ahmed, Councillor Cartledge, Councillor Stratford, Councillor Tompson and Councillor Weir.

The Group's role is to carry out detailed consideration of the Council's finances and budgets. At every meeting the Group reviews the Council's performance against a range of financial indicators covering income, debt, investment, creditors and risk. In 2011/12 there were no meetings of the Finance Scrutiny Working Group as the time was used for budget scrutiny. The Resources and Performance Scrutiny Board considered the relevant finance monitoring reports at full Board meetings.

Performance Scrutiny Working Group

Membership: Councillor Mawer (Chairman), Councillor Webb, Councillor Billington, Councillor Cullip, Councillor Fulljames, Councillor Magee² and Councillor Williamson

The Group carries out detailed scrutiny of corporate and service performance, considers performance where targets are not being met or over performance, considers targets, their relevance and future targets considers performance based on what it means to the public. At every meeting the Group reviews the Council's performance, using the Performance Management Framework data as its baseline evidence. In 2011/12 there were no meetings of the Performance Scrutiny Working Group as the time was used for budget scrutiny meetings. The Resources and Performance Scrutiny Board considered the relevant performance monitoring reports at full Board meetings.

² Appointed in February 2012. Councillor Carol Steward was a member of the Group from May – July 2011.

Task and Finish Groups

Commissioning of Voluntary Sector Services

Membership: Councillors Mallon, Emptage, Pratt, Stevens, L Stratford and R Stratford

This Task & Finish Group was convened in June 2011 in response to a suggestion by the Executive to review the Council's intention to move from grant aid to the commissioning of voluntary sector services, in particular for Advice, Volunteering and Voluntary Car Transport Schemes. Members of the Task and Finish Group met with officers on three occasions to consider each area in detail before presenting their findings to the Overview & Scrutiny Committee. The Committee endorsed the views of the Task and Finish Group and identified three clear issues for the Executive: (i) that the project was about commissioning not cost cutting; (ii) that the commissioning project would offer improvements to service delivery; (iii) that funds needed to be channelled to relevant services. The Committee confirmed their support for the commissioning project and agreed that it was important that it progressed according to the set timetable to ensure that no residents were disadvantaged in April 2012 because contracts and suppliers were not in place. The Executive accepted the Committee's conclusions in September 2012.

Joint Meeting of Overview & Scrutiny Committee and Resources & Performance Scrutiny Board

Car Parking Provisions and Charges

Cherwell District Council introduced new car parking provisions and charges in April 2011 which had led to a high volume of complaints from members of the public and extensive local press and media coverage. The proposed introduction of these charges had been previously considered by the Resources and Performance Scrutiny Board in the autumn of 2010 as part of the 2011/12 Budget preparation; as the subject of a Call-in held in January 2011; and by the Overview and Scrutiny Committee at their meeting on 14 June 2011.

At this joint meeting members of the Committee reviewed the Council's budget position and noted the continuing pressure to find savings and/or raise income as a consequence of the significant reduction in Government grant. They also reviewed and discussed a number of alternative options for parking policy and charging.

Following a lengthy discussion the Committee agreed 11 draft recommendations for the Executive which could be accommodated within the budget and which would have no impact on any other service area:

- (1) That there is a need to make some adjustments to the new car parking charges and policies in recognition of concerns raised by Councillors and the public.
- (2) That any adjustments must try to balance real benefit to car park users and town traders with the accepted effects on the Council's limited and reducing finances.
- (3) That the current charges for evening parking be changed to charging to 1900hrs only on current hourly tariffs and free thereafter.
- (4) That there should be free parking for blue badge holders in designated disabled spaces but blue badge holders should be charged in all general parking spaces.
- (5) That there should be a 10 minute maximum period of grace for parking period expiry and non purchase of tickets.
- (6) That the discount for early payment of excess charge notices within 14 days be increased to 50% for all contraventions.
- (7) To note the withdrawal of the current £16 administration charge for appeals which are upheld but where the ECN was issued correctly.
- (8) That the effects of the redevelopment of Bicester Town Centre warrant an adjustment to the current charging regime until the new development is complete (anticipated summer 2013) by reducing the current charges by 10p per hour.
- (9) That officers determine the earliest implementation of the changes agreed by the Executive according to the appropriate legal processes.

- (10) That a detailed communications plan be compiled to signify these changes which takes into account the lessons learnt from the April changes.
- (11) That the Executive consider funding the loss of income of 4 and 6 above (estimated to be £93,000 per annum) from the additional income and lower cost arising from the transfer of some treasury management functions in house; and the fixed term Bicester loss of income from 8 above (estimated to be £80,000 per annum over two years) from the additional interest secured from the later £10m investment of the Council's contribution to the Bicester Town Centre Redevelopment Scheme due to the delay in its start.

The recommendations were considered at a special meeting of the Executive on 26 July 2011 and were all accepted without amendment. In addition the Executive also recommended that Sunday and Bank Holiday parking be charged at £1 for all day and that parking on Good Friday, Easter Sunday, Christmas Day, and Boxing Day remain free.

Call-in

The right to Call-in a decision of the Executive was not used during the municipal year 2011/12.

Training and Development

There were no specific scrutiny related training events for members in 2011/12, however a number of other Member development events supported the role of councillors on the scrutiny committees:

- 6 councillors attended the Treasury Management training on 2 June 2011, which relates to the work of the Resources and Performance Scrutiny Board in undertaking budget scrutiny.
- 5 councillors attended the Meeting Procedures and Chairing Skills training on 21 June 2011, which supports all Members on procedures and processes at meetings.
- 12 councillors attended the Local Government Finance training on 28 October 2011, which relates to the work of the Resources and Performance Scrutiny Board in undertaking budget scrutiny.

Statistics

| Statistic | 2006/07 | 2007/08 | 2008/09 | 2009/10 | 2010/11 | 2011/12 |
|--|---------|---------|---------|---------|------------------------------|---------------------|
| Number of scrutiny committee meetings | 25 | 20 | 20 | 17 | 17 | 16 |
| % attendance at scrutiny committee meetings | 76% | 78% | 82% | 76% | 71% | 72% |
| Total Number of completed reviews | 7 | 6 | 6 | 5 | 9 + Joint case = 10 | 6 + 1 Joint 2 |
| Number of committee reviews undertaken | 1 | 1 | 4 | 6 | | |
| Number of Task & Finish Groups established | 12 | 2 | 2 | 1 | 1 | 1 |
| Number of Call-ins | 0 | 1 | 0 | 0 | 1 | 0 |
| % scrutiny recommendations accepted by Executive or other body | - | 90% | 97% | 100% | 100% | 100% |

Corporate priorities checklist

How does the overview and scrutiny function contribute to the Council's corporate priorities?

| | Private Sector Housing Strategy | Empty Homes Policy | Equality Framework for Local Government 'Achieving' Self Assessment | Shared Information Service / Information Technology Service | Car Parking Provisions and Charges | 2012/13 Budget scrutiny | Partnership Scrutiny: Update on Cherwell Safer Communities Partnership (CSCP) | Partnership Scrutiny: Update on Oxfordshire Rural Community Council (ORCC) | Partnership Scrutiny: Oxfordshire Waste Partnership (OWP) | Engagement of External Consultants by Cherwell District Council | Business Case for a Shared Finance and Procurement Team | Commissioning of Voluntary Sector Services |
|--|---------------------------------|--------------------|---|---|------------------------------------|-------------------------|---|--|---|---|---|--|
| Break the Cycle of Deprivation and address inequalities across the District | | | ✓ | | | | | | | | | ✓ |
| Work to support the development of the Northwest Bicester Eco-Town, using the Eco-Town as an opportunity to develop a centre of excellence in terms of sustainable living | | | | | | | | | | | | |
| A district of opportunity | | | | | | | | | | | | |
| 1. Balance employment and housing growth by developing businesses and homes that meet local need within an overall robust planning policy framework. | | | | | | | | | | | | |
| 2. Provide business land and premises opportunities to support local economic development. | | | | | | | | | | | | |
| 3. Support business success by fostering innovation and helping businesses to recruit and retain skilled employees | | | | | | | | | | | | |
| 4. Help and support Cherwell's residents through uncertain times | ✓ | ✓ | | | | ✓ | | | | | | ✓ |
| 5. Make it easier for you to get where you need to go | | | | | | | | | | | | ✓ |
| 6. Secure housing growth that meets Government targets and the needs of the District through an appropriate mix of market and affordable housing. | | | | | | | | | | | | |

| | Private Sector Housing Strategy | Empty Homes Policy | Equality Framework for Local Government 'Achieving' Self Assessment | Shared Information Service / Information Technology Service | Car Parking Provisions and Charges | 2012/13 Budget scrutiny | Partnership Scrutiny: Update on Cherwell Safer Communities Partnership (CSCP) | Partnership Scrutiny: Update on Oxfordshire Rural Community Council (ORCC) | Partnership Scrutiny: Oxfordshire Waste Partnership (OWP) | Engagement of External Consultants by Cherwell District Council | Business Case for a Shared Finance and Procurement Team | Commissioning of Voluntary Sector Services |
|--|---------------------------------|--------------------|---|---|------------------------------------|-------------------------|---|--|---|---|---|--|
| 7. Give you advice and support to find a home if you are without one. | ✓ | ✓ | | | | | | | | | | ✓ |
| 8. Improve the standard of housing particularly for vulnerable people. | ✓ | ✓ | | | | | | | | | | |
| 9. Develop safe and pleasant urban centre which provide you with good facilities | | | | | | | | | | | | |
| 10. Improve local services and opportunities in rural areas. | | | | | | | | ✓ | | | | |
| A safe and healthy Cherwell | | | | | | | | | | | | |
| 11. Help you feel safe in your home and community, working to reduce further our very low level of crime | | | | | | | ✓ | | | | | |
| 12. Involve you in making your community stronger through Neighbourhood Management | | | | | | | | | | | | |
| 13. Help to deliver improved healthcare for Bicester and Banbury. | | | | | | | | | | | | |
| 14. Make it easy for you to lead a healthy and active life through our countryside, leisure facilities and tourist attractions | | | | | | | | | | | | |
| 15. Make big improvements to our sports centres | | | | | | | | | | | | |
| 16. Provide community facilities and activities to meet local need | | | | | | | | ✓ | | | | ✓ |

| | Private Sector Housing Strategy | Empty Homes Policy | Equality Framework for Local Government 'Achieving' Self Assessment | Shared Information Service / Information Technology Service | Car Parking Provisions and Charges | 2012/13 Budget scrutiny | Partnership Scrutiny: Update on Cherwell Safer Communities Partnership (CSCP) | Partnership Scrutiny: Update on Oxfordshire Rural Community Council (ORCC) | Partnership Scrutiny: Oxfordshire Waste Partnership (OWP) | Engagement of External Consultants by Cherwell District Council | Business Case for a Shared Finance and Procurement Team | Commissioning of Voluntary Sector Services |
|--|---------------------------------|--------------------|---|---|------------------------------------|-------------------------|---|--|---|---|---|--|
| A cleaner, greener Cherwell | | | | | | | | | | | | |
| 17. Keep streets and open spaces clean and free from litter, graffiti and abandoned vehicles and well maintained | | | | | | | ✓ | | | | | |
| 18. Help you recycle so we can reduce the amount of landfill waste. | | | | | | | | | ✓ | | | |
| 19. Protect our environment, wildlife habitats and the country side, by working with others. | | | | | | | | | | | | |
| 20. Maximise energy efficiency and minimise carbon emissions in our own buildings, and developments. | | | | | | | | | | | | |
| 21. Keep you informed about climate change and what we can all do to help. | | | | | | | | | | | | |
| 22. Significantly improve green spaces and public places so that you really notice the difference where you live and work. | | | | | | | | | | | | |
| An accessible, value for money Council | | | | | | | | | | | | |
| 23. Be easy to contact, approachable and responsive. | | | ✓ | | | | | | | | | |
| 24. Always treat everyone with dignity and respect and meet the specific needs of young people, older people, disabled people and ethnic minorities. | | | ✓ | | | | | | | | | ✓ |
| 25. Put things right quickly if they go wrong. | | | | | ✓ | | | | | | | |

| | Private Sector Housing Strategy | Empty Homes Policy | Equality Framework for Local Government 'Achieving' Self Assessment | Shared Information Service / Information Technology Service | Car Parking Provisions and Charges | 2012/13 Budget scrutiny | Partnership Scrutiny: Update on Cherwell Safer Communities Partnership (CSCP) | Partnership Scrutiny: Update on Oxfordshire Rural Community Council (ORCC) | Partnership Scrutiny: Oxfordshire Waste Partnership (OWP) | Engagement of External Consultants by Cherwell District Council | Business Case for a Shared Finance and Procurement Team | Commissioning of Voluntary Sector Services |
|--|---------------------------------|--------------------|---|---|------------------------------------|-------------------------|---|--|---|---|---|--|
| 26. Deliver value for money by achieving the optimum balance between cost, quality and customer satisfaction for all services. | | | | ✓ | | ✓ | | | | ✓ | ✓ | ✓ |
| 27. Reduce financial burden to local taxpayers. | | | | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 28. Explain how your council tax is spent and why. | | | | | | ✓ | | | | | | |
| 29. Work with others to provide you with local services and access to information about them. | | | | | | ✓ | | ✓ | ✓ | | | ✓ |
| 30. Demonstrate that we can be trusted to act properly for you | | | | | | ✓ | | | | | | |
| 31. Improve the way we communicate with the public, partners and other stakeholders in order to explain what the Council is doing and why. | | | | | ✓ | ✓ | | | | | | ✓ |
| 32. Listen to your views and comments, however you want to make them | | | | | ✓ | ✓ | | | | | | |

Council

Joint Officer Scheme of Delegation

15 October 2012

Report of Head of Law and Governance

PURPOSE OF REPORT

To enable Council to consider and adopt a joint scheme of officer delegation with South Northamptonshire Council. This is subject to South Northamptonshire Council resolving in similar terms at its forthcoming meeting on 17th October 2012.

This report is public.

Recommendations

Council is recommended:

- (1) Subject to South Northamptonshire Council resolving in similar terms on 17 October 2012, and with effect from the date and time thereof, to adopt the joint officer scheme of delegation at Appendix 1 to this report.

Details

- 1.1 Since the establishment of the Joint Management Team with South Northamptonshire Council on 1 October 2011, the officers at both Councils have continued to base their actions on the individual schemes of officer delegation that previously existed at both Councils. The only exception to this is in respect of the Chief Executive's powers which were consolidated with the approval of both Councils to coincide with her appointment.
- 1.2 It is clearly undesirable for individual officers with shared responsibilities across the two Councils to be operating under separate schemes of delegation. This leads to obvious inefficiency and the risk of an action being taken on behalf of one of the Councils which is only permissible under the scheme of delegation operated by the other Council. It is a common feature of shared management teams that have been created to have a single common scheme of delegation operating across both Councils.
- 1.3 A shared Democratic and Elections team was created with effect from 1 January 2012 and it was a component of the approved business case for that shared team that consistent rules and procedures would be introduced across both Councils where appropriate and acceptable.

