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Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 15 May 2013 at 6.30 pm

Present: Councillor Lawrie Stratford (Chairman)
Councillor Kieron Mallon (Vice-Chairman)

Councillor Ken Atack
Councillor Andrew Beere
Councillor Maurice Billington
Councillor Fred Blackwell
Councillor Norman Bolster
Councillor Ann Bonner
Councillor Patrick Cartledge
Councillor Colin Clarke
Councillor Margaret Cullip
Councillor Surinder Dhesi
Councillor John Donaldson
Councillor Diana Edwards
Councillor Tim Emptage
Councillor Andrew Fulljames
Councillor Michael Gibbard
Councillor Timothy Hallchurch MBE
Councillor Simon Holland
Councillor Alastair Milne Home
Councillor David Hughes
Councillor Russell Hurle
Councillor Tony Ilott
Councillor Ray Jelf
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Melanie Magee
Councillor Nicholas Mawer
Councillor Nigel Morris
Councillor P A O'Sullivan
Councillor D M Pickford
Councillor Lynn Pratt
Councillor Neil Prestidge
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Alaric Rose
Councillor Gordon Ross
Councillor Daniel Sames
Councillor Les 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 Alyas Ahmed
Councillor Chris Heath
Councillor Jon O'Neill

Officers: Sue Smith, Chief Executive
Calvin Bell, Director of Development
Ian Davies, Director of Community and Environment
Kevin Lane, Head of Law and Governance / Monitoring Officer
Karen Curtin, Head of Finance and Procurement
James Doble, Democratic and Elections Manager
Tony Ecclestone, Communications Officer

1 **Declarations of Interest**

There were no declarations of interest.

2 **Communications**

Councillor Ray Jelf

The Chairman congratulated Councillor Ray Jelf on his recent election at the Hook Norton By-election and welcomed him to his first meeting.

Three Peaks Challenge

The Chairman advised that Councillors Nick Mawer and Dan Sames had joined with a team of soldiers from 23 Pioneer Regiment, Bicester to attempt the three peaks challenge and were raising funds for ABF the soldiers' charity. All donations were welcome.

3 **Urgent Business**

There was no urgent business.

4 **Minutes of Council**

The minutes of the meeting held on 25 February 2013 were agreed as a correct record and signed by the Chairman.

5 **Election of Chairman for the Municipal Year 2013/2014**

(The outgoing Chairman, Councillor Clarke, presided for the consideration of this matter.)

It was moved by Councillor Wood and seconded by Councillor Reynolds, that Councillor Lawrie Stratford be elected as Chairman for 2013/14. There were no there were no other nominations.

Resolved

- (1) That Councillor Lawrie Stratford be elected Chairman of the Council for 2013/14.

6 **Investiture of Chairman**

Councillor Lawrie Stratford, having made and signed the required Declaration of Acceptance of Office was invested with the Chairman's Chain and took the Chair,

7 **Chairman's Address**

Councillor Lawrie Stratford thanked members for his appointment and addressed the Council.

8 **Vote of Thanks to Immediate Past Chairman**

The Chairman of the Council presented Councillor Clarke with his past Chairman's badge as a token of his term of office.

Members paid tribute to Councillor Clarke and thanked him for the dedication he had shown representing the Council, the services he had rendered to the District and gracious way he had presided over the deliberations of Council during his year of office.

9 **Past Chairman's Response**

Councillor Clarke addressed Council to report on his term of office. He paid particular thanks to Mrs Jenifer Clarke, his consort for the year and Liz Matthews, the Chairman's PA and presented them with a token of his appreciation.

10 **Election of Vice-Chairman for the Municipal Year 2013/2014**

It was moved by Councillor Wood and seconded by Councillor Reynolds, that Councillor Kieron Mallon be elected as Vice-Chairman for 2013/14. There were no there were no other nominations.

Resolved

- (1) That Councillor Kieron Mallon be elected Vice-Chairman of the Council for 2013/14.

11 **Investiture of Vice-Chairman**

Councillor Kieron Mallon, having made and signed the required Declaration of Acceptance of Office was invested with the Vice-Chairman's Chain.

12 **Changes to Overview and Scrutiny Arrangements**

The Head of Law and Governance submitted a report which sought consideration of proposed changes to the Overview and Scrutiny arrangements at Cherwell District Council. It was noted that the proposed changes were based on best practice that had been adopted at South Northamptonshire Council and officers felt would assist with the efficient functioning of scrutiny at Cherwell.

