

# Meeting of Council

Wednesday 15 May 2013

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Wednesday 15 May 2013 at 6.30 pm, and you are hereby summoned to attend.



**Sue Smith**  
Chief Executive

Tuesday 7 May 2013

## AGENDA

**1 Apologies for Absence**

**2 Declarations of Interest**

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

**3 Communications**

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

**4 Urgent Business**

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

**5 Minutes of Council (Pages 1 - 8)**

To confirm as a correct record the Minutes of Council held on 25 February 2013.

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

**7 Investiture of Chairman**

**8 Chairman's Address**

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

**10 Past Chairman's Response**

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

**12 Investiture of Vice-Chairman**

**Council Business Reports**

**13 Changes to Overview and Scrutiny Arrangements (Pages 9 - 18)**

Report of Head of Law and Governance

**Summary**

To enable Council to consider proposed changes to the Overview and Scrutiny arrangements at Cherwell District Council.

**Recommendations**

- (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 Appendix 1.
- (2) That a Budget Planning Committee be created as a committee of council as set out in Appendix 2.

- (3) That formal Resources and Performance Scrutiny Board, Finance Scrutiny Working group (informal) and Performance Scrutiny Working Group (informal) be disbanded.
- (4) 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.

#### 14 **Annual Council Business Report** (Pages 19 - 24)

\*\* Please note that Appendices 1 and 2 will follow as political groups are determining Committee membership \*\*

Report of Chief Executive

##### **Summary**

To note 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 to gain agreement to the suggested constitution of Committees for the Municipal year 2013/2014.

##### **Recommendations**

Council is recommended to:

- (1) Note the result of the District By-Election held on 2 May 2013.
- (2) Note the constitution of Political Groups and notification of Group Leaders.
- (3) Note the appointment of Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2013/14.
- (4) Agree the allocation of seats on committees that are subject to the political balance requirements as set out in Table 1.
- (5) Agree the allocation of seats on committees not subject to political balance requirements as set out in Table 2.
- (6) Appoint members (and where appropriate, substitute members) to serve on each of the committees and other bodies set out in Tables 1 and 2 in accordance with the nominations to be made by political groups (Appendix 2 - to follow).
- (7) Appoint a representative to the County Council Health Overview and Scrutiny Committee.
- (8) Appoint a representative to the Police and Crime Commissioner Scrutiny Panel.

**15 Shared Services - Environmental Services, Human Resources and Legal Services (Pages 25 - 30)**

Report of Director of Resources

**Summary**

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

**Recommendations**

Council is recommended to:

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

**FIRST MEETINGS OF COMMITTEES**

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

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

**Information about this Agenda**

**Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwellandsouthnorthants.gov.uk](mailto: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

This page is intentionally left blank

# Agenda Item 5

## Cherwell District Council

### Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 25 February 2013 at 6.30 pm

Present: Councillor Colin Clarke (Chairman)  
Councillor Lawrie Stratford (Vice-Chairman)

Councillor Ken Atack  
Councillor Andrew Beere  
Councillor Maurice Billington  
Councillor Norman Bolster  
Councillor Ann Bonner  
Councillor Margaret Cullip  
Councillor Surinder Dhesi  
Councillor John Donaldson  
Councillor Mrs Diana Edwards  
Councillor Tim Emptage  
Councillor Andrew Fulljames  
Councillor Michael Gibbard  
Councillor Timothy Hallchurch MBE  
Councillor Alastair Milne Home  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Tony Ilott  
Councillor Mike Kerford-Byrnes  
Councillor James Macnamara  
Councillor Kieron Mallon  
Councillor Nicholas Mawer  
Councillor Nigel Morris  
Councillor Jon O'Neill  
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 Leslie F Sibley  
Councillor Trevor Stevens  
Councillor Rose Stratford  
Councillor Lynda Thirzie Smart  
Councillor Douglas Webb  
Councillor Douglas Williamson  
Councillor Barry Wood  
Councillor Sean Woodcock

Apologies for absence: Councillor Alyas Ahmed  
Councillor Fred Blackwell  
Councillor Patrick Cartledge  
Councillor Simon Holland  
Councillor Victoria Irvine  
Councillor Melanie Magee  
Councillor Nicholas Turner

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  
Karen Curtin, Head of Finance and Procurement  
James Doble, Democratic and Elections Manager  
Natasha Clark, Team Leader, Democratic and Elections

65 **Declarations of Interest**

There were no declarations of interest.