- 1.4 Accordingly work has progressed on the drafting of a common scheme of delegation which will apply to both Councils. This has been developed in consultation with the Joint Arrangements Steering Group and, in particular, a working group comprising relevant officers and Councillors Ian McCord (SNC) and Nicholas Turner (CDC).
- 1.5 The proposed joint scheme of officer delegation can be found at Appendix 1. It will be noted that, although in most respects the delegated powers to be exercised by relevant officers are identical across the two Councils, there remain a number of delegated powers that are specific to one or other of the Councils. In a number of areas a delegated power is defined by reference to a limit such as a financial amount or a number, and in some instances it is considered desirable to retain the differences between the two Councils. A good example of this is the power of the Head of Housing and Regeneration with regard to land transactions where there is a delegated power to enter into such transactions at both Authorities but the maximum value varies between £20,000 at South Northamptonshire Council and £250,000 at Cherwell District Council. Where a particular power is specific to one or other of the Councils this is made clear in the scheme. It is, however, considered preferable to have a single scheme as a point of reference for the officers of both Councils, albeit there remain differences of approach between the two Councils in these specific areas.
- 1.6 A similar report is being presented to the members of South Northamptonshire Council on 17 October 2012. SNC Members will be updated verbally on the outcome of this meeting and any amendments to the scheme as appended that have been adopted will be made clear.
- 1.7 In addition to a joint scheme of officer delegation, officers have been progressing joint financial procedure rules and contract procedure rules. These are at an advanced stage and it is anticipated that there will be a report to the next meeting of Council to enable members to consider adoption of each of these.

Key Issues for Consideration/Reasons for Decision and Options

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

| | |
|---------------------|---|
| Option One | To accept the recommendation. |
| Option Two | To amend the joint officer scheme of delegation to such extent as the Council sees fit. This is not recommended as the scheme appended has been the subject of due consideration by the Joint Arrangement Steering Group and is believed to be an appropriate scheme which reflects goods practice across both Councils but retains differences in approach where required and necessary. |
| Option Three | To reject the recommendation and not to adopt a joint |

scheme of officer delegation. This is not recommended as the existence of a joint scheme of officer delegation enables officers at both Councils to exercise delegated powers in a consistent way, and mitigates the risk of misapplication of powers and unlawful decision-making.

Consultations

Joint Arrangements Steering Group

Implications

Financial: There are no financial implications arising from this report. However, it is anticipated that joint financial procedure rules and contract procedure rules will be recommended to the December meeting of Council for adoption.

Comments checked by Karen Curtin, Head of Finance and Procurement,
Karen.curtin@cherwellandsouthnorthants.gov.uk

Legal: The legal implications are dealt with in the report.

Comments checked by Kevin Lane, Head of Law and Governance,
Kevin.lane@cherwellandsouthnorthants.gov.uk

Risk Management: A common scheme of officer delegation mitigates the risk of unlawful decision taking by an officer acting under delegated powers. Having as consistent an approach as possible to delegated powers reduces the risk of unlawful decision-taking.

Comments checked by Gavin Halligan-Davies, Interim Corporate Performance Manager, gavin.halligan-davies@cherwellandsouthnorthants.gov.uk

Document Information

| Appendix No | Title |
|----------------------------|---|
| 1 | Joint Officer Scheme of Delegation |
| Background Papers | |
| None | |
| Report Author | Kevin Lane, Head of Law and Governance |
| Contact Information | 0300 0030107 Kevin.lane@cherwellandsouthnorthants.gov.uk |

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Scheme of Delegation to Officers

Introduction

This scheme has been adopted by South Northamptonshire Council and Cherwell District Council and sets out the extent to which the powers and duties of the Councils are delegated to officers under the Local Government Act 1972, the Local Government Act 2000 and all other powers enabling delegation to officers. It is adopted with the intention of giving a streamlined, clear and simple decision-making process. It should be interpreted widely.

Under this scheme officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the Cabinet/Executive on executive functions and the relevant Chairman of the regulatory committee when the matter falls within the remit of that committee.

All references to legislation shall be deemed to include any subsequent amendments to such legislation

Officers shall inform the local Ward Member(s) when they exercise any delegated powers specifically affecting their ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this

Under section 101 of the Local Government Act 1972 the Council may authorise an officer of the authority to commission and monitor work for and on behalf of the Council by people who are not officers of the authority and such people will be bound by this scheme, and the obligations contained in it, at all times when engaged on Council business

References to powers of 'the Council' include functions of the executive.

The delegations are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.

All delegations to officers are subject to:

- Statutory requirements
- Contract and Financial Procedure Rules
- Consideration of the policies and plans of the relevant Council
- The Code of Conduct and adopted protocols
- The requirements of the Joint Management Team in relation to the overall management and co-ordination of the Council's affairs
- Adequate financial provision within approved revenue and capital budgets having been made for the likely financial consequences of any decision (subject to any discretion permitted by the Financial Procedure Rules).
- Any acceptance of quotations and tenders must be in accordance with the Council's Contract Procedure Rules
- Having regard to any report by the Head of Paid Service, the Monitoring Officer or the Officer designated under section 151 of the Local Government Act 1972

Where an officer has delegated powers, the Council or the Cabinet/Executive or a Committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally it is always open to an Officer not to exercise delegated powers but to refer the matter up as appropriate

Exclusions

This Scheme does not delegate:

- Any matter which by law may not be delegated to an officer
- Any matter which is specifically excluded from delegation by this scheme, by a decision of the Council, the Cabinet/Executive or a Committee or Sub-Committee.

Authorisations to other Officers

Officers with delegated powers may in writing authorise another officer or officers to exercise those powers. Such authorisations may be subject to limitations and conditions. The officer with the delegated powers must keep a register of all authorisations granted. Copies must also be sent:

- to the Head of Law and Governance : every authorisation
- to the Head of Finance and Procurement: authorisations to order, purchase or settle invoices

Reserve Delegations

The delegated powers held by a post may be exercised by the line manager of that post (or by his/her line manager) if:

- that post is vacant
- the post-holder is not at work for any reason.

Consultation

Officers shall consult as appropriate and have due regard to the advice given. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation then the person with the delegated power must consult someone else whom he/she considers to be an appropriate substitute. In particular consultation must take place with legal, finance and human resources as appropriate

Restriction on delegations to Heads of Service

Each delegation to a Head of Service is subject to a limitation that it shall not be exercised if the Head of Paid Service, or a Director, or the Monitoring Officer, or Section 151 Officer, has given a direction to that effect.

The Head of Paid Service, or a Director, may exercise any delegated power possessed by a Head of Service whilst a direction is in force with respect to that delegation.

A Director, or in the absence of a Director, a Head of Service may exercise any delegated power possessed by the Chief Executive if that post is vacant or the post holder is absent.

Transfer of Functions

Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet/Executive or a Committee/Sub Committee.

Where a Division is restructured, the Chief Executive shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Head of Law and Governance. Any use of this delegated power must be reported to the Full Council and/or to the Cabinet/Executive as soon as practicable.

General Delegations to all Directors and Heads of Service

All Directors and Heads of Service have the following delegated authority unless explicitly limited to certain Heads of Service

Equipment

- Purchase of vehicles, plant and equipment for which expenditure has been approved subject to any policy for standardisation (but if the purchase involves a leasing arrangement this must be made by the Section 151 Officer).
- Hire of plant subject to inclusion of cost of hire within approved estimates
- Disposal of surplus plant, equipment and materials

Legal

- To take any steps to implement a decision of the Council, any Committee or the Cabinet/Executive
- Service of requisitions for information as to ownership of, or other interests in, any land or property under statutory powers
- Service of requisitions for information under the Crime and Disorder Act 1998
- The release of Council held information under the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 subject to any consultation with the Head of Law and Governance on any application of exemptions.
- To sign Statements of Truth under the Civil Procedure Rules 1998 on behalf of the Council

- Authority to apply for planning permission in respect of small projects and minor modifications to projects
- To sign licences and notices relevant to their service areas subject to consultation with the Head of Law and Governance where necessary
- Authority to appear, institute proceedings, prosecute, defend, negotiate a settlement and take any steps necessary in any proceedings on behalf of the Council where the matter falls within the remit of the relevant service unit. Such authority to be exercised subject to the Head of Law and Governance being satisfied as to the evidence and the process being followed.
- To make decisions on any objection submitted which relates to a proposal, application or other matter within their service area.
- Service of any statutory notices affecting their service area subject to consultation with the Head of Law and Governance where appropriate
- To exercise the Council's powers to enter land (and to authorise others to enter land) for the purposes of any of the Council's functions which the officer has responsibility for enforcing or investigating.
- To instruct the Council's Legal Service with respect to any legal matter concerning their department or division.
- To exercise the Council's power to publish information about its services including deciding the content of any publication.
- To exercise the Council's powers to take any action with respect to the Local Government Ombudsman after consulting the Head of Law and Governance on legal implications . Where settlement by ex gratia payment or other action is proposed such action is to be authorised by the section 151 officer
- To decide the terms upon which services will be provided to the public (which may include providing services on different terms to different individuals or classes of individuals).
- To exclude people from Council premises where they consider this to be warranted in the interests of health and safety or for the maintenance of order.

The Chief Executive must be informed of any decision to exclude under this paragraph.

- To assist any outside body concerned with the manager's Division or Department and to make representations to them.

- To exercise the Council's powers of competence to promote or improve the well-being of South Northamptonshire and/or Cherwell provided that this is connected with their Division or Department.
- To exercise the Council's powers in connection with any lost, abandoned or uncollected property. NB. the Head of Environmental Services has responsibility for dealing with abandoned vehicles
- To respond to consultation papers relevant to the officer's department or division in consultation with the relevant portfolio holder/lead member where appropriate.

Financial

- To authorise expenditure relating to their approved capital and revenue budgets in accordance with the Financial Procedure Rules.
- To exercise the virement powers permitted by the Financial Procedure Rules.

Contracts (exercise of these powers is subject to compliance with the Financial Procedure Rules)

- To tender or quote for and, if successful, to carry out any work which is put out to tender by the Council.
- To tender for and enter into contracts to provide goods and services to anybody to which the Council has express statutory authority to provide goods and services and to fix charges where those charges are not prescribed by legislation.
- To use spare capacity of goods, plant or manpower by entering into contracts (or to carry out work for another person or body).
- Authority to commence a procurement process leading to the award of a contract for works, goods or services up to £150,000
- Authority to waive the requirement to seek tenders or quotations in relation to contracts for works, goods or services below £5,000
- Authority to approve negotiations with a tenderer submitting the most financially advantageous tender to obtain improvements in price, delivery or content in relation to contracts for works, goods or services below £150,000
- Authority to approve the award of any contract for the procurement of works, goods or services up to £150,000
- Signing on the relevant Council's behalf any contract for works, goods or services below £150,000

Human resources

- Appointment of agency staff provided costs are contained within service budgets
- Advertisement of vacancies within establishment in accordance with adopted HR policies
- Appointment of staff below Head of Service level
- To sign job offers and/or contracts of employment for Directors (by Chief Executive), for Heads of Service (by Chief Executive, relevant Director or other officer delegated by one of these)
- To agree flexible contracts and working patterns including job share, home working and term time working (in consultation with the Head of Transformation)
- To confirm appointments on completion of probationary period
- To approve car loans where these are permitted as part of Council policy
- To implement the relevant Council's employment procedures in line with the agreed relevant Council policy (the power to dismiss in accordance with Council policy rests with the Head of Paid Service or the Directors)
- To authorise officers to attend professional or educational meetings, conferences and courses, and ongoing training and qualification training in consultation with the Head of Transformation
- To agree unpaid leave of absence and compassionate leave in consultation with the Head of Transformation
- Granting of contractual salary progression within career graded posts in line with the relevant Council policy (if any)
- To approve revised job descriptions and job titles where no grading increase is involved subject to the approval of the Head of Transformation
- The general organisation of services within the policies laid down by the relevant Council including capability and disciplinary
- To appoint employees to existing posts at the minimum level within the salary band with discretion to appoint to the middle of the band provided this is approved by the Head of Paid Service, or the relevant Director, and the Head of Finance and Procurement

- To decide whether or not to allow employees to undertake additional employment in consultation with the Director of Resources and the Head of Transformation
- To authorise recruitment to any post on temporary employment to address operational needs (**at South Northamptonshire only** - subject to a maximum of 9 months continuous employment)
- To grant extension of sick pay to employees (**at South Northamptonshire only** – subject to a maximum of 12 months full pay)
- To grant unpaid leave of absence (**at South Northamptonshire only** – subject to a maximum duration of 6 months)

At Cherwell only - Subject to consultation with the Director of Resources, the Head of Transformation, the Head of Finance and Procurement and the Head of Law and Governance

- to determine new organisation structures below Head of Service provided that changes do not affect more than five posts in any one restructuring, there are no resultant compulsory redundancies, change is with the agreement of existing staff and the change can be contained within service budgets.

List of Shared Joint Management Team with specific delegated powers

1. Chief Executive
2. Director of Community and Environment
3. Director of Resources
4. Director of Development
5. Head of Community Services
6. Head of Environmental Services
7. Head of Finance and Procurement
8. Head of Law and Governance
9. Head of Transformation
10. Head of Public Protection and Development Management
11. Head of Strategic Planning and the Economy
12. Head of Regeneration and Housing

Delegation to Chief Executive

This post is Head of Paid Service and has responsibility for the overall management of the staff who work for Cherwell District Council and South Northamptonshire Council under section 4 of the Local Government Act 1989 (full details of the responsibilities are set out in the introduction to this constitution).

This post is responsible for ensuring the proper use of evaluation systems for determining what staff are paid and reporting as and when required by either authority on the number and grade of staff required.

Emergencies

If Cherwell District Council and/or South Northamptonshire Council need to act urgently in any matter (including without limitation, complying with the Emergency Plan, the Business Recovery or Business Continuity Plan or taking any action under new legislation) the Chief Executive may authorise any action taken or expenditure incurred as necessary.

If the Chief Executive is unwell, unobtainable, has an inability to act or where there is no Chief Executive in post, a Director may act in their absence. In the absence of any Director, any Head of Service may act.

The Chief Executive, Director or Head of Service may delegate responsibility to another nominated officer where appropriate.

All such action shall be reported to the relevant committee, Executive/Cabinet or Council as may be appropriate.

Release of Information

Determination of appeals/review requests from people dissatisfied with a decision not to release Council held information.