Resolved

- (1) That the Overview and Scrutiny arrangements be amended to a single Overview and Scrutiny Committee, with responsibility all for Overview and Scrutiny arrangements as set out in the annex to the minutes (as set out in the minute book).
- (2) That a Budget Planning Committee be created as a committee of council as set out in the annex to the minutes (as set out in the minute book).
- (3) That the formal Resources and Performance Scrutiny Board, Finance Scrutiny Working group (informal) and Performance Scrutiny Working Group (informal) be disbanded.
- (4) That agreement be given that both the Overview and Scrutiny Committee and the Budget Planning Committee should have 12 members each with casual substitution permitted.
- (5) That the Head of Law and Governance be authorised to make consequential amendments to the constitution and revisions to the calendar of meetings in light of the above changes and that the Chairman of the Overview and Scrutiny Committee continue to receive the allowance for the Chairman of the Overview and Scrutiny Committee and the Chairman of the Budget Planning Committee receive the allowance as determined for the Chairman of the former Resources and Performance Scrutiny Board.

Annual Council Business Report

The Chief Executive submitted a report which presented the results of the 2 May 2013 district by-election, the constitution of Political Groups, the appointment of the Deputy Leader and Executive for the Municipal Year 2013/14 and sought agreement to the suggested constitution of Committees for the Municipal year 2013/2014. The report also sought nominations for representatives to the County Council Health Overview and Scrutiny Committee and Police and Crime Commissioner Scrutiny Panel.

The Chief Executive reported that there were district elections in 16 seats and Councillors were returned as follows:

Hook Norton – Councillor Ray Jelf

The Chief Executive reported that the constitution of the Council and political groups was now 41 Conservatives, 5 Labour, 3 Liberal Democrats and 1 Independent.

The Group Leaders were: Councillor Barry Wood, Leader of the Conservative Group and Leader of the Council; Councillor Sean Woodcock, Leader of the Labour Group and Leader of the Opposition and Councillor Tim Emptage, Leader of the Liberal Democrat Group.

The Leader of the Council reported that for the Municipal Year 2013/14 he had reappointed Councillor Reynolds as Deputy Leader of the Council.

For the Municipal Year 2013/14, the Executive would comprise:

Councillor Barry Wood – Leader of the Council
Councillor George Reynolds – Deputy Leader of the Council
Councillor Nigel Morris - Lead Member for Clean and Green
Councillor Ken Atack - Lead Member for Financial Management
Councillor Nigel Turner - Lead Member for Performance and Customers
Councillor John Donaldson - Lead Member for Banbury Brighter Futures
Councillor Tony Ilott - Lead Member for Public Protections
Councillor Michael Gibbard – Lead Member for Planning
Councillor Norman Bolster – Lead Member for Estates and the Economy
Councillor Debbie Pickford – Lead Member for Housing

Resolved

- (1) That the results of the District By-election held on 2 May 2013 be noted.
- (2) That the constitution of Political Groups and notification of Group Leaders: Conservative Group – Councillor Barry Wood; Labour Group – Councillor Sean Woodcock; Liberal Democrat Group – Councillor Tim Emptage, be noted.
- (3) That the appointment of Councillor George Reynolds as Deputy Leader of the Council and the membership of the Executive and the Executive Portfolios for 2013/14 be noted.

- (4) That the allocation of seats on committees that were subject to the political balance requirements be agreed as set out below:

Allocation of Seats to Proportional Committees

	TOTAL	CON	LAB	LD
Overview & Scrutiny	12	10	1	1
Budget Planning Committee	12	10	1	1
Planning Committee	18	15	2	1
Personnel Committee	12	10	1	1
Licensing Committee	12	10	1	1
Appeals Panel	10	8	1	1
Accounts, Audit & Risk Committee	8	7	1	0
Joint Personnel Committee	5	4	1	0
Joint Appeals Panel	3	2	1	0
Standards Committee	8	7	1	0
Proportional Total by Committee	100	83	11	6
Aggregate Entitlement	100	82*	10*	6*
Adjustment Required	-	-	-	-

* Under the political balance regulations in the Local Government and Housing Act 1989, allocations are made to political groups, any member not in a political group is consequently not automatically entitled to seats on committees. Therefore in below all group percentage allocations have been rounded up.