66 **Communications**

**Councillor Woodcock**

The Chairman welcomed Councillor Woodcock to his first Council meeting as Labour Group Leader.

**Engagements**

The Chairman reported that a list of engagements he had attended had been included in the agenda.

**Register of Interest Forms**

The Chairman reported that there were still a small number of councillors who had not yet returned their new register of interest forms and requested that they be completed and returned as soon as possible.

**Chairman's Informal Dinner**

The Chairman advised Members that his informal dinner would take place on Friday 13 April at Broughton Castle. Further details would follow in due course.

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

There were no petitions or requests to address the meeting.

68 **Urgent Business**

There were no items of urgent business.



69 **Minutes of Council**

The minutes of the meeting held on 25 February 2013 were agreed as a correct record and signed by the Chairman, subject to the following amendment:

Change attendance for Councillor Hallchurch from "Present as expected" to "apologies for absence"

70 **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 no Executive decisions had been taken 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.

71 **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:

"Bedroom tax": Councillor Woodcock

Banbury War Memorial Trust: Councillor Mallon

New Homes Bonus: Councillor Emptage

Living wage: Councillor Woodcock

Support to vulnerable residents affected by benefits changes: Councillor Dhesi

Cherwell District Council employees and payroll: Councillor Rose

Kidlington Masterplan: Councillor Emptage

Gritting of Cherwell District Council car parks: Councillor Dhesi

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

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

72 **Motions**

There were no motions.

73 **Members Allowance 2013/14**

The Head of Law and Governance submitted a report which sought consideration and determination of the levels of the allowances to be paid to Members for the forthcoming 2013/2014 financial year following the submission of the report of the Council's Independent Remuneration Panel (IRP).

**Resolved**

- (1) That the levels of allowances to be included in the 2013/14 Members' Allowances Scheme be agreed as set out in the annex to the minutes (as set out in the Minute Book).
- (2) That the Head of Law and Governance be authorised to prepare an amended Members' Allowances Scheme, in accordance with the decisions of the Council for implementation with effect from 1 April 2013.
- (3) That the Head of Law and Governance be authorised to take all necessary action to revoke the current (2012/13) Scheme and to publicise the revised Scheme pursuant to The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended).
- (4) That the Independent Remuneration Panel be thanked for its report and a fee of £300 be paid to Panel Members for the work carried out in 2012/13 and the same level of fee for 2013/14 be agreed.

74 **2013/14 Corporate Plan, Revenue & Capital Budgets and Treasury Strategy**

The Chairman outlined that it was customary during the budget debate to suspend standing orders with regard to the duration of speeches by proposers of motions and amendments, also the order of dealing with and speaking on amendments. It was also agreed that the Estimates would be taken as one integrated set of financial figures and that the revenue and capital estimates, the Collection Fund Estimates 2013/2014 and the Corporate Plan and the Service Plans would not be debated separately.

Members signified agreement that speeches made by Group Leaders or any Member proposing the Budget, an alternative Budget, any amendments or commenting on the Budget would not be time limited.

The Chief Finance Officer (Director of Resources) and Head of Finance and Procurement submitted a report to review the Council's General Fund Budget,

Capital Programme, Earmarked Reserves and General Fund Balances to ensure the robustness of the estimates included and sought formal adoption of all parts of the Council's financial plans and Corporate Plan for the 2013/14 budget year.

The Lead Member for Financial Management, Councillor Atack, introduced the report and set out the proposed budget for the year. In introducing the report, the Lead Member for Financial Management proposed an amendment to the recommendations in relation to the 2013/14 Pay Policy which would ensure that all staff received a living wage.