Suspension or Dismissal

The suspension or dismissal of a Director or Head of Service, subject to consultation with the Head of Transformation, the Director of Resources and the Monitoring Officer and subject to external professional advice being sought. No dismissal of the Monitoring Officer or the Section 151 Officer can take place in the absence of an investigation report carried out by a designated person in accordance with legislation.

Anti-Social Behaviour

Taking action under the Anti-Social Behaviour Act 2003, including the making of statutory orders, where the Chief Executive is specifically named as the relevant Council Officer within the Act.

Specific Delegated Powers for Returning Officer

Authority to take action, and make decisions, as necessary as Electoral Registration Officer and Local Returning Officer

Assigning officers in relation to requisitions of the Electoral Registration Officer

Providing assistance at European Parliamentary elections

Power to fill vacancies in the event of insufficient nominations and make temporary appointments to Parish Councils

Declaring vacancies in office to certain cases and giving notice of casual vacancies

Consulting on proposed changes to the scheme of elections

Duties relating to providing notice to the Electoral Commission and relating to publicity

To amend the Council's Polling Districts and Polling Places Order as necessary.

To amend the adopted election fees and charges schedule to reflect operational requirements

Directors

To take any decision, or exercise any power, which the Council has if the postholder considers that a decision is urgently necessary in the interests of the Council and the postholder consults the Leader of the Council, or in his/her absence the Deputy Leader of the Council (or in the absence of either or both such other Cabinet/Executive members as are considered most appropriate to the postholder) and the exercise of this power is reported to the Cabinet/Executive for information (for executive decisions) or consults the Chairman of the Council, or in his/her absence the Vice Chairmen of the Council or appropriate Committee (or in the absence of either or both such other Council or Committee members as are considered most appropriate to the postholder) and the exercise of this power is reported to full Council or the Committee for information (in the case of nonexecutive decisions).

At South Northamptonshire only - to determine applications for Council grants (excluding those in respect of which Heads of Service have specific delegated authority) up to a value of £20,000 subject (in the case of grants exceeding £1,000) to consultation with the Grants Panel.

At Cherwell only- allocation of grants is delegated to Head of Community Services and Head of Regeneration and Housing up to a value of £20 000

To grant renew refuse or cancel any authorisation that may be required under the Regulation of Investigatory Powers Act 2000 so far as it affects their service area. This power may only be exercised by Directors, or by the Monitoring Officer, or the Chief Executive

To respond to licensing applications in the Council's role as responsible authority.

Director of Resources (Section 151 Officer)

To exercise any of the powers of the Head of Finance and Procurement

To exercise the powers vested under section 151 of the Local Government Act 1972 to ensure the financial probity of the Council. This includes the power to override the determination of the Head of Finance and Procurement, when exercising their delegated powers, if the Section 151 Officer considers it appropriate

Power under section 92 of the Local Government Act 2000 to direct the appropriate Director or Head of Service in consultation with the appropriate portfolio holder/lead member to make an ex gratia payment (**at South Northamptonshire only** – any amount: **at Cherwell only** - up to £5000) or to provide other benefits to remedy complaints within the framework of the Local Government Ombudsman Good Practice Remedies (February 2005) document where necessary in consultation with the Monitoring Officer

Head of Community Services

- To exercise the Council's power with respect to nuisance parking. If the nuisance is caused by an abandoned vehicle the Head of Environmental Services will exercise the Council's powers to remove.
- Authorising the temporary use of off street parking areas for uses other than parking
- The issuing of parking permits and season tickets for off street parking and for residents parking schemes and Exemption Certificates for pedestrianized areas
- The enforcement of parking and other stationary traffic offences
- **At Cherwell only** - To make minor amendments to the Councils Off Street Parking Orders subject to consultation with the lead member
- Implementation of powers under the Crime and Disorder Act 1998 where these do not fall within the remit of the Head of Public Protection and Development Management
- To exercise the Council's powers to take steps to encourage visitors to the area including the provision of tourist information where appropriate in consultation with the Head of Strategic Planning and the Economy
- To apply for funding from any third party for the purposes of the development or improvement of Cherwell or South Northamptonshire or for the management of the countryside
- To provide, maintain and develop a wide range of sporting, play and cultural activities for the benefit of the community.

- To promote, manage (in accordance with the provisions of any management contract maintain and develop the Council's sports centres, community centres, swimming pools and other leisure facilities.
- Where not already provided for by, or under, contract to fix the terms and conditions upon which any Council leisure facility may be used by any particular class or group of persons and to run pre-payment and advance booking schemes.
- To allow events and exhibitions to take place in any facility.
- To provide public catering services in facilities or at events provided by this service area.
- To determine applications for Council grants up to a value of £20,000 **[Cherwell only]**
- To determine application for Council grants up to a value of £1000. **[South Northamptonshire only]**

Head of Environmental Services

- To exercise the Council's powers with respect to abandoned shopping and luggage trolleys.
- To exercise the Council's powers with respect to the regulation of waste carriers.
- To exercise powers under the Environmental Protection Act 1990 to issue fixed penalties for littering and dog fouling

All matters relating to:

- Abandoned vehicles
- Cleansing of streets
- Statutory notices on provision of dustbins
- Removal of obnoxious matter
- Discharge of agency powers under sections 132 and 149 of the Highways Act 1980, for the removal of unauthorised signs or marks on the highway (is this agreed agency in both Oxfordshire and Northamptonshire?)
- Acquisition, management and hire of vehicles, plant and equipment, subject to the Council's Financial and Contract Rules of Procedure
- Taking action under the Clean Neighbourhoods Act and Environment Act 2005 where necessary in consultation with the Head of Law and Governance who must be satisfied as to the evidence
- To exercise the Council's powers relating to controlled waste, graffiti, litter, rubbish or anything on land in the open air including abandoned vehicles. This

power may also be exercised by the Head of Public Protection and Development Management (with the exception of dealing with abandoned vehicles)

- Investigating and prosecuting offences under the Environmental Protection Act 1990 subject to the Head of Law and Governance being satisfied as to the evidence
- The use of parks, open spaces and recreation areas for special functions
- The planting and maintenance of trees on Council-owned land or Council-controlled land
- The provision of advice relating to trees and recommending to the Head of Public Protection and Development Management the making of Tree Preservation Orders in an emergency
- Dealing with applications for works to trees in Conservation Areas
- Approving the standards for adoption of open space land in planning agreements
- Managing the maintenance of monuments and public clocks in the Council's ownership
- The provision of street furniture on land other than recreational land
- The making of temporary traffic orders under section 21 of the Town Police Clauses Act 1847 relating to special events on the highway and the power to waive charges for the making of such orders in exceptional circumstances

Head of Finance and Procurement

- The power to opt to tax properties for VAT purposes
- Raising of loans to meet the capital requirements of the Council for such amounts and on such terms as are considered necessary, subject to the Council's Capital Programme decision on financing and whether the Council is, or wishes to continue to be, debt free
- Borrowing in sterling from banks up to a prescribed limit by way of overdraft, subject to not breaching any debt free status
- Raising and repayment of temporary loans in sterling
- To accept terms and conditions attached to any government grants
- To amend the constitution as required consequent on changes to the thresholds in European procurement regulations

- To enter into lease agreements
- The arrangement of all necessary insurances
- Refunds of rates for a maximum period of six years on commercial industrial premises where clerical or arithmetical error has been made on rateable value subject to consultation with the Section 151 Officer
- Investment of all surplus Council funds in accordance with the Council's annual Treasury Management Policy and to exercise the Council's powers generally with respect to the investment of money
- To exercise all the Council's powers and duties to bill, administer and collect the Council Tax, the National Non Domestic Rates and outstanding community charge liability including the power to enforce collection and exercise the Council's discretion
- To exercise the Council's powers to authorise officers and agents to represent the Council in any court or tribunal or at any hearing on local taxation or benefit matters, and to serve warrants in respect of these matters
- To exercise all the Council's powers with respect to the administration of Housing and Council Tax benefits
- Award of discretionary housing payments up to £5000
- To make arrangements for the control of the Council's financial affairs generally
- To exercise the virement powers permitted by the Financial Procedure Rules
- Authority to write off up to £10,000 on business rates
- The writing off of any bad debts up to a maximum of £5,000
- The writing off of bad debts where debtor is bankrupt, insolvent or has ceased to trade
- The writing off of balances over the £5,000 limit for bad debts and the £10,000 limit for business rates where this cannot be collected because of the committal of the debtor for non-payment of Council Tax or business rates

Head of Law and Governance

- To institute, defend, prosecute or appear in any legal or other proceedings on behalf of the Council (including proceedings to seek warrants and all steps necessary to pursue or defend such legal proceedings)

- To settle by compromise any legal proceedings which have been started
- After consultation with the Head of Finance and Procurement and the appropriate instructing officer of the Council's instructing service area to settle claims brought by or against the Council.
- To authorise officers to appear in legal proceedings on behalf of the Council.
- To instruct Counsel or external Solicitors on any matters likely to affect the interests of the Council and generally to administer the budget for the Legal Service.
- To sign and serve all notices prior to, or in the course of proceedings, in accordance with any statutory powers or any functions of the Council
- To nominate representatives to outside bodies where any vacancy arises after the annual Council meeting or before the first Thursday in May in any year, but only after consultation with the Chief Executive and the Leader of Council
- To approve reasons for the absence of Councillors from any meetings and the declaration of vacancies of any seats of the Council.
- To make changes in the membership of Committees and Sub-Committees occurring during the municipal year.
- Determination of ad hoc and permanent amendment to the list of “approved” duties as set out in the Members’ Allowances Scheme
- To authorise attendance by a councillor at a national conference or seminar
- After a subcommittee hearing to accept or reject any proposals from the applicant in consultation with the Chairman of the relevant subcommittee
- Setting and reviewing charges for the supply of Council held information under the Freedom of Information Act 2000
- The setting of fees for the supply of background papers pursuant to the Local Government (Access to Information) Act 1985 as an exemption to the standard fee prescribed from time to time
- To take any action necessary to ensure compliance with legislation regarding data protection , freedom of information law or environmental information
- To administer the register of local land charges, carry out official searches and to respond to enquiries of local authorities and determine the fee charged for responding to these

- To exercise all of the Council's relevant powers and discretions, and to perform all of the Council's relevant duties, in relation to the law relating to the sale, mortgage and re-purchase of former Council houses
- To give or withhold consent which the Council has the right to give or withhold under a term in a contract
- The signing of certificates under the Local Government (Contracts) Act 1999
- To make and confirm Tree Preservation Orders
- Authorising amendments to the constitution where required by statutory changes or administrative error
- Where there is any confusion or doubt to determine which committee a matter shall be determined by
- In consultation with the Head of Public Protection and Development Management to determine whether the charge for payment of all or part of the Council's legal costs for the preparation of planning agreements should be waived
- Making orders granting parish meetings specific parish council powers
- Making of temporary appointments to parish councils
- Making of orders under section 39(4) of the Representation of the Peoples Act 1983 removing difficulties arising in respect of the election of parish councillors or the holding of a first meeting after an ordinary election or where a parish council is not properly constituted
- To approve street closure applications where there is no objection from any statutory consultee
- To administer to Council's arrangements for dealing with complaints of Member misconduct
- To authorise the Head of Community Services to enter into a Traffic Penalty Tribunal (TPT) s.101 Joint Committee Agreement under the Local Government Act 1972

Head of Public Protection and Development Management

Environmental Health

To exercise the Council's powers with respect to securing the safety of food throughout the food chain, including imported food, and the condition of food premises (including, but not limited to, powers of licensing and registration)

To exercise the Council's powers with respect to the control of infectious and notifiable diseases

To exercise the Council's powers to take steps to prevent or remedy any statutory or public nuisance (including noise nuisance)

To exercise the Council's powers with respect to regulation of processes, and the control of emissions, with a potential impact on the environment (including the issue and revocation of any consent, licence, or permit and taking any action to enforce the provisions of this)

To exercise the Council's powers with respect to Sunday trading

To appoint inspectors and authorised officers (including for the issue of fixed penalty notices) under any legislation for any purpose which he/she believes relates to the Public Protection and Development Management service area

To exercise the Council's powers and duties with respect to:

- scrap metal dealers and motor salvage operators
- to control distribution of free literature
- tattooing, ear and body piercing and electrolysis
- pleasure boats
- loudspeakers in streets
- the burning of crop residues
- noise from certain premises at night
- alarm notification areas
- sex establishments

To exercise the Council's powers for the prevention of smoking in designated places and vehicles

To exercise the Council's powers for the control of pest and vermin, the prevention of damage by pests and the control of pigeons and birds in built up areas

To exercise the Council's powers with respect to persons on land without the owners' consent. This power may also be exercised by the Head of Regeneration and Housing where appropriate

To exercise the Council's powers:

- concerning the condition of any drain or private sewer
- to secure that any building has adequate or improved drainage and/or sanitary conveniences
- concerning the condition of any cesspool
- concerning the use and ventilation of soil pipes
- concerning the remedial work including the service of notices in relation to rainwater pipes, soil pipes and ventilating shafts and the apportionment and recovery of costs
- concerning the alteration of a drainage system of premises

- concerning the drainage and condition of yards and passages
- with respect to the provision of washing and sanitary facilities
- to loan temporary sanitary conveniences where necessary

To exercise the Council's powers with respect to the licensing of caravan sites, camping sites and moveable dwellings

To exercise the Council's powers with respect to filthy or verminous premises, articles or persons. NB this power is also exercisable by the Head of Regeneration and Housing

To exercise the Council's powers with respect to water supplies, including private water supplies

To exercise the Council's powers relating to controlled waste, graffiti, litter, rubbish or anything on land in the open air. This power may also be exercised by the Head of Environmental Services, who also has responsibility for abandoned vehicles

To exercise powers under the Environmental Protection Act 1990 to issue fixed penalties for littering and dog fouling. This power may also be exercised by the Head of Environmental Services

To exercise the Council's powers with respect to the control of noise levels on construction or demolition sites

To exercise the Council's powers with respect to the enforcement of the law about health and safety at work etc.