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

- (5) That the allocation of seats on committees not subject to political balance requirements be agreed as set out below:

Allocation of Seats to Non-Proportional Committees

	TOTAL	CON	LAB	LD
Council and Employee Joint	12	10	1	1
Joint Arrangements Steering Group	5	4	1	0

- (6) That members (and where appropriate, substitute members) be appointed to serve on each of the committees and other bodies as set out below in accordance with the nominations to be made by political groups:

Membership of Committees 2013/14

Overview and Scrutiny Committee

Membership (12 members)

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Ahmed Alyas	Cllr Sean Woodcock	Cllr Douglas Williamson
Cllr Ann Bonner		
Cllr Tim Hallchurch		
Cllr Magee Melanie		
Cllr Alistair Milne Home		
Cllr Jon O'Neil		
Cllr Lynn Pratt		
Cllr Nigel Randall		
Cllr Dan Sames		
Cllr Lawrie Stratford		

Budget Planning Committee

Membership (12 members)

Conservative (9)	Labour (1)	Liberal Democrats (1)
Cllr Ken Atack	Cllr Andy Beere	Cllr Tim Emptage
Cllr Maurice Billington		
Cllr Margaret Cullip		
Cllr Russell Hurle		

Cllr Mike Keford-Byrnes		
Cllr Nick Mawer		
Cllr Neil Prestidge		
Cllr Lawrie Stratford		
Cllr Douglas Webb		
Cllr Barry Wood		

Planning Committee

Membership (18 members, 12 named substitutes)

Conservative (15)	Labour (2)	Liberal Democrats (1)
Cllr Ken Atack	Councillor Andy Beere	Councillor Tim Emptage
Cllr Fred Blackwell	Councillor Gordon Ross	
Cllr Colin Clarke		
Cllr Michael Gibbard		
Cllr Chris Heath		
Cllr David Hughes		
Cllr Russell Hurle		
Cllr Mike Kerford-Byrnes		
Cllr James Macnamara		
Cllr Alastair Milne Home		
Cllr Debbie Pickford		
Cllr George Reynolds		
Cllr Trevor Stevens		
Cllr Lawrie Stratford		
Cllr Rose Stratford		

Substitutes

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Diana Edwards	Cllr Sean Woodcock	Cllr Douglas Williamson
Cllr Andrew Fulljames		
Cllr Simon Holland		
Cllr Kieron Mallon		
Cllr Jon O'Neill		
Cllr Paul O'Sullivan		
Cllr Lynn Pratt		

Cllr Nigel Randall		
Cllr Nicholas Turner		
Cllr Barry Wood		

Personnel Committee

Membership (12 members, unnamed substitutes who shall not be members of the Appeals Panel)

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Ken Attack	Cllr Patrick Cartledge	Cllr Alaric Rose
Cllr Norman Bolster		
Cllr Ann Bonor		
Cllr Lynn Pratt		
Cllr Melanie Magee		
Cllr George Reynolds		
Cllr Lynda Thizie Smart		
Cllr Lawrie Stratford		
Cllr Rose Stratford		
Cllr Barry Wood		

Licensing Committee

Membership (12 seats and 5 substitutes based on proportional representation with each represented party having at least 1 substitute)

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Fred Blackwell	Cllr Gordon Ross	Cllr Alaric Rose
Cllr Colin Clark		
Cllr Diana Edwards		
Cllr Michael Gibbard		
Cllr Tony Ilott		
Cllr Ray Jelf		
Cllr Kieron Mallon		
Cllr Paul O'Sullivan		
Cllr George Reynolds		
Cllr Douglas Webb,		

Substitutes

Conservative (3)	Labour (1)	Liberal Democrats (1)
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Cllr Debbie Pickford	Cllr Andy Beere	Cllr Tim Emptage
Cllr Lawrie Stratford		
Cllr Rose Stratford		

Appeals Panel

Membership (10 members with no substitutes)

Conservative (8)	Labour (1)	Liberal Democrats (1)
Cllr Fred Blackwell	Cllr Gordon Ross	Cllr Tim Emptage
Cllr Diana Edwards		
Cllr Tim Hallchurch		
Cllr Simon Holland		
Cllr Tony Ilott		
Cllr Ray Jelf		
Cllr Paul O'Sullivan		
Cllr Douglas Webb		

Accounts, Audit and Risk Committee

Membership (8 members with unnamed substitutes)

Conservative (7)	Labour (1)	Liberal Democrats (0)
Cllr Mike Kerford-Byrnes	Cllr Andy Beere	
Cllr Ray Jelf		
Cllr Nick Mawer		
Cllr Trevor Stevens		
Cllr Lawrie Stratford		
Cllr Rose Stratford		
Cllr Barry Wood		