The Leader of the Council, Leader of the Opposition and the Leader of the Liberal Democrat Group responded to the budget. The budget was debated at length by Members, during which no amendments were moved.

### **Resolved**

- (1) That the contents of the report in approving the General Fund Revenue Budget and Capital Programme for 2013/14 be noted.
- (2) That the 2013/14 General Fund Budget and Capital Programme proposed by the Executive on 4 February 2013 contained in the annexes to the minutes (as set out in the Minute Book) be approved.
- (3) That the Collection Fund Estimates (annex to the minutes as set out in the Minute Book) be approved.
- (4) That the Corporate Plan (annex to the minutes as set out in the Minute Book) be approved.
- (5) That the Treasury Strategy, including the prudential indicators, annex to the minutes (as set out in the Minute Book) be approved.
- (6) That the statement of pay policy for 2013/14 as required by the Act, subject to the inclusion of additional payments to ensure all staff receive a living wage, annex to the minutes (as set out in the Minute Book) be approved and that authority be delegated to the Head of Transformation to implement the living wage for all staff.

### **75 Adjournment of Council Meeting**

As there had been no amendments made to the budget as recommended by Cabinet, it was confirmed there was no need for Council to adjourn.

### **76 Calculating the amounts of Council Tax for 2013/2014 and setting the Council Tax for 2013/2014**

The Chief Finance Officer (Director of Resources) and Head of Finance and Procurement submitted a report which detailed the calculations for the amounts of Council Tax for 2013/14 and the setting of Council Tax for 2013/2014.

## Resolved

- (1) That it be noted that at its meeting held on 21 January 2013 the Council calculated the Council Tax Base 2013/14:
  - a) for the whole Council area as 46,672 [item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
  - b) For dwellings in those parts of its area to which a Parish Precept relates as in Appendix 1 (annex to the minutes as set out in the Minute Book).
- (2) That the Council Tax requirement for the Council's own purposes for 2013/14 (excluding Parish Precepts and Special Expenses) be £123.50.
- (3) That the following amounts be calculated for the year 2013/14 in accordance with Sections 31 to 36 of the Act:-
  - a) £75,864.756 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act, taking into account all precepts issued to it by Parish Councils and any additional special expenses.
  - b) £66,311,611 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.
  - c) £9,553,145 being the amount by which the aggregate at 8(a) above exceeds the aggregate at 8(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).
  - d) £204.69 being the amount at 8(c) above (Item R), all divided by Item T (6(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish Precepts and Special Expenses);
  - e) £3,789,153 being the aggregate amount of all special items (Parish Precepts and Special Expenses) referred to in Section 34(1) of the Act as per the attached Schedule 2.
  - f) £123.50 being the amount at 8(d) above less the result given by dividing the amount at 8(e) above by Item T(6(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish Precept or special item relates;

- (4) That it be noted that for the year 2013/14 the Oxfordshire County Council and the Police and Crime Commissioner for Thames Valley have issued precepts to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each category of dwellings in the Council's area as indicated below :-

<u>Valuation Band</u>	Oxfordshire County Council	Police and Crime Commissioner for Thames Valley
	£	£
A	789.89	104.92
B	921.53	122.41
C	1,053.18	139.89
D	1,184.83	157.38
E	1,448.13	192.35
F	1,711.42	227.33
G	1,974.72	262.30
H	2,369.66	314.76

- (5) That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts shown in Appendix 2 (annex to the minutes as set out in the Minute Book) as the amounts of Council Tax for the year 2013/14 for each part of its area and for each of the categories of dwellings.
- (6) That the Council's basic amount of Council Tax for 2013/14 not be excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

77

### **Community Governance Review 2012**

The Chief Executive submitted a report which updated Members on progress of the Community Governance Review and sought agreement of the proposals to consult upon.

#### **Resolved**

- (1) That the principles as set out in appendix 1 (annex to the minutes as set out in the Minute Book), subject to the amendment to the recommendation from Bicester Town Council to include South West Bicester, be consulted upon.