To exercise the Council's powers with respect to smoke emissions from chimneys and premises

To exercise the Council's powers with respect to the control of emissions from furnaces

To exercise the Council's powers to determine chimney heights

To exercise the Council's powers with respect to obtaining information about air pollution or other information to protect the environment

To exercise the Council's powers with respect to ruinous and dilapidated buildings, dangerous buildings and the demolition of buildings

To exercise the Council's powers to prevent pollution of land, water or air or harm to human health

To exercise the Council's powers with respect to the review and assessment of air quality

To exercise the Council's powers in respect of registration of users of radioactive material

To exercise the Council's powers with respect to the identification and remediation of contaminated land

To exercise the Council's powers in respect of exhumation, burial of the dead and burial grants to assist with cost of burials where there are no relatives who will fund the cost

To exercise the Council's powers with respect to seizure of stray dogs, and dog control orders

Community Safety

Taking action under the Anti-Social Behaviour Act 2003 and any subsequent legislation falling within the service area, where necessary in consultation with the Head of Law and Governance

All functions under Part 8 of the Anti-Social Behaviour Act 2003 (relating to high hedges) NB see also powers under development management

Licensing

All licensing matters will be dealt with in compliance with statutory guidance and Council policies

To deal with all matters, and exercise the Council's powers, including enforcement, under the Gambling Act 2005

To deal with all matters, and exercise every function, and power, including enforcement, relating to hackney carriage, private hire drivers, proprietors and vehicles, and private hire operators

To deal with all matters, and exercise the Council's powers, including enforcement, in respect of animal welfare, the licensing of animals and animal associated activities

To deal with all matters, and exercise the Council's powers, including enforcement, under the Licensing Act 2003

To deal with all matters, and exercise the Council's powers, including enforcement, under street trading legislation

To deal with all matters, and exercise the Council's powers, including enforcement, under the legislation relating to street and house to house collections

Authorising the siting of market stall spaces and the letting of such spaces subject to the necessary planning and highways consents

To exercise powers to permit third parties to place objects over or on the public highway, under section 115 of the Highways Act 1980

Planning

To determine applications for:

- Planning permission (outline and full)
- Reserved matters approval
- Extensions of time
- Listed building consent
- Conservation area consent
- Advertisement consent
- Variations/removal of conditions
- Discharge of conditions
- Minor material amendments
- Non material amendments
- Certificates of lawfulness for an existing use or development
- Certificates of lawfulness for a proposed use or development
- Certificates of appropriate alternative development
- Applications under the Hedgerow Regulations
- Works to trees protected by a Tree Preservation Order
- All forms of deemed applications (arising from enforcement action)

Apart from the following:

1. All Major applications (full, outline [and reserved matters – **SNC only**]) except for minor material amendments and the variations and removal of conditions.

Major applications would be defined as;

- Applications for 10 or more dwellings
- Applications for new buildings where the floorspace to be created is over 1000sqm
- Any development on a site over 1ha in size

2. All recommendations to approve a significant departure from the adopted development plan or other Council approved policies and/or strategies
3. Whether an application is considered to be a 'significant' departure will be determined by the Head of Public Protection and Development Management (or the line manager that reports to the Head of Public Protection and Development Management) in consultation with the Chairman of the Planning/Development Control Committee (or Vice Chairman in the Chairman's absence).

When deciding if any departure is 'significant' the criteria that will be considered will include, but not be limited to, the following;

- All relevant policies in the development plan and whether the policies are up to date

- Other CDC/SNC policies, guidance and strategies
 - Government policy
 - Scale and type of development
 - Site history
 - Whether conditions or a legal agreement could address any potential conflict
4. Applications called in by a member of the Council within 25 days **[SNC]**, 21 days **[CDC]** of the registration of an application
- The call in request must be for material planning reasons
 - The request must be made within 25 calendar days **[SNC]** , 21 calendar days **[CDC]** of the registration of the application as valid (the day after registration to count as day one)
 - The request must be made in writing on the appropriate form (**SNC**) or by letter or email (**CDC**)
 - The request must be sent to the Head of Public Protection and Development Management (or the line manager that is responsible for Development Management and reports to the Head of Public Protection and Development Management) and the Chairman of the Development Control/Planning Committee
 - The request **MUST** contain all the relevant information

On receipt of the call-in request the Head of Public Protection and Development Management (or the line manager that reports to the Head of Public Protection and Development Management and is responsible for Development Management) will either agree, or refuse, the request in consultation with the Chairman of the Development Control/Planning Committee (Vice Chairman in the Chairman's absence). The criteria for deciding whether to allow a call-in request will include, but not be limited to,

- whether material planning reasons have been supplied,
- views of parish or town council,
- level of public interest,
- scale and type of development,
- site history,
- statutory time frame for decision,
- relevant development plan policies, council guidance and strategies
- whether the committee could legitimately reach another conclusion than the one reached by officers and/or the extent to which they are considered to have the potential to “add value” to the final scheme.

At SNC, once the request has been agreed or refused;

- the relevant form giving reasons for the decision will be completed and signed by both parties
- the date that the committee will consider the application will be given
- the form will be returned to the councillor who made the request
- If the councillor is unable to attend the meeting, he/she will be encouraged to appoint a substitute or to submit comments in writing
- a copy of the form will be placed on the relevant (public) application file

At CDC the councillor who called in the application is encouraged to attend, or send another nominated member to speak

5. Applications submitted by;
 - Any Officers of CDC/SNC with management responsibility in a personal capacity
 - Officers employed in the Development Management Service
 - Councillors of CDC/SNC (other than applications relating to works to trees)
 - A member of staff or Councillor of CDC/SNC acting as agent or advisor or consultantwhere in any case the Council determining the application is the Council of which the relevant person is an officer or member
6. Applications affecting the Council's own land or where the Council is the applicant (other than applications for works to trees)
7. Any application which the Head of Public Protection and Development Management considers should be referred to Planning/Development Control Committee in consultation with the Chairman (Vice Chairman in the Chairman's absence) because of its controversy or significance.

When deciding if an application is controversial or significant, the criteria that will be considered will include, but not be limited to, the following;

- Consultation responses
- Representations
- Level of public interest
- Relevant development plan and other Council policies, guidance and strategies
- Government policy
- Scale and type of development
- Site history
- Whether Planning/ Development Control Committee could realistically and legitimately take a different view from the officer's recommendation and/or the extent to which they are considered to have the potential to 'add value' to the final scheme.

To determine the following;

- All notifications, determinations and prior approval applications (which include those proposals relating to agricultural developments, telecommunications, demolition of buildings, electricity board works and the removal of public pay phones)
- All requests for screening opinions
- All requests for scoping opinions
- All requests and applications for revisions to s.106 agreements
- All consultations from the County Council and neighbouring local authorities that are not Major applications
- Works to trees in conservation area
- Applications for Hazardous Substances Consent

Apart from the following:

All consultations from neighbouring local authorities (including County Councils) that are Major applications (as defined above), including the winning and working of minerals or the use of land for mineral-working deposits and waste developments, unless referral to Committee would take the Council's response outside the time period given for the response by the consulting authority.

Information about applications

The power to decide what information is needed before a decision can be taken on any application

Acceptance of Land

To exercise the Council's powers to accept the transfer of land, where the land is, or is to be, transferred to the Council under planning obligation or for another planning purpose

Notifications of Development and applications under Permitted Development Rights including Article 4 Directions

To take any action in response to notifications of proposed development required to be given before exercising permitted development rights, and to deal with any subsequent application for consent

To issue Article 4 Directions, in consultation with the portfolio holder/lead member

Planning Enforcement

To take any enforcement action including the issue and service of any statutory notice which includes, but is not limited to,

- enforcement notices (of any kind)
- stop notices
- temporary stop notices
- breach of condition notices
- listed building enforcement notices
- planning contravention notices
- hazardous substances contravention notices
- advertisement discontinuance notices.
- untidy site notices
- repairs notices

To exercise any statutory power to withdraw any such notice, to waive or relax any of their contents, or extend a period for compliance.

Building Preservation Notices

To serve, and withdraw, building preservation notices on unlisted buildings. The reasons for the notice, and any question of potential compensation, must be reported to the earliest available meeting of the Planning/Development Control Committee

Urgent Works Notices

To serve urgent works notices where the Head of Public Protection and Development Management is satisfied that it is necessary to serve such a notice without delay to avoid damage or the risk of damage to an unoccupied listed building. The reasons for the notice and any question of potential compensation must be reported to the earliest available meeting of the Planning/Development Control Committee.

Trees

- To instruct the Head of Law and Governance to make and confirm Tree Preservation Orders
- To take any action which the Council has power to take to require the planting of any tree.
- To serve compensation directions concerning applications for works under a tree preservation order.
- To revoke or vary a tree preservation order.
- To determine all applications for felling, topping, lopping or uprooting trees subject to a Tree Preservation Order

Hedgerows and High Hedges

To exercise the Council's powers with respect to hedgerows and high hedges including registration, administration and determination of notifications under the Hedgerow Regulations

Planning Agreements

To authorise the Council to enter into a planning agreement relating to an application which can be decided by the Head of Public Protection and Development Management.

Building Control

Street naming and numbering

- Naming and renaming of streets, the renumbering of streets, and the renumbering of properties, subject in all cases to consultation with the appropriate Ward Member(s) and, in the case of renaming where an objection has been received in response to the statutory notice, to consideration of the objection and final determination by the lead member in the case of Cherwell and by the Magistrates Court in the case of South Northamptonshire
- Numbering of properties
- Provision of nameplates

Building Regulation Matters

- Issuing of approvals or consents to plans submitted in accordance with the Building Regulations, rejection of those not in accordance with those Regulations and approval of applications for relaxation or dispensation from those Regulations

- Collection of charges payable under the Building Regulations and the repayment of charges where refunds are due
- Agreeing or challenging estimates submitted for calculating Building Regulation fees and charges
- Revision of Building Regulation fees and charges to ensure full cost recovery of the service subject to consultation with the Section 151 Officer
- Variation of individual charges from the prescribed scale of fees and charges, if required, subject to consultation with the Section 151 Officer
- To carry out the necessary statutory duties in respect of Initial Notices issued by the Approved Inspectors supervising work instead of the Council
- To deal with any consultation concerning the safety of any sports ground
- To exercise the Council's powers to require sufficient sanitary facilities to be provided in buildings
- To exercise the Council's powers to require taller chimneys to be erected following the erection of a building
- To exercise the Council's powers with respect to consents for cellars below subsoil water level
- To exercise the Council's powers to require the provision of entrances and/or exits or means of escape from premises
- To exercise the Council's powers to require the provision of food storage places in houses
- To exercise the Council's powers in relation to the use and ventilation of soil pipes
- Taking action in respect of dangerous structures
- Approval of temporary structures under the Public Health Acts and the Building Regulations and the renewal of such consents
- Service of all statutory notices and taking action when Building Regulations are contravened in consultation with the Monitoring Officer where this involves legal proceedings to ensure that they are satisfied as to the evidence
- Service of notice under the Building Act 1984, authorising works of demolition and to exercise the Council's powers with respect to demolition of buildings

- To exercise the Council's powers with respect to ruinous, dilapidated or dangerous buildings or structures, or sites which are dangerous or detrimental to the amenity of the area
- To carry out the necessary statutory duties, in respect of Initial Notices issued by Approved Inspectors supervising work instead of the Council.
- To exercise the Council's powers to take enforcement action against people erecting unsafe structures used on public occasions.

Land Drainage

To exercise the Council's functions with respect to watercourses and land drainage, including the power to serve statutory notices

Highways

To consent to the stopping up of small areas of highway in consultation with the Ward Member where authorised to do so by legislation

Rights of Way

To exercise the Council's powers with respect to rights of way and to determine Public Path Order applications where no objections have been made within the statutory period, or such objections have been withdrawn, during the statutory period

Submission of representations on public rights of way proposals affecting the district

Head of Regeneration and Housing

To nominate persons for tenancies or long leases granted by registered social landlords in accordance with the priority given by the allocation scheme approved by the respective Council.

To determine all applications for persons presenting themselves to the Council as homeless and to determine how any duty which the Council may have to such persons is performed and to keep the policy on homelessness under review

To decide housing register and homelessness appeals where the relevant housing manager has been personally involved with making the decision which is the subject of the appeal

To exercise all the Council's powers with respect to the statutory housing register

To manage the hostels for the homeless, including granting and terminating tenancies and licences and evicting occupiers

To provide housing advice services to the public

To exercise the Council's powers with respect to the provision of affordable housing by registered social landlords

To respond to consultations by the Homes and Communities Agency/relevant government agency concerning its development programme

To exercise powers with respect to persons on land owned by Cherwell or South Northamptonshire without permission

To exercise powers with respect to bringing private sector empty dwellings back into use

To exercise powers with respect to the provision of advice about facilities/services for the disabled

To exercise powers to provide works of maintenance and improvement to properties owned by, or rented to, the elderly or disabled
To exercise powers with respect to the overcrowding of housing accommodation

To exercise powers with respect to houses in multiple occupation

To exercise powers to secure the repair, maintenance, demolition, closure and improvement of sanitary conditions of dwellings

To exercise powers with respect to private sector housing accommodation

Service of statutory notices where required in cases of urgency

To exercise all powers under the Housing Act 2004

To provide housing accommodation during private improvement works

To authorise those officers or agents or consultants acting on behalf of the Council who may exercise statutory powers of entry or statutory powers to require the production of documents under the Housing Acts

To exercise powers relating to community interest companies and similar vehicles including participation and running of such companies

Granting of housing advances in accordance with the approved scheme and ancillary matters and the granting in exceptional cases, of housing advances not in accordance with approved schemes subject to consultation with the portfolio holder

To promote group repair and area renewal schemes

To exercise powers with respect to grants including disabled facility grants, for improvement and maintenance of housing. This includes the amendment or

minor revision of grant policy in consultation with the portfolio holder/lead member subject to there being no budgetary impact arising and where the grant is for a parish council the determination shall be in consultation with the Head of Community Services

To exercise powers for making loans including, but not limited to, the Flexible Home Improvement Loans Limited

Authorisation of legal proceedings for offences under the Rent Act, the Landlord and Tenant Act, the Protection from Eviction Act and the Housing Acts subject to the Head of Law and Governance being satisfied as to the evidence

Day to day estates management of the Council's investment portfolio of land and buildings including lease renewals, surrenders, assignments and rent reviews and any role in community land trust developments

Agreements to the grant or acquisition of easements and wayleaves (to an unlimited value at **CDC** and up to a value of £20,000 at **SNC**) subject to consultation with the portfolio holder/lead member

Agreements to the grant or acquisition of leases and licences up to a value of £100,000 per annum (**CDC**) or £20,000 per annum (**SNC**).