Joint Personnel Committee

Membership (5 members, 3 named substitutes)

Conservative (4)	Labour (1)	Liberal Democrats (0)
Cllr Ken Atack	Cllr Surinder Dhesi	
Cllr Lynn Pratt		
Cllr George Reynolds		
Cllr Barry Wood		

Substitutes

Conservative (2)	Labour (1)	Liberal Democrats (0)
Cllr Norman Bolster	Cllr Gordon Ross	
Cllr Lawrie Stratford		

Joint Appeals Panel

Membership (3 seats, 2 named substitutes)

Conservative (2)	Labour (1)	Liberal Democrats (0)
Cllr Fred Blackwell	Cllr Patrick Cartledge	
Cllr James Macnamara		

Substitutes

Conservative (1)	Labour (1)	Liberal Democrats (0)
Cllr Colin Clarke	Cllr Andy Beere	

Standards Committee

Membership (8 members, 8 substitute members)

Conservative (6)	Labour (1)	Liberal Democrats (0)
Cllr Fred Blackwell	Cllr Andy Beere	
Cllr Tim Hallchurch		
Cllr Chris Heath		
Cllr James MacNamara		
Cllr Paul O'Sullivan		
Cllr Nigel Randall		
Cllr Rose Stratford		

Substitutes

Conservative (6)	Labour (1)	Liberal Democrats (0)
Cllr Ken Atack	Cllr Patrick Cartledge	
Cllr Colin Clark		
Cllr Margaret Cullip		
Cllr Diana Edwards		
Cllr Russell Hurle		
Cllr Jon O'Neil		
Cllr Lawrie Stratford		

Council and Employee Joint Committee

Membership (12 seats)

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Colin Clark	Cllr Patrick Cartledge	Cllr Alaric Rose
Cllr Margaret Cullip		
Cllr Russell Hurle		
Cllr Tony Ilott		
Cllr Melanie Magee		
Cllr Kieron Mallon		
Cllr Nick Mawer		
Cllr Lynn Pratt		
Cllr Nigel Randle		
Cllr Barry Wood		

Joint Arrangements Steering Group

Membership (5 members, 3 substitutes)

Conservative (4)	Labour (1)	Liberal Democrats (0)
Cllr Ken Atack	Cllr Sean Woodcock	
Cllr Nigel Morris		
Cllr Nicholas Turner		
Cllr Barry Wood		

Substitutes

Conservative (2)	Labour (1)	Liberal Democrats (0)
Cllr Norman Bolster	Cllr Gordon Ross	
Cllr Michael Gibbard		

- (7) That Councillor Rose Stratford be appointed as Cherwell District Council's representative to the Oxfordshire County Council Health Overview and Scrutiny Committee.
- (8) That Councillor George Reynolds be appointed Cherwell District Council's representative to the Thames Valley Police and Crime Commissioner Scrutiny Panel.

14 **Shared Services - Environmental Services, Human Resources and Legal Services**

The Director of Resources submitted a report to propose that the principle of a shared Environmental Services team, a shared Human Resources team, a shared Legal team and collaborative working arrangements with both South Northamptonshire Council and Stratford-on-Avon District Council pursuant to the Local Authorities (Goods and Services) Act 1970 be adopted as part of Cherwell District Council's policy framework.

Resolved

- (1) That the principles of shared working proposals for Environmental Services, Human Resources and Legal Services be adopted as part of the Council's policy framework.
- (2) That the general principle of mutual collaborative working with South Northamptonshire Council and Stratford-on-Avon District Council be adopted as part of the Council's policy framework.

The meeting ended at 7.08 pm

Chairman:

Date:

Overview and Scrutiny Committee

The Overview and Scrutiny Committee will:

- Innovate and challenge the way the Council operates
- Exercise the call in powers contained in the Constitution
- Add value to the Council through in-depth studies
- Add value to the Council through selective studies of external crosscutting issues
- Promote more informal smaller group working.
- Open up the local democratic process to greater public involvement.
- Add value to the Council through pre-decision scrutiny of Key Decisions through using the 28 day notice
- Be involved in performance management on a selective and strategic basis.
- Develop effective and positive channels of communication between itself and the Executive.
- Adopt a Select Committee style and approach wherever possible.
- Require effective and reliable officer support
- Be involved in the development of Policy
- Scrutinise areas of interest or concern and make recommendations to Executive and where appropriate full Council following the completion of such scrutiny

Terms of Reference

The Committee will be appointed to discharge the functions conferred by Section 21 of the Local Government Act 2000 or Regulations under Section 32 of the Local Government Act 2000

Scrutiny Committee

Co-ordinating and managing the scrutiny Work Programme and ensuring that there is effective and timely scrutiny of Council Policy and authority wide performance as well as holding the Executive to account.