78

### **Twelve Month Review of Joint Working Arrangements**

The Chief Executive submitted a report which provided a twelve month review of joint working arrangements.

In introducing the report, the Leader of the Council explained that the joint working business case referred to a review of joint working after twelve months. The Joint Management team was formed on 1 October 2011 and was followed by other shared services being established in a programme that was

on-going. The report reviewed the original targets and milestones against actual performance and also set out some of the 'softer' issues that had arisen as a consequence of joint working and shared services.

**Resolved**

- (1) That the review of performance for the first twelve months of joint working be noted.
- (2) That the progress being made through the Joint Arrangements Steering Group on future joint working initiatives be noted.

The meeting ended at 8.20 pm

Chairman:

Date:

## Council

### Changes to Overview and Scrutiny Arrangements

15 May 2013

### Report of Head of Law and Governance

#### PURPOSE OF REPORT

To enable Council to consider proposed changes to the Overview and Scrutiny arrangements at Cherwell District Council

This report is public.

#### Recommendations

---

- (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 Appendix 1.
- (2) That a Budget Planning Committee be created as a committee of council as set out in Appendix 2.
- (3) That formal Resources and Performance Scrutiny Board, Finance Scrutiny Working group (informal) and Performance Scrutiny Working Group (informal) be disbanded.
- (4) 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.

#### Details

---

- 1.1 It is now over four years since the Council reviewed its overview and scrutiny arrangements. Whilst the Overview and Scrutiny process has delivered some good quality work, it is timely to review its operation in light of the development of the council, the successes and areas for improvement, the challenges the council faces in terms of operating in an environment of diminishing resources, the principles of the Localism Act and the all year round focus that there is now on budget planning and preparation.

- 1.2 The current scrutiny arrangements were designed to provide a specific focus for budget and performance management. With these elements firmly embedded in the organisation the need to maintain this specific focus within scrutiny is no longer necessary. Additionally there was some jurisdictional overlap between the two committees and in the current challenging financial environment it would be difficult to justify the resources needed to operate two scrutiny committees at a district Council level. Therefore it is proposed to reduce the scrutiny arrangements to a single Overview and Scrutiny Committee, run on a select committee basis. This will deliver the following benefits:
- A consolidated approach to scrutiny, removing jurisdictional uncertainty and duplication
  - Use of performance Management by the Overview and Scrutiny Committee to inform work programme
  - The adoption of a select committee approach by Overview and Scrutiny, with different meetings dedicated to separate subjects, receiving witnesses and producing reports with quick turnaround times to Executive and Council as appropriate.
- 1.3 At the same time, it is acknowledged that budget planning has become an increasingly important process for the Council. At Cherwell, there is now a year round focus on budget planning and monitoring. Budget planning has evolved in to a whole Council responsibility with positive involvement and dialogue across party lines as has been evidenced by the acceptance of a consensus budget.
- 1.4 With this in mind it is proposed to create a Budget Planning Committee, This will be a committee of council and include members from all political groups. It is believed that this committee will assist with the dissemination of information and enable the Council to shape budget considerations at a strategic level, feeding through proposals to the Executive. The role of the Executive in formulating and proposing the final budget to Council remains unchanged. The new committee:
- Will enable year round focus on budget planning and monitoring, which has become the 'new norm'
  - Mainstreams budget planning work
  - Removes duplication between Executive and Scrutiny
- 1.5 Subject to the agreement of the proposed new arrangements, a revised calendar of meetings will be circulated to all Members.
- 1.6 The system of named substitutes currently operated by the Overview and Scrutiny arrangements is unhelpful to members and the efficient running of the committee and consequently it is proposed both new committees will have 12 members each with casual substitutions permitted.

---

## **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 recommendations.
- Option Three** To reject the recommendations.

### Consultations

---

The Leader of the Council has consulted the leaders of the other political groups.