Agreements to purchases and sales of land up to a consideration of £250,000 (**CDC**) or £20,000 (**SNC**) subject to consultation with the portfolio holder/lead member

Variation or release of restrictive covenants up to a value of £250,000 (**CDC**) or £20,000 (**SNC**) subject to consultation with the portfolio holder/lead member

Settlement of compensation claims submitted on behalf of or received by the Council relating to the use of statutory powers to acquire an interest in land

Submitting and settling appeals on rating assessments

Agreement to waive right of pre-emption reserved in the sale of Council property in consultation with the portfolio holder/lead member

Service of Notices relating to additional shared ownership shares

Head of Strategic Planning and the Economy

- To designate and review Conservation Areas in consultation with the relevant portfolio holder and approval of Conservation Area Appraisals and associated management plans in consultation with the portfolio holder/lead member
- Listed Buildings and Conservation Areas - to make any grant (of no more than £2,000) that the Council has power to make in connection with a listed

building or another building of architectural or historic interest or conservation areas

- Submission of representations to the Highway Authority on traffic management proposals affecting the district
- Provision of revisions to the Local List of Buildings of Architectural or Historic Interest and public consultation on such revisions subject to consultation with the portfolio holder/lead member
- Making any non-substantive updates and corrections necessary to facilitate final publication of any policy documents following Cabinet/Executive approval
- To exercise the Council's powers to take steps to encourage visitors to the area in support of the local economy except the operation of tourist information centres which falls within the responsibility of the Head of Community Services

Head of Transformation

- To submit any post for re-grading and, after considering a job evaluation report, alter the grade of any post or refuse application for re-grading
- To authorise career graded posts and the progression of staff through those career grades
- Agreement to changes to establishment posts provided such changes are contained within existing budgets
- To produce, implement and review the Council's recruitment and retention policies
- Administration of car loans in consultation with the Head of Finance and Procurement
- Recovery of all sums due to the Council at the end of employment with exception of those subject to credit agreement
- To implement a corporate skills and development training programme and to approve applications for post entry training and to enter into agreements with employees requiring them to pay the cost assistance in certain cases
- To authorise payment of relocation and disturbance allowances and to enter into agreements with employees requiring them to pay the cost assistance in certain cases

- The implementation of national and local agreements with trade unions in consultation with the Head of Finance and Procurement in relation to wages and salaries
- To amend job titles (other than for members of Senior Management Team)
- To grant early retirement on medical grounds to employees in accordance with the Council's HR policies
- Approval of extensions to sick pay at full or half pay as provided for in the National Conditions of Service
- Issue of pensions protection certificates under Regulation 23 of the Local Government Pensions Scheme Regulations 1997 in consultation with the Head of Finance and Procurement (not available from 1/4/2008 but updates on previously issued certificates may be requested)
- To authorise any proposal to dismiss staff below Chief Officer in accordance with Council procedure in consultation with the relevant Director and the Head of Paid Service
- Setting aside the policy on recruitment of qualified staff where appropriate professional qualification is not readily accessible
- Application and monitoring of the corporate equalities policies at Cherwell and South Northamptonshire
- Authority to conclude compromise agreements with employees on matters of dispute relating to their employment in consultation with the Head of Law and Governance and in consultation with the Head of Finance and Procurement on the amount of the settlement

Schedule of Proper Officer Appointments

Head of Paid Service

This post has responsibility for the overall management of the staff who work for the authority under section 4 of the Local Government and Housing Act 1989 (full details of the responsibilities are set out in the introduction to this Constitution).

This post is responsible for ensuring the proper use of evaluation systems for determining what staff are paid and reporting as and when required by either authority on the number and grade of staff required.

Section 151 Officer

This post has day to day responsibility for the Council's financial affairs under Section 151 of the Local Government 1972 and Section 114 of the Local Government Finance Act 1988 and provides strategic financial advice to the Council. Full details of the responsibilities are set out in the introduction to this Constitution.

Monitoring Officer

This post is responsible for the Council's Code of Conduct and advising the Council's Standards Committee on any potential breaches. Full details of the responsibilities are set out in the introduction to this constitution.

Electoral Returning Officer and Returning Officer

Authority to take such action and make such decisions as are necessary as Electoral Registration Officer and Returning Officer/Acting Returning Officer (for Parliamentary and European elections)/Deputy Returning Officer (for County Council elections)/Counting Officer (for referenda).

Assigning Officers in relation to requisitions of the Electoral Registration Officer

Providing assistance to the Returning Officer at Parliamentary, European and County Council elections and to the Chief/Regional Counting Officer for referenda.

Power to fill vacancies in the event of insufficient nominations and make temporary appointments to Parish Councils.

Declaring vacancies in office in certain cases and giving notice of casual vacancies.

Consulting on proposed changes to the scheme of elections

Duties relating to providing notice to the Electoral Commission and relating to publicity.

Proper Officers and Authorised Officer Appointments

The relevant postholders listed below have been appointed as Proper Officers for the purposes of the adjacent legislative provisions.

An officer with line management responsibility for an officer listed in the list of Proper Officer and Authorised Officer appointments may exercise the power in the absence of the Proper Officer/Authorised Officer.

The Proper Officer (Medical) shall be such officer as the Health Protection Agency may wish to appoint.

The Section 151 Officer shall act as the Proper Officer in respect of any other statute where specific arrangements for financial matters have not been made under this scheme.

The Head of Law and Governance shall act as the Proper Officer for any other legislative provisions where specific arrangements have not been made under this scheme.

Except for documents to be executed under seal, any officer of the Council to whom powers have been delegated shall be the Proper Officer for the purpose of authenticating any notice, order or document which he/she is authorised or required by any enactment to give, make or issue.

Legislation in these tables includes any amendments, re-enactments and subordinate legislation. Legislation is listed in date order.