The Overview and Scrutiny Committee will have a membership of 12 Councillors who are not members of the Executive, appointed on a Proportional Representation basis by Council.

Functions

Within its scope and terms of reference, the Overview and Scrutiny Committee will:

- (a) review and monitor the performance of the Council's services;
- (b) review and/or scrutinise policies, proposals, decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (c) make reports and/or recommendations to the Council and/or the Executive in connection with the discharge of any functions;
- (d) consider any matter affecting the area or its inhabitants;
- (e) exercise the right to Call-in, for reconsideration, decisions made, but not yet implemented by the Executive.

- (f) consider matters arising from a Councillor Call for Action (CCfA) under Section 119 of the Local Government and Public Involvement in Health Act 2007 and Regulations thereunder; and
- (g) undertake the functions of the Council's crime and disorder committee for the purposes of Section 19 of the Police and Justice Act 2006, including CCfA relating to crime and disorder matters.

Specific Functions

- (a) **Scrutiny** - Within its scope and terms of reference Scrutiny may:
- (i) review and scrutinise the decisions made by and performance of the Executive and/or Committees and the appropriate Officers both in relation to individual decisions and over time;
 - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service area;
 - (iii) question Members of the Executive and/or Committees and appropriate Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - (iv) make recommendations to the Executive and/or appropriate Committees and/or Council and/or any external bodies arising from the outcome of the scrutiny process;
 - (v) review and scrutinise the performance of major partnerships and other public bodies in the area and invite written reports and/or request them to address the Committee and local people about their activities and performance;
 - (vi) require Members of the Executive, the Chief Executive, Directors and Service Heads to attend to answer questions and give evidence on receipt of at least 5 days' written notice.
 - (vii) question and gather evidence from any person, not a Member or an Officer of the Council, with their consent;
- (b) **Advisory and Review** – Within its scope and terms of reference the Overview and Scrutiny Committee may:
- (i) assist the Council and the Executive in the development of its Policy Framework by in-depth analysis of policy issues,
 - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options
 - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options,
 - (iv) make recommendations to Executive and/or appropriate Committees and/or Council and/or any external bodies arising from the outcome of the scrutiny process.
 - (v) review and scrutinise the performance of major partnerships and other public bodies in the area and invite written reports and/or request them to address Councillors and local people about their activities and performance.
- (c) **Annual Report** – The Overview and Scrutiny Committee will report annually to Council on function on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- (d) **Work Programme** – The Overview Scrutiny Committee will exercise overall responsibility for the Overview and Scrutiny Work Programme and for ensuring that this is sustainable with regard to the support and resources that are available to it and that is considered in conjunction with other committees of the Council and their respective work programmes in order to minimise duplication of effort.

Proceedings of Overview and Scrutiny

The Overview Scrutiny Committee will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in this Constitution.

Budget Planning Committee

The Budget Planning Committee is a committee of council, convened under Local Government Act 1972 (as amended). The committee will make recommendations to the Executive as appropriate within its terms of reference.

The Committee will be comprised of 12 Councillors on a Proportional Representation basis to include the Executive Portfolio Holder for Financial Management.

The Committee will:

- Provide strategic overview of all matters that could significantly impact upon the finances of the authority
- Oversee the implementation of the forthcoming and ongoing financial reform that will significantly affect the Council
- Provide advice on the impact of business and housing growth in the district and estimate the financial impact of such growth
- Be responsible for supporting the budget setting strategy and process for:
 - the general fund
 - capital programme
 - assets
 - treasury management
 - reserves
 - investments
 - recommending the Committee's preferred option, for formal consideration by Executive, in light of the Council's stated priorities.
- Have a planning horizon which will be medium term (five years) including the medium term financial strategy
- Will also focus on major projects facing the Council that will have a significant impact on the resources of the Council as well as the budget setting round for the forthcoming financial year.
- Be responsible for considering how the council responds to: changes in the way the council is funded, value for money and other legislative initiatives and reforms.
- Innovate and challenge the way the Council manages its budget and financial affairs.

The Committee shall be administered by Democratic and Elections and supported primarily by the Director of Resources and the Head of Finance and Procurement, with other officers providing support as required depending on the subject matter under consideration.