### Implications

---

- Financial:** There are no financial implications arising directly from this report.  
Comments checked by James Doble, Democratic and Elections Manager,  
james.doble@cherwellandsouthnorthants.gov.uk
- Legal:** The proposals outlined in this report are consistent with the Local Government Acts 1972 and 2000, and reflect the spirit of flexible working as set out in the Localism Act  
Comments checked by James Doble, Democratic and Elections Manager,  
james.doble@cherwellandsouthnorthants.gov.uk
- Risk Management:** There are no risk implications directly arising from this report, however robust scrutiny and budget planning arrangements as proposed mitigate risk to the authority  
Comments checked by James Doble, Democratic and Elections Manager,  
james.doble@cherwellandsouthnorthants.gov.uk

### Document Information

---

Appendix No	Title
1	Overview and Scrutiny Committee Proposed Terms of Reference
2	Budget Planning Committee Proposed Terms of Reference
Background Papers	
None	
Report Author	Natasha Clark, Democratic and Elections Team Leader
Contact Information	01295 221589 Natasha.clark@cherwellandsouthnorthants.gov.uk

This page is intentionally left blank

# 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, excluding those policy areas which fall under the remit of the Strategic Planning and Regeneration Committee;
  - (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.

This page is intentionally left blank

# 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.

This page is intentionally left blank



## Council

### Annual Council Business Report

15 May 2013

### Report of Chief Executive

#### PURPOSE OF REPORT

To note 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 to gain agreement to the suggested constitution of Committees for the Municipal year 2013/2014.

This report is public

#### Recommendations

---

\*\* The recommendations are also included in the relevant section of the report \*\*

Council is recommended to:

- (1) Note the result of the District By-Election held on 2 May 2013.
- (2) Note the constitution of Political Groups and notification of Group Leaders.
- (3) Note the appointment of Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2013/14.
- (4) Agree the allocation of seats on committees that are subject to the political balance requirements as set out in Table 1.
- (5) Agree the allocation of seats on committees not subject to political balance requirements as set out in Table 2.
- (6) Appoint members (and where appropriate, substitute members) to serve on each of the committees and other bodies set out in Tables 1 and 2 in accordance with the nominations to be made by political groups (Appendix 2 - to follow).
- (7) Appoint a representative to the County Council Health Overview and Scrutiny Committee.
- (8) Appoint a representative to the Police and Crime Commissioner Scrutiny Panel.

**a) District Election Results**

A by-election in the Hook Norton ward was held on 2 May 2013:

Hook Norton – Councillor Ray Jelf

**Recommendation**

- (1) To note the result of the District by-election held on 2 May 2013.

**b) Constitution of Political Groups**

The Chief Executive will report on the notifications of the constitution of Political Groups received prior to the meeting and on the notifications from the Political Groups of the names of their Leaders for 2013/14.

**Recommendation**

- (2) To note the constitution of Political Groups and notification of Group Leaders.

**c) Deputy Leader of the Council and Executive 2013/14**

The Chief Executive will report on:

- Any change in the political control of the Council.

Appendix 1 comprising the report of the Leader of the Council on Executive Portfolios for the Municipal Year 2013/14 is to follow and will be tabled at the meeting.

**Recommendation**

- (3) To note the appointment of Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2013/14.

**d) Committee Appointments 2013/14**

**Table 1: Allocation of Seats of Proportional Committees**

The current constitution of the Council is 42 (82%) Conservative, 5 (10%) Labour 3 (6%) Liberal Democrat and 1 (2%) Independent.

Please note 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.

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

**Table 2: Allocation of Seats of Non-Proportional Committees**

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

**Notes:**

**Overview and Scrutiny Committee** must not include any members of the Executive.

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

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

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

**Joint Personnel Committee** may not serve as members or substitute members of the Joint Appeals Committee

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

**Recommendations**

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

**e) Appointment of Representatives**

Council is asked to appoint representatives to the County Council Health Overview and Scrutiny Committee and to the Police and Crime Commissioner Scrutiny Panel.