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|--|--|--|--|
| Landlord and Tenant Act 1927 | S.23 | To serve and receive notice on behalf of the Council | Head of Regeneration and Housing |
| Public Health Act 1936 (as amended) | S.45 | To serve notice on owners of buildings with defective sanitary conveniences capable of repair | Head of Regeneration and Housing |
| | S.50 | To serve notice on owners of overflowing or leaking cesspools | Head of Regeneration and Housing |
| NB prospectively removed by Control of Pollution Act 1974 s.109(2) but not yet in force | S.79 | To serve notice to require removal of noxious matter | Head of Public Protection and Development Management |
| | S.83 { { { | Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises. | Head of Regeneration and Housing or Head of Public Protection and Development Management |
| | S.84 and { | To serve notice requiring remedial action where there are filthy and verminous premises, persons or articles | Head of Regeneration and Housing or Head of Public Protection and Development Management |
| | S.85 (see also s.35 Public Health Act 1961 | Remedial action where there are filthy and verminous premises, persons or articles | Head of Regeneration and Housing or Head of Public Protection and Development Management |
| | s.275 | By agreement to carry out works in default on sewers or drains | Head of Public Protection and Development Management |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|---|----------------|---|--|
| | S.287 | Power to enter premises | Head of Public Protection and Development Management, Head of Regeneration and Housing |
| Prevention of Damage by Pests Act 1949 | S.2 – S.7 | Duty to control rats and mice in district | Head of Environmental Services or Head of Public Protection and Development Management |
| | S.22 | Powers of entry | Head of Environmental Services or Head of Public Protection and Development Management |
| National Assistance (Amendment) Act 1951 | S.1(1) | Certification of the need for a person in need of care and protection to be removed to suitable premises without delay | Medical Officer/Community Physician |
| | S.1(3) | The person who may make application to court of summary jurisdiction or to a single justice to obtain an order authorising the removal of a person in need of care and protection | Medical Officer/Community Physician |
| Landlord and Tenant Act 1954 | S.66 | To serve and receive notices on behalf of the Council | Head of Regeneration and Housing |
| Milk and Dairies (General) Regulations 1959 (as amended) | Reg.20 | Milk treatment orders | Medical Officer/Community Physician |
| Public Health Act 1961 | S.34 | Accumulation of rubbish | Head of Public Protection and Development Management or Head of Environmental |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer Services |
|--|---|--|--|
| | S.36, SS.83, 84 and 85 (2) Public Health | Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises including power to require vacation of premises during fumigation. | Head of Regeneration and Housing or Head of Public Protection and Development Management |
| | S.37 | Prohibition of sale of verminous articles | Head of Regeneration and Housing |
| Local Government Act 1972 | S.13 (3) | Appointment as a Parish Trustee | Head of Law and Governance |
| | S.83 (1) to (4) | Witness and receipt of declaration of acceptance of office | Chief Executive |
| | S.84 (1) | Receipt of notice of resignation of councillor | Chief Executive |
| | S.88 (2) and Schedule 12 | Convening a meeting of Council to fill casual vacancy in the office of Chairman | Chief Executive |
| | S.89 (1) (b) | Notice and filling of casual vacancy | Returning Officer |
| | Local Elections (Parishes and Communities) Rules 1986 | Request for an election to fill a casual vacancy in respect of parish councils | Returning Officer |
| | S.96 (1) and (2) | Receipt of notices and recordings of disclosures of interests | Head of Law and Governance |
| | S.99 | Convening of meetings | Chief Executive |
| | S.100 and Schedule 12A | Access to information | Head of Law and Governance |
| | S.100 (except | Admission of public | Chief Executive |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|--|---|---|--|
| | 100D) | (including press) to meetings | |
| | S.100D | Listing background papers for reports and making copies available for the public to look at | Head of Law and Governance |
| Local Government (Access to Information) Act 1985 | S.100D (1)A | Compilation of lists of background papers | Each Head of Service for their service area reports |
| | Section 100D (5)A | Identification of background papers | Each Head of Service for their service area reports |
| Local Government Act 1972 | S.115 (2) | Receiving money due from officers | Chief Finance (section 151) Officer |
| | S.146(1)(a) and (b) | Declarations and certificates with regard to transfer of securities | Chief Finance (section 151) Officer |
| | S.151 | Financial administration | Chief Finance (section 151) Officer |
| | S.173 - S178 | Keeping of records of Members' Allowances | Chief Finance (section 151) Officer |
| | S.191 | To receive applications to undertake OS work under the Ordnance Survey Act, 1841 | Head of Public Protection and Development Management |
| | S.204 | Receipt of Licensing applications and make the appropriate representations in respect of the same | Head of Public Protection and Development Management |
| | S.210 | To exercise powers in respect of charities | Head of Law and Governance |
| | S.214(3) and Article 9 of the Local Authorities' Cemeteries | To grant exclusive rights of burial and sign the necessary certificate. | Head of Law and Governance |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|--|-----------------------|--|--|
| | Order 1974 | | |
| | S.223 | Authorisation (appearance by persons other than solicitors in legal proceedings) | Head of Law and Governance |
| | S.225 | Deposit of documents | Chief Executive |
| Local Government Act 1972 | S.228 | Inspection of documents | Head of Law and Governance |
| | S.228(3) | Accounts for inspection by any member of the Council | Chief Finance (section 151) Officer |
| | S.229(5) | Certification of photographic copies of documents | Head of Law and Governance |
| | S.234 | Authentication of documents | Head of Law and Governance |
| | S.236(9) and (10) | Sending of copies of byelaws to parish councils, parish meetings and county council | Head of Law and Governance |
| | S.238 | Certification of byelaws | Chief Executive |
| | S.251 and Schedule 29 | Exercise all functions of any enactment passed before or during the same session of Parliament as the passing of the LGA 1972 | Head of Law and Governance |
| | S.270 | Except in the case of financial powers or matters, to act as the Proper Officer in respect of any other statute where specific arrangements have not been made in the Scheme | Head of Law and Governance |
| | Various Sections | Any requirement in relation to parish authorities specified in the Act (or other legislation). | Head of Law and Governance |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|---|--|---|---|
| Local Government Act 1972 | Schedule 12 para 4 (2) (b) | Signing of summons to Council meeting | Chief Executive |
| | Schedule 12 para 4 (3) | Receipt of notice regarding address to which summons to meeting is to be sent | Chief Executive |
| | Schedule 14 Para 25 | Certification of resolution passed under this paragraph | Head of Law and Governance |
| | Schedule 16 Para 28 | Deposit of lists of buildings of special architectural or historic interest | Head of Strategic Planning and the Economy |
| | Schedule 16 S.191(2) | Applications under Section 1 of the Ordnance Survey Act 1841 | Head of Strategic Planning and the Economy |
| | | The purposes of issuing planning decision notices and for all building regulation purposes | Head of Public Protection and Development Management |
| | Schedule 16 | Receipt of deposit lists of protected buildings | Head of Strategic Planning and the Economy |
| | Schedule 29 | Adaptations, modifications and amendments of enactments. | Head of Law and Governance |
| Part VA | Access to information | Head of Law and Governance | |
| Health and Safety at Work Act 1974 | S.19 – S.25 / 39 | Appointment of and termination of appointment of Inspectors and various enforcement powers | Head of Public Protection and Development Management |
| Local Government Act 1974 | S.30 (5) | To give notice that copies of a Local Commissioner's (Ombudsman) report are available | Monitoring Officer |
| Control of Pollution Act 1974 | S.60 – S.61 | Construction site noise | Head of Public Protection and Development |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer Management |
|---|----------------|--|---|
| Local Land Charges Act 1975 | S.9 | To act as local registrar for the registration of local land charges and the issue of official search certificates | Head of Law and Governance |
| Local Government (Miscellaneous Provisions) Act 1976 | S.16 | Requests to obtain particulars of persons interests in land | Heads of Service |
| | S33 | Restoration of supply of water, gas or electricity | Head of Regeneration and Housing |
| | S.41 (1) | To certify copy resolutions, orders, reports and minutes and copy instruments appointing officers to perform certain functions | Head of Law and Governance |
| Local Authorities Cemeteries Order 1977 (as amended) | Article 10 | To sign exclusive rights of burial | Head of Law and Governance |
| Refuse Disposal (Amenity) Act 1978 (as amended) | S.2A | Fixed penalty notice in respect of abandoned vehicles | Head of Environmental Services |
| Local Government (Miscellaneous Provisions) Act 1982 | S.13 – S.17 | Skin piercing | Head of Public Protection and Development Management |
| | S29 | Protection of buildings | Head of Regeneration and Housing Services or Head of Public Protection and Development Management (depending on type of premises) |
| | S.27 | Repair of drains, private | Head of Public |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|---|----------------|---|---|
| | | sewers etc | Protection and Development Management |
| | S.35 | Blocked private sewers | Head of Public Protection and Development Management |
| Local Government (Miscellaneous Provisions) Act 1982 | | Control of sex establishments | Head of Public Protection and Development Management |
| Representation of the People Act 1983 | S.28 | Acting Returning Officer at Parliamentary Elections | Returning Officer |
| | S.67(1) | Receipt of appointment of election agents | Returning Officer |
| | S.67(6) | Publication of names and addresses of agents | Returning Officer |
| | S67(7)(b) | Appropriate officer for local election purposes | Returning Officer |
| | S.81(1) | Receipt of return of election expenses | Returning Officer |
| | S.82(1) | Receipt of declaration of election expenses | Returning Officer |
| | S.87A(2) | Delivery of copy of returns to Electoral Commission | Returning Officer |
| | S89(3) | Copy and inspections of returns and declarations. | Returning Officer |
| | S.131 | Providing accommodation for holding election count | Returning Officer |
| Building Act 1984 | S.59 – S.61 | Authorisation of repair, reconstruction or alteration of drains | Head of Public Protection and Development Management or Head of Regeneration and Housing |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|--------------------------------------|----------------|--|--|
| | S.64 – S.65 | Replacement of sanitary conveniences | Head of Public Protection and Development Management or Head of Regeneration and Housing |
| | S76 | Defective premises (expedited procedure relating to s80 EPA 1990) | Head of Public Protection and Development Management or Head of Regeneration and Housing |
| | S.78 | To act as “the surveyor” empowered to take and authorise emergency action in respect of damaged and dangerous buildings. | Head of Public Protection and Development Management |
| | S.84 | Paved yards | Head of Public Protection and Development Management |
| | S.93 | Authentication of documents | Head of Public Protection and Development Management or Head of Regeneration and Housing |
| | S.95 | Power to enter premises | Head of Public Protection and Development Management or Head of Regeneration and Housing |
| | S.97 | Power to execute work | Head of Public Protection and Development Management or Head of Regeneration and Housing |
| Public Health (Control of | S.11 | Cases of notifiable disease and food poisoning to be | Medical Officer/Community |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|--|----------------|---|---|
| Disease) Act 1984 | | reported | Physician |
| (as amended by the Health and Social Care Act 2008) | S.11 | To receive certificates from medical practitioners concerning patients suffering from notifiable diseases and to take all other action necessary relating to those certificates | Head of Public Protection and Development Management |
| | S.18 | Obtaining information from any occupier of premises concerning any person suffering from a notifiable disease or food poisoning | Head of Public Protection and Development Management |
| | S.20 | Stopping of work to prevent spread of disease | Medical Officer/Community Physician |
| | S.21 | Exclusion from school of child liable to convey notifiable disease (as amended by s.45 of 2008 Act) | Medical Officer/Community Physician |
| | S.22 | List of pupils at schools having case of notifiable disease (as amended by s.45 of 2008 Act) | Medical Officer/Community Physician |
| | S.23 | Exclusion from places of entertainment | Medical officer/community physician |
| | S.24 | Control of infected articles intended to be washed at laundry or wash houses | Head of Public Protection and Development Management |
| | S.25 | Library books to be disinfected or disposed of | Head of Public Protection and Development Management |
| | S.26 | Infectious matter not to be placed in dustbins | Head of Environmental Services |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|------------------------|----------------|---|---|
| | S.29 | To issue certificates in respect of houses or rooms to be let after being properly disinfected following a case of a notifiable disease | Medical Officer/Community Physician |
| | S.31 | Certification by officer of need for disinfection of premises | Head of Public Protection and Development Management or Medical Officer |
| | S.32 | Certification by officer of need to remove person from infected house | Head of Public Protection and Development Management or Medical officer |
| | S.34 | Duty of owner etc of public convenience | Head of Environmental Services |
| | S.35 | To obtain a Justice's Order requiring a person to be medically examined | Medical Officer/Community Physician |
| | S.36 | Medical examination of group of persons believed to comprise carrier of notifiable disease | Medical Officer / Community Physician |
| | S.37 | To obtain a Justice's Order requiring a person with notifiable disease to be removed to hospital | Medical Officer / Community Physician |
| | S.38 | To obtain a Justice's Order requiring detention in hospital of a person with a notifiable disease | Medical Officer / Community Physician |
| | S.39 – S.40 | Getting a warrant to examine residents of a common lodging house | Medical Officer / Community Physician |
| | S.42 | Closure of common lodging house on account of notifiable disease and certifying a common lodging house to be free from | Medical Officer / Community Physician |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|------------------------|----------------|--|---|
| | | infection | |
| | S.43 | Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except taken to a mortuary or immediately buried or cremated | Medical Officer / Community Physician |
| | s.45 | Power to require children are kept from school, require contact lists of pupils and to decontaminate premises or articles. Power to seek Justice's Order in respect of quarantine, isolation or destruction etc (a Part 2A Order) | Head of Public Protection and Development Management |
| | S.48 | Removal of body to mortuary or for immediate burial and certifying that it would be a health risk to keep a body in a building | Medical Officer / Community Physician |
| | S.49 – S.52 | Regulations concerning canal boats | Head of Regeneration and Housing or Medical Officer / Community Physician |
| | S.59 | Authentication of documents relating to matters within their province | Head of Regeneration and Housing or Medical Officer/Community Physician |
| | S.61 | Power of entry | Head of Regeneration and Housing or Medical Officer / Community Physician |
| Food Act 1984 | S.8 | Enforcement of provision relating to working conditions | Head of Public Protection and Development Management |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|--|---------------------|---|--|
| | S.28 | Service of notice to prevent spread of disease by ice-cream | Head of Public Protection and Development Management |
| | S.31 | Service of notice requiring food not to be used for human consumption where it appears to be infected | Head of Public Protection and Development Management |
| Housing Act 1985 | S.265 | Demolition Order | Head of Regeneration and Housing |
| | S.289 | Clearance Area Declaration | Head of Regeneration and Housing |
| | S.300 | Determination to Purchase | Head of Regeneration and Housing |
| | S.319 | Power of entry | Head of Regeneration and Housing |
| | S.606 | Submitting reports on particular houses or areas | Head of Regeneration and Housing |
| Local Elections (Principal Area) Rules 1986 | All | All functions | Returning officer |
| Local Elections (Parishes and Communities) Rules 1986 | Rules 46, 47 and 48 | Keeping documents after an election and making them available for the public to look at | Returning Officer |
| Public Health (Infectious Diseases) Regulations 1988 | Reg.6 | Special reporting of infectious diseases | Medical Officer / Community Physician |
| | Reg.8 | Statistical returns | Medical Officer / Community Physician |
| | Reg.9 | Prevention of spread of disease | Medical Officer / Community Physician |
| | Reg.10 | Immunisations and vaccination | Medical Officer / Community Physician |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|--|-----------------------------|---|--|
| | Reg.11 | Measures against rats | Medical Officer / Community Physician |
| | Schedule 3 | Typhus and relapsing fever | Medical Officer / Community Physician |
| | Schedule 4 | Food poisoning and food borne infections | Medical Officer / Community Physician |
| Local Government and Finance Act 1988 | S.112 – S.115, S.115A | Responsible officer for the purposes of the financial administration of the Council's affairs | Chief Finance (section 151) Officer |
| | S.116 | Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the Chief Finance Officer under this Act | Chief Finance (section 151) Officer |
| Local Government and Housing Act 1989 | S.2(4) | Maintenance and review of the Council's List of Politically Restricted Posts | Head of Transformation |
| | S.4 | Functions as Head of Paid Service. | Head of Paid Service |
| | S.5 | Functions of Monitoring Officer within the meaning of this section of the Act | Monitoring Officer |
| | S.15 - 17 | Allocating seats on Committees | Head of Law and Governance |
| | S.18 | Arrangements in respect of the Scheme of Members' Allowances | Chief Finance (section 151) Officer / Head of Law and Governance |
| | S.19 | Arrangements in respect of the Register of Members' interests | Head of Law and Governance |
| | Part 7 | Declaration of Renewal Areas | Head of Regeneration and Housing |
| Environmental Protection Act | S.6 – S.15 | Prescribed processes | Head of Environmental Services or Head of |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|-----------------------------|----------------|---|--|
| 1990 (as amended) | | | Public Protection and Development Management |
| | S.78 | Contaminated land | Head of Public Protection and Development Management |
| | S.79 – S.82 | Statutory nuisance | Head of Public Protection and Development Management or Head of Regeneration and Housing or Head of Environmental Services |
| | S.88 | Fixed penalty notices for leaving litter | Head of Environmental Services or Head of Public Protection and Development Management |
| | S.149 – S.150 | Officer responsible for dealing with stray dogs in the area and maintaining a register of dogs seized | Head of Public Protection and Development Management |
| | Schedule 3 | Powers of entry | Head of Public Protection and Development Management or Head of Regeneration and Housing or Head of Environmental Services |
| Food Safety Act 1990 | S.9 | Seizure of food | Head of Public Protection and Development Management |
| | S.29 – S.30 | Sampling food | Head of Public Protection and Development Management |
| | S.11, S37 – | Improvement / prohibition | Head of Public |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|--|-----------------------------|---|---|
| | S.39 | notices | Protection and Development Management |
| | S.49(3) | To sign documents on behalf of the authority | Head of Public Protection and Development Management |
| Town and Country Planning Act 1990 | S.215 | Waste land | Head of Public Protection and Development Management |
| Local Government (Committees and Political Groups) Regulations 1990 | Regs.8, 9, 10, 13 and 14 | Dealing with political balance on committees and nominations to political groups | Head of Law and Governance |
| Water Industry Act 1991 | S.80 – S.83 | Private water supply | Head of Public Protection and Development Management |
| Clean Air Act 1993 | S.1 – S.2 | Prohibition of dark smoke | Head of Public Protection and Development Management |
| | S.51 and S.56 | To exercise all functions conferred by these sections | Head of Public Protection and Development Management |
| Criminal Justice and Public Order Act 1994 | S.77 – S.80 | Removal of unauthorised encampments | Head of Regeneration and Estates |
| Environment Act 1995 | S.80 | Local air quality management | Head of Public Protection and Development Management |
| | S.84 | Air quality management areas | Head of Public Protection and Development |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer Management |
|---|----------------|--|--|
| Dogs (Fouling of Land) Act 1996 | S.4 | To issue fixed penalty notices | Head of Environmental Services or Head of Public Protection and Development Management |
| Housing Grants, Construction & Regeneration Act 1996 | Part 1 | Disabled Facilities Grants | Head of Regeneration and Housing |
| Noise Act 1996 (as amended) | S.8 | Fixed penalty notices in respect of noise nuisance | Head of Public Protection and Development Management |
| Party Wall Act 1996 | S.10(8) | To act as the 'appointing officer' as required by of the Party Wall Act 1996 | Head of Public Protection and Development Management |
| | S.10 | To select a third surveyor, if required, during a neighbour dispute about building projects | Head of Public Protection and Development Management |
| Local Government (Contracts) Act 1997 | S.3 | Signing certificates in respect of Certified Contracts | Head of Law and Governance |
| | S.4 | To maintain a register of certificates in respect of Certified Contracts to be open to public inspection | Head of Law and Governance |
| Data Protection Act 1998 | All | Ensuring compliance with the statutory provisions and principles of the Act | Head of Law and Governance |
| Crime and Disorder Act 1998 | S.5 | To work in partnership with the police and other responsible bodies to reduce crime | Head of Community Services |
| | S.17 | To consider crime and disorder implications of any | Head of Community Services |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|----------------------------------|----------------|--|--|
| | | decisions | |
| | S.115 | Power to disclose information in the interest of community safety and other purposes of the Act | Head of Community Services |
| Local Government Act 2000 | S.34 | Determine whether a petition is valid | Electoral Registration Officer |
| | S.81 | Establishment and maintenance of the Register of Members' Interests including voting co-opted members | Monitoring Officer |
| | S.99 and S.100 | Regarding Members' allowances and pensions and having regard to all relevant regulations, including The Local Authorities (Members' Allowances) (England) Regulations 2003, and The Local Government Pension Scheme and The Discretionary Compensation (Local Authority Members in England) Regulations 2003 | Head of Law and Governance |
| | Various | Dealing with the holding of referendums | Returning Officer / Electoral Registration Officer |
| | | All other responsibilities in the Act and any subordinate legislation | Head of Law and Governance |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|---|-------------------|---|---|
| Freedom of Information Act 2000 | S.36 | Application from exemption disclosure | Monitoring Officer |
| | All others | All responsibilities associated with the act | Head of Law and Governance |
| Regulation of Investigatory Powers Act 2000 (RIPA) | S.27 – S.29 | Designation of officer empowered to grant authorisations for the carrying out of directed surveillance and authorize the use of covert human intelligence sources under the Act | Directors, Monitoring Officer or Chief Executive in accordance with Council's RIPA policy Chief Executive to authorise operations against children and vulnerable adults |
| Local Authorities (Standing Orders) (England) Regulations 2001 | Schedule 1Part II | Giving notice of appointments and dismissal of officers to the Executive in accordance with the Regulations | Head of Law and Governance |
| Private Security Industry Authority Act 2001 | | Enforcement of actions by licensed door supervisors | Head of Public Protection and Development Management |
| Criminal Justice | S.19(2) | Power of closure where the | Head of Public |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|--|----------------|--|--|
| and Police Act 2001 | | sale of alcohol is not in accordance with any authorisation | Protection and Development Management |
| The Representation of the People (England and Wales) (Amendment) Regulations 2002 | Reg.107 | Decisions on whether or not any particular proposed use of the electoral register meets the legislative requirements | Head of Law and Governance |
| Money Laundering Regulations 2003 | Reg 7 | Nominated officer to receive disclosures about suspected money laundering | Chief Finance (section 151) Officer |
| Anti-Social Behaviour Act 2003 (as amended) | S.30 | Approval for dispersal orders | Head of Public Protection and Development Management |
| | S.40 | Immediate closure if there is a public nuisance caused by noise and closure is necessary to prevent it | Head of Public Protection and Development Management |
| | S.43 | To issue penalty notices for graffiti and flyposting | Head of Public Protection and Development Management or Head of Environmental Services |
| Accounts and Audit Regulations 2003 | All Regs | All responsibilities | Chief Finance (section 151) Officer or person nominated by him/her under Section 114 of the Local Government Finance Act 1988 where the Chief Finance Officer is unable to act |
| Housing Act 2004 | S.239 | Determining if a survey or examination is necessary | Head of Regeneration and Housing |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer |
|--|----------------|--|--|
| | Part 1 | Enforcement of Housing Standards | Head of Regeneration and Housing |
| | Part 2 | Licensing of HMOs | Head of Regeneration and Housing |
| | Part 3 | Selective Licensing of Residential Accommodation | Head of Regeneration and Housing |
| | Part 4 | Additional controls in relation to residential accommodation | Head of Regeneration and Housing |
| | Part 6 | Other provisions about housing | Head of Regeneration and Housing |
| | Part 7 | Supplementary and final provisions | Head of Regeneration and Housing |
| The Clean Neighbourhoods and Environment Act 2005 | Part 2 | Nuisance parking | Head of Community Services or Head of Environmental Services |
| | Part 3 | Litter | Head of Environmental Services |
| | Part 4 | Fly posting | Head of Environmental Services |
| | S.59 | Dog control fixed penalty notices | Head of Public Protection and Development Management |
| Food Hygiene Regulations 2006 | Reg.6 | Hygiene improvement notice | Head of Public Protection and Development Management |
| | Reg.7 | Hygiene prohibition orders | Head of Public Protection and Development Management |
| | Reg.8 | Hygiene emergency prohibition orders | Head of Public Protection and Development |

| Legislation Act | Section | Purpose of appointment | Proper Officer / Authorised Officer Management |
|--|----------------|---|---|
| | Reg.9 | Remedial action/detention notice | Head of Public Protection and Development Management |
| | Reg.12 | Food sampling | Head of Public Protection and Development Management |
| | Reg.14 | Powers of entry | Head of Public Protection and Development Management |
| | Reg.17 | Food premises registration | Head of Public Protection and Development Management |
| Smokefree (Premises and Enforcement) Regulations 2006 | | Enforcing smokefree legislation in premises and vehicles | Head of Public Protection and Development Management |
| Criminal Justice and Police Act 2006 | S.14 | Broader definition of S.17 of the Crime and Disorder Act 1998, to consider crime and disorder implications of any decisions, to include anti social behaviour | Head of Community Services |
| | S.22 | To share depersonalised data | Head of Community Services |
| Health Protection (Notification) Regulations 2010 | | All local authority responsibilities under these regulations | Head of Public Protection and Development Management |

**Local Authorities
(Executive Arrangements)
Governance(Meetings and
Access to Information)
(England) Regulations 2012**

All local authority
responsibilities under
these regulations

Head of Law
and
Governance

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Council

2011/12 Treasury Management Annual Report

15 October 2012

Report of Head of Finance and Procurement

PURPOSE OF REPORT

This report presents information on treasury management performance and compliance with treasury management policy during 2011/12 as required by the Treasury Management Code of Practice.

| |
|-----------------------|
| This report is public |
|-----------------------|

Recommendations

Council is recommended:

- (1) To note the contents of this report in line with the Treasury Management Strategy.