The 2012/13 representatives on the County Council Health Overview and Scrutiny Committee was Councillor Rose Stratford and on Police and Crime Commissioner Scrutiny Panel

**Recommendation**

- (7) To appoint a representative to the County Council Health Overview and Scrutiny Committee.
- (8) To appoint a representative to the Police and Crime Commissioner Scrutiny Panel.

## **Key Issues for Consideration/Reasons for Decision and Options**

---

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

**Option One** To agree the recommendations

**Option Two** To amend and agree the revised recommendations

## **Consultations**

---

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

## **Implications**

---

**Financial:** There are no financial implications arising from the report.

Comments checked by Karen Curtin, Head of Finance and Procurement, 0300 003 0106

**Legal:** It is a legal requirement for Council to agree proportionality after an election and appoint committees. It is for the Council Leader to appoint the Deputy Leader and the other Executive members, and to allocate Lead Member responsibilities.

Comments checked by Kevin Lane, Head of Law and Governance, 0300 003 0107

**Risk Management:** In ensuring the legal requirements are met risk to the authority is mitigated.

Comments checked by Claire Taylor, Corporate Performance Manager 0300 003 0112

## **Wards Affected**

---

All

## **Document Information**

---

<b>Appendix No</b>	<b>Title</b>
Appendix 1	Executive Portfolios 2013/14 – to follow
Appendix 2	Committee Membership – to follow
<b>Background Papers</b>	
None	

<b>Report Author</b>	James Doble, Democratic and Elections Manager
<b>Contact Information</b>	01295 221587 james.doble@cherwellandsouthnorthants.gov.uk

## Council

### Shared Services – Environmental Services, Human Resources and Legal Services

15 May 2013

### Report of Director of Resources

#### PURPOSE OF REPORT

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

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

#### Recommendations

---

Council is recommended to:

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

#### Executive Summary

---

##### Introduction

- 1.1 The purpose of this report is largely technical in nature in that it simply seeks to put the principles underlying the business cases for shared/collaborative working in:
  - Environmental Services
  - Legal Services; and

- Human Resources

onto the policy framework so that when they are finalised they can be considered by Executive as the last step in the democratic process rather than Executive and Full Council.

## **Background Information**

- 2.1 The Joint Arrangements Steering Group recently considered draft business cases for shared working in:
- Environmental Services (with South Northants pursuant to the existing section 113 agreement as subsequently varied)
  - Human Resources (with South Northants pursuant to the existing section 113 agreement as subsequently varied and with Stratford on a mutually collaborative basis); and
  - Legal Services (with South Northants and Stratford on a mutually collaborative basis).
- 2.2 It should be noted that the Legal Services business case is at outline stage only.
- 2.3 It should also be noted that the detailed business case for HR and outline business case for Legal services were recently considered by the three way Joint Arrangements Steering Group and were supported at that meeting by all parties. As a detailed business case, the HR business case was considered to be fit for consultation with the affected staff and trade union and such consultation has already commenced. The Environmental Service business case only had to be considered by the two way Joint Arrangements Steering Group as there are no plans for Stratford to be involved in this shared service at this point in time.
- 2.4 A brief summary of each business case is set out below:-

### **Environmental Services**

- 2.5 A comprehensive shared service, capturing the service needs of both councils, will maximise best practice, avoid duplication, offer greater resilience and be better able to respond to changes in a dynamic service sector. Likewise other back office support roles must have the same flexibility and capacity to respond to changing service support requirements.
- 2.6 There are two very different structures used to deliver the services at each council but most of the core services are very similar. A fully integrated shared service will require a common management and supervisory structure which spans both councils. This offers the opportunity for financial savings. This principle should also be extended to back office staff: administrative, promotional and service development.
- 2.7 The key risk identified through the process to date is that of implementing change on top of major service change at South Northamptonshire Council. In 2013, South Northamptonshire Council is implementing a major service improvement programme which involves the introduction of a new food



waste collection service and a change from boxes to a bin for all dry recycling materials. This is such a significant change to all South Northamptonshire Council households that the roll out period alone extends to almost three months from June to August 2013.

- 2.8 In order to mitigate this risk, it is proposed that the shared service be undertaken in two stages. The **first stage** is the operational integration of a number of similar service teams and functions, largely outside the core household waste and recycling collection and street cleansing services of both Councils. These are logical opportunities and should be progressed as soon as possible as they are quite discrete and in some cases can be implemented relatively quickly as they are not influenced by other changes or external factors.
- 2.9 The first stage services which are proposed for integration are:
- Waste and Recycling – Bulky Waste Collections, Clinical Waste Collections, Bin Deliveries, Commercial Waste Collections and Community Recycling Bring Banks Servicing.
  - Street Cleansing – Large Mechanical Sweepers
  - Fleet Management and Vehicle Maintenance
- 2.10 The **second stage** relates to a review of the shared managerial, supervisory and back office staff and is proposed to take place later in 2013/14 after South Northamptonshire Council has completed the implementation of its waste and recycling service improvements. The full implementation of this stage and the benefit of any savings which would arise from it would not be realised until 2014/15, if the proposals are agreed. This delay ensures stability during the implementation of these SNC service improvements.
- 2.11 It is anticipated the first stage proposals would deliver shared revenue savings of a minimum of £81,000 in 2013/14 rising to £140,000 in 2014/15 if approved. The second stage proposals are also expected to offer savings of similar magnitude. In addition to these, through the shared use of some vehicles, there will be reductions in the call on future capital expenditure in both councils.
- 2.12 The proposed changes outlined above are the most obvious from the assessment of the services undertaken so far and based largely on current and best practices. A shared service is also expected to present opportunities for other new ways of more efficient working and will in time look at other support staff such as both depot-based administrative teams. Such an analysis has not been included in this Stage 1 Business Case but when undertaken further along the process and as part of the Stage 2 Business Case, is expected to produce additional efficiencies.

### **Human Resources**

- 2.13 As outlined above members of the JASG were satisfied that the proposals within the detailed business case to share HR services were fit for consultation with the affected staff and trade unions prior to the proposals being formally considered as part of the democratic decision making process at both councils. This approach will ensure that members are able to take the views and any potential representations of staff and the trade union into

account before making their final decision, and in doing so, will also support the important principle of inclusivity and an engaging approach to industrial relations.

- 2.14 The detailed business case outlines a proposal for the creation of a 2-way shared HR service between CDC and SNC, whilst at the same time working collaboratively with SDC to address issues of skills, capacity and resilience across all three partners from time to time, as the need may arise.

### **Legal Services**

- 2.15 The proposal is to maintain three separate legal teams in the three Councils but, under the management of a single Head of Service, to increase significantly the collaborative sharing of workload across the three teams. This would lead to a significant pool of legal expertise that would be accessible to all client officers at each Council leading to significantly increased resilience within Legal Services and a higher quality of service. While the achievement of financial savings is not a prime driver for this business case it is anticipated that some savings would be achieved for each Council as a result of the pooling of common and currently overlapping expenditure on certain items such as legal publications and a reduction in the extent of expenditure on external legal advice.

### **Addition to the Policy Framework**

- 2.16 Prior to consideration by the Joint Arrangements Steering Group all three business cases were endorsed by the Joint Management Team (whether as detailed business cases, or outline business cases). By putting the principles underlying the business cases on the policy framework, the final business cases can be considered by the Executive. Members will be provided with the opportunity to consider each business case as they are brought through the democratic process.
- 2.17 Between the writing of this report and the consideration of the final business cases at Executive the following consultation and scrutiny path will be followed:
- Staff and union consultation (already commenced for HR as indicated above)
  - Consideration at Scrutiny Committee (if deemed appropriate by chairman)
  - Consideration at Personnel Committee
  - Consideration at Executive

It will follow a similar democratic process at SNC. A similar report to this was considered and approved at SNC's Full Council in April.

- 2.18 Every shared services proposal that has been considered since the Joint Management Team has been implemented has been put on the policy framework in the same way proposed in this report.