Executive Summary

- 1.1 The annual treasury report is a requirement of the Council's reporting procedures. It covers the treasury activity during 2011/12 and the actual performance against Prudential Indicators for 2011/12.
- 1.2 The report meets the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities. During 2011/12 the reporting requirements were that members receive an annual treasury strategy in advance of the year, a mid-year treasury report and an annual report describing the activity compared to the strategy. The Accounts, Audit and Risk Committee has been nominated to scrutinise the treasury activity of the Council and they receive regular reports on compliance with strategy and a comprehensive overview of investments made.
- 1.3 The Council is required to comply with both Codes through Regulations issued under the Local Government Act 2003.

Background Information

- 2.1 Councils invest money from the sale of assets and invest Government revenue grant paid to councils in regular intervals, before they have to spend it. This is with the aim of earning interest to support services and keep council tax down. All investments are placed to ensure security of

investments firstly, followed by liquidity and the final consideration is yield.

- 2.2 Cherwell District Council sold its housing stock on 29th March 2004 and this generated a substantial capital receipt. It is the Council's capital receipts and useable reserves that are being invested. As the Council continues to invest in infrastructure throughout the District these balances will reduce.

Annual Treasury Performance 2011/12

- 2.3 The actual return on investments for 2011/12 was £1.230m compared with a budget of £0.723m a positive variance of £0.507m. However approximately £216k of the interest received is in respect of the investment of Eco Town funds and this has been allocated back to the Eco Town funding pot.

The budget was based on an average investment balance of £68m and an interest rate of 1.06%. The actual average balance was £72.56m which attracted an average return of 1.70%.

The financial year 2011/12 continued the challenging investment environment of previous years, namely low investment returns and continuing heightened levels of counterparty risk.

- 2.4 Our Treasury Management Annual Report can be seen in Appendix 1.

During 2011/12 the Council complied with all of its legislative and regulatory requirements.

Icelandic Investments

- 2.5 The Council was one of over 100 local authorities that were affected by the collapse of Icelandic banking institutions. The Council held a total of £6.5 million in 3 investments with Glitnir.

- 2.6 The Icelandic Government stated its intention to honour all its commitments as a result of their banks being placed into receivership. The U.K. Government has been working with the Icelandic Government to help bring this about. At the current time, Cherwell District Council has received repayment of £5.7m of the initial capital investment of £6.5m with the balance of £729k remaining frozen in a deposit account earning interest. We continue to have discussions with the LGA and Bevan Brittan on the potential for transfer to the UK.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 This report illustrates the Council's Treasury performance for 2011/12 against budget and includes the Annual Treasury Report 2011/12

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

Option One To review current performance levels, and consider any actions arising.

Option Two To approve or reject the recommendations above or request that Officers provide additional information.

Consultations

The investment strategy has been subject to regular review with Members through the Accounts, Audit and Risk Committee and quarterly budget monitoring to the Executive.

Implications

| | |
|-------------------------|--|
| Financial: | Financial Effects – the financial effects are as outlined in the report. Comments checked by Karen Muir, Technical & Project Accountant, 01295 221559. |
| Legal: | Presentation of this report is in line with the CIPFA Code of Practice. Comments checked by Kevin Lane, Head of Law and Governance 0300 0030107 |
| Risk Management: | It is essential that the Treasury Annual Report is considered by Council as it demonstrates that the risk of not complying with the Council's Treasury Management Strategy has been avoided in 2011/12. Comments checked by Gavin Haligen Davies, Corporate Strategy and Performance Manager, 01295 221563. |

Wards Affected

All

Corporate Plan Themes

An Accessible and Value for Money Council

Executive Lead Member

Councillor Ken Atack
Lead Member for Financial Management

Document Information

| Appendix No | Title |
|---|--|
| Appendix 1 | Treasury Management Annual Report 2011/12 |
| Background Papers | |
| 2011/12 Investment Strategy CIPFA Treasury Management Code Of Practice 2011/12 Treasury Management Practices 2011/12 Budget Monitoring Reports | |
| Report Author | Karen Curtin, Head of Finance and Procurement |
| Contact Information | 0300 0030106 karen.curtin@cherwellandsouthnorthants.gov.uk |

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Annual Treasury Management Report 2011/12

Purpose

This Council is required through regulations issued under the Local Government Act 2003 to produce an annual treasury report reviewing treasury management activities and the actual prudential and treasury indicators for 2011/12. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

During 2011/12 the minimum reporting requirements were that the full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Council 19 /03/2012)
- a mid year (minimum) treasury update report (Council 21/09/2011)
- an annual review following the end of the year describing the activity compared to the strategy (this report)

In addition, this Council has received quarterly treasury management update reports by the Executive and Accounts, Audit & Risk Committees.

Recent changes in the regulatory environment place a much greater onus on members for the review and scrutiny of treasury management policy and activities. This report is important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

This Council also confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Accounts, Audit & Risk Committee before they were reported to the full Council. Member training on treasury management issues was undertaken during the year on 02/06/2011 in order to support Members' scrutiny role.

Executive Summary

During 2011/12, the Council complied with its legislative and regulatory requirements. The key actual prudential and treasury indicators detailing the impact of capital expenditure activities during the year, with comparators, are as follows:

| Prudential and treasury indicators | 2010/11 Actual £000 | 2011/12 Actual £000 |
|---|----------------------------|----------------------------|
| Capital expenditure | 5,817 | 4,816 |
| Capital Financing Requirement: | (5,817) | (4,816) |
| • Net borrowing | 0 | 0 |
| External debt | 0 | 0 |
| Investments | | |
| • Longer than 1 year | 5,535 | 5,041 |
| • Under 1 year | 57,733 | 61,973 |
| • Total | 63.268 | 67,014 |

Other prudential and treasury indicators are to be found in Annex 1 of this report. .

The financial year 2011/12 continued the challenging investment environment of previous years, namely low investment returns and continuing heightened levels of counterparty risk.

Introduction and Background

This report summarises:

- Capital activity during the year;
- Impact of this activity on the Council's underlying indebtedness (the Capital Financing Requirement);
- Reporting of the required prudential and treasury indicators;
- Overall treasury position identifying the impact on investment balances;
- Summary of interest rate movements in the year;
- Detailed investment activity.

1. The Council's Capital Expenditure and Financing 2011/12

The Council undertakes capital expenditure on long-term assets. These activities may either be:

- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
- If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.

The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed:

| | 2010/11 Actual £000s | 2011/12 Actual £000s |
|---|-------------------------------------|-------------------------------------|
| Capital Expenditure | 5,817 | 4,816 |
| Total Capital expenditure | 5,817 | 4,816 |
| Resourced by | | |
| Capital receipts | (4,509) | (3,938) |
| Government Grants & Other Contributions | (646) | (547) |
| Use of Reserves | (347) | (331) |
| Direct Revenue Financing | (315) | - |
| Total resources used | 5,817 | 4,816 |

2. The Council's Overall Borrowing Need

The Council is debt free and does not currently have a borrowing requirement.

3. Treasury Position as at 31 March 2012

The Council's investment position is organised by the treasury management team in order to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities. Procedures and controls to achieve these objectives are well established both through Member reporting detailed in the summary, and through officer activity detailed in the Council's Treasury Management Practices. At the beginning and the end of 2011/12 the Council's treasury position was as follows:

| | 2010/11 Actual £000 | 2011/12 Actual £000 |
|--------------------|---------------------------|---------------------------|
| Investments | | |
| Longer than 1 year | 5,535 | 5,041 |
| Under 1 year | 57,733 | 61,973 |
| Total | 63.268 | 67,014 |

4. The Strategy for 2011/12

The expectation for interest rates within the strategy for 2011/12 anticipated low but rising Bank Rate (starting in quarter 4 of 2011) with similar gradual rises in medium and longer term fixed borrowing rates over 2011/12. Variable or short-term rates were expected to be the cheaper form of borrowing over the period. Continued uncertainty in the aftermath of the 2008 financial crisis promoted a cautious approach, whereby investments would continue to be dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.

The actual movement in gilt yields meant that PWLB rates fell sharply during the year and to historically very low levels. This was caused by a flight to quality into UK gilts from EU sovereign debt and also from shares as investors became very concerned about the potential for a Lehmans type meltdown of financial markets if the Greek debt crisis were to develop into a precipitous default and exit from the Euro.

5. The Economy and Interest Rates

Sovereign debt crisis. 2011/12 was the year when financial markets were on tenterhooks throughout most of this period, fearful of the potential of another Lehmans type financial disaster occurring, sparked off by a precipitous Greek default. At almost the last hour, the European Central Bank (ECB) calmed market concerns of a liquidity crisis among European Union (EU) banks by making available two huge three year credit lines, totalling close to €1 trillion at 1%. This also provided a major incentive for those same banks to then use this new liquidity to buy EU sovereign debt yielding considerably more than 1%.

A secondary benefit of this initiative was the bringing down of sovereign debt yields, for the likes of Italy and Spain, below panic levels. The final planks in the calming of the EU sovereign debt crisis were two eleventh hour agreements: one by the Greek Government of another major austerity package and the second, by private creditors, of a "haircut" (discount) on the value of Greek debt that they held, resulting in a major reduction in the

total outstanding level of Greek debt. These agreements were a prerequisite for a second EU / IMF bailout package for Greece which was signed off in March.

Despite this second bailout, major concerns remain that these measures were merely a postponement of the debt crisis, rather than a solution, as they did not address the problem of low growth and loss of competitiveness in not only Greece, but also in other EU countries with major debt imbalances. These problems will, in turn, also affect the financial strength of many already weakened EU banks during the expected economic downturn in the EU. There are also major questions as to whether the Greek Government will be able to deliver on its promises of cuts in expenditure and increasing tax collection rates, given the hostility of much of the population. In addition, an impending general election in April / May 2012 will deliver a democratic verdict on the way that Greece is being governed under intense austerity pressure from the northern EU states.

The UK coalition Government maintained its aggressive fiscal policy stance against a background of warnings from two credit rating agencies that the UK could lose its AAA rating. Key to retaining this rating will be a return to strong economic growth in order to reduce the national debt burden to a sustainable level, within the austerity plan timeframe. The USA and France lost their AAA ratings from one rating agency during the year.

UK growth proved mixed over the year. In quarter 2, growth was zero, but then quarter 3 surprised with a return to robust growth of 0.6% q/q before moving back into negative territory (-0.2%) in quarter 4. The year finished with prospects for the UK economy being decidedly downbeat due to a return to negative growth in the EU in quarter 4, our largest trading partner, and a sharp increase in world oil prices caused by Middle East concerns. However, there was also a return of some economic optimism for growth outside the EU and dovish comments from the major western central banks: the Fed in America may even be considering a third dose of quantitative easing to boost growth.

UK CPI inflation started the year at 4.5% and peaked at 5.2% in September. The fall out of the January 2011 VAT hike from the annual CPI figure in January 2012 helped to bring inflation down to 3.6%, falling further to 3.4% in February. Inflation is forecast to be on a downward trend to below 2% over the next year.

The Monetary Policy Committee agreed an increase in quantitative easing (QE) of £75bn in October on concerns of a downturn in growth and a forecast for inflation to fall below the 2% target. QE was targeted at further gilt purchases. The MPC then agreed another round of £50bn of QE in February 2012 to counter the negative impact of the EU debt and growth crisis on the UK.

Gilt yields fell for much of the year, until February, as concerns continued building over the EU debt crisis. This resulted in safe haven flows into UK gilts which, together with the two UK packages of QE during the year, combined to depress PWLB rates to historically low levels.

Bank Rate was unchanged at 0.5% throughout the year while expectations of when the first increase would occur were steadily pushed back until the second half of 2013 at the earliest. **Deposit rates** picked up in the second half of the year as competition for cash increased among banks.