## **Key Issues for Consideration/Reasons for Decision and Options**

---

- 3.1 To enable the implementation of the proposed shared service business cases to proceed as efficiently as possible should they be agreed through the rest of the democratic process.

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

**Option One** To not include in the Council's policy framework which will only seek to increase the implementation time. This in turn would extend the period of uncertainty for the affected staff, and in doing so increase the risk in relation to employee productivity and morale.

## **Consultations**

---

**Two Way Joint Arrangements Steering Group** The two way (CDC and SNC) Joint Arrangement Steering Group has considered all three business cases and is supportive of their recommendations.  
Formal consultation for the Environmental Services proposals will commence with the affected staff and trade union in the event that Council approves the recommendations set out in this report.

**Three Way Joint Arrangements Steering Group** The three way (CDC, SNC and SDC) Joint Arrangement Steering Group has considered all three business cases and is supportive of their recommendations.

In endorsing the HR business case they have triggered the formal consultation process for the proposals. .  
As an outline business case the Legal Services business case must now be developed into a detailed business case for further consideration by the JASG prior to the possible commencement of consultation with the affected staff and trade union.

## **Implications**

---

**Financial:** There are no direct financial implications associated with this report.

Comments checked by Karen Curtin , Head of Finance and Procurement 0300 003 0106

**Legal:** As explained in the report Executive is able to approve business cases for shared and collaborative working (other than the staffing implications) providing the principles are adopted as part of the Council's policy framework in each case. Otherwise they would need to be recommended to full Council for approval.

Comments checked by Kevin Lane, Head of Law and Governance, Tel: 0300 0030107

**Risk Management:**

The main risks associated with these proposals relate to Human Resources in terms of both legal risks and operational or performance risks. In order to mitigate against any employment risks (i.e. employment legislation, potential claims of unfair dismissal etc.), it is essential that consultation over any proposals to share services takes place with the affected staff and trade union ahead of consideration of those proposals through the statutory democratic decision making process. In doing so, this enables members to have regard to any views/representations of the affected staff and trade union before making any final decisions, and strengthens the councils approach to corporate governance. Likewise the organisational change policy sets out the process by which the shared services business case will be implemented and adherence to this policy will ensure risks are mitigated.

The second area of risk (relating to operational and/or performance implications whilst the business case is being implemented) will be mitigated through an effective staff consultation period, clear staff communications, additional external support to ensure the process runs effectively and employee support as appropriate.

Comments checked by Claire Taylor, Performance Manager, 01295 221563

**Wards Affected**

---

No wards directly or specifically affected by this report

**Document Information**

---

<b>Appendix No</b>	<b>Title</b>
None	
<b>Background Papers</b>	
None	
<b>Report Author</b>	Martin Henry, Director of Resources
<b>Contact Information</b>	0300 003 0102 martin.henry@cherwellandsouthnorthants.gov.uk

**Committee:** First Meetings of Committees  
**Date:** Wednesday 15 May 2013  
**Time:** 6.35pm or on the rising of Council which ever is later  
**Venue:** Bodicote House, Bodicote, Banbury, Oxon OX15 4AA

## AGENDA

Meetings of various Committees will be held immediately on the rising of the Council Meeting, in order to elect their Chairman and Vice-Chairman for 2013/14, and to conduct any other business as may be specified.

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

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

### 1. Accounts, Audit and Risk Committee

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

### 2. Appeals Panel

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

### **3. Licensing Committee**

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

### **5. Personnel Committee**

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

### **6. Planning Committee**

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

### **7. Standards Committee**

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

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwellandsouthnorthants.gov.uk](mailto:democracy@cherwellandsouthnorthants.gov.uk) or prior to the start of the meeting.

### **Queries Regarding this Agenda**

Please contact Natasha Clark, Team Leader – Democratic and Elections, 01295 221589, [natasha.clark@cherwellandsouthnorthants.gov.uk](mailto:natasha.clark@cherwellandsouthnorthants.gov.uk)

**Sue Smith**  
**Chief Executive**

Published on 7 May 2013