Risk premiums were also a constant factor in raising money market deposit rates for periods longer than 1 month. Widespread and multiple downgrades of the ratings of many banks and sovereigns, continued Euro zone concerns, and the significant funding

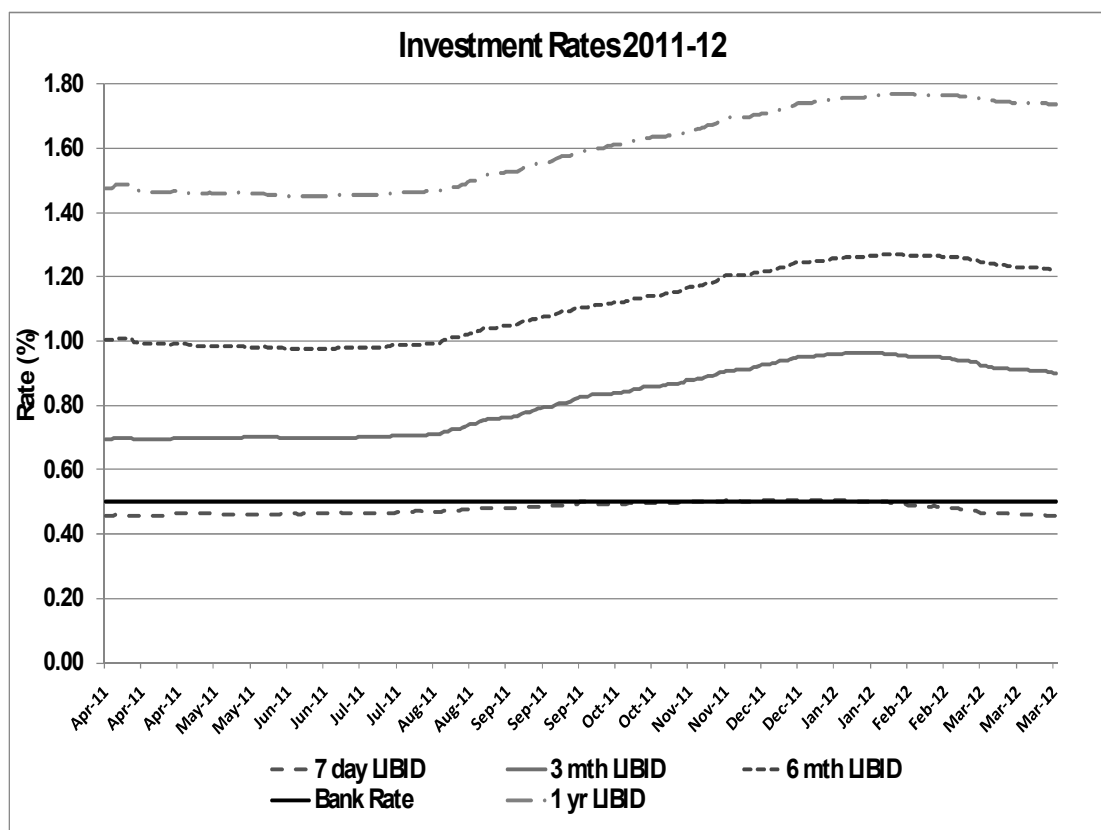
issues still faced by many financial institutions, meant that investors remained cautious of longer-term commitment.

6. Investment Rates in 2011/12

The tight monetary conditions following the 2008 financial crisis continued through 2011/12 with little material movement in the shorter term deposit rates. However, one month and longer rates rose significantly in the second half of the year as the Eurozone crisis grew. The ECB's actions to provide nearly €1 trn of 1% 3 year finance to EU banks eased liquidity pressures in the EU and investment rates eased back somewhat in quarter 1 of 2012. This action has also given EU banks time to strengthen their balance sheets and liquidity positions on a more permanent basis. Bank Rate remained at its historic low of 0.5% throughout the year while market expectations of the imminence of the start of monetary tightening was gradually pushed further and further back during the year to the second half of 2013 at the earliest..

Overlaying the relatively poor investment returns were the continued counterparty concerns, most evident in the Euro zone sovereign debt crisis which resulted in a second rescue package for Greece in quarter 1 2012. Concerns extended to the potential fallout on the European banking industry if the crisis could have ended with Greece leaving the Euro and defaulting.

| Money market investment rates 2011/12 | | | | | | |
|--|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| | O vernight | 7 Day | 1 M onth | 3 M onth | 6 M onth | 1 Year |
| 01/04/2011 | 0.43688 | 0.45625 | 0.49563 | 0.69563 | 1.00313 | 1.47750 |
| 31/03/2012 | 0.43188 | 0.45719 | 0.57100 | 0.90188 | 1.22063 | 1.73806 |
| High | 0.54625 | 0.50531 | 0.65288 | 0.96456 | 1.27063 | 1.77175 |
| Low | 0.43000 | 0.45625 | 0.49563 | 0.69438 | 0.97625 | 1.45000 |
| Average | 0.44868 | 0.48009 | 0.56246 | 0.81756 | 1.11025 | 1.59673 |
| Spread | 0.11625 | 0.04906 | 0.15725 | 0.27018 | 0.29438 | 0.32175 |
| Date | 30/06/2011 | 30/12/2011 | 11/01/2012 | 12/01/2012 | 25/01/2012 | 25/01/2012 |
| Date | 14/03/2012 | 01/04/2011 | 01/04/2011 | 12/04/2011 | 11/06/2011 | 22/06/2011 |



7. Investment Outturn for 2011/12

Investment Policy – the Council's investment policy is governed by CLG guidance, which was been implemented in the annual investment strategy approved by the Council on 27/02/2012. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies supplemented by additional market data (such as rating outlooks, credit default swaps, bank share prices etc.).

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

Investments held by fund managers – the Council uses 2 external fund managers to invest part of its cash balances. The performance of the managers against the benchmark return was:

| Fund Manager | Balance 01/04/2011 | Balance 31/03/12 | Return |
|--------------|-----------------------|---------------------|----------------|
| In House | 23,497 | 43,824 | 597 |
| Tradition UK | 22,500 | 10,500 | 411 |
| Investec | 20,548 | 11,548 | 222 |
| Total | £66,545m | £65,872m | £1,230m |

The actual return on investments for 2011/12 was £1.230m compared with a budget of £0.723m a positive variance of £0.507m. However approximately £216k of the interest received is in respect of the investment of Eco Town funds and this has been allocated back to the Eco Town funding pot.

The budget was based on an average investment balance of £68m and an interest rate of 1.06%. The actual average balance was £72.56m which attracted an average return of 1.70%.

8. Icelandic Bank Defaults

The Council was one of over 100 local authorities that were affected by the collapse of Icelandic banking institutions. The Council held a total of £6.5 million in 3 investments with Glitnir.

The Icelandic Government stated its intention to honour all its commitments as a result of their banks being placed into receivership. The U.K. Government has been working with the Icelandic Government to help bring this about. At the current time, Cherwell District Council has received repayment of £5.7m of the initial capital investment of £6.5m with the balance of £729k remaining frozen within Iceland to be repaid.

Annex 1 - Prudential and Treasury Indicators

(As per Treasury Management Strategy approved 27th February 2012)

Existing Investment & Debt Portfolio Position

| | 31/01/12 Actual Portfolio £m |
|---|---|
| External Borrowing: | |
| - Total External Borrowing | 0 |
| Other Long Term Liabilities: | |
| - Finance Leases | 0 |
| Total Gross External Debt | 0 |
| Investments: | |
| Managed in-house | |
| - Short-term monies (Deposits/ monies on call / MMFs) | 51,755 |
| - Long-term investments | 5,000 |
| Managed externally | |
| - By Fund Managers | 23,000 |
| - Pooled Funds (please list) | 0 |
| Total Investments | 79,755 |

Background

It is a requirement under the Local Government Act 2003 for local authorities to have regard to CIPFA's Prudential Code for Capital Finance in Local Authorities (the "CIPFA Prudential Code") when setting and reviewing their Prudential Indicators.

Net Borrowing and the Capital Financing Requirement

This is a key indicator of prudence. In order to ensure that over the medium-term net borrowing will only be for a capital purposes, the local authority needs to ensure that the net external borrowing does not (except in the short term) exceed the total of the capital financing requirement in the preceding year plus the estimates of any additional increases to the capital financing requirement for the current and next two financial years.

The Director of Resources reports that the authority had no difficulty meeting this requirement in 2011-12, nor is there any difficulties envisaged for future years. This view takes into account current commitments, existing plans and the proposals in the approved budget.

Estimates of Capital Expenditure

This indicator is set to ensure that the level of proposed capital expenditure remains within sustainable limits and, in particular, considers the impact on council tax.

The council's capital expenditure plans are summarised below and this forms the first of the prudential indicators. This total expenditure can be paid for immediately by resources such as capital receipts, capital grants etc. However, where these resources are insufficient any residual expenditure will form a borrowing need.

| | 2010/11 Actual £000s | 2011/12 Actual £000s | 2012/13 Estimated £000s | 2013/14 Estimated £000s | 2014/15 Estimated £000s |
|--|----------------------------|----------------------------|-------------------------------|-------------------------------|-------------------------------|
| Capital Expenditure | 5,817 | 4,816 | 13,761 | 4,712 | 2,583 |
| Financed by: | | | | | |
| Capital receipts | (4,509) | (3,938) | (12,107) | (4,712) | (2,583) |
| Capital grants and other contributions | (646) | (547) | (375) | - | - |
| Revenue funded reserves | (347) | (331) | (1,279) | - | - |
| Direct Revenue Financing | (315) | - | - | - | - |
| Net financing need for the year | - | - | - | - | - |

Ratio of Financing Costs to Net Revenue Stream

This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet financing costs.

The definition of financing costs is set out in the Prudential Code. The ratio is based on costs net of investment income.

| Ratio of Financing Costs to Net Revenue Stream | 2011-12 Approved % | 2011-12 Revised % | 2012-13 Estimate % | 2013-14 Estimate % | 2014-15 Estimate % |
|--|--------------------|-------------------|--------------------|--------------------|--------------------|
| Total | 0 | 0 | 0 | 0 | 0 |

Capital Financing Requirement

The Capital Financing Requirement (CFR) measures the council's underlying need to borrow for a capital purpose. The calculation of the CFR is taken from the amounts held in the Balance Sheet relating to capital expenditure and its financing.

The CFR is simply the total outstanding capital expenditure which has not yet been paid for from either revenue or capital resources. It is essentially a measure of council's underlying borrowing need. The council is required to pay off an element of the accumulated General Fund capital spend each year through a revenue charge (the Minimum Revenue Provision), although it is also allowed to undertake additional voluntary payments.

The council is debt free and has no plans to enter into any long term debt arrangements. As such this section is largely irrelevant but is included for completeness if there was a decision to go back into debt. Therefore, the council has a nil Minimum Revenue Provision for 2011/12.

The council is asked to **approve a NIL CFR projection.**

Actual External Debt

This indicator is obtained directly from the council's balance sheet. It is the closing balance for actual gross borrowing plus other long-term liabilities. This Indicator is measured in a manner consistent for comparison with the Operational Boundary and Authorised Limit.

| Actual External Debt as at 31/03/2011 | £m |
|---------------------------------------|----------|
| Borrowing | 0 |
| Other Long-term Liabilities | 0 |
| Total | 0 |

Incremental Impact of Capital Investment Decisions

This is an indicator of affordability that shows the impact of capital investment decisions on the council tax. The incremental impact is calculated by comparing the total revenue budget requirement of the current approved capital programme with an equivalent calculation of the revenue budget requirement arising from the proposed capital programme.

| Incremental Impact of Capital Investment Decisions | 2011-12 Estimate £ | 2012-13 Estimate £ | 2013-14 Estimate £ | 2014-15 Estimate £ |
|---|---------------------------|---------------------------|---------------------------|---------------------------|
| Increase in Band D Council Tax | 0.36 | -0.44 | 0.23 | 0.13 |

The council's capital plans, as estimated in forthcoming financial years, have a neutral impact on council tax. This reflects the fact that capital expenditure is predominantly financed from internal resources (grants, contributions, revenue and capital receipts) and that any increase in the underlying need to borrow is supported through the Revenue Support Grant system.

Adoption of the CIPFA Treasury Management Code

This indicator demonstrates that the council has adopted the principles of best practice.

| Adoption of the CIPFA Code of Practice in Treasury Management |
|---|
| The council is to approve the adoption of the CIPFA Treasury Management Code at its Full Council meeting on 27 th February 2012. |

The council has incorporated the changes from the revised CIPFA Code of Practice into its treasury policies, procedures and practices.

This council is aware that there is now a new indicator on net debt which has been considered; however, this is not detailed further as the council have no plans to go into debt during the 2012-13 financial year.

Upper Limits for Fixed Interest Rate Exposure and Variable Interest Rate Exposure

These indicators allow the council to manage the extent to which it is exposed to changes in interest rates.

The upper limit for variable rate exposure has been set to ensure that the council is not exposed to interest rate rises which could adversely impact on the revenue budget. The limit allows for the use of variable rate debt to offset exposure to changes in short-term rates on investments:

| | Existing level (or Benchmark level) at 31/03/11 % | 2011-12 Approved £m or % | 2011-12 Revised £m or % | 2012-13 Estimate £m or % | 2013-14 Estimate £m or % | 2014-15 Estimate £m or % |
|---|--|---------------------------------|--------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Upper Limit for Fixed Interest Rate Exposure | -£0.030 | -£0.030 | -£0.030 | -£0.030 | -£0.030 | -£0.030 |
| Upper Limit for Variable Interest Rate Exposure | -£0.012 | -£0.012 | -£0.012 | -£0.012 | -£0.012 | -£0.012 |

The limits above provide the necessary flexibility within which decisions will be made for drawing down new loans on a fixed or variable rate basis; the decisions will ultimately be determined by expectations of anticipated interest rate movements as set out in the council's treasury management strategy.

As the council's investments are substantially in excess of its borrowing, these calculations have resulted in a negative figure.

Maturity Structure of Fixed Rate borrowing

This indicator highlights the existence of any large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates and is designed to protect against excessive exposures to interest rate changes in any one period, in particular in the course of the next ten years.

It is calculated as the amount of projected borrowing that is fixed rate maturing in each period as a percentage of total projected borrowing that is fixed rate. The maturity of borrowing is determined by reference to the earliest date on which the lender can require payment.

| Maturity structure of fixed rate borrowing | Existing level (or Benchmark level) at 31/03/11 % | Lower Limit for 2012/13 % | Upper Limit for 2012/13 % |
|---|--|----------------------------------|----------------------------------|
| Less than twelve months | 0% | 0% | 100% |
| 12 months – 10 years | 0% | 0% | 100% |
| 10 years plus | 0% | 0% | 100% |

Credit Risk

The council considers security, liquidity and yield, in that order, when making investment decisions with Security the most important. With the uncertainty in market, the council is seeking to place investments for a short term and is effectively forgoing return in order to protect capital.

Credit ratings remain an important element of assessing credit risk, but they are not a sole feature in the council's assessment of counterparty credit risk.

The council also considers alternative assessments of credit strength, and information on corporate developments of and market sentiment towards counterparties. The following key tools are used to assess credit risk:

- Published credit ratings of the financial institution
- Sovereign support mechanisms
- Credit default swaps (where quoted)
- Share prices (where available)
- Economic fundamentals, such as a country's net debt as a percentage of its GDP)
- Corporate developments, news, articles, markets sentiment and momentum
- Subjective overlay.

The only indicators with prescriptive values remain to be credit ratings. Other indicators of creditworthiness are considered in relative rather than absolute terms.

Upper Limit for total principal sums invested over 364 days

The purpose of this limit is to contain exposure to the possibility of loss that may arise as a result of the council having to seek early repayment of the sums invested.

| Upper Limit for total principal sums invested over 364 days | 2011-12 Approved £m | 2011-12 Revised £m | 2012-13 Estimate £m | 2013-14 Estimate £m | 2014-15 Estimate £m |
|--|----------------------------|---------------------------|----------------------------|----------------------------|----------------------------|
| | 15.0 | 15.0 | 15.0 | 15.0 | 15.0 |